

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	421-429 Oxford Street, London, W1C 2PJ		
Proposal	Erection of extensions at first and second floors on Balderton Street and first, second and part third floors on Lumley Street, recladding of existing building at ground and first floors, use of lower ground-third floors as retail (Class A1), new shopfronts, installation of plant at second and third floor levels and other associated works.		
Agent	Gerald Eve LLP		
On behalf of	20 Balderton Street Project 1 Limited		
Registered Number	15/11925/FULL	Date amended/ completed	22 December 2015
Date Application Received	22 December 2015		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

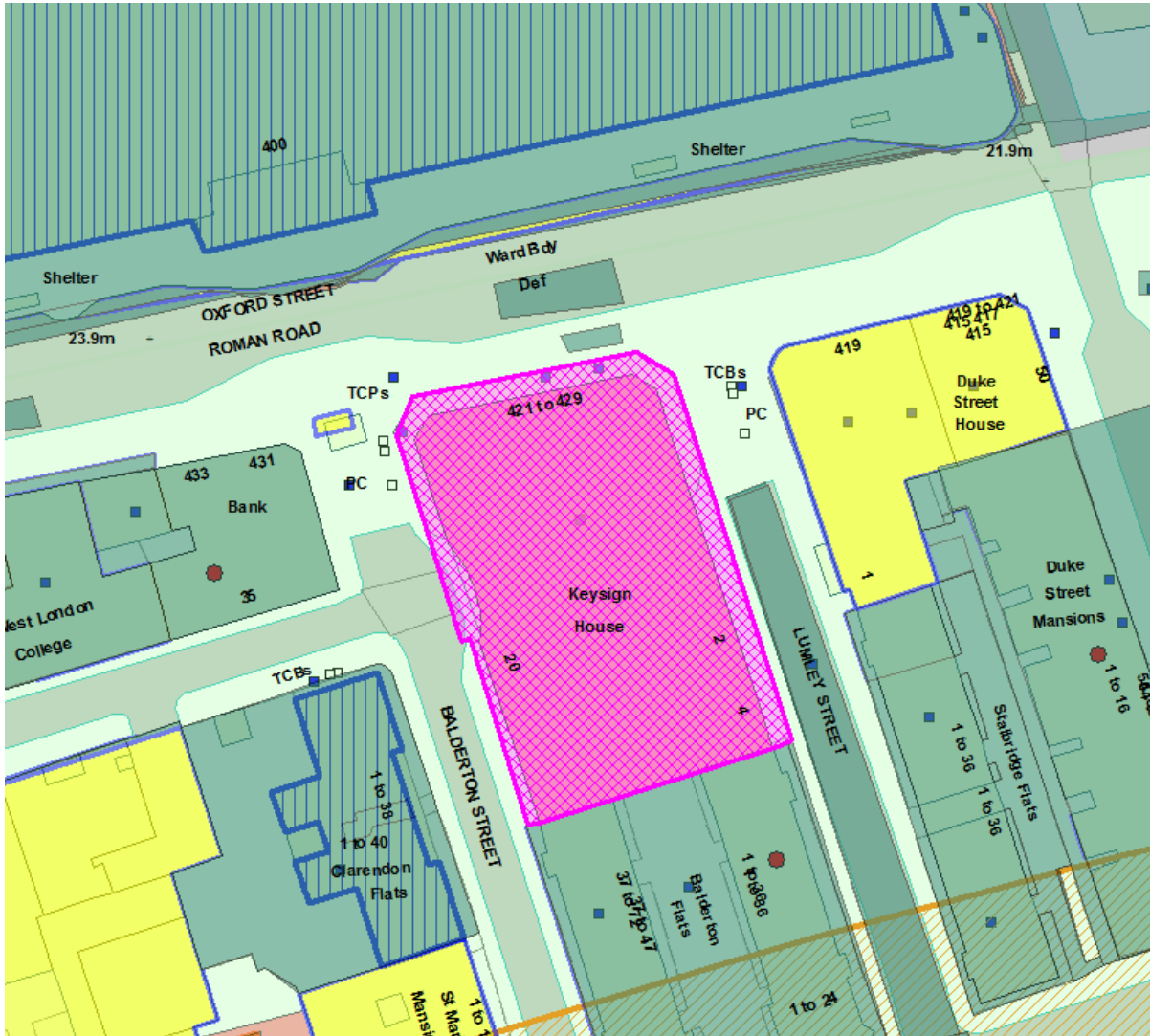
The proposals involve the amalgamation of the existing retail accommodation at 421-429 Oxford Street and the use of the first, second and third floors to create a single flagship retail store for Adidas. Extensions are also proposed with plant and new double height shopfronts.

The key issues in this case are:

- * The impact of the proposal on the appearance of the building and on the character and appearance of the conservation area.
- * The impact of the scheme on the amenity of neighbouring occupiers.
- * Servicing arrangements

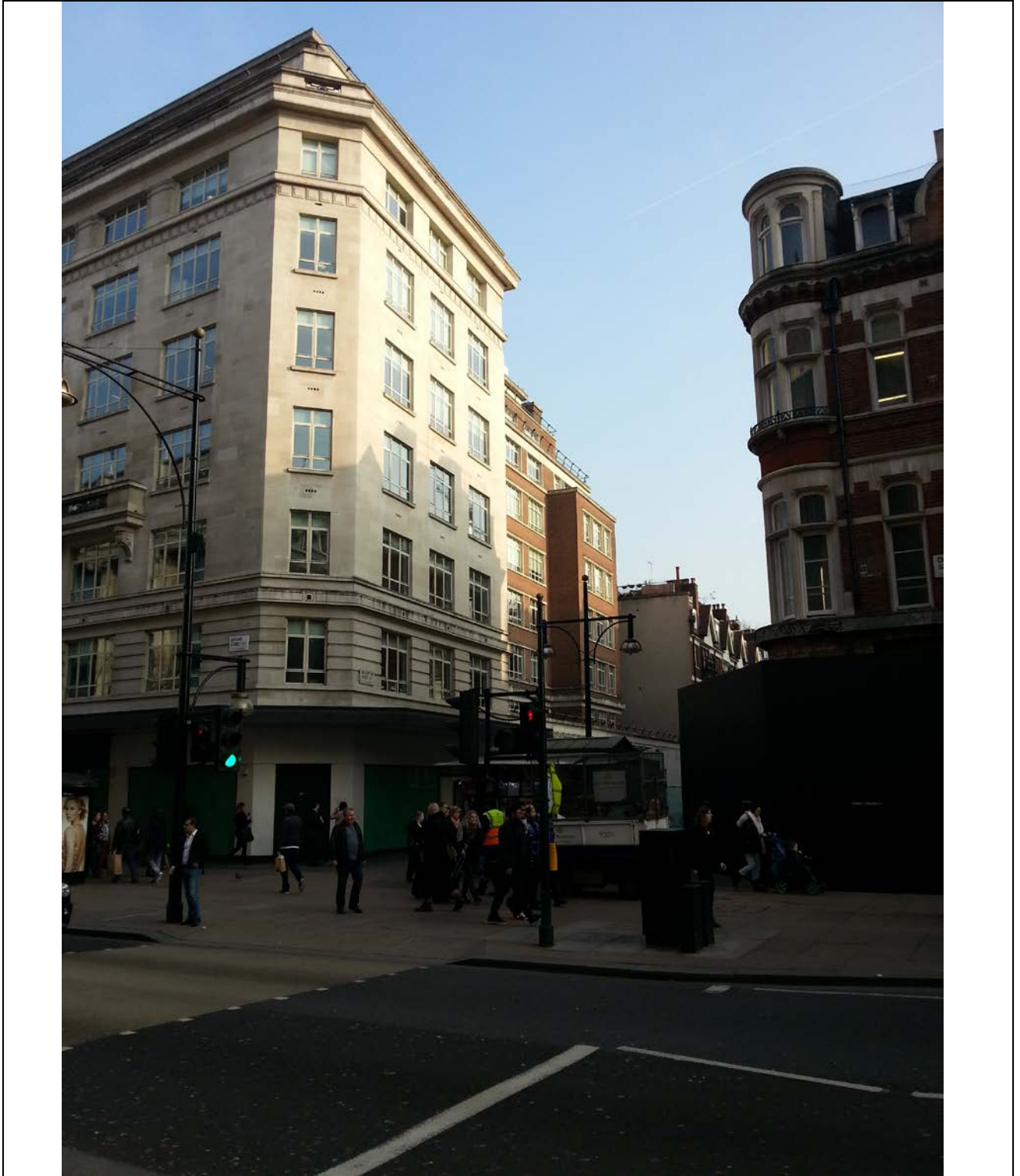
The proposals are considered acceptable in design terms and whilst objections have been raised on the grounds that the enlarged retail use would cause disturbance and noise from deliveries and plant, it is considered that appropriate conditions can be imposed to ensure that the use would not be harmful to residential amenity.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

LONDON UNDERGROUND

No objections raised.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No objections raised.

CLEANSING

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

HIGHWAYS PLANNING MANAGER

No objections raised

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 191

Total No. of replies: 7

No. of objections: 19; No. in support: 0

Objections received on the following grounds:

Amenity

- *Late night noise during store fit-outs, external works and seasonal decorations
- *Noise and anti-social behaviour during Adidas celebrity events
- *Planning permission should be contingent on the provision of an Operational Management Plan to be agreed with residents and/or the residents' association
- *The acoustic survey measures noise from an eighth floor balcony and not the courtyard with Balderton Flats
- *Noise from deliveries
- *Conditions should be imposed restricting delivery hours, hours of plant and notification must be given to residents when events are planned
- *Crowd control marshals and litter patrols must be used when large events are planned
- *Noise from amplified music
- *Noise from plant
- *Third floor roof is an inappropriate location for heat exchangers and vents
- *Requests made for restrictions during construction (all heavy/large plant and materials to be delivered to Oxford Street, no deliveries from Lumley or Balderton Street between 8pm and 8am, security guards and banksmen to be employed, heavy work to be performed on a one hour on/one hour off basis, dusts sheets and safety netting to be used and 24 hour site management contact details to be displayed)
- *Insufficient insulation against noise and vibration from the lift and plant on the third floor roof
- *Internal noise disturbance

Design

- *Insufficient information about how the extension will interface with Balderton Flats

Highways

- *The local narrow roads are not suitable for use of 10.4m long vehicles for deliveries

- *A revised Servicing and Deliveries Plan is required to cover waste collections, delivery times, a quiet deliveries code and shorter vans than the 10.4m length ones proposed

- *Reversing vehicles must have banksmen

Other Issues

- *Security during construction

- * Noise during construction

- *Scaffolding should not extend higher than the third floor

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to 421-429 Oxford which lies on the south side of Oxford Street opposite Selfridges. The building, formally known as Keysign House, together with Balderton Flats to the immediate south, forms an island block bound by Oxford Street to the north, Lumley Street to the east, Balderton Street to the west and Brown Hart Gardens to the south.

The building comprises four vacant retail units fronting Oxford Street at basement and ground floor levels. The remainder of the building, from first to eighth floor level, comprises office accommodation which is accessed from Balderton Street.

Whilst Oxford Street is highly commercial in nature with the buildings either side accommodating retail and office accommodation, the buildings immediately to the south on Lumley Street and Balderton Street, are in residential use.

The site is situated within the Mayfair Conservation Area and is located within the Core Central Activities Zone (CAZ) and West End Special Retail Policy Area (WESRPA) as defined in the City Plan.

6.2 Recent Relevant History

In May 1999 permission was granted for works of demolition, alterations to elevations; erection of full height extensions to Balderton Street; extensions from first to fourth floor levels on Lumley Street elevation and to rear; all for Class A1 (retail) and Class B1 (office) use. Creation of servicing area to rear and new roof level plant. (Unimplemented).

In October 1999 permission was granted for demolition of existing building behind retained Oxford Street facade and redevelopment of site to provide new building comprising basement, lower ground, ground and 8 upper storeys, with roof level plant. Use of part lower ground and part ground floors as Class A1 retail and Class A3

restaurant; use of first floor as Class A1 retail; use of second floor as Class A1 retail and/or Class B1 offices; use of third to eighth floors as Class B1 offices. Creation of servicing area at rear ground floor level. Provision of plant on part lower ground and at basement level. (Unimplemented).

In August 2000 permission was granted for the use of part ground floor as either Class A1 retail and/or Class B1 office and for external alterations including new windows to all elevations, a new office entrance and new roof level plant. This permission has been implemented.

7. THE PROPOSAL

The proposals involve the amalgamation of the existing retail accommodation at basement and ground floors and the use of the first, second and third floors as additional retail accommodation to create a single flagship retail store for Adidas.

The proposals also include the addition of extensions to the first and second floors to Balderton Street and first, second and part third floors to Lumley Street, plant at second and third floor levels, new double height shopfronts onto Oxford Street and re-cladding of ground and first floors.

The existing office entrance fronting Balderton Street is to remain with associated cycle storage and changing room facilities to be provided at lower ground floor level.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing and proposed land uses can be summarised as follows:

Use	Existing (m2)	Proposed (m2)	Change
Offices	3,090	940	- 2,150
Retail	2,082	4,479	+ 2,397
Overall commercial	5,172	5,419	+247

Loss of office use

The proposal will result in the loss of 2,150m² of office floorspace on the site. There are no 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. From 1 September 2015, any such applications are determined under a 'presumption in favour of sustainable development' in line with national policy. 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. As the application results in retail use with an overall uplift of commercial floorspace, in these circumstances the loss of the B1 office accommodation is considered acceptable in principle.

Proposed retail floorspace

The proposed retail accommodation is arranged across basement, ground, first and second floor levels with ancillary office/back of house accommodation at third floor level. The intended occupier is Adidas who occupy the retail store at 419 Oxford Street immediately to the east of the site. The new store would be a global flagship store increasing the retail provision at the site by 2,150m². This increase is supported under City Plan Policy S21 and UDP Policy SS4, both of which aim for more shopping provision anywhere within the Central Activities Zone (CAZ).

In addition to this general policy support, the increased retail provision would also achieve the objectives of shopping policies for the WESRPA. Policy S7 states that the priority for this area is the promotion of retail growth including the provision of A1 shops at least at basement, ground and first floors in new developments. The proposals would achieve this aim by providing four floors of shopping where there are currently only two.

Mixed Use Policy

The proposals involve a net increase of 247m² of commercial floorspace. As the increase is less than 400m² threshold set out in Policy S1, the mixed use policy does not apply.

8.2 Townscape and Design

The building is an attractive structure faced with Portland Stone and brick. It stands on the south side of Oxford Street in the Mayfair Conservation Area and is opposite Selfridges which is a Grade II listed building. The building has side facades to Lumley Street (east) and Balderton Street (west) the latter is opposite the grade II listed Clarendon Flats. The rear (south façade) is visible between Balderton Flats.

Although there is no conservation area audit for Mayfair, the building is considered to make a positive contribution to the character and appearance of the Mayfair Conservation Area and it is an important part of the setting of neighbouring listed buildings.

The proposed alterations have the most substantial impact on the Oxford Street façade where the existing ground and first floors are to be remodeled to create double-height shopfront. These extend to the side facades where there also to be some infill extensions.

In design and heritage asset terms, the new shopfronts are similar to others approved elsewhere in Oxford Street and the principle is also acceptable in this case. The detailed design of the shopfronts maintains the architectural hierarchy of the façade and is suitable enriched with frame details to ensure that they do not dominate their surroundings on Lumley Street or Balderton Street.

The alterations and extensions on Lumley Street and Balderton Street have been designed to harmonize with the architecture of the existing building and will suit the appearance of the building and surrounding conservation area. A concern has been raised on the grounds that there is insufficient information about how the extensions will interface with Balderton Flats. The building already abuts these neighbouring properties, and there is no objection in principle to the upward extension in these locations. However, for the avoidance of any doubt it is considered reasonable to secure the detailed design by condition.

The proposal accord with UDP polices DES 1, DES 5, DES 9 and DES 10 and are acceptable in design and heritage asset terms.

8.3 Residential Amenity

The closest affected residential properties are within Balderton Flats immediately to the rear of the application site. There are also residential flats to the east of the application site in Lumley Street (Stallbridge Flats) and to the west on Balderton Street (Clarendon Flats).

Daylighting and Sunlighting

A daylight and sunlight report has been commissioned by Jones Lang LaSalle which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

UDP Policy ENV 13 aims to protect and improve residential amenity and Part (E) of the policy aims to resist new developments that would materially worsen sunlighting and daylighting levels for residential occupiers. Principally, the policy seeks to ensure good lighting levels for habitable rooms as recommended in published advice by the Building Research Establishment (BRE).

No objections have been received to the proposals on the grounds of loss of light, and the sunlight and daylight report submitted with the planning application demonstrates that the proposals would not breach BRE recommended natural lighting levels with regard to the neighbouring flats in Balderton and Lumley Street.

Sense of Enclosure

UDP Policy ENV13 also aims to ensure that new developments do not unacceptably increase overlooking of neighbouring residential properties or sense of enclosure due to overbearing proximity. Whilst an additional floor is proposed adjacent to Balderton Flats, given that this is set immediately in front of the existing 9-storey building, it is considered that there would be no harmful increased sense of enclosure as a result of these proposals.

Plant

External plant is proposed at second and third floor levels including an area immediately adjacent to the flats in Balderton Street. Following concerns raised, a revised acoustic report has been submitted that provides further background noise readings within the Balderton Flats Courtyard. Environmental Health officers are satisfied that the projected noise levels of the plant would comply with the City Council's standard conditions and as such should not be audible from the nearest noise sensitive windows.

The plant at second floor level adjacent to Balderton Flats consists of low level ductwork which provides ventilation to the ground floor refuse store. Concerns have been raised on the grounds that this is an inappropriate location for vents and that there is insufficient insulation against noise and vibration from the lift and plant on the third floor roof. The vents would be screened by the boundary parapet wall and Environmental Health confirm that the plant would operate in accordance with the Council's standard noise conditions. There is therefore no objection in principle to plant in this location. The Council's standard vibration condition is also to be imposed to address the concerns about vibration.

Servicing

Residents have expressed concern about the potential impact of deliveries to the site, particularly in relation to the use of 10.4m length vehicles and the subsequent noise and exhaust pollution from vehicles reversing and manoeuvring, and from traffic being held up in Brown Hart Gardens. Reference is also made to past experience with Adidas deliveries taking over an hour. There is concern that hours of delivery should be strictly limited to between 9am and 4pm.

The applicants have advised that the number of deliveries is anticipated to be low with one or two deliveries per day. The applicant also acknowledges that there are significant servicing and delivery limitations associated with the existing Adidas store as the current store is reliant on an existing passenger lift to transport stock to the second floor stock room through a ground floor door that is too small to properly accommodate the unloading of delivery vehicles. The proposed development will have a dedicated loading area at ground floor level designed to fully accommodate the planned size of deliveries. Given the improved servicing facilities, the limited number of expected deliveries, and subject to appropriate controls over the timing of deliveries, it is not considered that proposals to service the development from Lumley Street would affect residents' amenities to a degree that would justify a recommendation for refusal.

The Operational Management Statement suggests hours of servicing until 22:00, however, it is considered that hours for deliveries, including collection of waste, should be restricted from 08:00 to 20:00 Monday to Saturday and from 11:00 to 17:00 hours on Sundays. This is secured by condition.

Operational management

Residents have expressed concern about potential nuisance from store refits and external facade works that currently start late evening and go on through the night with noise nuisance from van engines, doors banging, radios and use of power tools. Concern is also raised in relation to Adidas celebrity signing events that attract large crowds who block access to Balderton and Stalbridge Flats and cause noise and anti-social behaviour.

The applicant argues that the new store will not be subject to large re-fits and that whilst there will be an on-going programme of window campaigns and seasonal updates, these will be subject to appropriate (but yet unspecified) working hours. As these hours have not yet been specified, a revised Operational Management Plan is therefore to be secured by condition.

The applicants have confirmed that they intend to adopt an Event Management Strategy in relation to the management of planned events. This will cover crowd management, dealing with inappropriate activity and behaviour, the collection of litter and security and access arrangements. The Event Management Strategy will form part of the revised Operational Management Plan. A condition is also in place to ensure that any amplified/recorded music would not be audible to occupiers of adjoining residential properties.

Internal Noise

The office occupiers at fourth floor have raised concerns on the grounds that the third floor should only be used for office purposes as a retail use could cause noise and disturbance. Whilst the plans indicate that the third floor would only be used for ancillary office purposes, there would be no objection in principle to a retail use at third floor in this location, and it would be unreasonable to restrict this floor to ancillary office purposes only. However, it is understood that the applicant has signed up to clauses within their lease to prevent disturbance to the office occupiers.

8.4 Transportation/Parking

Site servicing

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles likely to be servicing the development”.

No off-street servicing is provided for the development. The site is located within a Controlled Parking Zone, which means that single yellow lines in the vicinity allow loading and unloading to occur. Proposed on-street servicing will be carried out in a similar fashion to nearby properties. A Servicing Management Plan (SMP) has been submitted which helps to indicate how the site will be serviced including by what type of vehicle. Given the unique nature of the servicing requirements of the properties along Oxford Street it is considered that the submitted SMP should help to minimise the impact of the proposal on the surrounding highway network. However, there would be concerns if the proposed retail space were used as a foodstore or supermarket, which would be likely to require a significant increase in servicing, and this should therefore be restricted by planning condition.

The Highways Planning Manager considers that a reason for refusal based on servicing arrangements could not be substantiated given that there is very little increase in retail floor area and that as only one retail unit is proposed, in place of the four existing units, it is anticipated that there would be a subsequent reduction in the overall number of deliveries. The inclusion of a dedicated service entrance and associated Back of House areas is welcomed and will help to speed delivery entry.

Despite the objections received, the Highways Planning Manager considers that a vehicle of 10.4m should be able to attend the site (albeit with a banksman) which will help reduce the number of service vehicles attending. Objectors are concerned that reversing vehicles must have banksmen and this is set out within the SMP which will be secured by condition.

Cycle storage

Cycle storage for the retained office use is provided at basement level and for the extended retail use at third floor accessed via the goods lift. These spaces would be secured by condition.

8.5 Economic Considerations

The economic benefits generated are welcomed.

8.6 Access

The proposed building has been designed to meet the relevant access requirements of the Building Regulations. The building entrances are level with the public pavement and wheelchair accessible lifts provide level access to all floors.

8.7 Other UDP/Westminster Policy Considerations**Refuse /Recycling**

The retail unit and office space will have separate waste stores, both located at ground floor level. All retail waste collections will take place on-street from Oxford Street and office waste collections from Balderton Street, as they do at present. This is considered acceptable. Hours of collection will be restricted from 08:00 to 20:00 Mondays to Saturdays and 11:00 to 17:00 on Sundays to address the concerns raised.

8.8 London Plan

The London Plan supports a strong, partnership approach to assessing need and bringing forward capacity for retail development in town centres.

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

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

8.11 Environmental Impact Assessment

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan 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 application is accompanied by an Energy Strategy and Sustainability Statement which sets out the sustainability credentials of the building and states that with the installation of air source heat pumps, passive design measures and energy efficiency measures that the building's total CO2 emissions are predicted to show a reduction of 35% over Building Regulations Part L 2013 baseline emissions.

A BREEAM pre-assessment has been carried out on the proposed development and it is predicted that, if enhancement measures are introduced, the proposed development could achieve a BREEAM 'Very Good' rating.

8.12 Other Issues

Construction impact

Objectors are also concerned about noise from construction and requests have been made for restrictions during construction (with all heavy/large plant and materials to be delivered to Oxford Street, no deliveries from Lumley or Balderton Street between 8pm and 8am, security guards and banksmen to be employed, heavy work to be performed on a one hour on/one hour off basis, dusts sheets and safety netting to be used and 24 hour site management contact details to be displayed).

A revised CMP has been submitted that provides an updated logistics plans showing how deliveries will access and exit the site during the construction phase. It also sets out that 'Best Practicable Means' will be adopted to mitigate potential noise pollution with the use of quieter demolition techniques such as diamond sawing of concrete and stitch drilling with diamond tripped core drilling equipment to carry out as much work as possible. As inevitably some impact breaker type work will still be required during the demolition and structural alteration works the intention is to carry out these specific works working in two hour shifts, i.e. two hours of noisy works followed by two hours of quieter normal construction works.

To address the other concerns raised, the CMP also sets out that sheeting will be installed within the building to prevent the spread of dust, deliveries will be coordinated and booked in via a "delivery management process" to minimise waiting, it includes a construction programme including a 24 hour emergency contact number, and limits hours of work. It is considered that the CMP is robust and would be secured by condition. The applicant has also agreed to sign up to the considerate contractor's scheme and conditions are also recommended restricting hours of construction.

Crime and security

The office occupier of the fourth floor has raised concerns about security during building works. The CMP includes a section on security and sets out measures dealing with maintaining a secure perimeter and preventing unauthorised access.

Other issues

The office occupier also raises concerns about scaffolding affecting their rights to light. This is a private matter.

9. BACKGROUND PAPERS

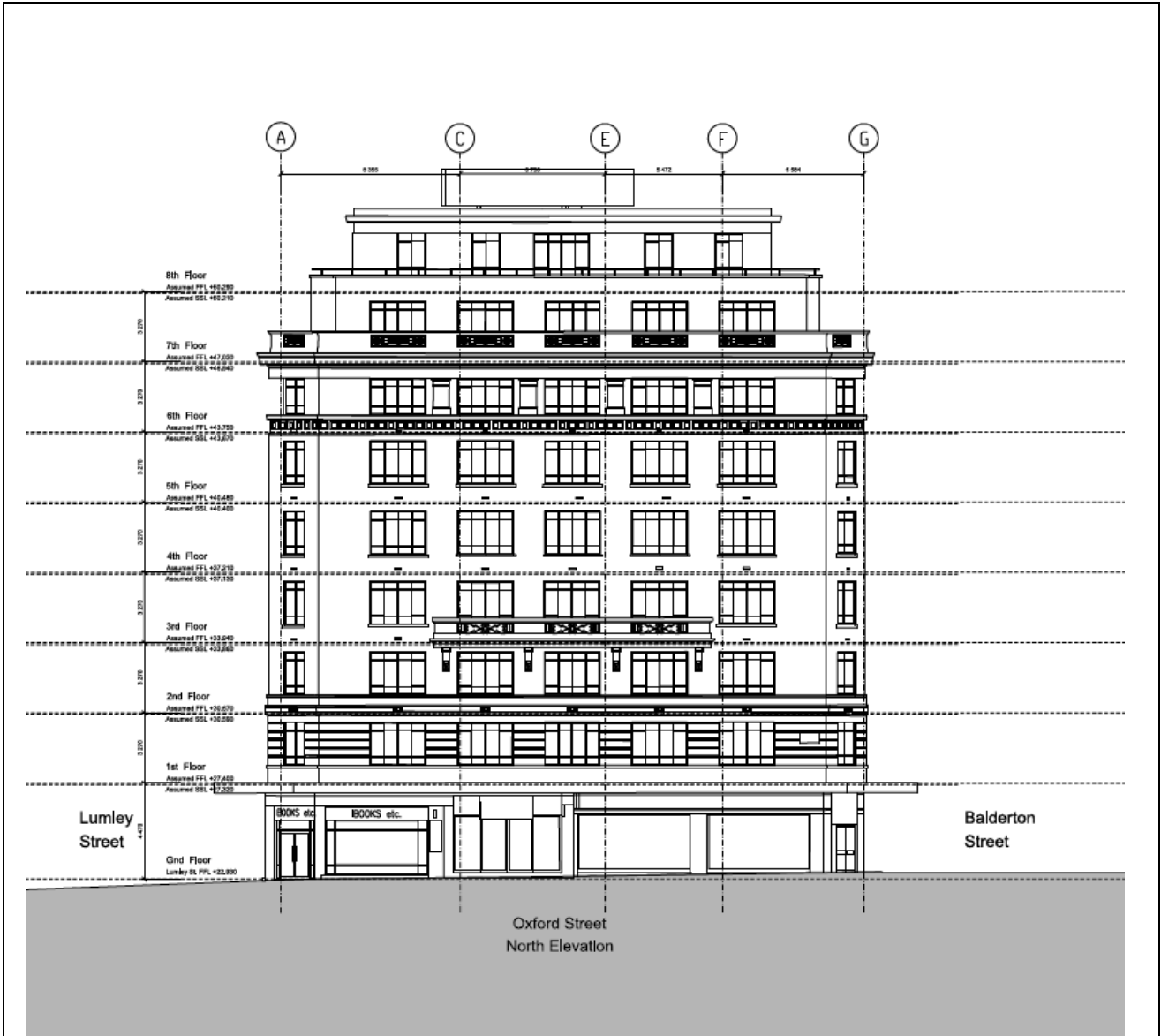
1. Application form
2. Response from Residents Society Of Mayfair & St. James's, dated 2 February 2016
3. Memo from Environmental Health dated 2 March 2016
4. Memo from Cleansing dated 19 January 2016
5. Letter from London Underground dated 12 February 2016
6. Memo from Highways Planning Officer dated 17 February 2016
7. Letter from occupiers of 16, 17, 19 and 21 Balderton Flats, Brown Hart Gardens, dated 26 January 2016
8. Letter from occupiers of 19, 20, 21, 22, 24, 13, 16, 17, 23 and 35 Stallbridge Flats, Lumley Street, dated 26 January 2016
9. Letters from occupier of 19 Balderton Flats, Brown Hart Gardens, dated 29 and 31 January 2016
10. Letter from occupier of Attestor Services Limited, 20 Balderton Street, dated 27 January 2016
11. Letter from occupier of 16 Stalbridge Flats dated 27 January 2016
12. Letter from local resident dated 25 January 2016

Selected relevant drawings

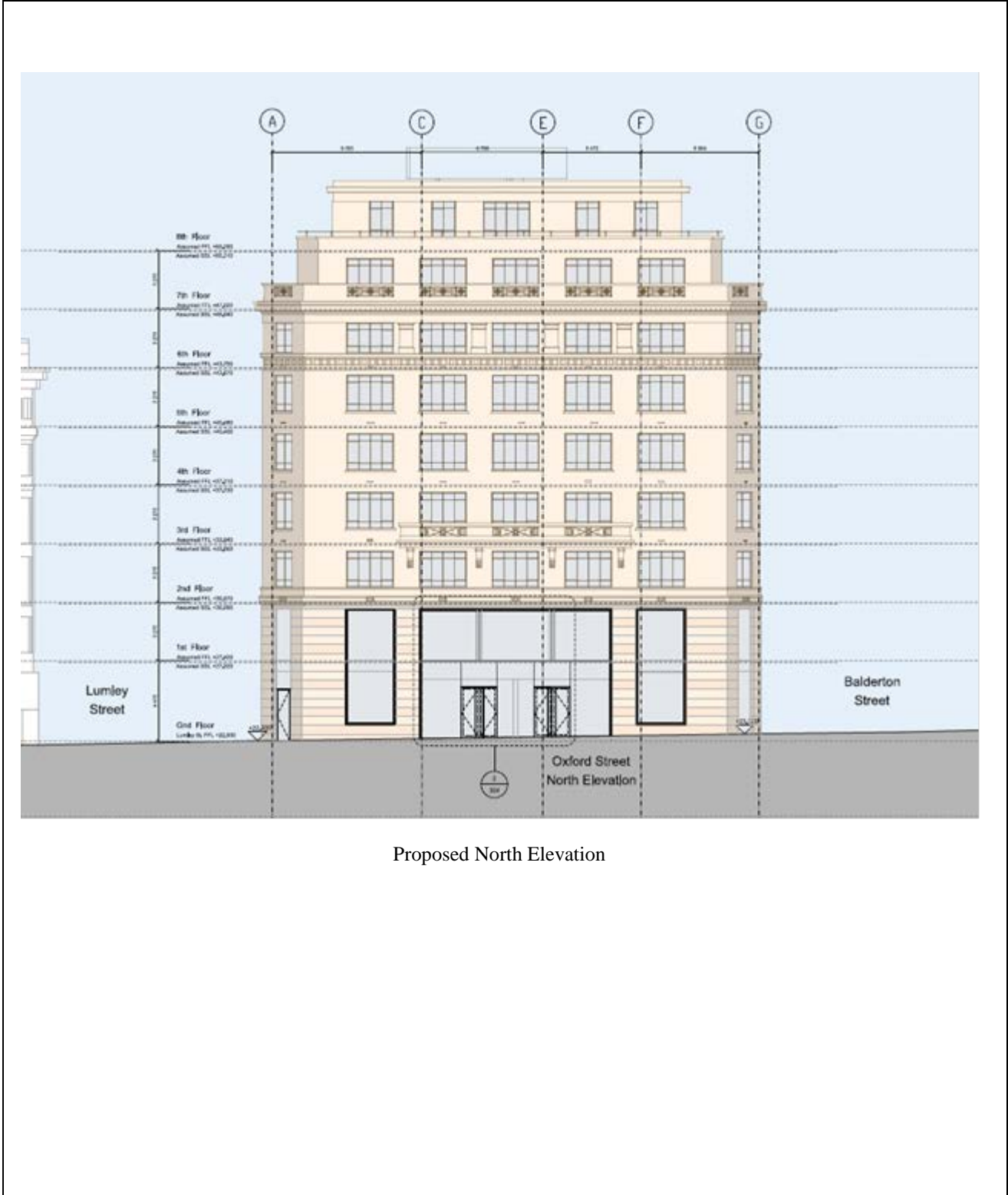
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JO PALMER ON 020 7641 2723 OR BY EMAIL AT CentralPlanningTeam@westminster.gov.uk

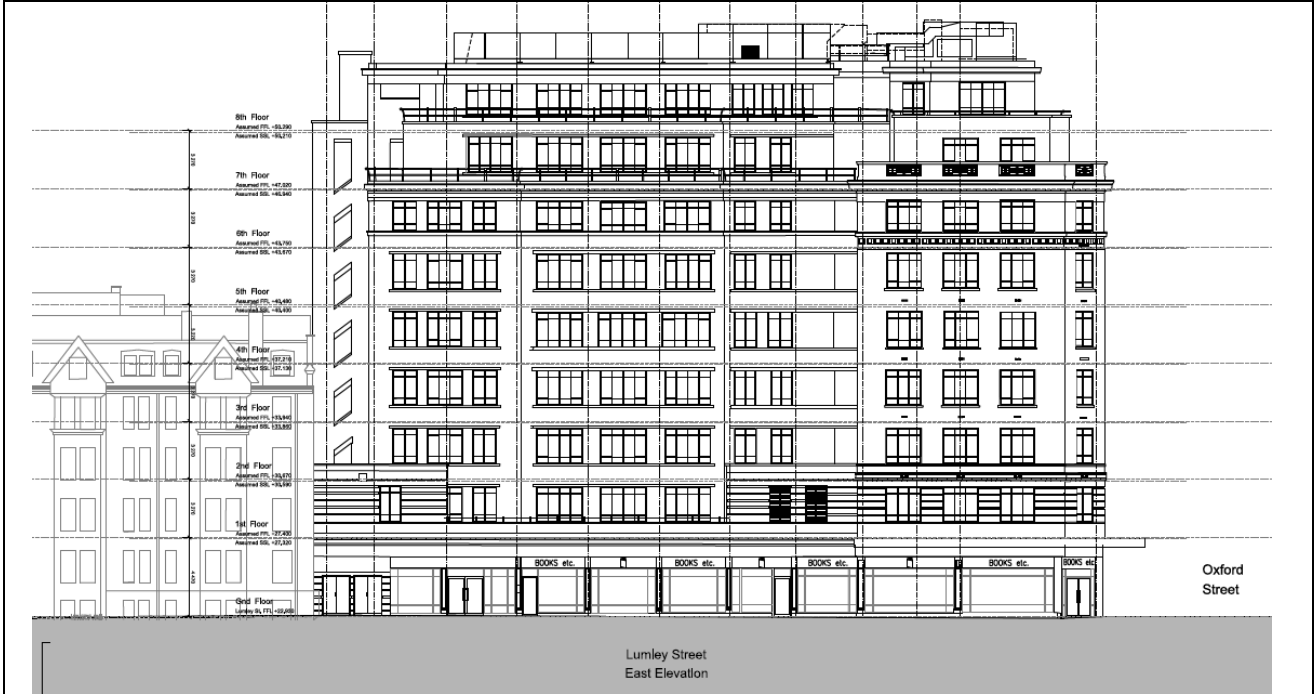
10. KEY DRAWINGS



Existing North Elevation



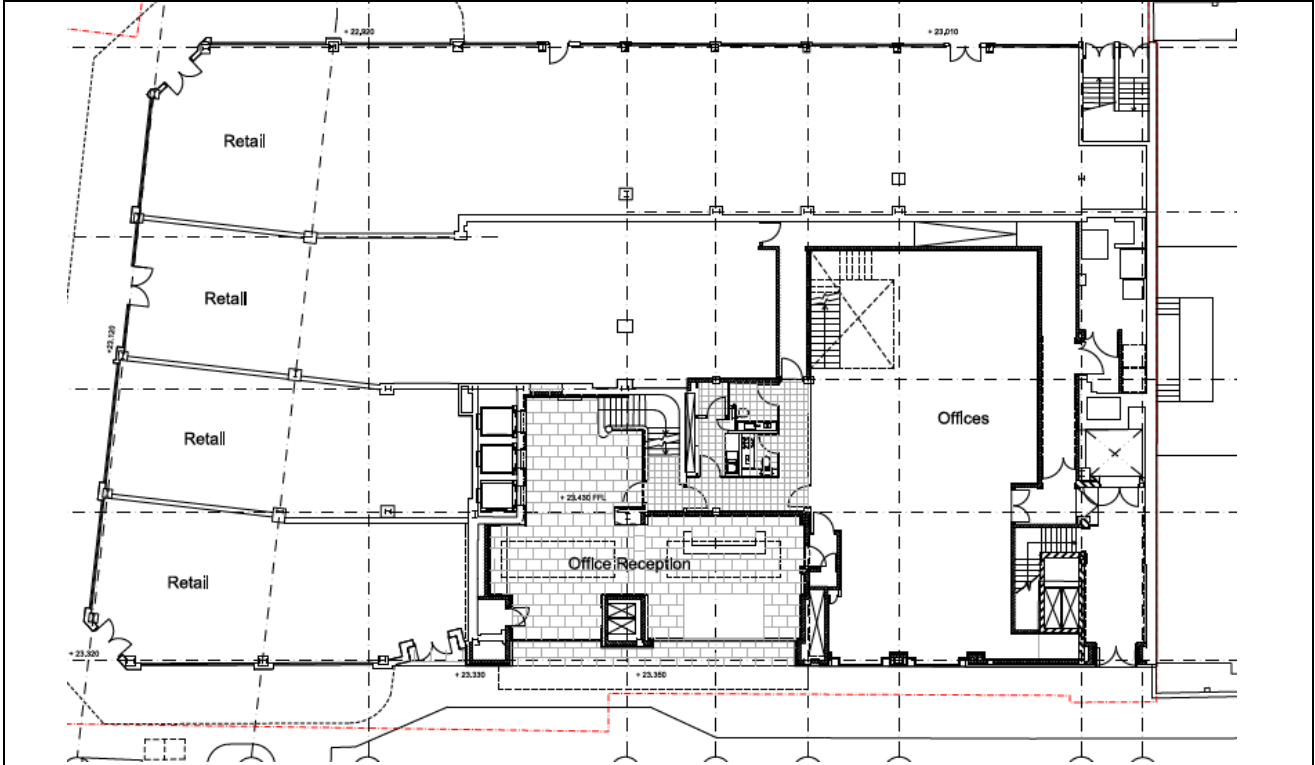
Proposed North Elevation



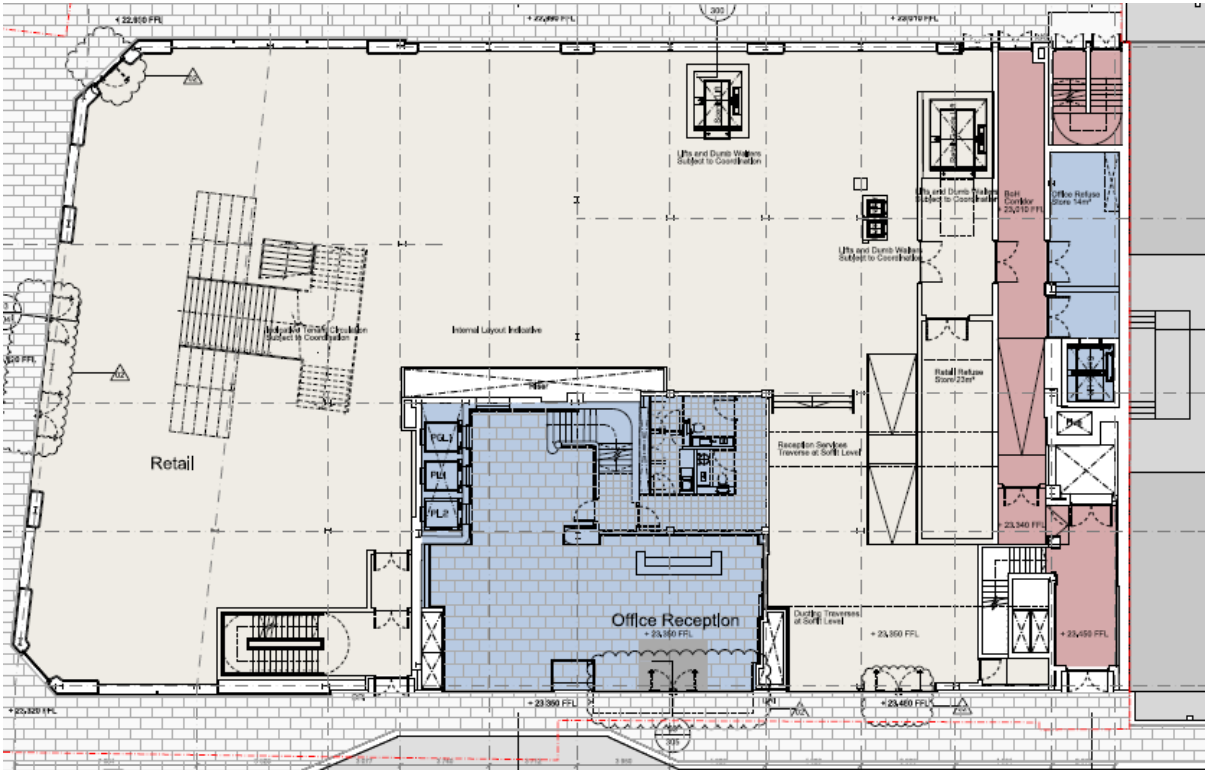
Existing East Elevation



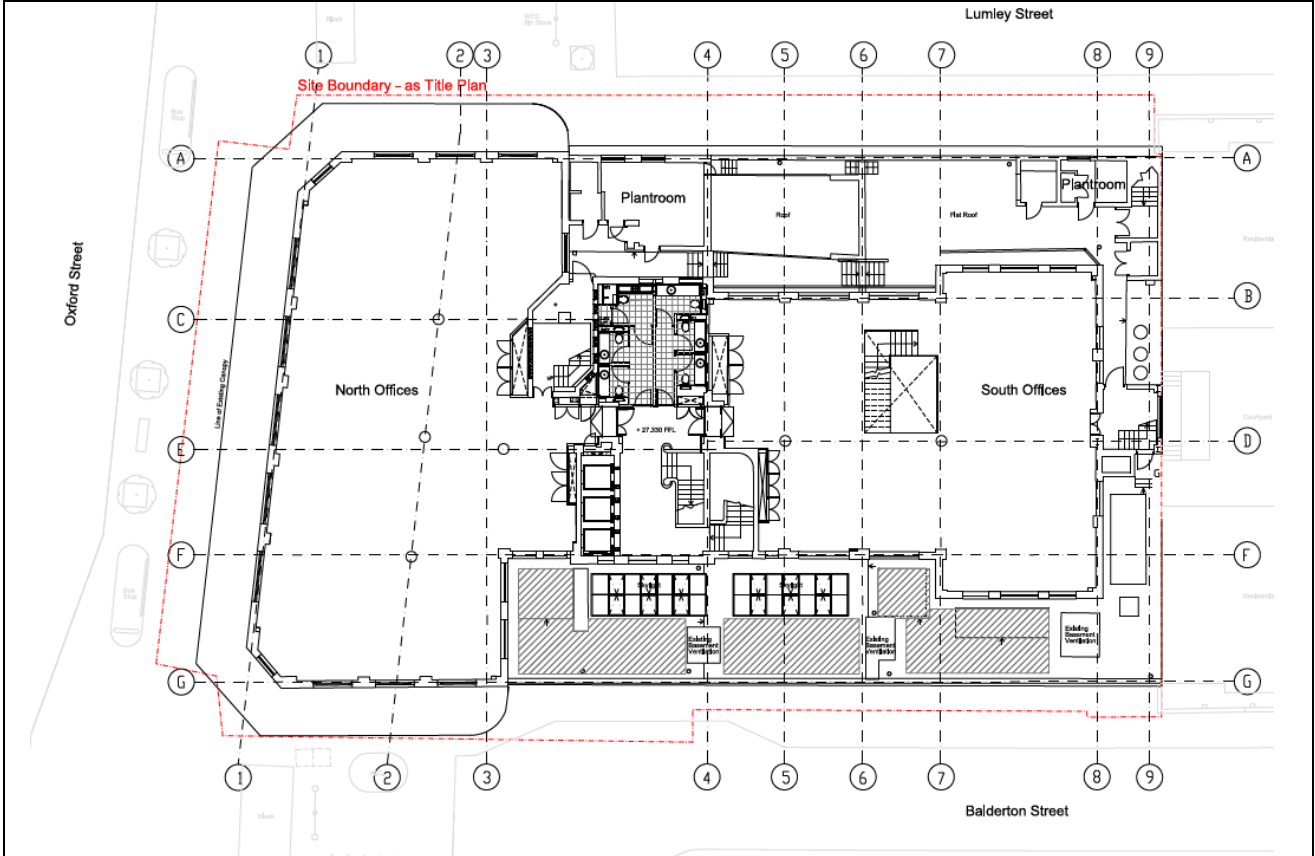
Proposed East Elevation



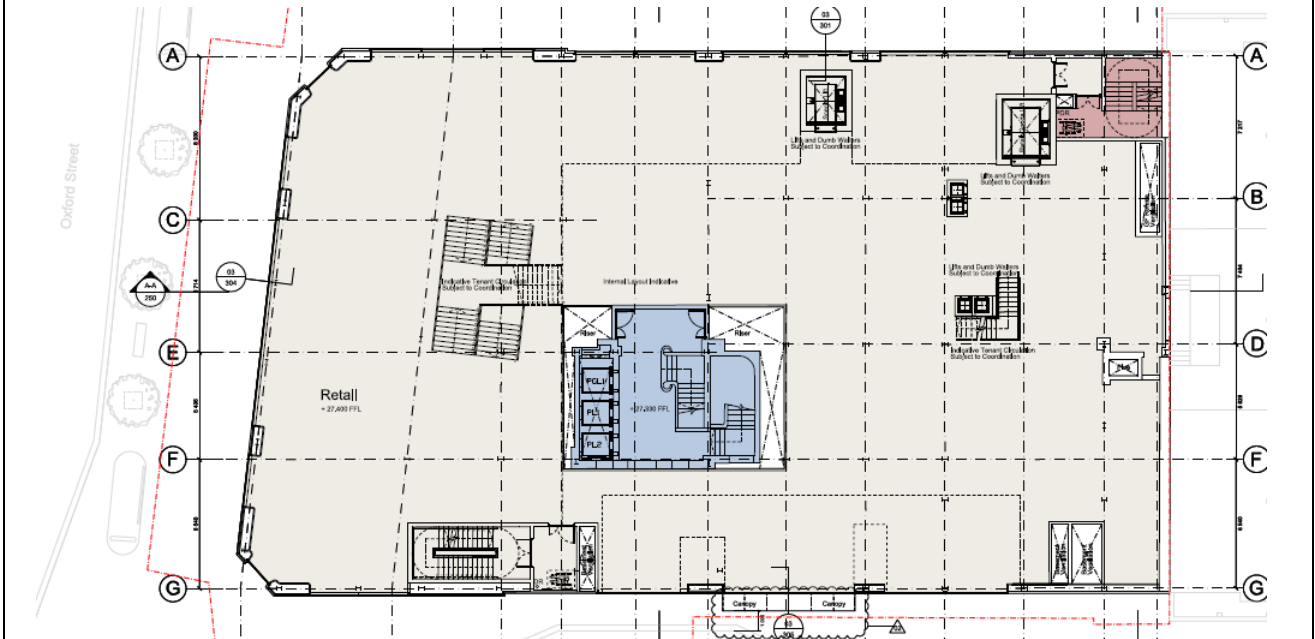
Existing ground floor plan



Proposed ground floor plan



Existing first floor plan



Proposed first floor plan

DRAFT DECISION LETTER

Address: 421 Oxford Street, London, W1C 2PJ,

Proposal: Erection of extension at first and second floors on Balderton Street and Lumley Street facades, recladding of existing building, use of lower ground-third floors as retail (Class A1), installation of plant at third floor level and other associated works.

Reference: 15/11925/FULL

Plan Nos: 1380-A-PLN-020, 1380-A-PLN-099 Rev 01, 1380-A-PLN-100 Rev02, 1380-A-PLN-101 Rev 02, 1380-A-PLN-102 Rev 02, 1380-A-PLN-103 Rev 02, 1380-A-PLN-104, 1380-A-ELE-200 Rev 01, 1380-A-ELE-203 Rev 02, 1380-A-ELE-202 Rev 02, 1380-A-ELE-201 Rev 02, 1380-A-SEC-260 1380-A-SEC-255 Rev 02, 1380-A-DTL-300 Rev 01, 1380-A-DTL-304 Rev 01 1380-A-DTL-305 Rev 01, 1380-A-DTL-500, 1380-A-DTL-501

Case Officer: Jo Palmer

Direct Tel. No. 020 7641 2723

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 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 detailed drawings at a scale of 1:10 of the following parts of the development
- a) a typical frame detail of the new shopfronts and windows.
 - b) a typical detail of where the extended facades on Balderton Street and Lumley Street adjoin the neighbouring Balderton Flats.

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

To 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 apply to us for approval of a management plan to show how you will prevent the operation of the retail use, including from promotional events and from advertising campaigns, from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the enlarged retail use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the retail store is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. 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. (R05GB)

- 7 (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.

- 8 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.

- 9 All servicing must take place between 08:00 and 20:00 on Monday to Saturday and between 11:00 and 17:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 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.

- 12 You must provide the waste store shown on drawing 1380-A-PLN-100 Rev02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. 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 and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 13 The floorspace identified as 'retail' on the approved drawings shall only be used for that purpose but not as a foodstore(s) or supermarket(s).

Reason:

To ensure maximum retail provision is made of the appropriate type that does not involve the use of large delivery vehicles which cannot be accommodated on site and may block surrounding streets. This is in accordance with policies S7, S21 and S42 of our Westminster's City Plan: Strategic Policies adopted November 2013 and STRA25, SS4, TRANS20 and TRANS21 of our Unitary Development Plan that we adopted in January 2007.

- 14 All servicing shall be undertaken in accordance with the Delivery and Servicing Plan dated 17 December 2015.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 16 No music or amplified sound played within the building shall be audible outside the premises at any time.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 17 You must then carry out all construction work in accordance with the Construction and Environmental Management Plan dated September 2015

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

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 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.
- 3 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods
- 4 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. (I50AA)

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 7 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 8 You need to speak to our Highways section about any work which will affect public roads. This

includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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.