



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 19th September, 2023

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Paul Fisher (Chair)
Barbara Arzymanow
Md Shamsed Chowdhury
Patrick Lilley



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Senior Committee and Governance Officer.

**Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

That Councillor Patrick Lilley was substituting for Councillor Ryan Jude.

To note any other changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

(Pages 5 - 14)

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

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|---|--------------------------|
| 1. 100 PICCADILLY LONDON & 5-6 YARMOUTH PLACE, LONDON, W1J 7NH | (Pages 19 - 76) |
| 2. AREAS OF PAVEMENT OUTSIDE/NEAR: 70-88 OXFORD STREET; 150-154 OXFORD STREET; JUNCTION OF GREAT PORTLAND STREET AND MARKET PLACE; PAYPHONE SITE OUTSIDE 74 GREAT PORTLAND STREET; OPPOSITE 19-21 PRAED STREET | (Pages 77 - 114) |
| 3. 45 WELBECK STREET, LONDON, W1G 8DZ | (Pages 115 - 136) |
| 4. 1 JAMES STREET, MARYLEBONE, LONDON, W1U 1DR | (Pages 137 - 154) |
| 5. DORCHESTER HOTEL, 53 PARK LANE, LONDON, W1K 1QA | (Pages 155 - 182) |

**Stuart Love
Chief Executive
8 September 2023**

Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 11th July, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Paul Fisher (Chair), Barbara Arzymanow, Md Shamsed Chowdhury and Jason Williams

Also Present: Councillors David Boothroyd and Paul Dimoldenberg

1 MEMBERSHIP

- 1.1 That Councillor Jason Williams was substituting for Councillor Ryan Jude.
- 1.2 There were no further changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Paul Fisher explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Paul Fisher declared an interest in respect of Item 1, and informed that Councillor David Boothroyd was making a deputation on the item and advised that they were both members of the Majority Group. Councillor Fisher also further declared that in respect of Item 2 Councillor Paul Dimoldenberg was making a deputation and that Councillor Max Sullivan in respect of Item 4 had submitted written representation. He advised that both Councillors were also colleagues and that no discussions regarding the above applications had been held with these Members.

- 2.3 Councillor Jason Williams and Councillor MD Shamsed Chowdhury also made the same declarations.
- 2.4 Councillor MD Shamsed Chowdhury declared an interest in respect of Item 2 and advised that the application site was situated in his Ward. Councillor Chowdhury informed that he had been approached by residents about the application and confirmed that he had made no comments regarding the Item.
- 2.5 Councillor Jason Williams declared an interest in respect of Item 5 and advised that Ward Councillors frequently met with the Federation of Pimlico Residents' Associations Limited (FREDA). Councillor Williams informed that no discussions had been held with FREDA regarding the application.
- 2.6 Councillor Barbara Arzymanov declared an interest in respect of Item 1 and advised that the Application site was in her Ward. Councillor Arzymanov informed that following advice from the Legal Officer she would leave the meeting after making her deputation and would not take part in any of the discussions or deliberation on the Item.

3 MINUTES

RESOLVED: That the minutes of the meeting held on 6 May 2023 be signed by the Chair as a correct record of proceedings.

4 TREE PRESERVATION ORDER TPO 694 - 91 SUTHERLAND AVENUE, LONDON, W9 2HG

To confirm or not to confirm Tree Preservation Order No. 694.

Julie Allen addressed the committee in objection to the TPO.

RESOLVED UNANIMOUSLY

TO CONFIRM Tree Preservation Order No. 694 (2023) with or without modification with permanent effect.

5 PLANNING APPLICATIONS

The Chair advised that the Items on the Agenda would be varied and will considered in the following order Items 1,2,3,4, 5 & TPO.

1 GROUND FLOOR, SEYMOUR LEISURE CENTRE, SEYMOUR PLACE, LONDON, W1H 5TJ

Refurbishment and upgrade of the Seymour Centre to provide leisure, swimming pool, library, flexible community/office space, health and fitness studios, beauty treatment rooms and a cafe. Flexible use for leisure, community and events spaces

(Sui Generis). Refurbishment works to include: removal of the redundant swimming pool tank to facilitate the fitness suite at lower ground floor, relining the existing pool tank, installation of photovoltaics on the inner roof slope and installation of an ETFE 'pillow' roof above the former courtyard and proposed soft play area, removal of the existing roof lanterns and wind catchers in the sports hall to be replaced with new double glazed roof lanterns and wind catchers and installation of secondary glazing to all the windows in the sports hall, removal of roof lantern above swimming pool to be replaced with a new double glazed roof lantern, removal and replacement of existing plant, provision of external private roof terrace (restricted access), minor internal alterations to walls and partitions to facilitate the reconfiguration of uses, improve accessibility with one lift in each core (4 lifts in total plus three platform lifts at first floor) and two new internal upper staircases on the eastern elevation plus two new internal staircases on the south-west of the first floor, external alterations to some windows and fenestration, and provision of cycle parking and waste and recycling facilities.

Late Representations were received from Marylebone Forum (07.07.23), Marylebone Society (10.07.23), St Marylebone Society Planning Committee (10.07.23), Marylebone Association (07.07.23) and Harrowby & District Residents Association (unknown)

The Presenting Officer tabled the following amendments to Condition 5 and an additional Condition.

Item 1: Ground Floor, Seymour Leisure Centre, Seymour Place, London, W1H 5TJ

In the verbal presentation tonight, officers will refer to:

A requirement for an amendment to Condition 5 (amendments in bold)

Amended Condition 5:

(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 normal duty, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside the window of any residential property on Crawford Street, Seymour Place and Shouldham Street, 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 representative 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 normal duty for the assessed time period.

(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 normal duty, 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 representative 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 normal duty for the assessed time period.

(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 the plant and equipment will operate at the assessed duty. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The 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 at the assessed duty.
- (j) Where the proposed maximum noise level exceeds the criteria in part (1), the applicant must demonstrate that the plant selections represent the best available equipment, and any mitigation measures represent best practicable means to control the noise. (C46AC)

New Condition 6:

(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 normal duty, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside the

window of any residential property on the South façade of Macready House, 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 representative 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 normal duty for the assessed time period.

(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 normal duty, 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 representative 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 normal duty for the assessed time period.

(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 the plant and equipment will operate at the assessed duty. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The existing LA90 (15 minutes) 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 at the assessed duty.

(j) Where the proposed maximum noise level exceeds the criteria in part (1), the applicant must demonstrate that the plant selections represent the best available equipment, and any mitigation measures represent best practicable means to control the noise.

Tushna Ghadially addressed the committee in support of the application.

Tobias Hartung addressed the committee in objection to the application.

Yael Saunders addressed the committee in support of the application.

Councillor David Boothroyd in his capacity as Ward Councillor addressed the committee in support of the application.

Councillor Barbara Arzymano in her capacity as Ward Councillor addressed the committee in support of the application.

RESOLVED UNANIMOUSLY

1. That conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992 be granted.
2. That conditional listed building consent be granted.
3. That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

2 DEVONPORT, 23 SOUTHWICK STREET, LONDON, W2 2PR

Part demolition of the existing standalone garages and erection of two new dwellings (Class C3) over two storeys, landscaping works, air source heat pump equipment and other associated works.

Additional Representations were received from resident (06.07.23), (24.11.22) and (23.11.23)

A Late Representation was received from a resident (07.07.23)

The Presenting Officer tabled the following revisions to the Drawing Number

Item 2: Devonport, 23 Southwick Street London W2 2PR

Revised Drawing Numbers:

dpg lp 001_00; pl x d 001; pl x d 002; e x d 001; e x d 002; e x d 003; s x d 001; pl x 000; pl x 001; pl x 002; e x 001; e x 002; e x 003; e x 004; s x 001; scg sp 001 B; pl 000 B; pl 001 C; pl 002 C; pl 003 C; e 001 C; e 002 B; e 003 C; e 004 B; s 001 B; dpg se 001 B; scg se 002 B;

Laura Whyte addressed the committee in support of the application.

Jane Wilkinson addressed the committee in objection to the application.

Susan Quinn addressed the committee in objection to the application.

Olga Melita Matchilskaia addressed the committee in objection to the application.

Richard Cutt on behalf of the Hyde Park Estate Association addressed the committee in objection to the application.

Paul Dimoldenberg in his capacity as Ward Councillor addressed the committee in objection to the application.

RESOLVED UNANIMOUSLY

That conditional planning permission be refused.

Reason

1. Because of its siting, design and materials, the building would harm the appearance of the Devonport Building and associated gardens, fail to positively contribute to the pattern of the local streetscape, and fail to maintain or improve (preserve or enhance) the character and appearance of Bayswater Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (X16AD)

2. By introducing new housing with overlooking windows within an existing communal residential amenity space, the proposed development would be overbearing and unneighbourly on that space which would significantly reduce its quality and attractiveness to the detriment of its overall character and function. This would be materially harmful and therefore contrary to the Council's City Plan policies 12D and 38C.

3 10 MONTAGU MEWS NORTH, LONDON, W1H 2JY

Alterations including, excavation to provide new basement floor, erection of mansard roof level extension, rear terrace at first floor, alterations to doors and windows; all to enlarge and alter dwellinghouse (Class C3)

Stephen Haley addressed the committee in support of the application.

The Committee Officer read out a statement by Karen Jones in objection to the application.

RESOLVED UNANIMOUSLY

That conditional permission be granted.

4 23 SUTHERLAND PLACE, LONDON, W2 5BZ

Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.

Additional representations were received from resident (01.03.23), (01.03.23), (28.02.23), (28.02.23), (04.07.23) and (05.07.23) and a resident (19.12.22) and (06.01.23)

Late representations were received from Barton Engineers (Unknown) and (Unknown), resident (11.07.23), (09.07.23), (07.07.23) (04.07.23), (05.01.23) and (06.01.23) and resident (09.11.23) Councillor Max Sullivan (06.01.23) and (11.07.23)

The Presenting Officer tabled the following revisions to the Drawings

Item No. 4: 23 Sutherland Place

Revised drawings / information from applicant

Revised drawings have been received since report publication to address some of the final points made by objectors, and to correct some discrepancies or minor refinements to the proposals as found by officers. These drawings are numbered as below and replace their preceding versions as previously set out in the report.

- 01.11 Rev.B – Demo Rear Elevation
- 02.01 Rev.B – Proposed Basement Plan
- 02.02 Rev.B – Proposed Ground Floor Plan
- 02.06 Rev.B – Proposed Section A
- 02.08 Rev.B – Proposed Section D
- 02.09 Rev.B – Proposed Section E
- 02.11 Rev.B – Proposed Rear Elevation

These revisions can be summarised as below.

- Clarification of extent of lower-ground floor surface to be lowered (to correlate with submitted demo plans)
- Minor corrections to how the rear sash and side closet wing windows are shown in the drawings
- Existing stone sill to rear window reused and lowered for the new French Doors

The applicant's Conservation Engineer has also submitted a brief response to some of the final points raised by objectors, as well as a Structural Statement

Simon Moxey addressed the committee in support of the application.

Martin Lugg addressed the committee in objection to the application.

RESOLVED UNANIMOUSLY

1. That Conditional Permission be granted.
2. That Conditional Listed Building Consent be granted.
3. That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notice be agreed.

basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.

Additional representations were received from resident (01.03.23), (01.03.23), (28.02.23), (28.02.23), (04.07.23) and (05.07.23) and a resident (19.12.22) and (06.01.23)

Late representations were received from Barton Engines (Unknown) and (Unknown), resident (11.07.23), (09.07.23), (07.07.23) (04.07.23), (05.01.23) and (06.01.23) and resident (09.11.23) Councillor Max Sullivan (06.01.23) and (11.07.23)

The Presenting Officer tabled the following revisions to the Drawings

Item No. 4: 23 Sutherland Place

Revised drawings / information from applicant

Revised drawings have been received since report publication to address some of the final points made by objectors, and to correct some discrepancies or minor refinements to the proposals as found by officers. These drawings are numbered as below and replace their preceding versions as previously set out in the report.

- 01.11 Rev.B – Demo Rear Elevation
- 02.01 Rev.B – Proposed Basement Plan
- 02.02 Rev.B – Proposed Ground Floor Plan
- 02.06 Rev.B – Proposed Section A
- 02.08 Rev.B – Proposed Section D
- 02.09 Rev.B – Proposed Section E
- 02.11 Rev.B – Proposed Rear Elevation

These revisions can be summarised as below.

- Clarification of extent of lower-ground floor surface to be lowered (to correlate with submitted demo plans)
- Minor corrections to how the rear sash and side closet wing windows are shown in the drawings
- Existing stone sill to rear window reused and lowered for the new French Doors

The applicant's Conservation Engineer has also submitted a brief response to some of the final points raised by objectors, as well as a Structural Statement

Simon Moxey addressed the committee in support of the application.

Martin Lugg addressed the committee in objection to the application.

RESOLVED UNANIMOUSLY

1. That Conditional Permission be granted.
2. That Conditional Listed Building Consent be granted.
3. That reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notice be agreed.

5 54-56 LUPUS STREET, LONDON, SW1V 3EE

Installation of two air-conditioning units to rear in ground level enclosure adjacent to basement.

Additional representations were received from resident (04.07.23) Federation of Residents Association in Pimlico (30.06.23), MZA planning (03.07.23), and Morgans Property Consultants (03.07.23) and (30.06.23).

M Ward addressed the committee in objection to the application.

Lise Cox on behalf of the Federation Of Residents Associations in Pimlico (FREDA) addressed the committee in objection to the application.

RESOLVED (Agreed: Councillor Paul Fisher, Councillor Jason Williams: Refused: Councillor MD Shamsed Chowdhury and Councillor Barbara Arzymanow – Councillor Paul Fisher used his casting vote)

1. That conditional permission be granted.
2. That Condition 10 be amended and reads that '*You must remove the unauthorised air conditioning units to the rear of the premises within one (1) month of the date of this permission*'.

The Meeting ended at 11.00 pm

CHAIR: _____

DATE: _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 19th September 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<p>RN(s): 22/06965/FULL 22/06695/LBC</p> <p>West End</p>	100 Piccadilly London and 5-6 Yarmouth Place W1J 7NH	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)	BLOSSOM STREET PROPERTIES
<p>Recommendation</p> <p>1. Grant conditional permission subject to a Deed of Variation to the s106 legal agreement to secure:</p> <ul style="list-style-type: none"> i) On-going planning obligations within the original s106 legal agreement, including compliance 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.) <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> 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 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 19th September 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>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.</p> <p>3. Grant conditional listed building consent.</p> <p>4. Agree the reasons for granting conditional listed building consent as set out in informative one of the draft decision letter.</p>			
Item No	References	Site Address	Proposal	Applicant
2.	<p>RN(s) : Application 1. 22/04754/FULL & 22/04755/ADV</p> <p>Application 2.- 22/04756/FULL 22/04757/ADV</p> <p>Application 3. - 22/04758/FULL 22/04759/ADV</p> <p>Application 4.- 22/04784/FULL 22/04785/ADV</p> <p>Application 5.- 22/04790/FULL 22/04791/ADV</p> <p>1-4 West End 5. Hyde Park</p>	<p>Areas of pavement outside/near:</p> <p>1. 70-88 Oxford Street</p> <p>2. 150-154 Oxford Street</p> <p>3. Junction Of Great Portland Street and Market Place</p> <p>4. Payphone Site Outside 74 Great Portland Street</p> <p>5. Opposite 19-21 Praed Street</p>	<p>Planning permission and advertisement consent for the removal of BT kiosks and installation of a BT Street Hub, incorporating two digital 75" LCD advert screens and telephone, on the pavement (in the above locations).</p>	<p>BT Telecommunications Plc</p>
<p>Recommendation</p> <p>Application 1: 70-88 Oxford Street, London 1. Grant conditional permission; and 2. Grant conditional advertisement consent.</p> <p>Application 2: 150-154 Oxford Street, London, W1D 1DJ 1. Grant conditional permission; and 2. Grant conditional advertisement consent.</p> <p>Application 3: Junction of Great Portland Street and Market Place, London 1. Grant conditional permission; and 2. Grant conditional advertisement consent.</p>				

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>Application 4: Payphone Site Outside 74 Great Portland Street, London</p> <ol style="list-style-type: none"> Grant conditional permission; and Grant conditional advertisement consent. <p>Application 5: Opposite 19-20, Praed Street, London W2 1JN</p> <ol style="list-style-type: none"> Grant conditional permission; and Grant conditional advertisement consent. 			
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s): 23/02383/FULL 23/02384/LBC</p> <p>Marylebone</p>	<p>45 Welbeck Street London W1G 8DZ</p>	<p>Conversion of the existing ground and lower ground floor commercial office areas to form a new two bedroom duplex residential apartment with associated alterations.</p>	<p>Glanz & Raimondo</p>
<p>Recommendation</p> <ol style="list-style-type: none"> Refuse permission - loss of office in a commercial area of the Central Activities Zone. Grant conditional listed building consent. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter. 				
Item No	References	Site Address	Proposal	Applicant
4.	<p>RN(s) : 23/01601/FULL</p> <p>West End</p>	<p>1 James Street Marylebone London W1U 1DR</p>	<p>Installation of replacement plant at roof level and creation of a new external roof terrace with pergola and green walls and additional landscaping in association with the existing office accommodation.</p>	<p>Redevco</p>
<p>Recommendation</p> <p>Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Applicant
5.	<p>RN(s) : 22/08705/FULL 22/08706/LBC</p> <p>West End</p>	<p>Dorchester Hotel 53 Park Lane London W1K 1QA</p>	<p>Partial demolition of the ninth floor and erection of single storey extensions to the south, north and east (rear) of the ninth floor, erection of new kitchen extract riser, replacement windows, together with replacement plant and equipment to the roof of the ninth floor, and other associated internal and external alterations; includes use of part of the perimeter area of the south-eastern area [opposite the junction with Tilney Street-Deanery Street] of the ninth floor roof as a terrace and use of part of the rear eastern ninth floor wing, parallel to Deanery Street, as a roof terrace, both terraces being used as additional restaurant seating ancillary to the hotel.</p>	<p>Dorchester Hotel Limited</p>

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 19th September 2023
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>Recommendation</p> <ol style="list-style-type: none">1. Grant conditional permission and conditional listed building consent.2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.
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Agenda Item 1

Item No.

1

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

- | |
|---|
| 1. Grant conditional permission subject to a Deed of Variation to the s106 legal agreement to secure: <ol style="list-style-type: none"> i) On-going planning obligations within the original s106 legal agreement, including compliance |
|---|

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.

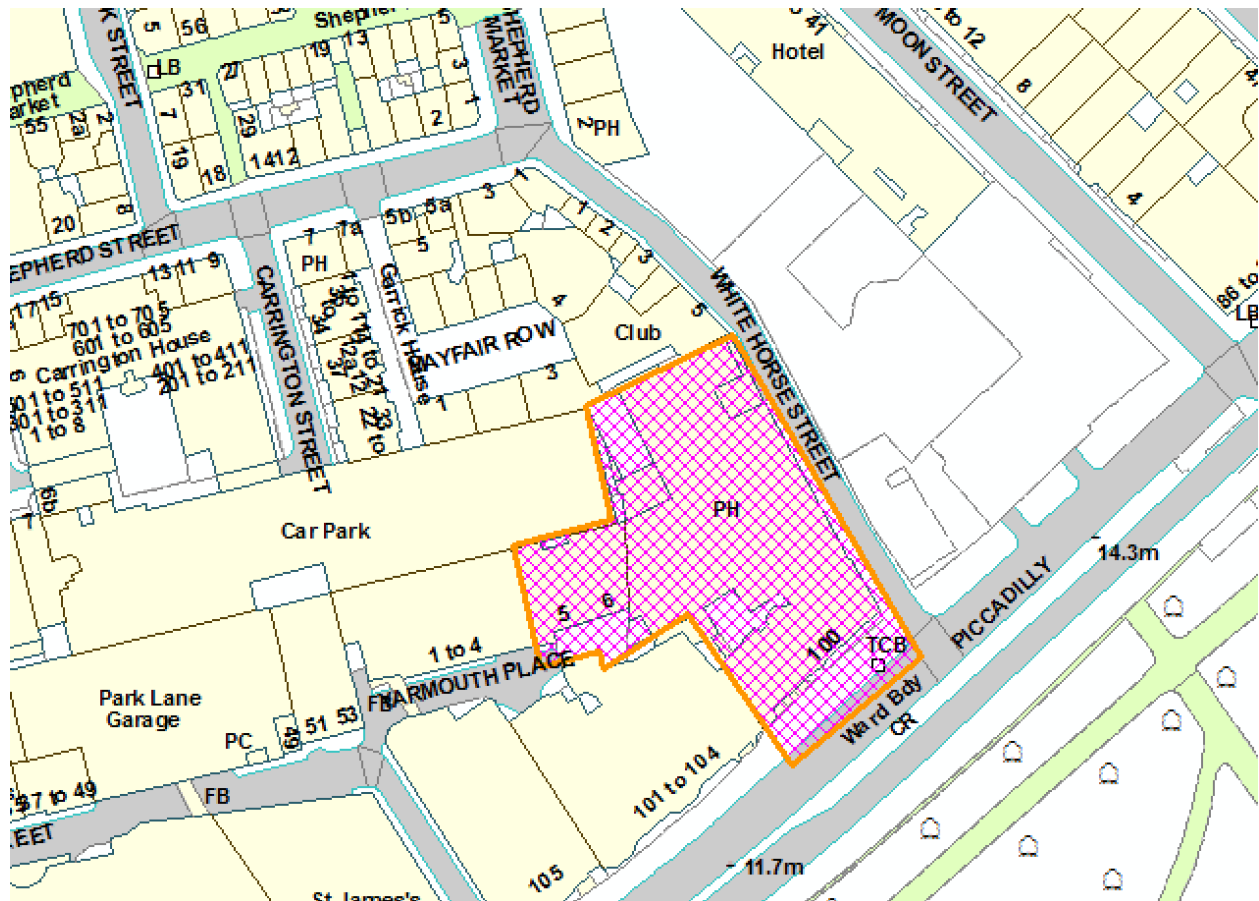
The key considerations in this case are:

- 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 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

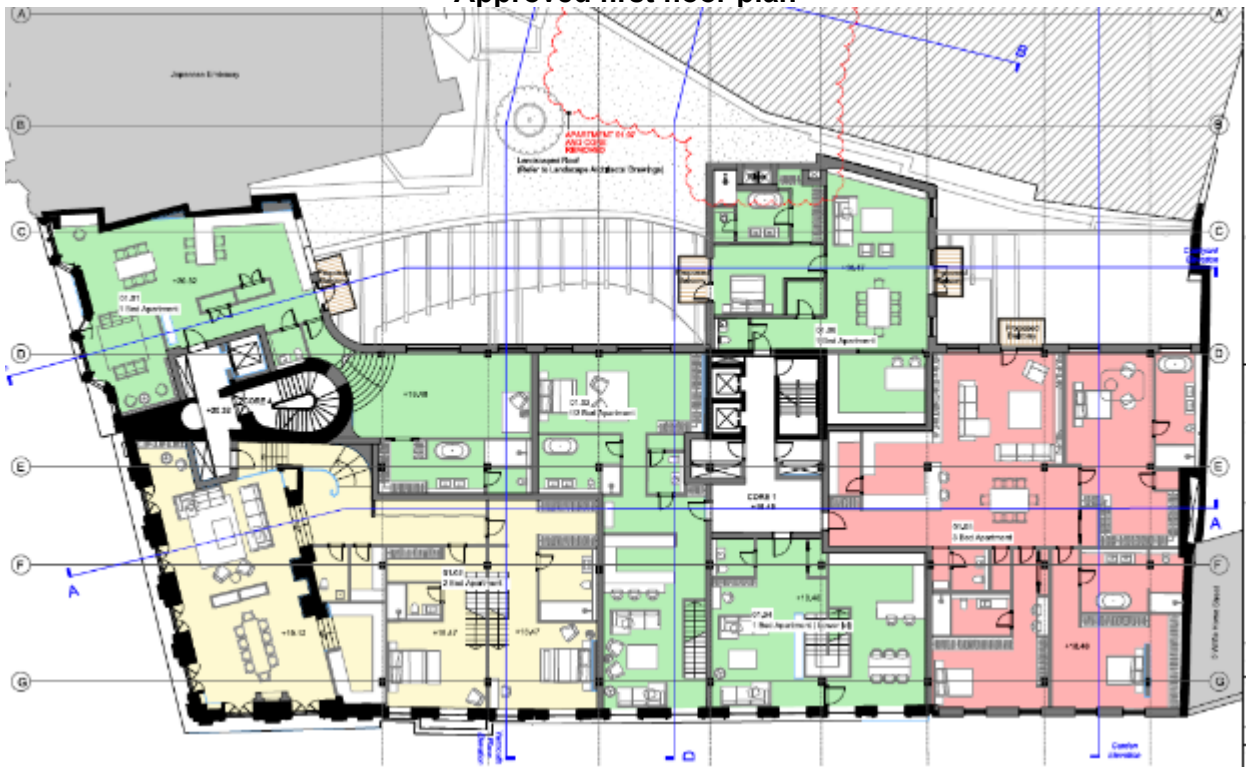
available to view on the Council's website)

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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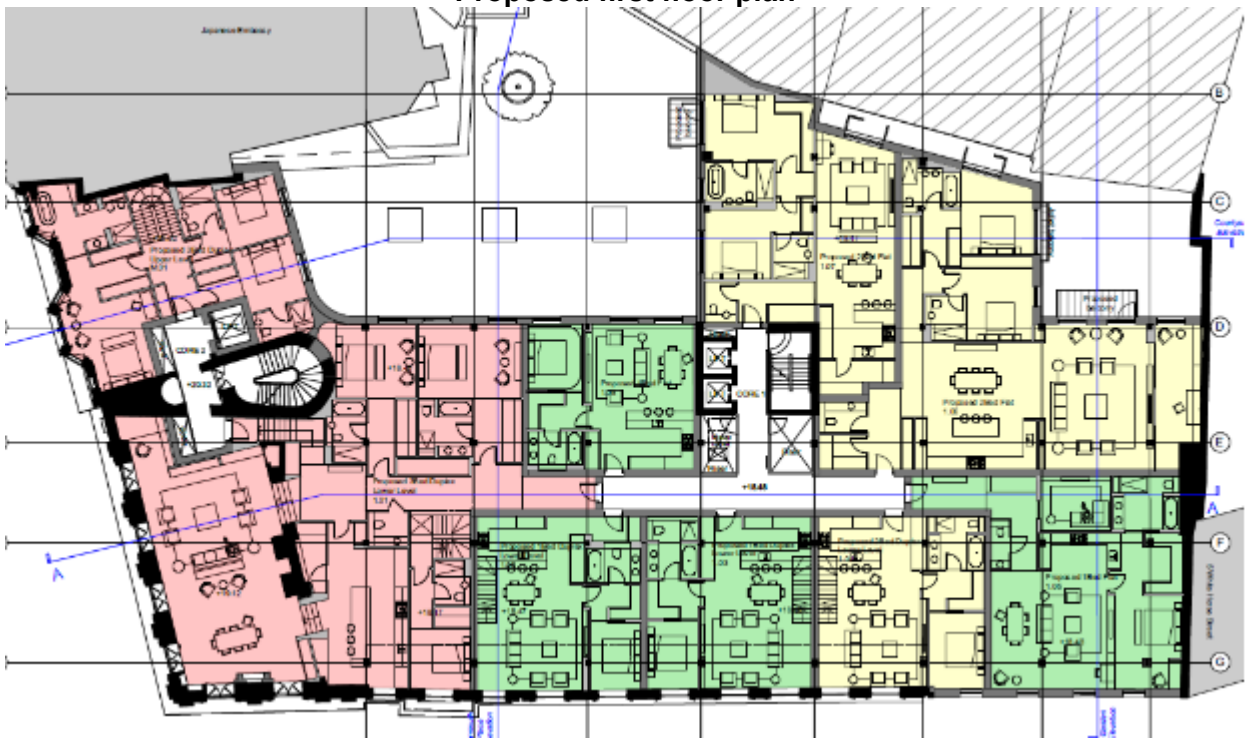
11. KEY DRAWINGS



Approved first floor plan



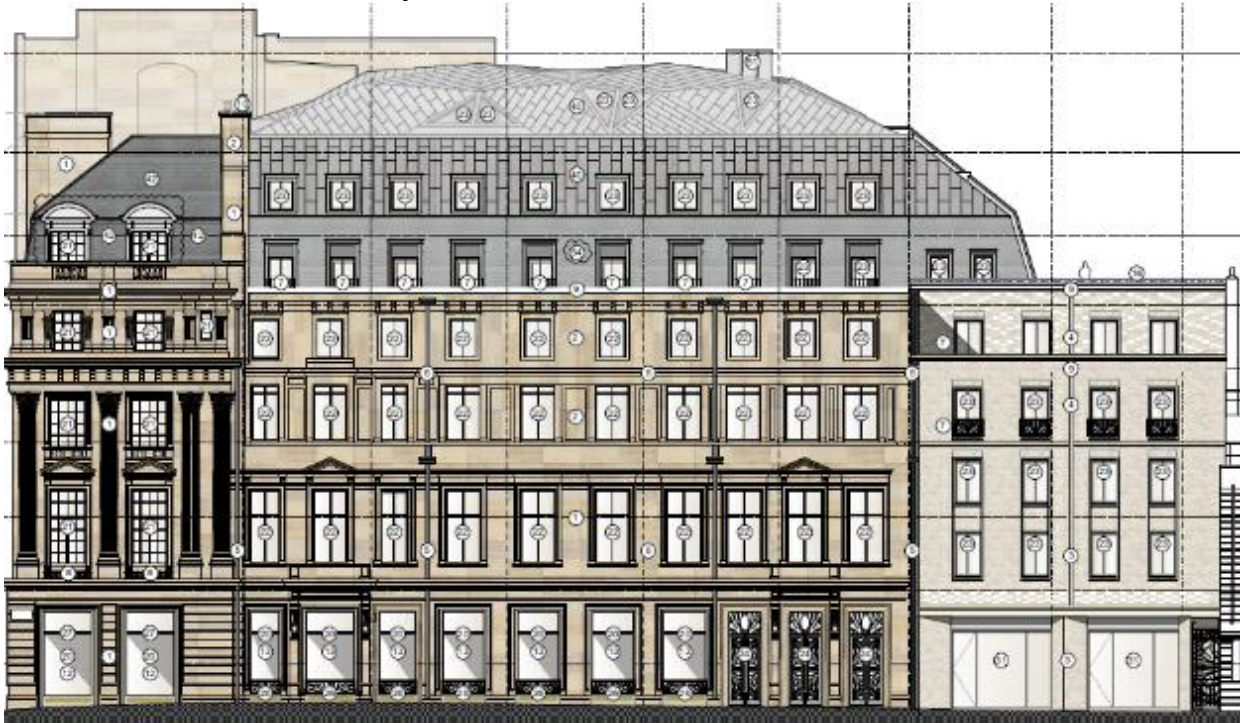
Proposed first floor plan



Approved White Horse Street elevation



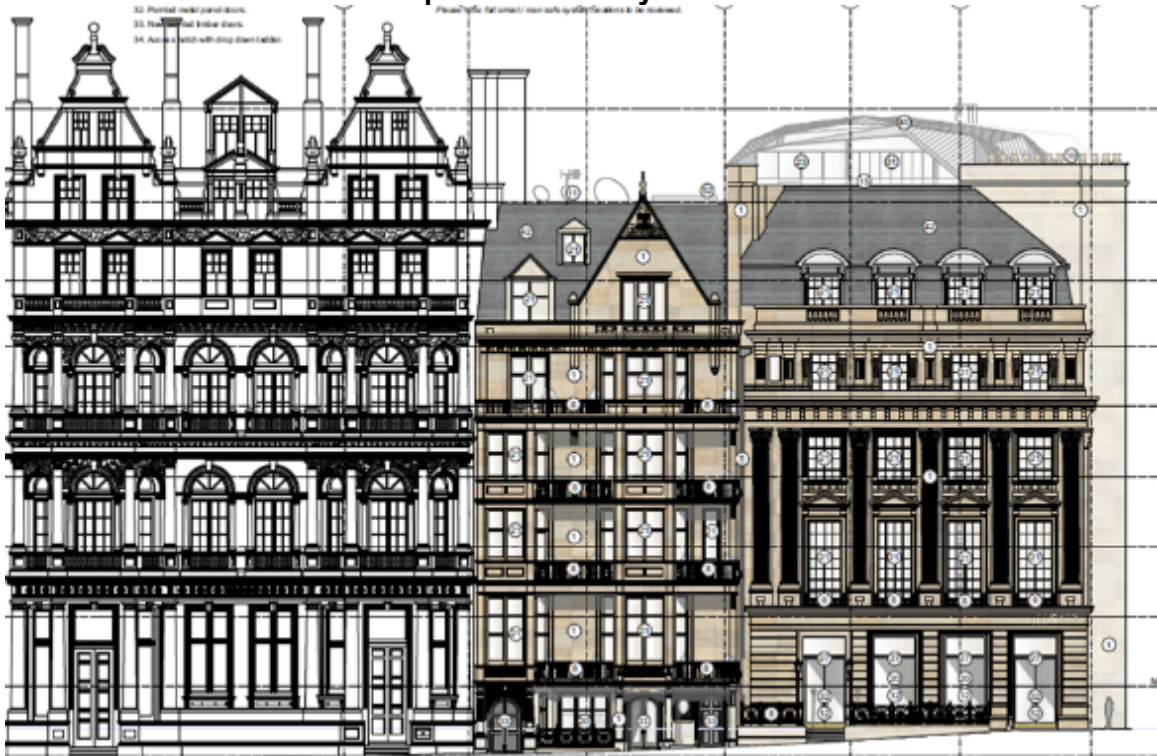
Proposed White Horse Street elevation



Approved Piccadilly elevation



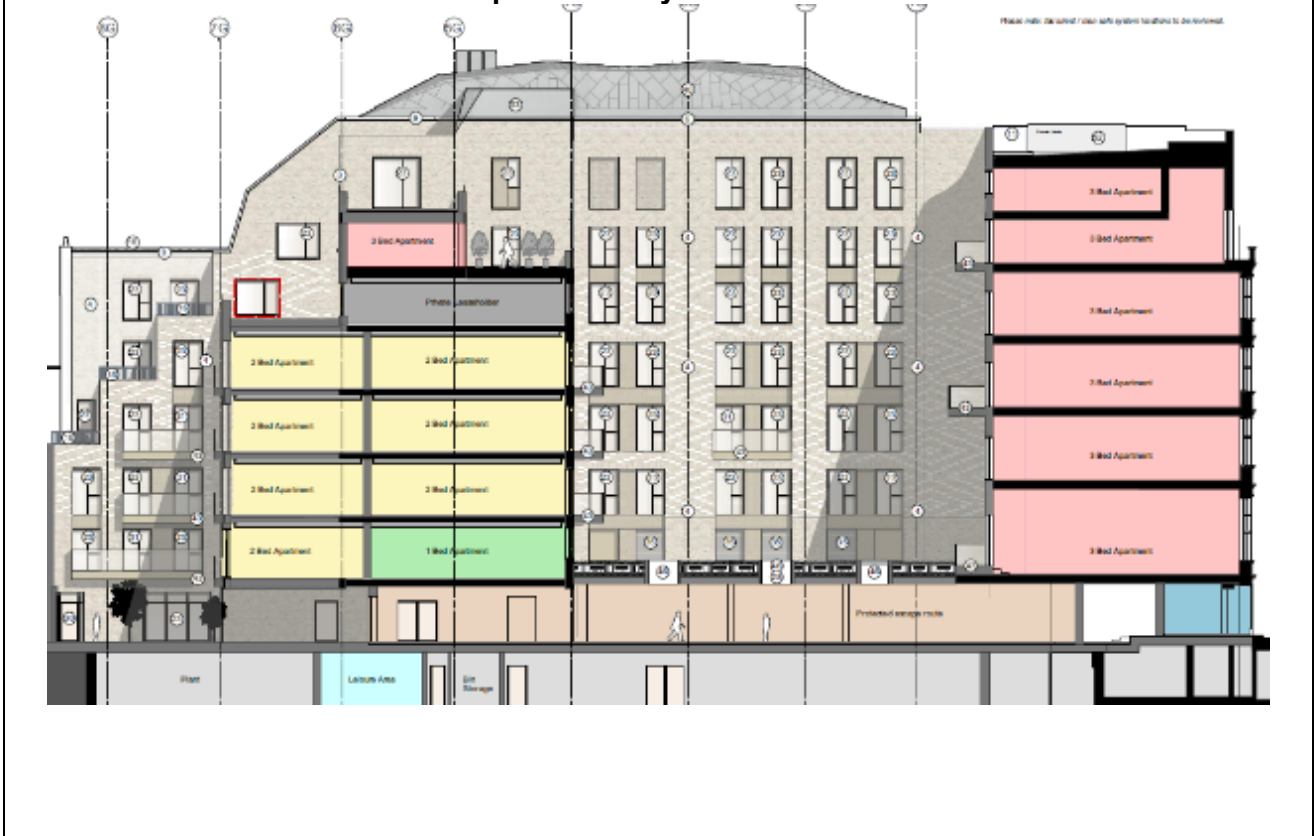
Proposed Piccadilly elevation



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)

Agenda Item 2

Item No.
2

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 and Hyde Park	
Subject of Report	Areas of pavement outside/ near: <ol style="list-style-type: none"> 1. 70-88 Oxford Street 2. 150-154 Oxford Street 3. Junction Of Great Portland Street and Market Place 4. Payphone Site Outside 74 Great Portland Street 5. Opposite 19-21 Praed Street 		
Proposal	Planning permission and advertisement consent for the removal of BT kiosks and installation of a BT Street Hub, incorporating two digital 75" LCD advert screens and telephone, on the pavement (in the above locations).		
Agent	Solutions30		
On behalf of	BT Telecommunications Plc		
Registered Number	<ol style="list-style-type: none"> 1. 22/04754/FULL 22/04755/ADV 2. 22/04756/FULL 22/04757/ADV 3. 22/04758/FULL 22/04759/ADV 4. 22/04784/FULL 22/04785/ADV 5. 22/04790/FULL 22/04791/ADV 	Date amended/ completed	
Date Application Received	15 th July 2022		
Historic Building Grade	NA		
Conservation Areas	East Marylebone (Applications 2, 3 and 4)Bayswater (Application 5))		
Neighbourhood Plan	Fitzrovia West Neighbourhood Plan 2020 to 2040 (Application 4)		

1. RECOMMENDATION

Application 1: 70-88 Oxford Street, London

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 2: 150-154 Oxford Street, London, W1D 1DJ

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 3: Junction of Great Portland Street and Market Place, London

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 4: Payphone Site Outside 74 Great Portland Street, London

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

Application 5: Opposite 19-20, Praed Street, London W2 1JN

1. Grant conditional permission; and
2. Grant conditional advertisement consent.

2. SUMMARY & KEY CONSIDERATIONS

The proposals relate to a number of sites along Oxford Street, Great Portland Street and Praed Street. 70-88 Oxford Street is outside of a conservation area. The rest of the sites are in the East Marylebone or Bayswater Conservation Areas.

The proposals involve the removal of existing telephone kiosks and the installation of a new free-standing structure (referred to as a 'BT Hub' structure) which has two large LED advertising panels, coupled with telecommunications equipment. Such structures require both planning permission and advertisement consent, which the applicant has applied for in relation to each site.

In 2018, a number of prior approval and advertisement consent applications were received for the installation of InLink structures which were refused and appealed. Advertisement Consent was subsequently allowed by the Planning Inspector, including all 5 application sites. However, planning permission was not granted for the InLink structure, only advertisement consent, and were, therefore, never installed. These decisions are material considerations in the assessment of these latest applications.

The planning application sub-committee, on the 26th July 2022 approved 15 BT Hub structures identical to those proposed in these applications in and around Oxford Street and Edgware Road.

The City Council has received applications for BT Hubs across 24 sites. Of these applications the five sites referenced within this report are considered acceptable and recommended for approval. Of the remaining 19, 6 have been refused on Design grounds and some on Highways grounds and 13 are still under consideration.

The applicant explains that the suppliers of the InLink structure went into administration in 2019 and are no longer able to supply units to BT. Since then, the applicant reports that BT have been working on the similar BT Street Hub, which shares many of the same features. The BT Hubs and the LED screens are both larger than the previous InLink units and their screens.

Objections have been received from amenity societies, Metropolitan Police and one local resident on design and conservation, pedestrian movement and highways safety grounds.

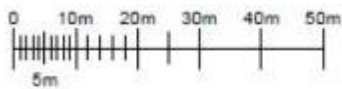
The key considerations in this case are:

- The impact of the proposals on the appearance of the townscape and the setting of nearby designated heritage assets, such as listed buildings in close proximity to the site, and Conservation Areas.
- The acceptability of the proposals on visual amenity and Highway Safety grounds.

The proposals are considered to be acceptable and would accord with policies within Westminster's City Plan 2019 – 2040 (April 2021) and the 'Westminster Way' Supplementary Planning Document (2011). To enable a review of their impact and to take into account any changes to the highway, it is recommended that approvals are on a temporary basis for 5 years.

3. LOCATION PLANS

Application 1: 70-88 Oxford Street, London, W1D 1HP

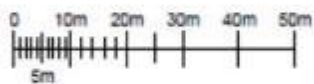
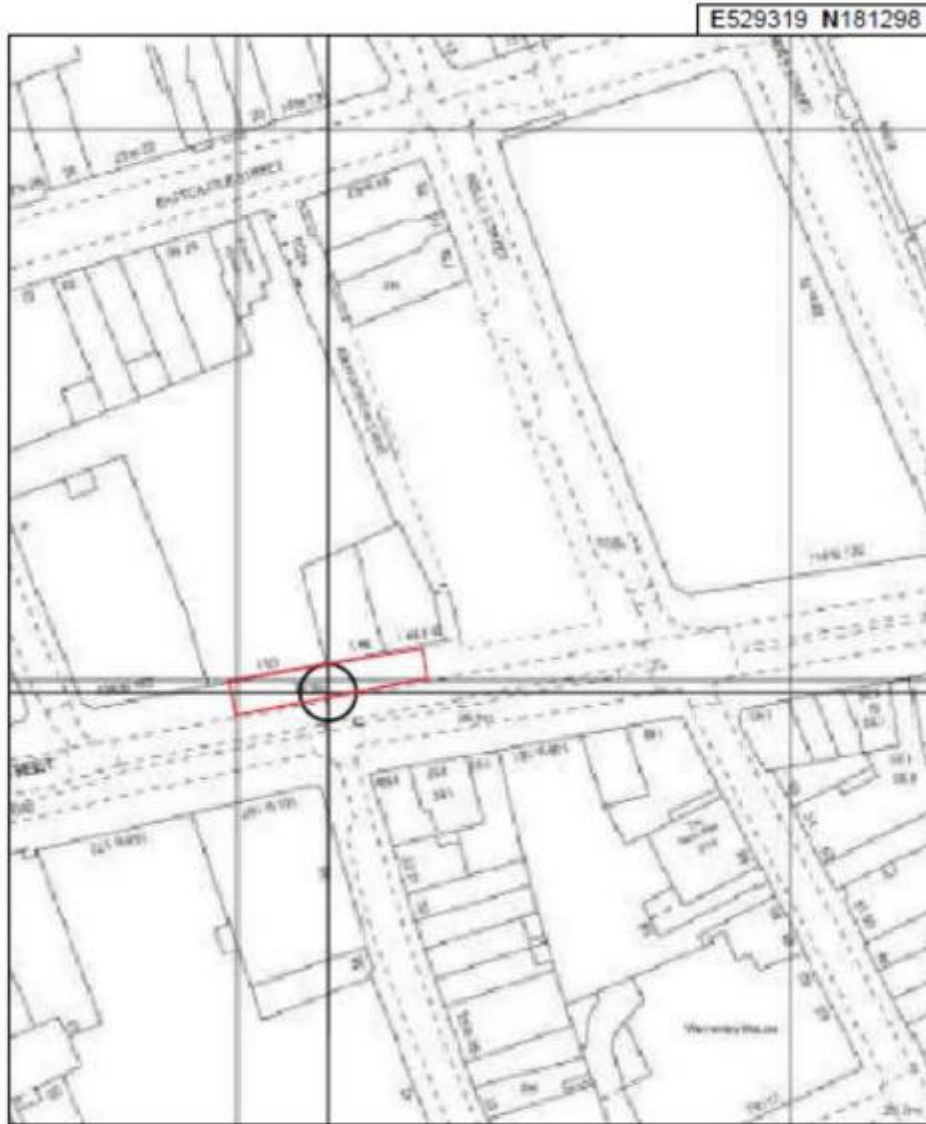


DETAILED SITE LOCATION

SCALE 1:1250

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office.
Solutions30 licence no. ES100017753.

Application 2: 150-154 Oxford Street, London, W1D 1DJ

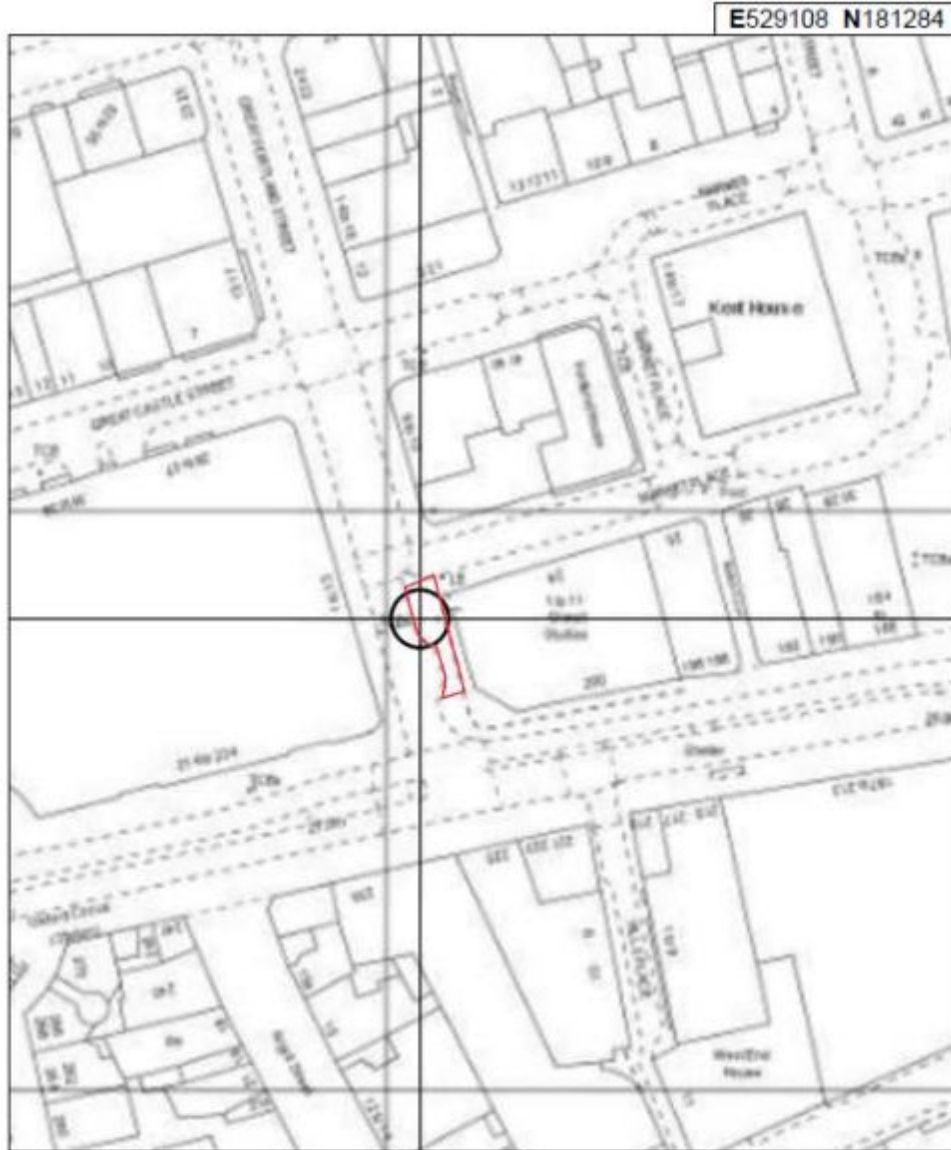


DETAILED SITE LOCATION

SCALE 1:1250

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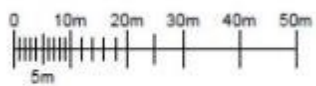
Application 3: Junction Of Great Portland Street And Market Place, London W1W 8QJ



DETAILED SITE LOCATION
SCALE 1:1250

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Application 4: Payphone Site Outside 74 Great Portland Street



DETAILED SITE LOCATION

SCALE 1:1250

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Application 5: 19-20, Praed Street, London W2 1JN



DETAILED SITE LOCATION
SCALE 1:1250

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4. PHOTOGRAPHS

1. 70-88 Oxford Street, London



2. 150-154 Oxford Street, London W1D 1DJ



3. Junction of Great Portland street and Market Place, London



4. Outside 74 Great Portland Street, London



5. Opposite 19-20 Praed Street, London W2 1JN



5. CONSULTATIONS

5.1 Application Consultations

Application 1: 70-88 Oxford Street, London

AMENITY SOCIETIES

Fitzrovia West Neighbourhood Forum: No Response to date

Fitzrovia Neighbourhood Association: No Response to date

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of over 2m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

METROPOLITAN POLICE (DESIGNING OUT CRIME):

The Metropolitan Police considers the proposals to be undesirable as it would attract drug gangs, as well as rough sleeps and the associated challenges associated with both.

However, the applicant's company has met with the Police on a number of occasions and has developed an Anti-Social Behaviour management plan to minimise misuse. The police are happy to accept the plan at this time.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 10; Total No. of replies: 0; No. of objections: 0; No. in support: 0;

SITE NOTICE: Yes

Application 2: 150-154 Oxford Street, London, W1D 1DJ

AMENITY SOCIETIES

Fitzrovia West Neighbourhood Forum: No Response to date

Fitzrovia Neighbourhood Association: No Response to date

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of over 2m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with

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2

conditions to mitigate the harm caused both in visual amenity and highways safety terms.

PLACESHAPING MANAGER:

The Placeshaping Manager supports the proposals as it would result in the removal of the two existing kiosks which would declutter the street and rationalise street furniture to facilitate pedestrian movement.

However, they do have concerns regarding the location of the proposed BT Hub which is close to the kerbline, and pedestrians utilising the hub could step/ spill onto the carriageway.

METROPOLITAN POLICE (DESIGNING OUT CRIME):

The Designing Out Crime Officer considers the proposals to be undesirable as it would attract drug gangs, as well as rough sleeps and the associated challenges associated with both.

However, the applicant's company has met with the Police on a number of occasions and has developed an Anti-Social Behaviour management plan to minimise misuse. The police are happy to accept the plan at this time.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 362; Total No. of replies: 0; No. of objections: 0; No. in support: 0;

SITE NOTICE: Yes

Application 3: Junction of Great Portland Street and Market Place, London

AMENITY SOCIETIES

Fitzrovia West Neighbourhood Forum: No Response to date

Fitzrovia Neighbourhood Association: No Response to date

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal to be undesirable as it would obstruct pedestrian movement and does not secure an improved environment for pedestrians.

However, the proposals provide a clearway of over 2m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

METROPOLITAN POLICE (DESIGNING OUT CRIME):

The Designing Out Crime Officer considers the proposals to be undesirable as it would attract drug gangs, as well as rough sleeps and the associated challenges associated with both. It is also sited in the street in a location which is easily observed from a covered space which increases the risk of data theft, as well as phone theft.

However, the applicant's company has met with the Police on a number of occasions and has developed an Anti-Social Behaviour management plan to minimise misuse. The police are happy to accept the plan at this time.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 76; Total No. of replies: 0; No. of objections: 0; No. in support: 0;

SITE NOTICE: Yes

Application 4:

AMENITY SOCIETIES:

Fitzrovia West Neighbourhood Forum: No Response to date

Fitzrovia Neighbourhood Association: No Response to date

TRANSPORT for LONDON: No response to date.

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposed location of the hub to be undesirable. However, it could be made acceptable with recommended conditions.

METROPOLITAN POLICE (DESIGNING OUT CRIME):

The Designing Out Crime Officer considers the proposals to be undesirable as it would attract drug gangs and anti-social behaviour.

However, the applicant has met with the Police on a number of occasions and has produced an Anti-Social Behaviour management plan to minimise misuse. Designing Out Crime Officers consider the proposals acceptable with recommended planning conditions.

PLACE SHAPING/ OXFORD STREET DISTRICT

Officers consider the proposed to represent an improvement to the streetscape, due to the associated removal of 2 historic BT phone boxes. There is a concern that the hub is located close to the kerb.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 76; Total No. of replies: 0; No. of objections: 0; No. in support: 0

SITE NOTICE: Yes

Application 5:

WARD COUNCILLOR

Councillor Dimoldenberg: Response to be reported at committee

Councillor Chowdhury: Response to be reported at committee

Councillor Southern: Response to be reported at committee

AMENITY SOCIETIES:

Paddington Waterways and Maida Vale Society: No Response to date

South East Bayswater Residents' Association: No Response to date

HIGHWAY PLANNING MANAGER:

The Highways Planning Manager considers the proposal is to be undesirable as it is located close to a busy road. However, the proposals provide a clearway of approx. 2.5m, which satisfies 2m minimum requirement, and it is considered that the proposals could be made acceptable with conditions to mitigate the harm caused both in visual amenity and highways safety terms.

WASTE PROJECT OFFICER:

No Objection

METROPOLITAN POLICE (DESIGNING OUT CRIME):

The Metropolitan Police raise objection to the proposals as there is an ongoing gang problem specifically in the Paddington Basin and Praed Street. The BT Hubs facility for free calls will attract current and new drug gangs to operate with associated anti-social behaviour negatively impacting on local residents and businesses.

However, the applicant has met with the Police and has produced an Anti-Social Behaviour Management Plan and Noise Management Plan to minimise misuse.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 197;
Total No. of replies: 1
No. of objections: 1
No. in support: 0

A resident has raised objection on a mixture of design and highways grounds, the proposal would add excessive advertisements and harm the visual amenity of the area, clutter the appearance of the street and narrowing the pedestrian path, increase energy consumption, light pollution for residents in nearby flats, worsen current anti-social behaviour-loitering and nuisance noise at night.

SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement in Westminster guidance note sets out what is expected of developers in terms of community engagement prior to the submission of a planning application. It advises that where non-major development would have a significant impact, early engagement is encouraged. In this case, the applicant has not carried out an early engagement.

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

Applications 1, 2, 3 and 5

These application sites are not located within an area covered by a Neighbourhood Plan.

Application 4

The site is located in the adopted Fitzrovia West Neighbourhood Plan 2020 to 2040, July 2021.

The Fitzrovia West Neighbourhood Plan includes policies on a range of matters including promotion of regeneration, provision of housing, entertainment uses, community facilities, provision of small business units, provision of active frontages, open spaces, environmental performance, and servicing.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 2 September 2021. It was adopted on 8 October 2021. It therefore forms part of the development plan for Westminster for development within the Fitzrovia West neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Policies B2 and T1 are of particular relevance in this case.

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 Sites

The applications relate to areas of pavement outside or near the following address:

1. 70-88 Oxford Street, London,
2. 150-154 Oxford Street, London, W1D 1DJ
3. Junction Of Great Portland Street and Market Place, London
4. 74 Great Portland Street
5. Opposite 19-20 Praed Street, London W2 1JN

7.2 Recent Relevant History

Background:

The five sites all have a history of refused prior approval and advertisement consents applications (outlined below) for 'InLink' telecommunication and advertisement structures. The prior approval applications were submitted because the applicant considered that the structures did not require planning permission. In relation to appeal decisions for separate sites, Westminster contended in the High Court that structures incorporating advertising and telecommunications do not have permitted development rights. The High Court agreed, finding that such structures had a dual use as both a telephone kiosk and for the advertising panel and therefore did not sit within the scope of the relevant General Permitted Development Order (GPDO) class (Part 16 Class A). The Court of Appeal upheld this judgment.

The GPDO and the Advertisement Regulations have been amended to remove the relevant permitted development right and the deemed advertising consent. However, the judgment emphasises the requirement for any development to fall entirely within the applicable class of the GPDO to benefit from the permitted development right. Mixed use development cannot generally fall within the scope of a GPDO class because, if it were to be able to do so, the GPDO could and would be used for permitting development for something outside its scope. Which is what applicants had previously sought in relation to these structures.

After the judgement, the applicant for the Inlink structures withdrew the prior approval applications but continued with the advertisement consent appeals.

Application 1: 70-88 Oxford Street, London

On 10 October 2018, the City Council refused prior approval and advertisement consent for Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area. (RNs: 18/06986/ADV and 18/06985/TELCOM)

On 22 November 2018, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 7 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: *"The proposal is of a modern design and would not be out of keeping with the existing mix of architectural designs in the surrounding area. The*

advertisements would be taller than the existing telephone kiosks however, in the context of the wider retail area, with large shop fronts displaying signage and advertisements, the proposal would not appear as an incongruous feature.”

Application 2: 150-154 Oxford Street, London, W1D 1DJ

On 22 August 2018, the City Council refused prior approval and advertisement consent for Display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area. (RNs: 18/04403/ADV and 18/04402/TELCOM)

On 16 October 2018, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 7 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: “ *The proposed advertisements are sensitive in scale, height, location and level of illumination, particularly when viewed against the back drop of the large and visually prominent signage visible around the Sports Direct store. The proposal would not have an adverse effect on the visual amenity of the surrounding area.*”

Application 3: Junction of Great Portland Street and Market Place, London

On 21 August 2018, the City Council refused prior approval and advertisement consent for the display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area. (RNs: 18/04415/ADV and 18/04414/TELCOM)

On 08 October 2018, the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 07 August 2019, the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating: “*There are retail properties within close proximity to the site which have shop windows that display advertisements and signage that are illuminated and would be much larger than the proposed advertisements. Due to the size and level of illumination of the proposed advertisements, they would not appear as incongruous features within this existing setting.*”

Application 4: 74 Great Portland Street

On 11 October 2018 the City Council refused prior approval and advertisement consent for the display of two internally illuminated digital LED screens, one on each side of a freestanding structure ('InLink') measuring 889 mm x 280 mm x 2900 mm. On the grounds of harm to the appearance (amenity) of the area. (RNs.18/07019/ADV &

18/07018/TELCOM).

On 13th November 2018 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 7th August 2019 the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating *“the surrounding area has a cluttered appearance with various street furniture including waste bins, streetlights, road signs and telephone kiosks. The proposal would blend in with this existing street paraphernalia and be an unobtrusive object within the street scene. The proposed height, form and level of illumination would not be dominant set within the existing street clutter and would not detract from the character and appearance of the EMCA or nearby HSCA”*. (PINS Ref: APP/X5990/Z/18/3216139)

Advertisement consent was also refused on the 22nd of March 2012 (12/01087/ADV) for the display of a single sided vinyl advert measuring 704mm x 1800mm attached to one glazed face of each of two conjoined payphones located outside No. 74 Great Portland Street (south of junction with Riding House Street). A subsequent appeal was dismissed by the Planning Inspectorate on 24 September 2007 (PINS Ref: APP/X5990/H/12/2176252).

Application 5: Opposite 19-20 Praed Street London W2 1JN

On 22nd August 2018 the City Council refused prior approval and advertisement consent for the removal of existing BT payphones kiosks and the erection of a freestanding ('InLink') structure with two LED advertising panels and associated telecommunications equipment. On the grounds of harm to the appearance (amenity) of the area. (RNs. 18/04395/ADV & 18/04394/TELCOM).

On 16th October 2018 the Planning Inspectorate notified the City Council of appeals pursuant to the above refusals. The applicant subsequently withdrew the prior approval appeal (because the structure required planning permission) but continued with the advertisement consent appeal.

On 14th November 2019 the Planning Inspectorate allowed the advertisement consent appeal, subject to conditions, stating *“there is a significant level of street furniture in the vicinity of the site, including a double lamp post, a kiosk which holds an advertisement in poster form, a bus shelter with two illuminated digital advertisements, and navigational posts. These have a generally modern and well-kept appearance. The appeal site currently holds two payphone kiosk. They have a dilapidated appearance which is out of keeping with their modern and generally well-kept surroundings. They consequently have a harmful effect on the amenity of the area.”...“the proposed advertisements would harmonise better with their context of modern and well-kept street furniture and built form than the existing kiosk.”....“The proposed screens would not appear so large as to be incongruous within this highly commercial area. Therefore, the advertisements would not have undue prominence within their setting.”* (PINS Ref: APP/X5990/Z/18/3214132)

8. THE PROPOSAL

The applicant proposes to install new free-standing structures (referred to as a 'BT Hub' structure), which comprises two large LED advertising panels and telecommunications equipment, in the five locations outlined above. Such structures require both planning permission and advertisement consent, which the applicant has applied for in relation to each site.

The BT Hubs measure 1236mm wide x 350mm deep x 2980mm high and the LED screens, one on each side of a freestanding structure, measure 926mm x 1870mm. (This compares with the InLink structures that measured 889mm wide x 280mm deep x 2895mm high, with screens that measured 690mm x 1210mm.) The structures provide free public Wi-Fi, free UK calls, USB charging and an emergency services button. The BT hubs also include environmental sensors, 'insight counting' and small cell mobile connectivity to improve 5G coverage.

The applicant explains that the suppliers of the InLink structure went into administration in 2019 and are no longer able to supply units to BT. Since then, the applicant reports BT have been working on the similar the BT Street Hub – which shares many of the same features.

While the structures provide a mix of telecommunications and advertising functions, the City Council consider it to be apparent that the primary purpose of these structures is for advertising.

As a general principle the City Council does not consider that existing kiosks should be regarded as an opportunity for other commercial uses, including advertising. They were installed in the streets for the purpose of telecommunications only, in accordance with the permitted development provisions of the Town and Country Planning (General Permitted Development) Order. Now that the original function is largely, if not wholly, unnecessary, they should be removed, in accordance with the conditions which form part of the permitted development provision.

The kiosks sought to be removed are considered to make a negative contribution to the appearance of the streetscape, and some have been identified as problematic due to their associations with antisocial behaviour. Their removal is considered to be beneficial. If it is the case that at least one of the kiosks is superfluous then they should in any case be removed under the conditions of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals are considered to be acceptable in land use terms.

9.2 Environment & Sustainability

Applicant has explained that since the rollout of InLinks, there has been increased focus on green initiatives and environmental monitoring. Street Hubs take this into account and

have sensors that can count pedestrian, cyclist and vehicle movements as well as monitor air, sound and light. This free information has its own dashboard and will help the planning system actively manage patterns of growth in support of national air quality objectives and the Governments ten-point plan for a Green Industrial Revolution.

9.3 Biodiversity & Greening

Not applicable.

9.4 Townscape, Design & Heritage Impact and Highways Impact

Policy Context:

The National Planning Policy Framework (2021) is supportive of the expansion of electronic communication networks in paragraphs 114-118. However, it does state that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 118 states local planning authorities must determine applications on planning grounds.

The development plan for Westminster consists of:

- Westminster's City Plan, adopted on 21st April 2021.
- The Mayor of London's London Plan (published 2021).

In considering the proposals the City Council has had regard to:

- a) Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.
- b) Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which relates to need to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The relevant City Plan policies are:

Policy 19: Digital Infrastructure, information and communications technology States that:
(A). Investment in digital and telecommunications infrastructure will be supported. The public benefits of proposals for new infrastructure will be weighed against impacts on local character, heritage assets, or the quality of the public realm.

(D). Opportunities for co-location, shared facilities and innovations such as smart street furniture should be explored where new digital and telecommunications infrastructure is proposed and proposals for standalone apparatus should demonstrate that such opportunities have been exhausted. Proposals on the highway should also demonstrate that it is not feasible to locate on existing buildings or other structures.

Policy 24 (Sustainable Transport) states:

Development must positively contribute towards the improvement of its public transport nodes in terms of accessibility and legibility and the improvement and delivery of walking and cycling routes that serve a site in order to create an environment where people

actively choose to walk and cycle as part of everyday life.

Paragraph 24.6 states: Approximately 1.1 million visitors step into Westminster each weekday so ensuring that all highways and public realm projects prioritise the needs of the pedestrian is essential.

Policy 25 (Walking and Cycling) states:

Development must promote sustainable transport by prioritising walking and cycling in the city.

Part B states that development must prioritise and improve the pedestrian environment and contribute towards achieving a first-class public realm particularly in areas of kerbside stress, including the provision of facilities for pedestrians to rest and relax (including seating) and high-quality and safe road environments and crossings, where needed.

Policy 38 (Design Principles) states:

New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods. All development will positively contribute to Westminster's townscape and streetscape, having regard to the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways.

Policy 39 (Westminster's Heritage) states:

Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. Public enjoyment of, access to and awareness of the city's heritage will be promoted. Development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will:

- ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance
- place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.

Part I states that development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance.

Part K states that development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Policy 40 (Townscape and architecture) states:

Spaces and features that form an important element in Westminster's local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development.

Policy 43 (Public Realm) states:

Development will contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

Part G states that signs and advertisements will make a positive contribution to amenity or public safety by being sensitively designed in terms of their size, location and degree of illumination, their impact on the building on which they are displayed, local context, street-scene and wider townscape.

Paragraph 43.16 states: Although they play a role in providing information, control of signs and advertisements is important as they can have significant impacts on the quality and appearance of the street scene and upon the building on which they are displayed. They may also affect amenity and public safety, including highway safety, and can damage the appearance of the streetscape and the architectural integrity of our built environment.

London Plan

Policy T3 part B(3) states that development Plans and development decisions should ensure the provision of sufficient and suitably-located land for the development of the current and expanded public and active transport system to serve London's needs, including by safeguarding London's walking and cycling networks.

Policy T4 part E states that the cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

Paragraph 10.4.3 states that it is important that development proposals reduce the negative impact of development on the transport network and reduce potentially harmful public health impacts. The biggest transport-related impact of development on public health in London is the extent to which it enables physical activity from walking, cycling and using public transport.

Historic England Guidance

The Historic England document 'Streets for All, London' has guidance on how to manage the historic environment. On page three there is a photograph of a BT InLink advertising structure, which is similar to the proposed BT Hubs. The text below the photograph states:

Of particular concern in terms of street clutter that shouts its presence, are advertisements attached to street furniture. In London these are increasingly being located in highly trafficked and often historically sensitive areas. Historic England is worried about the degrading effect these have on the character of conservation areas and the setting of listed buildings, with damaging impacts exacerbated when digital screens and internally illuminated signs are used.

'Westminster Way' Supplementary Planning Document

The 'Westminster Way' Supplementary Planning Document (2011) combines urban design and highways issues and advice. It provides guidance on the installation of new street furniture and specifically considers the installation of new payphone kiosks. It

seeks to minimise clutter and ensure a neat and elegant townscape. Specifically in relation to the location of telephone kiosks, Appendix 1 (page 106) states that they must be sited sensitively in relation to the surrounding area, and should not be located in close proximity to one another.

The 'Westminster Way' (pages 17-18) sets out ten rules as part of a Westminster Code. Rule 4 - 'Clutter Free' seeks to minimise the occurrence of furniture obstruction, by removing obsolete, duplicated or unnecessary items, co-locating elements where appropriate and only installing new items where considered absolutely necessary. The public realm will also be managed in such a way that any such clutter is removed so it is maintained to minimal levels. This will ensure ease of pedestrian movement and the delivery of a truly inclusive and neat public realm.

Considerations:

Application 1: 70-88 Oxford Street, London

The application site lies on the pavement outside 70-88 Oxford Street located just outside the East Marylebone and Soho Conservation Areas. The nearby 105-109 Oxford Street is listed at grade II. The site is surrounded by street furniture including a traffic light for a pedestrian crossing, a set of bins, and a streetlight. The BT kiosks which are proposed to be removed are sited in the exact spot which the BT Hub is proposed to be installed.

No objections have been received although Highways Planning, and the Metropolitan Police have noted that the proposals are undesirable and recommended conditions to mitigate their concerns.

In this busy commercial context, within the vicinity of modern street future, the proposals are not considered to unduly harm the visual amenity of the area. The proposals cannot reasonably be resisted on townscape grounds.

There is a pedestrian clearway of approx. 4.6m from the end of the proposed street Hub to the building line and while this measure satisfies Westminster Way's public realm strategy recommendation which requires a minimum 2m pedestrian clearway, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 2: 150-154 Oxford Street, London, W1D 1DJ

The application site lies on the pavement outside 150-154 Oxford Street in the East Marylebone Conservation Area and is directly next to the Soho Conservation Area. There are a number of surrounding listed buildings including 156-162 Oxford Street which is listed at grade II*. The BT kiosks proposed to be removed are sited in the same location as the BT Hub which is proposed to be installed.

Item No.
2

No objections have been received although Highways Planning, and the Metropolitan Police have noted that the proposals are undesirable and recommended conditions to mitigate their concerns.

In this busy commercial context, within the vicinity of modern street future, the proposals are not considered to unduly harm the visual amenity of the area. The proposals cannot reasonably be resisted on townscape grounds.

There is a pedestrian clearway of approx. 4.7m from the end of the proposed street Hub to the building line and while this measure satisfies Westminster Way's public realm strategy recommendation which requires a minimum 2m pedestrian clearway, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 3: Junction of Great Portland Street and Market Place, London

The application site lies at the southern end of Great Portland Street near the junction with Market Place. The site lies within the East Marylebone Conservation Area, and just outside the Regent Street Conservation Area. On the site there is various street furniture including two existing BT Kiosks which are proposed to be removed, bike racks, a streetlamp, as well as a mature tree. There are a number of nearby listed buildings including the Peter Robinson building (grade II) located immediately across from the site.

No objections have been received although Highways Planning, and the Metropolitan Police have noted that the proposals are undesirable and recommended conditions to mitigate their concerns.

In this busy commercial context, in the presence of mature trees, and within the vicinity of modern street future, the proposals are not considered to unduly harm the visual amenity of the area. The proposals cannot reasonably be resisted on townscape grounds.

The proposal leaves a pedestrian clearway of over 2.8m from the proposed street Hub to the building line and satisfies the City Council's 2m minimum requirement, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 4: 74 Great Portland Street

The application site lies outside of 74 Great Portland Street, on the east side of the road. It is located within the East Marylebone Conservation Area and can be seen from within the Harley Street Conservation Area to the north. Nos 78 and 80 are Grade II listed

buildings. Two telephone boxes exist on the site of the proposed street hub. The application proposes removal of this existing kiosks and the installation of a single hub.

No objections have been received although Highways Planning, and the Metropolitan Police have noted that the proposals are undesirable and recommended conditions to mitigate their concerns.

The proposals will enable the removal of two existing telephone boxes which will see a reduction in clutter to the street. While the larger size of the proposed BT kiosk, when compared with the previous applications, is undesirable and there are concerns that it will appear visually prominent in the streetscene. However, given that the street has a commercial character and the BT hub will allow the removal of the two phone boxes, the proposals are considered to be acceptable on balance.

The proposal leaves a pedestrian clearway of over 2.88m from the proposed street Hub to the building line and satisfies the City Council's 2m minimum requirement, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

Application 5: Opposite 19-20 Praed Street, London W2 1JN

The application site comprises of 2 BT telephone kiosks located on the north side of Praed Street between junctions with Harbet Road and Sale Place, on the pavement outside 2/3 Praed Street. They form part of the Bayswater Conservation Area. The Westminster Arms is a grade II listed public house at the corner with Harbet Road. The application proposes removal of this existing kiosks and the installation of a single hub.

One objection is raised by a local resident and one objection from the Metropolitan Police. A resident has raised objection on a mixture of design and highways grounds, the proposal would add excessive advertisements and harm the visual amenity of the area, clutter the appearance of the street and narrowing the pedestrian path, light pollution for residents in nearby flats, increase energy consumption and worsen current anti-social behaviour-loitering and nuisance noise at night.

The Metropolitan Police raise objection to the proposals as there is on ongoing gang problem specifically in the Paddington Basin and Praed Street. The BT Hubs facility for free calls will attract current and new drug gangs to operate with associated anti-social behaviour negatively impacting on local residents and businesses.

Whilst these matters raise serious concerns, the applicant has produced an Anti-Social Behaviour Management Plan, Noise Management Plan and considered The Brightness of illuminated advertisement produced by the Institute of Lighting Professionals. The Street Hubs would be able to recognise and identify possible misuse and permanently block numbers for using the hub. The Street Hub is designed as a 'sound cloud' where it is possible to make a call with background noise and the hubs would have controllable volume levels, differing between daytime and night time. The average daily volume

setting is 65dB average at 3m distance. Therefore, with these measures in place they would overcome the raised objection.

There are specific material considerations at this site with an allowed appeal for express consent for a similar structure in 2019, whereby the appeal structure and advertisement were considered to harmonise with the existing mixture of street furniture and would not appear large within a highly commercial area and would not have undue prominence in the street scene.

The proposals will enable the removal of two existing dilapidated telephone boxes which will see a reduction in clutter to the street. The larger size of the proposed BT Street Hubs, when compared with the previous applications, is undesirable and there are concerns that it will appear visually prominent in the streetscene. However, given that the street has a commercial character and the BT hub will allow the removal of the two phone boxes, the proposals are considered on balance to be acceptable.

The proposal leaves a pedestrian clearway of over 2.5m from the proposed street Hub to the building line and satisfies the City Council's 2m minimum requirement, it is considered that the Street Hub will not have an unacceptable impact pedestrian movement. Given their size the displays will not have a detrimental impact in terms of highway safety.

Accordingly, it is considered that it would not be sustainable to refuse the applications on highways grounds, subject to conditions.

9.5 Residential Amenity

Due to their size and position on highway, it is considered that the Street Hubs would not have a detrimental impact in terms of loss of light, overlooking, sense of enclosure or loss of privacy over the existing situation.

As part of their submission the applicant has included an Anti-social Behaviour Management Plan. In it they highlight that the existing unused kiosks are often prime sites for Anti-social behaviour and vandalism, and state that they intend to work with local stakeholders to prevent this occurring at the new Street Hubs.

The proposals are considered to be acceptable in amenity terms.

9.6 Economy including Employment & Skills

The improvements in digital infrastructure and connectivity that are proposed are intended to support future economic growth and in this respect are acceptable.

9.7 Other Considerations

Radiation Levels

The applicants have provided the relevant ICNIRP certification confirming that individually and cumulatively, the installation is within acceptable limits of non-ionising radiation levels and will not harm human health. The application in this respect complies

with the guidance contained in the NPPF and planning practice guidance, as such it would not be reasonable for the City Council to uphold any objection on health-related grounds.

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

Planning obligations are not relevant in the determination of this application and no pre-commencement conditions are recommended.

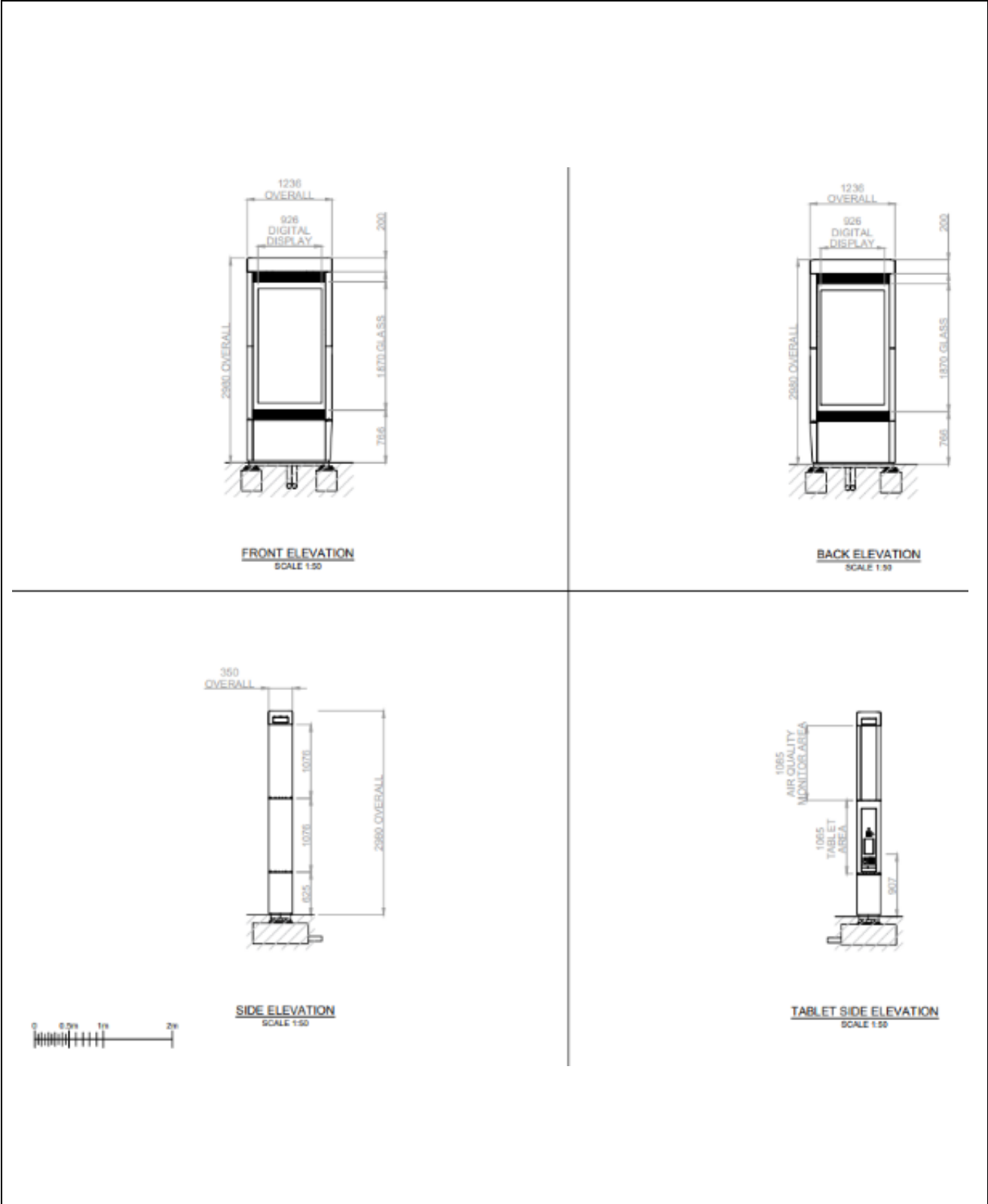
10. Conclusion

It is considered that the visual harm of the hubs would be limited, there would be sufficient pavement width remaining not to impede pedestrian movement and that the advertisements would not pose a highway safety issue. The fact that Advertisement Consent was allowed by the Planning inspector, on all five application sites, is also a strong material consideration in the assessment of the applications. Accordingly, it is considered that the proposals are acceptable in land use, design and conservation, residential amenity and highways terms and comply with Policies 19, 24, 25, 38, 39, 40, 43 of the Westminster City Plan (April 2021) and the "Westminster Way" Supplementary Planning Document. The applications are therefore recommended for conditional approval, for a temporary period of five years.

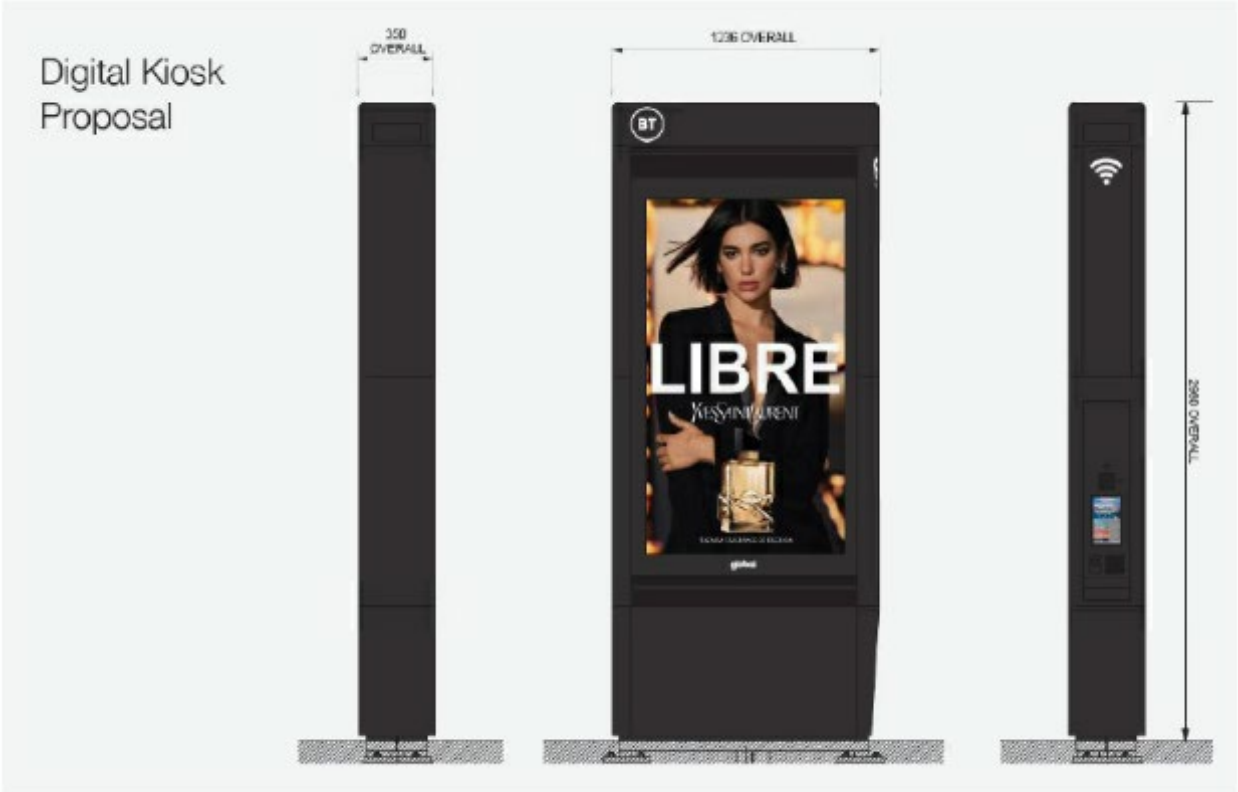
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

11. KEY DRAWINGS



Visual of BT Hub



EXAMPLE DRAFT PLANNING PERMISSION DECISION LETTER (conditions are the same for each of the 5 applications)

Address: 70-88 Oxford Street, London

Proposal: Removal of BT kiosks and installation of a BT Street Hub, incorporating two digital 75" LCD advert screens and telephone, on the pavement (in the above locations).

Reference: 22/04754/FULL

Plan Nos: 001A, 002A, 003A.

Case Officer: **Direct Tel. No.** 020 7641
07866040589

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 The permitted maximum luminance of the two digital display screens shall not exceed the level of 600cd/m2 if illuminated area is less than 10m2, if larger its 300cd/m2; during hours of darkness and all specifications shall be in accordance with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements'.

Reason:
To protect the visual amenity of the area.

- 3 The illumination and advertisement/displayed image shall not be intermittent or flashing, not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements), not incorporate changing light patterns, and shall show two dimensional images only. (Please note the illumination of the proposed Hubs will need to adhere to limits of luminance, illuminance and intensity as advised in PLG05 [see Section 5 of Limiting the luminance of illuminated advertisements], and Guidance Note 01: The Reduction of Obtrusive Light).

Reason:
To protect the visual amenity of the area and in the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021).

- 4 No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Reason:
In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 5 No audio associated with the advertisements.

Reason:
To protect the amenity of the area.

- 6 Messages relating to the same product shall not be sequenced.

Reason:
To protect the visual amenity of the area.

- 7 The advertisements displayed on each panel shall not change more frequently than once every 15 seconds.

Reason:
To protect the visual amenity of the area.

- 8 The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Reason:
To protect the visual amenity of the area.

- 9 The footway and carriageway of the concerned public highway must not be blocked during the installation and maintenance of the proposal. Temporary obstruction during the installation / maintenance must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrian or obstruct the flow of traffic.

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)

- 10 The proposed BT Street Hubs shall be maintained in a condition that does not impair the visual amenity of the site.

Reason:

To protect the visual amenity of the area.

- 11 All vehicles associated with the works must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.

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)

- 12 The structure can remain for five years from the date of this letter. After than you must remove it and return the land to its previous condition.

Reason:

So that we can assess the effect of the structure and make sure it meets policy 24, 25, 38, 39, and 43 of the City Plan 2019-2040 (April 2021).

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.

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.

EXAMPLE DRAFT ADVERTISEMENT CONSENT DECISION LETTER (conditions are the same for each of the 5 applications)

Address: 70-88 Oxford Street, London

Proposal: Display of two internally illuminated digital 75" LCD display screens measuring 1.67m x 0.95m on each side of the Street Hub unit.

Reference: 22/04755/ADV

Plan Nos: 001A, 002A, 003A.

Case Officer: **Direct Tel. No.** 020 7641
07866040589

Recommended Condition(s) and Reason(s)

Standard Conditions:

- (1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (2) No advertisement shall be sited or displayed so as to –
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (4) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (5) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Additional Condition(s):

- 1 You can display the advert for five years from the date of this letter. You must then remove it without delay.

Reason:

So that we can assess the effect of the advert and make sure it meets policy 24, 25, 38, 39, 43 of the City Plan 2019-2040 (April 2021).

- 2 The permitted maximum luminance of the two digital display screens shall not exceed the level of 600cd/m² if illuminated area is less than 10m², if larger its 300cd/m²; during hours of darkness and all specifications shall be in accordance with the maximum permitted recommended luminance as set out by 'The Institute of Lighting Professional's 'Professional Lighting Guide 05 (PLG05): The Brightness of Illuminated Advertisements'.

Reason:
To protect the visual amenity of the area.

- 3 The illumination and advertisement/displayed image shall not be intermittent or flashing, not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements), not incorporate changing light patterns, and shall show two dimensional images only. (Please note the illumination of the proposed Hubs will need to adhere to limits of luminance, illuminance and intensity as advised in PLG05 [see Section 5 of Limiting the luminance of illuminated advertisements], and Guidance Note 01: The Reduction of Obtrusive Light).

Reason:
To protect the visual amenity of the area and in the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021).

- 4 No content on the digital display screens shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

Reason:
In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 5 No audio associated with the advertisements.

Reason:
To protect the amenity of the area.

- 6 Messages relating to the same product shall not be sequenced.

Reason:
To protect the visual amenity of the area.

- 7 The advertisements displayed on each panel shall not change more frequently than once every 15 seconds.

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Reason:
To protect the visual amenity of the area.

- 8 The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

Reason:
To protect the visual amenity of the area.

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.

Item No.
3

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 Marylebone	
Subject of Report	45 Welbeck Street, London, W1G 8DZ		
Proposal	Conversion of the existing ground and lower ground floor commercial office areas to form a new two bedroom duplex residential apartment with associated alterations.		
Agent	Walker		
On behalf of	Glanz & Raimondo		
Registered Number	23/02383/FULL and 23/02384/LBC	Date amended/ completed	10 April 2023
Date Application Received	10 April 2023		
Historic Building Grade	Grade II		
Conservation Area	Harley Street		
Neighbourhood Plan	None		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Refuse planning permission - loss of office in a commercial area of the Central Activities Zone. 2. Grant Conditional Listed Building Consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

<p>The applications propose internal alterations at basement and ground floors to allow the change of use from office to residential use. The proposed residential unit would be a single two-bedroom 4-person unit over both floors.</p> <p>The key considerations in this case are:</p> <ul style="list-style-type: none"> • The acceptability of the proposed loss of office accommodation within the Central Activities Zone (CAZ), • The acceptability of the proposed residential accommodation in terms of its size and
--

accessibility.

- The impact of the proposed works on the designated listed building.

While residential uses are encouraged in principle, the loss of office space to residential use within the CAZ is only considered acceptable in areas that are predominantly residential in character and where the proposal would reinstate an original residential use. The area clearly meets the definition within the City Plan for a commercial neighbourhood and therefore does not comply with the policy requirements in this regard. While the applicant has made arguments to justify the loss of office space, none of these are considered to overcome the identified harm that would be caused to the area as a result of the loss of the office space and the scheme is contrary to Policy 13(D) of the City Plan 2019 - 2040 (April 2021) or London Plan Policy E1. The planning application is therefore recommended for refusal.

The internal works, which include the installation of a partition, incorporating a door, at ground floor level within the main building and subdividing the rear room at lower ground floor level are not harmful to the listed building. The proposals comply with policy 39 and adopted guidance for listed buildings and the listed building consent application is therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR SCARBOROUGH

(on behalf of all ward councillors) Supports the proposals and considers that it is a "welcome addition to the community for this to be used for residential" and requests that the case is presented to the Planning Applications Sub-Committee for determination rather than it being determined under delegated powers.

MARYLEBONE ASSOCIATION

Support - "We are aware of the contradictory planning-use policies that relate to these proposals, but in this case where a listed house is being at least partially brought back to its original use, we feel that the creation of a new dwelling is more valuable to the neighbourhood than the protection of a small office space."

ENVIRONMENTAL SCIENCES

No objection.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions.

WASTE PROJECT OFFICER

Objection - drawings submitted are not in line with the council waste storage requirements - more details requested.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 29

Total No. of replies: 5

No. of objections: 1

No. in support: 4 (one of which is from Ward Councillors), and a representation directly from the applicant.

One objection has been received raising the following points:

- Proposals contrary to Policy 13 of the City Plan as this part of street is not predominantly residential in character.
- Scheme fails to recognise heritage significance of the building, will lead to heritage harm, and provides no public benefit.

Three support comments have been received raising the following points:

- Use as residential would be a welcome addition to the community,
- Change of use will bring benefits to the local area and wider community,
- Enhance sense of community,
- Will provide residential use, which is in demand,
- Less demand for small office and small offices without modern facilities,
- Use could be permitted and reversed and therefore no risk in granting permission,
- Would provide improved shared security measures and access,
- Buildings residential style and character make it logical to increase the number of residential units.

PRESS NOTICE/ SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that 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.

However, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

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 application site is not located within an area covered by a Neighbourhood Plan.

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

This application is a Grade II Listed Building located within the Harley Street Conservation Area and the Central Activities Zone (CAZ). It is located on the west side of Welbeck Street adjacent to and north of The Marylebone Hotel located on the corner of Welbeck Street and Bulstrode Street.

The building comprises of basement, ground and four upper floors. The basement, ground and first floors are currently in office use (evidenced by a site visit), and the second floor and above are in residential use as separate flats.

7.2 Recent Relevant History

Planning permission was granted on 30 March 1998 (RN: 98/01369/FULL) for “*Use of the basement, ground and first floors for Class B1 Office purposes without complying with the professional use Condition 1 of the permission dated 21 April 1983. (Application Under Section 73 of the Act.*”

8. THE PROPOSAL

Planning permission and listed building consent are sought to allow the change of use of the existing ground and lower ground floor from office use to form a new two-bedroom duplex residential apartment. Internal alterations are also proposed to alter the internal layout of these floors to accommodate the proposed new use. There are no external works proposed.

The floorspace figures for the proposals are shown below.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	182.8	0	-182.8
Residential	0	184.2	+184.2
Total	182.8	184.2	+1.4

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Office Floorspace:

The proposals will result in the loss of the office accommodation over basement and ground floor of the site. This office accommodation is currently occupied. The applicant advises that the current tenant occupies on the basis that they can vacate with 6 months' notice.

Given national and international importance of office accommodation within Westminster to local and strategic economic and employment targets, both the recently adopted London Plan and Westminster City Plan have been worded to increase strategic importance of office accommodation. This is evident within E1 and SD4 of the London Plan and Policy 13 of Westminster's City Plan.

The London Plan Policy E1 supports the redevelopment, intensification and change of use of surplus office space to other uses including housing, provided that the scope for the re-use of otherwise surplus large office spaces for smaller office units and/or lower cost and affordable workspace has been explored. Surplus office space includes sites

and/or premises where there is no reasonable prospect of these being used for business purposes. As stated in the supporting text, evidence to demonstrate surplus office space should include strategic and local assessments of demand and supply, and evidence of vacancy and marketing (at market rates suitable for the type, use and size for at least 12 months, or greater).

As is noted, the unit is currently tenanted, and therefore the unit in question could not be considered to be surplus. It is therefore not in line with London Plan Policy E1 for this office space to be lost.

Policy 13, D, 1 states that the loss of office floorspace to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use. The Policy is clear that to comply, both objectives must be met.

The City Plan Glossary defines a predominantly commercial neighbourhood as: "*Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity.*" (Page 210).

Officers have undertaken a land use survey (using planning records, council tax records, and business rate records) and identified that this part of the street (between Queen Anne Street and New Cavendish Street) is almost entirely commercial at ground floor (Figure 1).

Therefore, the area where the site is located is a predominantly commercial neighbourhood. An objector has noted that the proposal is contrary to Policy 13 of the City Plan as this part of street is not predominantly residential in character. The Officers assessment set out above confirms this.

The applicant has stated that they consider that the immediate area is not predominantly commercial as there are a number of residential units close by. However, as is evident from the land use survey undertaken and with the definition of a commercial area from the City Plan in mind, the area clearly meets the definition of a predominantly commercial neighbourhood.

With regards to the second part of the policy (re-instating an original residential use), this would be met as the building appears to have been originally built for residential use.

While the current office space is small, the Council recognises the importance that small office spaces play in providing for the varied needs of the office users in the CAZ. Small office spaces are recognised as contributing to meeting Westminster's business and employment needs. The importance of protecting small office space such as that at the application site has also been confirmed in an upheld and appeal (for loss of small amount of office to residential within the CAZ) (Appeal Decision APP/X5990/W/18/3214631 at 8 Royalty Mews – Para. 7 – decision included in background papers), in which the inspector confirmed that:

"The Local Economic Assessment 2014 explains that around 32,000 enterprises in Westminster employ less than ten people. This is 85% of all enterprises in the city. Consequently, premises that service this market..."

such as small offices at this application site, "...contribute to meeting Westminster's business and employment needs. This is the case even if they are not high end or co-working offices as the CCAZ requires a diverse office market."



It is important to note that the Local Economic Assessment referred to by the inspector is a document which has formed the evidence base of the current City Plan, and is therefore still considered to be up to date and of relevance. The content of Para. 8 of this Appeal Decision is also of importance, which sets out that while small office space may be of minimal importance in the office market in isolation or when considered as a percentage of total office floorspace in the city, this is an argument that could be replicated many times over and thereby result in a cumulative loss of small offices.

Indeed, this appeal decision, while made against old policies, is of comparable relevance in a lot of aspects with this application and merits reading in full in its own right.

The applicant argues that small office space such as this is no longer of value to the office market, particularly in the post-pandemic world when working at home has increased and there appears to be less demand for office space. The applicant goes on to note that they consider that office workers need encouragement back to offices, and will only return to those that are modern (with facilities that are attractive, comfortable and well equipped). Objectors echo these points.

The applicant notes that other small office spaces around the site are vacant however, this is not the case with the application site which is tenanted. There is therefore no argument to be made that this site is not viable as office space given that the existing tenants are actively occupying the office space, and the vacant or occupied nature of surrounding sites is not of particular relevance.

The Applicant states they consider that Policy 13D has been overtaken by events, such as those noted above, and as such is no longer relevant as they consider the nature of the office market has evolved beyond the need for small office space. They also consider that when this Policy is reviewed in the future, at an as yet unspecified date, this loss of need for small office space will be reflected. Theoretical future changes to policy carry no weight. There are currently no revisions to this Policy (or any others in the City Plan) which carry any weight in the planning process. The comments in relation to the market moving ahead of policy are noted however, market conditions fluctuate and change quicker than planning policy. This is a known factor in the planning process and in some instances can be taken into account where there are sufficient circumstances to warrant a deviation from existing policy. However, as noted above, at this site there is an occupier of the office space and no argument to be made that this office space is not viable. These comments by the applicant are therefore not sufficient enough to warrant deviating from policy.

With respect to the impact of the COVID-19 pandemic and how this has or has not changed the office market, both the London Plan and Westminster's City Plan were adopted in March and April 2021 respectively. At this time and during the examination period the implication of the COVID-19 pandemic were evident and considered during the examination process. As such, the aforementioned policy documents were prepared in recognition of the current and future needs for their respective areas. This is recognised in a recent appeal decision from the Planning Inspectorate (issued on 11 August 2023) which sets out:

“However, both the City Plan and London Plan were adopted in the knowledge of the pandemic and there is limited compelling evidence before me to suggest the office market has substantially departed from the projections identified in the Development Plan.”

[Para. 9 of Inspectors Decision for Appeal Reference APP/X5990/W/23/3318104 at 7 Moor Street – Decision included in background papers]

As such, the need to retain existing office accommodation in line with policy is considered to outweigh any impact the COVID-19 pandemic has had on the availability/let-ability of office accommodation.

It is of note that even when office space is vacant, unlike at this site, that fact alone has not been considered sufficient to justify the loss of office to residential in areas that are not predominantly commercial. This approach has been upheld by the Planning Inspectorate through planning appeals (Appeal Reference APP/X5990/W/23/3318104 at 7 Moor Street, and Appeal Reference APP/X5990/W/22/3303774 at 26-28 Warwick Way at 26 - 28 Warwick Way – both decisions included in background papers). The City Plan supporting text provides a hierarchy of preferred uses for such sites in commercial areas, which must first be considered, as well as evidence of unsuccessful marketing of the vacant office space.

The applicant highlights that the site falls immediately outside the designated Article 4 Direction Class E (commercial, business, and service) to C3 (dwelling houses) in the Central Activities Zone (CAZ). They state that “...*the preparation of the plan annexed to the policy must have been undertaken with careful consideration, and it was considered that this property did not merit inclusion.*” This is not correct as the Article 4 Direction was ‘made’ on 14 July 2021 and then modified by the Secretary of State on 22 July 2022 to cover a smaller area than originally planned. Therefore, it was not ultimately the City Councils choice to draw the boundary line of this area so as to just exclude the site. This therefore carries no weight for this application and it must be assessed against the policies set out in this report.

The applicant notes that whilst Policy 13D seeks to preserve small office use, there is also a policy to increase the number of residential units. They also states that “...*if this were an application to convert any of the existing residential elements within this mixed-use building for office use, you would no doubt be quoting the city’s position that it would oppose loss of residential units.*” The latter is entirely correct however, not what is under consideration in this proposal so is of no relevance. Regarding the conflict of City Plan policies that are sited, this entirely normal for any planning document and is the purpose of the planning process to balance these conflicts.

Residential Use

The proposals will provide one two-bedroom, four person (2B/4P) residential flat spread over both ground and basement floors. Policy 12 of the City Plan seeks to ensure that all new homes provide a well-designed and high-quality living environment, both internally and externally.

The floorspace figures for the proposed unit are 184.2sqm, which complies with the minimum space standards set out in London Plan and The Minimum Space Standards for the type of unit (requiring 79sqm as a minimum when set over two floors).

City Plan Policy 8B restricts flat size to below 200sqm GIA. The floorspace figures provided indicate that this does not occur. The mix of units proposed is considered suitable given the existing constraints of the site.

Part D of Policy 12 requires that all new homes provide at least five sqm of private

external amenity space for each dwelling. Where dwellings accommodate 3 or more people, an additional 1sqm of amenity space is required for each additional person. The policy notes that where this is not practicable or appropriate, community space may be provided, or additional and/or higher quality public open space may be provided.

Part E of the policy states that where it is sufficiently demonstrated that the requirements of Part D cannot be met, additional living space equivalent to the external requirements set out in that section is required.

While the area has a small lightwell at lower ground floor, this is not of a significant size although it would provide some amenity benefit. However the additional space provided above the minimum space standards (an additional 105.2sqm) is far in excess of the additional space requirements to mitigate lack of amenity space set out in the policy.

Comments in support of the proposals note that the scheme will provide residential use, which is in demand, the building's residential style and character make it logical to increase the number of residential units, and that the residential would be a welcome addition to the community, would bring benefits to the local area and wider community, and also enhance sense of community. These supportive comments are noted however no examples of the benefits that would be brought to the community have been provided, particularly given that in planning terms both the existing and proposed uses provide benefits to local communities.

Some support comments note that the scheme would provide improved shared security measures and access. It is unclear what these measures may be however, removal of shared access to the building between commercial and residential users of the building would not be considered to be one. It is the common position within the CAZ that buildings are in mixed use, and as such they share common access areas. This is recognised by the Planning Inspectorate (Appeal Ref: APP/X5990/W/22/3311763 at 1 York Street – Para. 8 – Decision included in background papers). Additionally, it is not clear how the first floor, which is in office use and not part of this application, would interact with the proposed residential use below and the existing residential uses above. It is clear that these proposals would not lead to a possible perceived benefit of there only being residential uses in the building.

Affordable Housing

The proposed development will not create ten or more residential units and will not create over 1,000 sqm of residential floorspace. Affordable housing will therefore not be required under Policy 9 of the City Plan.

Land Use Balance

The area is identified as a predominantly commercial neighbourhood, so the loss of the existing office use is contrary to Policy 13. While the applicant has argued that the small office space is no longer required in the market, this does not appear to be true given that the applicant site is currently tenanted. There is therefore no argument to be made that this site is no longer serving the office market in the CAZ and Westminster. While the proposed residential use is welcomed in principle, and comments in support of the residential use have been received, the Council recognises that there is a balancing to

be done between the competing demands in the CAZ for both office and residential floorspace, which has resulted in the creation of Policy 13.

Policy 13 does allow for the loss of office space if residential is to be provided in its place under certain circumstances and in certain places in the CAZ. However, as is set out above, this is not the case here and the applicant has not made any justification to identify other reasons for a deviation from policy. Planning policy sets out controls regarding changes of use from office floorspace, unless it is demonstrated that such floorspace would be surplus. In this case the office space has not been robustly demonstrated as surplus, indeed it is tenanted so no such argument could be made, and this scheme would therefore conflict with the development plan taken as a whole. Whilst there would be benefits associated with the development, they would not outweigh the identified harm and its associated development plan conflict.

Therefore, the loss of office floorspace to residential in this location is unacceptable and contrary to London Plan Policy E1 and Policy 13 part D of City Plan 2019-2040 (April 2021).

9.2 Environment & Sustainability

The proposal is not considered to raise environmental or sustainability implications.

9.3 Biodiversity & Greening

There is no provision of additional biodiversity or greening as a result of the proposals however, given that there are no external works proposed, it is not seen suitable to request such provision.

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."*

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 be clearly and convincingly justified and should only be approved where the harm caused would be

clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Considerations

Key considerations are the impact upon the appearance and significance of the listed building. The proposed works will be assessed against the National Planning Policy Framework (NPPF), policy 39 in Westminster's City Plan and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' SPG.

The installation of a partition, incorporating a door, across the stair landing at rear ground floor level within the staircase compartment is considered awkward, but not harmful. It would have the visual effect of moving the existing doorway forwards a bit and, as this landing is slightly lower than the main hallway, this would help to reduce that impact. Although there would not have originally been a partition in this area, the practicality of positioning a partition and door here is understood. In addition, given that this will sit beside the unattractive and modern screen under the staircase and will essentially be reversible, on balance, it is considered that it would not result in harm to plan form and harm to the interior subject to details.

The remainder of the works appear to be quite limited in scope and acceptable in listed building terms. Reconfiguration of the partitions within the rear room in the main house and associated plumbing fixtures and fittings at lower ground floor level is considered acceptable subject to the retention of any existing historic fabric behind the existing modern coverings. The fitted joinery proposed within the rear room in the existing extension at ground floor level will be positioned so that the existing chimney breast and fireplace will be visible. A new drainage connection and underfloor drainage route is proposed for this area, which will connect with the existing soil stack in the rear lightwell. This is considered acceptable.

Therefore, the proposals comply with policy 39 and our adopted guidance for listed buildings and are recommended for approval.

In making this recommendation, consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Sections 16 and 66 and the requirements set out in Chapters 12 and 16 of the NPPF.

9.5 Residential Amenity

Given that the proposals relate to internal works and a change of use to residential only, there are no amenity considerations relevant to these proposals.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager and Waste Project Manager have assessed the

application and provided comment on the following aspects.

Servicing and Waste & Recycling Storage

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to Policy 25. It also has an adverse impact on the public realm. The Waste Project Manager notes that while a waste storage area is shown on the proposed plans, the details shown are not in line with council waste storage requirements. Had the application been considered acceptable, details of suitable waste storage would have been secured by condition.

Cycling & Cycle Storage

Long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weatherproof. London Plan Policy T5 requires 2 spaces per 2+ bedroom unit.

The submitted drawings indicate space for 2 cycle parking spaces. This provision is welcomed and in line with policy. Had the application been considered acceptable, it would have been secured by condition.

Parking

Policy 27 supports residential development without car parking provision. However, the Highways Planning Manager notes that increased residential units in the area will increase demand for on-street spaces.

The Highways Planning Manager requests that, if permission is granted, that Lifetime Car Club Membership for all residential units should be secured to minimise the impact of the proposed development and reduce car ownership of future occupiers. However, if the application had been considered acceptable, given that only one new unit is being provided and that it has policy compliant cycle storage and is well located in relation to excellent public transport links, that the Car Club requirement would not have been necessary.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The larger residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Other Points of Objection

Some of the supporters of the application have noted that as there are no external alterations, the "...*design approach ensures that if, for any reason, the proposed*

residential use were deemed unsuitable, it could be reversed, allowing the building to revert to its current use seamlessly.” This is incorrect as a change of use from residential use to any other use would require planning permission and any internal alterations to the building that are required to facilitate another use would require listed building consent by virtue of the building being Grade II Listed. These comments therefor are incorrect and hold no weight in the decision-making process.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

As such, the proposals put forward for the planning application fail to accord with policy 13 of the City Plan 2019-2040 and London Plan Policy E1. The public benefits proposed, which comprise a single new residential flat, would not outweigh the harm created as a result of the loss of the existing office use.

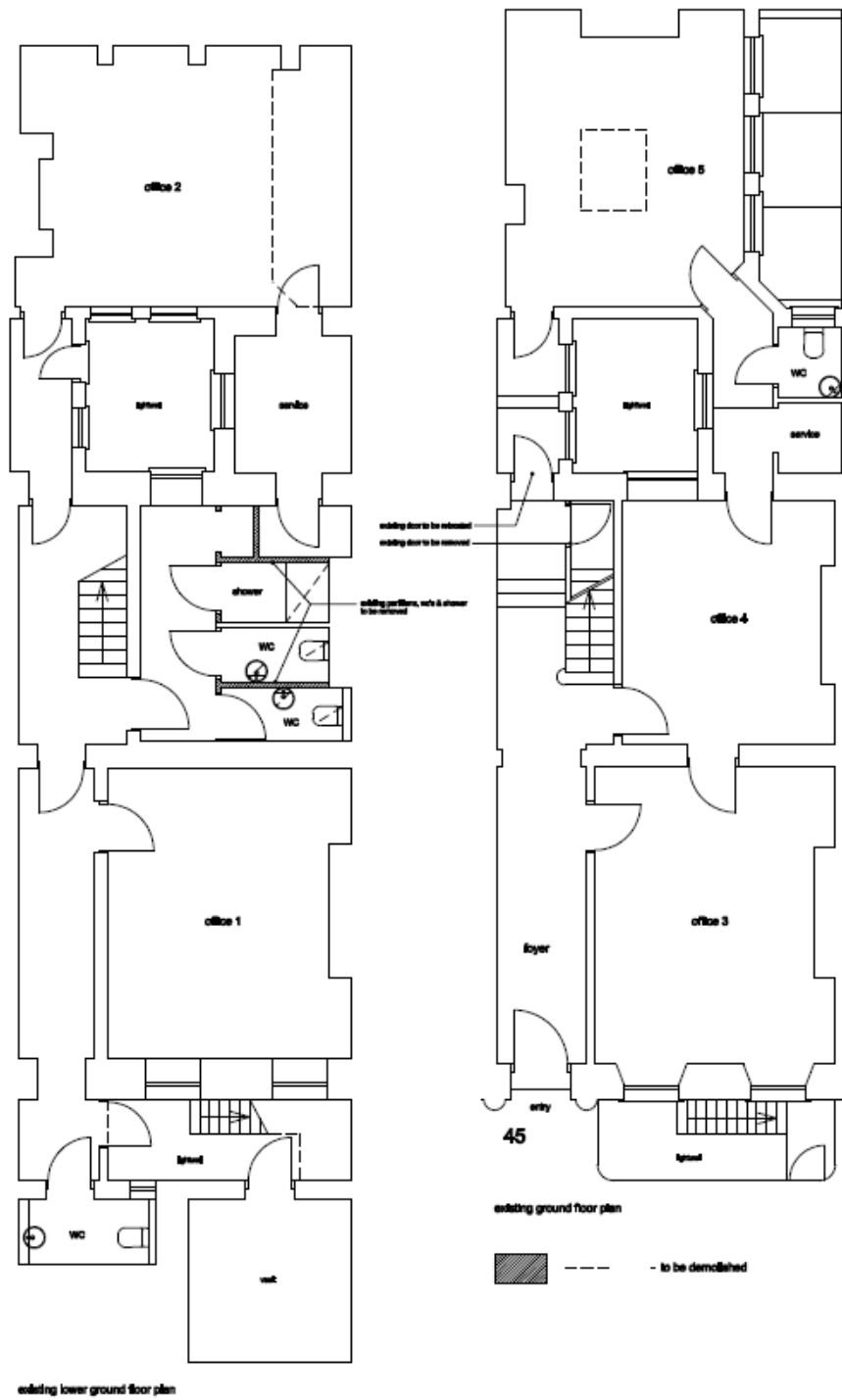
The application for listed building consent is considered acceptable as it does not cause harm to the heritage asset.

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

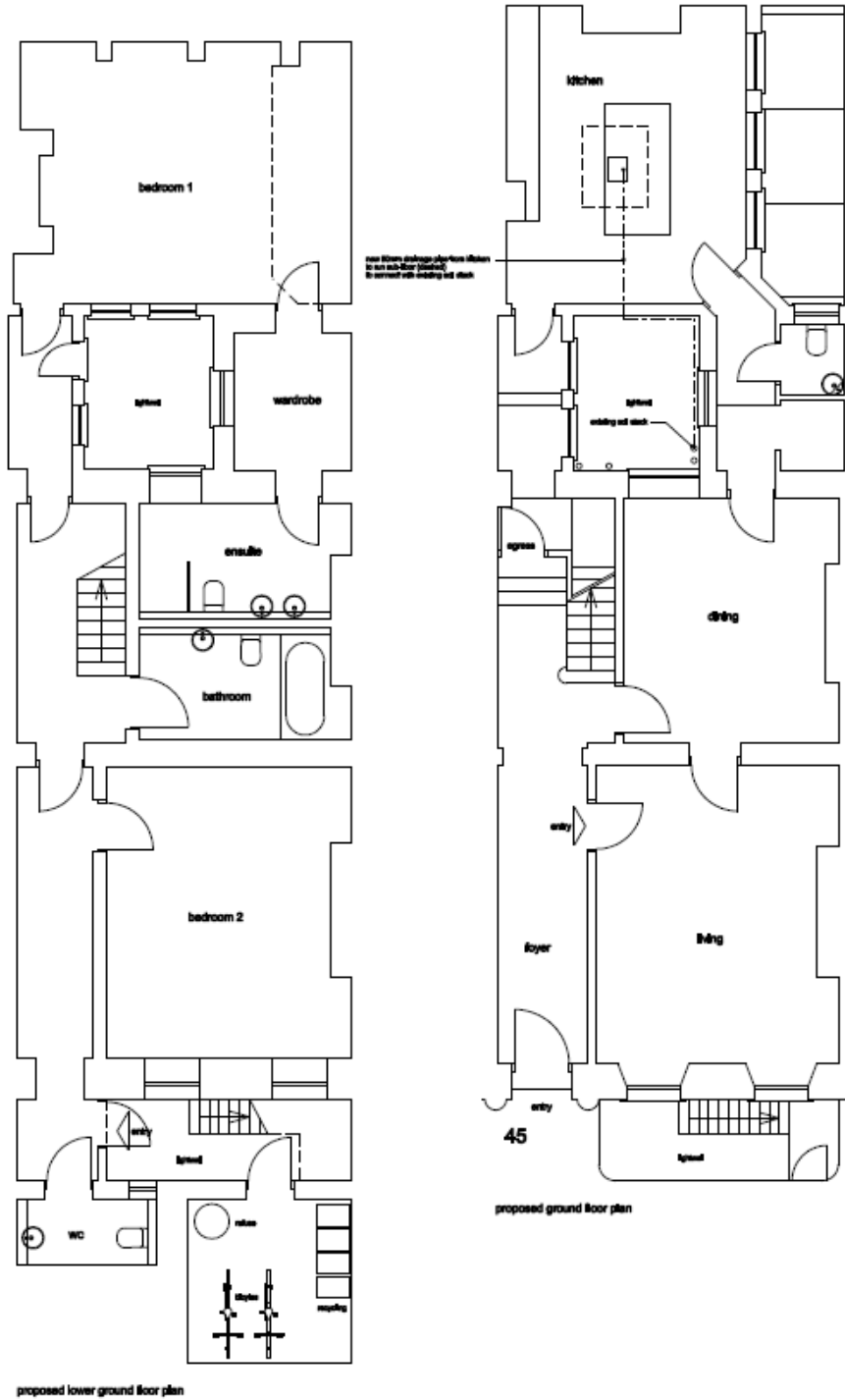
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

11. KEY DRAWINGS

Existing Plans



Proposed Plans



DRAFT DECISION LETTER: 23/02383/FULL

Address: 45 Welbeck Street, London, W1G 8DZ

Proposal: Conversion of the existing ground and lower ground floor commercial office areas to form a new two bedroom duplex residential apartment.

Reference: 23/02383/FULL

Plan Nos: PP-002 Rev. 2

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

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

Your development would result in the loss of office floorspace in a building, which is located in a predominately commercial part of the Central Activities Zone and the benefits of the proposal would not outweigh the contribution made by the office floorspace to meeting Westminster's employment targets or business and employment needs. This would not meet Policy 13(D) of the City Plan 2019 - 2040 (April 2021).

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 so far as practicable. 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, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

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: 23/02384/LBC**Address:** 45 Welbeck Street, London, W1G 8DZ,**Proposal:** Internal alterations at basement and ground floor.**Reference:** 23/02384/LBC**Plan Nos:** PP-002 Rev. 2**Case Officer:** Adam Jones**Direct Tel. No.** 020 7641
07779431391**Recommended Condition(s) and Reason(s)**

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

Reason:

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

- 2 All new work and improvements inside 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. (C27BA)

Reason:

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

- 3 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

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

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

Reason:

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

- 5 You must apply to us for approval of details - elevations or sections at 1:20 or 1:10 - of the following parts of the development - the proposed partition and door across the stair landing at rear ground floor level in the context of retained fabric. 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 details.

Reason:

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

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)

- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

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.

Agenda Item 4

Item No.

4

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	1 James Street, Marylebone, London, W1U 1DR		
Proposal	Installation of replacement plant at roof level and photovoltaic panels, and creation of a new external roof terrace with pergola and green walls and additional landscaping in association with the existing office accommodation.		
Agent	Montagu Evans LLP		
On behalf of	Redevco		
Registered Number	23/01601/FULL	Date amended/ completed	10 March 2023
Date Application Received	10 March 2023		
Historic Building Grade	Unlisted		
Conservation Area	Not Applicable		
Neighbourhood Plan	Not Applicable		

1. RECOMMENDATION

Grant conditional planning permission.
--

2. SUMMARY & KEY CONSIDERATIONS

<p>1 James Street is an unlisted building located outside of any conservation area. However, the Stratford Place Conservation Area runs down the middle of the streets to the north and east of the building and the Mayfair Conservation Area runs down the middle of Oxford Street to the south of the application site. The building occupies an entire block with Oxford Street to the south, Bird Street to the west, James Street to the east and Barrett Street to the north. The building comprises basement, ground and first to seventh floor levels and is used as retail accommodation fronting Oxford Street and office accommodation in the remainder of the building.</p>
--

<p>The application proposes the reconfiguration of plant at main roof level, including the installation of new plant and photovoltaic panels, creation of a roof terrace with associated hard and soft landscaping to include green walls, balustrades, planters, new doors to the existing roof access room.</p>

The key issue is the impact on residential amenity in terms of potential noise nuisance arising from use of the terraces.

With relevant conditions, including the hours of use of the terrace, and the installation of the screening to prevent overlooking, the proposal is considered compliant with the relevant adopted City Plan 2019-2040 policies and the application is therefore recommended for conditional approval.

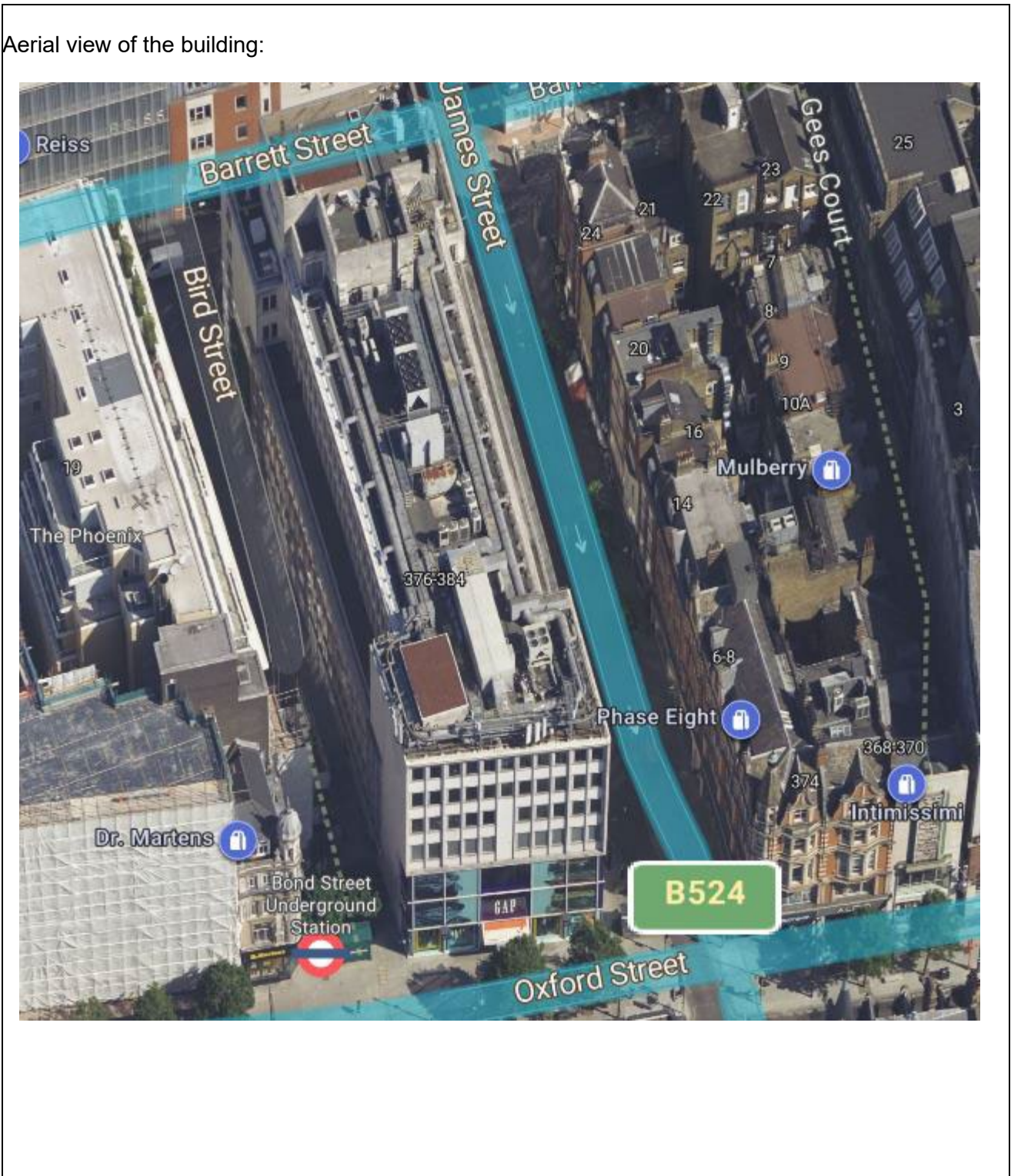
3. LOCATION PLAN



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4. PHOTOGRAPHS

Aerial view of the building:



5. CONSULTATIONS

5.1 Application Consultations

ENVIRONMENTAL SCIENCES: No objection subject to conditions.

MARYLEBONE ASSOCIATION:

Objection on the following grounds:

Noise disturbance to properties on Bird Street.

Design concerns in relation to the replacement windows. [Window replacement withdrawn from application – has permission from earlier application]

Support on the following grounds:

Welcome the biodiversity and sustainability benefits of the proposal.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 131

Total No. of replies: 18

No. of objections: 17 (two objections from the same occupier)

No. in support: 0

Objections on the following grounds:

- Noise disturbance from the use of the roof terrace.
- Alterations to the windows of the building on lower floors will result in increased overlooking and resulting loss of privacy to neighbouring buildings. [Window replacement withdrawn from application – has permission from earlier application]
- Issues with the process of determination of previous applications for the replacement of the windows. [Window replacement withdrawn from application – has permission from earlier application]
- Need for acoustic screening to the plant installation.

PRESS NOTICE/ SITE NOTICE: Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages developers carrying out development to engage with those living adjacent or very close to the site at an early stage prior to the submission of a formal application. The agent has confirmed there has been no discussion between the applicant and neighbours in relation to the current 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 application site is not located within an area covered by a Neighbourhood Plan.

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

This application is located outside of any designated conservation area but is within the Central Activities Zone and the West End Retail and Leisure Special Policy Area. The application building is used as a retail unit fronting Oxford Street to the south and office accommodation in the remainder of the building. The roof of the building is covered in mechanical plant items.

The application as originally submitted also included the installation of replacement windows to the building, although these works have in fact been approved a number of times previously. Subsequent to submission of the application revised drawings were submitted to remove these works from the proposal and the applicant advises they will carry out these works using the existing permission.

7.2 Recent Relevant History

21/00824/FULL - Installation of new windows on the Bird Street and James Street elevations at first, second and third floor levels. Consent granted on the 30th March 2021.

21/06698/FULL - Replacement and installation of windows, removal of upper section of existing panels and louvres at floor levels 1 to 3 of the building to east and west elevations. Consent granted on the 3rd February 2022.

21/08751/FULL - Installation of replacement plant and ducting with new photovoltaic

panels all at main roof level. Consent granted on the 28th February 2022.

22/04331/FULL - Replacement and installation of windows at floors 1-3 to Bird Street, James Street, Oxford Street and Barrett Street Elevations. Consent granted on the 26th August 2022.

8. THE PROPOSAL

Planning permission is sought for the reconfiguration of the plant at main roof level and the installation of new plant with acoustic screening. A new terrace measuring 249m² is proposed over part of the roof overlooking James Street to the east with associated planters, green walls and balustrades. New access doors for the terrace are proposed off the existing roof access room and photovoltaic panels are proposed over part of the mechanical plant.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposal does not result in any additional floorspace, but the proposed terrace (to be used by occupiers of the offices) would measure 249m².

9.2 Environment & Sustainability

Sustainable Design

The proposal includes the installation of photovoltaic panels over areas of plant at main roof level. Policy 36 of the City Plan states '*The council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.*' The inclusion of the photovoltaic panels is welcomed and will support the goals of this policy. A condition is included to require these photovoltaic panels to be installed and retained.

9.3 Biodiversity & Greening

Part B of Policy 34 requires that '*Developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.*' The proposal includes large areas of green wall and planting and will meet the requirements of the policy above and provide increased biodiversity. A condition is included to require that the green walls are provided and retained as detailed in the landscaping document which has been submitted with the application.

9.4 Townscape, Design & Heritage Impact

1 James Street is an unlisted building of 1959. It is not in a conservation area, but immediately adjoins the boundary of the Stratford Place Conservation Area. The building is seven storeys, containing plant equipment and occasional rooftop structures. with a flat roof. The top two storeys are set back from the James Street elevation.

There is an existing rooftop plantroom at the north end of the building, which is the tallest part of the building. None of the proposed development rises higher than this level. There is no design objection to the creation of a terrace on the flat roof. The space is currently somewhat unsightly, with a cluttered arrangement of redundant and active plant.

The proposed scheme introduces greenery at a high level, in the form of planters, and larger shrubs. The building is a suitable candidate for rooftop greening; the introduction of planting at this level would not be incongruous. The planting is welcome in biodiversity terms. While it will not increase biodiversity to the same degree as a well specified green roof, it will still provide a net increase. The use of photovoltaic panels is welcome in sustainability terms, as is the use of more efficient plant equipment.

The glazed balustrade is uncontentious in a building of this period and style, as is the use of a pergola, which is at approximately half the height of the existing plant room. The relocated plant and PV panels are located on the Oxford Street and Bird Street portions of the building, where they will not be visible in street level views. The terrace will face onto James Street where, again, it will not be visible from the street due to the setback of the upper storeys.

The sustainability and biodiversity improvements of the scheme are welcome, and the design impact is considered to be neutral.

Numerous objections have been received to the scheme. Of the 17 objections none raise design, conservation or sustainability issues. Eight of the objection letters state that the works will be attractive, before going on to object to other matters.

The proposed rooftop alterations are considered to be acceptable in terms of their impact on the appearance of the building and on the setting of the Stratford Place and Mayfair Conservation Areas.

9.5 Residential Amenity

Daylight & Sunlight

Policy 7 of the City Plan requires that development is neighbourly and *'protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.'* Para 7.3 elaborates and states that *'negative effects on amenity should be minimised as they can impact on quality of life. Provision of good indoor daylight and sunlight levels is important for health and well-being and to decrease energy consumption through reduced need for artificial heating and lighting.'*

A Daylight and Sunlight Assessment has been submitted in support of the application which assesses the impact of the development on a number of nearby residential properties including windows at 8-13 Bird Street, 10-12 James Street, 14 James Street, 20 James Street and 22 James Street.

The report demonstrates that with regard to daylight, any losses to windows are within the parameters of the BRE guidance with regard the VSC.

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

The report identifies one of two west-facing residential windows at fourth floor of 14 James Street (which planning records suggest is a dual aspect living room-kitchen) where the impact on sunlight would be greater than the guidelines detailed above. The existing sunlight levels are 20% and fall to 15% which is 75% of the former value. The existing Winter value is 3% and falls to 1%. It is noted that the balustrading is glazed whilst the daylight and sunlight report bases the assessment on this being a solid block to sunlight. Notwithstanding this, given the only minor transgressions above the BRE guidance the loss is considered acceptable. It is noted that no objections have been received to the application from the occupiers of this property.

Privacy

Objections have been received to the application from residential occupiers within the buildings to the east and north of the application site. The proposal includes the installation of screening along the eastern side of the proposed terrace and there is a large existing roof access room on the northern side of the proposed terrace which would be re-conditioned to allow access to the terrace from its southern side with new doors and a large green wall area. Given the built form of the existing building and the proposed new screening (2.3m high) there would be no overlooking of the objectors' windows. On the James Street elevation the top two floors are set back from the floors below and given the properties on the opposite side of James Street are much lower, any overlooking of residential units on the upper floors would be at oblique angles if users of the terrace happened to look over the balustrade (which is 1.5m high). Given this minimal degree of overlooking and as no occupiers on James Street have commented on the application the proposal is considered acceptable in this regard.

Noise & Vibration

Plant –

In relation to noise from the proposed plant, the application has been considered in the context of Policy 33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment at main roof level. An assessment has been made to residential windows at Bird Street to the east and James Street to the west. It is proposed the plant can operate at any time. The lowest background noise levels recorded at Bird Street were 49dB and 45dB on James Street, resulting in a design criteria of the 39dB for Bird Street and 35dB for James Street. The final plant specifications have yet to be made given the entire building is being

refurbished and a new floor-by-floor system being installed instead of the existing whole building system which is inefficient. As the final plant specification has not been decided a condition is included to require the submission of a supplementary acoustic report to demonstrate compliance with the standard City Council noise criteria which has been detailed in another condition.

The submission has been reviewed by the Environmental Services Officer who has confirmed that the background noise assessment is acceptable. Conditions are included to control noise, vibration levels and require the submission of a supplementary acoustic report to demonstrate compliance with the conditions once the plant specification is finalised.

The proposal includes emergency plant for which there is a different condition as this can operate at higher noise levels as it will only operate for a limited time.

Terrace –

The City Council has planning policies to protect residential amenity. Policy 7 of the City Plan requires that development is neighbourly by '*protecting and where appropriate enhancing local environmental quality*'. Para 7.4 acknowledges that '*development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours.*'

Policy 33 states that '*development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses*'.

The proposed hours of use of the terrace are between 07:00 and 20:00 Monday to Friday. These hours are considered acceptable and would not result in the terrace being used at hours that would result in noise nuisance to neighbouring occupiers at anti-social hours. The application building is an entire block and the nearest residential windows are either on the opposite side of Bird Street (and there is screening which would provide an acoustic barrier) or on the opposite side of James Street, where the residential windows are at a lower level and would be impacted by noise from the street where a large number of restaurants have external tables and chairs until 23:00.

9.6 Transportation, Accessibility & Servicing

Not applicable.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post-pandemic recovery. The proposed development would result in a small contribution to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing more desirable office accommodation with sought after, high quality external amenity space.

9.8 Other Considerations

A number of the objectors to the scheme have commented on the replacement of the windows at the building which was originally included as part of the application. Revised drawings have been received which have removed all reference to these works (which have previously received separate planning permission) and the objections relating to the windows are no longer considered relevant to the application.

Subtle lighting is proposed to the new terrace and an informative is included to advise the applicants that this should be designed and installed to ensure it does not cause a nuisance to nearby occupiers with regard light pollution during the hours of darkness.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition. However, this is not applicable in this case.

10. Conclusion

It is considered the creation of the terrace and its use between the hours of 07:00 and 20:00 Monday to Friday would be acceptable given the distance to noise sensitive properties, the Central London location and the proposed hours of use. The proposal also includes the upgrading of plant to more efficient items, installation of PV panels and the provision of planting and green wall areas which are all considered benefits of the scheme. The concerns of the neighbouring residents have been noted but are not considered to be sustainable, subject to conditions.

The proposal is considered acceptable, mindful of policies 7,16 and 33 of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLEBY EMAIL AT pquayle@westminster.gov.uk

Landscaping Axonometric:



DRAFT DECISION LETTER

Address: 1 James Street, Marylebone, London, W1U 1DR,

Proposal: Installation of replacement plant at roof level and creation of a new external roof terrace with pergola and green walls and additional landscaping in association with the existing office accommodation.

Reference: 23/01601/FULL

Plan Nos: Drawings: AP(04)0410 RevP05, AP(05)1540 RevP01, AP(05)1541 RevP03, AP(05)1542 RevP03, AP(06)1610 RevP03. Documents: Landscape Design Statement Rev2, Acoustic Report Rev4 dated 7th March 2023.

Case Officer: Matthew Giles

Direct Tel. No. 07866040155

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

Photovoltaic panels.

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

Reason:

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

- 4 You must provide the green walls on the approved terrace in accordance with the details shown in the Landscape Design Statement Revision B. You must carry out the work according to the specification in this document and thereafter retain and maintain the green walls in accordance with the approved management plan.

Reason:

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

- 5 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)

- 6 (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)

- 7 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) 6 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)

- 8 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises. , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation. , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:
 Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 9 Notwithstanding the provision 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, the terrace area hereby approved at main roof level associated with the office use can only be used by office occupants and only between the hours of 07:00 and 20:00 Monday to Friday. You cannot use the terrace area outside of these hours other than in the case of an emergency.

Reason:
 To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 10 Unless shown on the approved drawings, you must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:
 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 11 The plant enclosures hereby consented must be painted or otherwise coloured dark grey and maintained in that condition.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

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

Agenda Item 5

Item No.

5

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	Dorchester Hotel, 53 Park Lane, London, W1K 1QA,		
Proposal	Partial demolition of the ninth floor and erection of single storey extensions to the south, north and east (rear) of the ninth floor, erection of new kitchen extract riser, replacement windows, together with replacement plant and equipment to the roof of the ninth floor, and other associated internal and external alterations; includes use of part of the perimeter area of the south-eastern area [opposite the junction with Tilney Street-Deanery Street] of the ninth floor roof as a terrace and use of part of the rear eastern ninth floor wing, parallel to Deanery Street, as a roof terrace, both terraces being used as additional restaurant seating ancillary to the hotel.		
Agent	Montagu Evans LLP		
On behalf of	Dorchester Hotel Limited		
Registered Number	22/08705/FULL 22/08706/LBC	Date amended/ completed	23 December 2022
Date Application Received	23 December 2022		
Historic Building Grade	II		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

- | |
|---|
| <ol style="list-style-type: none"> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter. |
|---|

2. SUMMARY & KEY CONSIDERATIONS

<p>The applications are the latest in a series of proposals as part of an on-going refurbishment programme for this iconic hotel. The current proposals relate to the top/ninth floor of the building where there is currently a restaurant alongside some hotel suites and back of house functions. The proposed works include reconfiguring the guest suites, conversion of some of the guest</p>

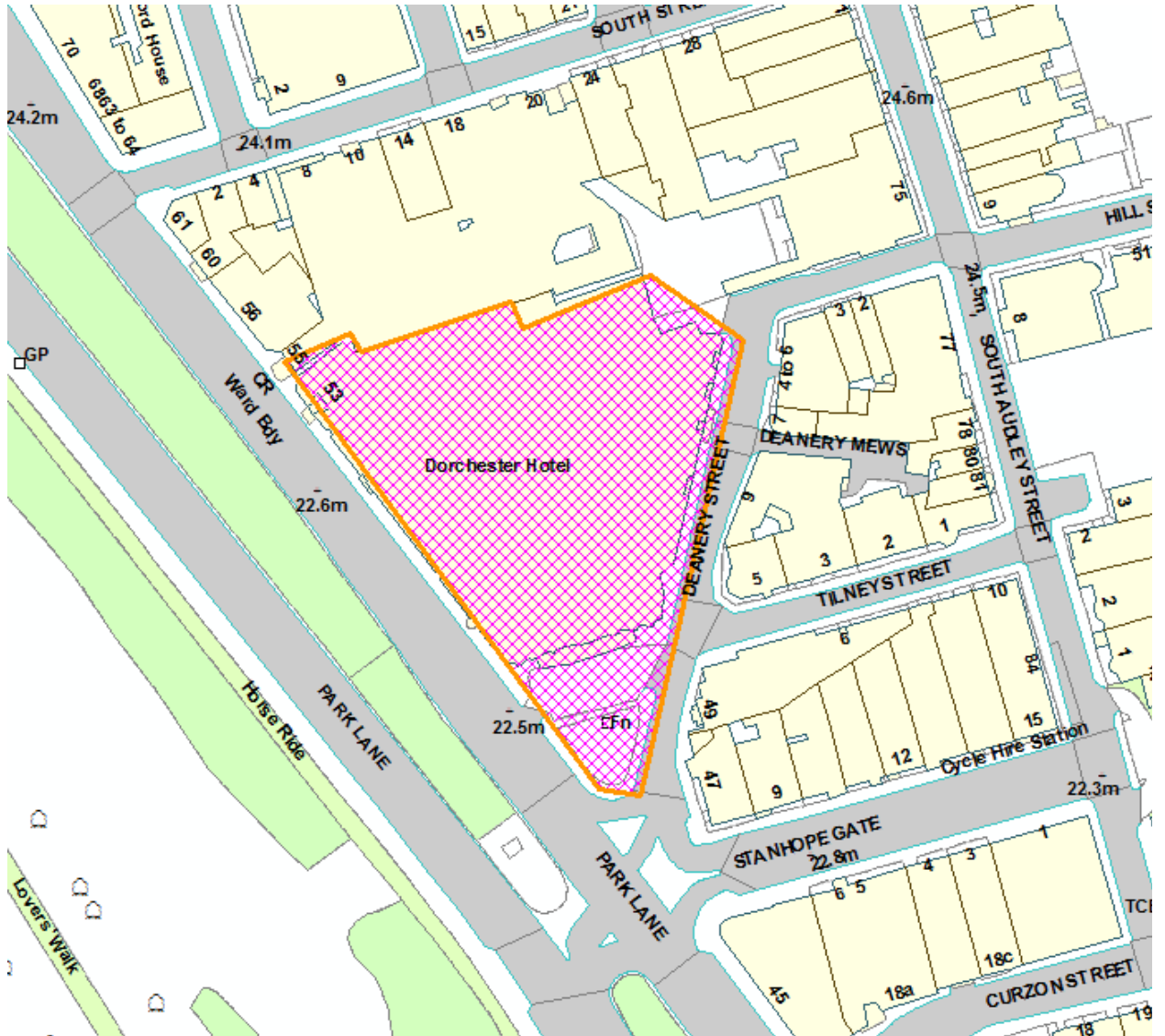
accommodation to additional ancillary restaurant accommodation, creation of a new guest suite in an existing plant room, relocation of new/replacement plant and improved circulation.

The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Mayfair Conservation Area and the setting of other nearby designated heritage assets, in particular Hyde Park.

There has been an objection from The Royal Parks concerned about the impact of the proposals on Hyde Park, and a representation on behalf of 25 flats in 55 Park Lane, concerned about noise and disturbance from building works. For the reasons set out in the main report, the proposals are considered to be in accordance with relevant policies in the City Plan 2019 – 2040 Adopted April 2021 and the objections are not considered to be sustainable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND

Do not wish to offer advice and have issued Authorisation for the Council to determine the listed building application.

MAYFAIR RESIDENTS GROUP

Any comments to be reported verbally

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any comments to be reported verbally

MAYFAIR NEIGHBOURHOOD FORUM

Any comments to be reported verbally

THE ROYAL PARKS

Initial objection on the grounds of the height of the vertical extension and its impact upon the sky space surrounding and general views from Hyde Park: the extension would add to the massing seen east from the Park, further darkening the sky space and offering no benefit to Park users and the natural environment.

Following meetings with the applicants and their agents, and revisions to the proposals, The Royal Parks subsequently commented that:

- they welcome the proposed decrease in the height of the proposed parapet wall at roof level by 300mm since it would reduce the massing of the hotel (as viewed from the Park), yet still hide some of the current roof-top plant;
- they are supportive of the revised proposed treatment of the chiller units at high level, namely the addition of screening clad in stone to match/blend in with the stonework of the building. However, the chiller units would be repositioned approximately in their current location but one level higher (thereby effectively increasing the building's massing) - disappointed that there is no scope to relocate the chillers to a lower-level storey or to set them back any distance away from the Park so that they would be less visible in short-range views from the Park;
- they appreciate the revisions made to the proposed fenestration at ninth floor level to both the west and east elevations, but the revised design relative to the existing building would increase the number of windows (and glazed area) overlooking the Park at high level. They believe that artificial lighting at this height, notably during the winter months, could impact upon the Park visitors' sense of separation from the metropolis;
- At the request of the applicant, they identified certain locations in the Park where they felt views out of the Park would or could be adversely affected by the proposed changes to the hotel. These views are different depending on the time of year and the leaf cover of the trees - of the viewpoints identified, they believe

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

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

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

6.2 Neighbourhood Planning

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

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

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

The application relates to the well-known Dorchester Hotel, that dates from 1930. The building, which is listed Grade II, is located within the Mayfair Conservation Area, the Central Activities Zone.

7.2 Recent Relevant History

The current application is the latest in a series of applications as part of an on-going

refurbishment of the hotel. The most relevant approvals are as follows:

8 March 2021 – planning permission and listed building consent granted for alterations including replacement windows, replacement entrance canopy, alterations to pick up/drop off area and landscaping, replacement of car park ramp with car lift, and introduction of new concession at ground floor facing Deanery Street with its own external alterations, all together with associated works.

3 December 2021 – listed building consent granted for internal alterations and decoration of the hotel guestrooms and corridors on the upper levels between the third and seventh floors, including the installation of a new accessible DDA room to each floor.

17 February 2023 – listed building consent granted for internal alterations and decoration of the hotel guestrooms and corridors on the eighth floor including the removal of later staircases to 9th floor, including the installation of a new accessible DDA room.

8. THE PROPOSAL

The development proposals seek to demolish the southern and northern parts of the 9th floor, retaining the central element. New single storey extensions are then constructed to the north and the south of the roof, to create a continuous holistic roof scape to the eastern and southern elevations which front Park Lane. A further single storey extension is proposed to the rear wing.

The southern extension provides an enhanced roof top restaurant (ancillary to the hotel) while the northern extension provides a new guest suite. The existing ninth floor area is refurbished to provide a refurbished Penthouse Suite. The rear extension provides back of house facilities. Two of the lifts are raised to the ninth floor for access.

The Chillers which are located on the ninth floor presently are unscreened. These are to be rehoused on top of the roof enclosure behind a new parapet. The parapet is a continuous architectural form used to screen all plant at roof level.

The restaurant and lounges are provided with new toilets, new back of house facilities, new entrance foyer with a series of roof lights, with the one located over the main dining area being retractable. The dining area is also fitted with retractable bi-fold doors to the north, western and southern elevations. These elements would be fixed shut by 11pm. Existing areas of flat roof on the southern section and the rear wing are to be used for external dining.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals seek improvements to the top floor of the existing hotel, with a reconfiguration of guest accommodation and improvements and small extensions to an ancillary restaurant, including improved access. There is a small increase in floorspace of 73 sqm, from 1,060 sqm (GIA) to 1,133 sqm.

London Plan Policy E10 (Visitor Infrastructure) seeks that “*within the CAZ, strategically-important serviced accommodation should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods, and subject to the impact on office space and other strategic functions.*”

Policy 15 ‘Visitor Economy’ of the City Plan seeks to protect existing hotels. Part H of the policy states the following:

“Applications for extensions and upgrades to existing hotels will have regard to impacts on the wider area. Development proposals should improve accessibility and enable the extended lifetime of buildings by incorporating principles and measures of sustainable design wherever possible. Development proposals should, where appropriate, reveal the historic significance of hotels located within heritage assets.”

City Plan Policy 1. ‘Westminster’s spatial strategy’ states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City by a number of measures that include addressing requirements for visitor attractions within the Central Activities Zone (CAZ). City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre use, which includes hotel and conference facilities (as defined within the NPPF and London Plan). London Plan Policy E10(F) states:

“Within the CAZ, strategically-important serviced accommodation [which includes hotels] should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential street or predominantly residential neighbourhoods”.

Mayfair Neighbourhood Plan Policy MSG2 encourages growth within several areas, including Park Lane and West and Central Mayfair generally for mixed use and residential growth.

Accordingly the proposal is considered to be acceptable in land use terms.

9.2 Environment & Sustainability

Part E of City Plan Policy 38 (Design Principles) requires applicants to demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards. Given the relatively small scale nature of the proposals, there is a limit to what improvements can be achieved in this case. The application submission includes a BREEAM Pre-Assessment that assesses the development’s ability to meet various criteria. In this case the proposals are limited in their scope because they do not relate to the whole hotel and the main building services plant related to the fabric performance of the proposed extensions is not being replaced, i.e. the extensions incorporate the existing building services. The opportunity is taken to renew and replace some plant that already exists on the roof. A further constraint is the building’s listed status and location within the Mayfair Conservation Area, which does impose limitations. Overall, the development achieves a score of ‘Very Good’, with some improvement achieved from energy efficiency measures in the replacement extensions and the areas to be refurbished.

9.3 Biodiversity & Greening

Policy 34 of the City Plan requires that; ‘Developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.’ Part A of the policy states that; ‘The council will protect and enhance the city’s green infrastructure to maximise its environmental, social and economic value.’ Paragraph 34.3 of the City Plan states that; ‘All developments have opportunities to contribute to the further greening of the city. The type and scale of measures that will be suitable will depend on the specific type, scale and context of the development. Examples of greening measures include green roofs and walls, rain gardens, planting, grassland, vegetated sustainable drainage systems and trees.’

In this case, given the small-scale nature of the works and the listed status of the building, there are not considered any opportunities for greening.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

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

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

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

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible. 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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

Policies 38, 39 and 40 of the City Plan 2019-2040 (adopted April 2021) and policies MD3 and MD4 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019) are pertinent in this case.

Consideration

The Dorchester Hotel is a Grade II listed building located in the Mayfair Conservation Area. It was built in 1930 in a Modernist style and forms a well-known focal building in the area. It is visible from the Royal Parks Conservation Area and Grade I registered Hyde Park. Internally, it has a mostly modern fit out, save for the communal spaces and Oliver Messel schemes within the seventh and eighth floors, which are of architectural value and contribute to the building's special interest. These internal spaces will be unaffected by the proposals.

This application will see the partial demolition of the ninth floor and addition of single storey extensions to the south, north and east at this level. These will read as a coherent roof extension. The proposals will also see the replacement of plant and its relocation within a large enclosure, as well as the erection of a new kitchen extract riser.

This application has been assessed against policies 38, 39 and 40 of the City Plan 2019-2040 (adopted April 2021) and policies MD3 and MD4 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019).

The ninth storey dates from the 1950s and was extended following approval of 05/07674/FULL & 05/07675/LBC. It is of no historic or architectural interest. The existing extension does not contribute to the special interest of the listed building or the character and appearance of the conservation area. Its roof form appears cluttered, due to piecemeal additions of plant and services, and fails to reflect the symmetry found on the lower levels of the facades.

The form, massing and detailed design of the proposals have been extensively negotiated during pre-application discussions. The proposals reflect officers' advice during this communication, as demonstrated within the Design and Access Statement.

Its height and stepped back position are sympathetic, remaining legible as a secondary roof addition, while the undulating footprint reflects that below, in terms of the chamfered corners, and serves to soften the appearance of the additional massing further. A slightly taller, central element to the main façade creates a focal piece at roof level and completes the building in an appropriate manner. The increase in height is approximately 0.5m across much of the ninth store when compared with the existing, while a taller plant room adds a further 1m to the northern portion of the roof. The height reflects the neighbouring property (55-61 Park Lane) and is considered appropriate in this case.

The proposals offer a coherent composition to the principal south and west façades. While the retention of a plant area is disappointing, it is proposed to be screened in the

same finish as the building beneath and is an improvement on the existing arrangement. It is noted that the applicant's has stated that there are no alternatives for the location of the plant. The extension fenestration largely reflects the building below. The ninth floor extensions to the rear wings are finished in the same stone with the same detailing, chamfered corners and fenestration.

The roof extension will introduce symmetry to the roofscape, reflective of the uniformity of the façade beneath. The extension will provide a balanced and considered roofscape to the building. This will enhance its appearance, special interest and the contribution that it makes to the character and appearance of the Mayfair Conservation Area and the setting of Hyde Park and the Royal Parks Conservation Area.

The proposed extract riser is to be located at the rear of the building within the southern lightwell and climb the rear of the building. This provides the opportunity for the low-level extract ductwork to be removed from the first-floor flat roof.

The additional bulk will add massing to the rear of the building, stepping proud of the original footprint of the upper floors. This will cause a low level of less than substantial harm to the special interest of the listed building and the character and appearance of the conservation area. This harm has been minimised by the location of the riser, which will sit against a secondary façade and will incorporate the matching cornice details. This will reduce its prominent appearance and serve to appear as part of the envelope of the existing building. The drawings state that this will be clad in concrete which would not be appropriate.

Paragraph 202 of the NPPF states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The riser forms a key part of the proposals, enabling the restaurant use of the proposed roof extension. It will also allow the removal of the kitchen extract ductwork from the low-level flat roof which will improve the outlook from neighbouring high-level windows. As such, when assessed against the scheme as a whole, the harm caused by the riser is outweighed by the built environmental benefits brought about by the roof extension.

A condition is recommended to ensure that it is finished in the same stonework as the rest of the building.

Objection from The Royal Parks

An objection has been received from The Royal Parks in relation to the following aspects of the scheme:

- a) The impact of the additional massing of the proposed rebuilt section of the northern part of the roof with relocated plant area above it, in views from Hyde Park.
- b) Increase in glazed areas and increase in artificial light viewed from Hyde Park, with particular concern raised regarding the impact on the views beyond the July 7 Memorial.

The Hyde Park Management Plan 2022-2032 identifies a series of key views within the park. It should be noted that none of these identified views will be affected by the proposals.

The additional height and bulk of the chiller units and screens will see additional bulk to the west portion of the roof. This is a localised area of increased bulk, which will sit below the height of the pitched roof form at 55-61 Park Lane. While the proposals will see a change in the roofscape of the Dorchester Hotel, it forms a small area of additional bulk and will not breach the established buildings heights in the locality. Furthermore, it will sit behind a stone clad screen and appear as part of the envelope of the building. As such, this part of the proposals will have a neutral impact on views from the park, forming a change within the urban context in which the park is experienced.

During the evenings and winter months, the proposals will see an increase in artificial illumination through the windows of the extension. The 7 July Memorial is located approximately 100m south of the application building. The memorial is experienced within a verdant setting with a dense tree canopy which serves to screen the built-up townscape to the north, particularly in the summer months. It should be noted that the memorial is not illuminated for evening visitation. While the proposals will result in an increase in artificial light from the building, given the existing, contrasting urban character of the east side of Park Lane, the height of the ninth floor parapet, and the mullioned/glazing bar window details, the proposals are not considered to harm the setting of the Royal Parks Conservation Area.

Overall, the proposals will enhance the special interest of the listed building and character and appearance Mayfair Conservation Area, and the settings of the Royal Parks Conservation Area and Grade I registered Hyde Park. This is in accordance with policies 38, 39 and 40 of the City Plan, as well as policies MD1, MD2, MD3 and MD4 of the Mayfair Neighbourhood Plan 2018-2038.

9.5 Residential Amenity

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating that development will be neighbourly by, 'Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking'. City Plan Policy 33(A) states, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'.

Daylight & Sunlight

The applicant has provided a daylight and sunlight report that identifies the nearest residential properties that could be affected by the proposal. The assessment identifies the nearby residential properties to be:

- 55 Park Lane
- 56-60 Park Lane
- 4-6 Deanery Street
- 7 Deanery Street
- Top Floor, 5 Deanery Street

- 75 South Audley Street .

Given the modest extensions proposed, the daylight and sunlight report concludes that the proposal is fully compliant with the BRE's publication 'Site layout planning for daylight and sunlight' in terms of the vertical sky component (VSC), Daylight Distribution (NSL) and Annual Probably Sunlight Hours (APSH) analysis. The technical analysis shows that the surrounding properties will still experience a very high level of compliance. No objections have been received on this matter.

Privacy & Noise – roof terraces

There are already areas of flat roof on the south-west corner of the building that have been used for outdoor dining, and there are no planning controls on this given that they are an ancillary use of the hotel. The proposals seek to retain and slightly extend these areas on the south side, including small areas along the southern frontage of the building, accessed through new bi-folding doors that lead from the re-built restaurant. There is also a small outside dining area (accommodating approximately 18 diners) created on a flat roof at the rear of the building, adjacent to an extension that will house a private dining room.

As there is residential at the rear of the site, it is considered appropriate to restrict the hours that these outside areas can be used. The applicant has submitted a Management Statement that confirms these areas will only be used until 23.00 hours and this is being secured by condition. At the request of Environmental Sciences a condition also prevents the playing of live or amplified music on these terraces.

Noise & Vibration – plant

Items of mechanical plant are proposed on the roof of the development enclosed by acoustic louvres. The assessment indicates that cumulative plant noise levels at the nearest residential properties would comply with standard noise conditions and with the requirements of policies 7 and 33 in the City Plan. This has been conditioned.

Building works

There has been an objection on behalf of 25 flats in the building immediately to the north of the application site, 55 Park Lane, on the grounds of noise and disturbance arising from building works. The small scale of the proposed works mean that they are not required to sign up to the Council's Code of Construction Practice. However, there is the standard condition controlling the hours that noisy building works can be carried out. It should also be noted that the hotel will continue to operate during the works and that it is in the applicant's own interest, on behalf of its guests, to ensure that there is minimum disruption.

9.6 Transportation, Accessibility & Servicing

The proposed changes have no highways-related implications.

9.7 Economy including Employment & Skills

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

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

10. Conclusion

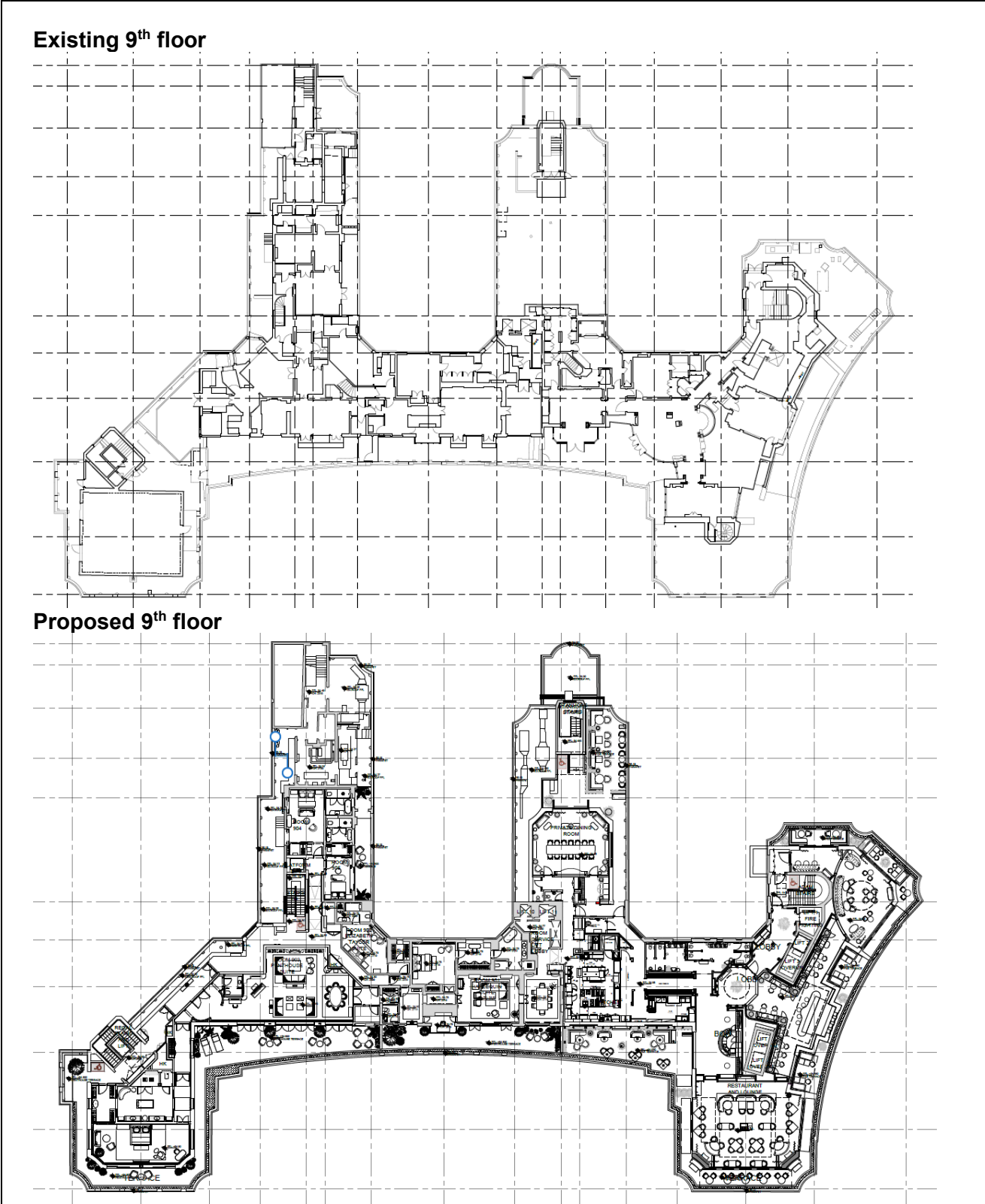
This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. The concerns raised by The Royal Parks are noted and have been carefully assessed but it is considered that the impact on views from Hyde Park will not be adversely affected to a material extent. Having regard to this assessment, it has found that the proposed development is acceptable and the objection is not considered to be sustainable.

Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission and listed building consent are granted, subject to the conditions listed at the end of this report.

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

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

11. KEY DRAWINGS



Existing west elevation



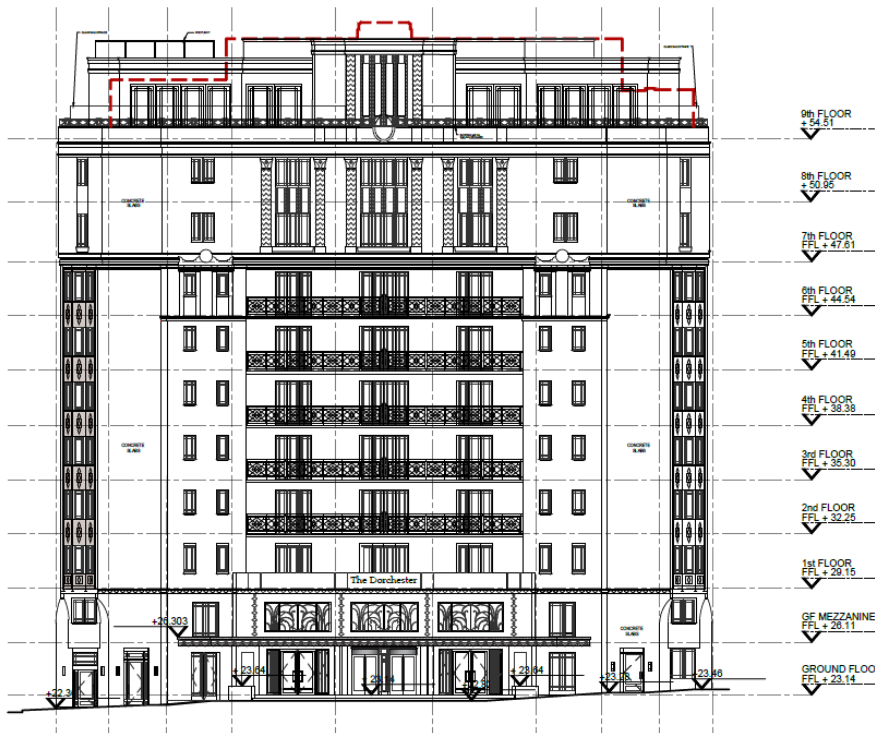
Proposed west elevation



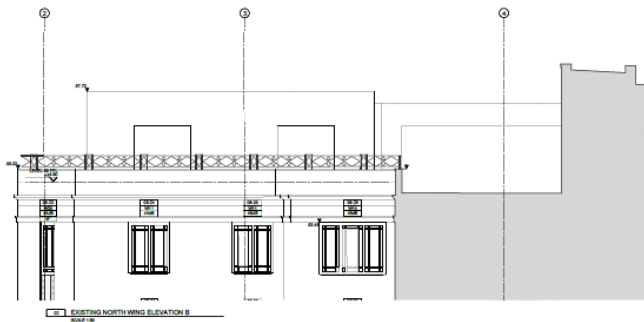
Existing south elevation



Proposed south elevation



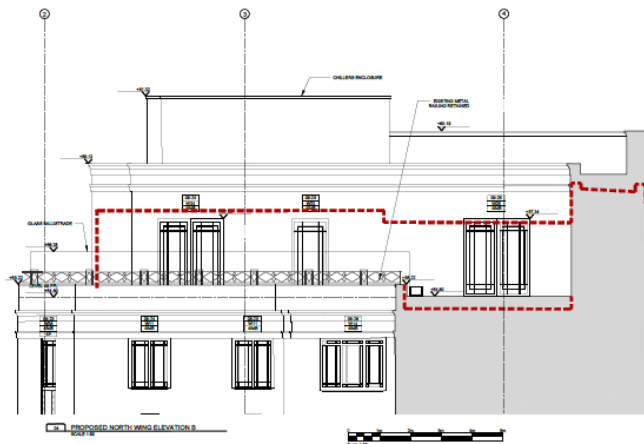
North wing side elevation, existing and proposed



Further information supplied by others. All dimensions and levels are to be checked in situ by contractors and discrepancies reported immediately to the architect. The architect is not responsible for any errors or omissions in the drawings and shall not be liable for any loss or damage, including consequential loss, arising from any use of the drawings. It is the responsibility of the contractor to ensure that all work under the responsibility of the contractor is carried out in accordance with the drawings and specifications. The architect is not responsible for any errors or omissions in the drawings and specifications. The architect is not responsible for any errors or omissions in the drawings and specifications. The architect is not responsible for any errors or omissions in the drawings and specifications.

REV.	REVISIONS	DATE	BY
01	PLANNING ISSUE	14.12.13	GP

PLANNING ISSUE



REARDONSMITH ARCHITECTS
10-13 The Landmark, Victoria Street, London SE1 1UG
020 7333 0800 www.reardonsmith.com

Client: THE DORCHESTER COLLECTION
Project: THE DORCHESTER HOTEL
Title: NORTH WING ELEVATION B
EXISTING
PROPOSED

Date: 14.12.13 Scale: A1 Drawn By: GP
No. In: 10/13 Date: 1.13 Checked By: GP
Sheet: PL Drawing No: A-PL-169-200-13 Size: D1

These drawings are the property of Reardon Smith Architects and shall remain the property of Reardon Smith Architects. They are to be used only for the purposes for which they are intended. No part of these drawings may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Reardon Smith Architects. The architect is not responsible for any errors or omissions in the drawings and specifications. The architect is not responsible for any errors or omissions in the drawings and specifications. The architect is not responsible for any errors or omissions in the drawings and specifications.

DRAFT DECISION LETTER - PLANNING

Address: Dorchester Hotel, 53 Park Lane, London, W1K 1QA,

Proposal: Partial demolition of the ninth floor and erection of single storey extensions to the south, north and east (rear) of the ninth floor, erection of new kitchen extract riser, replacement windows, together with replacement plant and equipment to the roof of the ninth floor, and other associated internal and external alterations; includes use of part of the perimeter area of the south-eastern area [opposite the junction with Tilney Street-Deanery Street] of the ninth floor roof as a terrace and use of part of the rear eastern ninth floor wing, parallel to Deanery Street, as a roof terrace, both terraces being used as additional restaurant seating ancillary to the hotel.

Reference: 22/08705/FULL

Plan Nos: TO BE ADDED

Case Officer: Paul Quayle

Direct Tel. No. 07866039895

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 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 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 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)

- 4 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development: , ,
- a) New doors,
 - b) New windows,
 - c) Balustrade.

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

Reason:

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

- 5 Notwithstanding what is shown on the drawings, the riser shall be clad in artificial stone to match the material of the wall to which it is attached.

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 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)

- 7 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 , onot 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)

- 8 (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)

- 9 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)

- 10 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) 8 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)

- 11 You must install the acoustic attenuation measures/screening shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

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). (R13BD)

- 12 You must not play live or recorded music on the roof terraces at ninth floor level.

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)

- 13 The entertainment facilities at ninth floor level must be operated in accordance with the 'Management Statement The Dorchester Rooftop'. In particular the terraced areas must only be used by visitors and guests of the hotel between 07.00 and 23.00 hours and the bi-folding doors and skylights must be kept closed between 23.00 and 07.00 hours.

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)

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 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted

work (Section 60, Control of Pollution Act 1974), , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 3 Condition 6 controls noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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 – LISTED BUILDING

Address: Dorchester Hotel, 53 Park Lane, London, W1K 1QA,

Proposal: Partial demolition of the ninth floor and erection of single storey extensions to the south, north and east (rear) of the ninth floor, erection of new kitchen extract riser, replacement windows, together with replacement plant and equipment to the roof of the ninth floor, and other associated internal and external alterations. (Linked to 22/08705/FULL)

Reference: 22/08706/LBC

Plan Nos: TO BE ADDED

Case Officer: Paul Quayle **Direct Tel. No.** 020 7641 07866039895

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 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)

3 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)

4 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:
a) New doors,
b) New windows,
c) Balustrade.
You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

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

5 Notwithstanding what is shown on the drawings, the riser shall be clad in artificial stone to match the material of the wall to which it is attached.

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 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)

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.

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