

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 March 2016	Classification For General Release	
Report of Director of Planning		Ward involved West End	
Subject of Report	79 - 81 Grosvenor Street, London, W1K 3JU		
Proposal	Demolition of all existing buildings (with the exception of the first and second facades of No. 80) and erection of the new building over basement, ground, and five upper storeys including a roof top plant enclosure for dual / alternative use of part basement and part ground floor levels as either a retail unit (Class A1) and / or as a gallery (Class D1) and use of part basement, part ground, first, second, third, fourth and fifth floor levels for office purposes (Class B1), with associated terraces at fourth and fifth floor level.		
Agent	DP9		
On behalf of	Forextra Developments Ltd		
Registered Number	13/12738/FULL	Date amended/ completed	27 May 2014
Date Application Received	17 December 2013		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission, subject to a legal agreement to secure the following:

- (a) A payment towards the City Council's Affordable Housing Fund of £1,702,000 (index linked and payable prior to commencement of development) in lieu of providing residential provision on site in order to fund the provision of affordable housing elsewhere in the City;
- (b) Submission of a Construction Environmental Management Plan and financial contribution towards environmental monitoring (maximum contribution £30,000 per annum);
- (c) The dedication of the area in front of the proposed building line on the east side of Bourdon Street as public highway (prior to the occupation of the building); and
- (d) The costs of monitoring the S106 legal agreement.

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

- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds

that the proposals are unacceptable in the absence of benefits which 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.

2. SUMMARY

Nos.79-81 Grosvenor Street is a group of unlisted buildings on the south side of the street at its junction with Bourdon Street which passes beneath No.79. The site is located within the Mayfair Conservation Area and the Core CAZ.

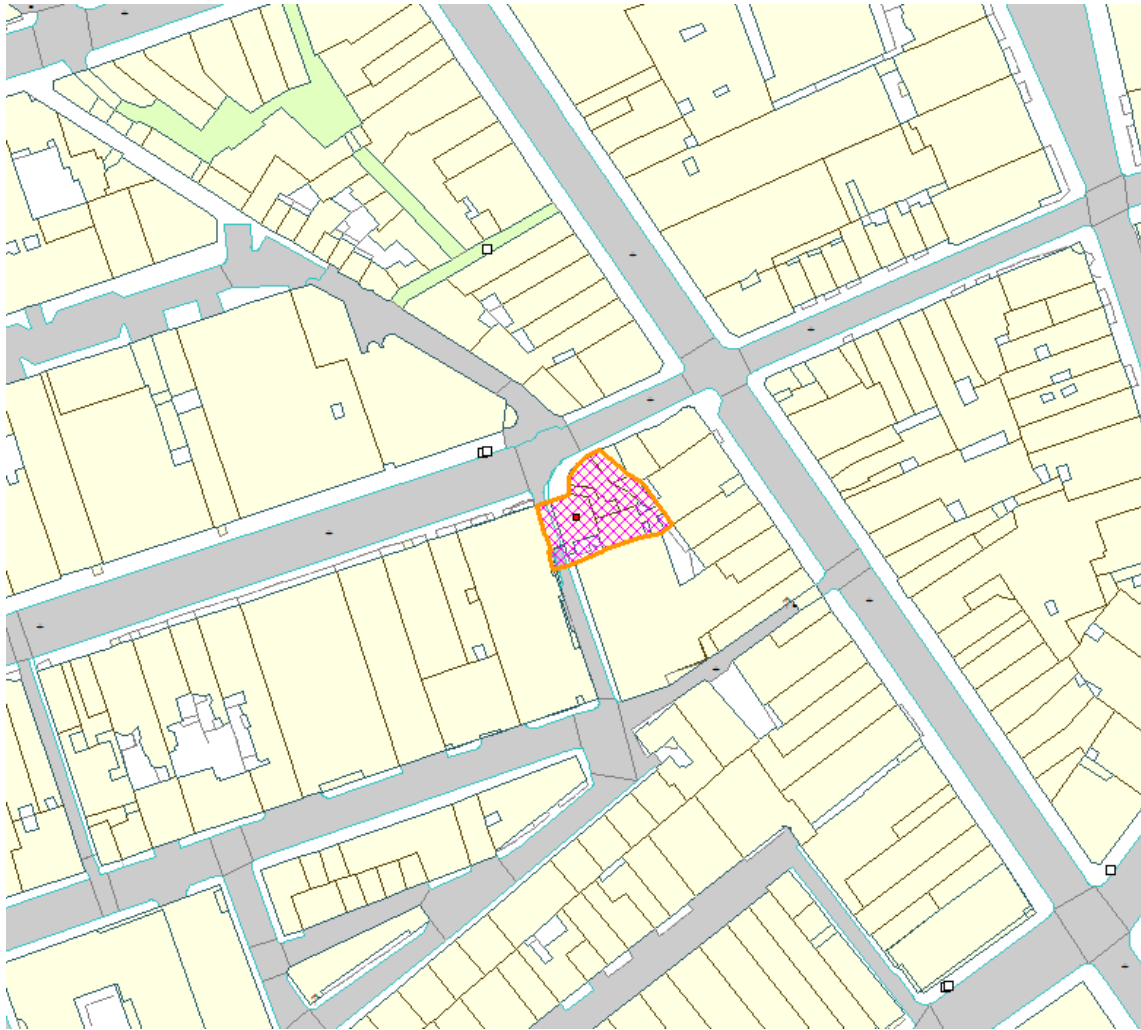
With the exception of a section of the front elevation of No. 80 at first and second floor levels, all of the buildings on site are proposed to be demolished. A replacement building over basement, ground and five upper storeys is proposed to be erected in its place for use as a gallery (Class D1) and / or a shop (Class A1) at ground floor level, ancillary plant, waste / refuse store, showers and a cycle store at basement level and offices over part ground and first to fifth floor levels.

The key issues for consideration are:

- Whether the demolition of the majority of the buildings on site and replacement building preserves or enhances the character and appearance of the Mayfair Conservation Area.
- Whether the loss of 'town centre' floorspace at basement level is acceptable.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). Furthermore, the proposal is considered to preserve the character and appearance of the Mayfair Conservation Area and not harm the setting of St. George's Church (Grade I listed) in long views looking east along Grosvenor Street. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement being agreed securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View to the rear on Bourdon Street



5. CONSULTATIONS

First round of consultation (June 2014)

HISTORIC ENGLAND:

The proposed increase in height and bulk and the erosion of the existing plot widths is harmful to the character and appearance of the Mayfair Conservation Area.

HISTORIC ENGLAND (ARCHAEOLOGY):

No objection subject to condition securing archaeological evaluation and investigation.

RESIDENTS' SOCIETY OF MAYFAIR AND ST. JAMES'S:

No objection but states that some suggested that a residential component should be included within the scheme as it is unfortunate that Grosvenor Street's character has passed from residential to full office and commercial.

HIGHWAYS PLANNING:

Some concern expressed regarding the servicing to the retail use / art gallery but generally no objection.

CLEANSING:

No objection subject to a condition securing the provision and retention of the store for waste / recyclable material.

ENVIRONMENTAL HEALTH:

Holding objection on the ground that, whilst the submitted acoustic report measures the background noise level, it does not ascertain the nearest noise sensitive receptor.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. consulted - 151.

Total no. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

Second round of consultation following amendments to the proposal (September 2015).

RESIDENTS' SOCIETY OF MAYFAIR AND ST. JAMES'S

No objection

HISTORIC ENGLAND

The amended scheme has addressed previous concerns so objection withdrawn.

ADJOINING OWNERS / OCCUPIERS:

No. consulted - 151.

Total no. of replies: 0

No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

Nos.79-81 Grosvenor Street is a group of unlisted buildings on the south side of the street at its junction with Bourdon Street which passes beneath No.79. The site is located within the Mayfair Conservation Area and the Core CAZ.

Grosvenor Street narrows at this point reflecting the boundary of the Grosvenor Estate which follows the line of the Tyburn which is now in a sewer beneath No.81.

The basement and ground floors of No. 80 were until recently occupied by the 'Chalet Bar' (probably a composite use comprising elements of retail, cafe, restaurant and bar). The basement and ground floors of No. 81 was until recently occupied by the 'Chalet Restaurant' (Class A3). The upper floors of all three buildings are lawfully in office (Class B1) use.

The nearest residential properties to the application site are on the opposite side of Grosvenor Street.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

With the exception of a section of the front elevation of No. 80 at first and second floor levels, all of the buildings on site are proposed to be demolished. A replacement building over basement, ground and five upper storeys is proposed to be erected in its place, including a larger depth of building oversailing Bourdon Street. The basement is proposed to be used for accommodating ancillary plant, waste / refuse store, showers, a cycle store and a UKPN substation. At ground floor, Nos. 80 and 81 are proposed to form a shop (Class A1) and / or an art gallery (Class D1), whilst No. 79 will form the reception to the proposed offices over first to fifth floor levels across all three of the buildings. The rest of the UKPN substation will be accommodated at ground floor level.

The building line is proposed to be pulled back slightly at ground floor level on the Bourdon Street elevation to increase the width of Bourdon Street by approximately 0.8m. A recessed area in the party wall on the eastern side of Bourdon Street is proposed to accommodate public art (although no details of this public art have been submitted).

In essence, the proposal seeks to provide more efficient and larger office floorplates across the three buildings by reducing the access cores from three to one and to provide

two additional floors of office accommodation within the proposed new dual-pitched mansard roof.

The scheme has been subject to extensive negotiation with officers and a number of amendments to the proposed replacement building have been made. These include:

- The first and second floor facades of No. 80 Grosvenor Street are now proposed to be retained.
- The reduction in the height of the rebuilt No. 81 Grosvenor Street by one storey and replacement of the initially proposed sheer storey with a mansard roof.
- Alterations to the detailed design of the rear of the proposed replacement building. It is now proposed to be all brickwork rather than the top storey being glazed.
- The height of the rebuilt third floor has been reduced.
- The height of the proposed mansard storey has been reduced, the domer windows realigned and a double-pitched mansard roof proposed rather than a mono-pitched mansard roof.
- The detailed design of the ground floor elevation has been amended to add more solidity to the structure.
- The proposed fifth floor has been pulled back from the front elevation.
- New chimney stacks are now proposed.

As a result of these amendments the owners / occupiers of adjoining properties were re-consulted, as were Historic England and the Residents' Society of Mayfair and St. James's.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Offices

When the communal floorspace is attributed to the office and shop / gallery components of the scheme proportionately, the proposal sees an increase in office floorspace from 1,424 sq.m to 2,199 sqm (an increase of 775 sqm).

The proposed increase in office floorspace is acceptable given the location within the Core CAZ, in accordance with City Plan Policies S6 and S20.

Retail – town centre floorspace

The proposal results in a reduction in Class 'A' floorspace from 463 sqm to 257 sqm.

Whilst the proposal will see the reduction in town centre floorspace from 463 sq.m (of which 266 sq.m is at basement level) to 257 sq.m, there is actually a small increase in ground floor floorspace from 197 sq.m to 223 sq.m. The retained presence of uses that serve visiting members of the public at ground floor level and the increase in more useable ground floor floorspace means the loss of town centre floorspace at basement level is acceptable. There is no objection to the replacement of the retail / cafe / restaurant / bar floorspace with a gallery and / or retail floorspace given the support for such uses within the Core CAZ and the benefits that a gallery would provide to the character of Mayfair; an area characterised by such uses.

A condition is recommended to be imposed preventing the ground floor being used for other purposes within Class D1 (such as a school) that may have unacceptable amenity and / or transportation impacts.

The proposed increase in office floorspace exceeds the 200 sq.m threshold to trigger the City Council's mixed policies (City Plan Policy S1 and UDP Policy COM 2) whereby the increase in office floorspace should be matched by on-site residential provision with separate access, where this is practicable and deemed to be appropriate. Off-site residential provision is the next most desirable option, followed by a financial contribution towards the City Council's Affordable Housing Fund.

The introduction of on-site residential provision would require the addition of another access core within the building, a separate and additional lift, and a separate entrance from street level. It is accepted that Bourdon Street is not a suitable location for a residential entrance as it would mean that occupants would step out into a shared surface thoroughfare that would raise safety concerns. Adding another entrance to Grosvenor Street would compromise the presence and size of the gallery or shop proposed at ground floor level. Furthermore, providing residential floorspace at fifth floor level (which would be most suitable as the floorplate is less deep, it benefits from the best light and amenity space could be provided in the form of a terrace) would see the loss of approximately 150 sq.m of office / shop / gallery floorspace to provide the required additional access core. For these reasons, it is concluded that the introduction of the required on-site residential floorspace is not appropriate or practicable in this instance. In the absence of any alternative sites owned by the application to provide off-site residential provision, a contribution towards the City Council's Affordable Housing Fund of £1.7m is deemed to be an acceptable alternative to this sum and this is recommended to be secured by legal agreement.

The comments from some from the Residents' Society of Mayfair and St. James's that a residential component should be included within the scheme as it is unfortunate that Grosvenor Street's character has passed from residential to full office and commercial are noted. However, for the reasons set out above it is not considered that the lack of on-site residential provision represents a sustainable reason for refusing permission.

8.2 Townscape and Design

Nos.79-81 Grosvenor Street is a group of buildings on the south side of the street at its junction with Bourdon Street which passes beneath No.79. Grosvenor Street narrows at this point reflecting the boundary of the Grosvenor Estate which follows the line of the Tyburn which is now in a sewer beneath No.81. Given the proximity of the site to this ancient watercourse, and archaeological recording condition is considered appropriate (and as recommended by Historic England).

Nos. 79 and 80 were built to a design by Sydney Smirke, circa 1852, and the original facade drawings are in the Grosvenor Estate Archive. No.81 is an unusually small building on account of its position above the Tyburn, it is likely to be of mid-nineteenth century date. The group makes a positive contribution to the appearance of the street. They are important reminders of the historic character and scale of development in this part of Mayfair and they are an unusually clear reflection of a historic land ownership boundary.

Since the application was submitted, revisions have been made to ensure the partial retention of No. 80 with alterations to match the original architecture and, likewise, the rebuilding of No. 79 with brickwork to match the original design except for a modestly increased third floor. No. 81, which is in poor structural condition is to be rebuilt to a new design but retaining its small scale which is important in views from Avery Row and the junction of New Bond Street.

The overall height and bulk of the revised design is acceptable in terms of the new building's impact on the surrounding streetscape and longer views towards St. George's Church (Grade I listed) from the east. The revised roof design, with a primary and secondary pitch and historically detailed dormers to suit the design of the retained façade at No.80, is acceptable in principle and the new upper floors are designed to suit the roofscape of the conservation area thus ensuring the appearance of the development is suitable when seen from street level and from the upper floors of surrounding properties. This accords with UDP Policies DES 6, DES 9 and DES 10

The modest increase in the height of the existing attic floor of Nos. 79 and 80 is acceptable, subject to the new brickwork being the same as that of the floors below and the detailed design of cornices, windows etc., matching the existing original features in all respects. Similarly, at ground floor level the introduction of solid brickwork on the corner has helped to make the building relate better to the street and is therefore acceptable. Details of the materials may be dealt with by condition.

Demolition of No.81 is acceptable given the quality of the new building and the frailty of the existing structure. The new building is subordinate to No.80 and it presents a clear, visually independent façade to that of No.80, thus ensuring that the historic plot widths are not destroyed and that the comparatively modest scale of historic development on this site is maintained because these are important contributors to the historic character and appearance of this part of the Mayfair Conservation Area.

The simple architectural treatment of the new rear facades sits well in its context, and overall the proposal will maintain the character and appearance of the Mayfair Conservation Area and the setting of the Grade I listed St George's Church.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise.

Sunlight and Daylight

Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek, mainly, to protect daylighting to living rooms, dining rooms and kitchens (where they are sufficiently large to be used as habitable rooms), whilst bedrooms are protected to a lesser extent.

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows within 90 degrees of due south of the proposed extension need to be tested.

The applicant has submitted a daylight and sunlight report which assesses the impact of the proposed extension on all affected residential windows in the vicinity of the site. As set out above, the nearest residential properties are located to the north of the site at Nos. 2-3 Grosvenor Street at third floor level.

Given the high level of these two flats, the majority of the windows enjoy high VSC levels with all but two being above the 27% threshold within the BRE Guide (2011). The two that will fall below this level as a result of the proposed development will only reduce by 9.0% and 2.5% VSC; well within the 20% threshold within the BRE Guide (2011). As such, the proposal will not have a material impact upon the amenity of the occupants of these two flats in terms of daylight.

As the flats are located at third floor level with good access to sunlight, all of the windows benefit from annual probable sunlight hours in excess of 25% and from winter sunlight hours in excess of 5% even following the proposed development. The amenity of the occupants of these two flats will therefore not be harmed as a result of the proposed development in respect to loss of sunlight.

Privacy

Terraces for use in association with the proposed office accommodation are proposed at front fourth and fifth floor level. Whilst there will be some overlooking from these terraces to the flats opposite, the distance from the affected windows means that the privacy of the occupants of these flats will not be materially harmed.

Noise

The plant has not yet been specified but an acoustic report submitted that assesses the background noise level and sets design criteria for the plant's adherence. A condition is recommended to be imposed requiring the submission of a supplementary acoustic report prior to the installation of the replacement plant demonstrating that it will comply with the criteria with UDP Policy ENV 7 (i.e. 10 dB below the lowest background noise level if the plant is not tonal or 15 dB below the lowest background noise level if the plant is tonal).

Subject to the imposition of this condition there is no objection to the proposed plant in terms of its impact upon residential amenity, despite the holding objection raised by Environmental Health to the failure to identify the nearest noise sensitive receptor.

8.4 Transportation/Parking

The applicant is proposing to set the building line back on Bourdon Street. Given the narrow nature of Bourdon Street, this realignment is a welcomed improvement to the highway and consistent with City Plan Policy S41 and UDP Policy TRANS 3. The dedication of this area of public highway will ensure the highway boundary in the area is consistent. This dedication is proposed to be secured by legal agreement.

It is noted that reference is made in the submission to a Highway Works/Public Realm improvement scheme – known as “Grosvenor Hill Public Realm Improvements” – already being developed by the Council in conjunction with and fully funded by Grosvenor West End Properties. The proposals include Bourdon Street. The proposed development at the subject site does not adversely affect the public realm scheme and any change to the building line can be incorporated into the public realm works.

The proposal indicates an extension of the building oversailing the highway. The proposed extension will maintain the clearance of the existing building over the highway. While lower than modern standards, the increase in depth of this building over the highway does not itself raise a highways concern. An oversailing license will be required under the Highways Act (1980) prior to construction of the structure.

It is not considered that the change in use of the ground floor from café / restaurant / bar to a shop and / or gallery will result in a material change in servicing requirements.

The provision of cycle storage is compliant with the City Council’s standards and secured by condition.

8.5 Economic Considerations

Any economic benefits from the increase in the size of the office are welcome.

8.6 Access

The existing buildings do not offer level access to the ground floor. Whilst two of the three buildings have internal lifts these are not DDA compliant and serve only parts of the floors (the rear of the building is accessed off a half landing which is not served by a lift).

The new building will provide full level access to all areas of all floors.

8.7 Other UDP/Westminster Policy Considerations

Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles. The scheme includes the installation of photovoltaic panels, these will be secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

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

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

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

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

- (a) A payment towards the City Council's Affordable Housing Fund of £1,702,000 (index linked and payable prior to commencement of development);
- (b) Submission of a Construction Environmental Management Plan and financial contribution towards environmental monitoring (maximum contribution £30,000 per annum);
- (c) The dedication of the area in front of the proposed building line on the east side of Bourdon Street as public highway (prior to the occupation of the building); and
- (d) The costs of monitoring the S106 legal agreement.

8.11 Environmental Impact Assessment

The scheme is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

In order to ensure that the demolition and reconstruction of this building is undertaken in a manner that minimises disruption, the submission of a Construction Environmental Management Plan and financial contribution towards environmental monitoring (maximum contribution £30,000 per annum) is proposed to be secured by legal agreement.

9. BACKGROUND PAPERS

1. Application form.
2. Memoranda from the Residents' Society of Mayfair and St. James's, dated 16 June 2014 and 21 September 2015.
3. Memorandum from the Highways Planning Manager, dated 3 June 2014.
4. Response from the Cleansing Manager, dated 10 June 2014.
5. Responses from Historic England (Listed Builds/Con Areas), dated 11 August 2014 and 6 October 2015.
6. Response from Historic England (Archaeology), dated 18 June 2014
7. Response from Environmental Health, dated 19 June 2014.

(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 HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

10. KEY DRAWINGS



Visual of existing building as seen from Grosvenor Street.



Visual of proposed building as seen from Grosvenor Street.



Existing and proposed view from Bourdon Street at junction with Grosvenor Hill



Existing section through building.



Proposed section through building.

DRAFT DECISION LETTER

Address: 79 - 81 Grosvenor Street, London, W1K 3JU,

Proposal: Demolition of all existing buildings (with the exception of the first and second facades of No. 80) and erection of the new building over basement, ground, and five upper storeys including a roof top plant enclosure for dual / alternative use of part basement and part ground floor levels as either a retail unit (Class A1) and / or as a gallery (Class D1) and use of part basement, part ground, first, second, third, fourth and fifth floor levels for office purposes (Class B1), with associated terraces at fourth and fifth floor level.

Plan Nos: 1873 PL 12b, 13b, 14b, 15b, 20e, 21e, 22d, 23e, 24e, 25e, 26e, 27e, 28e, 29d, 30d, 31d, and 32d.

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of sample 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and

DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 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 of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) 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. (R29AC)

- 10 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.

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.

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1872 PL 20 Rev. E. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

- 12 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)

- 13 (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.

- 14 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.

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 13 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

- 16 You must apply to us for approval of detailed drawings of the following parts of the development - windows, cornices, shopfronts and external doors. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 17 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you

have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 18 You must apply to us for approval of a scheme of public art in the location shown on approved drawings 1873 PL 21 Rev. E and 1873 PL 32 Rev. D.

You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 19 If the gallery use is implemented you must use the property only as a gallery. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 2, TRANS 3, ENV 13 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 20 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 photovoltaic panels and the solar tubes

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)

- 21 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

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 Please be advised that you liaise with the City Council in its capacity as Highways Authority for agreement on the works and materials used to finish the new area of public highway on the east side of Bourdon Street.
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability

Discrimination Acts.

- 4 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. (154AA)
- 5 You need an oversailing licence for the structure above Bourdon Street.
- 6 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 7 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor can change between the Class A1 (shops) and Class D1 (non-residential institution) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (162A)
- 8 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:
 - (a) A payment towards the City Council's Affordable Housing Fund of £1,702,000.
 - (b) Submission of a Construction Environmental Management Plan and financial contribution towards environmental monitoring (maximum contribution £30,000 per annum).
 - (c) The dedication of the area in front of the proposed building line on the east side of Bourdon Street as public highway.