

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Morley House, 314-322 Regent Street, London, W1B 3BB,		
Proposal	Demolition and redevelopment behind retained Regent Street and Little Portland Street frontages (Nos. 11-12), including rebuilding of mansard roof, to provide retail floorspace at part ground and basement floors and 44 residential dwellings at first to seventh floor levels, with ground floor entrance and ancillary residential at part basement; erection of plant at roof (seventh floor) level, and external terraces to some flats on rear elevations.		
Agent	CBRE		
On behalf of	The Crown Estate		
Registered Number	15/07483/FULL 15/07484/LBC	Date amended/ completed	21 December 2015
Date Application Received	13 August 2015		
Historic Building Grade	II		
Conservation Area	Regent Street/East Marylebone		

1. RECOMMENDATION

For Committee's consideration:

1. Does the Committee agree with the applicant's request that:

a) 442 sqm of the residential accommodation hereby approved can be used to provide the residential accommodation arising from the commercial redevelopment of 5-9 Cork Street and 12-14 New Bond Street (instead of already approved residential accommodation at 13 and 15 Maddox Street), with the conversion works at Morley House to commence within 12 months of occupation of the Cork Street development unless either:

i) The Council approves a different location for this residential floorspace within the Regent Street or St James's Estates, or

ii) The £1.941 million payment in lieu has been made (this being the payment in lieu of the residential requirement arising from the approved scheme of development at Cork Street, based on the current adopted Council formula).

b) the remaining residential accommodation hereby approved can be used to address Westminster's mixed use policy requirements that may arise from future commercial development schemes (effectively a residential 'credit') subject to the following parameters:

- i) The credit would last for seven years from the date of the grant of planning permission for the residential redevelopment of Morley House;
- ii) The credit can be used in relation with not more than five individual commercial redevelopment schemes;
- iii) The credit can only be used in connection with a commercial redevelopment scheme where The Crown Estate is the applicant and/ or the freeholder of the site this relates to;
- iv) The credit can be used in relation to an application relating to a property within the vicinity of Morley House.

c) As well as the residential credit to offset commercial increases elsewhere, the Council will factor the proposed loss of office floorspace at Morley House into any calculations that establish a residential requirement arising from other future commercial schemes.

2. Subject to 1. above, grant conditional permission and conditional listed building consent subject to

a) a Deed of Variation to the legal agreement for 5-9 Cork Street and 12-14 New Bond Street based on the criteria set out above, including a financial contribution of £383,000 towards the Council's affordable housing fund to compensate for the delay in providing the residential accommodation, (index linked and payable on commencement of this development);

b) a legal agreement to secure the following:

- i) A financial contribution of £5,734,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 44 flats;
- iii) Provision of Site Environmental Monitoring Plan and £33,000 per annum towards construction monitoring;
- iv) Monitoring costs of £500 for each of the above clauses.

3. If the Deed of Variation and S106 legal agreement has not been completed within two months, 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.

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

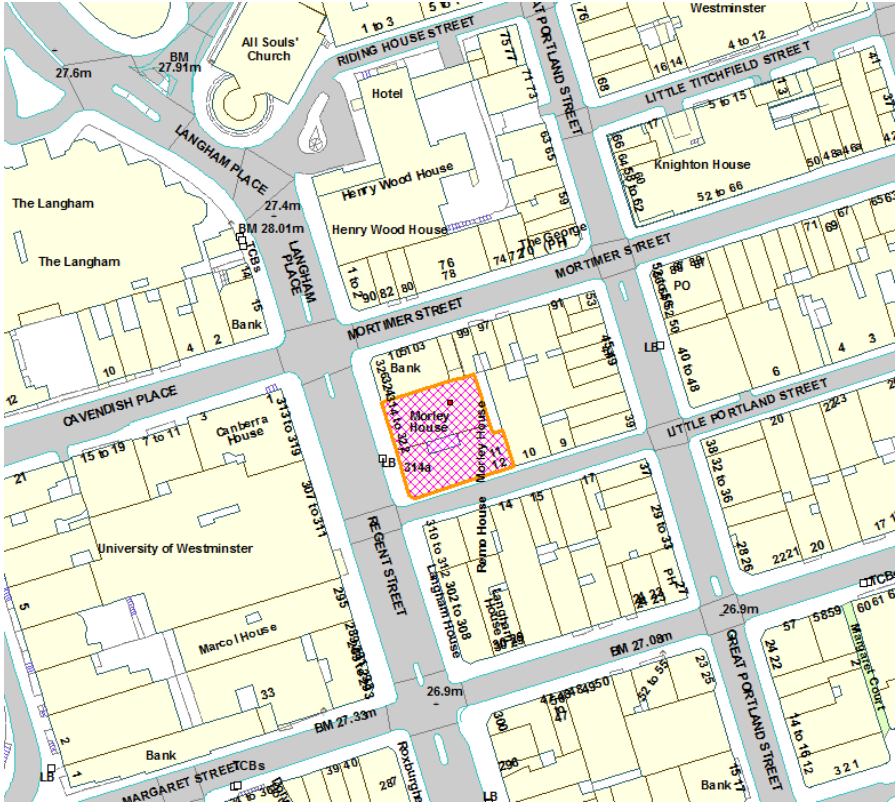
The application site is located at the top end of Regent Street and dates from the 1920s. It is listed but the main interest is with the street facades. Currently used as shops on the ground floor and offices above, the proposal is to redevelop the site behind retained facades, provide replacement retail accommodation on basement and ground floor and replace the outdated offices with 44 residential units.

The key issues are considered to be:

- the land use implications of replacing the offices with residential accommodation, in particular the applicant's request that the residential is treated as a 'credit';
- the lack of affordable housing provision on-site or off-site;
- the historic building implications of redeveloping behind the retained facades.

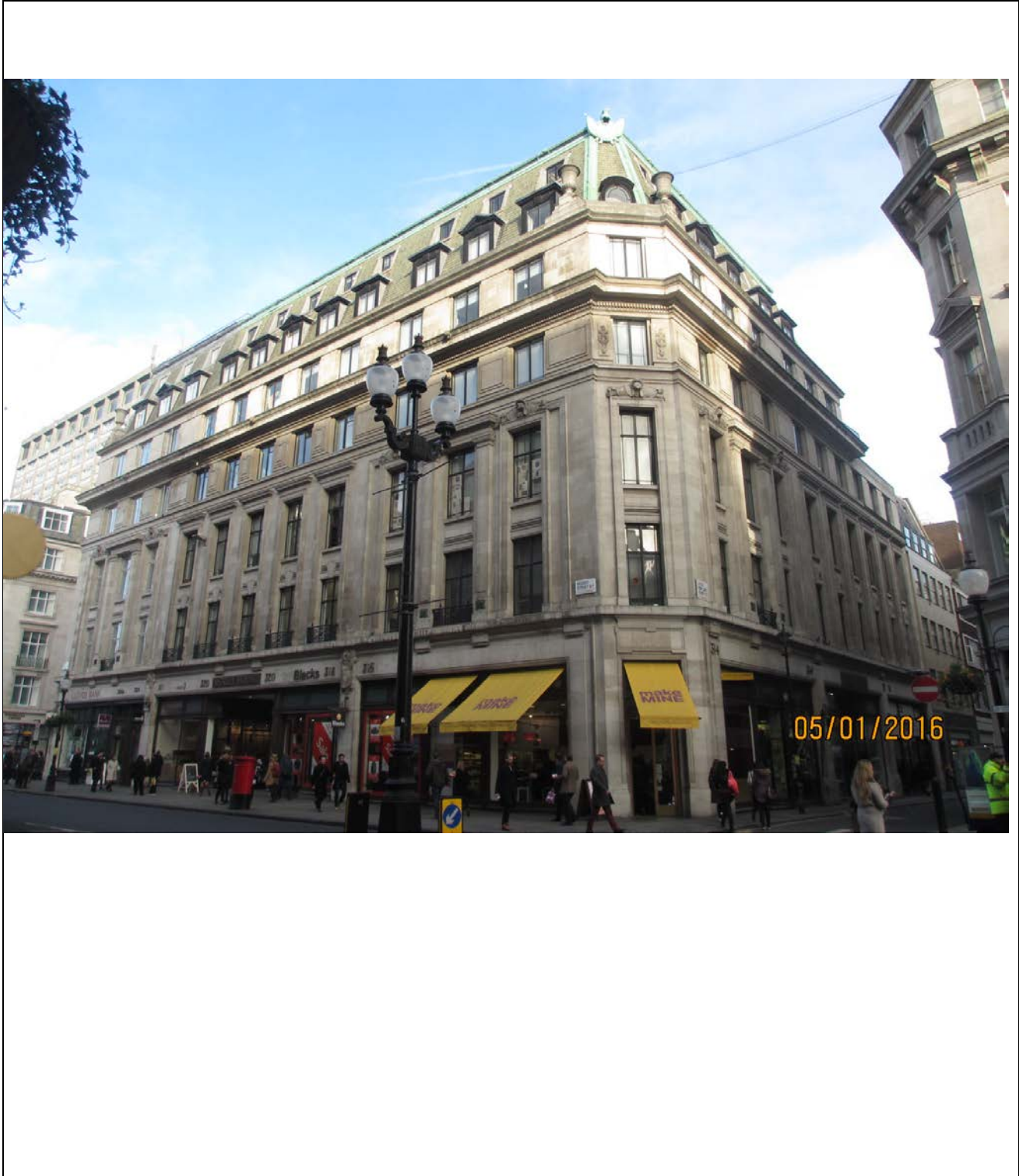
The Committee's views are sought on the applicant's request for the residential credit; subject to that the proposal is considered to be acceptable for the reasons set out in the main report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND

Initial comment that they would like to see the retention of the marble columns in the ground floor entrance hall; following amendment of the application to ensure this, they have now issued the Authorisation for the Council to determine the application.

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

On the basis that the proposal envisages little visible change to the exterior of the building, the Society considers that it will have no detrimental effect on the appearance of the conservation area;

consider it unfortunate that it has not been considered viable to retain and refurbish the listed building in its original form but acknowledge that the main significance of the listed building lies in its exterior elevations as part of the Regent Street master plan;

commends the proposals for retaining the majority of the bronze shop fronts but regrets the loss of one of the recessed entrances on Little Portland Street and would like to see this retained in the proposal.

COUNCIL FOR BRITISH ARCHAEOLOGY

Object on the grounds of loss of historic fabric and harm to the significance of the listed building/heritage asset.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Objection to lack of car parking for the proposed flats; no objection to cycle parking provision, waste provision or servicing.

ENVIRONMENTAL HEALTH

No objection subject to standard conditions and informatives.

MAJOR REDEVELOPMENTS AND INFRASTRUCTURE

Recommend that the development is subject to a Site Environmental Management Plan and an Environmental Inspectorate contribution of £33,000 per annum.

DESIGNING OUT CRIME

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 280:

Total No. of replies: 1, raising objections on grounds of noise, pollution and security risks during construction and reductions to daylight and sunlight. In the event that permission is granted, request that work restrictions take account of the residential accommodation in Albany House, 324 Regent Street, which adjoins the application site.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

This application site is located on the corner of Regent Street and Little Portland Street. It comprises basement, ground and six upper floors and is used for retail and office purposes. Dating from the 1920s as part of the rebuilding of Regent Street, the building is within the Regent Street Conservation Area and is listed Grade II (though there is little internally that is of architectural or historic interest). The site is within the Core Central Activities Zone.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

The application proposes demolition behind the retained façades on Regent Street and Little Portland Street and redevelopment to provide an eight storey building comprising retail space (Class A1) at basement and ground floor levels and 44 residential flats (Class C3) on the upper floors. The scheme includes the rebuilding of the mansard roof storeys

Two retail units will be provided across basement and ground floors, one of which will be accessed from Regent Street and the other will be accessed from both Regent Street and Little Portland Street.

The proposed residential accommodation of 44 units comprise 2 x studio flats, 19 x 1 bedroom flats, 15 x 2 bedroom flats and 8 x 3 bedroom flats.

No car parking is proposed at the site. A total of 73 cycle parking spaces are proposed at basement level (68 for residential occupiers and 5 for employees of the retail units). A communal combined heat and power (CHP) system and PV panels are proposed to satisfy the energy needs of the development. Dedicated waste/recycling facilities will be provided at basement level to support the retail space and residential accommodation proposed.

Servicing will take place along Little Portland Street and a new servicing entrance will be provided to facilitate the proposed arrangements.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal can be summarised as follows:

Land Use	Existing floorspace (sqm GEA)	Proposed floorspace (sqm GEA)	Difference (sqm GEA)
Retail (A1)	1,008	1,317	+309
Office (B1)	4,660	-	-4,660
Residential (C3)	-	4,807	+4,807
Plant	241	194	-47
Total floorspace	5,909	6,318	+409

Loss of office use

The application will result in a net loss of 4,660 sqm of B1 office floorspace within the Core CAZ. There are currently no specific policies within the UDP or City Plan which safeguard the existing office use. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace.

Consequently, interim measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.' Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The current applications were submitted in August 2015, and therefore are not subject to consideration under the interim measures or emerging policies. However, the applicant

has now asked that the proposed residential accommodation is used to offset commercial developments elsewhere, discussed in the next section.

Use of residential accommodation as part of mixed use requirements

UDP policy COM 3 allows relocation of uses subject to certain criteria, and UDP policies COM 2 and CENT 3 both allow residential accommodation (required to offset increases in mixed commercial and office developments) to be provided at off-site locations.

The applicant is asking that the residential accommodation proposed in the current application is used as an 'offset' in two different ways. One is to provide residential accommodation required as part of a commercial development in Cork Street/New Bond Street. This scheme (known as 'Cork Street Mews'), is being implemented by the Pollen Estate, provides new office and retail floorspace. The project is due for completion in Spring 2017. The section 106 Agreement currently requires the provision of residential accommodation at 13-15 Maddox Street prior to the occupation of Cork Street Mews.

The Crown Estate has recently acquired 13-15 Maddox Street as part of a programme of strategic acquisitions and do not wish the future use of this property to fetter potential development proposals at that site. As such, the Crown Estate is seeking to deliver an alternative solution, namely the proposed scheme of development at Morley House, for meeting the Cork Street Mews residential obligation.

The Cork Street Mews development, based upon the adopted policy, gives rise to the need to deliver 442sqm (GEA) residential floorspace, (albeit the Maddox Street scheme provides 838sqm GEA). The applicant has therefore provided a draft deed of variation which requires the conversion works at Morley House to commence within 12 months of occupation of the Cork Street development unless either:

- i) The council approves a different location for this residential floorspace within the Regent Street or St James's Estates
- ii) The £1.941 million payment in lieu has been made (this being the payment in lieu of the residential requirement arising from the approved scheme of development at Cork Street, based on the current adopted WCC formula).

The draft deed also removes the existing requirement to provide residential floorspace at 13-15 Maddox Street prior to occupation of the Cork Street Mews development. Given the significant delay in proving that residential accommodation, the applicant has offered to compensate for this by making a contribution towards the Council's affordable housing fund. The contribution would be £383,000, which is equivalent to one affordable housing unit.

The Committee is therefore asked to consider whether this alternative proposal is acceptable.

Secondly, the applicant would also like to use the residential floorspace proposed under this current application for Morley House to address Westminster's mixed use policy requirements that may arise from future commercial development schemes. In advance of the adoption of revisions to Westminster's City Plan: Strategic Policies, which deal with

the matter of residential 'credits', The Crown Estate is seeking clarification as to the parameters for utilising this proposed residential floorspace for such purposes and are suggesting that Morley House is used as a credit subject to the following parameters:

- a) The credit would last for seven years from the date of the grant of planning permission for the residential redevelopment of Morley House;
- b) The credit can be used in relation with not more than five individual commercial redevelopment schemes;
- c) The credit can only be used in connection with a commercial redevelopment scheme where The Crown Estate is the applicant and/ or the freeholder of the site this relates to;
- d) The credit can be used in relation to an application relating to a property within the vicinity of Morley House.

The total residential floorspace proposed under this current planning application is 4,807sqm. As the applicant wishes to use 442sqm (GEA) of this proposed residential floorspace to satisfy the mixed use policy requirement arising from the approved scheme of development for 5-9 Cork Street and 12-14 New Bond Street, this therefore leaves 4,365sqm (GEA) of proposed residential floorspace to be used to offset commercial increases at future, unspecified developments.

In addition to using the approved residential as a credit, the applicant would also like the Council to agree that the proposed loss of office floorspace at Morley House can be used to offset any notional residential requirement arising from other future unspecified commercial schemes. The proposed office loss at Morley House totals 4,660sqm GEA (although 442sqm of this floorspace has been factored into the above referenced calculation of the Cork Street/ New Bond Street residential requirement).

The Planning Applications Committee is therefore also asked to consider whether the applicant's request to use the proposed new residential accommodation and loss of offices can be utilised in the way set out above and in the recommendation.

Retail use

Two retail units are proposed at basement and ground floor levels – one accessed solely from Regent Street and the other (provisionally shown with two entrances) from Little Portland Street and the corner of both streets. The proposals would provide a net increase of 309 sqm of retail floorspace, which is welcomed.

Although this part of Regent Street is not a designated shopping frontage, both the UDP and City Plan seek to protect the retail role and function of CAZ. UDP Policy SS4 states that 'development schemes should provide at least the same amount of retail floorspace as was there before, and should provide for at least the same amount of A1 use as was there before. The size and type of units must be appropriate to the character and function of the street', which is considered to be the case in these proposals.

Residential use

Policy H 3 of the UDP encourages the provision of more housing, specifically part (A) “The City Council will seek to maximise the amount of land or buildings in housing use outside the CAZ and where appropriate, within the CAZ”. Policy S14 of ‘Westminster’s City Plan: Strategic Policies’ also seeks to optimise housing delivery and states residential use is the priority across Westminster, except where specifically stated. Furthermore, S14 specifies that

- “The Council will work to achieve and exceed its borough housing target set out in the London Plan”
- “Residential use is the priority across Westminster except where specifically stated”, and
- “The number of residential units on development sites will be optimised.”

The supporting text notes that “Land and buildings should be used efficiently, and larger development sites should optimise the number of units in schemes, taking into account other policies and objectives. Housing densities should reflect the densities set out in the London Plan. City Management policy will address housing densities to be applied to development sites in different parts of the city.”

London Plan Policy 3.3 seeks to increase housing supply; Policy 3.4 states that new developments should optimise housing output. In principle, the development of the site for residential use is therefore considered to be acceptable.

Strategic policy S14 seeks to optimise housing delivery, depending on the number and size of the proposed flats. Policies H5 of the UDP and S15 of the City Plan seek to secure an appropriate mix of units in housing developments. Policy H5 normally requires at least 33% of new units providing three or more bedrooms. The proposed 44 residential units comprise the following mix: 2 x studio flats (5%), 19 x 1 bedroom flats (43%), 15 x 2 bedroom flats (34%), and 8 x 3 bedroom flats (18%). Whilst the 18% provision of family sized units falls below the 33% policy requirement, in this central location with little amenity space for children in the vicinity of the site, this aspect of the proposals is considered to be acceptable.

In terms of size, all units meet or exceed (but not excessively) the minimum required by the national technical housing standards. The two studio units are the minimum 39 sqm; the 1-bedroom units range from the minimum of 50 sqm to 57 sqm; the 2-bedrooms (minimum standard is 60 sqm) range from 71 – 100 sqm; and the 3-bedroom (minimum standard is 74 sqm) mostly range from 104 – 123 sqm, with one of the duplexes measuring 152 sqm. Given the physical constraints of the site, this is considered to achieve an acceptable balance between size of unit and optimising housing delivery. The size of the units comply with the Mayor of London’s Housing Standards Policy Transitional Statement and a Draft Interim Housing SPG.

The amenity of the flats is generally considered to be acceptable. Some of the proposed flats at the rear are single aspects but it is considered that they will receive adequate levels of daylight. The design of the new building will ensure adequate internal noise levels for all the new flats whilst providing mechanical ventilation. Ten of the proposed units will

have small outside terraces and subject to no amenity issues for the adjacent block of flats (see below) the provision of this amenity space is welcomed.

Affordable housing

UDP Policy H 4 states that the Council expects affordable housing to be provided as part of housing developments on sites of 0.3 hectares or more, where there are 10 or more additional dwellings and in other cases which would have been equivalent to either of these criteria but fall below these thresholds because of the exceptional size of the units or the phasing of development. The policy requires affordable housing to be provided on site as part of the development, except where the applicant can satisfactorily demonstrate that the affordable housing cannot be designed for transfer to, or management by, a registered social landlord or other appropriate body. The amount of affordable housing required will be assessed in accordance with criteria such as location within the City of Westminster but the Council will take into account whether there would be particular costs associated with the development of the site, or the provision of affordable housing would make it difficult to meet other planning objectives that need to be given priority in developing the site.

Policy S16 of the City Plan differs from the UDP policy in that it introduces new criteria triggering affordable housing requirements - an increase in residential floorspace of 1,000m² or more (in addition to 10 or more additional units). The policy requires the affordable housing to be provided on-site, but where this is not practical or viable, cascade options allow for it to be provided off-site in the vicinity of the development site or possibly beyond the vicinity of the site. The supporting text to this policy notes that financial contributions towards the Council's affordable housing fund in lieu of affordable housing provision is an option that the Council will only accept if the cascade options have been thoroughly explored and proved impractical or unfeasible. The relevant London Plan policy concerning affordable housing provision is Policy 3.12.

The current proposal provides a total of 4,807 sqm (GEA) of additional residential floorspace. The policy requirement is that 25% (or 1,202 sqm) of this should be provided as affordable housing (or approximately 15 units based on a standard size of 80m² per unit). The applicant has put forward arguments that it would not be appropriate or practical to provide on-site affordable housing: they argue that the provision of affordable housing on site would require a separate access and stair core but this cannot be provided because of the constrained site and access. It is also stated that a second residential core would have an adverse impact on the floor plate and the retail accommodation, making it undesirable in this prime retail location, as well as design implications for the appearance of the building.

Despite the applicant's extensive land holdings they have also argued that having reviewed its portfolio in the vicinity of the site, it is not in a position to bring forward an associated scheme for affordable housing within the timescales as envisaged for the development of this scheme.

The applicant's arguments are noted and the inability to provide any affordable housing is regrettable. However, the applicant is offering the alternative of a commuted payment: the policy compliant contribution would be £5,734,000 and the applicants are offering the full amount, which is welcomed. This would be secured with a legal agreement.

8.2 Townscape and Design

The proposal is for redevelopment behind retained facade, and like most Regent Street buildings there is little of special interest internally. The main interest of the building is in its street facade, and this included, in this case, the shopfronts. The proposed demolition is considered acceptable.

The external alterations include a roof extension for plant, on Regent Street, which matches that approved at the north end of the building. This will be barely visible from street level. At the rear is a vertical extension for residential use. This is slightly incongruous sitting on top of the mansard but it is set back from the top of the mansard, clad in Westmoreland slate to match the mansard, and will not be seen readily in street views.

Many of the shopfronts are original and important, and will be retained. The Regent Street frontage includes recessed entrance. The proposal is to retain the returns, which enclose the recessed area, but install a new shopfront on Regent Street to enclose these within the building. The recessed entrance doors and screen appear to be modern, and will be removed.

On Little Portland Street the shopfronts are retained, but with some repositioning and modification. The recessed entrance is moved to the eastern bay with the addition of bronze security doors at the front of the recess. This is an unusual proposal but it replaces the existing ugly gates, and provides a way in which the historic fabric is retained and the entrance is protected from anti-social behaviour. Surviving elements in the eastern bay will be relocated to the west.

The proposed works are considered acceptable in urban design and conservation terms and Historic England agree, subject to the retention of the marble clad columns framing the Regent Street entrance to the staircase. This should be controlled by condition. The Twentieth Century Society has expressed concerns about the proposals for the shopfronts but it is considered that the proposals have addressed these issues to an acceptable degree. Full details will be reserved by condition. The objection from the Council for British Archaeology to loss of historic fabric is noted but for the reasons outlined above, this objection is not considered to be sustainable.

The scheme is considered to comply with the City Council's urban design and conservation policies, including DES 1, DES 5, DES 6, DES 9 and DES 10.

8.3 Residential Amenity

There has been one objection from residents living in a flat in Albany House, 324 Regent Street; this building is immediately next to the application site and three of the flats in this building face the rear of the application site, with two of them being single aspect. It is not clear which flat the objectors occupy and they have not responded to a written request to visit their premises. They have objected on grounds of noise, pollution and security risks during construction and reductions to daylight and sunlight.

UDP Policy ENV13 and City Plan Policy S29 seek to ensure that new developments do not result in an unreasonable loss of natural light for existing local residents. The applicant

has undertaken a daylight and sunlight assessment in accordance with the recommended standards for daylight and sunlight in residential accommodation set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable. The 'no sky line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The assessment demonstrates that the loss of daylight to adjoining properties will generally be within the recommended guidelines. One of the windows in Albany House (serving a second floor living room in a duplex apartment) will experience a loss of daylight that marginally exceeds the recommended 20% (maximum loss of VSC – 21.97%) but this is considered to be acceptable. The same living room will experience an annual loss of sunlight also slightly exceeding the recommended 20% (of 20.7%) but maintains annual sunlight levels of 23, which is considered to be good in this location. No other residential windows will suffer a material loss of light and the objections to loss of daylight and sunlight are therefore not considered to be sustainable.

It is not considered that the proposals will cause any significant worsening in terms of loss of privacy to neighbouring residents through overlooking, nor increased sense of enclosure, any worse than the existing situation. There is already a degree of overlooking between the application site and the adjoining flats in Albany House and it is not considered that the conversion of the former from office to residential will be materially worse. Screens will be provided for those terraces that might lead to potential overlooking.

8.4 Transportation/Parking

The Highways Planning Manager has objected to the proposals because no car parking is provided for the new flats and there will be increase the demand for on-street car parking in the area. Policy TRANS23 details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will

result in an unacceptable level of deficiency. The addition of even one additional residential unit is likely to have a significantly adverse impact on parking levels in the area and this may lead to a reduction in road safety and operation.

The evidence of the Council's most recent **night time** parking survey in 2011 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 56%. TRANS23 includes all legal parking spaces (e.g. Single Yellow Lines, Metered Bays, P&D, and Shared Use) as such with the addition of Single Yellow Line availability at night, the stress level reduces to 18%.

However, the evidence of the Council's most recent **daytime** parking survey in 2011 (Buchanan's) indicates that parking occupancy of ResPark bays within a 200 metre radius of the site is 89%. During the daytime within the area, the only legal on-street spaces for permit holders are Residential and Shared Use Bays.

The Highways Planning Manager acknowledges that the site has a high level of public transport accessibility, but also notes that households within the West End Ward with one or more cars is 29% (2011 Census figures). Whilst this is lower than the borough average the above figures indicate that residents in the area do own cars, along with the fact that during the day Residential Bays have a high level of occupancy. Therefore the development is not consistent with TRANS23 and will add to existing on-street parking stress overall.

Whilst noting the Highways Planning Manager's concerns, it is considered that the overall benefits of the scheme outweigh the lack of car parking. To help address this issue, the applicant has agreed to provide lifetime (25 years) car club membership for the future residential occupiers. This would be secured as part of the legal agreement.

With regard to the other highway matters, it is not considered that the retail use will have a significant impact on on-street car parking in the area. The scheme incorporates cycle parking: the London Plan requires 1 cycle parking space per 175m² of A1 with the threshold set at the first 100m² requiring 2 spaces. 4 Sheffield stands are proposed which will provide 8 spaces. One cycle parking space is required per 1-bed residential dwelling and two for all other sized units. 68 cycle parking spaces are proposed which meets the requirements.

TRANS20 requires off-street servicing for the retail use. No off-street servicing is provided for the development, but this is the same as the existing situation and it is acknowledged that provision of this in the new building would have major design implications. The site is located within a Controlled Parking Zone, which allow loading and unloading to occur. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service the proposal in a similar fashion to the existing use on site and given the size of the extension it is not expected that there will be a significant increase in servicing traffic associated with the site.

A condition requiring a clear Servicing Management Plan should be included if the retail use is to be a food retailer. A1 food store use of this overall size may generate different levels/type of servicing which would have an adverse impact on the highway network and therefore additional details will be required to ensure the proposal is consistent with S42 and TRANS20.

Suitable waste storage for both the retail and residential aspect of the proposal is indicated on the submitted plans.

8.5 Economic Considerations

The general economic benefits of the development are noted.

8.6 Access

The applicant has confirmed that the existing shopfronts will be refurbished with level thresholds, which is an improvement over the existing stepped arrangement. Level access will also be provided for the residential entrance on Little Portland Street. Lift access is then provided for the upper part of the development.

8.7 Other UDP/Westminster Policy Considerations

The proposal includes an area of plant at roof level. This has been assessed by Environmental Health, who have no objection to it subject to standard conditions controlling noise levels, etc.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and 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. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant's energy statement demonstrates that the proposed new construction will incorporate sustainable design and construction measures, including a communal combined heat and power unit and photovoltaic panels at roof level. There will be an overall 40.9% carbon reduction, which is welcomed.

Policy S38 of the City Plan and UDP Policy ENV 17 encourage biodiversity. There is a strip of sedum roof around the perimeter of the roof, which is also welcomed.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and

strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans “according to their degree of consistency” with the NPPF. Westminster’s City Plan: Strategic Policies was adopted by Full Council on 13th November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

8.10 Planning Obligations

The City Council’s approach to and priorities for planning obligations are set out in its Supplementary Planning Guidance (SPG) on Planning Obligations adopted January 2008. Planning obligations can serve to mitigate the land use impacts arising from a development either on the development site, in the wider locality, or where the development will increase local demands for facilities and services or where it is important to integrate the new development into the new community and environment so that it is more sustainable.

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the three following tests set out in Regulation 122(2):

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

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

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

developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is to be introduced in May 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) A financial contribution of £5,734,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
- ii) Provision of lifetime car club membership (minimum 25 years) for all 44 flats;
- iii) Provision of Site Environmental Monitoring Plan and £33,000 per annum towards construction monitoring;
- iv) Monitoring costs of £500 for each of the above clauses.

The proposed development is also liable for a Mayoral CiL payment.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

8.11 Environmental Impact Assessment

Not applicable in this case.

8.12 Other Issues

The one objection from the neighbouring residents has expressed concern about the noise and disturbance during the construction period. Although not a valid planning consideration, the applicant has agreed to sign up to the Code of Construction Practice, which would be monitored by the Council's Environmental Inspectorate. This is welcomed and is considered to address the objectors' concerns as far as reasonable possible.

9. BACKGROUND PAPERS

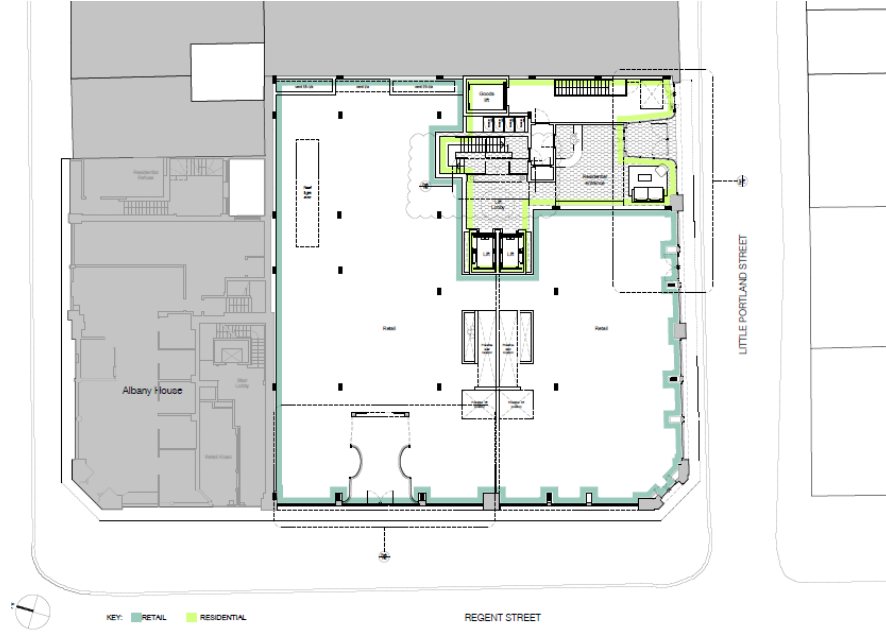
1. Application form and letters from CBRE dated 29 January 2016 and 3 February 2016
2. Letters from Historic England dated 28 September 2015
3. Memo from the Highways Planning Manager dated 2 November 2015
4. Memos from Environmental Services, dated 2 October 2015 and 8 December 2015
5. Letter from the Twentieth Century Society dated 23 September 2015
6. Email from the Council for British Archaeology dated 14 October 2015
7. Letter from occupier of Flat 15, 324 Regent Street, dated 2 October 2015

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

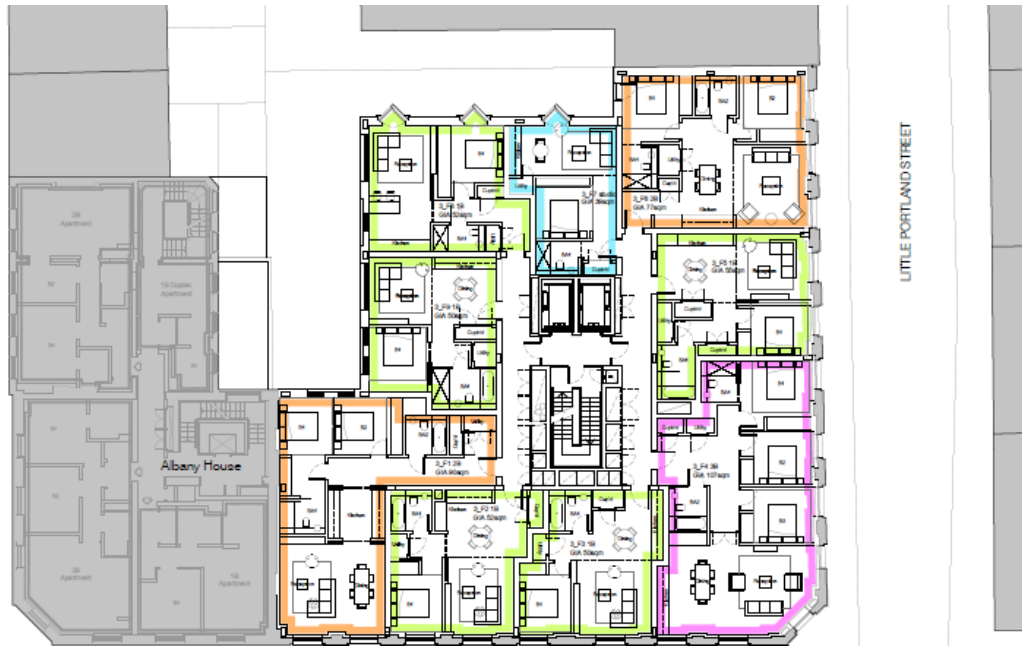
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT PAUL QUAYLE ON 020 7641 2547 OR BY EMAIL AT pquayle@westminster.gov.uk

10. KEY DRAWINGS

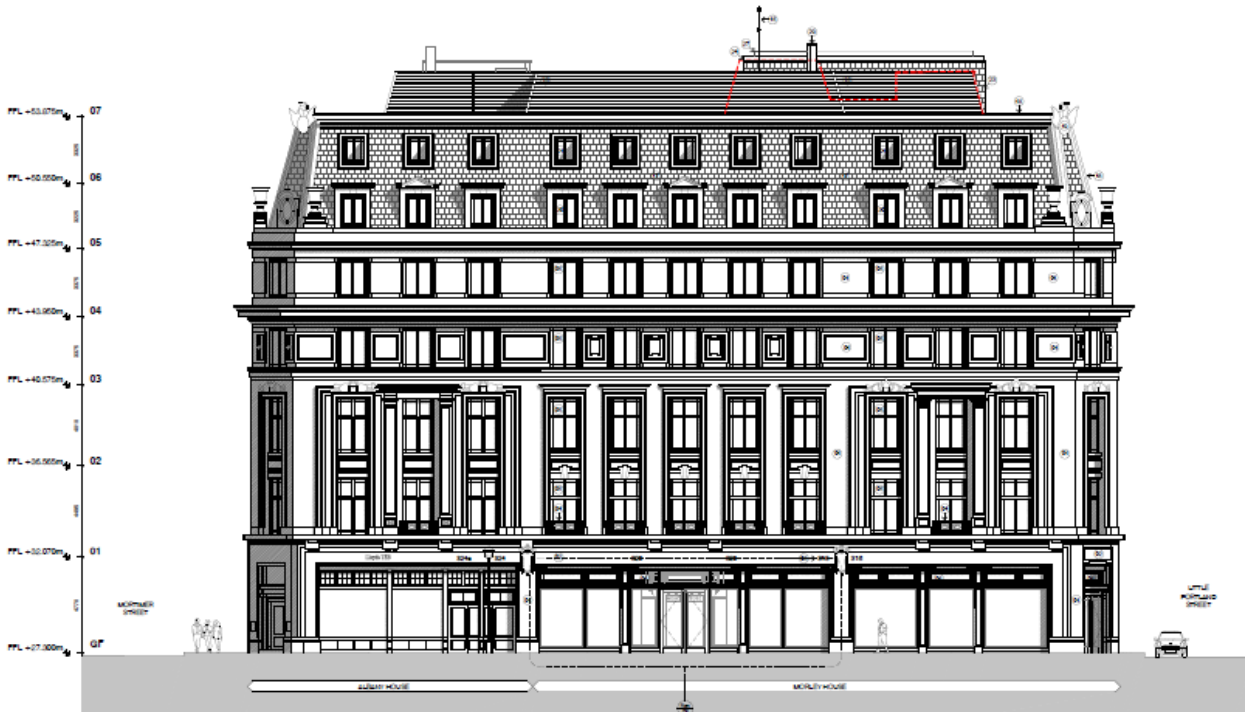
Proposed ground floor



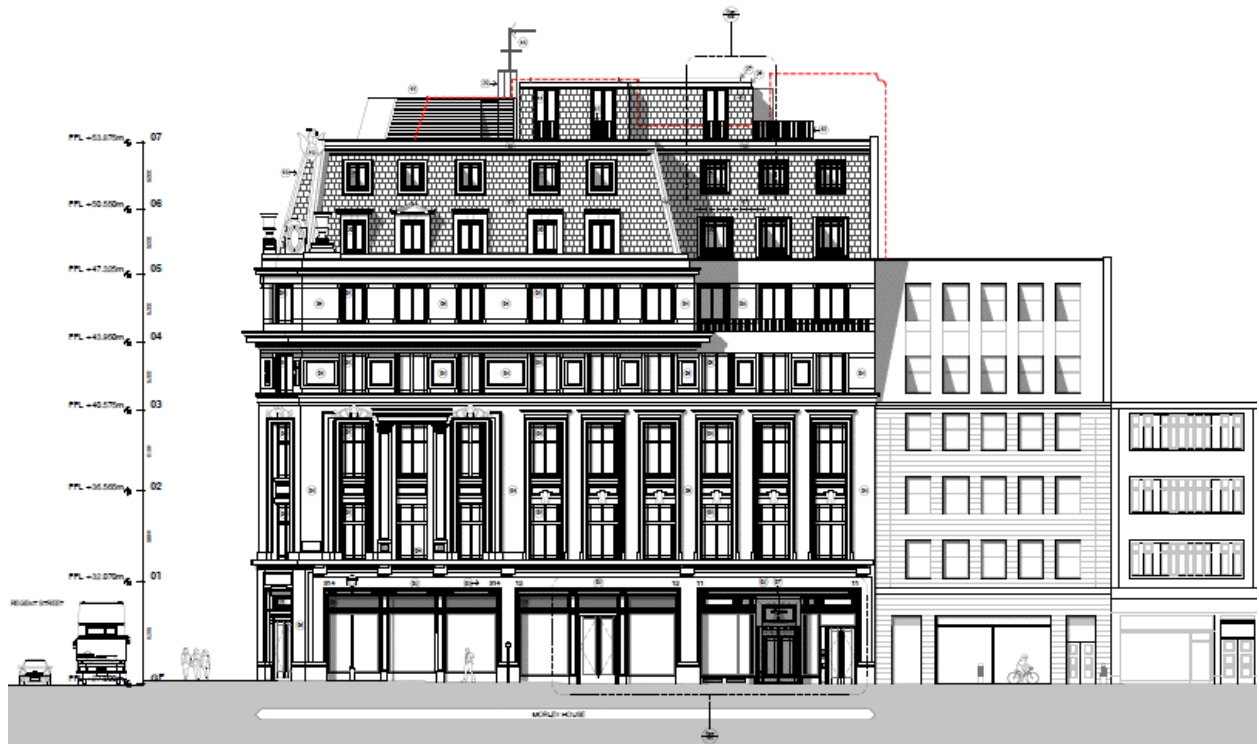
Proposed typical upper floor (third)



Proposed Regent Street elevation



Proposed Little Portland Street elevation



DRAFT DECISION LETTER (FULL)

Address: Morley House, 314-322 Regent Street, London, W1B 3BB

Proposal: Demolition and redevelopment behind retained Regent Street and Little Portland Street frontages (Nos. 11-12), including rebuilding of mansard roof, to provide retail floorspace at part ground and basement floors and 44 residential dwellings at first to seventh floor levels, with ground floor entrance and ancillary residential at part basement; erection of plant at roof (seventh floor) level, and external terraces to some flats on rear elevations.

Plan Nos: PL001A (Location Plan); PL109A, PL110B, PL111A, PL112A, PL113A, PL114B, PL115B, PL116A, PL117B, PL118A,, PL140B, PL141B, PL142B, PL143B, PL170A, PL171A, PL600A, PL601A, PL602A, PL603A, PL750A, PL751A, PL752A and PL753A; Design and Access Statement dated August 2015.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -
 1. All alterations to the shopfronts
 2. Proposed reuse of the two existing marble columns in the Regent Street staircase

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

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 The existing detailing at roof level shall be replicated in the rebuilt roof.

Reason:

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

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: the recessed shopfront entrance at the western end of the Little Portland Street frontage shall be retained and reinstated within the new Little Portland Street frontage.

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

Reason:

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

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

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

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

Reason:

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

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

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 9 You must provide the waste store shown on drawing PL109A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the shops and flats. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 10 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated August 2015 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 11 You must install 1.8m high privacy screens (made of frosted glass) to the fourth and fifth floor terraces, as shown on the approved drawings, before occupation of any of the flats hereby approved. The screens must then 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: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

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

- 13 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: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 14 You must provide the sedum roof before you start to use any part of the development, as set out in your application. You must then not remove this feature. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 15 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: the combined heat and power (CHP) system and the photo-voltaic panels at roof level. 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: Strategic Policies adopted November 2013. (R44AC)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest,

shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

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

- 17 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.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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 financial contribution of £5,734,000 towards the Council's affordable housing fund (index linked and payable on commencement of the development);
 - ii) Provision of lifetime car club membership (minimum 25 years) for all 44 flats;
 - iii) Provision of Site Environmental Monitoring Plan and £33,000 per annum towards construction monitoring;
 - iv) Monitoring costs of £500 for each of the above clauses.

- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the

equipment by the City Council if and when complaints are received.

- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

DRAFT DECISION LETTER (LBC)

Address: Morley House, 314-322 Regent Street, London, W1B 3BB

Proposal: Demolition and redevelopment behind retained Regent Street and Little Portland Street frontages (Nos. 11-12), including rebuilding of mansard roof, to provide retail floorspace at ground and basement floors and 44 residential dwellings at first to seventh floor levels. Erection of plant at roof (seventh floor) level, and external terraces to some flats on rear elevations.

Plan Nos: PL001A (Location Plan); PL109A, PL110B, PL111A, PL112A, PL113A, PL114B, PL115B, PL116A, PL117B, PL118A,, PL140B, PL141B, PL142B, PL143B, PL170A, PL171A, PL600A, PL601A, PL602A, PL603A, PL750A, PL751A, PL752A and PL753A; Demolition drawings: PL209A, PL210B, PL211A, PL212A, PL213A, PL214A, PL215A, PL216A, PL217A, PL240B, PL241A, PL242A, PL270A and PL271A; Design and Access Statement dated August 2015.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

Reason:

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

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development -

1. All alterations to the shopfronts
2. Reuse of the two existing marble columns (in the Little Portland Street entrance lobby)

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

- 4 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 5 The existing detailing at roof level shall be replicated in the rebuilt roof.

Reason:

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

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

The recessed shopfront entrance at the western end of the Little Portland Street shall be retained and reinstated within the new Little Portland Street frontage.

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

Reason:

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

- 7 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either:

(a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or

(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character and appearance of the Regent Street 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: Strategic Policies adopted November 2013 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)

- 8 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 Regent Street 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: Strategic Policies adopted November 2013 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)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan: Strategic Policies adopted November 2013, and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3/2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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