

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 5 <sup>th</sup> September 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>25 Berkeley Square, London</b>		
<b>Proposal</b>	Demolition of existing upper levels (6th, 7th, 8th floors and roof level) and construction of new 6th, 7th, 8th, 9th and roof levels for continued use as offices on part lower ground, part ground, and upper floors. Use of part of lower ground and ground floor for dual/alternative Class A1/B1 retail/office use, and various external and internal works including new shopfronts to Jones Street and Bourdon Street and installation of external lighting to Berkeley Square.		
<b>Agent</b>	CBRE Ltd		
<b>On behalf of</b>	Lazari Properties 1 Limited		
<b>Registered Number</b>	17/06007/FULL and 17/06008/LBC	<b>Date amended/ completed</b>	20 July 2017
<b>Date Application Received</b>	6 July 2017		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.
3. The Committee authorises the making of an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) for the 'stopping-up' of that part of the public highway on Jones Street for the new shopfront.

## 2. SUMMARY

The application involves a Grade II listed office building on the north east of Berkeley Square. Permission is sought to demolish the upper floors of the building and rebuild with an additional floor of accommodation providing office use throughout, but with the potential for a flexible office/retail space at ground and lower ground floors. The key issues for consideration are:

- The introduction of a retail use in this location;
- The impact of the proposed alterations and extensions on the special interest of the Grade II listed building and on the character and appearance of the Mayfair Conservation Area;
- The impact of the use on highways/traffic movements/servicing;

- The impact on residential amenity.

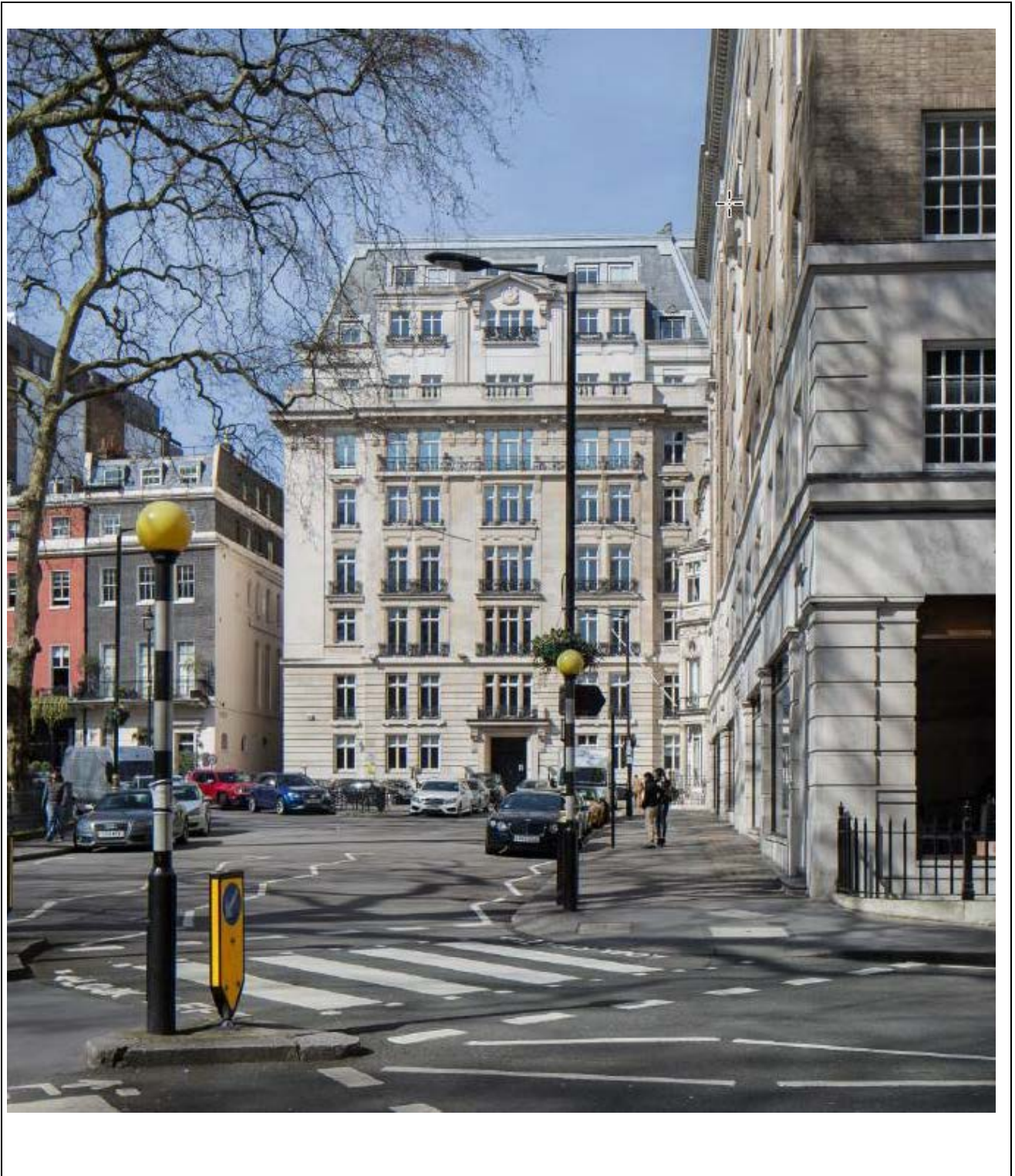
For the reasons set out in the main report, the introduction of a retail use is considered to be an appropriate use in this location and will help to enliven this part of Jones Street. The alterations proposed are considered acceptable in design and heritage terms and would not adversely impact on residential amenity. The applications are therefore recommended for conditional approval.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### COUNCILLOR CHURCH

Objects. Believes that the additional height would be inappropriate to the character of the Mayfair Conservation Area and supports local residents' objections to any additional floodlighting which would affect their residential amenity.

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to offer any comments. Letter of authorisation received.

### METROPOLITAN POLICE

Any response to be reported verbally.

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

### HIGHWAYS PLANNING

No objections raised subject to submission of a stopping up order.

### ENVIRONMENTAL HEALTH

No objections raised.

### CLEANSING

No objections raised.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 54; total no. of replies: 4 letters of objection on the following grounds:

#### Amenity

- \*Loss of sunlight and daylight
- \*Loss of privacy and noise
- \*External floodlighting will cause light pollution
- \*Exposure to additional internal lighting
- \*The introduction of more art gallery space affects the safety and security of local residents, increasing anti-social behaviour
- \*Building should have 24 hour residents' liaison to curb outside noise and evening events should be limited to 4 occasions a year

#### Design

- \*Proposal will not improve the appearance of the building which is already the tallest building on Berkeley Square
- \*Additional height will alter the buildings appearance and destroy its integrity

#### Parking/Transportation

- \*Impact of traffic on a narrow street
- \*Jones Street is a narrow pedestrian walkway and unsuitable for a new retail/gallery entrance

#### Other issues

- \*Proposal is purely for financial gain and not to update to modern standards

- \*Major demolition, scaffolding and construction works will place undue stress on adjoining residents
- \*NO CYCLING sign needs to be reinstated
- \*Lack of notification

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

25 Berkeley Square is an eight-storey office building located in the north-east corner of Berkeley Square. The building has a primary frontage onto Berkeley Square and secondary frontages onto Bourdon Street and Jones Street.

The building lies within the Mayfair Conservation Area and is Grade II listed.

The surrounding area comprises a mix of uses including residential, offices, galleries, retail and restaurants. There is also an NCP car park to the north of the site on Bourdon Street.

### **6.2 Recent Relevant History**

Planning and listed building consent granted in June 1988 for redevelopment behind the retained façade and one rooms depth and construction of two additional storeys for use as offices at part basement, ground, 1st to 7th floors and part 8th floor and residential use at part basement and part 8th floor. This application has been implemented.

In April 2009 Certificates of Lawfulness application were approved for use of part of the 8th floor and part of the lower ground floor as offices.

## **7. THE PROPOSAL**

The proposals seek the refurbishment and extension of the building to provide office use throughout, but with the potential for a flexible office or retail space at ground and lower ground floors. In the event that the lower floors are used for retail purposes, it is likely that two retail units would be provided with one unit facing Berkeley Square and one fronting Bourdon Street. Both units would be accessed from Jones Street.

The proposals involve the demolition of the 6th to 8th floor levels of the existing building with the upper floors rebuilt with an additional storey at 9th floor level.

The proposals also include creating new shopfronts and an accessible entrance on Jones Street, and a new shopfront onto Bourdon Street. The proposal includes other external works including the repair of all historic windows to the original part of the building facing Berkeley Square and replacement windows to the remainder of the building, installation of new and replacement external lighting to Berkeley Square, cleaning of the existing facades as well as a series of internal alterations to the building. Terraces are also introduced at 6<sup>th</sup> floor level.

The proposals involve the following changes to floorspace as set out in the table below:

	Existing GIA (sqm)	Proposed GIA (sqm)	Change
<b>Office</b>	6,582	7,236 (including lower floors)	+654
		6,544 (excluding lower floors)	-38
<b>Retail</b>	0	692	+692
<b>Total</b>	<b>6,582</b>	<b>7,236</b>	<b>+654</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Office use

In the event that the entire building is used for office purposes the proposals would result in the uplift of 654 sqm of office floorspace. Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. This increase in office provision, being less than a 30% net increase in floorspace, does not require any on-site residential to be provided through being in compliance with policy S1

In the event that the ground and lower ground floors are to be used for retail purposes, the proposals would result in a net loss of 38sqm in office floorspace. However, as this loss is to an alternative commercial use it is acceptable in policy terms.

#### Retail use

The alternative use proposed for the ground and lower ground floors is for retail purposes. Policy SS4 (UDP) aims to enhance the retail function and mixed-use character of the CAZ and recognises that redevelopments are an opportunity for introducing new shop-type units in locations which would benefit from additional retail uses. Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial uses whilst Policy S21 directs new retail floorspace to the designated shopping centres. Although the application site is not located on a designated shopping frontage, it is within the Core CAZ and within the vicinity of a number of other retail uses and it is considered that the use of the ground and lower ground floors for retail purposes is acceptable in land use terms.

It is considered that this proposal will activate the existing blank frontage onto Jones Street and provide an appropriate street level frontage that would attract visiting members of the public and enliven this part of Mayfair.

This is an entirely speculative proposal and the applicant has yet to secure a tenant for this space. Objections have been raised on the grounds that a potential retail art gallery use could operate with evening events, resulting in late night noise and subsequent anti-social behaviour. Given that the proposals involve a large amount of retail floorspace (692sqm) within close proximity to residential properties on Bourdon Street it is recommended that the retail use is restricted from 07:00 - 21:00 Monday to Saturdays and 10:00 – 18:00 on Sundays, with a restriction of six evening events each year. A management plan is also secured by condition. With these conditions in place it is considered that the objections raised are satisfactorily addressed.

## 8.2 Townscape and Design

25 Berkeley Square is a large office building in the north-east corner of Berkeley Square. It was built in 1906 as luxury flats to a design by Frank T Verity and was converted to office use in 1954. In the 1990s the building was substantially rebuilt retaining the south facade, main staircase, and rooms facing Berkeley Square. The large roof extension, which dates from this period, features in the City Council's supplementary planning guidance as an example of a building where it's principal interest is in the façade design. The building is grade II listed and stands in the Mayfair Conservation Area.

The current, modern, roof of the building was designed to suit the appearance of the building. Replacing the roof as proposed with scholarly replica details will maintain the special interest of the building and the character and appearance of the surrounding conservation area. The design of the new sheer-storey and mansard roof would improve the appearance of the building and the contribution it makes to the conservation area, the setting of Berkeley Square gardens, and the setting of nearby listed buildings including Bourdon House, 2 Davies Street (listed Grade II\*).

The proposals do not alter the historic plan form of the original part of the building facing Berkeley Square and the loss of non-original partitions elsewhere within the building are acceptable in historic building terms.

Alterations to the modern, mostly blank, ground floor façade to Jones Street are acceptable in heritage asset terms and will improve the appearance of this part of the site and enliven Jones Street.

The existing timber windows to the Berkeley Square façade are to be retained and refurbished. Replacement windows are proposed to the other street facades, however, the existing windows on these facades are formed of aluminium and there is no objection to their replacement.

There is likewise no objection to facade lighting, but this should be confined to the Berkeley Square facade which merits illumination whereas the other facades do not.

Objections made to the roof extension in design and heritage asset terms are not considered sustainable. It would not set a precedent for alterations to 'The Manor' (10 Davies Street) which were the subject of a recently dismissed appeal, and the alterations will not harm the appearance of the building, the setting of neighbouring listed buildings, the setting of Berkeley Square Gardens, or the character and appearance of the surrounding conservation area. The proposals fully accord with UDP policies DES 1, DES 5, DES 6, DES 9, DES 10 and DES 12.

## 8.3 Residential Amenity

The closest residential accommodation within the vicinity of the site are the flats within Grosvenor Hill Court, 15 Bourdon Street, opposite the site and the flats in 6 Bourdon Street on the opposite side of Jones Street. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to the adjacent residential properties.

**Daylight/Sunlight**

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

With regard to sunlighting, the BRE guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The sunlight/daylight assessment submitted with the application shows that the greatest loss of VSC is 7% to a seventh floor living/dining window in a room served by multiple windows in Grosvenor Hill Court. This window and all of the other windows within the adjacent residential properties facing towards the development site will comfortably meet the BRE Guidelines in relation to BRE tests.

The report demonstrates that only minor losses of sunlight would be experienced and all would be well within the parameters set out above. Only two windows in Grosvenor Hill Court lose more than 4% in total annual sunlight hours but in each case the windows retain excellent overall sunlight hours of 43% and 51%.

Whilst objections have been raised on the grounds of loss of sunlight and daylight, it is not considered that the application could be refused on these grounds and the objections are therefore not considered to be sustainable.

**Sense of Enclosure**

Policy ENV13(F) states that where developments result in an unacceptable increase in the sense of enclosure, planning permission will be refused. Policy S29 states that the Council will resist proposals that result in an unacceptable loss of residential amenity.

Whilst the proposal involves an additional floor, the proposed building is only 2.2m higher than the existing building, and with the set-backs proposed at roof level, it is not considered that the proposals would result in any adverse sense of enclosure.

**Privacy/Noise**

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. Currently there are terraces at 6th floor on the northern elevation of the building (Bourdon Street elevation) and the proposals provide two terraces on this frontage and additional terraces are also introduced on Berkeley



Square and Jones Street. They are only some 1m – 1.8m in depth and given their relationship to the closest flats in Grosvenor Hill Court it is not considered that the use of these terraces would result in increased noise, privacy or overlooking. A condition however is proposed to limit the hours that they may be used and this is considered to address the objector's concerns.

### **Other Issues**

Concerns have also been raised by adjoining neighbours in Grosvenor Hill Court at the rear of the site regarding light pollution and exposure from additional internal lighting. A condition is proposed to limit external illumination to the Berkeley Square façade and whilst there are some additional windows in the upper floors of the extended building, most of the new windows are not directly opposite the flats in Grosvenor Hill Court and it is understood that all lighting will be controlled by a sensor system. As such the objections are considered to be satisfactorily addressed.

A condition is also proposed to restrict illumination of the building to the hours of 16:00 to 23:00.

## **8.4 Transportation/Parking**

A Transport Statement (TS) produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. The TS shows that the uplift in retail accommodation would result in an overall increase in 56 daily trips to the site compared to the existing use. Trip generation modelling concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

### **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”. However, in this case, the existing building is serviced off-site and the locations of single and double yellow lines within the vicinity allow loading and unloading to occur.

The applicant estimates that the proposed development will result in an increase of five daily deliveries. The submitted Delivery and Servicing Plan (DSP) indicates that, as with the existing arrangement, all larger deliveries and refuse collection will take place from Bourdon Street. An existing platform lift is available at this access point to assist transporting heavy goods and removal of refuse. It is anticipated that post and smaller courier deliveries for the retail uses will be delivered to the Jones Street entrances, and those for the office occupants will be via the main building entrance on Berkeley Square.

Concerns have been raised by local residents on the grounds that Bourdon Street is too narrow for traffic and the Highways Planning Manager has also expressed concerns that the swept path analysis shown in the DSP is inaccurate; he requires a revised SMP to demonstrate that deliveries can be made onto Bourdon Street. Subject to this amendment, the Highways Planning Manager considers that the SMP will help to reduce

impact of the servicing on the surrounding highway network and raised no objections to the scheme. A revised SMP will be secured by condition.

### **Cycle parking**

30 cycle parking spaces are to be provided at basement level in accordance with London Plan standards. The provision of shower and changing facilities is also welcomed and will encourage staff away from other less sustainable modes and encourage cycle usage. These will be secured by condition

### **Stopping up**

The proposed shopfronts onto Jones Street would bring the ground floor building line forward and hence reduce the footway width. An objection to the introduction of a shopfront entrance onto Jones Street has also been received. The Highways Planning Manager comments that as there are existing buildouts either side of the proposed shopfronts that the areas lost would not impede pedestrian directness of movement or the width of the publicly maintained footway adjacent to the site. In this instance no objections are raised to the amendments to the footway subject to the submission of a stopping up order.

## **8.5 Economic Considerations**

The economic benefits generated are welcomed.

## **8.6 Access**

The building provides an inclusive step free accessible entrance onto Jones Street (with internal platform lift) to meet Part M of the Building Regulations.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Plant**

The proposal includes an area for external plant at roof level. An acoustic report has been submitted with the application and assessed by Environmental Health who raise no objection, subject to the imposition of conditions to control the noise output from the proposed plant to ensure that it is compliant with the Council's noise standards for operational plant.

### **Refuse /Recycling**

Dedicated waste storage areas are proposed at basement level which provides adequate facilities for waste and recycling facilities for the building. These facilities will be secured through condition.

### **Sustainability**

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The application is supported by a BREEAM Assessment which focuses on maximising the scheme's potential to reduce energy consumption and carbon emissions and demonstrates that it is possible to achieve BREEAM rating of Very Good. Given the nature of the works and the listed fabric of the building, this is considered to satisfy the requirements of Policy S28.

#### **Other issues**

Objections have also been raised regarding the need for the refurbishment, that the works are purely for financial gain and that the NO CYCLE sign has been removed from Jones Street. None of these issues raised are planning matters however the issue regarding the missing street sign has been brought to the attention of highways planning.

Two residents in Grosvenor Hill Court also comment about lack of notification, however, all residents in Grosvenor Hill Court were sent a letter of notification on the 28<sup>th</sup> July, a site notice was also posted and the application was advertised in the local press.

#### **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**

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

The estimated CIL payment is £313,134

#### **8.11 Environmental Impact Assessment**

Not applicable.

#### **8.12 Other Issues**

##### **Construction impact**

An objection has been received from two local residents on the grounds that the demolition and construction works will impact on the amenity of local residents. Whilst these concerns are noted, permission could not reasonably be withheld on these grounds. However, as the proposals constitute a level 2 type development, this will require the applicant to sign up to the Council's Code of Construction Practice. This will be secured by condition. Hours of construction work will also be restricted by condition.

### **9. BACKGROUND PAPERS**

1. Application form
2. Letter from Councillor Paul Church dated 15 August 2017

3. Letter from Historic England dated 15 August 2017
4. Memo from Highways Planning Manager dated 10 August 2017
5. Response from Environmental Sciences dated 17 August 2017
6. Memo from Cleansing dated 4 August 2017
7. Letter from occupier of 12A Grosvenor Hill Court dated 15 August 2017
8. Letter from occupier of 32 Bourdon Street dated 16 August 2017
9. Letter from occupier of 5 Grosvenor Hill Court dated 23 August 2017
10. Letter from occupier of 5 Grosvenor Hill Court dated 23 August 2017

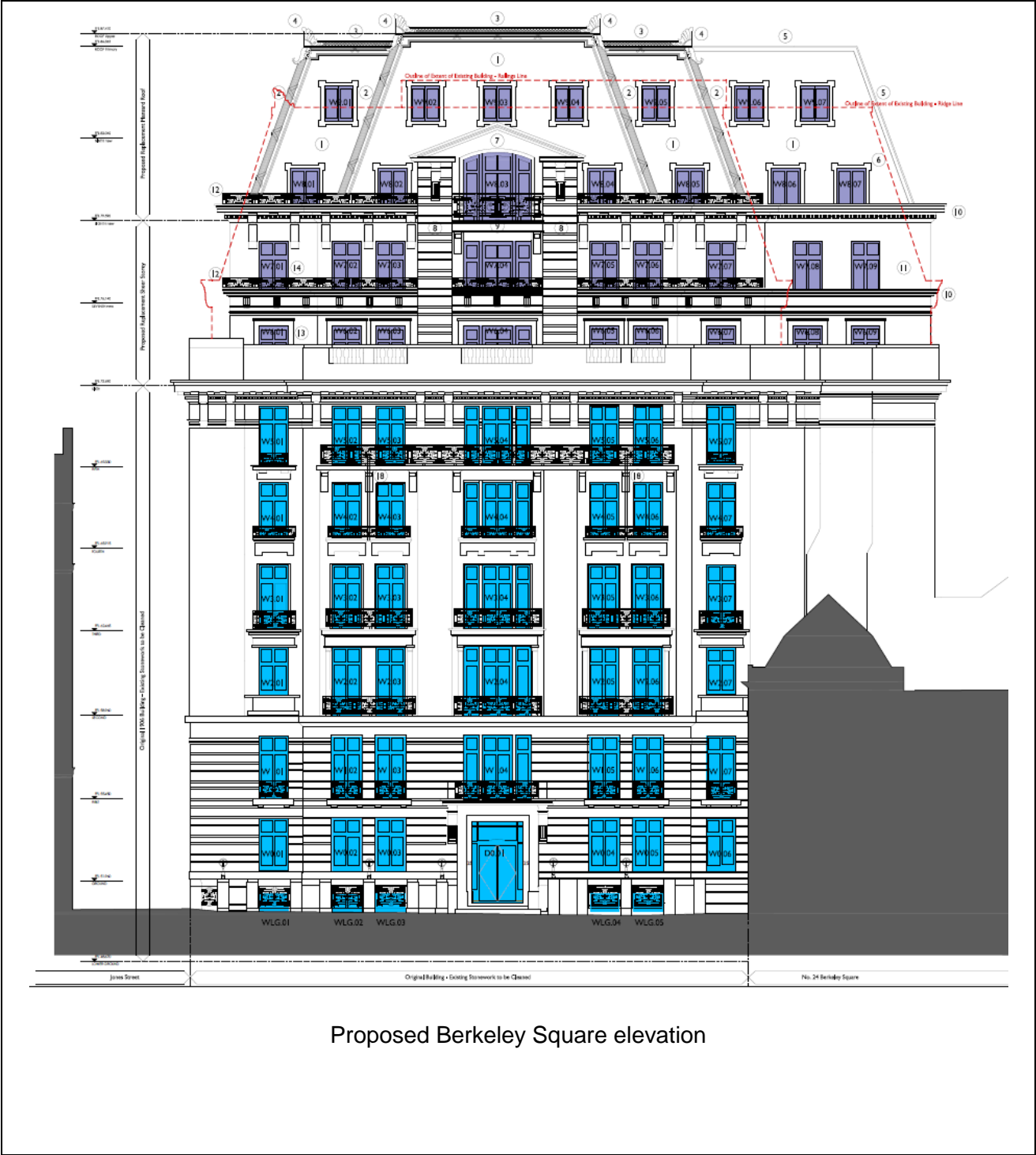
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

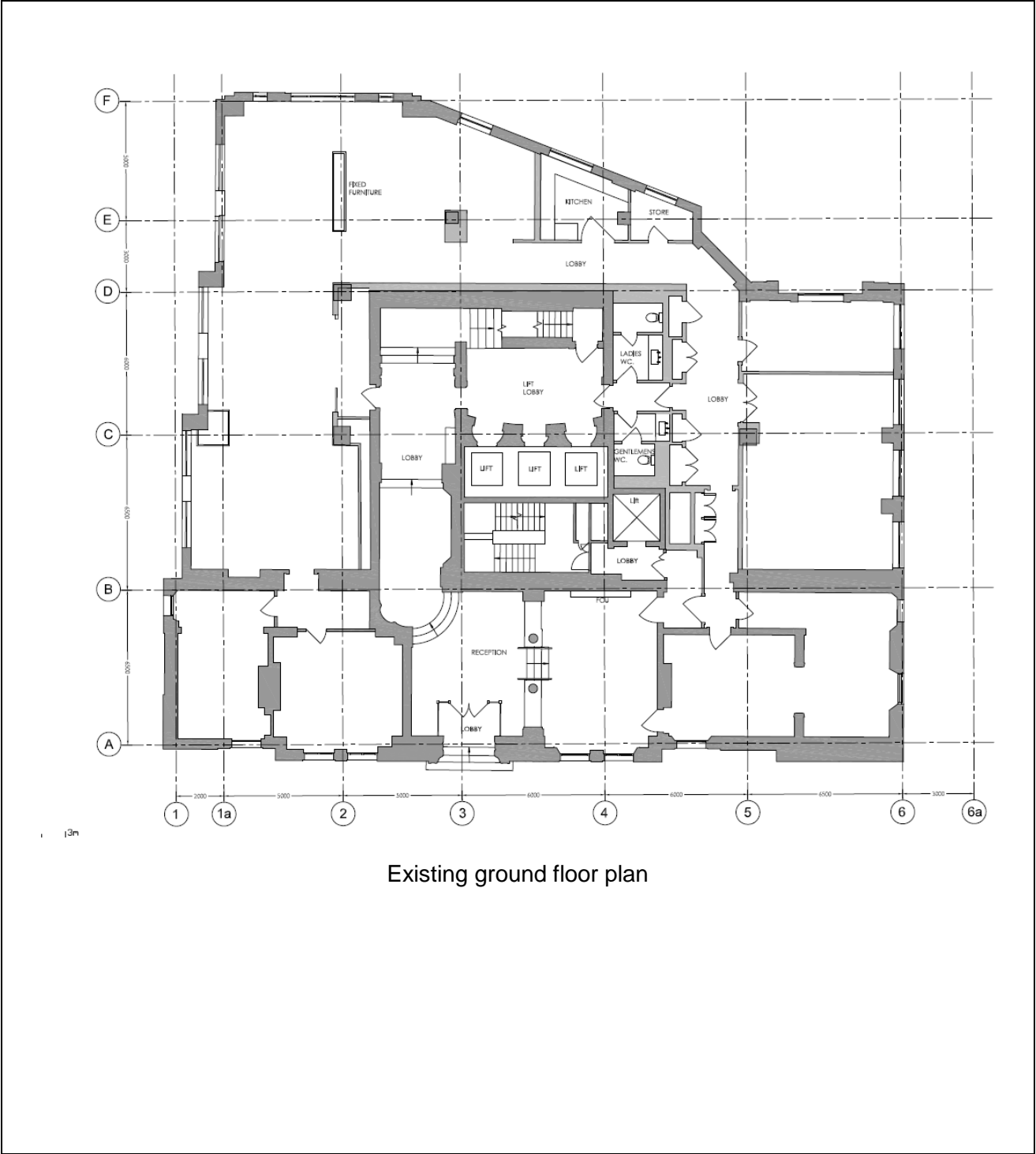
10. KEY DRAWINGS



Existing Berkeley Square elevation



Proposed Berkeley Square elevation



Existing ground floor plan





**DRAFT DECISION LETTER**

**Address:** 25 Berkeley Square, London

**Proposal:** Demolition of existing upper levels (6th, 7th, 8th floors and roof level) and construction of new 6th, 7th, 8th, 9th and roof levels for continued use as offices on part lower ground, part ground, and upper floors. Use of part of lower ground and ground floor for dual/alternative Class A1/B1 retail/office use, and various external and internal works including new shopfronts to Jones Street and Bourdon Street and installation of external lighting to Berkeley Square.

**Reference:** 17/06007/FULL

**Plan Nos:** A2 5004 01 220 Rev P3, 221 Rev P3, 222 Rev P3, 223 Rev P3, 224 Rev P3, 225 Rev P3, 226 Rev P3, 227 Rev P3, 228 Rev P3, 229 Rev P3, 230 Rev P3, 300 Rev P1, 301 Rev P1, 302 Rev P1, 303 Rev P1; A2 5004 20 220 Rev P2, 221 Rev P3, 222 Rev P3, 223 Rev P2, 224 Rev P2, 225 Rev P2, 226 Rev P2, 227 Rev P2, 228 Rev P2, 229 Rev P2, 230 Rev P2, 231 Rev P2, 300 Rev P4, 301 Rev P4, 302 Rev P4, 303 Rev P4, 304 Rev P2, 305 Rev P2, 306 Rev P2, 307 Rev P2; A2 5004 27 200 Rev P2, 201 Rev P2, 202 Rev P2

**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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 3 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 (November 2016) 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 samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To 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 (November 2016) 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 (November 2016) 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 (November 2016) 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 apply to us for approval of Detailed drawings at 1:10 of the following parts of the development:

- (i) new shopfronts on Jones Street.
- (ii) New windows

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 (November 2016) 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 detailed drawings showing the following alteration(s) to the scheme - omission of lighting to west, north and east elevations. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To 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 (November 2016) 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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

## Reason:

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

- 10 Only static white light shall be used to illuminate the building (and only on the south/Berkeley Square frontage), unless agreed otherwise in writing by the City Council as local planning authority.

## 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 (November 2016) 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)

- 11 The building shall not be externally illuminated except between 16.00 and 23.00 hours.

## Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 10 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

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

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

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

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

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

Reason:

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

- 13 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.

- 14 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

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

- 15 In the event that you use the ground and lower ground floors for retail purposes, you must apply to us for approval of a management plan to show how the Class A retail units will be used. You must not occupy the retail Class A unit 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 Class A unit is in use.

Reason:

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

- 16 Customers shall not be permitted within the retail units before 07.00 or after 21.00 on Monday to Saturdays or before 10:00 and after 18:00 on Sundays, with the exception of:

1. Six evenings a year until 23:00 on Monday to Saturdays

On occupation of the retail units, you must record a schedule of the dates when the retail units are open in the evenings and to make this schedule available to officers of the City Council on request.

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 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 17 You must provide each cycle parking space, showers and lockers 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 Policy 6.9

(Table 6.3) of the London Plan 2015.

- 18 All servicing must take place between 07:00 to 20:00 on Monday to Saturday and 08:00 to 18:00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 19 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 20 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 5004-20-221 Rev P3. 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 21 You must not use the terraces except between the hours of 09.00 and 21.00 Monday to Saturday; and not at all on Sundays, bank holidays and public holidays.

Outside of these hours you can only use the terraces to escape in an emergency.

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 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
  
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
  
- 3 Please note that the highway on Jones Street will need to be stopped up under Section 247 of the Town and Country Planning Act 1990 to enable the development to take place. You will be responsible for our costs in making that order and I suggest you discuss this with Jeff Perkins on 0207 641 2642
  
- 4 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground and lower ground floor can change between the retail and office 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. (I62A)
  
- 5 Conditions 12-14 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)



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

**DRAFT DECISION LETTER**

**Address:** 25 Berkeley Square, London,

**Proposal:** Demolition of existing upper levels (6th, 7th, 8th floors and roof level) and construction of new 6th, 7th, 8th, 9th and roof levels for continued use as offices on part lower ground, part ground, and upper floors. Use of part of lower ground and ground floor for dual/alternative Class A1/B1 retail/office use, and various external and internal works including new shopfronts to Jones Street and Bourdon Street and installation of external lighting to Berkeley Square.

**Reference:** 17/06008/LBC

**Plan Nos:** A2 5004 01 220 Rev P3, 221 Rev P3, 222 Rev P3, 223 Rev P3, 224 Rev P3, 225 Rev P3, 226 Rev P3, 227 Rev P3, 228 Rev P3, 229 Rev P3, 230 Rev P3, 300 Rev P1, 301 Rev P1, 302 Rev P1, 303 Rev P1; A2 5004 20 220 Rev P2, 221 Rev P3, 222 Rev P3, 223 Rev P2, 224 Rev P2, 225 Rev P2, 226 Rev P2, 227 Rev P2, 228 Rev P2, 229 Rev P2, 230 Rev P2, 231 Rev P2, 300 Rev P4, 301 Rev P4, 302 Rev P4, 303 Rev P4, 304 Rev P2, 305 Rev P2, 306 Rev P2, 307 Rev P2, 323 Rev P2, 324 Rev P2, 326 Rev P2, 327 Rev P2, 328 Rev P2, 333 Rev P2, 334 Rev P2, 335 Rev P2, 336 Rev P2, 337 Rev P2, 338 Rev P2; A2 5004 24 220 Rev P2, 221 Rev P2, 222 Rev P2, 223 Rev P2; A2 5004 27 200 Rev P2, 201 Rev P2, 202 Rev P2

**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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area.

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

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

Reason:

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

- 4 All new outside rainwater and soil pipes must be made out of metal and painted black.  
(C27HA)

Reason:

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

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

Reason:

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

- 6 You must apply to us for approval of Detailed drawings at 1:10 of the following parts of the development:

- (i) new shopfronts on Jones Street.
- (ii) New windows

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

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme - omission of lighting to west, north and east elevations. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

**Reason:**

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

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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