

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 September 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	100 Piccadilly, London, W1J 7NH		
Proposal	Variation of condition 1 of planning permission dated 6th August 2020 (RN:19/08291/FULL) for the Variation of condition 1 and removal of condition 34 of planning permission dated 22nd December 2016 (RN: 15/06446/FULL) for Excavation of a sub-basement, redevelopment of nos. 5 - 6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 flats (Class C3), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations. (Site comprises 96-100 Piccadilly and 5 - 6 Yarmouth Place). NAMELY; alterations and extensions to the rear to provide additional residential floorspace, reconfiguration of residential units from 32 to 36, increase in commercial floorspace (Class E), amendments to the cycle storage, internal alterations at all levels, removal of basement car park and car lifts, addition of screening to rear amenity space, minor design changes to the frontage on 100 Piccadilly including reinstatement of decorative iron balustrading to the former lightwell area, alterations to White Horse Street façade including new residential entrance (Application under S73 of the Act)		
Agent	Savills UK Ltd		
On behalf of	Blossom Street Properties		
Registered Number	22/06965/FULL 22/06695/LBC	Date amended/ completed	19 May 2023
Date Application Received	14 October 2022		
Historic Building Grade	II		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

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| <p>1. Grant conditional permission subject to a Deed of Variation to the s106 legal agreement to secure:</p> <p>i) On-going planning obligations within the original s106 legal agreement, including compliance</p> |
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with the City Council's Code of Construction Practice and the costs of highways works around the site to facilitate the development.

- ii) The reinstatement of the pavement in White Horse Street in place of the redundant vehicular crossover.
- iii) To enable servicing to take place off-site in the shared loading bay at the former Carrington Street Car park (1-6 Yarmouth Place and 43-45 Brick Street.)

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

- a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons 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 seeks to vary the planning permission approved on 6 August 2020 for alterations and extensions to 100 Piccadilly to provide a total of 32 flats (new and reconfigured) and a small commercial unit at the corner of Piccadilly and White Horse Street for retail and/or professional and financial services use (249 sqm).

The current proposal increases the total number of units within the development to 36 and relocates some of the approved residential floorspace on basement, ground and mezzanine floors, within new rear extensions on the upper floors. The scheme significantly increases the quantum of commercial floorspace, providing a single basement and ground floor unit (2103 sqm) for flexible retail, restaurant or professional and financial services use. (Class E). No parking would be retained on the site. Listed building consent is sought for the internal and external works.

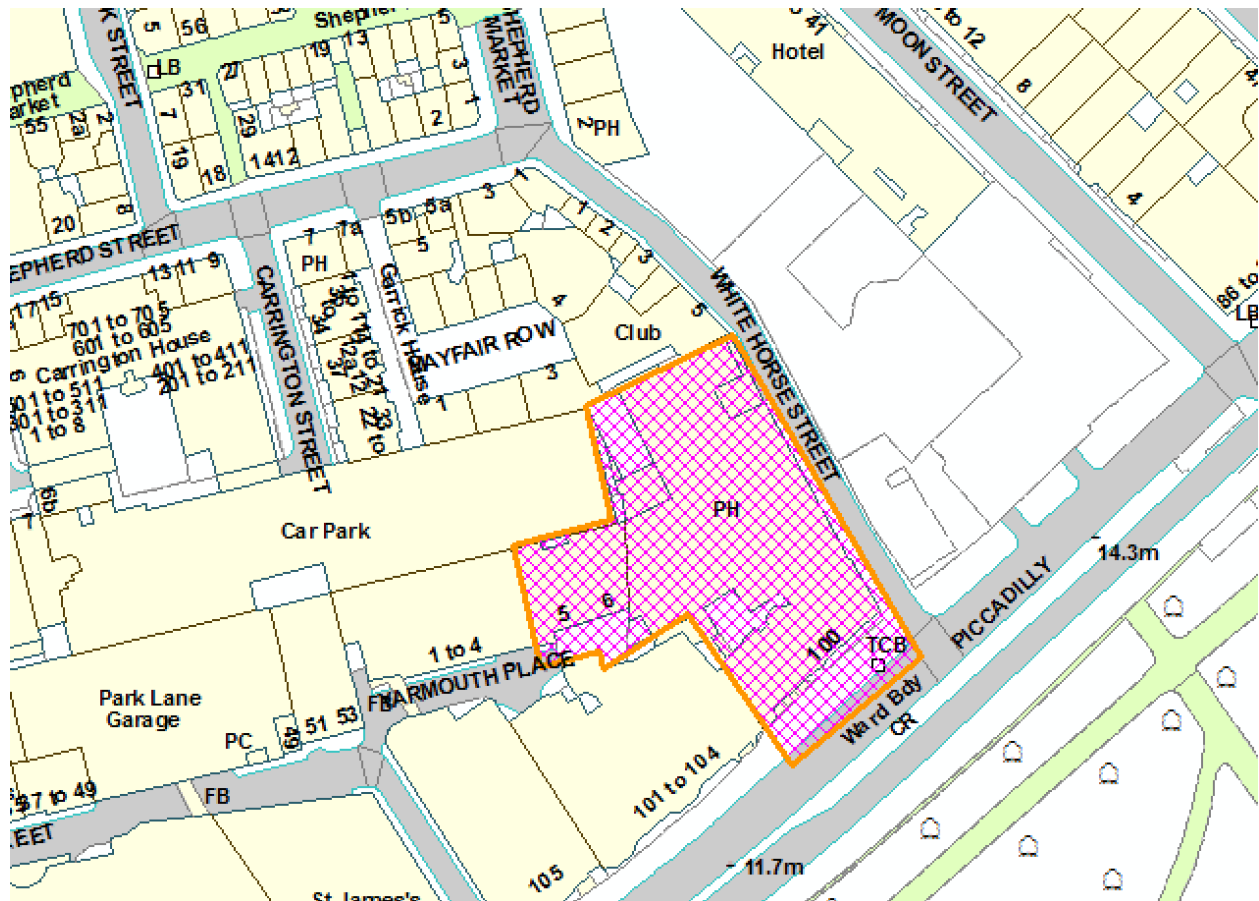
The key considerations in this case are:

- The acceptability of the proposals in land use terms including changes to quantum of residential floorspace, number of units and the residential mix.
- The impact of the proposed increase in commercial floorspace in land use and amenity terms
- The impact of the proposals upon the special interest of the existing listed building and upon the character and appearance of the Mayfair Conservation Area and the setting of other nearby designated heritage assets

- The impact of the extensions upon the amenity of neighbouring residential properties
- The acceptability of the proposals in highways terms, including the servicing of the commercial unit.

Subject to appropriate conditions, the proposals are considered acceptable in land use, amenity and design terms and the application is recommended for approval subject to a Deed of Variation to the legal agreement relating to secure additional highway works.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

HEALTH AND SAFETY EXECUTIVE

No objections raised.

HISTORIC ENGLAND

Authorisation received.

HISTORIC ENGLAND (ARCHAEOLOGY)

Changes have no material impact on archaeological considerations/conditions.

THE VICTORIAN SOCIETY

No response to date

THE GEORGIAN GROUP

No response to date

THE TWENTIETH CENTURY SOCIETY

No response to date

ANCIENT MONUMENTS SOCIETY

No response to date

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

No response to date

COUNCIL FOR BRITISH ARCHAEOLOGY

No response to date

LONDON UNDERGROUND LIMITED

Do not wish to comment. Confirm applicants have been working with LUL with regard to the original scheme.

THE ROYAL PARKS

No objection

METROPOLITAN POLICE

No response to date

THAMES WATER

No response to date

MAYFAIR RESIDENTS' GROUP

No response to date

MAYFAIR NEIGHBOURHOOD FORUM

No response to date

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

No response to date

ENVIRONMENTAL SCIENCES

No objection to proposed amendments on environmental noise, nuisance or air quality grounds

WASTE PROJECT OFFICER

Revised arrangements for storage of refuse and recyclable materials acceptable.

HIGHWAYS PLANNING MANAGER

Welcome removal of vehicular access, car parking and use of the Carrington Street off-street loading bay for servicing; recommend refusal on lack of cycle parking.

BUILDING CONTROL

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 73

Total No. of replies: 1

One letter requesting that any permission should be subject to requirement that existing occupiers should be able to occupy their properties without 'interruption or disturbance' in accordance with the terms of their lease.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

This is one of a series of applications for alterations to a permission dating from 2016. The original permission has been implemented. No further 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.

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 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 two adjacent buildings located on the north side of Piccadilly within the Mayfair conservation area, the Central Activities Zone and Great Estates Area of Special Archaeological Priority. The site is within the Central and West Residential Growth Area, the Central and East Commercial Growth Area as designated in the Mayfair Neighbourhood Plan (2019). The site also lies within a Surface Water Flood Risk Hotspot and within the London Underground Structures Zone.

Nos. 96 & 97 and 98-100 Piccadilly which are listed, separately, at Grade II are now known as 100 Piccadilly. These buildings were redeveloped behind the retained street facades in the 1980s and comprises offices, a small ground/mezzanine floor workshop and 11 flats on ground and rear third to fifth floors (Class C3). The basement area originally housed plant and provided 12 parking spaces for use in association with the flats accessed from White Horse Street via a car lift. A number of the flats are currently unoccupied.

The original flats were accessed from Piccadilly via a separate entrance, which leads into a modern, planted atrium at the centre of the site. A walkway through this atrium provided access to a single ground floor flat and to two lifts within a rear lobby, which served the flats on the upper floors. A small communal courtyard to the north of the site which also provided access onto White Horse Street.

The second site, 5-6 Yarmouth Place, is an unlisted building located immediately to the north-west of the main site. The property, on ground to third floors, was built in the 1970s in a Victorian style and was most recently used as offices.

The site is also in close proximity to several listed buildings including 94 Piccadilly (grade I) and 90-93, 95 and 101-105 Piccadilly (Grade II) as well as Grade II listed properties to the north of the site in White Horse Street

The area is in a mixture of commercial and residential use including the neighbouring Embassy of Japan at 101-104 Piccadilly. In addition to the existing flats on the upper floors of 100 Piccadilly, there are flats in the upper floors of 1-5 White Horse Street immediately to the north, in the upper floors of building in Shepherd Market and new flats within the scheme (by the same developer) on the former Carrington Street car park site (east block).

7.2 Recent Relevant History

100 Piccadilly and 5-6 Yarmouth Place

On 22 December 2016, permission and listed building consent were granted for 'Excavation of sub-basement, redevelopment of Nos. 5-6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 x flats (Class C3) (an additional 28 above existing), car/cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations. (Site comprises 96-100 Piccadilly and 5-6 Yarmouth Place) (15/06446/FULL and 15/06447/LBC).

This scheme retained eight of the 12 original basement parking spaces for use in association with the eight retained flats which were in separate ownership. This permission was the subject of a s106 legal agreement securing a contribution to the City Council's affordable housing fund; compliance with the City Council's Code of Construction Practice and submission of a Site Environmental Management Plan; costs of highways works around the site; management and maintenance plans for the car lift and 31 unallocated residential parking for the new/reconfigured flats. The S106 Monitoring Officer has confirmed that these obligations have been discharged.

On 20 August 2019, the City Council confirmed that sufficient work has been undertaken to implement the permission of 22 December 2016 (19/06144/CLEUD).

On 20 April 2020 the City Council confirmed that the amendment of the description of development of the permission of permission of 22 December 2016 (RN: 15/06446) to "Excavation of sub-basement, redevelopment of Nos. 5-6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement and ground floor levels. Use of extended and altered building as up to 36 x flats (Class C3) (up to an additional 28 above existing), car/cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations" constituted a non-material alteration to the approved scheme. ((20/02220/NMA).

This amendment removed reference to fourth floor plant at 5-6 Yarmouth Place, which was no longer required to serve the development, and allowed some flexibility in relation to the number of flats delivered by including reference to 'up to' 36 flats.

On 6 August 2020 permission was granted for the 'Variation of condition 1 and removal of condition 34 of planning permission dated 22nd December 2016 (RN: 15/06446/FULL), as

amended by as amended by 20/02220/NMA, NAMELY, to amend the approved drawings to allow for the removal of the substantial part of the proposed building at 5-6 Yarmouth Place (but maintaining some development on that part of the site), reducing the total number of flats on the site from 36 to 32. The bin store and plant space were relocated, and the sub-basement parking/stacker (31 spaces) was omitted. Condition 34 of the original permission was also removed as this related to the provision of vehicle charging to the new basement parking (19/08291/FULL).

On 25 April 2022, the Council determined that amendments to the planning permission dated 06 August 2020 (Ref: 19/08291/FULL) to amend the description of development to enable the provision of 'up to 36 flats' and to replace reference to a shop (Class A1) or financial and professional institution (Class A2) with reference to a 'Class E use' constituted a non-material alteration to the approved scheme (22/01968/NMA).

Former Carrington Street Car Park, 1-6 Yarmouth Place and 51-53 Brick Street

23 February 2018; Permission was granted for the demolition of the existing buildings and for the redevelopment of the site to provide up to 30 residential units (Class C3), office floorspace (Class B1), a gymnasium (Class D2), retail art gallery (Class A1), restaurant (Class A3) and retail (Class A1) floorspace. The scheme involved the creation of a new pedestrian link through the site, between Yarmouth Place and Carrington Street; the erection of buildings on either side of the new pedestrian link, between 4 and 8 storeys in height; excavation to create additional basement accommodation; the provision of on-site car parking, cycle parking and a delivery bay on Yarmouth Place and new landscaping, including improvement works to Yarmouth Place, and associated alterations. (16/11248/FULL)

21 October 2019: Permission was granted for changes to the approved scheme including, but not confined to, an increase in the number of car parking spaces within the development (an additional 44 spaces) (18/04163/FULL). The applicants confirmed their intention that 5-6 Yarmouth Place would be redeveloped as part of the Carrington Street car park scheme, rather than in conjunction with 100 Piccadilly. They advised of their intention to vary the permission for the development at 100 Piccadilly including the omission of the approved (additional) basement car parking for the new flats on that site.

The amended Carrington Street scheme increased the number of parking spaces on the site from 60 to 104 - including 33 contract spaces and 31 residential contract spaces. The officer's report states that these 31 spaces were likely to be used in association with the residential development at 100 Piccadilly and this was secured by legal agreement.

Works are well under way in association with the redevelopment of the former car park site.,

8. THE PROPOSAL

Permission is now sought for the variation of condition 1 (drawings) of the planning permission dated 6 August 2020 to undertake various alterations to the approved scheme as follows:

i. Changes at sub-basement level which are now limited to the retention of the passenger lift pits and sprinkler tanks beneath the basement level swimming pool, relocation of the basement level residents' swimming pool/gym and removal of basement parking and car lifts. Reconfiguration of commercial and residential waste stores and residential cycle storage at basement level

- ii. Removal of all residential parking from the site.
- iii. Omission of the mezzanine floor (front) and habitable residential floorspace at basement, ground and mezzanine (front) levels and associated central residents' access walkway.
- iv. Omission of the approved commercial floorspace at mezzanine level and creation of a single commercial unit on part basement/part ground floors (for retail, professional and financial services or restaurant purposes). At ground floor level the accommodation would sit on either side of the proposed residential entrance on White Horse Street. Access to the commercial unit would be from several entrances on Piccadilly. There would also be separate entrances on White Horse Street to the accommodation on the north side of the residential entrance.
- v. Increase in the total number of flats proposed (from 32 to 36); changes to the residential mix and associated internal reconfigurations.
- vi. Small rear extensions (mezzanine, first to third and fifth and sixth floors) to provide some replacement residential floorspace (and plant accommodation) and reconfiguration of external amenity space and installation of privacy screening.
- viii. Installation of a new ground floor railing to the former lightwell on the Piccadilly frontage.
- ix. Alterations on White Horse Street, to reflect the reconfiguration of the accommodation including the replacement of the vehicular entrance/entrance gates with new doors and windows to serve the residential entrance. Minor alterations to the design of ground floor windows along the White Horse Street frontage and replacement of some windows on the upper floors of the modern rear extension. And amendments to the garden and courtyard elevations to show changes to windows, rear extensions and reconfigured private amenity space.

Listed building consent is also sought for the above works and for internal alterations at all levels to facilitate the changes described.

The application has been revised to include changes to incorporate changes to lift locations/lobbies (in response to comments from the Health and Safety Executive); to provide updated details of refuse storage proposals; to replace an accessible landscaped roof with the green roof which forms part of the approved scheme (with maintenance access only).

The draft Operational Management Plans and Servicing Management Plan have also been updated to accord with the proposals and the floorspace schedule has been updated.

9. DETAILED CONSIDERATIONS

Application Context

The application is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to develop land without compliance with the conditions previously attached. Section 73(2) of the Act states:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application’.

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. The application must be determined in accordance with the development plan (i.e. the London Plan (March 2021) and the City Plan (April 2021) unless material considerations indicate otherwise. The fall-back position of the original planning permission carries great weight in the decision-making process.

9.1 Land Use

Land Use Overview

The site lies within the Central Activities Zone, as defined in the City Plan and the Central and West Residential Growth Area, the Central and East Commercial Growth Area. City Plan Policy 1.A sets out Westminster’s spatial strategy which seeks to ensure that Westminster will continue to ‘grow, thrive and inspire at the heart of London as a world city’. Policy 1 acknowledges the need to balance the competing functions of the CAZ, including those as a retail and leisure destination and home to residential neighbourhoods. The evolution of town centres is supported to create multifunctional commercial areas to shop, work and socialise.

Policy MSG1 of the MNP encourages growth within Mayfair, which it defines as including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units and activity by providing uses which animate the street scene. Including restaurants/cafes, galleries, shops and other uses. Mixed use will generally include residential and commercial floorspace. Under policy MSG2, commercial growth is directed towards Central and East Mayfair and mixed use and residential growth is directed towards West and Central Mayfair.

Related policies

City Plan policy 7 requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality and protecting and positively responding to local character and the historic environment. In considering development proposals, the Council will take a balanced approach that considers the specific site location and context as well as the merits of the proposals including the consideration of the wider benefits of a scheme against impacts on the surrounding area.

Policy 33 of the City Plan requires that development proposals do not have an adverse impact upon the amenity and local environment of existing and future residents. Developments must prevent the adverse effects of noise and vibration, with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses, minimising noise from plant and internal activities and from servicing and deliveries. In assessing the impact of development proposals, the Council will apply the ‘Agent of change’ principle which places the burden on the applicant to mitigate negative environmental impacts

and ensures development does not cause existing nearby uses from having to curtail their activities.

Policy MRU 1 of the MNP requires proposals for new commercial or entertainment uses in Mayfair to demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) 'such as noise and rubbish between 11pm and 7am'.

Commercial Uses

Under City Plan policy 13, a range of commercial, business and service uses is supported, in principle, in those parts of the CAZ with a commercial or mixed-use character. Policy 14 supports the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses, subject to their impact on townscape and heritage. Proposals are required to enhance and diversify their offer in existing town centres as places to shop, work and spend leisure time, with uses that serve visiting members of the public required at ground floor level.

The supporting text to policy 14 confirms that "Town centre uses provide a key element of the mix of uses within it and contribute to its character and strategic functions. However, the CAZ is also home to many local residents and some parts of it are also wholly residential in character. To respect its many functions, and the need to protect residential amenity, policy support is therefore provided for town centre uses within the parts of the CAZ that are of a commercial or mixed-use character." The City Plan defines "Predominantly commercial neighbourhoods" within the CAZ as areas "... where the majority of ground floor uses comprise of a range of commercial activity".

The proposals would significantly increase the quantum of commercial floorspace on the site when compared with the previous scheme (232 sqm GIA) to provide a unit measuring 2103 sqm (including BOH/plant areas and a proportion of shared circulation space). The approved unit is limited to retail use or for the provision of financial/professional services. The proposed use would be for retail purposes, for professional and financial services or as a restaurant café.

This area is characterised by commercial uses at ground floor level, including offices, shops and large hotels with a mixture of commercial and residential uses on the upper floors. The west side of White Horse Street comprises the application property, which was formerly in office use on the lower floors, and small commercial units with flats on the upper floors, leading into Shepherd Market. On the east side, the entire length of the street was formerly occupied by the return frontages of two large private members' clubs – the In & Out Club, and the American Club – and a separate nightclub. It would now comprise the new hotel development which is currently under construction at 90-95 Piccadilly, 10-11 White Horse Street, 12 Shepherd Market and 42 Half Moon Street. The proposed commercial unit would be accessed from two points on Piccadilly and two points on the White Horse Street frontage, on either side of the new residential entrance which replaces the former car park access.

It is accepted that the introduction of a commercial use on this part of the site makes better use of the deep building floorplates which were not readily compatible with the approved residential use, where internal lighting levels were poor due to the narrow width of White Horse Street and the height and proximity of the buildings opposite. The reinstatement of the original commercial use would also sit more happily with the approved hotel development on the opposite side of the

street and would introduce an active ground floor frontage within this part of the CAZ.

The significant increase in commercial floorspace has the potential to impact upon the character of the area. It is accepted that Piccadilly is characterised by larger scale uses, a number of which are, or include, large scale food and drink uses. While White Horse Street, is much less grand in character, the street is characterised by commercial uses at ground floor level and it is acknowledged that the southern end and east side of the street have, historically, been occupied by large scale commercial uses, including the previous office use on the application site, the previous club and nightclub uses and the proposed hotel use. In these circumstances, the re-introduction of a large-scale commercial use on the basement and ground floors, is on balance, considered acceptable in principle in land use terms, subject to consideration of the impact of the use in amenity and highways terms.

Impact of the proposed uses

As detailed above the current proposal significantly increases the size of the commercial unit to 2103 sqm (on basement and ground floor) and includes the potential to introduce a restaurant/café use on the site.

i) Potential restaurant use

In addition to the requirements set out in policies 7 and 33 of the City Plan for new development to safeguard the amenity of neighbouring occupiers and the environmental quality of than area, policy 16 also requires proposals for food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of such 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.

Alongside the general land use policies within the MNP, policy MRU3.1 encourages the introduction of new retail uses and entertainment uses where they complement both nearby residential communities and also the character which those nearby communities help to foster.

The applicants have advised that if the proposed commercial unit (2,103 sqm) were to be occupied as a restaurant, it could provide 1433 sqm of trading floorspace, with the remainder providing BOH and plant areas and shared circulation space.

The application is supported by a revised draft Operational Management Plan which details proposed measures to mitigate the potential impact of the proposed uses upon the amenity of neighbouring occupiers and local environmental quality based on the 'worst case scenario' of a restaurant use. The applicants anticipate that a finalised OMP will be submitted in the event that the commercial floorspace is occupied for restaurant purposes. The proposed measures include:

i. Premises management

Opening hours from 11.00 and 24.00 midnight on Monday to Saturday and 11.00 to 23.30 on Sundays/Bank Holidays with a capacity of 325 customers (250 in the main restaurant and an additional 75 on White Horse Street).

A commitment to employ experienced professional staff to guarantee high standards of staff training and a commitment to neighbourhood responsibility.

A dedicated telephone number and e-mail address be established to enable local residents and businesses to contact the management team to discuss any matters of concern. A log of telephone calls and emails, and the response given to the complaint, will be kept.

Staff will be discouraged from smoking in the locality of the development, and management will provide appropriate waste bins for the disposal of cigarette ends.

Quarterly meetings with the local residents' and business associations to discuss any issues and update them on any developments.

ii. Security

Experienced Security Managers will be employed, and security staffing may be increased during the early evening and late evening periods, depending on circumstances. Security teams will link into existing established networks in the locality, for example the Safer Neighbourhood Team of the Metropolitan Police Service (MPS).

A comprehensive CCTV system will be installed and maintained covering all entrances.

Operators of the commercial units will actively discourage and control the attempts of paparazzi to photograph guests in conjunction with the MPS.

iii. Noise outbreak

All external doors and ground floor windows to the premises will remain closed at all times, with the exception of the main entrances to the commercial units.

iv. Entrances and evening exit strategy

Management of evening customers will be strictly controlled to minimise disturbance to neighbouring residents. There will be a staff presence at the entrances will remain in position until closing time.

Notices will be placed requesting that customers leave quietly, and staff will take active and steps to ensure that customers exit the premises in an orderly and quiet manner.

v. Transport

Customers arriving and departing by taxi will do so via Piccadilly. The OMP does not confirm how this would be enforced given that there is a restaurant entrance on White Horse Street and does not include any information relating to departures from taxis e.g., for customers to remain within the restaurant until their taxi arrives, to prevent customers congregating outside the premises. This should be included within any finalised document.

The operator's website will confirm that no car parking will be available on-site and will provide details of alternative parking locations.

vi. Servicing

Deliveries will be kept to a minimum and undertaken to ensure minimum disturbance to adjoining occupants and the safe operation of the highway.

Suppliers will be required to switch off engines to reduce disturbance to local residents.

Waste collections will be undertaken at hours to minimise disturbance to neighbouring occupiers. Glass disposal will be carefully managed to enable both optimum recycling of empties and to avoid excessive noise.

The draft plan includes a good level of detail but makes assumptions about the intended use/s which will likely change when a tenant or operator is appointed. This should include mitigation strategies for deliveries, activity noise breakout and ingress / egress of staff and patrons from site as well as mitigation measures for transport to prevent patrons congregating outside the venue. Subject to proposed amendments to the OMP, as suggested above, and with a restriction on the hours of operation and capacity, it is not considered that the proposed potential use of the commercial unit as a restaurant would not have a material impact upon the amenities of neighbouring occupiers or the environmental quality of the area and the potential restaurant use is considered acceptable and would comply with City Plan policies 7, 16 and 33.

Alternative uses

It is not considered that the use of the premises as a retail shop or for professional and financial services would have a material impact upon the amenity of neighbouring occupiers, subject to appropriate operational controls over site servicing and waste storage.

Residential Use

City Plan policy 8 seeks to deliver more than 20,000 new homes over the Plan period (2019-2040) by optimising site densities. To optimise the number of new units delivered policy 8B states that no new homes in Westminster will exceed 200sqm (GIA) except where this is necessary to protect a heritage asset.

Changes to the scheme including the omission of the triplex apartments on the basement, ground and mezzanine floors, and associated access walkways; the omission of the (residential) extension to the mezzanine; and the omission of the residents' car park. This would result in an overall reduction in residential floorspace when compared with the original scheme and previous amendments, notwithstanding the new rear extensions proposed on the upper floors and the slight extension of the top floor accommodation within the roof void.

The original scheme increased the amount of existing residential floorspace on site by 10,361 sqm (GEA). The approved S73 scheme provided 9,524 sqm of new/reconfigured residential floorspace and the current proposal would provide 8,076 sqm of new/reconfigured floorspace (retaining 3 existing flats of 265 sqm).

Although there is now a reduction in residential floorspace when compared with the previous schemes, there would still be a significant increase in residential floorspace when compared with the original position and the reduced quantum of residential floorspace is acceptable in principle.

Unit size and residential mix

Policy 10 of the City Plan requires 25% of all new homes to be family sized. Where two-bedroom units are proposed, the majority should be large enough to accommodate two double bedrooms. Policy MRU2.2 of the MNP supports development which provides for a mix of residential unit size which are in keeping with the scale, character and context of the area.

The original scheme provided a total of 36 units, providing 32% family sized housing.

The subsequent S73 scheme, omitted the 4 approved flats at 5-6 Yarmouth Place. However, it was identical to the original scheme insofar as it related to the 32 flats within the 100 Piccadilly building and the proportion of family sized units increased to 41% due to the reduction in unit numbers.

It has previously been accepted that the development of 100 Piccadilly was constrained by the existing building, the retention of the staircase and lift cores and a number and location of the retained flats. Additionally, the requirement to maximise natural light to the flats particularly on the lower floors meant that the approved flats were generally very large. In this context, the number, size and mix of units was considered acceptable.

The current scheme increases the overall number of units within the development to 36, as permitted by the original development. Three of the original flats would be retained, unaltered (1 x 1 bed and 2 x 2 bed) as these remain under separate ownership. The current plans show 33 new and reconfigured flats (12x 1 bed, 13 x 2 bed, 6 x 3 bed and 2 x 4 bed units) providing 24% family sized accommodation, which is just below the 25% target. This is considered acceptable in this busy central location.

It is noted that nine of the new/reconfigured units would exceed the 200sqm threshold for most new residential units set down in City Plan policy 8. However, these unit sizes compare with those in the previous permissions where 15 of the 24 new/reconfigured flats would be larger than 200sqm, including two units exceeding 400 sqm. The unit size threshold is designed to optimise the number of dwellings within a residential development, and there is extant permission for a lesser number of new units. In the context of the extant permission, it is not considered that the number and size of the new dwellings could justifiably form the basis of a recommendation for refusal in land use terms.

The schedule of accommodation confirms that all flats would exceed minimum space standards set down in the London Plan.

Affordable Housing

Based on the original floorspace schedules, the original scheme increased the amount of existing residential floorspace on site by 10,361 sqm GEA, which, according to the affordable housing formula required the provision of 2,590 sqm of on-site affordable housing, equating to 32 units. On the basis that the affordable housing requirement could not be met either on or off-site, the scheme generated a policy compliant financial contribution of £17,484,000.

It was accepted that the provision of on-site affordable housing would be impractical as it would not be possible to introduce a separate entrance and access core to these units without

materially affecting the scheme's viability and compromising the building frontage. Viability consultants acting for the City Council reviewed the applicant's viability report and concluded that the scheme could deliver a commuted payment of £8.1M. An index linked contribution of £8,827,278 was paid by the applicants on 10 June 2019.

The subsequent S73 scheme provided 9,524 sqm of new and reconfigured accommodation. Under the relevant policy formula at that time, the scheme generated a policy compliant affordable housing payment of £11,227,000. The submitted viability report was reviewed by the Council's viability consultants who confirmed that the scheme could not support any increased affordable housing contribution beyond that previously paid by the applicants.

City Plan policy 9 requires all residential proposals to provide a minimum of 35% of the total residential units as affordable housing on-site in specified circumstances, including where ten or more residential units are proposed or there is 1000 sqm or more residential floorspace. The affordable housing should be provided on site unless it can be demonstrated that it would not be physically, practically or viably to provide the accommodation on site, on a donor site in the vicinity or on a donor site elsewhere in the borough. Under policy 9D, a payment in lieu to the council's Affordable Housing Fund may be accepted only as a last resort if it is demonstrated to the council's satisfaction that no sites are available for off-site provision.

An updated viability assessment has been submitted. Based upon the current affordable housing formula, the payment in lieu has been calculated at £30M (rounded up). However, the applicant's viability report concludes that the Residual Land Value of the current scheme (the development value less all costs and the developer's profits) falls below that for the extant scheme and that the proposals are unable to support any additional affordable housing payment beyond that which has already been paid. Viability consultants acting for the City Council have reviewed the submitted information and concur with this view.

As a payment in lieu of on-site or off-site affordable housing has previously been accepted, and that payment has been made, and as the changes to the scheme do not vary either the number of units or increase the amount of residential floorspace originally approved in the 2016 scheme, given that the Council's consultants have assessed the viability of this current proposal, there are not considered to be any grounds to require any further payment.

9.2 Environment & Sustainability

Sustainable Design

City Plan policy 38 requires developments to "enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including the use of high-quality durable materials and detail; providing flexible, high quality floorspace; optimising resource and water efficiency; enabling the incorporation of, or connection to, future services or facilities; and minimising the need for plant and machinery."

Applicants are required to demonstrate how sustainable design principles and measures have been incorporated into designs. Non-domestic developments of 500 sqm of floorspace (GIA) or above will achieve at least BREEAM "Excellent" or equivalent standard. Residential conversions and extensions of 500 sqm (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve "Excellent" in BREEAM domestic refurbishment or equivalent standard.

The application is supported by an updated BREEAM domestic refurbishment assessment which indicates that the development would achieve a BREEAM 'Excellent' rating. This is welcomed in the context of an application to refurbish and extend and Grade II listed building.

Energy Performance

The adoption of the City Council's City Plan 2019-2040 and London Plan 2021 introduced a greater emphasis on energy, sustainability and biodiversity, when compared to the City Plan 2016, UDP and earlier London Plan, which were all relevant at the time of the assessment of the original planning permission. For example, the 2016 City Plan required a 35% reduction in carbon emissions, whilst Policy 36 of the now adopted City Plan 2019- 2040 promotes net zero carbon emissions and requires new development to follow the principles of the Mayor's energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved (following the principles of the Mayor of London's energy hierarchy). Only where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment.

The original application was supported by an Energy and Sustainability Statement which established an accepted energy strategy for the site that provided a range of passive design features and energy efficient measures including the use of mechanical ventilation with heat recovery, low energy lighting and water systems and heating systems and improvements to the thermal efficiency of the building fabric, including glazing. These measures achieve a 63% reduction on CO2 emissions beyond the requirements of the Building Regulations. At the time that the original application was determined, a carbon offset payment was only required if a 35% reduction of CO2 emissions over the baseline emissions was not achieved.

As part of this application, the applicant has submitted an Energy and Sustainability Addendum Note which assesses the amendments proposed and concludes that the scheme will not change the carbon emissions savings from the approved development. The report also confirms that all energy plant for the development, including emergency electricity generation (for life safety systems) are now to be located off site within the Carrington Street development which, when completed, will provide a range of connections to 100 Piccadilly as follows:

- Low Temperature Hot Water (for space and water heating)
- Chilled water for cooling
- Sprinkler supplies (for both residential and commercial sprinkler)
- Secondary (emergency) electricity supplies for life safety systems

The consolidation of energy plant between the two sites has enabled the efficiency of the plant to be optimised and also results in a significant reduction in plant at 100 Piccadilly. While it is accepted that planning policies have progressed in terms of the requirements for energy saving, since the original development was approved in 2016, it is acknowledged that the extant permission is a material consideration in the assessment of the current proposals. Overall, the amendments to the scheme are relatively minor, involving modest rear extensions to the approved flats and a reconfiguration of the existing accommodation of the lower floors. In these circumstances, the amended proposals are considered acceptable in the context of Policy 36.

Flood Risk & Sustainable Drainage

City Plan policy 35 requires all development to be safe from the risk of flooding and for development within a Surface Water Flood Risk Hotspot to be supported by a Flood Risk assessment. While the site lies in such a Hotspot, the current proposals omit previous additional basement excavation and are limited to the remodelling of the existing basement. Additionally, all habitable residential accommodation has been removed from basement level. In these circumstances, a further FRA is not required.

The application is supported by an addendum drainage strategy report. The impermeable site area remains as previously approved. Consequently, as the proposals effectively constitute a scheme for the refurbishment of the lower floors and upper floor extensions of the existing building, it is not proposed to significantly alter the existing drainage system or to provide any surface water attenuation other than through the introduction of the green roof, which would be slightly enlarged under the current proposals.

Odour

Policy 33(D) of the City Plan requires development to effectively address the adverse impact of odour through the incorporation of appropriate mitigation measures.

Given the potential restaurant use, the plans show a location for a potential full height kitchen extract duct. A condition is recommended that, in the event that a restaurant use is implemented, full details of the kitchen extract system including the construction and appearance of the duct should be submitted prior to the commencement of work on that part of the development. The kitchen extract duct should terminate at least 1m above eaves height and above the eaves of any building within 20m of the proposed development.

Subject to this condition, it is considered that potential nuisance from cooking smells would be mitigated. As only one potential restaurant use is proposed, a further condition is recommended to prevent the occupation the use of the commercial unit as more than one restaurant.

9.3 Biodiversity & Greening

Policy 34B of the City Plan seeks to protect and enhance the City's green infrastructure and requires development, wherever possible, to contribute to greening by incorporating greening measures within the design. The scheme includes the creation of green roof. This planted area would be which would be slightly increased in size due to the omission of the glazed roof serving the rear of the lower triplex units (now omitted). The roof would now include three individual rooflights.

Subject to conditions to secure the green roof and reserving details of a planting scheme and maintenance strategy, this is considered acceptable.

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."

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.

Detailed Design

The application site is known as 100 Piccadilly and includes the grade II listed buildings at No. 96 and 97 (built as the New Travellers' Club 1890-91 by T. and F. Verity) and No.98-100 (built as terrace houses in 1883 by Colonel Edis) which are also grade II listed. They stand on the north side of Piccadilly overlooking The Green Park and are in the Mayfair Conservation Area to which they make a positive contribution.

The listed buildings have been redeveloped behind their street façades and little original fabric remains internally other than one staircase and vestiges of the original plan form. In heritage asset terms the facades and staircase are of greatest significance and the buildings have an imposing frontage to Piccadilly. The secondary façade to White Horse Street also makes a contribution to the building's significance, but the rear facades and part of the White Horse Street facade are modern and of no interest. The roof is modern but, facing Piccadilly, it follows the original outline. The site is visible from The Green Park and in longer views from the north in Shepherd Market and forms the backdrop to Nos. 94 and 95 Piccadilly in views from the east.

Any external alterations are therefore likely to affect the setting of Nos. 94 and 95 Piccadilly which are, respectively, grade I and grade II listed buildings. The site is also adjacent to the grade II listed No 101-104 Piccadilly.

In design and heritage asset terms, most of the proposed alterations are the same as previously approved. Where there are significant changes, these affect mostly modern parts of the building or involves the modest extensions to the rear. The changes with most direct impact on the special interest on the listed building, such as those to the ground floor frontages to Piccadilly and White Horse Street are acceptable. The addition of a pedimented window surround at first floor level in White Horse Street is acceptable and the grouping of doors on the floor below

consolidates the design. The associated internal alterations are still sympathetic to the building's special interest and respect the building's remaining internal features of interest.

The alterations to the proposed extension at the rear are an improvement in terms of its fenestration, and the additional scale and massing of the accommodation is satisfactory in heritage asset terms. Additional conditions are proposed in relation to new elements, including the design of the proposed privacy screens to rear windows.

There are no adverse impacts on the special interest of the buildings and the alterations do not impact harmfully on any street level or other views from the surrounding area or from Green Park. This accords with City Plan policies 38, 39, and 40, and with policy MD of the Mayfair Neighbourhood Plan.

Archaeology

The site lies within the Great Estates Area of Special Archaeological Priority, and the original application was supported by a desk-based archaeological assessment which suggested there is limited potential for archaeology to be present because of the scale of previous development on the site. Historic England notes the current proposal does not materially affect archaeological considerations covered by conditions on the previous planning permission and that there is no need to fully reassess the application in archaeological terms subject to the same conditions.

Fire Safety

Policy D12 of the City Plan 'Fire Safety' has been introduced following the previous grants of consent at the site. The policy outlines that all development proposals must achieve the highest standards of fire safety. The development is a relevant building for the purposes of Gateway One. The submitted fire statement was reviewed by the HSE (5 Dec 2022) who expressed 'some concern' about the proposals, based on the fact that the single staircases within Cores 1 and 2, which are the only escape stairs/firefighting staircases serving the upper floors flats, provide links to the basement which would contain ancillary accommodation of a special fire hazard - commercial plant and a lobbied connection on, the ground floor (Core 1) and also that the lift shafts serving cores 1 and 2 also served the basement, which should not be the case where flats are served by single stair cases.

In response, the applicants have revised the basement and ground floor plans to reconfigure the stair and lift access arrangements and have provided additional information regarding means of escape and firefighting arrangements. The HSE have confirmed that they are now content with the fire safety design.

9.4 Residential Amenity

Policy 7 of the City Plan requires development to be neighbourly with regard to the impact on neighbouring building in terms of the levels of daylight and sunlight received, any loss of privacy or any increased sense of enclosure to neighbouring windows.

Daylight & Sunlight

The main changes involve additional rear extension in two areas to the north-west corner of the

site. This additional bulk is relatively modest in the context of the existing/approved development.

The updated daylight and sunlight assessments review the impact of the scheme in the context of the implemented redevelopment of Carrington Street car park and the hotel development at 90-95 Piccadilly/White Horse Street. These neighbouring developments now constitute the 'existing condition' for the purpose of the updated assessment. Additionally, the applicant's daylight consultant has now gained access into additional neighbouring properties since the original daylight/sunlight report was produced. Consequently, in some instances, the number of windows/rooms tested differs from those in the original assessment, but the current analysis is considered to be a more accurate representation of the layout of neighbouring buildings. In these circumstances, a direct comparison between the original and new daylight and sunlight impact is not possible.

The analysis assesses the impact of the proposals on the level of daylight and sunlight received to properties at 1, 3 and 5 Shepherd Street and 5 White Horse Street and the one retained ground floor flat and two retained fourth floor flats within the development.

Daylight

The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidance advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

1, 3 and 5 Shepherd Street

The analysis shows that all windows tested would not be adversely affected by the proposals.

5 Whitehorse Street

The VSC analysis shows that all windows tested would meet BRE targets, however one bedroom on the third floor which would see a 24% reduction in NSL, only marginally above the target threshold.

100 Piccadilly (Flats 6, 8 and 11)

The analysis considers daylight level to the retained ground floor flat and two retained flats at fourth floor level, taking account of the existing and proposed window configurations.

With the existing reconfigurations, one of three windows to a fourth floor flat (Flat 6) would see a small reduction in VSC of 21% but the two other windows would meet BRE targets. The NSL test shows that a fourth-floor kitchen would see a reduction of 29% in NSL as a result of the development.

A further analysis has been undertaken using the proposed window configurations. The VSC analysis shows that all 13 windows tested would meet BRE targets. The NSL assessment shows that the same kitchen window to Flat 6 would see a lesser reduction in VSC (24%), only marginally beyond the 0.8 guideline.

Sunlight

For a sunlight analysis, all principal, living rooms and conservatories should be checked if they have a window facing within 90° of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun. Sunlight to an existing dwelling may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable winter sunlight hours and receives less than 0.8 times its former sunlight hours during either period and sees a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

1, 3 and 5 Shepherd Street

All windows would continue to meet minimum annual and winter sunlight targets and would either see no losses or experience retained values far exceeding target values.

5 White Horse Street

All of the 12 windows assessed would continue to meet BRE targets for annual sunlight and winter sunlight targets. One first floor bedroom window currently achieves 2% winter sun (against the 5% target). This room would see a 100% loss of winter sun, but the room would retain an excellent annual sunlight value of 26%.

100 Piccadilly (Flats 6, 8 and 11)

The analysis also considers the impact on the retained ground floor flat and two retained flats at fourth floor level.

On the basis of the existing window configurations, a kitchen and living room at fourth floor level (Flat 6) would see losses of 42% and 41% but would still achieve APSH values of 15% and 22% against the guideline of 25%. The living room window would also experience a 40% loss of winter sunlight hours but would retain values of 3% against the guideline of 5%.

With the proposed window configurations, the same fourth-floor kitchen window would see a 27% reduction in annual sunlight (to 22%) however the living room would be unaffected by APSH but would see a 40% reduction in winter sun (from 5% to 2%).

Overall, although there would be some small reduction in daylight and sunlight to neighbouring properties, and to one of the retained flats, however it is not considered that the impact would be so significant as to justify a recommendation for refusal on amenity grounds.

Privacy

The proposals include some new balconies and residential terraces to the new rear extensions and the reconfiguration/enlargement of some of the approved balconies.

Condition 44 of the original permission requires the approval of details of measures to prevent overlooking from the fifth-floor terraces to terraces/windows of neighbouring flats within the development. The applicants have requested that this condition is removed, and whilst the fifth floor terrace is now reduced in size, it will still provide views into windows of neighbouring flats within the 100 Piccadilly development and it is considered that this condition should be retained.

Given the proximity of the proposed rear additions to the neighbouring development on the Carrington Street car park site, (a scheme by the same developer which is under construction), the application includes proposals to ameliorate potential overlooking towards the neighbouring site by introducing privacy screens to windows at mezzanine to third floor levels. These windows overlook the largely blank eastern façade of the residential block at Carrington Street. There are some terraces and windows at fifth and sixth floor levels to the building on the southern side of a central courtyard. The window screens are designed to prevent overlooking towards the neighbouring garden and windows in the garden elevations. They would take the form of projecting opaque fins to one side of each window and an 'L shaped' perforated metal decorative panel projecting from the face of the building on the other side of the window, which would extend approximately half-way across the window face. The submitted diagrams suggest that this is likely to provide adequate screening between the properties. Detailed drawings of the screens are reserved by condition. The two developments are already in extremely close proximity, and although the current proposals bring the building line closer to the site boundary, subject to the window screening, it is not considered that this change could justifiably form the basis of a recommendation for refusal on privacy grounds.

The submitted plans have been amended to include barriers on approved external terraces to prevent overlooking between flats, caused by the re-planning of the accommodation. The submitted plans also showed access from some of the flats onto the ground floor roof. This roof is now shown as a 'green roof', and access is omitted, other than for maintenance purposes.

Sense of Enclosure

Given the relatively modest size of the rear additions proposed it is not considered that there would be a material increase in the sense of enclosure to neighbouring residential windows when compared with the approved scheme.

Noise & Vibration

The submitted noise assessment covers issues including the construction of party walls and floors separating the proposed commercial unit and residential uses to ensure that the operation of the commercial unit does not impact on the flats on the upper floors. The report sets out that noise transfer from the commercial units to neighbouring premises will comply with the Council's noise requirements and this will be secured by condition.

Plant noise

Plant has yet to be selected for the development, but the submitted noise report confirms that it will be fully attenuated, fixed to anti vibration mounts and will operate in accordance with the Council conditions relating to plant noise and vibration. This report has been assessed by the Council's Environmental Sciences Officer (ESO) who raised no objection noise grounds.

Air quality

Policy 32 of the City Plan requires developments to reduce exposure to poor air quality and to maximise opportunities to improve it locally, without detriment to the air quality in other areas. Proposals for major development should be supported by an Air Quality Assessment and major developments should now be air quality neutral.

The current application is supported by an addendum AQA which states that there have been no significant changes to the construction phase, nor the guidance upon which the assessment was based, thus the construction dust risk assessment presented in the 2015 Assessment remains valid and there is no material change in terms of air quality as a result of the proposed amendments.

As with the approved scheme, all flats will be mechanically ventilated, with units fitted with carbon dioxide scrubbers and would provide acceptable air quality within the flats. The energy plant is now consolidated with the nearby Carrington Street scheme and no plant is included in this scheme. Therefore, there will be no significant sources of building emissions from the revised scheme. Conditions relating to CHP etc will be omitted and air quality in relation to this plant are omitted.

The ESO has also requested that the construction impact of the development including in relation to noise dust and vibration and emissions from site machinery should be controlled through once again through an SEMP under the CoCP.

Amenity of Proposed Units

City Plan policy 12 requires all new homes to be well-designed, energy efficient and to provide a high-quality, accessible living environment, both internally and externally; to meet or exceed the Nationally Described Space Standards and should provide at least 5 sqm of private external amenity space for each dwelling designed for one-two persons or more and, where practicable, a further 1 sqm m for each additional occupant.

The development would provide a good standard of accommodation in terms of access to natural light and ventilation, although many of the units continue to be single aspect, due to site constraints. The flats on the lower floors, which received relatively poor levels of natural light, have been omitted from the scheme.

Some of the flats would have access to external terraces or balconies, a number of which have been relocated or reconfigured in the current proposals. The provision of external amenity space is comparable to that within the approved schemes and any shortfalls are largely, amply, compensated for by the amount of internal floorspace.

Daylight/Sunlight

Although the BRE guidelines have been updated, the report is based upon BRE guidance (2011) to facilitate a comparison with the extant permission. The daylight results confirm that 61 (55%) of the 110 rooms tested achieve the guideline values for Average Daylight Factor (1% for bedrooms, 1.5% for living rooms and 2% for kitchens). In terms of sunlight, the 235 windows tested, 81 (34%) achieve the guidelines for annual sunlight availability and 80 (34%) in winter.

In order to aid with interpretation of the results, the report provides a comparison with the approved 100 Piccadilly scheme tested rooms at basement, ground, mezzanine and first floor levels. Whilst, a direct comparison with the extant scheme is not possible as much of the accommodation has been reconfigured the results do demonstrate that the position in terms of daylight availability to 100 Piccadilly is akin to that previously reported for the consented scheme.

It should also be noted that refurbishing an existing building presents challenges where daylight and sunlight provision is concerned. Furthermore, the Mayor of London's Draft Interim Housing Supplementary Planning Guidance emphasises that fully optimising housing potential may necessitate departure from conventional guidelines whilst still achieving satisfactory levels of residential amenity. In conclusion, the layout of the proposed development broadly follows the BRE guidelines and will provide adequate daylight and sunlight to the properties in line with the original consent. Subject to appropriate conditions, it is considered that the revised scheme would continue to provide a good standard of amenity for future occupants.

9.5 Transportation, Accessibility & Servicing

Servicing

City Plan policy 29 requires new developments to provide adequate off-street servicing and freight consolidation. The delivery and servicing strategy for the residential use will remain as consented and take place in the service yard of the Carrington Street scheme to the east of the building, which is accessed off Yarmouth Place. Servicing for the commercial unit was originally proposed to take place on-street. This has now been amended and commercial deliveries are now also proposed to also take place in the service yard of the Carrington Street scheme. Assuming that the commercial space would be used as restaurant, it is anticipated that the unit would generate up to 14 servicing/delivery trips a day (including waste collections). Servicing is anticipated to take place between 07:00 and 19:00 Monday to Fridays and 09:00 and 19:00 on Saturdays and Sundays.

The submitted Servicing Management Plan (SMP) anticipates that, based on an average turnaround time of 20-minutes, the two loading bays within the Carrington Street service yard will be sufficient to accommodate the combined peak delivery trips of the Carrington Street development and 100 Piccadilly residential development. The SMP sets out that a delivery booking schedule will be adopted to prevent conflicts; suppliers will be chosen who use of electric vehicles and electric powered cycles for last mile deliveries. Waste collections will occur at off-peak times, where possible.

Trip generation

There is no increase in the number of flats when compared to the original scheme and the levels of trip generation associated with the residential use is therefore considered acceptable. The Transport Assessment estimates that the increase in commercial floorspace is likely to generate trips outside of peak highway network peak hours on the basis of the most likely use of the unit for retail or restaurant use. It anticipates that the commercial space would be accessed by customers arriving by public transport, taxis or by sustainable transport modes such as walking or cycling.

In order to ensure that the use does not impact upon the operation of the highways and

pedestrian safety, and to safeguard the amenity of neighbouring occupiers, conditions are recommended to prevent the operation of a takeaway or delivery service, from the restaurant, or via third party platforms. The Highways officer has requested a condition to limit the proposed Class E uses to the retail/restaurant and financial/professional service uses applied for given the potential impact of alternative uses e.g., day nurseries on the operation of the highway network.

Waste management

Residential and commercial waste storage facilities for the development will be located at basement level and following the submission of revised plans, the waste project officer has confirmed that the updated proposals are acceptable. These will be secured by condition.

Cycling & Cycle Storage

Policy 25 of the City Plan requires facilities for the storage of cycles to be provided in accordance with standards set out in the London Plan. In relation to residential developments, this requires 1.5 cycle spaces per 1 bed unit and, 2 spaces per unit with 2 or more bedrooms. The proposals would therefore require the provision of residential 66 cycle parking spaces. The plans include residential cycle parking to standard, accessed via Yarmouth Place. A condition is recommended to secure the residential cycle parking shown.

In relation to cycle parking for the commercial unit, long stay cycle parking for employees would be provided within the demise of the commercial unit. Based on the revised floorspace figures supplied, the units would require the provision of 13 long stay spaces in the event that the space is used for retail purposes and 19 if in restaurant use. This is secured by condition.

The commercial use generates a requirement for 105 short-stay cycle spaces. Where short stay cycle parking cannot be provided on site, London Plan (policy T5D) encourages developers to work with local authorities to identify alternative on-street locations or to provide a commuted sum to create additional on-street provision. The plans have been amended to provide 19 short-stay visitor cycle parking spaces behind a secure gated access on Whitehorse Street. Whilst this is significantly below London Plan standards, it is accepted that given the constraints of the site and the difficulties in re-using and converting an existing building that the provision of the full 105 visitor cycle spaces would be difficult to achieve. There are also 18 existing cycle parking spaces on the northern footway of Piccadilly, approximately 90m to the west of the application site, outside a neighbouring school. As the school is more likely to be closed during peak restaurant times, the applicants envisage that the existing provision could be used by visitors to the commercial unit.

Given the removal of the on-site car park, the Highways Officer considers this response to be disappointing as there would appear to be no physical constraint to meeting the required cycle storage within the building. However, on balance, given the busy and/or restricted nature of the highways surrounding the site, it is not considered that the shortfall of commercial short-stay cycle parking could justify a refusal of the application.

Parking

City Plan policy 27 supports the provision of new residential units without parking provision. Under the extant permission 31 car parking spaces for the use by the new/reconfigured flats are to be relocated within the Carrington Street car park redevelopment. This was secured under a

Deed of Variation to the original s106 legal agreement. No changes are proposed to this arrangement.

The previous scheme retained eight on-site parking spaces for use in association with the retained flats. The applicants propose that these eight spaces would be relocated to the contract spaces (33) on the Carrington Street site. This proposal is noted but as City Plan policy 27 does not, in most instances, require the re-provision of existing /or the creation of new parking spaces in residential developments, the re-provision of these spaces would be a private arrangement between the applicants and existing residents.

Given the changes to the scheme, It is also proposed that Conditions 8 , 29, 32, 34 and 40 of the previous permission are omitted from any new permission as these relate to the retention of 8 parking spaces, parking access and manoeuvring areas; the submission of details of a vehicle signalling system for the car lift entrance and; require vehicles to enter the site in for gear and require the development to accord with the design details of the car park access.

The removal of the existing vehicular access on White Horse Street is welcomed given the narrow width of the pavement and roadway. The reinstatement of the pavement in place of the redundant vehicular crossover would need to be secured under a Deed of Variation to the legal agreement.

9.6 Economy including Employment & Skills

The scheme will contribute positively to the local economy during the construction phase and the significant increase in commercial floorspace proposed will (compared with the approved residential-led scheme) increase jobs compared to the approved development which will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.7 Other Considerations

Impact of construction works

There are several flats within 100 Piccadilly which are not included within the proposed development. One existing owner/occupier has requested that any future permission is subject to a rider that they be able to 'peaceably and quietly hold and enjoy the Premises during the term without any lawful interruption or disturbance.' Their comments refer to the 'proposed works' and do not appear to relate to the impact of the completed development. It is acknowledged that there would be some degree of disturbance to existing residents during the course of construction and this would be mitigated as far as possible, although it is not considered that any impact would be material as a result of the proposed changes.

The approved development is under construction and is subject to the Council's Code of Construction Practice, which includes liaison between the developer and neighbouring occupiers. Hours of building works are also be controlled by condition. A condition could not be imposed which refers to the terms of the respondent's lease. This is a civil matter between the parties involved.

Basement

The current proposals omit previous additional basement excavation and are limited to the remodelling of the existing basement. Additionally, all habitable residential accommodation has been removed from basement level and Building Control officers raise no objections.

Previously imposed conditions

There are a number of previously imposed conditions relating to the provision of car parking, vehicle signalling system and emergency plant. As all car parking and emergency plant has been removed from the scheme, the deletion of these conditions is considered acceptable.

Condition 30 related to specific hours of servicing for the commercial unit and restricted hours to on-streering loading restrictions (0600 – 0700 and 1900 -2100). As all servicing is now to be off-street, the servicing hours have been amended to daytime hours.

Condition 45 of the original permission required the approval of drawings showing the relocation/replacement of existing roof level ducts to Flat 4, 100 Piccadilly (one of the retained flats). The applicants have requested that this condition is removed as flat 4 has now been reconfigured within the amended scheme and this is considered acceptable.

9.8 Environmental Impact Assessment

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

9.9 Planning Obligations & Pre-Commencement Conditions

The application is the subject to a Deed of Variation to the original legal agreement and would secure all previous planning obligations. However, an additional clause is required relating to the reinstatement of the pavement on White Horse Street due the removal of the vehicular crossover.

The estimated Westminster CIL liability is £4,445,050. The estimated Mayoral CIL liability is £793,120.

10. Conclusion

The proposals would result in no harm to the designated heritage assets when compared with the approved scheme. As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission/ consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

The revised scheme increases the number of residential units within the development and increases the amount of residential floorspace, providing an active ground floor use which would serve visiting members of the public.

(Please note: All the application drawings and other relevant documents and Background Papers are

Item No.

1

available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pmquayle@westminster.gov.uk
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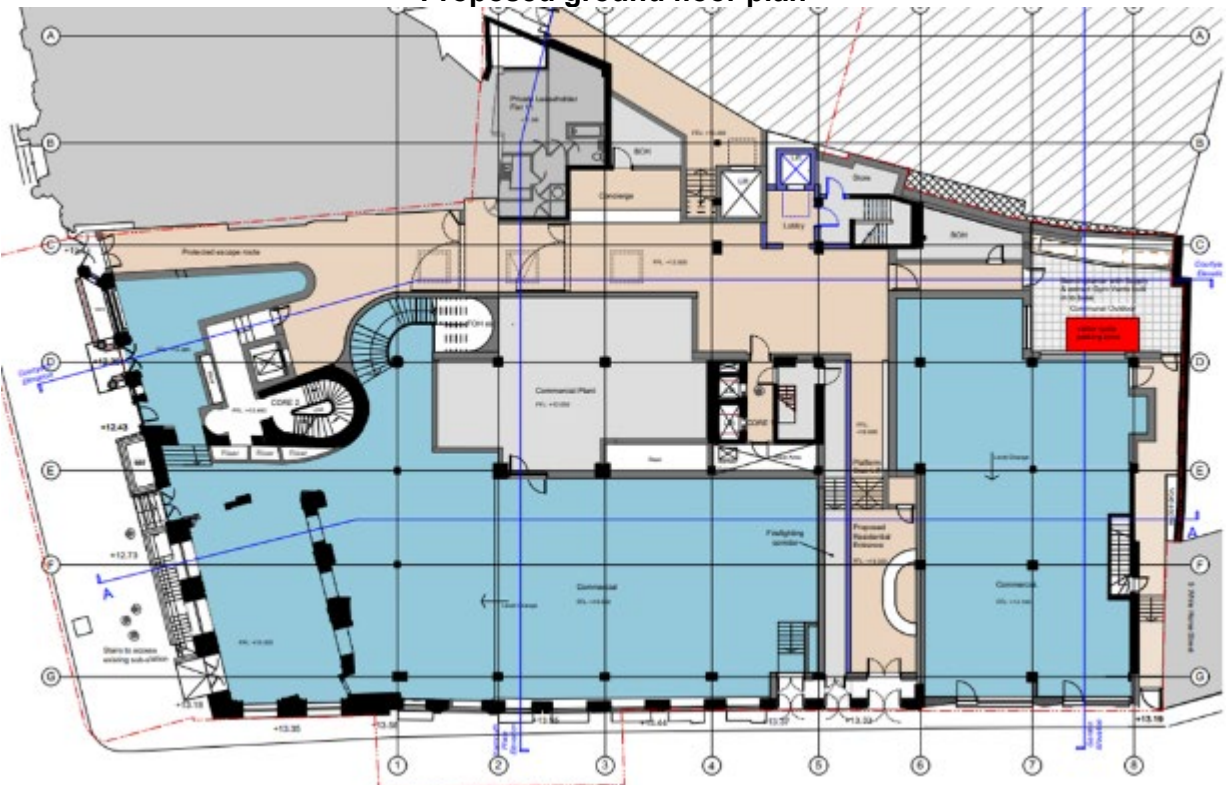
11. KEY DRAWINGS



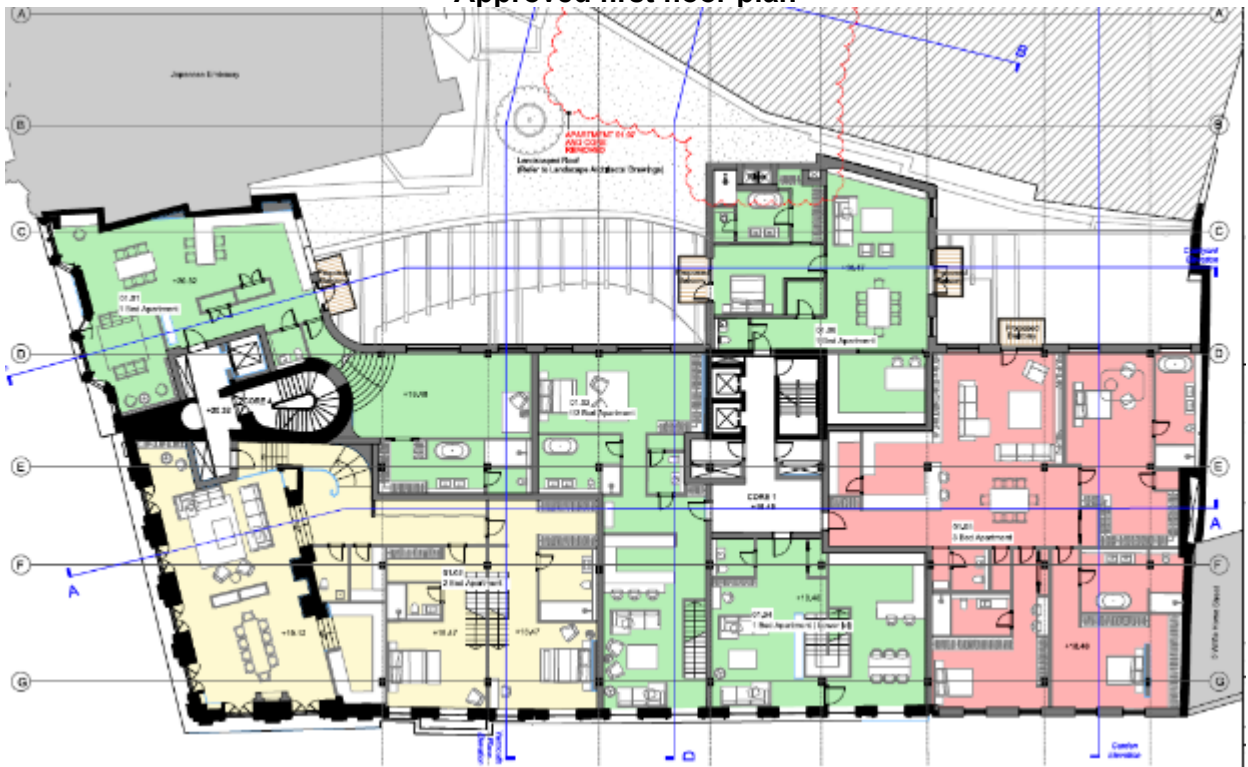
Approved ground floor plan



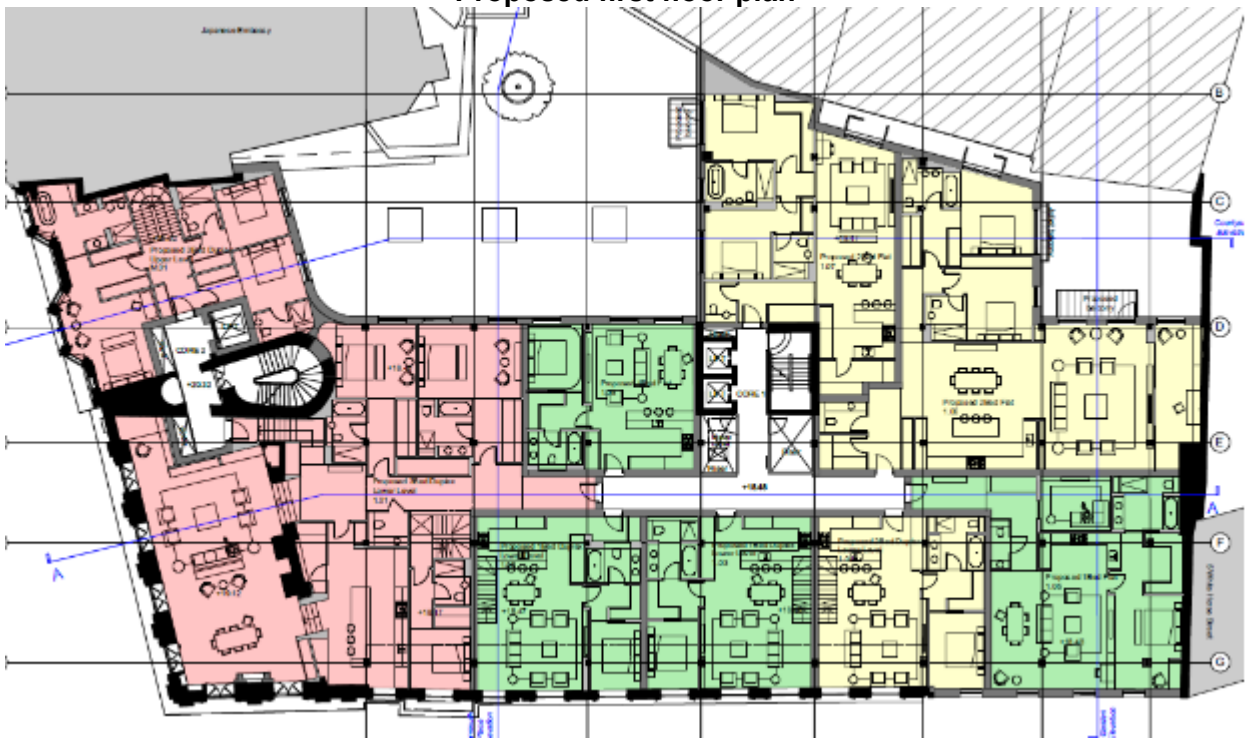
Proposed ground floor plan



Approved first floor plan



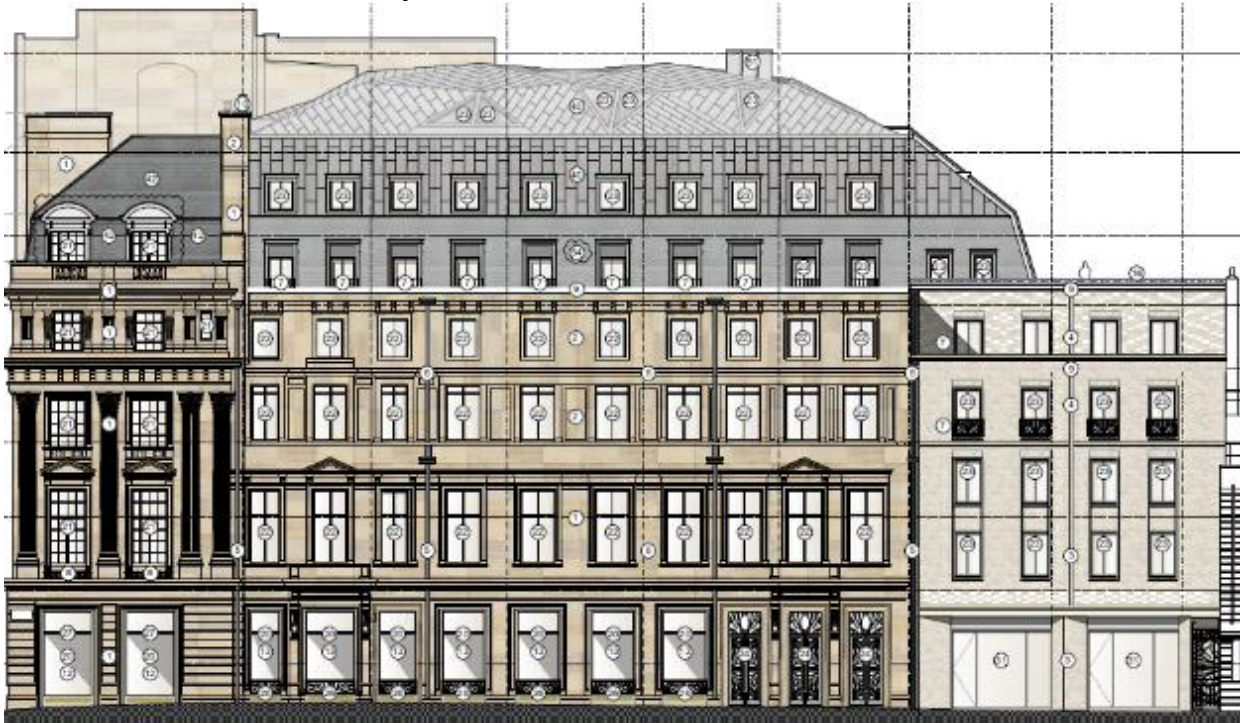
Proposed first floor plan



Approved White Horse Street elevation



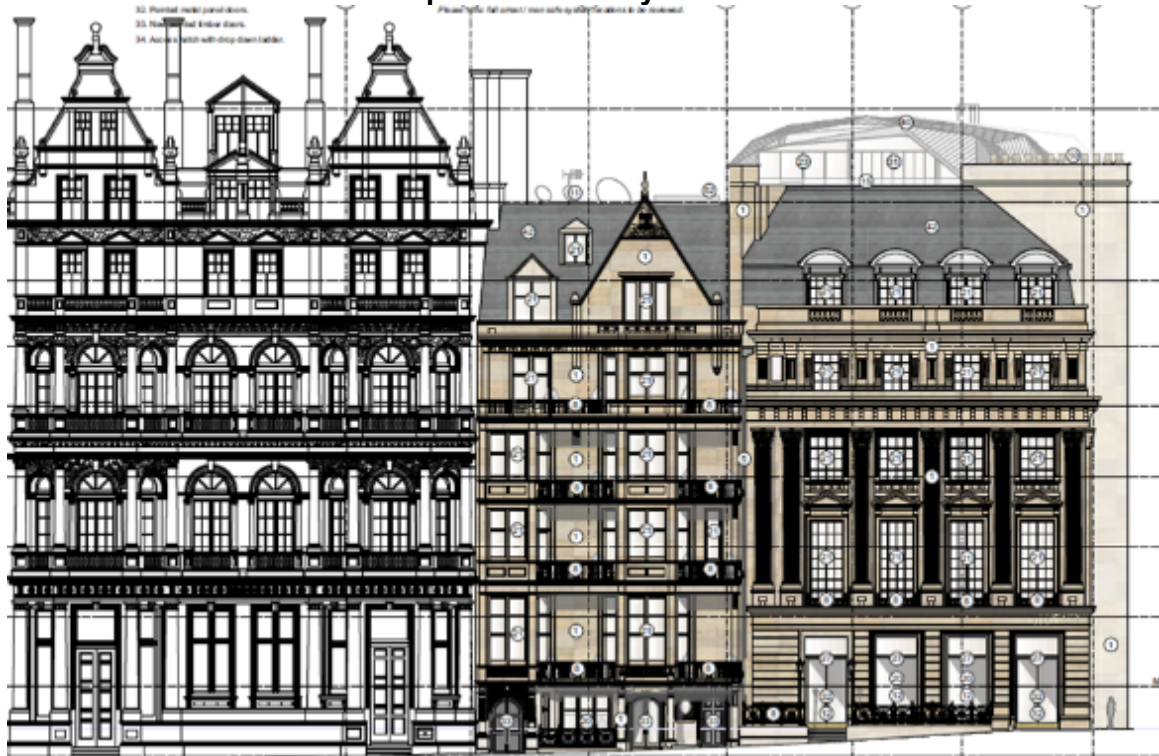
Proposed White Horse Street elevation



Approved Piccadilly elevation



Proposed Piccadilly elevation



Approved courtyard elevations



Proposed courtyard elevations



DRAFT DECISION LETTER

Address: 100 Piccadilly, London, W1J 7NH

Proposal: Variation of condition 1 of planning permission dated 6th August 2020 (RN:19/08291/FULL) for the Variation of condition 1 and removal of condition 34 of planning permission dated 22nd December 2016 (RN: 15/06446/FULL) for Excavation of a sub-basement, redevelopment of nos. 5 - 6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36x flats (Class C3) (an additional 28 above existing), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations. (Site comprises 96-100 Piccadilly and 5 - 6 Yarmouth Place). Namely, alterations and extensions to the rear to provide additional residential floorspace, reconfiguration of residential units from 32 to 36 (in line with original consent), increase in commercial floorspace, amendments to the cycle storage in line with the consent, internal alterations at all levels, removal of basement car park and car lifts, addition of screening to rear amenity space, minor design changes to the frontage on 100 Piccadilly including reinstatement of decorative iron balustrading to the former lightwell area, alterations to White Horse Street Façade including new residential entrance on the White Horse Street façade

Reference: 22/06965/FULL

Plan Nos: TO BE ADDED

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866039795

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 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)

- 4 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. (C26BD)

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)

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

- i) new external doors,
- ii) new windows,
- iii) new railings and gates.

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 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)

- 6 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

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)

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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)

- 10 (a) The development must be carried out in accordance with the written scheme of investigation for a programme of archaeological work approved by the City Council on 26 March 2019 under reference 19/01083/ADFULL or in accordance with an alternative written scheme of archaeological investigation submitted to and approved by the City Council as local planning authority. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.
- (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 11 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 and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CD)

- 12 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. 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. (C27DC)

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)

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

Reason:

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

- 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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

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 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

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)

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 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)

- 17 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)

- 18 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.

Noise transfer from the commercial units shall not exceed NR 10 (Leq) and NR 15 (Lmax) within the adjacent residential apartments. To enable achievement of this criteria, the party wall and floor constructions will provide a minimum 10 dB improvement than the Approved Document E airborne sound insulation requirements (i.e., DnT,w + Ctr 55 dB) in order to ensure that the operation of these spaces does not impact on occupants of the residential apartments

Reason:

In accordance with the submitted application and 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)

- 19 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) 17 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 development from the intrusion of external noise and will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning

Document (February 2022).

- 20 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 18 of this permission including an assessment of the impact of the use of the ground floor servicing access upon the operation of the adjacent ground floor flat and details of all proposed noise and vibration mitigation measures identified. You must not start work on this part of the development until we have approved what you have sent us.

You must then carry out the work according to the details approved, including any noise and vibration mitigation measures identified, before the residential units are occupied and thereafter permanently retain and maintain these measures.

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)

- 21 The new and reconfigured flats hereby approved shall not be occupied until the air quality mitigation measures detailed in the report dated 3 December 2015 (by Air Quality Consultants) have been incorporated within the development and these measures shall be permanently maintained thereafter.

Reason:

To protect the living conditions of people who may use the property in the future as set out in Policies 32 and 33 of the City Plan 2019 - 2040 (April 2021)

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

Reason:

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

- 23 The commercial floorspace hereby approved shall only be occupied for the display or retail sale of goods (Class E(a)) or for financial and professional services (Class E (c) (i) and (ii)) or for the sale of food and drink principally to visiting members of the public (Class E (b)) of the Town and Country Planning Use Classes Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

You must not use this floorspace for any other purpose, including any within Class E of

the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

In accordance with the submitted application and to ensure that the commercial parts of the development are not used for other purposes that may have different or unacceptable land use, waste storage, servicing, amenity or transportation requirements and/or amenity impacts, contrary to Policies 7, 14, 25, 29, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 24 You must provide each cycle parking space for the residents of the development, as shown on the approved drawings, prior to occupation of the new/reconfigured flats. Thereafter the cycle spaces must be retained and the space used for no other purpose.

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)

- 25 i. You must apply to us for approval of details of secure cycle storage (minimum 13 spaces) for the Class E (a) use and (minimum 19 spaces) for the Classe E (b) or (c) (i), (ii) uses. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation of the commercial unit. You must not use the cycle storage for any other purpose.
- ii. You must provide each visitor cycle parking space for the Class E (a), (b) or (c) (i), (ii) use, as shown on drawing 2162 (02)012 Rev P01, prior to occupation of the commercial unit. Thereafter the cycle spaces must be retained and the space used for no other purpose.

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)

- 26 Before anyone moves into the new and reconfigured flats and the commercial unit hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 2162 (02) 001 P05. You must clearly mark them and make them available at all times to everyone using the building which must thereafter be serviced in accordance with the principles of the Delivery and Servicing Management Plan dated 11 July 2023 (Arup).

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)

- 27 All servicing to the Class E (a), (b) or (c) (i), (ii) unit must take place only between 07.00 – 20.00 Monday – Saturday & 09.00 – 18.00 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 and 33 of the City Plan 2019 - 2040 (April 2021).

- 28 Customers shall not be permitted within the commercial unit except between 07.00 and 24.00 (midnight) on Monday to Saturday and 07.00 to 23.30 on Sundays.

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). (R13ED)

- 29 In the event that a (Class E(b) use is implemented, you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and maintained (including details of maintenance access) and how it will look.

You must not begin the restaurant use until we have approved what you have sent us and you have carried out the work according to the approved details.

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)

- 30 You must apply to us for approval of detailed drawings of the following parts of the development:

- privacy screens shown on drawing 2162 (02) 103 P03 hereby approved,

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 approved drawings (C26DB)

Reason:

To protect the privacy and environment of people in neighbouring properties and 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 7, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 31 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site., , You

must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA),

- 32 You must apply to us for approval of details of a supplementary vibration and noise report including an assessment of the impact of vibrations and noise from underground tunnels in the vicinity of the site upon the residential parts of the development, including details of all proposed vibration mitigation measures.

Any mitigation measures recommended as a result of this assessment must be provided prior to the occupation of the new and reconfigured flats in accordance with the approved details and thereafter permanently maintained.

The design structure of the development shall be of such a standard that it will protect residents within it from any vibration arising from the operation of the underground railway so as not to result in a vibration dose value of no greater than 0.4 ms (1.75) 16 hour day-time nor 0.2 m/s (1.75) 8 hour night time as defined by BS 6472 (2008) in any part of a residential property.

The design and structure of the development shall be of such a standard that it will protect residents within it from ground borne noise from underground railway lines so that they are not exposed to indoor levels of more than 35 dB Las, MAX within habitable rooms during d at all times of the day.

Reason:

To ensure that the design, structure and acoustic isolation of the development will provide sufficient protection from noise and vibration from external sources and will provide a high quality living environment for future occupants in accordance Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

- 33 i) You must carry out the development in accordance with the Phase 2 (Site investigation) and Phase 3 (Remediation Strategy) reports approved by the City Council on 14 February 2019 under reference 19/00717/ADFULL or in accordance with alternative Phase 2 (Site investigation) and Phase 3 (Remediation Strategy) reports, which must be submitted to and approved in writing by the City Council as local planning authority before any demolition or excavation work starts.

If submitting alternative Phase 2 and Phase 3 reports, a detailed site investigation is required to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning

requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster. Any alternative Phase 2: Site investigation report must assess the contamination and the possible effect it could have on human health, pollution and damage to property and any alternative Phase 3 Remediation strategy - must include full details of this strategy including maintenance and monitoring to protect human health and prevent pollution.

The development must then be carried out in accordance with the alternative Phase 2 (Site investigation) and Phase 3 (Remediation Strategy) reports approved.

ii) Prior to the occupation of the new and reconfigured flats hereby approved, you must apply to us for approval of a Phase 4: Validation report which summarises the action you have taken during the development and what action you will take in the future, if appropriate, and any future actions identified must be undertaken in accordance with the approved Phase 4 report .

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)

- 34 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of all external trees and shrubs. You must also include details of the depth and specification of the new soil which you propose to use to create an adequate rooting environment for the new tree planting and landscaping including details of the drainage layer and other components and details of the way that the proposed areas of soil will be connected., , You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 12 months of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 35 You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the new/reconfigured flats.

Reason:

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

- 36 In the event that a restaurant use (Class E (b) is implemented, you must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building/waiting outside the restaurant from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 37 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway.

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)

- 38 Prior to any occupation of the commercial unit as a retail food supermarket, you must apply to us for approval of a Servicing Management Plan for the retail use. The shop must not be occupied as a retail food supermarket until we have approved what you have sent us and must thereafter be serviced in accordance with this approved plan.

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)

- 39 The development shall be carried out in accordance with the Construction Management Plan (Version 4 -Mace) dated July 2020.

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 In the event that the commercial floorspace is occupied for restaurant purposes (Class E(b)), the space shall not be occupied as more than one restaurant unit.

Reason:

In accordance with the submitted application and because the plans do not include kitchen extraction equipment for more than one restaurant unit and, in the absence of

provision for additional kitchen extraction equipment, people occupying neighbouring properties would suffer from cooking smells. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 41 In the event that the commercial unit is occupied for (Class E(b)) restaurant purposes, all windows and doors shall be kept shut, other than for the purpose of access and egress, at all times that the restaurant is open to customers.

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). (R13ED)

Reason:

- 42 In the event that the commercial unit is occupied for restaurant purposes (Class E (b)), you must not allow more than 325 customers into the property at any one time.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 43 In the event that a (Class E(b)) restaurant use is implemented, you must not sell any take-away food or drink on the premises, even as an ancillary part of the primary restaurant/ café use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 44 You must apply to us for approval of detail drawings showing the following alteration(s) to the scheme:

- measures to prevent overlooking from the fifth floor terrace hereby approved to windows of neighbouring flats within the same development.

-

You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work in accordance with these approved details.

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)

- 45 You must apply to us for approval of detailed drawings of the following parts of the development:

– Privacy screens to the Garden Elevation as shown on drawing 2162 (02) 103 P03

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 approved drawings (C26DB)

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)

- 46 The development shall be carried out in accordance with the detailed design and method statement for below ground structures approved by the City Council on 1 March 2019 under reference (19/01084/ADFULL) or in accordance with alternative detailed design and method statements for below ground structures submitted to and approved in writing by the City Council as local planning authority (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), which:
- o provide details on all structures,
 - o accommodate the location of the existing London Underground structures and tunnels,
 - o accommodate ground movement arising from the construction thereof,
 - o and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

All approved measures shall be completed, in their entirety, before the commercial unit and the new/reconfigured flats hereby permitted are occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure.

- 47 The servicing access shown on drawing 2162 (02) 003 P03 shall be provided prior to the occupation of the new and reconfigured flats hereby approved and permanently maintained thereafter.

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)

- 48 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 roof

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)

- 49 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

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)

- 50 In the event that a (Class E(b)) restaurant use is implemented, you must not operate a delivery service or permit a delivery service to be operated from the restaurant even as an ancillary part of the primary restaurant/ café use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 51 In the event that a restaurant use is implemented, any bar must be ancillary to the primary restaurant use. You must use the bar to serve restaurant customers only, before, during or after their meals. You must only use the rest of the property as a sit-down restaurant with waiter service. You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

In accordance with the submitted application and to make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

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 This permission is governed by a Deed of Variation to the legal agreement dated 22 December 2016 between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The Deed of Variation relates to additional highway works (the reinstatement of the pavement in White Horse Street following the removal of the redundant vehicular crossover) and to enable servicing to take place off-site in the shared loading bay at the former Carrington Street Car park.
- 3 You should ensure that the restaurant Operational Management Plan Delivery submitted to discharge condition 36 of this permission should have regard the advice regarding servicing and operational management issues detailed in the planning report.

The OMP should also confirm that a member of the management team can be contacted at all times that the premises are open to respond to immediate concerns.

The OMP should also include a commitment to keep the pavement areas outside the premises free of smoking-related litter.,

- 4 In the event that the commercial unit is operated as a restaurant, you may need separate licensing approval for this use. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission.
- 5 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:., 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share

(that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 6 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 7 The permission is based on details within the submitted application which conform that the commercial floorspace would be occupied as a single unit. As the approved plans only show one kitchen extract to serve the unit. Future proposals to use the space as more than one restaurant premises are unlikely to be considered acceptable.
- 8 The Supplementary Noise report submitted to discharge condition 16 of this permission must include:
 1. An assessment of noise impacts at the nearest neighbouring residential or noise sensitive windows with supporting calculations and frequency analysis.
 2. Assessment of distance from plant installations to nearest residential or noise sensitive windows using detailed plans or photographs taken on site.
 3. Background noise level (LA90) assessment and an ambient noise level (LAeq) assessment over a 24 hour period including the time, date and weather conditions, instrumentation, calibration, noise sampling locations and a copy of the noise survey data. This information has already been provided.
 4. The proposed operational hours of the plant.
 5. Detailed acoustic specifications of plant to be installed.
 6. Detailed acoustic specifications of any proposed noise attenuation measures to be installed for the proposed plant, including louvres or enclosures.
 7. Calculations for the predicted noise level 1 metre from the window of the nearest residential property.
- 9 All non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: environmentalsciences2@westminster.gov.uk
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, Forms can be

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

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.

DRAFT DECISION LETTER

Address: 100 Piccadilly, London, W1J 7NH,

Proposal: Excavation of a sub-basement, redevelopment of nos. 5 - 6 Yarmouth Place, alterations and extension to provide enlarged sixth and new seventh floor storeys and installation of plant at basement, ground and fourth floor levels. Use of extended and altered building as 36 flats (Class C3), car / cycle parking and a shop (Class A1) or financial and professional institution (Class A2) at part ground floor level. Internal alterations and removal of the underutilised basement car park and car lifts, addition of screening to rear amenity space, minor design changes to the frontage on 100 Piccadilly including reinstatement of decorative iron balustrading to the former lightwell area, internal alterations at all levels, alterations to White Horse Street Facade including new residential entrance on the White Horse Street facade. (site comprises 96-100 Piccadilly and 5 - 6 Yarmouth Place).

Reference: 22/06695/LBC

Plan Nos: 2162 (02)/000 P02, 001 P05, 002 P03, 003 P03, 004 P02, 005 P03, 006 P02, 007 P02, 008 P03, 009 P03, 010 P02, 011 P02, 900 P02: 2162 (02) 100 P02, 101 P02, 102 P02, 103 P03, 104 P03; 2162 (02) 200 P02 (proposed drawings)., , 2162_01_/000 P.02, 002 P.02, 003 P.02, 004 P.02, 005 P.02, 006 P.02, 007 P.02, 008 P.02, 009 P.02; 2162_01_/100 P.02, 101 P.02, 102 P.02, 103 P.02, 104 P.02 (fabric removal drawings)

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

- 1 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 2 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 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 and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CD)

- 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 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 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

- 1) new external doors,
- 2) new windows,
- 3) new railings and gates. You must not start any work on these parts of the development until we have approved what you have sent us.,
- 4) window privacy screens to the Garden Elevation shown on drawing 2162 (02) 103 P03 hereby approved.

You must then carry out the work according to these detailed drawings. (C26DB)

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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, 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., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, , * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)