

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 December 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Site at 90-93, 94 and 95 Piccadilly, 10, 11 and 12 White Horse Street, 12 Shepherd Market and 42 Half Moon Street		
Proposal	Demolition and rebuilding of 42 Half Moon Street, 11 White Horse Street and 12 Shepherd Market; demolition (with exception of retained facade) and rebuilding of 10 White Horse Street and erection of a 5 storey extension at vacant site at 12 White Horse Street. Refurbishment of all other existing buildings including minor demolition works, alterations and extensions, excavation to provide additional accommodation at basement level, removal of courtyard tree and installation of new plant and other associated works, all in association with the use of the site as an hotel (Class C1) and seven residential apartments (Class C3).		
Agent	DP9		
On behalf of	Tower Properties Management Ltd on behalf of Grey Goose Properties Ltd, Glenhurst Investments Ltd, Haynesworth Properties Ltd, Lanark Services Ltd, Denton Securities Ltd, Gioconda Properties Ltd, Shepherd Market Holdings Ltd & Shepherd Market Residential Ltd		
Registered Number	17/03980/FULL 17/003981/LBC	Date amended/ completed	6 November 2017
Date Application Received	5 May 2017		
Historic Building Grade	I - 94 Piccadilly II – 90-93 and 95 Piccadilly		
Conservation Area	Mayfair		

1. RECOMMENDATION

- 1 Grant conditional permission subject to a s106 legal agreement to secure:
- i) a contribution of £439,000 towards the City Council's affordable housing fund (index linked and payable upon commencement of development)
 - ii) a Crossrail payment (currently calculated at £464,332) which will be reduced to £nil

- after being offset against the Mayoral CIL as permitted by the Crossrail SPG)
- iii) a carbon offset payment of £63,000 (index linked and payable on commencement of development)
 - iv) costs relating to highways works around the site to facilitate the development (including the creation of a vehicular crossover)
 - v) arrangements for public access to grand first floor rooms as part of the Open House programme
 - vi) an employment and training opportunities strategy
 - vii) monitoring costs

2. If the S106 legal agreement has not been completed within six weeks of the date of the Committee resolution then:

- a) The Director of Planning 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 Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 Grant conditional listed building consent

4. Agree reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision notice.

2. SUMMARY

The existing buildings occupy a prominent site on the north side of Piccadilly, with frontages on White Horse Street and Half Moon Street. The properties are largely vacant, and many are in a considerable state of disrepair, with all of the listed buildings being on Historic England's Register of Buildings at Risk. The lawful use of the buildings is as two private members' clubs, a nightclub, 11 flats and five retail units, the majority of which have a long history of vacancy but which are currently occupied pending the development of the site. There is a long history of permissions for the use of various parts of the site for hotel use or for residential use with retail/restaurant uses on the lower floors. Permission and listed building consent are now sought for alterations to the retained listed buildings, the redevelopment of the unlisted buildings (behind the retained front façade in the case of 10 White Horse Street), for the redevelopment of the vacant land and for the excavation of additional basements over the greater part of the site. The proposed use of the buildings is as hotel (102 bedrooms) hotel with ancillary public entertainment facilities (restaurant, bars, (retained) ballroom and spa/pool/gym) and seven residential apartments. The development would result in the removal of a London plane tree at the rear of 94 Piccadilly, which is the subject of a Tree Preservation Order.

The key issues for consideration in this case are:

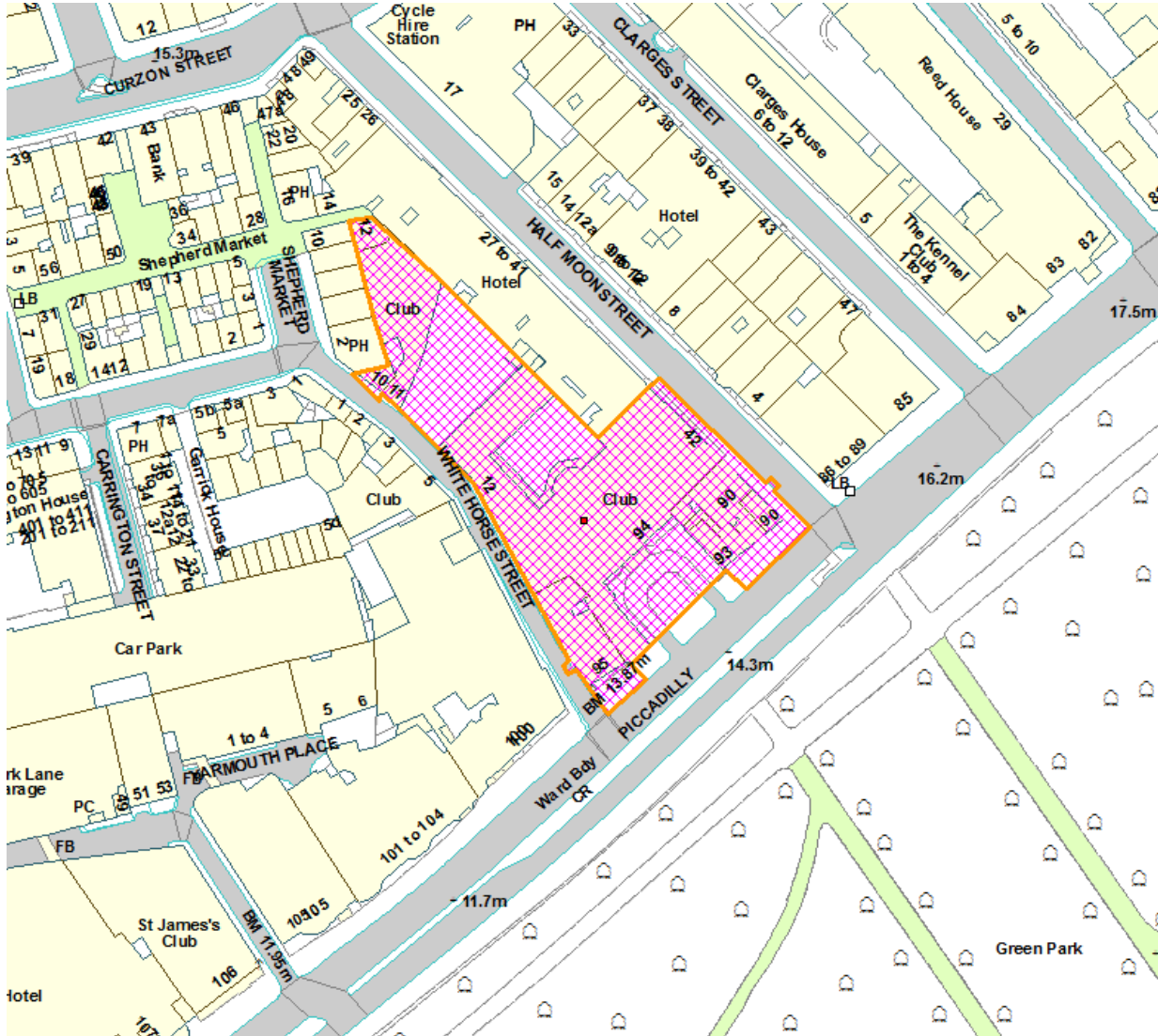
- * The acceptability of the scheme in land use terms
- * The impact of the proposals upon both the special interest, and setting, of the existing and neighbouring listed buildings and on the character and appearance of the Mayfair Conservation Area, including the loss of the tree.
- * the acceptability of the basement excavations
- * the impact of the development upon residents' amenities and local environmental quality
- * the acceptability of the proposals in highways terms

Subject to appropriate controls, the development is considered acceptable in land use terms and would not have a material impact upon residents' amenities, local environmental quality or character and function of the area. Given the site history, there is no objection to the reduction in the number of flats on the site and proposals to address the affordable housing requirement (one unit) through a contribution to the Council's affordable housing fund are considered acceptable.

The restoration and re-use of these important listed buildings is welcomed, as is the redevelopment of a long-term vacant site. The scheme is considered acceptable in terms of its impact on the special interest and setting of the existing, and neighbouring, listed buildings and upon the character and appearance of this part of the conservation area. The removal of the protected tree, which has been approved previously, is also acceptable. Although the scheme does not fully comply with new basement policies, given the site history, and the overall benefits of the development, the extent of basement excavation is considered acceptable. With conditions, there is no objection to the scheme on highways grounds.

For the reasons outlined in the main body of the report, the proposals are considered acceptable and are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



90-93, 94 and 95 Piccadilly



White Horse Street frontage



Half Moon Street frontage

5. CONSULTATIONS

COUNCILLOR HUG: Objection: inadequate affordable housing provision given the nature of the development

HISTORIC ENGLAND

Council to determine the application as it thinks fit

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections subject to conditions to protect site archaeology

LONDON UNDERGROUND LIMITED

Do not wish to comment. LUL is in discussions with the developer

LONDON TOURIST BOARD & CONVENTION BUREAU

Any response to be reported verbally

THE ROYAL PARKS

Any response to be reported verbally

METROPOLITAN POLICE – DESIGNING OUT CRIME

Considers inadequate information provided regarding security issues. General advice given regarding security to entrance doors, lifts, cycle stores etc. and arrangements to prevent unauthorised internal access to the flats and hotel safes and alcohol stores

RESIDENTS' SOCIETY OF MAYFAIR & ST. JAMES'S

No objection

WESTMINSTER SOCIETY

Consider the scheme to be of great merit, restoring the building to beneficial use and providing some residential units; servicing arrangements well thought through. Strongly recommend that the application is approved.

VICTORIAN SOCIETY

Any response to be reported verbally

GEORGIAN GROUP

Any response to be reported verbally

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally

ANCIENT MONUMENTS SOCIETY
Any response to be reported verbally

COUNCIL FOR BRITISH ARCHAEOLOGY
Objection to the “reproduction of the grand rooms” and the loss of historic fabric.
Consider that an archaeological report should be provided.

BUILDING CONTROL
No objection

CLEANSING
Objection: details required of commercial and residential storage areas and waste transfer routes with adequate clearance for bin transfers.

ENVIRONMENTAL HEALTH
No objection subject to conditions

HIGHWAYS PLANNING
Scheme should be amended to provide improved visibility splays, updated Servicing Management Plan required.

ARBORICULTURAL MANAGER
Objection: loss of London plane tree in rear courtyard; replacement planting proposals inadequate and unsustainable.

HOUSING SUPPLY MANAGER
Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS
RECEIVED

No. Consulted: 330

Total No. of replies: 6. No. of objections: 4, No. in support/no objection: 2

Welcome a “sensible” development on this site

Amenity

- Loss of daylight,
- Overshadowing and “canyonisation” of White Horse Street, creating an unpleasant pedestrian environment.
- Loss of sunlight
- Increased sense of enclosure

- Overlooking
- All plant should be located and attenuated to prevent noise disturbance
- Acoustic report does not identify the nearest noise sensitive properties
- Noise disturbance from servicing in White Horse Street
- Should be no new access points to the site from Half Moon Street, particularly for tradesmen/refuse collections.

Design/townscape

- Height of development out of keeping with neighbouring buildings in historically import streetscape
- Loss of tree

Highways

- Obstruction of narrow street by servicing vehicles and adverse impact on pedestrian safety

Other issues

- Adverse impact upon residents' amenity, pedestrian safety and the operation of neighbouring businesses during the course of construction as a result of noise disturbance and dust pollution and construction traffic
- Impact of degree of excavation on neighbours' amenity. Development contrary to basement policy

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to a group of buildings and a vacant plot on the north side of Piccadilly directly opposite Green Park. The site occupies the entire Piccadilly frontage between White Horse Street and Half Moon Street and has frontages on both of those streets. The buildings are within the Mayfair Conservation Area, the core Central Activities Zone and The Great Estates Architectural Priority Area.

The site comprises:

94 Piccadilly/42 Half Moon Street (and vacant land at 12 White Horse Street)

The main part of the site is occupied by 94 Piccadilly, a Grade I listed building dating from the 1750s. The property was originally built as a dwelling house but was most

recently occupied as a private members' club - the Naval and Military Club, also known as the 'In and Out' Club (sui generis).

The main building occupies lower ground, ground and three upper floors. There is also a small annexe building (lower ground and ground floors) immediately to the rear of 95 Piccadilly. The rear wing, fronting White Horse Street (part basement to part third floors) connects the main building to a ballroom, with basement below, at the rear of a central courtyard. A London plane tree within this courtyard is the subject of a Tree Preservation Order. The building is set at the rear of a large front courtyard, enclosed by a high wall and gates, with vehicular access.

The Club also occupied premises at 42 Half Moon Street (lower ground, ground and first to fifth floors). Built in 1917, this building provided overnight accommodation for Club members/staff rooms and, in 1934, was linked to the main Club via a stepped bridge across a shared lightwell. The roof and upper floor façade were rebuilt in the 1950s, following bomb damage.

The original building at 12 White Horse Street also provided club accommodation. Whilst included as part of the Grade I listing for the main villa, it was of modest architectural interest. This building was demolished pursuant to a 2002 permission for its redevelopment.

The front courtyard at 94 Piccadilly is currently operating as a food court, with ancillary facilities in the basement of the main building, under a temporary permission, which expires in June 2018. Within the exception of this use, the site has been vacant since at least 2001 when the Club relocated to St. James's Square.

There is an extant permission for the use of 94 Piccadilly and part of the vacant site at 12 White Horse Street as a single family dwelling house. The applicants have advised that this permission has been implemented through the undertaking of minor works, namely the removal of the rear courtyard fountain. There is also extant permission for the redevelopment of 42 Half Moon Street for residential use in conjunction with the upper floors at 90-93 Piccadilly.

95 Piccadilly

This Grade II listed building provides accommodation on lower ground to fourth floors plus an attic storey. The rear wing, on White Horse Street, rises to third floor level. Originally built as a house, it was occupied as private members' club (The American Club) from 1919 until the Club folded in the late 1990s.

There is extant permission for alterations and extensions to the building for use as a single family dwelling house (in conjunction with the redeveloped annexe building to 94 Piccadilly).

90-93 Piccadilly (Green Park Mansions)

This Grade II listed building was formerly occupied as four retail units (Class A1) on lower ground, ground and mezzanine floors (only the mezzanine level within no. 93 remains), and as 10 flats on part ground and four upper floors, accessed from Half Moon Street. The flats have been vacant for approximately 20 years and are not fit for habitation. The retail units are currently occupied (as two tourist gift shops, a watch retailer and an art gallery) pending the development of the site but have a long history of vacancy.

There is an extant permission for the use of the lower floors for retail (Class A1/A2) purposes and for the use of the upper floors and a new building at 42 Half Moon Street as six residential apartments (1 x 1 bed and 5 x 4 bed).

All three listed buildings, 90-93, 94 and 95 Piccadilly, are on Historic England's Register of Buildings at Risk, being in a considerable state of disrepair.

10 White Horse Street and 11 White Horse Street /12 Shepherd Market

10 White Horse Street is an early 19th century townhouse. The basement and ground floors are currently occupied as a retail art gallery (Class A1). The first and second floors, and attic storey, have a lawful use as a residential apartment.

11 White Horse Street and 12 Shepherd Market are vacant, post-war buildings which form part of the same site. The rear Shepherd Market building has a very limited frontage down a narrow alleyway (Shepherd Market Lane), which serve as a means of escape from the Green Park Hilton hotel on Half Moon Street. The buildings, on basement, ground, first, second and part third/fourth floors, were previously in use as a nightclub (sui generis).

No. 11 wraps around the rear of 2-10 Shepherd Market, and abuts the rear boundary to the neighbouring hotel. No. 2 Shepherd Market is occupied as a public house on all floors. Nos.4-10 Shepherd Market are in commercial use with flats above.

A 2012 permission for the redevelopment of part of the site (excluding 12 White Horse Street) to provide shops and five flats has expired. A new application, for the redevelopment of 10-11 White Horse Street, 12 Shepherd Market and the vacant land at 12 White Horse Street to provide 16 flats and basement parking, is pending consideration.

The main part of the site slopes downwards towards the rear (north) so that lower ground floor level (on plan) is at pavement level.

This part of Mayfair, which leads into Shepherd Market, is characterised by a mixture of commercial and residential uses. To the north and east of the site are a public house at 2 Shepherd Market and a hotel at 27-41 Half Moon Street/14 Shepherd Market. Flemings Hotel is opposite the site at 7-12 Half Moon Street.

In addition to the flats at 4-10 Shepherd Market, the closest residential properties at 4 and 5 Half Moon Street (with extant permission for the conversion of no. 6 to flats), on the upper floors of 86-89 Piccadilly and on the upper floors of 100 Piccadilly (fronting White Horse Street). There is extant permission for extensions to the rear and roof of 100 Piccadilly and for the conversion of offices on the lower floors to provide new residential apartments. There are also flats above commercial premises at 1-5 White Horse Street.

Neighbouring buildings at 100 Piccadilly, 2 Shepherd Market, 1-5 White Horse Street, 4, 5, 6, 29-34 (consecutive) and 41 Half Moon Street are all Grade II listed.

6.2 Relevant History

90-93, 94 and 95 Piccadilly, 12 White Horse Street and 42 Half Moon Street (and 100 Piccadilly)

There is a history of permissions since 1995, in various configurations, for the use of all/some of these buildings for hotel use, or for residential purposes with Class A uses on the lower floors of Green Park Mansions.

28 August 2002: Permission, listed building consent and conservation area consent granted for alterations and extensions, including excavations beneath the front courtyard at 94 Piccadilly the part redevelopment of 12 White Horse Street and use of 90-93, 94 and No. 95 Piccadilly, 42 Half Moon Street and 12 White Horse Street ('the main site') as a 101 bedroom hotel including a restaurant, night club, health club, ballroom and function rooms with off-street servicing accessed from White Horse Street. A legal agreement required the existing residential floorspace to be relocated to sites in Queen Street and Mount Street. Work commenced in 2005/2006 and the site at 12 White Horse Street was cleared in 2006.

On 25 October 2007 the Planning Applications Sub-Committee resolved to approve several applications for planning permission and listed building consent for:

Alterations and extensions to 96-100 Piccadilly (known as 100 Piccadilly) to provide additional hotel bedrooms for use approved hotel on the main site (total 126 bedrooms), including new links between the two sites over and under White Horse Street) and various applications for

- "Alterations during the course of construction" to the 2002 hotel permission for the application site including: an additional basement area at 12 White Horse Street to provide ancillary accommodation and additional roof plant; internal and external works to 90- 95 Piccadilly including new roof plant and the extension of the courtyard verandah to no. 94; the excavation of three basement levels beneath the front courtyard to 94 Piccadilly the excavation of two new basements beneath the rear courtyard to 94 Piccadilly to create squash courts, a spa and a hotel nightclub and additional roof plant and screening over the wider site.

The Sub-Committee resolved, subject to minor modifications, that the proposals were acceptable in principle subject to planning obligations including an affordable housing contribution and the provision of new residential accommodation on linked sites. Revised drawings were eventually approved in early February 2011 but the buildings were then placed in the hands of the administrator and the legal agreement could not be completed. The site was subsequently sold.

94 Piccadilly/12 White Horse Street

19 June 2013: Permission and listed building consent granted for refurbishment of 94 Piccadilly and its use as a single dwelling house. Works include the excavation of basement and sub-basement levels beneath the front forecourt to provide a swimming pool; a conservatory extension in the rear courtyard, the removal of the courtyard tree and the installation of new plant; the development of part of the vacant site at 12 White Horse Street, including excavation to provide parking on two basement levels, vehicular access and a new boundary treatment. This permission was subsequently granted (11 April 2014) and the applicant considers that this permission has been implemented by virtue of the removal of the courtyard fountain.

17 Jul 2016: Permission granted for use of the front forecourt for the installation of four vehicles selling food and drink; provision of associated storage and seating areas, partially located on new decking areas, and the use of part of the basement as toilet facilities for a temporary period until 30 June 2017. This permission was renewed on 27 April 2017 for a further temporary period until 30 June 2018.

93 Piccadilly/42 Half Moon Street

9 June 2013: Permission and listed building consent granted for the alterations and extensions to 90-93 Piccadilly and 42 Half Moon Street; the use of part basement and part ground floors for Class A1/A2/A3 purposes and use of the remainder of the site as six residential units; creation of terraces and installation of new plant. Not implemented. Expired.

2 March 2015: Permission and listed building consent granted for alterations and extensions to 90-93 Piccadilly and the demolition and reconstruction of 42 Half Moon Street, the excavation of three additional basement levels, use of part basement and part ground floors for Class A1/A2 purposes and use of the remainder of the site as six residential units (Class C3) with parking for 10 cars and ancillary residential accommodation within the basements; creation of terraces and installation of new plant

3 November 2016: Permission granted for use of part ground floor at 42 Half Moon Street to provide w.c. facilities for use in association with the retail units at 90-93 Piccadilly for a temporary period of 2 years. The applicants have advised that this permission was implemented. However, at the time of writing, the building entrances

are boarded up. There is no internal link between 42 Half Moon Street and the adjacent shops.

95 Piccadilly

19 June 2013: Permission and listed building consent granted for alterations and extensions to 95 Piccadilly and demolition of the existing annexe building at 94 Piccadilly, to create a new entrance, car turntable and with a new single basement level beneath and the use of the building as a dwelling house. Not implemented. Expired

2 March 2015: Permission and listed building consent granted for alterations and the use of the building as a single family dwelling house. Works include the creation of a roof terrace and the excavation of two sub-basements beneath the existing basement to provide a swimming pool, gym and plant; the installation of new plant at basement and roof level; demolition of the existing annex building at 94 Piccadilly to create a new entrance, car turntable and additional basement accommodation.

Although work commenced in connection with the implementation of the 2002 hotel permission on the main site, these were limited and on a discrete part of the site. That scheme was not ultimately capable of being implemented in the form approved as the linked residential sites were sold. All buildings on the site are in a poor state of repair and not currently capable of occupation. It is not considered that any of the works undertaken are sufficient to have effected a change to either hotel or residential use (in the non-residential parts). On this basis the lawful use of the 94 Piccadilly/42 Half Moon Street and 95 Piccadilly is considered to be as private members' clubs and the lawful use of 90-93 Piccadilly is considered to be as shops and 10 flats.

10, 11 and 12 White Horse Street and 12 Shepherd Market

29.03.2012: Permission granted for the redevelopment of 10 White Horse Street behind a retained front facade and redevelopment of 11 White Horse Street to provide a building of basement, ground and part three/ part four upper floors for use as shops and five flats (3 x 2 bed and 2 x 3 bed). This scheme comprised buildings of basement ground and three upper floors fronting on Whitehorse Street and a rear development with two separate blocks (basement ground and four upper floors) linked by gently sloping bridges. Not implemented. Expired. *(In this report this development is subsequently referred to as the approved scheme for this site).*

14.08.2015: Applications for permission and listed building consent were received for the demolition of 10-11 White Horse Street/12 Shepherd Market and for the redevelopment of the site (including the vacant land at 12 White Horse Street) to provide a part four, part five and part six storey building, with a four storey basement, to provide up to 16 residential units (Class C3), with roof terraces, associated car parking (29 spaces) and plant areas (15/08053/FULL). Listed building is required as

the vacant site at 12 White Horse Street lies within the curtilage of the listed building at 94 Piccadilly. This scheme has been the subject of protracted viability negotiations and is still under consideration.

7. THE PROPOSAL

The current application seeks planning permission and listed building consent for internal and external alterations to, and the refurbishment of, the listed buildings at 90-93, 94 and 95 Piccadilly; the demolition and redevelopment of 42 Half Moon Street, 11 White Horse Street and 12 Shepherd Market; the redevelopment of 10 White Horse Street behind the retained front façade and the erection of a new building/extension on the vacant land at 12 White Horse Street all to provide a 102 bedroomed hotel (with ancillary public entertainment uses – a restaurant, bars, a ballroom with pre-function facilities and leisure uses including a gym and pool/spa (Class C1) and seven flats (Class C3) on the first to fourth/part fifth floors at 90-93 Piccadilly/42 Half Moon Street. The scheme involves the installation of associated plant; the creation of a servicing bay on White Horse Street and the removal of the London plane tree in the rear courtyard of 94 Piccadilly.

Alterations to 94 Piccadilly include

- minor alterations to the main roof and alterations and extensions to the roofs on the White Horse Street wing.
- the excavation of an additional basement area beneath part of the White Horse Street wing and two new basements beneath the front and rear courtyards to provide back of house facilities, hotel bedrooms and a swimming pool and spa,
- the dismantling and rebuilding of the front portico and entrance wall and gates to facilitate the front courtyard excavations
- the demolition of the small annexe building on White Horse Street and its replacement with an infill extension with two basements, rising up to fourth floor level, (infilling an existing gap at first floor and above) and
- the erection of a courtyard extension linking the main house and ballroom, which would necessitate the removal of the London plane tree and
- the formation of a doorway between the front courtyard and 90-93 Piccadilly to create level access to the development.

Works to 95 Piccadilly include:

- the excavation of a single sub-basement level

- the replacement of the third floor mansard to White Horse Street with a sheer storey and a fourth floor mansard roof addition, which replaces a roof terrace approved as part of the residential scheme, and
- the creation of a new entrance on Piccadilly (to the Club's former cigar bar) to provide street access to a hotel bar

At 90-93 Piccadilly works include

- the excavation of a single basement to create the lower restaurant level and
- roof level alterations, including a minor increase in roof height and the creation of a roof terrace, accessed from the top floor at 42 Half Moon Street

42 Half Moon Street would be demolished and re built, with two additional basement levels and extensions within the rear lightwell rising to second floor level. The proposed building is of a similar height, bulk and detailed design to the approved replacement building (omitting the ground level parking access). This building would be linked to the upper floors of 90-93 to provide flats from first floor level, with hotel bedrooms on the lower floors.

The buildings at 10-11 White Horse Street/12 Shepherd Market would be demolished, retaining the front facade to no. 10. A replacement building, which also incorporates the vacant site at 12 White Horse Street, would comprise three basements (with an additional attenuation tank area beneath B3), lower ground and ground to second floors, a third floor mansard storey and a fourth floor extension set back from the main building line at 12 White Horse Street, with a green wall to the southern flank elevation. The existing shopfront at 10 White Horse Street would be with access gates to the off-street servicing area and substation.

All of the retained and new buildings would be interlinked to create the new hotel. The scheme would create two basement levels below the greater part of the site, with connecting tunnels only beneath 94 Piccadilly, and a third basement at 10-12 White Horse Street.

The application originally included the provision of four flats on the site and three flats on an unspecified donor site. Off-site residential parking (6 spaces) was also proposed on an alternative site, again unspecified. The scheme has been amended to provide seven flats on the application site and the off-site parking proposals have been omitted. The level of residential cycle parking has been increased, from 8 to 11 spaces, to reflect the increased flat numbers on the site.

8. DETAILED CONSIDERATIONS

8.1 LAND USE

All land use policies are based upon the calculation of gross internal area (GIA). The schedule of existing and proposed floorspace is as follows:

	Existing GIA m2	Proposed GIA m2	+/- m2
Private members' club (sui generis)	7470	0	-7470
Night club (sui generis)	1588	0	-1588
Hotel (C1)	0	15,564	+ 15,564
Residential (C3)	1389	2465	+ 1076
Retail (A1)	381	0	-381
Total	10828	18029	+ 7201

8.1.1 Loss of private members' clubs

The proposals would result in the loss of the accommodation formerly occupied by the Naval and Military Club, which has relocated to another site, and the American Club, which has ceased operating. In previously approving alternative uses for these buildings the Council accepted that - although the use was an appropriate one in this CAZ location, protected under former UDP policy CENT 1 (since deleted) - the potential for the continued occupation of the buildings as private members' clubs was limited. City Plan policy S2 now designates the St James's Special Policy Area as a location where specialist uses, including private members' clubs, will be protected and promoted. However, the application site is outside of this SPA and the loss of the club use is therefore acceptable in land use terms.

8.1.2 Loss of nightclub

The scheme would also result in the loss of a nightclub at 10-11 White Horse Street which has been vacant for a number of years. In approving the 2012 residential development in White Horse Street it was also acknowledged that the former UDP

policy CENT 1 (now deleted) protected appropriate Central London activities on sites within the CAZ, including nightclubs, where they contributed to its character and function. However, it was noted that the previous use had been the subject of a number of complaints from local residents and, on this basis, was considered that the use did not contribute positively to the area.

City Plan policy S6 also recognises that the Core CAZ is an appropriate location for a range of commercial, cultural and entertainment uses which contribute to its vitality, character and function. However, given that permission has previously been granted for the loss of the nightclub, and as the building has been vacant for a number of years, it is not considered that the loss of this use could reasonably be resisted.

8.1.3 Loss of retail floorspace

The basement, ground and part mezzanine floors of 90-93 Piccadilly are currently occupied as four retail shops (Class A1), which would be replaced by the hotel restaurant. The retail unit on the lower ground and ground floor of 10 White Horse Street would form the access to the hotel servicing area. Overall, the scheme would result in the loss of 381m² (GIA) of retail floorspace.

City Plan policy S21 seeks to protect existing A1 retail floorspace throughout Westminster unless it is accepted that the use is not viable, as demonstrated by long term vacancy despite reasonable attempts to let. UDP Policy SS5 also safeguards basement and ground floor retail uses on sites within the CAZ (outside the Primary Shopping Frontages) and would only permit the introduction of a non-A1 town centre use where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

The proposed replacement of the existing retail uses is contrary to the aims of these policies. However, prior to the most recent occupation of the Piccadilly units pending the site development, they had a long history of vacancy interspersed with temporary/short-term retail uses, making little contribution to the character and function of the area. In granting permission for a hotel use in 2002, the Council accepted that the site was on the fringe of the Piccadilly shopping area and concluded that the loss of retail floorspace, although contentious, was acceptable as the shops were to be replaced by a publicly available hotel restaurant and because there were exceptional circumstances, in achieving a long term viable use for the site, to justify a departure from the Council's usual policies. More recently, permission has been granted for flexible A1/A2/A3 and A1/A2 uses on this part of the site, which could extinguish the Class A1 use. The latest of these permissions (March 2015) remains extant.

It is considered that the same approach should be taken to the loss of retail as in the previous proposals which is that the publically accessible hotel restaurant would contribute equally to the attractiveness and vitality of this part of Piccadilly as the existing shops, and that it is acknowledged that a good-sized restaurant with a street frontage is essential for the success of a hotel in this location.

The loss of the existing retail shop at 10 White Horse Street, currently occupied as a gallery selling Brazilian art, is also regrettable. However, this is the only shop unit on east side of White Horse Street, sandwiched between the vacant nightclub and the public house at the entrance to Shepherd Market. In these circumstances, given the policy requirement to provide off-street servicing for the hotel, and as listed building constraints limit alternative servicing arrangements, the loss of the existing shop is, on balance, considered acceptable given the overall benefits of bringing about the development.

8.1.4 Hotel/entertainment uses and their impact

Development Plan policies recognise the importance of Westminster as one of the world's premier visitor destinations. UDP Policy TACE 2 states that permission will be granted for new hotels on streets within the CAZ which do not have a predominantly residential character, where no adverse environmental and traffic effects would be generated. Where significant amounts of new visitor accommodation are proposed, adequate on-site facilities should be provided, including spaces for the setting down and picking up of visitors by coaches and for taxis. City Plan policy S23 also directs hotel development to the Core CAZ, and to predominantly non-residential streets, and encourages developments which improve the quality and range of hotels.

It is accepted that the majority of new large hotels within Central Westminster provide bars, restaurants and leisure facilities. The proposed hotel would provide public facilities as follows:

- a public restaurant on the ground and first basement levels (B1) at 90-93 Piccadilly (incorporating a void at lower ground floor level) measuring (354 m²). This would accommodate a maximum of 128 customers (120 seats + 8 bar customers) and would open between 06:00 and 24.00 hours (midnight);
- a ground floor bar with access via a new entrance at 95 Piccadilly (135 m²). The bar would accommodate 80 customers, opening between 11.00 hours and 01:00 the following morning.
- a basement level (B1) cellar wine bar, with capacity for 40 customers (30 seats + 10 bar customers), opening between 11:00 and 24.00 hours midnight (76m²)
- Pre-function areas including:

A reception area, (124 m²), capacity 48 persons

The Tea Lounge (69 m²) capacity 26 persons

The Orangery (courtyard link extension) (78 m²), capacity 50 persons and

A ballroom (219 m²) with total a capacity of 200 seated/325 standing (these figures include the 50-person capacity for The Orangery).

The pre-function accommodation would be open to the general public between 07.30 and 24.00 midnight.

- rear courtyard dining, capacity 60 customers, open 07.30 to 24.00 midnight. Parasols with integrated electric space heaters would enable 'year round' use of this space.
- private dining rooms/meeting rooms on the lower ground floor, measuring (123m²), capacity 40 persons, open 06.00 to 24.00 midnight.
- the central area in the front courtyard would be used for 'one off' events e.g. Easter displays, Christmas carollers, events for London Fashion Week, bands to greet wedding guests etc. Such uses are described as 'occasional' and would be restricted to between 09.00 and 22.00 hours. (On these occasions, the courtyard traffic would be carefully managed to ensure pedestrian safety).
- a wellness centre - spa, treatment rooms, gymnasium and swimming pool- (1050m² over B1 and B2) which would accommodate 50 clients. The spa would open between 10:00 and 21.00 hours and the gym & leisure facilities would operate between 06.00 and 23.00.

All hotel entertainment and leisure facilities would be open to the general public. Residents of the proposed flats would enjoy the same access to hotel facilities as hotel guests. Hotel guests and residents would be able to exclusively use the otherwise public areas/order alcohol between 24.00 and 07.30 hours, when they are closed to the public

It is likely that the use of some/all of the pre-function and ballroom facilities would be less frequent but there may be occasions when all of the entertainment facilities (drinking/dining) are in use at the same time. Excluding the rear courtyard, the scheme would provide 1178 m² of entertainment floorspace with capacity for a maximum of 687 customers, with potential for an additional 60 diners in the rear courtyard (total capacity 747 customers).

Given the amount of entertainment floorspace proposed, and the potential capacity of these spaces, it is considered appropriate also to consider the hotel application in the context of the TACE policies. UDP policy TACE 10 states that permission will not be granted for a large entertainment uses (of 500m² or more) other than in exceptional circumstances. In these cases, where necessary, conditions will be imposed to control the nature of the use, opening hours, customer capacity, plant operation, site servicing, the use of outside spaces within the curtilage of the premises and any other relevant aspects of the development. Where it can be demonstrated that the proposals would not

have an adverse impact on residents' amenities or local environmental quality or upon the character or function of the area, this may be considered to constitute exceptional circumstances under policy TACE 10. For the same reasons, City Plan policy S24 requires that that new entertainment uses are appropriate in terms of their type and size, scale of activity and any cumulative impact. Again, large scale entertainment uses will not generally be considered appropriate.

UDP policies ENV6 and ENV7 deal with the subject of noise pollution and vibration from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be ameliorated through design features and operational controls. Similarly, policy S32 requires disturbance from noise and vibration to be contained.

Hotel management

There are neighbouring residential properties in White Horse Street, Piccadilly, Half Moon Street and at the rear of the site in Shepherd Market, with extant permission for additional flats at 100 Piccadilly, including on the lower floors on White Horse Street, and at 6 Half Moon Street. Flats are also proposed as part of the development and the applicants are keen to ensure that any commercial use would operate in a manner which would safeguard the amenities of future occupants of these flats and adjoining residents. Although no hotel operator has yet been identified, a draft Operational Management Plan has been submitted which sets out the principles and policies for the operation and management of the hotel and entertainment uses. It includes various commitments/obligations including:

- Controls over operating hours and capacity for all public spaces (as detailed in section 8.1.4 above)
- Public entrances to the hotel and public restaurants etc. restricted to Piccadilly with strict controls over the management of evening guests and visitors to minimise disturbance. Notices posted requesting patrons to leave quietly.
- All external doors and ground floor windows to the building to remain closed at all times (other than to permit access/egress), with the exception of doors leading to the internal courtyard, which will be openable between 07.30 and 20.00 hours.
- Door staff will be on hand to ensure vehicle doors are closed quietly, to manage the main gates and to encourage guests waiting for taxis to remain in the hotel
- Permanent security control to the dedicated staff entrance/exit on White Horse Street, Hotel management will actively control staff use of mobile phones outside the building. Staff will be discouraged from smoking in the vicinity of the hotel and bins for the disposal of cigarette ends will be provided at the staff entrance.

- Employment of an experienced Security Manager and the installation of a comprehensive CCTV (which may require further permission and/or listed building consent).
- Management of deliveries and collection of refuse and recyclable materials (by private contractor) to ameliorate potential noise disturbance.
- Cleaning of the service bay entrance and adjacent public realm at least once daily.
- Publication of a 24-hour telephone number and e-mail address to enable local residents and businesses to contact hotel management. A log of complaints and responses to them to be kept on site.
- Quarterly meetings with the local Residents' and Business Associations to discuss any issues and update them on developments

It is accepted that the hotel operation is likely to be subject to change once a hotel operator is identified. In these circumstances, and as certain management/operational areas require additional detail, a condition is recommended requiring the submission of a finalised OMP.

Site servicing

One local resident has expressed concern that no additional access points should be created on Half Moon Street, particularly for tradesmen or refuse collections, which might result in additional noise disturbance. However, the servicing access is on White Horse Street. Only residential waste collections would take place from Half Moon Street, via the flats' entrance, as they did previously.

A resident of White Horse Street has objected to the application on the grounds that the servicing of the development would result in unacceptable noise disturbance. All deliveries would occur between 0600 and 1900 hours, with a maximum of two essential deliveries taking place between 0600 and 0700. Hotel waste collections will be undertaken, by private contractor, between 07.30 and 09.00 hours, with all glass being crushed and sorted for recycling within the hotel to keep noise to a minimum. Servicing hours would be the subject of conditions.

The Council's Environmental Health Officer acknowledges that on-street servicing already occurs in the vicinity of the site and welcomes the applicants' commitment to the management of the servicing process. However, he has requested a condition requiring the submission of a detailed Delivery and Servicing Management Plan, which i) demonstrates how deliveries will be managed to ameliorate potential noise nuisance ii) limits site servicing to between 0700 and 19.00 hours (or requires a further assessment of noise levels outside of these times and iii) requires the entrance gates to the

servicing bay to be kept closed other than to allow vehicles/goods to enter the servicing bay or for the collection of waste.

As deliveries to the site are not the subject of existing planning controls, and as a maximum of two deliveries would be permitted to take place between 0600 and 0700 each day, a further restriction on delivery times is not considered reasonable. Additionally, it is considered that the Servicing and Delivery Plan could be submitted prior to the commencement of the hotel use, rather than prior to the commencement of the development (as requested by the EHO).

Even taking into account recent permissions for residential development in the area, (with permission for 28 new flats at 100 Piccadilly, including on the lower floors of White Horse Street), this area is still predominantly commercial in character. There are existing hotels immediately adjacent to the site, and opposite, in Half Moon Street. Shepherd Market, to the north of the site, is characterised by numerous entertainment uses on the lower floors. In addition, the lawful use of the greater part of the site is as private members' clubs and a nightclub, none of which are the subject of planning controls over the scale or operation of drinking and dining functions. Permission has also previously been granted for a separate restaurant use at 90-93 Piccadilly (albeit now expired).

Subject to the approval of a finalised OMP and a Servicing and Delivery Plan, together with appropriate conditions relating to the operating hours and capacity of entertainment spaces and controls over site servicing, it is considered that the proposal, which in terms of the potential impact of the entertainment uses would not be significantly different in character from the new-style private members' clubs would, when compared with the existing lawful uses on the site, have no materially greater adverse impact upon neighbours' amenities or local environmental quality and the proposed hotel use is therefore considered acceptable in land use/amenity terms.

The impact of the use in highways terms is discussed in section 8.4 below.

8.1.5 Residential use

The site currently provides 1389m² of residential floorspace, 10 flats at 90-93 Piccadilly and one at 10 White Horse Street. The revised scheme would provide seven flats on first to fourth/part fifth floors at 90-93 Piccadilly 42 Half Moon Street (3 x 1 bed, 1 x 2 and 3 x 4 beds). The increase in residential floorspace (1076 GIA) accords with UDP policy H3 and S14 of the City Plan and is welcomed in principle in land use terms.

The flats would be accessed from the existing residential entrance on Half Moon Street and served by a communal stair and lift. Part of the ground floor will provide a residential concierge facilities and new, level, access via the front courtyard at 94 Piccadilly.

8.1.5 i Unit size/ number of units/residential mix

Although the scheme results in a significant increase in residential floorspace, there would be a reduction in unit numbers, from 11 to seven. Policy S14 seeks to optimise the number of residential units within new developments and a reduction in unit numbers will not be permitted other than where the Council considers that the reconfiguration or redevelopment of affordable housing would better meet affordable housing need; where a converted house is being restored to a family-sized dwelling or dwellings or where two flats are being joined to create a family-sized dwelling or dwellings.

UDP policy H5 requires new housing developments to provide a range of unit sizes with 33% of all new units being family-sized (three or more bedrooms). Policy S15 requires an appropriate mix of units in terms of size and type to be provided,

Records indicate that the existing flats at 90-93 Piccadilly (3 x 1 and 7 x 2 bed) range in size from 55m² to 170m² (GEA) and the one bed maisonette at 10-11 White Horse Street measures 132m² (GEA). The proposed flats would measure 51, 71, 95, 96, 546, 547 and 652 m² (GIA). As there already 10 units in 90-93 Piccadilly alone, it is clear that the development could accommodate an increased number of flats. However, permission has twice been granted for schemes providing six flats at 90-93 Piccadilly/42 Half Moon Street. The most recent of these permissions remains extant and the approved flats measure 90, 475, 529-534 and 584 m² (GIA). While the bigger units now proposed are exceptionally large, they are not significantly different in size and character from the units in the extant scheme. The new proposal also includes a greater range of unit sizes but still provides 57% family sized housing.

The extant permission for this part of the site (which excludes the flat at 10 White Horse Street) permits a reduction in unit numbers from 10 to 6 and the current proposal would not involve a net reduction in unit numbers beyond that which has previously been approved. The flats at 90-93 Piccadilly have been vacant for almost 20 years, making no real contribution to the borough's housing stock, and are not fit for occupation. Given the extant planning permission it is considered that a departure from policy S14 can be justified.

8.1.5.ii Quality of accommodation

The new flats would provide a good standard of accommodation, far exceeding London Plan housing standards, and would receive good levels of natural light. All apartments have been designed to fully comply with Lifetime Homes standards and are capable of being adapted to fully comply with wheelchair accessibility requirements.

As with the approved residential schemes, the upper floor of the fourth/fifth floor duplex apartment at 42 Half Moon Street would access a terrace on the roof of 90-93 Piccadilly. One of the first floor flats would also benefit from a private roof terrace. Although not all of the units benefit from private amenity space, this is not unusual in an urban setting and

given the site constraints. The site is in close proximity to the amenities of Green Park and future residents would enjoy access to all hotel leisure facilities.

Background noise levels in this area of the City are high. Policy ENV6 of the UDP requires new residential developments to provide adequate protection from existing background noise as well as from noise within the development itself. All residential windows are openable. However, a system of mechanical ventilation is proposed should residents choose to keep their windows shut. The development will incorporate secondary glazing, and double glazing where appropriate. However, the Council's Environmental Health Officer considers that the submitted documents do not demonstrate that the building fabric, construction methods and materials are capable of providing sufficient sound insulation. Consequently, conditions are recommended requiring the flats to achieve satisfactory internal noise levels in relation to both internal and external noise sources, and the submission of a supplementary noise report to demonstrate that these standards can be achieved.

The proposed flats are located in an area where the total NO₂ concentrations are above the EU targets and air filtration systems will therefore be required. No clear assessment of air pollution impact has been made although it is noted there is a commitment for BREEAM targets for reduced emissions. However, details of air quality mitigation measures are required, which can be secured by condition.

8.1.5.iii Affordable Housing

UDP Policy H4 and City Plan policy S16 require provision to be made for affordable housing where ten more units, or over 1,000 sqm of additional residential floorspace, are being provided. However, under policy S16, the affordable housing requirement comprises a proportion of the overall floorspace, rather than of unit numbers. The Interim Guidance on Affordable Housing sets out the proportion of affordable housing required (based upon the overall increase in residential floorspace). The affordable housing should be provided on the site. Where the Council considers that this is not practical or appropriate, it should be provided on an alternative commercial site, preferably in the vicinity of the application site. Provision beyond the vicinity of the site may be acceptable if the Council accommodation provided would be greater, and of a higher quality, than would otherwise be the case. A financial contribution in lieu of on-site affordable housing will only be accepted if all other options are acknowledged as being impractical or unfeasible.

Based upon the increase in residential floorspace on the site (1,076 m²), there would be a requirement to provide 80sqm of affordable housing, which equates to one unit. It is accepted that while not physically impossible to provide a single unit of affordable housing on some part of the site, it is unlikely to prove attractive to a Registered Provider given the disproportionate level of management resources involved for just a single flat and the likely high service charges given that the overall residential scheme is in the luxury bracket. The applicant states that they do not have an alternative location for the provision of one policy compliant affordable housing unit within the vicinity of the

site (although it is noted that the original application proposed the provision of three additional units on an identified donor site) and concludes that the most appropriate means of addressing the affordable housing requirement is through a contribution to the Council's affordable housing fund. Based upon the increase in residential floorspace, the policy compliant contribution would be £439,000 (rounded up). The applicants have indicated their willingness to meet this payment.

Councillor Hug has objected to the level of affordable housing provision, considering it to be inadequate given the nature of the proposed development as a "luxury" hotel and apartments. However, under City Plan policies, the increase in hotel floorspace does not trigger a requirement to provide additional housing, whilst the increase in residential floorspace only requires a single affordable unit. Further, as no donor site has been identified, the proposed financial contribution to the Council's affordable housing fund is considered acceptable and would be secured by a s106 planning obligation. The payment would be index linked and payable upon the commencement of development.

Subject to appropriate conditions and a policy compliant affordable housing contribution, the application is considered acceptable in land use terms.

8.2 TOWNSCAPE AND DESIGN

The application site comprises several buildings, including some on the 'Heritage at Risk' register, which have been vacant and neglected for many years and are in a poor state of repair. Despite assurances to the contrary, none of the previously approved schemes have been meaningfully pursued, and this proposal is the latest to be brought forward on a speculative basis.

As with previous schemes, objections have been made on the grounds that the proposals would result in the "canyonisation" and overshadowing of White Horse Street. This street is notable for its stygian gloom caused by the height of buildings to either side of a particularly narrow street. This is a distinct characteristic which makes an important and positive contribution to the conservation area. The proposed extensions to the retained buildings on the White Horse Street frontage are modest and of a similar scale and bulk to those previously approved. Although the small annexe building would be replaced, with an additional three floors, this infill is set against the adjacent buildings which are of the same, or greater, height. The new building at 10-12 White Horse Street which, in part, replaces a vacant plot, reflects existing building heights on the east side of the street and the fourth floor extension is set well back from the front building line. In these circumstances, it is not considered that this objection could be supported.

WHITE HORSE STREET

The proposed design of the White Horse Street elevation takes the opportunity to address the continuous length of White Horse Street including the listed and non-listed elements of the streetscape.

The rhythm of the façade reinstates and reinforces the characteristic historic plot widths and the cleared site at 12 White Horse Street is in-filled to restore the street frontage. Subtle variations are provided along the new facade by brick banding and varied parapet heights and window openings with recessed frames follow the established pattern of development in the area. The proposed alterations and extensions, which will infill gap sites are acceptable and will improve the appearance of the street rather than harming it. This accords with UDP policy DES 9 and the objection on the grounds that the height of the development is out of keeping with the buildings in this, historically important streetscape, cannot be supported.

A condition is recommended requiring the submission of details of the gates to the servicing area on White Horse Street to ensure that this part of the scheme would have an acceptable impact upon the appearance of the building and the pedestrian environment.

90-93 PICCADILLY and 42 HALF MOON STREET

Proposals are generally as previously approved but also provide hotel rooms within the new building at 42 Half Moon Street, accessed from the main hotel circulation route.

94 PICCADILLY

This forms the main part of the hotel and contains the grandest rooms. As with previous proposals, there are significant alterations required to make the building useable for its intended purpose. However, the proposed hotel use is more benign in heritage asset terms, and is a better fit for the principal historic rooms at ground and first floor levels, because less invasive interventions are required. Careful planning of the layout to avoid the need for pod-bathrooms in the first floor principal rooms is a particular benefit of this scheme.

95 PICCADILLY

The ground floor is to be incorporated into the hotel by providing a connection through the party wall, where the service stair is would be removed. A new wall would separate the, publicly accessible, bar from the hotel guest accommodation. The existing entrance door is removed and a new, false door, constructed in the archway of the White Horse Street entrance. An opening through the chimney breast is proposed to connect WCs and a servery for the hotel bar use.

At first floor level hotel rooms are proposed around the central, existing, stair and a new lift would be located in the existing lightwell, as previously approved.

The second and third floors largely follow the same arrangement as the floors below. The fourth floor proposes additional roof space to allow for two rooms at 95 Piccadilly, lift access and a separate stair to access them.

An objection has been received to the formation of a door to provide a new entrance to the hotel bar on the grounds that the removal of the existing window would be detrimental both to the character of the building and of Piccadilly. However, this alteration accords with the style and period of this later extension to the building and its special interest will be maintained. It is not considered that the appearance of the building or conservation area will be harmed and the alterations accord with UDP policies DES 5, DES 9 and DES 10. Consequently, the objection to this part of the development cannot be supported.

The alterations are broadly similar to those previously approved, but less substantial at basement level in comparison to the previous residential scheme. Overall, the alterations will maintain the special interest of the building, the setting of neighbouring listed buildings, the character and appearance of the surrounding conservation area, and the setting of Green Park and views therefrom.

WORKS TO LISTED BUILDINGS (GENERAL)

INTERIORS

Chimney pieces

Chimney pieces and their associated hearths, fire backs, and grates/baskets are to be recorded. The chimney pieces are to be cleaned and repaired offsite and reinstated in their original locations. Adaptations are said to be required to enable the chimney pieces to be used with open fires or natural gas, depending on their location. Working gas fires are proposed for the seven ground floor fire places in hotel amenity areas. All flues will be refurbished and, where possible, the flues are to be re-lined to ensure air tightness using a Historic England approved method. These works are acceptable in principle and will ensure the chimney pieces etc. are kept in good condition and restored where necessary. Details of this work may be dealt with by condition.

Painted timber panelling

Paint analysis will be carried out to identify the previous decorative scheme and the extent of gilding to inform the new decorative scheme. This may be dealt with by condition.

Fine Plasterwork (walls and ceilings)

All areas of lath and plaster are to be tested for extent of loose and cracked plaster. All lath and plasterwork is to be retained unless noted otherwise on the drawings and is to be secured and protected during construction works. All fixing points are to be repaired on completion with lime plaster. All areas of loose lath and plaster are to be repaired and re-secured to existing lath work. Where laths are damaged, new lath and lime plaster are to be provided.

Floors

Existing timber floor joists are to be checked for dry rot and replaced where necessary. Insulation and fireproofing is to be provided where applicable. The floorboards, none of which are original, are to be replaced with new high quality floor finishes such as carpet, stone and parquet floors, with stone floors to bathrooms. The ground level tiled floor of No. 94 is, as previously, to be replaced with stone.

Objections have been received from LAMAS (for the Council for British Archaeology) on the grounds that the proposals would result in an unacceptable loss of historic fabric. Whilst there is some loss of historic fabric, in the overall context of the scheme and given what it delivers in heritage terms, the losses are acceptable because the heritage benefits of restoring the buildings, and their return to beneficial use, outweigh the harm.

LAMAS have also objected to the “reproduction of the grand rooms”. However, the grand rooms are mostly post-war reproductions and will be carefully restored along with the other, older, fine rooms in the buildings.

A selection of grand rooms at first floor level (which will generally provide hotel bedroom accommodation) will be publically accessible at pre-arranged times as part of the Open House London event. This would be secured as part of the s106 legal agreement. In terms of public access to the buildings the hotel proposals provide welcome benefits when compared with the approved residential development.

EXTERIORS

The forecourt is to be repaved in a simple design and the boundary wall to Piccadilly will be rebuilt with modified gateways and balustrades. Shopfronts on No.90-93 will be restored to their original design. The lodge built against the east wall of No. 95 will be modified to provide a new pedestrian entrance.

The central courtyard is to be re-landscaped and, as before, the existing tree is to be removed to accommodate a rear extension.

BASEMENT

The proposed basement, which extends over the greater part of the site, does not accord with the City Council’s recently adopted policies because of its depth and footprint. Nevertheless, some weight has to be afforded to the previous approvals for substantial new basements and there is a need to create facilities for a successful hotel of the type now envisaged. Given the unique circumstances of this case and the substantial benefits in heritage asset terms that would accrue from the development (the restoration of the listed building facing Piccadilly and infilling of the gap site in White Horse Street), the proposed basement is considered acceptable in design terms.

8.3 AMENITY

8.3.1.iii Plant Noise

Plant will be sited within the basements, on the third and fourth floor roofs at 10-12 White Horse Street, within the roof the ballroom, with a louvre onto White Horse Street.

A resident of White Horse Street has requested that all plant be located, and attenuated, to safeguard the amenities of neighbouring occupiers. An objection has been submitted on behalf of the owners/occupier of 4-8 Shepherd Market on the grounds that the original acoustic report does not identify those buildings as noise sensitive properties. The applicants have provided a supplementary noise statement to address the objector's concerns objection. All of the submitted acoustic information has been reviewed by the Council's Environmental Health Officer who considers that the proposed plant operation is likely to satisfy with Council's noise criteria but have requested further information by way of conditions requiring a supplementary acoustic report to demonstrate that the proposed dry air cooler towers, on the roof at 10-12 White Horse Street, will comply with noise standards during both daytime and night time operation, particularly as night-time compliance is dependent upon them operating at a reduced load, and also an assessment of kitchen/w.c extract systems and other air handling systems for hotel rooms, functions rooms or servicing facilities and demonstrate either that all plant will comply with standard noise conditions on a 24-hours basis, or that night-time plant operation can be effectively operated and managed in "night time" mode.

The applicants have confirmed that their assessment of the proposed plant represents a "worst case" assessment that considers the nearest noise sensitive receptors located at the same level as the proposed plant (rear windows of the hotel as well as the development façade itself). Rear windows at 4-8 Shepherd Market are located at lower levels than the proposed plant and will benefit from additional screening from the parapet wall/screen. Whilst 4-8 Shepherd Market are acknowledged as being noise sensitive receptors they are not the closest, and are not specifically considered in the noise assessment. However, ultimately the noise limits will apply at all noise sensitive receptors, including 4-8 Shepherd Market. As the most significant plant installations are adjacent to and above hotel bedrooms, it is in the applicants' interests to ensure that the plant is designed to satisfy residential noise standards, which would safeguard the amenities of future flat occupants, hotel guest and neighbouring residents. Given that the design development is at an early stage, it is considered reasonable for further details of new plant and ventilation systems to be submitted, together with a supplementary noise report, to ensure that all plant installations would comply with Council requirements. Subject to appropriate conditions, the proposals are considered to comply with relevant UDP and City Plan policies ENV7 and S32.

8.3.2 Dispersal of cooking smells

Policy ENV 5 requires new developments to be designed to safeguard air quality and to minimise the potential for smell nuisance. Policy CS28 seeks to resist proposals which have an adverse effect on the residential environment.

The scheme includes provision for the restaurant/hotel kitchen extracts discharging through the roofs of 90-93 Piccadilly and 10-12 White Horse Street. There appears to be sufficient scope within the development for high level discharge points away from neighbouring windows to habitable rooms. However, because finalised details of the extract systems have not been provided, a condition is recommended requiring the submission of details of the kitchen extract systems. However, it is not considered necessary to require these details to be submitted prior to the commencement of the development, as requested by the EHO.

Subject to conditions it is not considered that the plant and ventilation proposals would have a material impact upon the amenities of neighbouring residents or future occupants of the proposed flats.

8.3.3 Daylight, Sunlight, Overlooking, Sense of enclosure

UDP policy ENV 13 states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight to existing dwellings and will refuse permission where the resulting level is unacceptable. In addition, developments should not result in a significant increase in the sense of enclosure, or overlooking, and should not cause unacceptable overshadowing, particularly on gardens or on adjoining buildings. Policy S29 also states that permission will be refused for developments that would result in a material loss of residential amenity.

Daylight and Sunlight

The application is supported by a Daylight/Sunlight Report based on the BRE guidelines. Under these guidelines, only those windows which have a reasonable expectation of daylight or sunlight will need to be assessed. Windows to residential properties which serve non-habitable rooms e.g. bathrooms, hallways and smaller kitchens, generally those which do not include dining facilities, do not require assessment. Although the BRE tests are principally used to assess the impact on light to residential accommodation, they can also be used applied to any non-domestic buildings where there is a reasonable expectation of light, which could include schools, hospitals, hotels etc.

The report analyses the impact of the proposed development on i) existing neighbouring residential buildings and the hotel at 27-41 Half Moon Street and ii) approved developments on neighbouring sites – a residential development at 100 Piccadilly, approved extensions to a maisonette at 4 Shepherd Market and alterations and extensions to the hotel.

In addition, it includes an assessment of the impact of approved developments on the application site on i) existing neighbouring sites and ii) the approved development proposals on the neighbouring sites. The analysis is based upon an assessment of the previous building at 12 White Horse Street (prior to its demolition) rather than against the vacant site. It should be noted that permission for the approved development at 10-11 White Horse Street has expired

The owner/occupier of 4-8 Shepherd Market has objected to the application on the grounds that the scheme would result in an unacceptable loss of daylight and sunlight to those properties and a loss of light to flats in White Horse Street which cannot be justified given that this is not a high density residential development (where the London Plan Housing SPG (2016) states that BRE guidelines should be applied sensitively). In addition, they consider that even though the current proposals have a similar impact upon neighbouring properties as approved developments, this does not make the current scheme acceptable. The owner/occupier of flats at 5 Half Moon Street has commented that the development should not result in any loss of light to that property.

8.3.3.i Daylight

Under BRE guidelines, if the Vertical Sky Component (VSC), which is the amount skylight available at the centre of a window, is greater than 27%, enough light should still be reaching the window. Where, as a result of the development, this figure is below 27% and less than 0.8 (or 20%) of its former value, the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. Where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, losses of light to living rooms, dining rooms, studies and large kitchens (if they include dining space and are more than 12.6m²) are of more concern than loss of light to non-habitable rooms such as stairwells, bathrooms, small kitchens and hallways. Additionally, principal living rooms are afforded more protection than bedrooms.

The BRE guidance is clear that the advice given is not mandatory and that in some cases e.g. in historic city centres, "a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings". It also states that an assessment of relative impact figures should be treated cautiously as,

where an existing value is low, a small reduction in real terms can appear as a large relative impact when, in practice, the loss would be barely perceptible.

2 Shepherd Market

Planning records indicate that this property is occupied as a public house on all floors, with any accommodation on the upper floors being ancillary to that use. However, the daylight assessment refers to a residential use on the second and third floors of the building and reports reductions in VSC of 77% (61% NSL) to a second floor bedroom, 40% (51% NSL) to a third floor bedroom and 54% (61% NSL) to a third floor kitchen. However, these figures are better than the impact of previous approvals where there were VSC reductions of 92% at second floor level and 43% and 74% on the third floor (with reductions in NSL of 57, 38 and 67% respectively).

4 Shepherd Market

This building comprises commercial premises on the lower floors, a first floor studio flat and a residential maisonette on the second and third floors, with a roof level terrace. All rear windows serve non habitable rooms/spaces with the exception of a second floor window, one half of which is obscure glazed, to the small kitchen of a dual aspect living room/kitchen, and the north facing window to a guest bedroom in a rear extension, accessed from the stair compartment, which overlooks the lightwell at the rear of 6-10 Shepherd Market.

The daylight assessment shows that any loss of light to the bedroom would be below 20%. There would be a 51% reduction in VSC (68% NSL) to the rear kitchen. However, as this living space is served by three windows overlooking Shepherd Market, it is not considered that the amenity of this accommodation would be materially affected. The current proposals would have a lesser impact on the property than the approved scheme for the residential development of 10-11 White Horse Street (with VSC reductions of 34% to the bedroom and 81% to the kitchen)

There is extant permission for alterations to the upper maisonette. These include a full width kitchen extension on the second floor, served by a rooflight and a window overlooking the rear lightwell to 6-8 Shepherd Market; a third floor bedroom extension with a north facing window overlooking the same lightwell and a sunroom to the roof terrace. This permission has not been implemented.

The daylight report includes an assessment of the current proposals upon the approved development at 4 Shepherd Market. The reduction in VSC to the kitchen window would be below 20%, with no reduction in NSL. The approved third floor bedroom window would see a VSC reduction of 27% but a reduction in NSL of only 4% due to the proposed rooflight and would be adequately lit. As the approved roof level extension would be set behind an existing solid fence, it is no considered that the proposals would have a material impact upon the level of light received to this structure.

6 Shepherd Market

There are no available planning records relating to the layouts of the upper floors. The daylight report assesses the impact on all rear windows, excluding the rear stair, assuming that the layouts are similar to those in neighbouring buildings, with the principal living areas at the front. It was not possible to gain access to the property but the building owners has confirmed that the layouts detailed in the daylight report appear accurate.

Under the approved scheme, there were reductions in VSC of 49 and 57% to second and third windows. Currently proposed NSL values are better on the first and second floors due to the design of the development which incorporates gaps between the two residential blocks. The third floor room saw a reduction in NSL of 42%. Under the current proposals there are VSC reductions of between 37 and 49% on all floors and reductions in NSL (between 47 and 65%) at all levels.

8 Shepherd Market

This property comprises a first floor studio flat with no windows to habitable rooms to the rear. The second floor window to the upper duplex apartment serves a small kitchen, where light is extremely limited (as demonstrated by VSC and NSL values of 3.4% and 1.46%). This kitchen would see a VSC reduction of 28% (65% NSL). However, this is an improvement when compared with the approved scheme which saw a 66% reduction in VSC and a complete loss of NSL

10 Shepherd Street

There are rear habitable rooms on first to fourth floors of this property. All of the 14 windows analysed would continue to satisfy the BRE test with either no loss or limited losses on the lower floors. All fourth floor windows would maintain a VSC of at least 27%. All rooms also satisfy the NSL test. This represents a slight improvement when compared with the previously approved scheme which saw some losses exceeding 20% VSC and NSL.

The analysis shows that, in most cases, the impact of the proposals upon the Shepherd Market properties would be slightly improved when compared with that under the approved scheme or that any losses would have no significant impact on residents' amenity. Although the permission for the approved development at 10-11 White Horse Street has expired, there has been no material change in circumstances since that scheme was approved (other than the granting of permission for extensions to 4 Shepherd Market), In these circumstances, it is considered that it would be difficult to justify a recommendation for refusal on daylight grounds, particularly given the wider benefits of the scheme in refurbishing these important listed buildings.

White Horse Street

The properties at 1-5 White Horse Street all comprise ground floor commercial uses with flats or maisonettes above. The report assesses the impact on these upper floors.

1 White Horse Street

Of the 9 windows tested, one window on each floor would see a VSC reduction of between 21 and 24%. Three first floor rooms and one room on each of the two upper floors would also see NSL reductions of between 21 and 38%. These values represent a worsening of the impact when compared with the approved developments where all windows/rooms met VSC/NSL targets except one first floor room which saw a 21% loss in NSL.

2 White Horse Street

Plans from 2015 (approved as part of a partially retrospective listed building application) show a single dwelling on the upper floors of this building. The plans show three windows on each floor facing onto the street. with a reception, central hallway and kitchen /diner at first floor level; a second floor playroom, central shower room and bedroom on the second floor and a third floor bathroom, central dressing room and bedroom, with access to a roof level terrace.

The layouts shown on the submitted daylight report appear to be based on a previous layout and show a reception room spanning the entire first floor, an additional second floor living area and a separate kitchen and two bedrooms on either side of a central bathroom on the top floor.

Under the current proposals, all windows would experience reductions in VSC of between 27 and 33%. Losses are greater than under the approved scheme, where there were losses of between 22 and 33 % to all windows except windows on the second and third floors which serve bedrooms on the 2015 drawings.

Based on the layouts in the submitted report, there would be reductions in NSL to all rooms, with a maxim loss of 40% in the case of rooms on the second and third floors. These losses are greater than under the approved development which saw losses of between 21 and 29% to three rooms on the second and third floors. However, as the layouts and position of room partitions are unclear, this assessment of NSL cannot be relied upon.

3 White Horse Street

The reductions in VSC to all windows range between 32 and 37%. This is an improvement compared with reductions under the approved scheme (35 to 47 %). However, the NSL analysis shows losses to all rooms at between 24 and 46 % which

are greater than those under the approved scheme, where the maximum loss was 38% and the losses at first floor level were below 20%.

4 White Horse Street

All windows would see a lesser reduction in VSC of between 30 and 35% compared with losses between 34 and 46% under the approved scheme. However, losses of NSL are greater with reductions on all floors (between 27 and 49%) compared with reductions on the two lower floors only (34 and 41%)

5 White Horse Street

Seven of the 14 windows tested would fail to meet the VSC targets, with losses ranging between 22 and 30%. All but two of these windows serve bedrooms. Under the approved scheme, losses above 20% (at 23 to 30%) were limited to four windows to two first and second floor bedrooms. Similarly, the approved scheme saw a minor reduction in NSL to a first floor living room. Under the current proposals there would be NSL reductions to two first floor bedrooms (23 and 33%), a second floor living room and bedroom (38 and 42%) and two bedrooms and a living room on the third floor (29 and 32%).

In general, the current proposals would have a greater impact upon levels of daylight to residential properties on the west side of White Horse Street. However, it is not considered that the impact on these properties would be sufficiently harmful to justify a recommendation for refusal.

4, 5 and 6 Half Moon Street and 86-89 Piccadilly

There are residential flats on the top floor of 4 Half Moon Street, on the basement to fourth floors of No. 5 and on the second floor to seventh floors of 86-89 Piccadilly, (on the corner of Piccadilly and Half Moon Street).

The replacement accommodation at No. 42 Half Moon Street is similar to the existing, with some additional height and bulk at fifth floor including the addition of two new projecting dormers, the 'squaring off' of the hipped roof on the boundary with the adjoining hotel. As previously, there would also be a 1m increase in height of the front roof slope at 90-93 Piccadilly

The submitted daylight report does not include an assessment of residential windows at 86-89 Piccadilly (on the opposite side of Half Moon Street) but the previous report showed that residential windows would continue to receive a VSC greater than 27% or that any losses would be well below 20%.

All windows at 4 Half Moon Street would experience some reductions, but the remaining values would exceed 27%. At 5 Half Moon Street fourth floor VSC values would exceed 29% and any losses on the floors below would be minimal. All rooms would satisfy the NSL test.

There is extant permission for the conversion of 6 Half Moon Street to provide new flats. The submitted daylight report does not assess the impact on this building. However, on the basis that the flats at 4 and 5 Half Moon Street would not experience a material loss of light, it is not considered that flat within this building would be significantly affected.

The daylight report states that the building at 7-8 Half Moon Street has been assessed, but no supporting data is included. This is part of Flemings Hotel at 7-12 Half Moon Street. Again it is not considered that there would be a material loss of light to this hotel.

100 Piccadilly

There are flats on the third to fifth floors at the rear of 100 Piccadilly, within mansard storeys which are raked back from the main building façade on White Horse Street.

The current proposals at the southern end of the site are similar to those previously approved but a roof terrace at the rear of 95 Piccadilly is now replaced by a fourth floor mansard roof extension. In addition, the existing annexe building to 94 Piccadilly, which rises to first floor level, would be demolished and replaced by an infill extension rising to fourth floor level, set against the bulk of the main building in the centre of the site.

Under the approved scheme, all tested windows would meet the VSC test and NSL tests.

The assessment of the current proposal shows that one, of two, windows to a third floor living/dining room would experience a VSC reduction of 23%. This same room would also see a 59% reduction in NSL. However, this living/dining room is particularly deep/wide measuring over 48m². Currently, just over 19m² of the working plane has access to a sky view. This area would be reduced to approximately 8m². There would also be a 26% loss of NSL to an adjacent bedroom

There is an extant permission (22 December 2016) to convert offices on the ground, ground floor mezzanine, first and second floors of the building to provide new residential apartments and to create additional flats within extensions on the rear fourth and fifth floors and at roof level. This scheme includes the reconfiguration of some of the existing flats and the retention, and external alteration, of others.

The daylight report assesses both the impact of approved developments and the proposed scheme upon the approved residential development at 100 Piccadilly, with assessments of VSC and NSL for the existing flats and of Average Daylight Factor for the approved accommodation. Where the internal arrangements of existing or proposed residential properties are known, the ADF test can be used to check that adequate

daylight is provided in new rooms. This sets out minimum values of ADF of 1% for bedroom, 1.5% for living rooms and 2% for kitchens which should be attained even if a predominantly daylit appearance is not achievable. Where a room is in a combined use, generally a kitchen/diner, the higher value is appropriate

All of the principal ground floor living rooms (kitchens, kitchen diners, dining rooms) would achieve ADF levels of between 0.55% and 1.97% in relation to the approved developments on the application site. These values would be reduced to between 0.54 and 1.32%, under the current scheme although two rooms would experience slight improvements. Seven mezzanine level bedrooms received no direct light under the approved schemes, as a result of their recessed location, and there would be no changes to these values.

First floor rooms achieved minimum 2% ADF values under the approved development. Under the current proposals, of two living room/kitchens would not meet the 2% target (at 1.58% and 1.64%) but would still achieve the target for general living rooms.

At second floor level, two of the approved bedrooms would achieve ADF values of only 0.59 and 0.24%. This is less than the values achieved under the approved (0.71 and 0.35%) which are also below minimum values due to the recessed location of these rooms.

Of those existing flats that will remain in occupation, one third floor flat (Flat 2) would see reductions in VSC to the two living room windows of 26 and 35% (57% NSL) and a 26% loss in NSL to an adjacent bedroom. These figures represent a worsening of the situation compared with the approved developments where all windows would meet VSC and NSL thresholds. All rooms within the new accommodation would meet minimum ADF targets

The report shows that all rooms at fourth and fifth floor levels would meet BRE targets.

Whilst it is evident that some existing and new flats at 100 Piccadilly would not achieve recommended daylight values as a result of the proposed development, in most cases, these values are not significantly different from those achieved in relation to the approved development and are largely a consequence of tall building heights relative to a narrow street width. In approving new flats at 100 Piccadilly, the City Council accepted that internal light levels would be relatively poor for this reason and it is not considered that any reduction in the daylight values achieved could justify a recommendation for refusal.

Green Park Hilton

As with the previous application for the redevelopment of 1-11 White Horse Street, the daylight report assesses the impact of the development to hotel rooms at the rear of 27-41 Half Moon Street/14 Shepherd Market.

Twenty-four of the 115 windows tested, which principally serve hotel bedrooms would not meet the VSC thresholds, with losses ranging between 21 and 55%. In addition, 20 of the 99 rooms assessed, would see reductions in NSL between 21 and 80%, with most at 50-60%. However, this represents an improvement compared with the approved development where 56 windows saw VSC reductions between 23 and 97% and more rooms (34) saw reductions in NSL of between 25 and 100% (11 rooms above 80%).

Permission was granted on 17 May 2017 for alterations and extensions to the hotel to provide additional accommodation and the daylight report includes an assessment of the impact of the proposed and approved developments on the approved hotel scheme. The analysis shows that 21 of the 88 windows tested would see VSC reductions of between 21 and 46%. Of 62 rooms tested, 7 would see reductions in NSL of between 22 and 72%. This is an improvement when compared with the impact of the approved developments where more windows (43) would experience reductions in VSC of between 21 and 97%. More rooms (17) would also see reduction in NSL of between 30 and 100%, with 13 rooms seeing reductions of more than 72%.

Although the analysis shows that there would be some significant losses of light to the existing and approved hotel accommodation as a result of the current proposals, these losses are generally less significant than those under previous schemes for the development of the application buildings. In these circumstances, as hotel rooms are not permanent residential accommodation, it is not considered that the impact would affect the future operation of the hotel and the impact is therefore considered acceptable. It is noted that the Council has previously approved schemes for new hotel development where bedrooms are not served by any windows e.g. the Trocadero.

Given the above, it is not considered that the proposals would have a material impact upon the level of daylight received to adjoining flats or the neighbouring hotel. In these circumstances, it is not considered that the objection on daylight grounds could be supported.

8.3.3.ii Sunlight

BRE guidelines state that access to sunlight should be checked for all neighbouring main living (habitable) rooms which have a window facing within 90 degrees of due south. Windows which face 90 degrees of due north do not need to be tested as they have no expectation of sunlight. The BRE guidance acknowledges that kitchens and bedrooms are of less importance, but states that in the case of these rooms care should be taken 'not to block too much sun'.

If the tested window receives more than one quarter of annual probable sunlight hours, including at least 5% of annual probable winter sun (during the winter months between 21 September and 21 March), then the room should still receive enough sunlight. Any reduction in sunlight below this level should be kept to a minimum. If available sunlight hours are both less than the amount given and less than 0.8 (20%) of their former value,

either over the whole year or just during the winter months, then the loss of sunlight will be noticeable.

No windows at 100 Piccadilly, 4-8 Half Moon Street, 4-8 Shepherd Market or 1-5 White Horse Street face within 90 degrees of due south.

4 Shepherd Market

Although no windows at the rear of this building require testing, the updated sunlight analysis assesses the impact of the development upon the roof terrace. As the proposed development is located to the east of this terrace, which is enclosed by a high timber fence, there would be no loss of sunlight to this space, with 58% of the surface area achieving two hours of sunlight in accordance with BRE guidance which requires at least 50% of the space to meet this target. Sunlight derived from the south and west of the site would be unaffected by the proposals.

10 Shepherd Market

Under the approved schemes there would be a 45% loss of annual sun to one, of two, first floor bedroom windows and a total loss of winter sun (from 2%). There would also be a loss of 24% annual sunlight to one, of two, second floor kitchen windows and a 60% loss of winter sun (from 5 to 2%).

There would be some improvement under the current scheme, with any losses of annual sun being below 20%. The losses of winter sun to the kitchen and bedroom windows would also be reduced to 50% and 40% respectively.

4-5 Half Moon Street and 86-89 Piccadilly

Previous assessments of the impact of the development upon sunlight to flats at 86-89 Piccadilly showed that there would be some modest reductions in annual sunlight, winter sunlight, or both, in the case of some windows. However, all windows tested would continue to receive significantly in excess of 25% APSH and 5% winter sun. Although the submitted report does not assess the impact on these neighbouring flats, as the proposals on the Half Moon Street frontage are not significantly different from those previously approved, it is not considered that there would be any significant change to these findings.

Flats at 4 and 5 Half Moon Street would experience minimal or no losses and, in some cases, marginal improvements. Where sunlight is currently received, retained annual and winter sunlight levels would exceed targets.

Green Park Hilton

The sunlight analysis also assesses the impact of the proposed development on levels of sunlight to existing hotel rooms at 27-41 Half Moon Street

Under the approved scheme, 39 of the 100 windows tested would see annual sunlight losses of between 25 and 100% (most between 70 and 90%) with 9 windows experiencing a total loss of sun. In addition, 26 windows would see a loss of winter sun of between 33 and 100%, with 19 windows losing all winter sunlight. The current proposals represent an improvement with 14 windows seeing annual sunlight losses of between 21 and 71% and 16 windows seeing reductions in winter sun (33 to 100%), with a complete loss in the case of 7 windows.

There is also an assessment of the approved and proposed developments on the application site in relation to the approved hotel development. Under the approved scheme, 31 of the 82 windows tested would experience annual sunlight losses of between 24 and 100%, with 11 windows seeing a total loss of sun. In addition, 25 windows would see losses of winter above 73%, with 15 windows losing all winter sun.

Under the current proposals 17 windows would see annual sunlight losses of between 21 and 82% and only 15 windows would see losses of winter sun (between 43 and 100%), with 8 windows seeing a total loss.

Although there are some significant losses of sunlight to neighbouring residential properties and the adjacent hotel, for the most part, these losses are not as significant as those approved under previous schemes and in the case of neighbouring residential properties the majority of the affected rooms are not principal living areas. In these circumstances, it is not considered that the proposals would have a material impact upon the amenity of neighbouring properties or the operation of the neighbouring hotel and the objection to the loss of daylight and sunlight cannot be supported.

8.3.4 Overlooking

Policy ENV13 states that developments should not result in a significant increase in the sense of enclosure or overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings whether in residential or public use.

An objection has been received on the grounds that new terraces/balconies within the proposed development would result in unacceptable overlooking to rear residential at 4-8 Shepherd Market windows. However, the plans show that there would be no windows or terraces looking back towards the rear of 2-10 Shepherd Market and this objection cannot be supported.

As previously, it is also proposed to provide a terrace on the roof of 90-93 Piccadilly, which would be accessed from the fifth floor of 42 Half Moon Street. Given the distance

between the terrace and windows on the opposite side of the street (over 20m) and as views from the terrace would be obscured by the chimney stacks, it is not considered that the terrace would afford any opportunity for direct overlooking into neighbouring windows.

Some hotel rooms on basement level 1 (B1), and on ground to second floors at the rear of 10-12 White Horse Street would benefit from terraces and small balconies. The rooms on B1 would lead out onto a rear courtyard below the height of the boundary wall. Terraces/balconies on the upper floors are set back from the boundary with the neighbouring hotel by approximately 3m (minimum).

It is proposed to create a first floor terrace at the rear of the hotel and a garden on the roof of the courtyard link extension. These would be set behind a blank rear addition to the adjacent hotel and by a planted screen on the roof of the extension. It is not considered that any potential mutual overlooking would have a significant impact upon the operation of either hotel.

The scheme includes a first floor residential terrace at the rear of 90-93 Piccadilly. As a result of the reconfiguration of the residential accommodation at this level, the application has been revised to include a privacy screen to protect the amenity of future residents.

In addition, the drawings have been updated to include planted trellis screens on the high level terrace on the east side of 94 Piccadilly to prevent overlooking into bathroom and dressing rooms windows at the rear of 90-93 Piccadilly /42 Half Moon Street hotel terrace, with obscure glazing to the adjacent bathroom windows.

There is a door from the fourth floor hotel accommodation at 10-12 White Horse Street onto the roof below. The applicants have confirmed that there will be no access to this roof other than for maintenance purposes and that a safety lanyard system will be installed to prevent falls. In order to prevent overlooking to residential premises on the opposite side of White Horse Street, access to the third floor roof will be controlled by condition.

Given the relationship between the proposed development and properties on the west side of White Horse Street, as previously, it is not considered that the provision of windows within the extended and replacement buildings would result in any material loss of privacy to these neighbouring properties.

8.3.5 Sense of enclosure

An objection has also been received on the grounds that the proximity and bulk of the new buildings would result in an unacceptable increase in the sense of enclosure to rear windows at 4-8 Shepherd Market. The main building line to the Shepherd Market properties is set approximately 2m inside the boundary shared with the rear of 11 White Horse Street. The White Horse Street building abuts the shared boundary wall up to first

floor level. From second floor level, parts of the building are set back from the boundary by approximately 2m. The central part of the second floor roof houses plant but there are further extensions on part third and part fourth floors.

The approved residential development at 10-11 White Horse Street comprised two separate residential blocks linked by a series of bridges. The blocks rose to fourth floor level, with modest set-backs to provide small planted areas on the third floor. However, the impact on the neighbouring properties was considered acceptable on the basis that principal living areas overlook Shepherd Market and because the impact was ameliorated, in part, by the gap between the residential blocks.

The proposed replacement building at 10-12 White Horse Street would rise up to third floor level on the site boundary, with the third floor taking mansard form and the roofslope extending upwards to provide a plant screen. Again, this represents a significant increase in bulk on the site boundary. A fourth floor extension would be located to the south, set further away from the residential windows. So, whilst there would be a significant increase in height and bulk on the site boundary, this would not be so great as that under the approved residential development. Although the new scheme omits the building “gap”, given the that the majority of rear windows at 4-8 Shepherd Market serve non-habitable rooms, or bedrooms rather than principal living areas, it is not considered that the application could justifiably be recommended for refusal on the grounds that the scheme would result in an unacceptable increase in the sense of enclosure to rear windows.

8.4 Highways

8.4.1. Servicing

City Plan policy S42 and TRANS20 of the UDP require off-street servicing to be provided within new developments. UDP Policy TACE2 requires hotel servicing to be efficiently managed without detriment to the operation of the highway network.

The potential for undertaking all servicing off-street has been discussed with applicants. However, given the need to safeguard the setting of the listed buildings; to preserve and enhance the character of this part of the conservation area and to maintain a safe pedestrian environment, it is accepted that it would be difficult to provide an off-street servicing area large enough to accommodate larger service vehicles without detriment to these important considerations.

The scheme includes an off-street hotel servicing area, including two loading bays. Access/egress is from a single point on within the retained, and altered, façade at 10 White Horse Street. However, due to the location of proposed columns and lift core design within the building, the largest vehicle that could be accommodated is a 6-metre-long vehicle, similar to a large white van. The applicants propose that “infrequent” deliveries from larger vehicles will take place on-street, in the Shepherd Market area, in accordance with existing loading restrictions. However, it is considered that many larger

vehicles (such as laundry collections, food deliveries, waste collection) will need to service the premises on a daily basis. In these circumstances, there is the potential for on-street servicing to result in both localised congestion and highway obstruction to pedestrians and other road users- particularly on White Horse Street.

An objection has been received on the grounds that servicing of the hotel has the potential to obstruct White Horse Street and to impact on pedestrian safety. Residents of Half Moon Street are concerned that no additional access points should be created on Half Moon Street, particularly for tradesmen or refuse collections. Although servicing for the commercial uses is from White Horse Street, residential waste will be collected from Half Moon Street, via the residential entrance, as previously.

For the development to operate successfully, site servicing will need to be very carefully managed to limit the impact on the highway network and users, including pedestrians. Whilst the submitted Servicing Management Plan contains many overarching principles on servicing management, it does not confirm how any of these commitments will be delivered or the processes that will be followed.

In these circumstances, an updated SMP will be required which identifies process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed, clearly outlining how servicing will occur on a day to day basis. The SMP should respond to the physical site layout and should demonstrate that goods and delivery vehicles will spend the least amount of time possible on the highway and will not cause an obstruction to other highway users. This will ensure any future occupant is clearly aware of their responsibilities. The submission of an updated SMP would be secured by condition.

There is a central waste store for the hotel and ancillary uses. Waste stored on the public highway creates an obstruction to pedestrians and other highway users and would also have an adverse impact on the public realm. While there is an off-street storage area, waste will still need to be collected from the highway which has the potential to result in localised obstruction/congestion, particularly on White Horse Street. Similar concerns are raised regarding the residential waste storage arrangements. Consequently, details of the management of site waste should also be included within the SMP.

The proposed drawings indicate that doors would open outwards over the public highway causing an obstruction, contrary to TRANS3 and the Highways Act. Whilst there are outward opening doors on the White Horse Street frontage, the open doors would sit behind the adjacent building line and it is not considered that this would result in any highway obstruction or compromise pedestrian safety. However, an outward opening gate, which provides access to the vaults within the front basement lightwell at 95 Piccadilly, would open would obstruct the entire pavement width and a condition is therefore recommended to require all other doors, which would include this gate, to be inward opening.

8.4.2 Vehicle Access

The proposal creates a new vehicle access onto White Horse Street for delivery vehicles. The visibility offered to drivers when leaving the site is significantly below the standard that would be expected for a new vehicle crossover. The pedestrian visibility measures only 1m x 1m when a minimum splay of 2.4 m x 2.4m would be considered to be the minimum requirement when designing new vehicle access points. No assessment of visibility splays is provided within the Transport Assessment.

The eastern footway on White Horse Street is below the recommended pavement width of 2 metres. However, this, and the narrow width of White Horse Street, which is one-way, reflects the historic townscape. An objection has been received on the grounds that the servicing of the premises has the potential to adversely affect pedestrian safety in White Horse Street. The Highways Planning Manger considers that, ideally, improved visibility splays should be incorporated. However, the new servicing access would be provided on the ground floor of the retained building façade at 10 White Horse Street and therefore enlarged viability splays would sit awkwardly in the context of the retained façade on the upper floors with the creation of recessed areas at the back edge of the pavement being detrimental to this historic streetscape (and with the potential to encourage anti-social behaviour). In these circumstances, subject to commitments in the draft OMP regarding the safe management of site servicing, the current design is considered acceptable and it is not considered that the scheme could justifiably be recommended for refusal on pedestrian safety grounds.

The vehicle access to Piccadilly is existing (one entrance, one exit). There is no objection to the continued use of this access point for taxis and minibuses.

8.4.3 Coaches and Taxis

UDP policies TRANS 8 and TRANS22 require new hotels to provide for coach arrivals and departures. The applicant suggests that the hotel operator would not target guests or groups who would arrive by coach. However, the nature of a hotel operation can change over time and this could lead to an increase in coach traffic in the future. This has the potential to obstruct the carriageway and through traffic, which would be particularly detrimental to traffic flows on Piccadilly. While, there is existing on-street single yellow line provision and coach bays in the vicinity of the development, these are to provide for existing users and no assessment has been undertaken of ability to accommodate any additional demand generated by the proposal. Further, outside of controlled hours, the kerb-side spaces may be used by other vehicles.

Neither the SMP nor the submitted Operational Management Plan includes measures relating to the management of transfer of hotel guests from coaches. However, the draft OMP includes an undertaking that hotel advertising will advise that coaches cannot be accommodated on-site and that taxis and minibuses must pick up/drop of guests within the front forecourt. It is considered that the finalised OMP should include undertakings that all taxis and minibuses will only utilise the front forecourt, that the

hotel will not take bookings from any guests who arrive in coaches, either hotel guests or guests attending functions at the hotel, and that this information will be included on the hotel website and other advertising.

8.4.4 Trip Generation

The applicant has submitted a Transport Assessment providing information regarding the potential level of trip generation associated with the development. However, the standard industry database has not been used and it is unclear upon which base the analysis has been undertaken. Notwithstanding this, it is considered that as the site is centrally located and close to good transport links - with Green Park underground station directly opposite - the proposals would have no material impact upon the level of vehicle activity and would not be detrimental to highway safety or operation

The application is also supported by a Travel Plan. Whilst this is welcomed, given the site location, the existing and proposed uses and the scale of development it is not essential to consideration of the proposals.

8.4.5. Parking

No car parking is proposed for the proposed residential units. However, as there is an overall reduction in the number of dwellings on the site, the proposals would not have an impact on the level of on-street parking demand and is consistent with UDP policy TRANS23. There is no policy requirement for hotel parking.

8.4.6 Cycle Parking

London Plan Policy 6.9 requires 1 cycle parking space to be provided for each 1-bedroom residential unit, with 2 spaces for each unit comprising two or more bedrooms. The revised scheme provides 11 residential cycle parking spaces within the residential core at basement level, which accords with London Plan standards.

The London Plan Policy 6.9 requires 1 space per 20 bedrooms is required for a hotel use and the proposed hotel (102) bedrooms would generate a requirement for six cycle parking spaces. Eleven staff cycle spaces are proposed for the hotel and ancillary uses within a cycle store located at lower ground floor level. Given the quantum of ancillary uses, this level of provision is on the low side but, on balance, is acceptable.

All cycle parking provision would be secured by condition.

8.4.7. Highways works

The scheme will necessitate highways works including the creation of a vehicle crossover to the serving bay on White Horse Street. These works should be secured as part of any future s106 agreement.

Subject to appropriate conditions it is not considered that the proposals would have an adverse impact on parking demand in the area or would compromise the operation of the local highway network.

8.5 Economic Considerations

It is acknowledged that the hotel development would provide significant employment and training opportunities, both during the course of construction and once completed. Employment opportunities within the construction industry, which would also be expected to filter down into the supply chain. In addition, available data shows that tourism's impact is amplified throughout the economy, an impact which is much wider than direct spending associated at the hotel itself. An employment and training strategy for the building refurbishment would form part of the COCP.

The hotel will employ approximately 200 full and part time employees. The Operational Management Strategy includes a commitment for hotel managers to, where possible, draw staff from the local community, providing staff training commensurate with the quality of the hotel.

8.6 Access

94 Piccadilly, which will provide the main hotel reception, is currently accessed via a stepped entrance. The scheme includes the creation a level access between the front courtyard and 93 Piccadilly. This new entrance will provide access to the hotel, spa and new flats – with appropriate access controls, where required. New double-sided double sided lifts will be provided to address level changes between existing buildings. All internal circulation spaces and 10% of all hotel rooms are designed to be fully accessible.

The new flats are designed, where possible give listed building constraints, to meet Building Regulations and Lifetime Homes requirements.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Trees/ Landscaping

8.7.1.i Loss of courtyard tree

UDP policy ENV 16 seeks to safeguard all trees in conservation areas and all those trees subject to Tree Preservation Orders unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme. Permission will be refused for development likely to result in the loss of or damage to a tree which makes a significant contribution to the ecology, character or appearance of the area.

Where the loss of a tree is permitted, planting of new or replacement trees may be required as a condition of a planning permission.

The proposed development includes the removal of the London plane tree from the central courtyard. This tree is protected by a Tree Preservation Order (no. 546). The removal of this tree has been permitted under previous permissions for hotel use, to accommodate basement level accommodation, and as part of the extant permission for the residential use of 94 Piccadilly, to provide a conservatory extension.

An objection has been received on the grounds that the loss of the courtyard tree is unacceptable in a highly urbanised area with limited green infrastructure. The objector considers that the tree contributes to character of area and visual amenity of neighbouring occupiers, likely that tree educes noise pollution. They have also noted that the tree does not appear to be in a dangerous to public safety.

The submitted Arboricultural Report includes the following justification for the removal of the tree:

- The tree's removal is necessary to provide a level access link between the main hotel reception area to guest bedrooms at 10-12 White Horse Street and an indoor route between the hotel reception and the ballroom. Functions will often be attended by non-hotel guests and a separate route (other than via the existing western corridor) is necessary for privacy and security reasons. The link also contains a platform lift to allow disabled users to negotiate the level changes within the building.
- A series of pre-function spaces connect to the hotel reception and the ballroom. The proposed link will provide spaces for taking coats etc. This is the only location where access to the ballroom and the operation of pre- function spaces can be successfully achieved given the site constraints.
- The tree is located close to the boundary wall and evident root damage raises concerns about its present and future stability.
- The tree has only very limited visibility from any public place and cannot be regarded as a significant public amenity. This mature tree, more suited to parkland, has outgrown the restricted space. It is "unsustainable and inharmonious" with built development due to both its proximity to underground structures and the restricted size of the rear courtyard.
- The landscaping/greening proposals provide a sustainable solution to the constraints and opportunities presented by the site.
- It would be inappropriate and contrary to policy and guidance to develop around a tree that is not practical or desirable to retain in the long term or over a significant part of the lifetime of the proposed development. The existing tree is

inappropriately located and out of scale with its surroundings and should be removed to facilitate the long term viable use of the site. The proposed new landscaping fulfils the landscape requirements of the site, sufficiently mitigates against the loss of the existing tree.

The Council's Arboricultural Officer has reviewed the submitted report and the justification for the removal of the tree. Whilst noting that permission has previously been granted for the tree's removal, they maintain their objection to its loss. However, it would be inconsistent for the Council to now insist on the retention of the tree when it has allowed its removal in the past to facilitate very similar developments.

8.7.1.ii Landscaping/Biodiversity

City Plan policy S38 requires new developments to maximise opportunities to create new wildlife habitats. Policy ENV 16 requires new proposals for tree planting and shrubbery to respect the historic street character, views and setting of buildings, be appropriate to the location and to consider their contribution to biodiversity.

Hard and soft landscaping is proposed throughout the scheme including the addition of planters to the front and rear courtyards and private roof terraces, the creation of two brown roofs and a green wall to the side elevation of the new building at 10-12 White Horse Street (facing Piccadilly), a further green wall to the courtyard at the rear, the provision of a garden to the roof of the ground floor courtyard link, and a pleached tree and trellis screen between the garden and the adjacent hotel

The applicants contend that the planting proposals would help, in part, to mitigate the loss of the courtyard tree, and would contribute to the biodiversity of the area. Planting to the roof of the new link building will provide a degree of replacement planting, visual amenity and some visual separation between the courtyard and the neighbouring property

The Council's Arboricultural Officer has received the landscaping proposals and does not consider the proposed replacement planting to be sustainable or to provide sufficient mitigation for the loss of the tree. As no soil depth would be provided above the front and rear basements, tree planting is proposed in raised planters and containers. Some moveable, with restricted soil depth. All of these planters will require artificial irrigation. The limited soil volume means that new trees would quickly deplete the available nutrients and so would need to be replaced regularly. This does not appear sustainable, and would result in a permanently juvenile landscape. Additionally, none of the proposed trees would reach their natural potential as they would be domed, pleached, topiaried etc., essentially being maintained as highly clipped and formal shapes. In the event that adequate soil volume and replacement tree planting were to be provided, it would take many years before any replacement trees made any meaningful contribution to the character or appearance of the conservation area.

However, if the benefits of the scheme are considered to outweigh these concerns, the Arboricultural Officer recommends that condition be imposed requiring the submission of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. Where possible, the revised planting scheme should address the concerns set out above. Subject to this requirement, the removal of the courtyards tree is considered acceptable.

8.7.2 Refuse/recycling

A commercial waste will be provided at B2 which is large enough for two-day storage capacity. Commercial waste servicing is proposed to take place on White Horse Street, with a waste holding area on the ground floor. The residential waste store is located on the lower ground floor, with a waste holding area close to the residential entrance on Half Moon Street.

The Project Officer (Waste) has objected to the application on the grounds that the drawings do not indicate that location of the storage area for restaurant cooking oil and that the bins in the residential and commercial waste stores are labelled as required by Council protocols. In addition, there is considered to be inadequate information detailing how the residential waste will be moved to the ground floor during waste servicing or collection. The access to the corridor leading to the residential waste store is also too narrow to enable the transfer of 660L bins. All lift openings and waste transfer routes should provide minimum clearance.

Given the size and nature of development, and particularly as the commercial waste store is located within new-build elements of the scheme, it is considered that sufficient space can be made available to provide adequate waste stores, and acceptable waste transfer routes. In these circumstances, a condition is recommended requiring the submission of details of all waste and recycling storage and transfer arrangements.

8.7.4 Sustainability

London Plan policies 5.1 to 5.9 focus on measures to mitigate climate change and the carbon dioxide emissions reduction targets necessary to achieve this. Carbon reduction targets apply to major developments (equating to a 35% reduction in carbon dioxide emissions when compared with part L of the Building Regulations (2013) and further targets require residential buildings (in the period 2016- 2031) to be zero carbon rated. The Plan sets out an energy hierarchy (Be lean, Be clean, Be green) within which development proposals should seek to minimise carbon dioxide emissions. Carbon dioxide reduction targets should be met on-site but where this cannot be achieved, any shortfall may be provided off-site or through a contribution to the local authority.

City Plan policy S28 require developments to achieve the highest possible standards of sustainable design and construction. Policy S40 requires all major developments to

maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, where feasible towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints. Policy S39 requires that major developments make provision for site wide decentralised energy generation and, where possible, connectivity to area-wide energy systems.

The application is accompanied by an Energy Strategy and Sustainability Statement. The report provides details of the proposed sustainability measures and confirms that the development will be designed to achieve a BREEAM “Very Good” rating as a minimum, with an aspiration to achieve an improved rating,

Passive design measures include the refurbishment of existing single glazed windows, with new secondary glazing within the listed buildings, the replacement of roofs (where feasible) and the installation of double glazing to the new-build elements of the scheme, which will also be constructed using thermally-efficient materials.

All rooms will be provided with centralised and mechanical ventilation with heat recovery and windows and balcony doors will be openable to supplement the mechanical system with natural ventilation. In addition, low energy lighting and lighting control systems will be installed throughout the development and lightwells will maximise natural daylight into hotel rooms. A gas-fired CHP system would be designed to enable connectivity to an area-wide heating network should one be introduced.

The report also considers the use of renewable technologies, particularly the use of photovoltaic panels. However, given the site and listed building constraints, and as the available roof space to the unlisted buildings would accommodate living roofs to aid water run-off, it is accepted that the scheme cannot support the use of renewables.

Materials with a low environmental impact, including recycled and sustainably and locally sourced materials. will be used where possible.

The report concludes that the development would achieve a reduction in CO₂ emissions of 36%, While this meets the London Plan target, the residential development would achieve a reduction in carbon emission of 82%, below the zero carbon emissions target. The applicant considers that this level of saving represents the maximum viable carbon savings given the site constraints and listed building considerations. However, based upon the domestic shortfall, which equates to 35 tonnes, they propose to make a carbon offset payment of £63,000 in accordance with the formula set down in the London Plan. This would be secured as part of a s106 legal agreement (index linked and payable upon the commencement of development).

Subject to a condition requiring all proposed environmentally-friendly measures to be implemented, the scheme is considered acceptable on sustainability grounds.

8.8 Archaeology

The site is located within the Great Estate Archaeological Priority Area Council. No archaeological desk-based assessment has been submitted and the Council for British Archaeology (LAMAS) consider that the application should be supported by an archaeological report. Historic England (Archaeology) has confirmed that there is potential for archaeological interest beneath the site. However, based upon previous assessments of the site, they have raised no objection to the application subject to conditions requiring an assessment of the potential harm to heritage assets of archaeological interest, leading to an appropriate mitigation strategy and a programme for the assessment, analysis and publication of any findings. Subject to these conditions, archaeological assets on the site would be adequately protected

8.9 London Plan

This application does not raise any strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

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

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) imposed restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010, which provide for the funding or the provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works.

The City Council introduced the Westminster CIL on 1 May 2016. While Section 106 agreements will still be required for infrastructure required to address site specific

mitigation – typically for things within or on the boundary of a development which, if they went unaddressed, would mean the development was unacceptable in planning terms and would have to be refused- CIL will be used to fund delivery of infrastructure requiring an area-based approach and/or more resources than it is reasonable to expect to be able to secure from a single development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised. The proposed planning obligations include:

- An affordable housing payment of £439,000 in lieu of on-site provision (index linked and payable upon commencement of development)
- a Crossrail payment (currently calculated at £464,332) which will be reduced to £nil after being offset against the Mayoral CIL as permitted by the Crossrail SPG)
- A carbon offset payment of £63,000 (index linked and payable upon commencement of development)
- Costs relating to highways works around the site to facilitate the development (including the creation of a vehicular crossover)
- Selected grand period rooms at first floor level to be made publicly accessible as part of the annual Open House London event
- An employment and training opportunities strategy
- S106 monitoring costs

These obligations are considered to meet the tests set out above and would be secured as part of the s106 legal agreement.

The estimated Mayoral CIL payment is £491,750

The estimated Westminster CIL payment is £2,747,418

8.12 Environmental Impact Assessment

Environmental Impact issues have been covered elsewhere in the report.

8.13 Other Issues

8.13.1 Basement development

The existing site benefits from a lower ground floor level to all properties, with an additional basement at 10-11 White Horse Street and 12 Shepherd Street. The scheme would involve the excavation of two full basement levels across the majority of the site, with a third basement at 10-12 White Horse Street and a further attenuation tank area

below. An objection has been received on the grounds that the proposal is contrary to the Council's basement policy, with particular reference to the impact of excavation works upon neighbours' amenities.

City Plan policy CM28.1, requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development. A detailed structural methodology statement and separate flood risk must be provided, as appropriate. The applicants will be required to confirm that they will comply with the relevant parts of the Council's Code of Construction Practice, which requires that the development will be constructed to minimise its impact at construction and occupation stages. In addition, the structural stability of the existing building, nearby buildings and other structures including the highway and railway lines/tunnels must be safeguarded. The flood risk on the site, or beyond must not be increased and significant archaeological deposits must also be safeguarded.

94 and 95 Piccadilly were originally built for residential purposes and no. 94 benefits from a central courtyard garden and a large courtyard to the front. 90-93 Piccadilly was built as shops with flats above. Immediately to the north and east of the site are public house (2 Shepherd Market) and a hotel (27-41 Half Moon Street). The rear site boundary at 10-11 White Horse Street directly abuts buildings at 2-10 Shepherd Market, where there are flats on the upper floors. There are also flats on the west side of White Horse Street, directly opposite the site.

In the case of basement development to existing residential buildings, buildings originally built for residential purposes (where there is a garden), and adjoining residential properties where there is potential for an impact on these adjoining properties, the policy requires the development to provide a satisfactory landscaping scheme, to protect of trees of townscape, ecological or amenity value; to use the most energy efficient means of ventilation and lighting systems; to employ sustainable urban drainage measures; to protect the character and appearance of the existing building, garden setting or the surrounding area, and any heritage assets. In the case of listed buildings, the basement development should not unbalance the building's original hierarchy of spaces, where this contributes to its significance. In addition, the policy restricts the extent of the development to no more than 50% of the garden land, requires a margin of undeveloped land to be maintained around the site boundary and requires a minimum 1m soil depth to be maintained. In addition, excavation is limited to no more than one storey below the lowest original floor level, unless it can be demonstrated that the basements can be constructed and used without an adverse impact upon neighbouring uses or neighbours' amenity and that no heritage assets will be adversely affected.

Sustainability, the loss of the courtyard tree, the replacement landscaping proposals are discussed elsewhere in this report and are considered acceptable subject to conditions. With the exception of the vacant site at 12 White Horse Street, the land is entirely

covered by buildings and hard surfaces and it is not considered appropriate to require margin of undeveloped land or a minimum soil depth to be maintained.

The proposals have been the subject of extensive discussions between the applicants and conservation officers from the City Council and Historic England. As detailed in section 8.2 above, the proposals, including the basement excavation, are considered acceptable in terms of their impact upon the special interest of the existing listed buildings and the character and appearance of this part of the Mayfair conservation area.

The applicants have submitted written confirmation that they will sign up to the Council's Code of Construction Practice.

The application is supported by a Structural Methodology Statement and a report detailing local ground conditions. The Council's Building Control Officer has reviewed the submitted reports, original and supplementary, and has confirmed that the submitted structural method statement is acceptable, that the investigation of existing structures and site geology is satisfactory and that proposed measures to safeguard neighbouring properties are acceptable. As the new construction provides support to the highway, an informative is recommended requiring the applicant to obtain Technical Approval from the Council's highways engineers prior to the commencement of any excavation works

The submitted Sustainable Urban Drainage Systems (SUDS) report concludes that run off from the development would meet 'green field' run off rates by utilising below ground storage tanks and a controlled pumped outflow. Water run-off rates would be further reduced through the provision of living roofs. Suitable pumping devices will be installed.

The site is within a Surface Water Flooding Hotspot as identified in the Council's SPD on Basement Development. The submitted Flood Risk Assessment includes additional requirements necessary to address any increased flooding risk including the provision of enlarged drainage channels at basement entrances and a similar device at the entrance to the servicing bay, with additional provision for demountable flood barriers at this access, in the case of emergency.

Although the proposed basement extends beneath the entirety of the central courtyard, and also beneath the front courtyard, and extends to 2 and 3 floors over various parts of the site, similar excavations were considered acceptable as part previous hotel proposals (2006), and significant excavations have been approved as part of more recent residential proposals. However, these approvals, some of which remain extant, precede the adoption of the new basement policy by several years and the applicants have made the following points in support of the proposed basement excavations:

- Hotel specialists have advised that the proposed basement level leisure, 'back of house' / servicing accommodation is the minimum required in order to ensure the successful operation of a hotel of the size and character proposed.

- Basements have been located beneath the front and rear courtyards, rather than under the main building at 94 Piccadilly to protect the structural integrity of the grade 1 listed building
- The front and rear courtyards are wholly paved and do not provide the green spaces which are envisaged in the policy's reference to "garden land". The vast majority of the proposed basement areas are beneath existing or proposed building elements and, therefore, it is not possible to provide soil above the top cover of the basement.
- The proposed basement extends to between one and three storeys across the site. The degree of excavation is comparable, and in some locations less deep, than the basement excavations approved under the extant schemes. (Although the extant permissions do not include the excavations of basements beneath the front and rear courtyards at no. 94). Furthermore, this is a large site which can accommodate plant and machinery and has appropriate access from all frontages.

It is acknowledged that the degree of excavation proposed does not accord with the new basement policy. However, there is a long history of permissions for similar proposals. Given the safeguards to residents' amenities provided under the COCP, the nature of the existing buildings and the particular circumstances of this case, not least the urgent need to restore these 'Buildings At Risk' and to return them to long term viable use, which would benefit the character and appearance of this part of the conservation area, the basement proposals are considered acceptable.

8.13.2 Construction impact

This is a major development with the potential to impact on the amenity of neighbouring occupiers during the course of construction.

Objections have been received from local businesses and residents regarding the potential impact of building works, including the removal of spoil upon residents' amenity and pedestrian safety, and disruption to the operation of their business as a result of the scope of the works, noise and disruption from building works and construction traffic and the impact upon the character of the area during this period.

As stated above, the applicant will sign up to the Council's Code of Construction which deals with the management of the construction process and a condition is recommended requiring the developer to comply with the City Council's Code of Construction Practice (CoCP) . This requires the submission of, and approval by the Environmental Sciences Team, a detailed (SEMP) prior to the commencement of works and payment of all costs arising from site inspections and monitoring by the Code of Construction Practice Team. The CoCP also requires the developer to undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel, and to ensure that contractors and sub-

contractors also comply with the code requirements, Subject to a condition to secure this commitment, and conditions relating to hours of work, it considered that adequate safeguards would be in place to safeguard the amenities of neighbouring occupiers and safe access to adjoining premises..

8.13.3 Crime and security

The applicants have met with the Metropolitan Police's Designing Out Crime Officer. He considers that insufficient information has been provided regarding security arrangements for the development. However, he acknowledges that details may change during the design development and has provided general advice regarding security to entrance doors, lifts, cycle stores etc. and the prevention of unauthorised access from within the building to flats and hotel safes and alcohol stores. He has requested that submission of finalised details for assessment and has also referred the scheme to the Counter Terrorism Unit. No additional comments have been received from that source,

The submitted OMP includes commitments relating to site security, staffing, CCTV, the keeping of incident logs etc. and site security would be part of the day-to day management of the hotel. In these circumstances, it is recommended that a condition be imposed requiring finalised details of a security scheme to be approved (referred to the Metropolitan Police), prior to the occupation of the building.

9 Conclusion

The urgent need to refurbish these important listed buildings and to redevelop the unlisted buildings and the land on the wider site is accepted. The proposed hotel and residential uses are considered appropriate given the history of the site and the nature of the buildings. The scheme would secure public access to the building, which is welcomed. For the reasons outlined in the main body of the report, subject to appropriate conditions and planning obligations, the proposals are considered acceptable in land use, amenity and highways terms and are acceptable in terms of their impact upon the special interest of the listed buildings, the setting of neighbouring listed buildings and the character and appearance of this part of the Mayfair Conservation Area. The applications are therefore recommended for approval.

10 BACKGROUND PAPERS

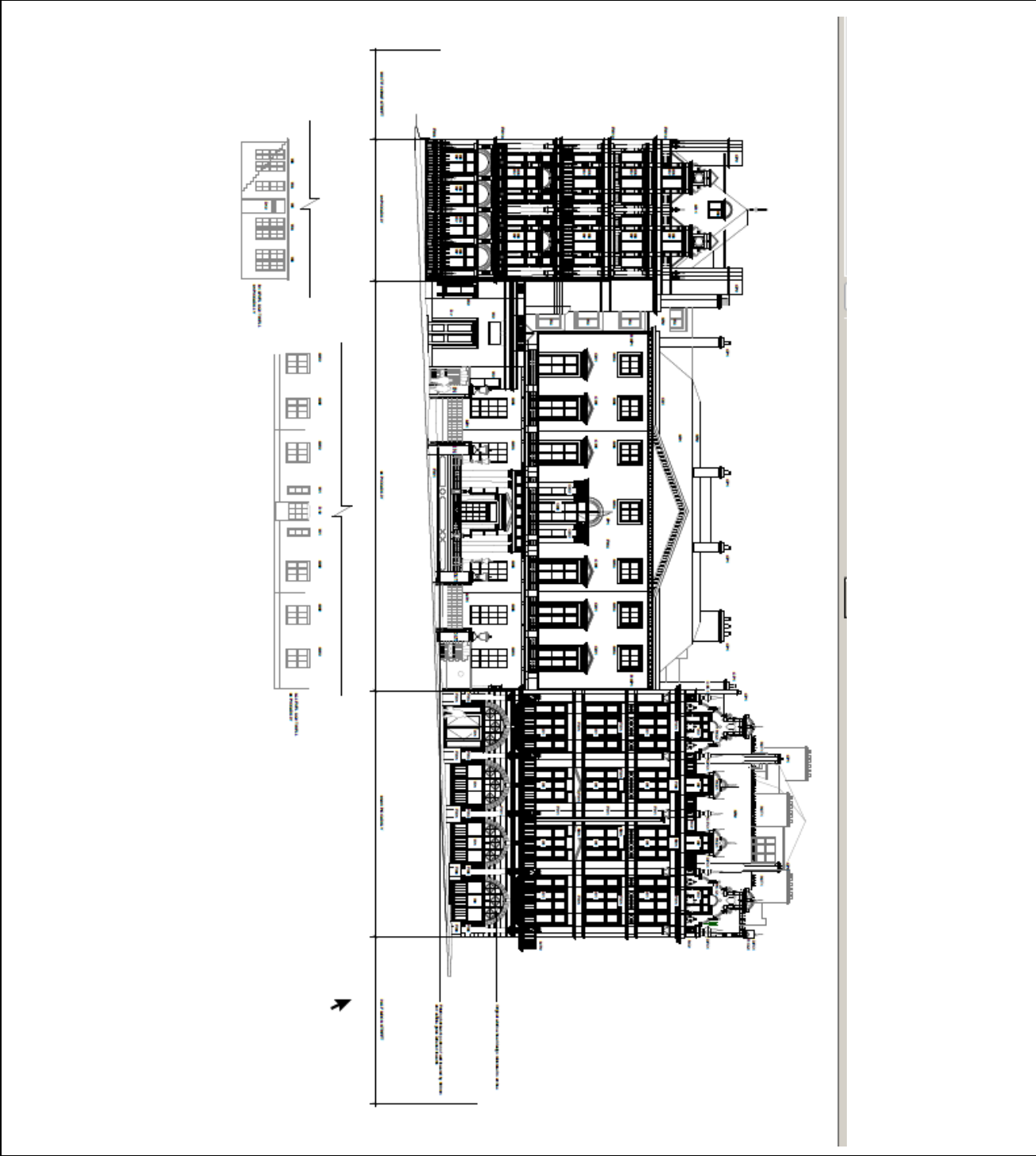
1. Application form
2. E-mail from Councillor Hug dated 6 June 2017
3. Letter from Historic England dated 24 May 2017
4. Letter and e-mail from Historic England (Archaeology) dated 8 June and 27 November 2017
5. Letter from London Underground Limited dated 6 June 2017

6. Responses from the Westminster Society dated 8 June and 27 September 2017
7. Response from the Mayfair & St, James's Residents' Association dated 13 June 2017
8. Email from the Council for British Archaeology dated 8 June 2017
9. Memoranda from Highways Planning dated 19 July and 3 October 2017
10. Memorandum from Cleansing dated 6 June and 3 October 2017
11. Memoranda from Building Control dated 3 and 17 July 2017
12. Memoranda from Environmental Health dated 12 July, 11 September and 23 November 2017
13. Memorandum from Arboricultural Officer dated 12 July 2017
14. Response from Designing Out Crime Officer dated 1 June 2017
15. Response from the occupier 10 Shepherd Market dated 1 June 2017
16. Response from the occupier Flat above 3 White Horse Street dated 7 June 2017
17. Letter on behalf of the owner/occupier 4-8 Shepherd Market dated 20 June 2017
18. Letter from the freeholder, and owner of Flats 1 and 2, 5 Half Moon Street dated 21 June 2017
19. Letter from the managing agents 10 White Horse Street dated 2 November 2017

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

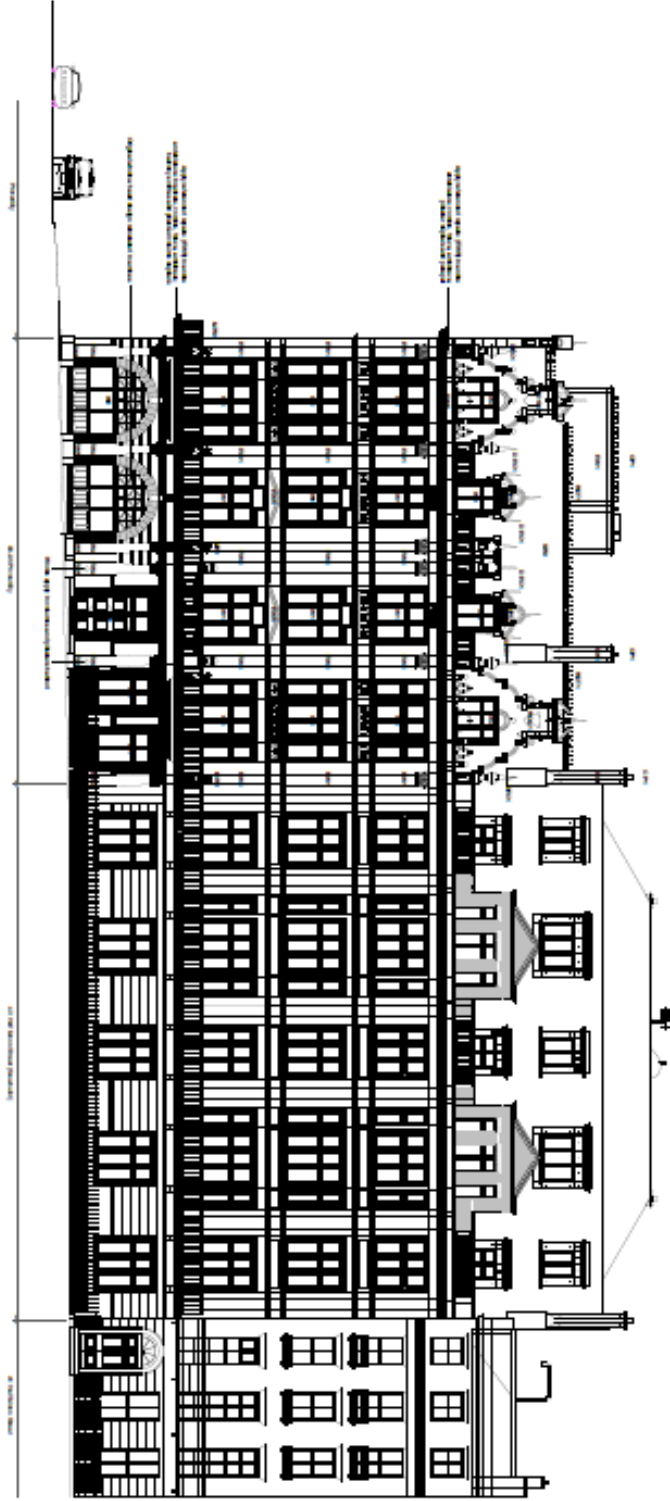
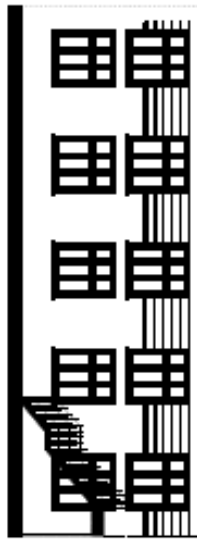
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk
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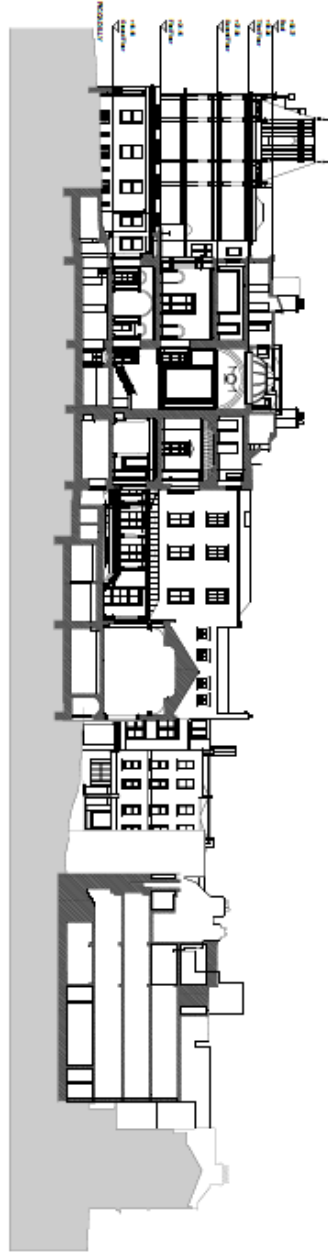
11 KEY DRAWINGS





SECTION THROUGH THE BUILDING



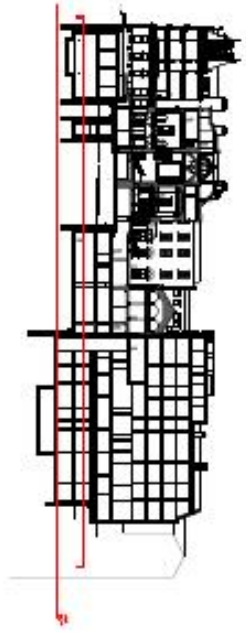
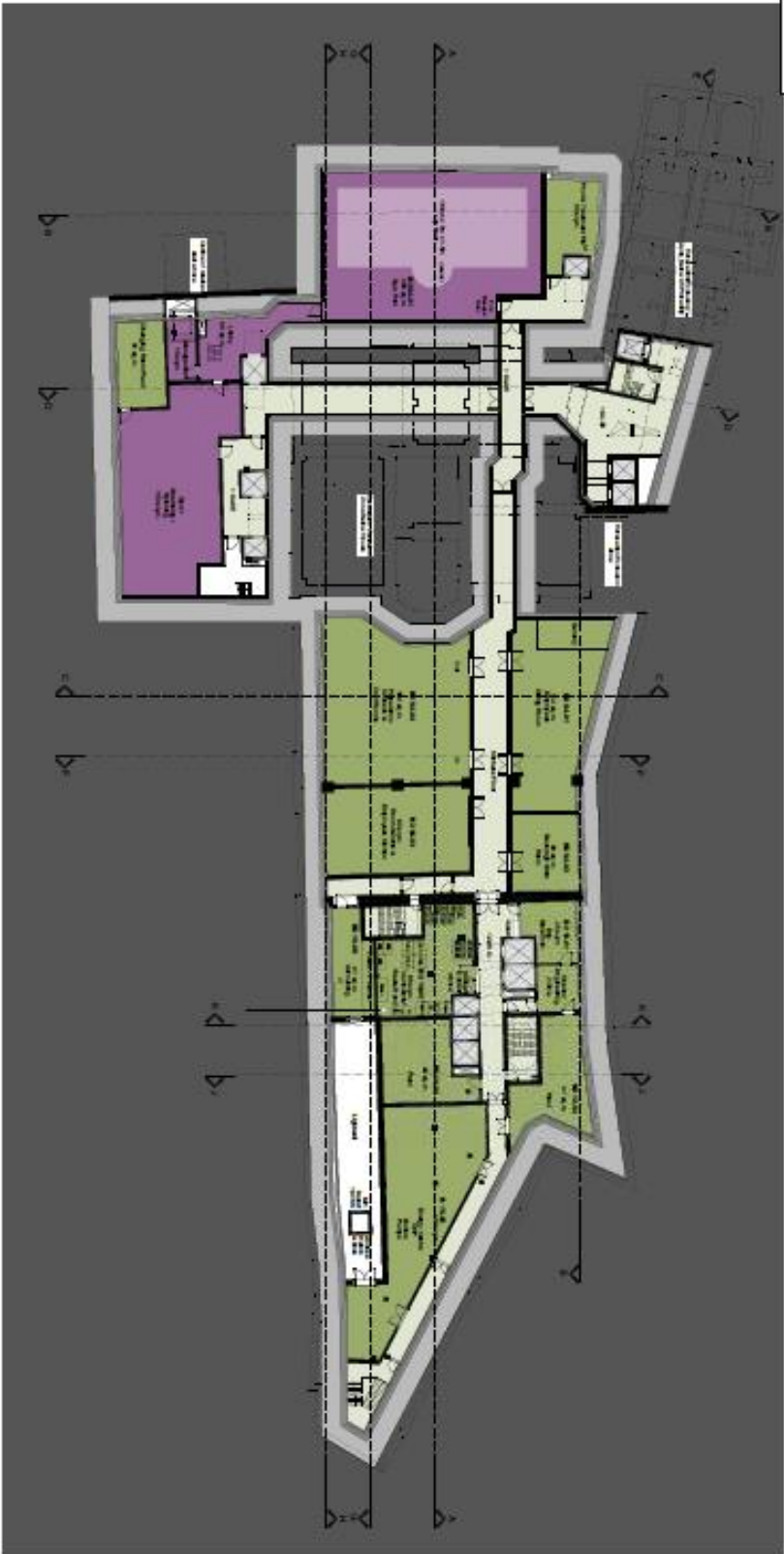




KEY
 Proposed Fabric
 Existing Fabric

LEGEND

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[Light Green Box]	Auxiliary Space
[Light Yellow Box]	Hotel Suite
[Light Purple Box]	Residential
[Light Grey Box]	Auxiliary/Plant
[Red Box]	Terrace / Courtyard
[White Box]	Open / Spa



In & Out Hotel and Residences
 Town of Southdown Management Ltd
 1880 02 012 rev P8
 Proposed Basement 2 Floor Plan
 Planning Issue 12/10/17 VC

1880 02 012 rev P8
 Proposed Basement 2 Floor Plan
 Planning Issue 12/10/17 VC

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APRIL 2017

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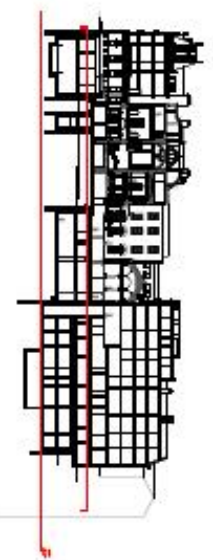
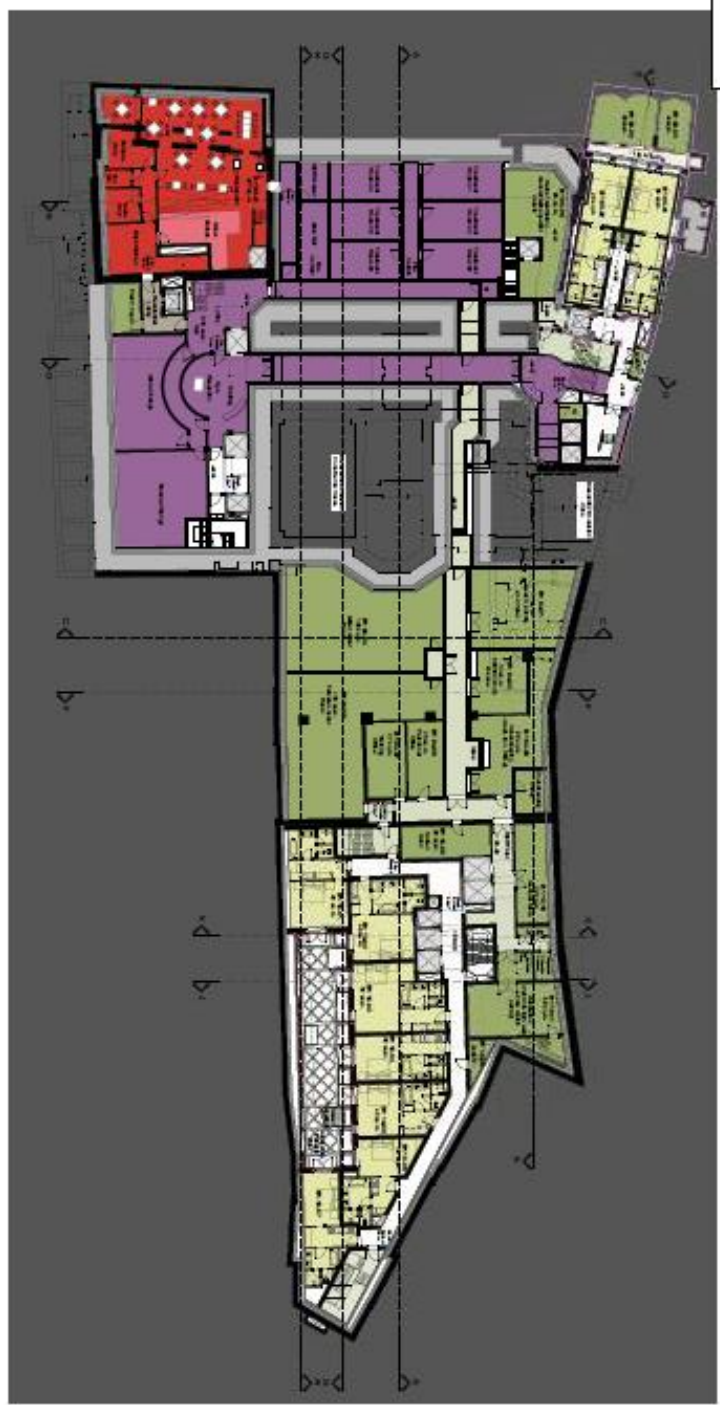
PDP LDN
 Architects

KEY
 Proposed Fabric
 Existing Fabric

The Old Bank House, 175 Park Street
 11779973000
 www.pdp-ldn.com

LEGEND

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[Light Yellow]	Auxiliary Space
[Light Blue]	Hotel Suite
[Light Purple]	Residential
[Light Grey]	Auxiliary Retail
[Red]	Terrace / Courtyard
[White]	Open / Spine



In & Out Hotel and Residence
 Project Management Ltd
 10000 100th Avenue, Suite 100, Edmonton, Alberta T5A 0K6
 Phone: 780-443-1111
 Fax: 780-443-1112
 Email: info@projectmanagement.ca

8800 02 011 rev. P8
 Proposed Basement 1 Floor Plan
 P8 Parking Area 150000 Y/C



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APRIL 2017

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 Date: 04/11/17

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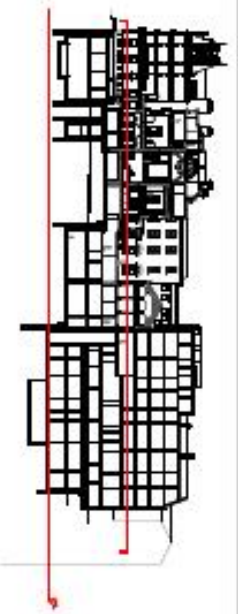
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[Light Purple]	Residential
[Light Grey]	Auxiliary Retail
[Red]	Terrace / Courtyard
[White]	Open / Spine



In & Out Hotel and Residence
 Project Management Ltd
 10000 100th Avenue, Suite 100, Edmonton, Alberta T5A 0K6
 Phone: 780-443-1111
 Fax: 780-443-1112
 Email: info@projectmanagement.ca

LEGEND

- Hotel Function Space
- Ancillary Space
- Hotel Suite
- Residential
- Ancillary Space
- Terrace / Courtyard
- Open / Spa



in & Out Hotel and Residences
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9300_02_001 rev. P9
 Proposed Ground Floor Plan
 P9 Anderson Associates TORONTO, ON



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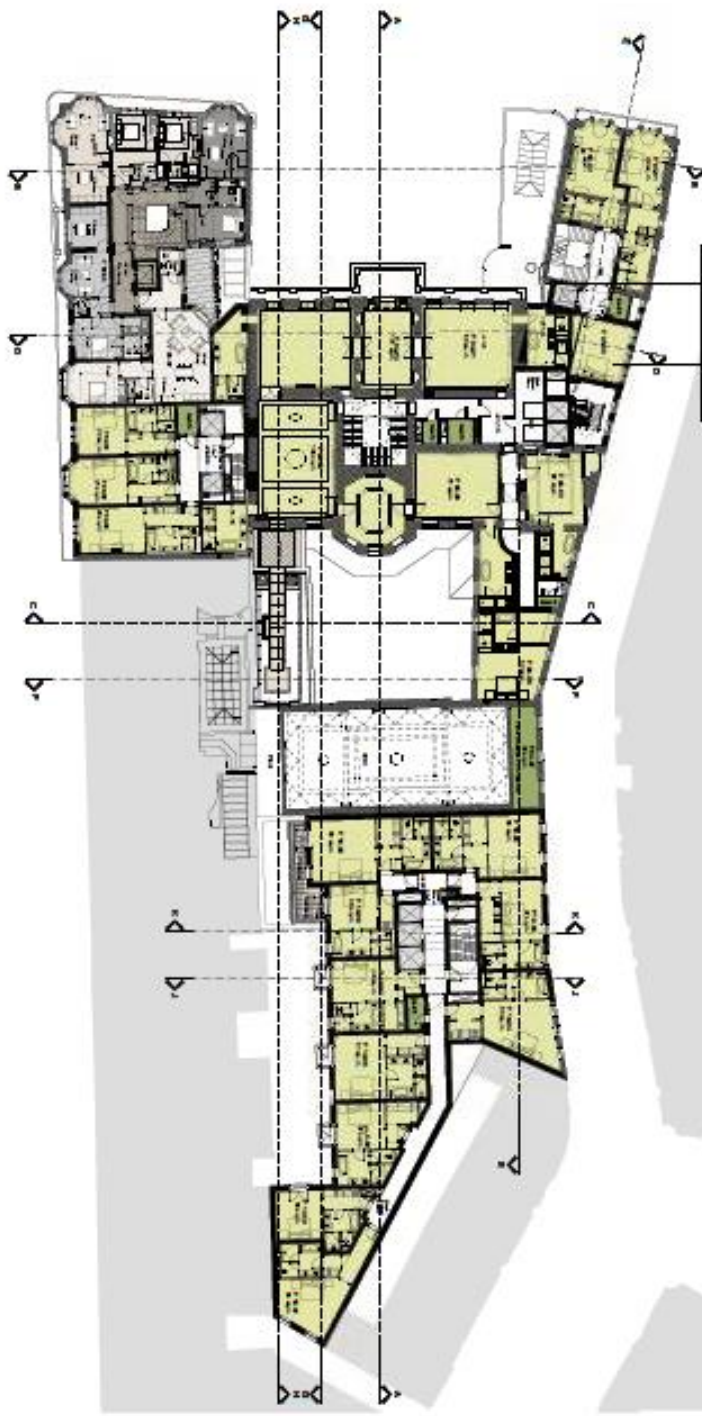
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- And by Space
- Hotel Suite
- Residential
- And by Retail
- Terrace / Courtyard
- Gym / Spa



H. & O. Hotel and Residences
 1800 OZ OZ NW, P9
 Proposed First Floor Plan
 150000 70

1800 OZ OZ NW, P9
 Proposed First Floor Plan
 150000 70

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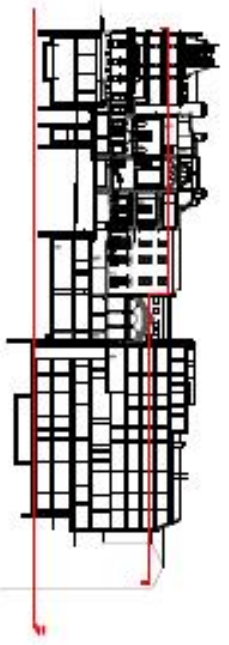
APRIL 2017

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 Architects

The Old London House, 11th Floor, 100 Abchurch Lane, London EC4N 3DF
 020 7424 1000
 www.pdparchitects.com

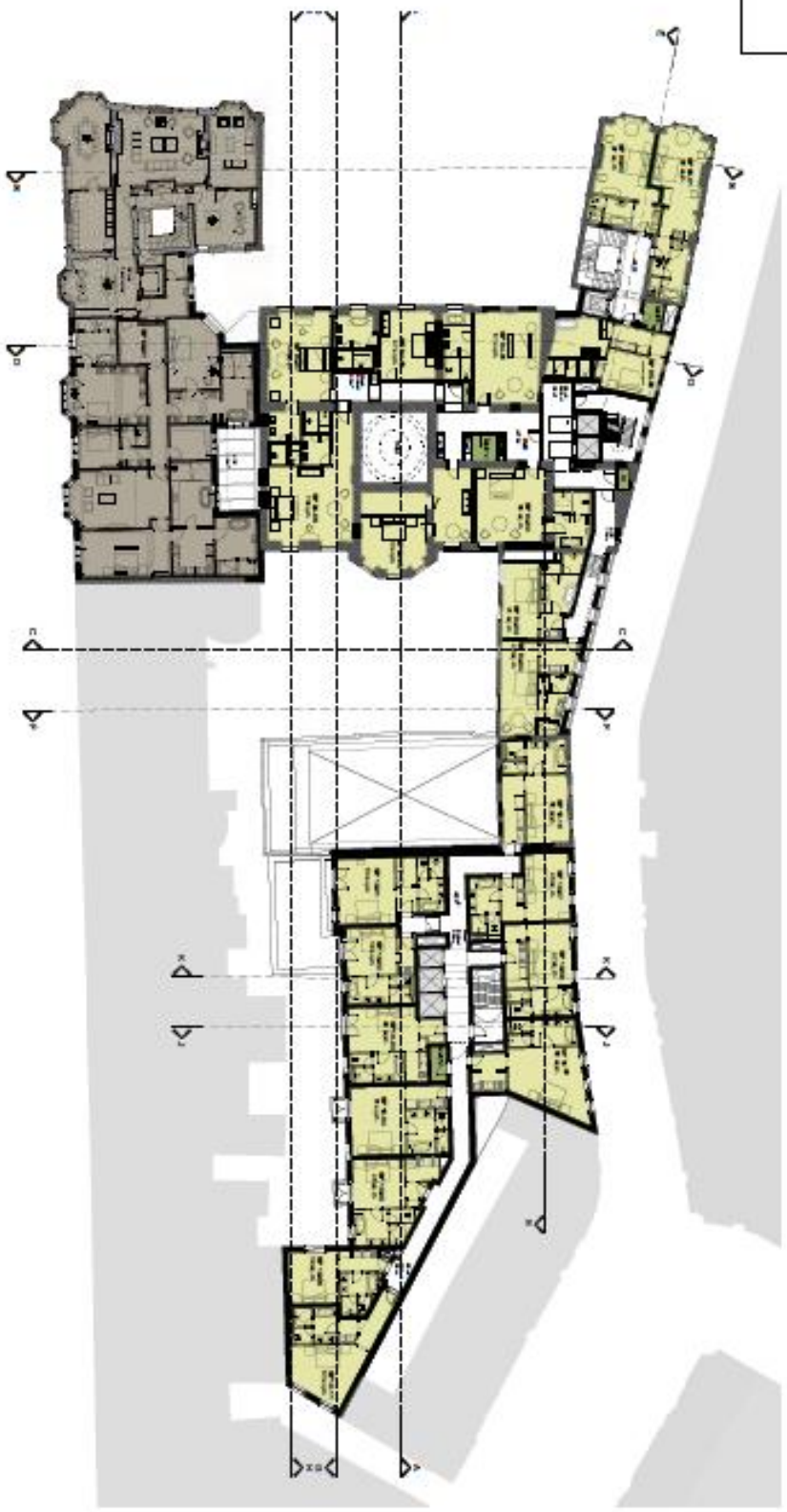
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LEGEND

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[Dark Green Box]	Residential
[Light Blue Box]	Auditory (Retail)
[Red Box]	Terrace / Courtyard
[Grey Box]	Open / Spa



KEY

[Black Square]	Proposed Fabric
[Grey Square]	Existing Fabric

10 & Old Hotel and Residences

3800_02_003 Rev. PB

Proposed Second Floor Plan

PR Architects Inc. 137047 VC



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1:400 @ A3



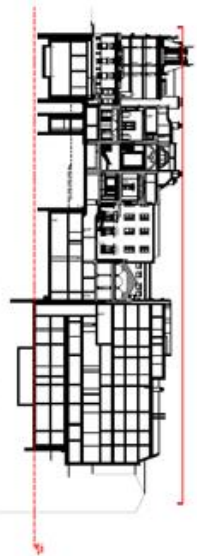
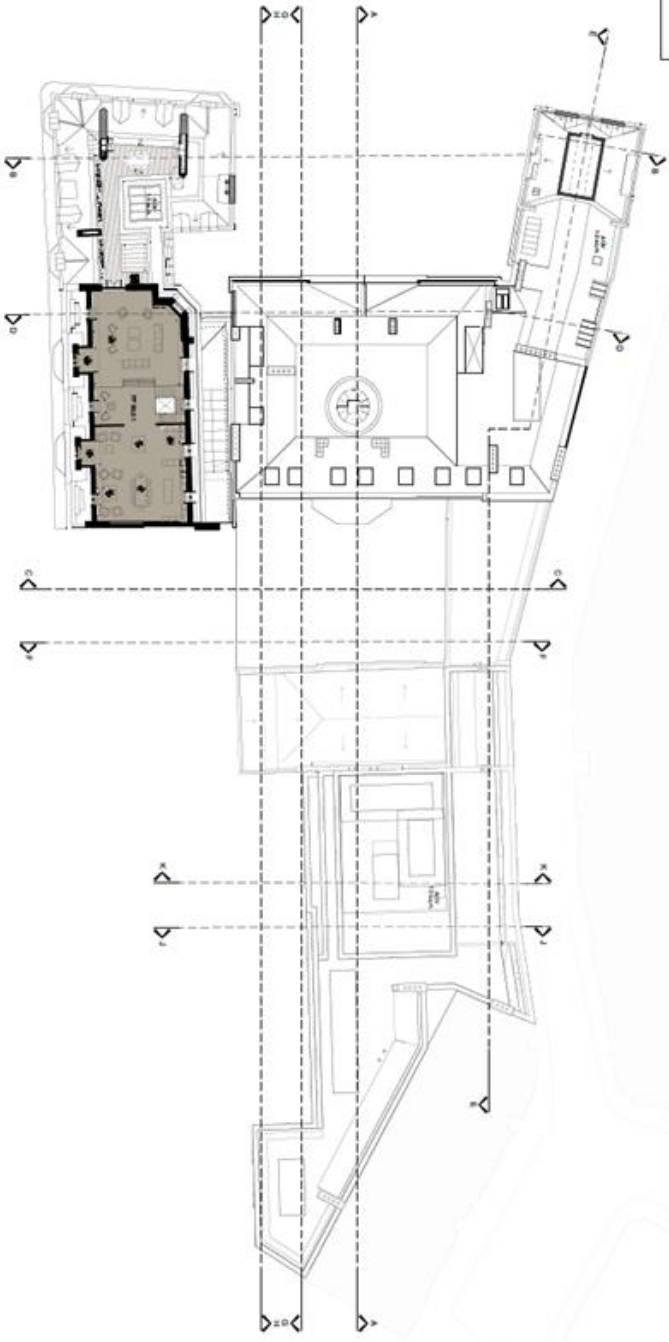
APRIL 2017

PDP LDN
Architects

1000 Wellington St, Suite 101
Vancouver, BC V6Z 2G7
Canada
Tel: 604.681.1111
www.pdparchitects.com

LEGEND

- Hotel Function Space
- Auxiliary Space
- Hotel Suite
- Residential
- Auxiliary Retail
- Terrace / Courtyard
- Open / Sea



In & Out Hotel and Residences
 Tower Project Management Ltd
 One Bank Street, Suite 1000, Toronto, Ontario M5X 1C6
 Tel: 416-593-8888
 Fax: 416-593-8889
 www.towerprojectmanagement.com

1890_02_006 rev. P8
 Proposed Fthn Floor Plan
 P8 Annotation amended 12/01/17 VC



scale 1:200 @ A1
 1:400 @ A3



APRIL 2017

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 Architects

Tower Project Management Ltd
 100 King Street West, Suite 1000
 Toronto, Ontario M5X 1C6
 Tel: 416-593-8888
 Fax: 416-593-8889
 www.towerprojectmanagement.com

KEY

- Proposed Fabric
- Existing Fabric

DRAFT DECISION LETTER

Address: Site At 94 Piccadilly, 95 Piccadilly, 12 White Horse Street, 42 Half Moon Street &, 90 - 93 Piccadilly, London, ,

Proposal: Demolition and rebuilding of No. 42 Half Moon Street, No. 11 White Horse Street and No. 12 Shepherd Market. Demolition (with exception of retained facade) and rebuilding at No. 10 White Horse Street. Erection of a 5 storey extension at vacant site of No. 12 White Horse Street. Refurbishment of all other existing buildings including minor demolition works, alterations and extensions, excavation to provide additional accommodation at basement level, removal of courtyard tree and installation of new plant and other associated works, all in association with the use of the site as an hotel and four residential dwellings.(Site includes 10 and 11 White Horse Street and 12 Shepherd Market) (Linked application - 17/03981/LBC)

Reference: 17/03980/FULL

Plan Nos: 1890_01_/001 Rev P5, 002 Rev P5, 003 Rev P4, 004 Rev P4, 005 Rev P4, 006 Rev P3, 007 Rev P3, 010 Rev P5, 011 Rev P1; 100 Rev P2, 101 Rev P2, 102 Rev P2, 103 Rev P2, 104 Rev P1; 200 Rev P2, 201 Rev P2, 202 Rev P2, 203 Rev P2, 204 Rev P2, 205 Rev P2, 206 Rev P2, 207 Rev P2, 208 Rev P2 (demolition)

189-_02_/001 Rev P9, 002 Rev P9, 003 Rev P8, 004 Rev P8, 005 Rev P8, 006 Rev P9, 007 Rev P5, 008 Rev P1, 009 Rev P1, 010 Rev P1, 011 Rev P8, 012 Rev P8, 013 Rev P8; 100 Rev P7, 101 Rev P8, 102 Rev P8, 103 Rev P7, 104 Rev P5, 105 Rev P1; 200 Rev P10, 201 Rev P8, 202 Rev P6, 203 Rev P4, 204 Rev P3, 205 Rev P3, 206 Rev P4, 207 Rev P3, 208 Rev P2; 1890_00_802 Rev P1, 803 Rev P1, 804 Rev P1, 805 Rev P1, 806 Rev P1, 807 Rev P1 (proposed)

1890_02_/050 Rev P1, 051 Rev P2, 052 Rev P1, 053 Rev P2, 054 Rev P1, 055 Rev P2, 056 Rev P2, 060 Rev P1, 061 Rev P1 (finishes)

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

4 All new work to the outside of the buildings 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 the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

5 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

6 You must apply to us for approval of samples of the following parts of the development:

- 1) Portland stone for the new and repaired parts of the building facades
- 2) new roof slate
- 3) new brick for the Orangery
- 4) all new hard landscaping.

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 samples. (C26DB)

Reason:

To protect the special architectural or historic interest of the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

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

- 1) The new forecourt entrance wall and gates
- 2) The new shopfronts at Nos. 90-93 Piccadilly

3) Gates to the servicing area

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 detailed drawings (C26DB)

Reason:

To protect the special architectural or historic interest of the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

8 You must apply to us for approval of the following parts of the development :

- 1) A detailed method statement and specification for all stone and brick cleaning and repair;
- 2) Detailed drawings of windows in the new buildings on Half Moon Street and White Horse Street/Shepherd Market.

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

Reason:

To protect the special architectural or historic interest of the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

9 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 the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

10 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 the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan

(November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

11 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces, roof gardens and balconies unless shown on the drawings hereby approved.

Reason:

To protect the special architectural or historic interest of the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

12 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 S25 and S28 of

Westminster's City Plan (November 2016) and DES 1, DES 9 (B) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CC)

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

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

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

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the

programme set out in the stage 2 WSI.

Reason:

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

14 You must apply to us for approval of details of i) how waste is going to be stored on the site and how materials for recycling will be stored separately and ii) details of waste transfer arrangements for the residential use. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the hotel and flats. (C14EC)

Reason:

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

15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent

measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

17 You must apply to us for approval of details of a supplementary acoustic report which

- i) includes details of all handling and extraction plant for the development
- ii) demonstrates that the operation of the 4 no. dry air coolers will comply with the Council's noise criteria as set out in Conditions 15 and 16 of this permission showing either i) that the operation of the dry air coolers will fully comply with conditions 15 and 16 without reliance on the night-time set back mode or ii) that the operation of the dry air coolers can be set and managed appropriately in order to ensure compliance with conditions 15 and 16.

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (2), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 and as set out in S32 of Westminster's City Plan (November 2016), so that the noise environment of people in noise sensitive properties is protected, including from the intrusiveness of tonal and impulsive sounds, by contributing to reducing excessive ambient noise levels and to ensure that the development is designed to prevent structural transmission of noise or vibration.

18 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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 18 of this permission. 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 before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

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

in the residential habitable spaces, with music playing in terms of LAFmax should be demonstrated not to exceed the NR 20 curve inside the proposed residential dwellings. A calculation shall be provided confirming how this level of noise would be achieved and construction details including acoustic performance shall be provided.

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

Reason:

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

21 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 20 of this permission. 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 before the residential units are occupied and thereafter retain and maintain the approved details/measures.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

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

Reason:

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

23 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 22 of this permission. 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 before the residential units are occupied and thereafter retain and maintain the approved details/measures.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

24 You must apply to us for approval of a Hotel Servicing and Delivery Management Plan demonstrating how on-street deliveries and servicing will be carried out to minimise noise disturbance.

You must not occupy the hotel until we have approved what you have sent us. You must then carry out hotel servicing and deliveries in accordance with the approved Hotel Servicing and Delivery Management Plan (C26DB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

25 No deliveries shall be accepted at the hotel except between 06.00 and 19.00 hours each day, including a maximum of 2 deliveries between 06.00 and 07.00 hours each day.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

26 The doors to the delivery bay shall be kept closed at all times, including during the delivery and servicing process, except when opened to allow access/egress for delivery vehicles and goods and the removal of waste and recyclable materials,

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

27 All collections of waste, recyclable materials and bottles must only take place between 07.30 and 19.00 hours each day.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 2 and TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

28 You must apply to us for approval of details of the ventilation systems for the hotel and hotel restaurant to get rid of cooking smells, including details of how they will be built and how they will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details (C14AB)

Reason:

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

29 You must apply to us for approval of details of air quality mitigation measures for the flats.

You must not start any 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 these approved details (C26DB)

Reason:

To protect the living conditions of people who may use the property in future as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13DC)

30 You must provide each cycle parking space shown on the approved drawings prior (with a minimum of 11 spaces for the residential use and 19 spaces for the hotel use) to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

31 With the exception of the door to the escape corridor (White Horse Street frontage) shown on drawing 1890_02_010 Rev _10, you must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

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

33 You must apply to us for approval of a Servicing Management Plan which must identify process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing taxis and mini buses and should confirm that no bookings will be taken (for hotel guests or guests attending hotel functions) arriving in coaches.

You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the Servicing Management Plan at all times that the hotel is in use.

Reason:

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

34 No development shall occur between the footway and a depth of 900mm.

Reason:

To ensure that services and essential street furniture can be provided as set down in policy TRANS 19 of the City of Westminster Unitary Development Plan that we adopted in January 2007.

35 No waste shall be stored on the highway

Reason:

In the interests of public safety and to avoid blocking the highway as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

36 Non-resident hotel guests shall be permitted to access the following parts of the building at the following times:

- o ground floor and basement hotel restaurant: between 06:00 and 24.00 hours
- o ground floor bar between 11.00 hours and 01:00 the following morning.
- o basement level cellar wine bar: between 11:00 and 24.00 hours
- o Pre-function areas: the hotel reception area, the Tea Lounge, The Orangery, the Ballroom and the rear courtyard: between 07.30 and 24.00 hours
- o private dining rooms/meeting rooms on the lower ground floor between 06.00 and 24.00 hours.
- o hotel spa: between 10:00 and 21.00 hours and hotel gym and leisure facilities: between 06.00 and 23.00.

Reason:

In accordance with the submitted application and to protect neighbouring residents from noise nuisance as set out in S23, 24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, TACE 2 and TACE 10 of the City of Westminster Unitary Development Plan (January 2007)

37 You must not allow more than the following numbers of customers in these parts of the hotel:

- o ground floor and basement hotel restaurant: maximum 128 customers
- o ground floor bar: maximum 80 customers
- o basement level cellar wine bar: maximum 40 customers
- o Pre-function areas including: the hotel reception area: maximum 48 customers; the Tea Lounge: maximum 26 customers; the Orangery and the Ballroom: maximum combined capacity 325 customers; the rear courtyard: maximum capacity 60 customers.
- o private dining rooms/meeting rooms on the lower ground floor: maximum 40 customers
- o hotel spa, treatment rooms, gymnasium and swimming pool: maximum 50 customers.

Reason:

In accordance with the submitted application and to protect neighbouring residents from noise nuisance as set out in S23, 24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, TACE 2 and TACE 10 of the City of Westminster Unitary Development Plan (January 2007)

38 Within the exception of private hotel rooms/suites and those areas identified in conditions 36 and 37, no other part of the hotel shall be used for drinking and/or dining purposes.

Reason:

In accordance with the submitted application and to protect neighbouring residents from noise nuisance as set out in S23, S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, TACE 2 and TACE 10 of the City of Westminster Unitary Development Plan (January 2007)

39 The use of the front courtyard for events shall be restricted to between 09.00 and 22.00 hours.

Reason:

In accordance with the submitted application and to protect neighbouring residents from noise nuisance as set out in S23, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 2 of the City of Westminster Unitary Development Plan (January 2007)

40 All windows and doors to public drinking, dining and entertainment areas shall be kept closed at all times (other than for the purposes of access and egress through external doors) with the exception of doors to the central courtyard which shall be openable between 07.30 and 20.00 hours

Reason:

In accordance with the submitted application and to protect neighbouring residents from noise nuisance as set out in S23, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 2 of the City of Westminster Unitary Development Plan (January 2007)

41 You must apply to us for approval of an operational management plan for the hotel to show how day-to day hotel operations will be managed to ameliorate noise disturbance and how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the hotel use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel is in use. (C05JB)

Reason:

To protect neighbouring residents from noise nuisance as set out in S23, S24, 29 and S32 of Westminster's City Plan (November 2016) and ENV 6, TACE 2 and TACE 10 of the City of Westminster Unitary Development Plan (January 2007)

42 You must apply to us for approval of details of a security scheme for the 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 according to the approved details before anyone moves into the building. (C16AB)

Reason: To ensure that the development is designed to minimise the opportunities for crime as set out in S29 of Westminster's City Plan (November 2016).

43 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 trees and

shrubs. 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 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species.
(C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

44 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the
i) brown/living roofs
ii) green walls
to include construction method, layout, species and maintenance regime.

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

Reason:

To compensate for the unavoidable loss of biodiversity as a result of the development, as set out in S38 of Westminster's City Plan (July 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43BB)

45 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- i) CHP system

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 S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

46 With the exception of those areas identified as balconies or terraces on the drawings hereby approved, you must not use the roofs of the buildings for sitting out or for any other purpose. You can however use the roofs for maintenance purposes or to escape in an emergency (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

47 The privacy screen to the first floor residential terrace and the third floor hotel terrace at 94 Piccadilly shown on drawings 1890_ 02/ 103 Rev P7 and 105 Rev P1 shall be installed prior to the commencement of the residential and hotel uses and shall be permanently maintained

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

48 You must apply to us for approval of detailed drawings of the following parts of the development, incorporating suitable visual treatment

- 1) kitchen extract ducts

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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of the listed buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 5 or DES 6, or both, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

49 You must apply to us for approval of a management plan to demonstrate that no hotel bookings will be taken from hotel guests or non-resident guests attending hotel functions arriving by coach (other than in mini buses which can be accommodated within the front forecourt). You must not start the hotel use until we have approved what you have set us. You must then carry out the measures included in the management statement at all times that the hotel is in use.

Reason:

To make sure, in the absence of coach parking facilities, that the use will comply with policy TACE 2 of our Unitary Development Plan that we adopted in January 2007

50 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) 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 by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and on Monday to Friday only, between 09.00 and 17.00 hours.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

51 The 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 a minimum three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to i) a contribution towards the City Council's affordable housing fund ii) costs relating to highways works iii) a Crossrail contribution iv) a carbon offset payment v) arrangements

for public access to grand first floor rooms as part of the Open House programme vi) an employment and training opportunities strategy and vii) s106 monitoring costs (I55AA)

3 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

The archaeological fieldwork should comprise the following:

Geotechnical Monitoring

Any site investigations should be archaeologically monitored with an archaeologist and geoarchaeologist present to determine survival and significance of any remains present including geoarchaeological potential below the existing basement levels and site as a whole. The results will be used to determine an appropriate strategy for any further archaeological evaluation and/or mitigation.

Archaeological monitoring of geotechnical pits and boreholes can provide a cost effective

means of establishing the potential for archaeological remains to survive on previously developed land or where deep deposits are anticipated. It is usually used as part of a desk-based assessment or field evaluation.

Evaluation

The strategy for any further evaluation and/or mitigation will be confirmed on receipt of the

above. An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (predetermination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

4 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street

London SW1E 6QP
Phone: 020 7641 3153
(I73CA)

5 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

6 You may need separate licensing approval for the premises. 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. (I61AB)

7 As the new construction provides support to the highway, you are required to obtain Technical Approval from the Council's highways engineers prior to the commencement of any excavation works

8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

9 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

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: Site At 94 Piccadilly, 95 Piccadilly, 12 White Horse Street, 42 Half Moon Street &, 90 - 93 Piccadilly, London, ,

Proposal: Internal and external alterations including the erection of a five storey extension on the vacant site at 12 White Horse Street; refurbishment of all other existing buildings including minor demolition works, alterations and extensions, excavation to provide additional accommodation at basement level and installation of new plant and other associated works. (Site 90-93, 94 and 95 Piccadilly and land at 12 White Horse Street) (Linked application - 17/03980/FULL)

Reference: 17/03981/LBC

Plan Nos: 1890_01_/001 Rev P5, 002 Rev P5, 003 Rev P4, 004 Rev P4, 005 Rev P4, 006 Rev P3, 007 Rev P3, 010 Rev P5, 011 Rev P1 ; 100 Rev P2, 101 Rev P2, 102 Rev P2, 103 Rev P2, 104 Rev P1; 200 Rev P2, 201 Rev P2, 202 Rev P2, 203 Rev P2, 204 Rev P2, 205 Rev P2, 206 Rev P2, 207 Rev P2, 208 Rev P2 (demolition), 1890_02_/001 Rev P9, 002 Rev P9, 003 Rev P8, 004 Rev P8, 005 Rev P8, 006 Rev P9, 007 Rev P5, 010 Rev P10, 011 Rev P8, 012 Rev P8, 013 Rev P8: 100 Rev P7, 101 Rev P8, 102 Rev P8, 103 Rev P7, 104 Rev P5, 105 Rev P1; 200 Rev P10, 201 Rev P8, 202 Rev P6, 203 Rev P4, 204 Rev P3, , 205 Rev P3, 206 Rev P4, 207 Rev P3, 208 Rev P2; 1890_02_/050 Rev P1, 051 Rev P2, 052 Rev P1, 053 Rev P2, 054 Rev P1, 055 Rev P2, 056 Rev P2, 060 Rev P1, 061 Rev P1 (finishes)

Draft
ft

Case Officer: Sara Spurrier

Direct Tel. No. 020 7641 3934

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work and improvements inside and outside of the buildings 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 these buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 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 these buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of the following parts of the development : , , 1)A detailed schedule of all existing internal features to be removed, repaired and reinstated., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 Other than those features identified under condition 5 you must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those

features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 8 You must apply to us for approval of samples of the following parts of the development, 1) Portland stone for the new and repaired parts of the buildings facades, 2) new roof slate, 3) new brick for the Orangery, 4) all new hard landscaping. , , 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 samples. (C26DB)

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development, 1) The new forecourt entrance wall and gates, 2) The new shopfronts at Nos. 90-93 Piccadilly., , 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 detailed drawings,

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the

development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 10 You must apply to us for approval of the following parts of the development : , , 1) A detailed method statement and specification for all stone and brick cleaning and repair;; 2) A photographic schedule of all chimneypieces, heaths, grates/baskets in Nos. 94 and 95 Piccadilly including plans annotated to show their locations;; 3) A method statement and schedule of work to be carried to of all chimneypieces, heaths, grates/baskets in Nos. 94 and 95 Piccadilly;; 4) Historic paint analysis for all the principal rooms at ground and first floor levels (including the staircases) in No. 94 Piccadilly;; 5) Details of the colour scheme, including paint samples, for the interiors of all the principal rooms at ground and first floor levels (including the staircases) in No. 94 Piccadilly;; 6) Detailed drawings of secondary glazing in Nos. 90-93, 94 and 95 Piccadilly;; , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 11 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces, roof gardens and balconies unless shown on the drawings hereby approved.

Reason:

To protect the special architectural or historic interest of these buildings and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s):

In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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