



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 2nd July, 2019

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Gotz Mohindra (Chairman)
David Boothroyd
Geoff Barraclough

Murad Gassanly
Jim Glen
Elizabeth Hitchcock



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.

**Tel: 020 7641 7513; Email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. PEGASUS HOUSE, 37-43 SACKVILLE STREET, LONDON W1S 3EH

(Pages 21 - 46)

2. DEVELOPMENT SITE AT 8-10 GRAFTON STREET, 11-14

(Pages 47 - 96)

GRAFTON STREET AND 22-24 BRUTON LANE, LONDON	
3. 45-57 MARYLEBONE LANE, LONDON W1U 2NT	(Pages 97 - 140)
4. DEVELOPMENT SITE (NOVA) AT BRESSENDEN PLACE, VICTORIA STREET, ALLINGTON STREET AND BUCKINGHAM PALACE ROAD LONDON SW1E 5EF (NOVA EAST)	(Pages 141 - 174)
5. DEVELOPMENT SITE (NOVA) AT BRESSENDEN PLACE, VICTORIA STREET, ALLINGTON STREET AND BUCKINGHAM PALACE ROAD LONDON SW1E 5EF (NOVA PLACE)	(Pages 175 - 206)
6. TOWNSEND HOUSE, GREYCOAT PLACE, LONDON SW1P 1BL	(Pages 207 - 226)
7. UNIT 35 JUBILEE HALL, JUBILEE MARKET, THE PIAZZA, COVENT GARDEN, LONDON, WC2E 8BE	(Pages 227 - 264)
8. ARMY RESERVE CENTRE, 52 - 56 DAVIES STREET, LONDON, W1K 5HR	(Pages 265 - 284)

Stuart Love
Chief Executive
21 June 2019

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 4th June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Gotz Mohindra (Chairman), David Boothroyd, Geoff Barraclough, Murad Gassanly, Elizabeth Hitchcock and Peter Freeman

Also Present: Councillors Jim Glen, Angela Harvey and James Spencer (Item1).

1 MEMBERSHIP

1.1 It was noted that Councillor Peter Freeman had replaced Councillor Jim Glen.

2 DECLARATIONS OF INTEREST

2.1 The Chairman explained that a week before the meeting, all six Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Mohindra declared that in respect of Items 1 and 2 he had attended pre-planning minutes with the applicants, the minutes of which were contained within the agenda papers. In respect of Item 4 he declared that he had a prejudicial interest and would therefore step down from the Sub-Committee and leave the room during the consideration of this item.

2.3 Councillor Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes were in

Westminster; if there were he would be precluded from working on them under the company's code of conduct.

- 2.4 Councillor Boothroyd further declared that some Thorncliffe clients had also engaged planning consultants who were separately representing the applicants: DP9 on Items 1, 2, and 3, Gerald Eve on item 4, and Rolfe Judd on item 5. However, he did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

In respect of Item 1, he had no input into the consultation response put in on behalf of the Labour group; it was put in by Cllr Paul Dimoldenberg who was a friend. Several friends lived in Dolphin Square but he had not discussed the application with them.

In respect of Item 3, representations had been made by Cllr Pancho Lewis who was a friend. Councillor Boothroyd was also a member of previous committees deciding applications on the site.

In respect of Item 4, he was a member of previous committees deciding applications on this site.

In respect of Item 5, he went to a briefing and had a tour of their property holdings given by the applicant on 9 May 2019.

- 2.5 Councillor Gassanly declared that in respect of Item 1, he had friends who lived at Dolphin Square but he had not discussed the application with them. He also represented Westminster City Council on the Board of Westminster Community Homes.

- 2.6 Councillor Barraclough declared that in respect of Item 1, he had no input into the consultation response put in on behalf of the Labour Group; it was put in by Cllr Paul Dimoldenberg who was a friend. Several friends lived in Dolphin Square but he had not discussed the application with them. In respect of Item 5, he had attended a briefing tour provided by the applicant of its property holdings on 9 May 2019.

- 2.7 The Council's Design Officer, Susanna Miller, declared that in respect of Item 1 she had previously worked for Eric Parry Architects, however as this was 16 years previously it was not considered a prejudicial interest.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 7 May 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DOLPHIN SQUARE LONDON

Part redevelopment and refurbishment of Dolphin Square including the reconfiguration of existing residential (Class C3) apartments; demolition and reconstruction of Rodney House to provide a new ground plus 9 storey building with 2 basement levels to provide residential (Class C3), serviced apartments (Class C3 temporary sleeping accommodation), retail (Class A1-A4), leisure (Class D2); single storey rooftop extensions to the retained and refurbished Houses to provide additional residential (Class C3); new row of townhouses (Class C3) to the Western Carriageway; landscaping and new publicly accessible open space; new and reconfigured access points; and all necessary enabling works.

Additional representations were received from Councillor Paul Dimoldenberg (27.05.19) and three local residents (23.05.19, 28.05.19 and 30.05.19).

Late representations were received from Dolphin Square Ltd (Undated), Westminster City Council's Director of Place Shaping and Town Planning (04.06.19) and eight local residents (01.06.19, 02.06.19 and 03.06.19).

The presenting officer tabled the following amendments to the recommendation and draft decision notice:

Recommendation:

1. Grant conditional permission **subject to the views of the Mayor** and the completion of a S106 legal agreement to secure the following:
 - i. 57 affordable/intermediate housing units to the quantum, mix, tenure and affordability set out in the memo from the Head of Affordable Housing and Strategy dated 19 February 2019, with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG.
 - ii. Walkways agreement to secure public access to the internal courtyard garden to be completed prior to first occupation of the new residential units.
 - iii. Extension of the Thames Path prior to first occupation of the new residential units.
 - iv. Strategy to secure the measures to protect the option B tenants during and after the building works.
 - v. Carbon offset payment (index linked) payable on commencement of development (amount TBC subject to revised Energy Strategy).
 - vi. A financial contribution towards employment, training and skills of £100,351.09 (index linked) payable on commencement of development.
 - vii. Monitoring costs.
2. If the S106 legal agreement has not been completed within **six** weeks of the Committee resolution then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers, however, if not
- b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

Condition 8:

You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) showing the following alteration(s) to the scheme:

A reduction in height and proportion of the windows by approximately 30% to the new roof extension with the addition of more articulation in the window designs to reflect the scale and design of the existing fenestration below, showing details of the natural ventilation and indicating that the windows are openable. All new windows and doors to be painted timber to reflect the existing fenestration below.

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

Dame Shirley Oxenbury addressed the Sub-Committee in support of the application.

Mark Donnor addressed the Sub-Committee in support of the application.

Tony Hambro addressed the Sub-Committee in objection to the application.

David Weeks addressed the Sub-Committee in objection to the application.

Clive Aslet, representing Pimlico FREDAs, addressed the Sub-Committee in objection to the application.

Councillor Jim Glen, in his capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

Councillor James Spencer, in his capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

Councillor Angela Harvey, in her capacity as Ward Councillor, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That subject to the views of the Mayor of London permission be refused, contrary to the recommendation of the Director of Place Shaping and Town Planning, on the following grounds:

- 1) The demolition of Rodney House would cause significant harm to the Dolphin Square Conservation Area with the proposed replacement building considered an inferior design along with the inappropriate rooftop extensions to retained and refurbished Houses, which would adversely affect the area's character and appearance.
- 2) The lack of family sized units was considered unacceptable and not the appropriate mix of housing required to retain families in Westminster; and
- 3) The proposed intensification of short term let residential property was considered excessive and deemed likely to negatively impact on the amenity of local residents.

2 TOWNSEND HOUSE, GREYCOAT PLACE, LONDON, SW1P 1BL

Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level.

An additional representation was received from a local resident (25.05.19).

Late representations were received from Alpha real Estate Advisers (29.05.19), the Cathedral Area Residents' Group (02.06.19) and one local resident (30.05.19).

Henry Squire addressed the Sub-Committee in support of the application.

Julian Black addressed the Sub-Committee in objection to the application.

Councillor Selina Short, in her capacity as Ward Councillor, addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That the application be deferred to allow the applicant an opportunity to amend the proposals in order to address concerns raised, relating to the loss of light to the bedroom/study windows located at 10 Rochester Row as well as the increased sense of enclosure to several adjoining properties.

3 DEVELOPMENT SITE AT 47-50 POLAND STREET AND 54-57, GREAT MARLBOROUGH STREET, LONDON

Demolition of 54, 55-57 Great Marlborough Street and 47, 48 (behind a part reconstructed facade) and part demolition of 49-50 Poland Street to provide a

building comprising ground plus seven storeys with louvred plant room and two basement levels onto Great Marlborough Street (with rear projecting wing at ground and six upper floors with roof level louvred plant room) and a ground plus part five/part six storey building with two basement levels onto Poland Street, all for use as a hotel (Class C1), retail (Class A1), and a restaurant and bar (Class A3/A4). Creation of central glazed covered courtyard and publicly accessible route through the site, a landscaped terrace onto Poland Street, cycle parking, waste storage, plant rooms at fifth, sixth, seventh floors and roof level, services and associated works.

An additional representation was received from the Westminster District Surveyors' Service (30.05.19).

Late representations were received from Councillor Jonathan Glanz (31.05.19), Councillor Pancho Lewis (04.06.19), The Soho Society (Undated), the Marshall Street Residents Association (31.05.19), one local resident (04.06.19) and Shiva Hotels (29.05.19)

The presenting officer tabled the following amendments to the conditions:

Condition 23 (re-worded)

Prior to commencement of the basement excavation works a Vibration assessment shall be submitted for approval by the local planning authority to show the potential for changes to the re-radiated ground-borne noise and vibration levels within adjacent properties brought about by the development. Any mitigation measures must be identified, implemented and thereafter retained in-situ. The vibration assessment shall adhere to the acceptability criteria set out in the Crossrail Information Paper D10: Ground borne Noise and Vibration.

New Condition 40

The flat roof at sixth floor level shall only be used for maintenance or means of escape purposes only.

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)

Mark Bruce addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted, subject to a S106 legal agreement to secure the following:
 - i) Dedication of land as public highway;
 - ii) A Carbon Off-set Contribution of £44,586 (index linked), payable prior to commencement of the development.
 - iii) A walkways agreement

- iv) S106 monitoring costs.
- 2) That if the S106 legal agreements had not been completed within six weeks of the date of the Committee resolution, then:
- (a) The Director of Place Shaping and Town Planning should consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - (b) The Director of Place Shaping and Town Planning should consider whether the permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

4 DEVELOPMENT SITE AT 63 - 65 CURZON STREET, LONDON

Demolition of existing buildings and redevelopment, including excavation to create up to three basement storeys, ground and eight storeys to be used for up to 42 residential flats, creation of a ground floor arcade link between Stratton Street and Curzon Street for use as retail and/or restaurant uses (Classes A1 and A3), provision of up to 28 car parking spaces within the sub-basement levels. Provision of plant at basement and rooftop areas. Creation of terrace/balcony areas on both elevations.

Late representations were received from Maple Springfield (29.05.19), Audley Property Management Company (29.05.19) and Astrea Asset Management (29.05.19).

Councillor Mohindra declared that he had a prejudicial interest in the application and therefore left the room during the consideration of this item.

Nominations for the post of Chairman for Item 4 were invited. One nomination was received and seconded. There were no further nominations.

RESOLVED:

That Councillor Murad Gassanly be appointed Chairman of the Planning (Major Applications) Sub-Committee for Item 4 only.

Fred Pilbrow addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission be granted, subject to a S106 legal agreement to secure the following:

- i) Car Club Membership for 25 years for all the flats;
 - ii) Unallocated parking (as there are less car parking spaces than proposed flats)
 - iii) Walkway Agreement;
 - iv) Car Lift Maintenance;
 - v) Highways alterations required for the development to occur (at no cost to the City Council);
 - vi) Stopping up and dedication of land; and
 - vii) The costs of monitoring the S106 agreement.
- 2) That if the S106 legal agreements had not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town Planning should consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning should consider whether the permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.
- 4) That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there were no unresolved objections to the draft order. The applicant would be required to cover all costs of the Council in progressing the stopping up order.

5 72 BROADWICK STREET, LONDON W1F 9EP

Demolition and rebuilding of fifth and sixth floors and erection of two storey extension above the UKPN substation fronting Marshall Street, in connection with the use of the part basement and ground for restaurant purposes (Class A3), flexible/alternative use of part first floor as either offices (Class B1), or for up to two restaurants (Class A3), continued use of the part basement, part ground, second, third and fourth floors as offices (Class B1) with flexible/alternative use of part ground, part first, second

and third floors as gym (Class D2) and the provision of 15 residential flats with external terraces at fifth floor level. External alterations to the whole building, including new roof profile, facade alterations, shopfront alterations, painting of existing brickwork, creation of office roof terrace at 6th floor level. Installation of a biodiverse roof, along with new plant and photovoltaic panels.

An additional representation was received from a local resident (30.05.19).

Late representations were received from Shaftesbury (29.05.19) and Councillor Pancho Lewis (04.06.19).

The presenting officer tabled the following additional condition:

New Condition 44

You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- The sixth-floor roof terrace to be set back on the eastern side by 1.5m (to where the access door is located). 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.

RESOLVED UNANIMOUSLY:

- 1) That conditional permission, as amended, be granted, subject to:
 - a) An additional condition relating to the details on how the applicant would prevent anti-social behaviour occurring on the corner of Broadwick Street and Carnaby Street; and
 - b) A S106 legal agreement to secure the following:
 - i) The costs relating to Highway Alterations including works immediately surrounding the site required for the development to occur, including changes to on-street restrictions, alterations to the vehicle access and adjoining footway;
 - ii) The applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
 - iii) Lifetime (25 years) Membership to a Car Club for each of the 15 flats proposed;
 - iv) A financial contribution to the carbon offsetting fund carbon offsetting fund of £31,338 (index linked and payable prior to commencement of development).
 - v) S106 monitoring costs.

- 2) That if the S106 legal agreements had not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning should consider whether the permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That the Committee authorised the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.
- 4) That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant would be required to cover all costs of the Council in progressing the stopping up order.

The Meeting ended at 10.15pm.

CHAIRMAN: _____

DATE _____

Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd July 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 19/00529/FULL 19/00530/LBC West End	Pegasus House 37-43 Sackville Street London W1S 3EH	Redevelopment of Nuffield House and Pegasus House including demolition behind a retained facade (west, south and east) of Nuffield House and replacement building comprising 2 level basement, ground, mezzanine and first to seventh floor and demolition and replacement of Pegasus House comprising 2 level basement, ground, mezzanine and first to fifth floors; amalgamation of the two buildings to provide new office (Class B1), retail (Class A1), restaurant (Class A3), flexible office / retail (Class B1 / A1), and residential accommodation (Class C3); and other associated works. (Linked to 19/00530/LBC).	Pegasus House and Nuffield House Nominee 1 Ltd and Pegasus House and Nuffield House Nominee 2 Ltd)
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p>i) Carbon offset payment of £167,680 (index linked) to be paid on commencement of development.</p> <p>ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)</p> <p>iii) A financial contribution towards employment, training and skills of £ 74,877 or £60,968 (index linked) payable on commencement of development.</p> <p>iv)) Stopping up and dedication of land; and</p> <p>v) Monitoring costs.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>2. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.</p> <p>3. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p> <p>4. Grant conditional listed building consent</p> <p>5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 19/02260/FULL 19/02262/LBC	Development Site At 8-10 Grafton Street, 11-14 Grafton Street And 22-24 Bruton Lane London	Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street and a linked 11 storey building (plus two storey and part three storey basement) on Bruton Lane/Barlow Place comprising up to six residential units (Class C3), use of the remaining floorspace for use as a hotel and associated facilities (Class C1), retail (Class A1), flexible retail (Class A1 and A3), flexible	O & H Grafton Developments Ltd.

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd July 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	West End		hotels/restaurants (Classes C1 and A3), and flexible hotel/restaurants/bars (Classes C1, A3 and A4), flexible hotel/spa (Classes C1 and D2), creation of a recessed drop off onto Grafton Street, creation of terrace areas at ground/first floor level overlooking Bruton Lane and at sixth floor level on the Grafton Street building, installation of plant at roof level and associated provision of open space and landscaping. (Site includes 163-164 New Bond Street). Dismantling of the Grade II listed shopfront and re-erection in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street.	
<p>Recommendation</p> <p>1. Grant conditional permission, subject to referral to the Mayor of London and subject to S106 legal agreement to secure the following:</p> <p>i) A financial contribution to the carbon offsetting fund of £1,800 (index linked and payable prior to commencement of development;</p> <p>ii) Highway works to renew the footways around the site, providing access to and egress from the porte cochere; to make adjustments to the TfL cycle hire station on Grafton Street; to make adjustments to the motorcycle bay in Bruton Lane;</p> <p>iii) Stopping up order and possibly dedication of highway;</p> <p>iv) Dismantlement and re-instatement of the listed 'Wartski' shopfront;</p> <p>v) Demolition clauses;</p> <p>vi) Travel plan; and</p> <p>vii) costs of monitoring the S106.</p> <p>2. If the S106 legal agreements has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>(a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;</p> <p>(b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.</p> <p>4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.</p> <p>5. Grant conditional listed building consent.</p> <p>6. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 18/10276/FULL	45-57 Marylebone Lane London W1U 2NT	Redevelopment of 45-57 Marylebone Lane and 20-27 Thayer Street behind a retained Marylebone Lane facade, to provide a new building for retail use (Class A1) at part basement and ground floor levels, nursery use (Class D1) at part basement, ground and first floor levels and office use (Class B1) at part	Howard de Walden Estate Ltd

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd July 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Marylebone High Street		basement, part ground and from first to fourth floor level with a roof top plant enclosure to 20-27 Thayer Street and a green roof throughout. Creation of terraces from second to fourth floor level with the central courtyard [Site includes 20-27 Thayer Street Street].	
Recommendation Grant conditional permission				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 19/00012/FULL St James's	Development Site (Nova) At Bressenden Place Victoria Street Allington Street And Buckingham Palace Road London SW1E 5EF (Nova East)	Variation of condition 37 of permission dated 08/03/2016 (ref 15/08006/FULL) for Construction of a new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping / public realm works. NAMELY, further realignment of Allington Street and rotation of the permitted building, removal of basement floor space, increased office floorspace, amendments to the design of the facade, and associated works including decreased storey heights to enable the inclusion of two additional storeys without increasing the permitted height of the building.	Victoria Circle Limited Partnership
Recommendation <ol style="list-style-type: none"> 1. Grant conditional permission subject to a deed of variation to the original S106 legal agreement dated 9 October 2009 secured under ref 08/08207/FULL (as varied) and subject to the views of the Mayor, to secure the following: <ol style="list-style-type: none"> i. A payment of £12,449,773 (index linked) to the Council's affordable housing fund payable on commencement of development. ii. A payment of up to £3,441,200 towards Crossrail. iii. The necessary Stopping Up Orders and Traffic Management Orders to allow for the realignment of Allington Street. iv. Monitoring costs. 2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then: <ol style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s):	Development Site (Nova)	Construction of a ground floor plus part four, six and seven storey building with new basement fronting	

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd July 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	18/10917/FULL St James's	At Bressenden Place Victoria Street Allington Street And Buckingham Palace Road London SW1E 5EF (Nova Place)	Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Class A1/A2/B1), flexible office/library (Class B1/D1) and flexible retail/library/office (Class A1/A2/B1/D1) and associated works, hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House.	Victoria Circle Limited Partnership
<p>Recommendation</p> <p>1. Grant conditional permission subject to a deed of variation to the original S106 legal agreement dated 9 October 2009 (as varied and secured under ref 08/08206/FULL) and subject to the views of the Mayor, to secure the following:</p> <p style="padding-left: 40px;">i) The Class D1 (library) space at a peppercorn rent for a period of 25 years ii) A one-off capital sum of £1,000,000 (index linked to 2012) to be used as a sinking fund to off-set the management costs associated with a multi-level library. iii) Monitoring payment of £500 for each obligation.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p style="padding-left: 40px;">a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p style="padding-left: 40px;">b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p>				
Item No	References	Site Address	Proposal	Applicant
6.	RN(s): 18/10755/FULL Vincent Square	Townsend House Greycoat Place London SW1P 1BL	Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level. (Addendum Report)	ITC Properties (Townsend House) Company Ltd
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <p style="padding-left: 40px;">i) Carbon offset payment of £24,085 (index linked) to be paid on commencement of development. ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical) iii) A financial contribution towards employment, training and skills of £95,966 (index linked) payable on commencement of development. iv) Car club membership for residents (for a minimum of 25 years) v) Monitoring costs.</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 2nd July 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then: a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.			
Item No	References	Site Address	Proposal	Applicant
7.	RN(s): 19/03044/FULL 19/03045/LBC St James's	Unit 35 Jubilee Hall Jubilee Market The Piazza Covent Garden London WC2E 8BE	Amalgamation of 1A Tavistock Street and 35 The Piazza to form a restaurant and late night entertainment, live music and performance venue (Sui Generis) including associated internal alterations and external alterations to entrances and ground and mezzanine windows.	Capital & Counties CG Ltd
Recommendation 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
8.	RN(s): 19/02978/FULL West End	Army Reserve Centre 52 - 56 Davies Street London W1K 5HR	Use of 56 Davies Street as immersive theatre space and ancillary uses (sui generis) for a period of 36 months.	Grosvenor West End Properties and Hartshorn - Hook Productions.
Recommendation Grant conditional permission for a temporary period of 36 months.				

This page is intentionally left blank

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Nuffield House, 41-46 Piccadilly W1, Pegasus House, 37-43 Sackville Street, London, W1		
Proposal	Redevelopment of Nuffield House and Pegasus House including demolition behind a retained facade (west, south and east) of Nuffield House and replacement building comprising 2 level basement, ground, mezzanine and first to seventh floor and demolition and replacement of Pegasus House comprising 2 level basement, ground, mezzanine and first to fifth floors; amalgamation of the two buildings to provide new office (Class B1), retail (Class A1), restaurant (Class A3), flexible office / retail (Class B1 / A1), and residential accommodation (Class C3); and other associated works. (Linked to 19/00530/LBC)		
Agent	Gerald Eve		
On behalf of	Pegasus House and Nuffield House Nominee 1 Limited and Pegasus House and Nuffield House Nominee 2 Limited		
Registered Number	19/00529/FULL 19/00530/LBC	Date amended/ completed	8 June 2019
Date Application Received	24 January 2019		
Historic Building Grade	Nuffield House, 41-46 Piccadilly Grade 2, Pegasus House 37-43 Sackville Street not listed.		
Conservation Area	Mayfair		

1. RECOMMENDATION

Recommendation

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - i) Carbon offset payment of £167,680 (index linked) to be paid on commencement of development.
 - ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)

iii) A financial contribution towards employment, training and skills of £ 74,877 or £60,968 (index linked) payable on commencement of development.

iv)) Stopping up and dedication of land; and

v) Monitoring costs.

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

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

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

2. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

3. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

4. Grant conditional listed building consent

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

2. SUMMARY

The scheme is for the redevelopment of Nuffield House (41-46 Piccadilly) a Grade II listed building behind retained facades on Piccadilly, Sackville Street and the entrance to Albany Courtyard and the complete demolition and rebuild of Pegasus House an unlisted building.

Internally Nuffield House will be completely rebuilt, and Pegasus House rebuilt in alignment with Nuffield House. The amalgamation of the buildings will allow the introduction of large level office floorplates across the site with a new shared core.

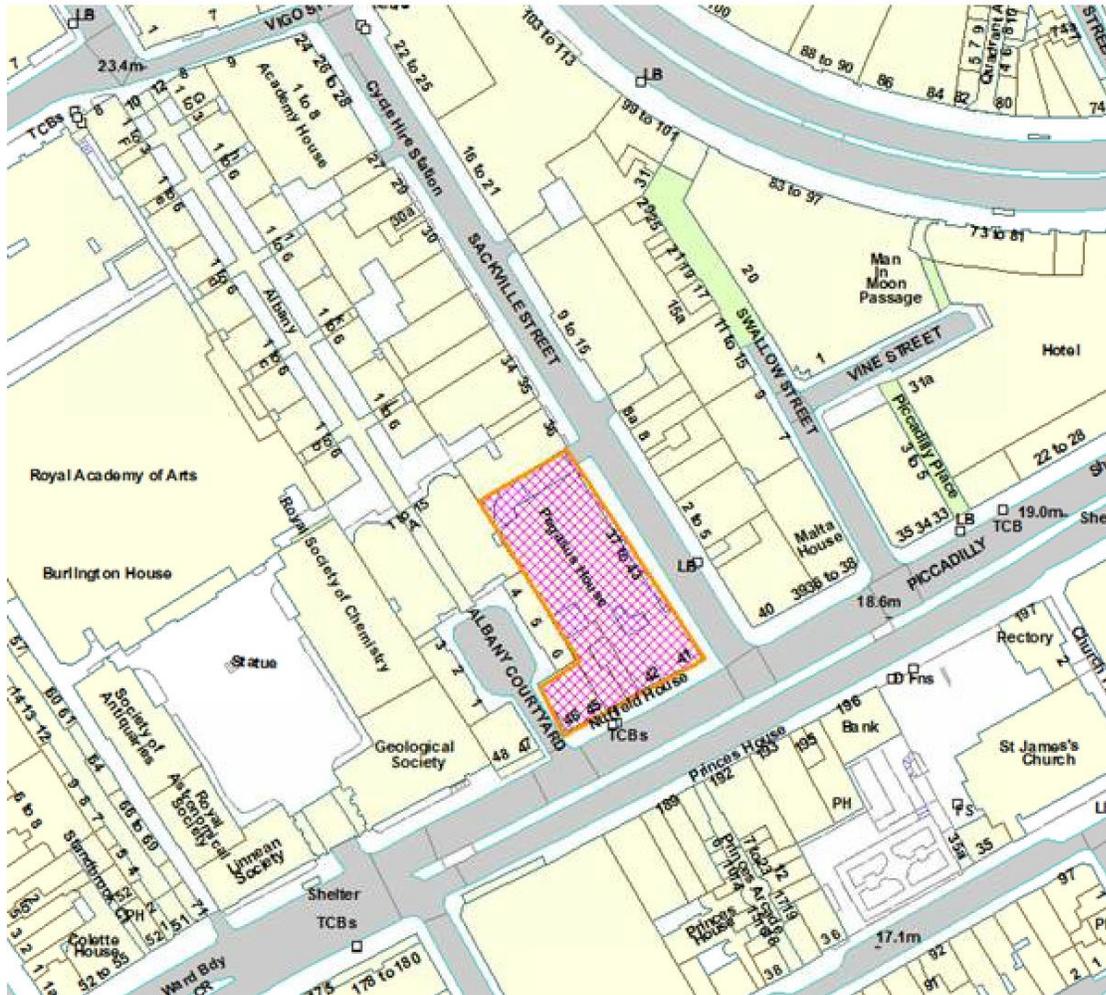
The existing mix of office (Class B1) retail, (Class A1) restaurant (Class A3) and residential (Class C3) will be re-provided.

The key issues for consideration are:

- The acceptability of the scheme in townscape and design terms particularly the demolition and rebuilding of the Pegasus House façade on Sackville Street;
- The impact in land use terms;
- The impact on residential amenity.

The proposed mix of uses is considered acceptable in land use terms in accordance with policies in the London Plan, Westminster's Unitary Development Plan (UDP) and Westminster City Plan (City Plan). The scheme is also considered acceptable in amenity and transportation terms. Whilst there are design merits to the scheme the proposals do not fully comply with all urban design and conservation policies. It is however considered that the public benefits outweigh the less than substantial harm to the heritage assets. It is therefore recommended that conditional permission and listed building consent be granted subject to a legal agreement as set out in the recommendation.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View on Piccadilly



View from Albany Courtyard



View looking south on Sackville Street



View at junction of Piccadilly and Sackville Street

5. CONSULTATIONS

HISTORIC ENGLAND

Historic England: Demolition of Nuffield House would erode the authenticity and integrity of the listed building. Concerned about loss of rear façade. Public benefits needed to outweigh the harm. Replacement of Pegasus House could be acceptable subject to controlling quality of the replacement building. The rear of proposed Pegasus House will not harm to the setting of Albany. Roof extension and shopfronts are acceptable. Authorisation to issue listed building consent received.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received

HIGHWAYS PLANNING MANAGER

Welcomes the loss of commercial parking,
The re-provision of 6 residential flats with no car parking is acceptable.
Cycle parking should meet London Plan standards
Servicing- proposed off street facility is acceptable but a servicing management plan is recommended to manage deliveries.
Stopping up order is required for the new building line on Sackville Street.

ENVIRONMENTAL HEALTH

No objection

WASTE PROJECT OFFICER

Objection to waste storage provision

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88

Total No. of replies: 1

No. of objections: 1

1 Objection received on the following grounds:

No objection to the principle of development, nor the re-provision of the existing uses on the site. Objection to the extension to Pegasus House to the rear which would result in harm to No 36 Sackville Street for amenity and design reasons.

Amenity

Loss of daylight, sunlight and sense of enclosure including to an existing roof terrace. A proposed 5th floor terrace will result in overlooking and noise nuisance to an existing terrace.

Design

The additional bulk and mass and encroachment past the rear building line of 36 Sackville Street would result in a dominant and overbearing setting to the Grade II* listed building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The site comprises two buildings at the south western junction of Piccadilly and Sackville Street.

Nuffield House (41-46 Piccadilly, W1), comprises basement ground, mezzanine and six upper floors with a set back plant room above. The ground floor is in use as five retail units (Class A1) units, with offices (Class B1) at mezzanine to fifth floor levels and 4 residential flats (1x studio, 2x 1 bed and 1 x 2 bed) at 6th floor level. The basement is occupied by back of house and storage for the retail units, as well as plant rooms.

Nuffield House was built between 1937-1940 and is located on a corner plot with main elevations that face onto Piccadilly (south), Sackville Street (east) and the entrance to the Albany Courtyard (west). On the principle facades it is a highly moulded stone building with a rooftop mansard. At the rear the façade facing onto Melbourne House and the Albany Courtyard, is red brick with crittal-style industrial windows. A prominent steel fire escape runs down part of the building with an escape bridge at 5th floor level. A fire escape door discharges into the Albany Courtyard, next to No. 6

Nuffield House is Grade II Listed, a joint listing with Sackville House on the opposite corner across Sackville Street, with which it forms a pair, framing the southern entrance to Sackville Street.

Pegasus House (37 – 43 Sackville Street, W1) comprises basement, ground, mezzanine and five upper floors. The ground floor is occupied by a large restaurant (Class A3), with an entrance in the central bay leading to the offices (Class B1) above, which occupy the mezzanine to fourth floors. There are two residential flats (1x 1bed and 1 x 2 bed) at 4th and 5th floor levels. There is a vehicular entrance down to the basement at the northern end of the building. The basement contains car parking for the offices and plant areas.

The principal Sackville Street frontage slopes down from Vigo Street towards Piccadilly. The front façade is constructed predominantly from brick with stone features and is set back from the main line of the rest of the buildings along this street. The rear façade is constructed from yellow stock bricks and a large blank return abuts directly into the rear of the two-storey (former) stable blocks to Albany Courtyard. This building also has an external steel escape staircase.

The site lies within the Central Activities Zone and the Mayfair Conservation Area. The site is in the heart of the West End in an area mixed use in character.

6.2 RECENT RELEVANT HISTORY

None directly relevant.

7 THE PROPOSAL

Permission and listed building consent are sought for the redevelopment of Nuffield House and Pegasus House including demolition behind a retained façade (north, south and east) of Nuffield House and replacement building comprising 2 level basement, ground, mezzanine and first to

seventh floors; demolition and replacement of Pegasus House comprising 2 level basement, ground, mezzanine and first to fifth floors.

Nuffield House and Pegasus House are independent from each other except at roof and basement levels. The are varying floor to ceiling heights within both buildings and the floor levels do not align. The redevelopment scheme will amalgamate the buildings.

The rooftop of Nuffield House will be remodelled with and extended at 7th floor level. The 7th floor extension will replace an existing lift overrun plant and aerials visible from Piccadilly. Modern shopfronts on Piccadilly with new traditionally designed replacement shopfronts. The rear façade is to be rebuilt using redbrick and Portland stone dressing. A new core/ staircase enclosure will replace an existing fire escape staircase.

The rebuilt Pegasus House is a traditional design which seeks to reinforce the symmetry with the eastern side of the street. The new rear façade introduces a significant number of windows overlooking Albany Courtyard. Changes are made to the building line and an office terrace is introduced at 5th floor level and a plant enclosure at roof level.

The same mix of uses will be re provided namely new office (Class B1), retail (Class A1), restaurant (Class A3) and 6 residential flats (Class C3).

Retail will be provided in 4 units at ground and basement floors in Nuffield House fronting onto Piccadilly. The mezzanine floor of Nuffield House would be used as either retail of offices, with offices in the remainder of the 1st to 5th floors (across both buildings). The six existing residential units (4 x 1 bed units and 2 x 2 bed units) will be located at 6th and 7th floor levels of Nuffield House. Residential terraces will be provided at both 6th and 7th floor levels.

Two restaurants are located at ground and basement levels on Sackville Street. The office and residential entrances are also located on Sackville Street alongside a small off- street loading bay.

No car parking is proposed, however 76 cycle spaces will be provided at basement level together with shower and changing facilities.

8 DETAILED CONSIDERATIONS

8.1 Land use

The floorspace figures are set out in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (class B1)	5,460.8	7,309	+ 1,848.2
Retail (class A1)	1004.8	1,215.9	+211.1
Flexible Office/ retail (B1/A1)	0	429.6	+429
Restaurant (Class A3)	665.1	919.4	+254.3

Residential (Class C3)	472.4	691.3	+218.9
Total	7603.2	10,565.2	+2,962.1

Offices

The site lies within the Core CAZ where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses.

The existing buildings were constructed in the 1950's. The applicant argues that they are outdated as the floorplates within them are inefficient with a considerable amount of circulation space, changes in levels and low floor to ceiling heights. Floor to ceiling heights within Nuffield House vary from as little as 2.9m on the upper floors to 3.8m at first floor level. In Pegasus House, the heights range from 2.7m to 3.8m. The redevelopment proposals will achieve level large floorplates across the two buildings.

The scheme is an office led development, which will result in the provision of 7,309 m2 GIA of office floorspace, a net increase of 1,848.2 m2 at 1st to 7th floors within both Nuffield House and Pegasus House. If the mezzanine floorspace at Nuffield House is also to be used as offices the total increase in office floorspace would be 2,277.2 m2.

Commercial developments are directed to the Core CAZ, Paddington, Victoria and Tottenham Court Road Opportunity Areas, Named Streets and the North Westminster Economic Development Area. New office floorspace is encouraged within the Core CAZ to enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum.

The provision of increased commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The improved quality and increase in quantum of office floorspace is supported in land use terms.

Mixed Use

Policy S1 is applicable for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace. Residential is required where the increase in office floorspace is more than 30 % of the existing building (for all uses).

In this case the increase in offices of 1848.2 m2 is a 24% increase in relation to the existing building. If the option to use the mezzanine floorspace of Nuffield House is also taken up the

Item No.
1

office increase would be 2,277.2 m². This is an increase of 29% in relation to the existing building. There is therefore no policy requirement to provide residential.

Retail

Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ and restricting the introduction of non-A1 uses at street level, basement and first floors.

The application includes the re provision of retail at ground and basement and part sub-basement of Nuffield House on the Piccadilly frontage on the site. This include the removal of an existing office/residential entrance which will be relocated onto Sackville Street. The scheme proposes 4 retail units an increase of 211.1 m² in retail (Class A1) floorspace. If the ground floor mezzanine is also used for retail purposes this would result in the provision of an additional 429 m² of retail floorspace and an overall increase of 640 m² GIA.

The retail provision is considered appropriate to the Core CAZ.

Restaurants

There is an existing restaurant occupying part of the ground and basement floors of Pegasus House on Sackville Street. The restaurant comprising a total of 665.1m²

The scheme would result in the provision of two restaurants in a similar location occupying a large part of the Sackville Street frontage. The total restaurant floorspace is 919.4 m² GIA this is an increase of 254.3 m² GIA. The proposed restaurants are 420 m² GIA and 338 m² GIA respectively.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m²) is applicable only in exceptional circumstances. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The proposal states that new large- scale entertainment uses of over 500 m² floorspace will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The proposed restaurants would result in the provision of service uses that are not considered out of context for the size of the site. The proposed hours would be restricted to the normal core

Item No.
1

hours for licensed premises, with evening opening rather than night time use. Subject to appropriate conditions that require both of the restaurants to operate in accordance with approved Operational Management Plans (OMP) the overall restaurant provision is considered to be acceptable.

Ventilation ducts will run internally through the building and air conditioning plant will be housed in a dedicated plant enclosure at roof level. In both instances this will be a substantial distance away from the nearest residential properties. Environmental Health raise no objection to this aspect of the development

Compliance with an OMP's would safeguard amenity and to ensure the restaurants are properly run to minimise their environmental impact.

Residential

At present there are four existing units accommodated within the mansard roof at sixth floor level within Nuffield House and two units located within Pegasus House at fourth and fifth floor levels. The six existing residential units will be re-provided at 6th and 7th floors of Nuffield House. Currently, the residential units in both Nuffield and Pegasus House share accesses with the office entrances on Sackville Street and on Piccadilly. The application proposes separate access for the residential and office space.

The unit mix comprises 4 x 1 bed units and 2 x 2 bed units. The flats have been designed to comply with London space standards. Four of the six units would benefit from private outdoor amenity space. The residential accommodation will be accessed from a independent access from Sackville Street. Cycle storage is located at basement level. Three of the flats are dual aspect, and one of the single aspect flats has a roof terrace as amenity space.

At present two of the residential units are single aspect. The replacement units would also result in two single aspect units, albeit these would be south facing. There will also be two double and two triple aspect units. Four of the six units will have access to private outdoor amenity space. Due to the constraints of the listed building envelope, it is not possible to provide private amenity space to two of the apartments. Lift access will be provided to all floors to enable wheelchair accessibility to all units.

All residential units will have access to cycle parking located at basement level. Refuse storage for the residential units will also be located at basement level. The refuse collection point is in the same location as existing on Sackville Street.

The reconfigured residential would be an improved layout and natural lighting complying with London Plan standards.

The size and configuration of the residential units is acceptable and is in accordance with City Plan policies S1, S14 and S15, saved UDP policies H3 and H5 and the London Plan.

8.2 Townscape and Design

Item No.
1

Sackville Street is a unique street in the West End. Its north and south ends were designed as near symmetrical entrances to the street, as a result of a partial implementation of a grand neo-classical scheme for redevelopment of the street for the Sutton Estate by the architect George Skipper in the 1930's. Skipper's scheme was built in stages before and after the last war, but not in full accordance with his plans. After the war the new buildings were built in a somewhat stripped down manner, with slightly lesser quality materials and details.

At the south end of the street Nuffield House (41-46 Piccadilly) was built before the last war, as was the building opposite, on the east side of the street. It is a grade 2 listed building but its special architectural and historic interest lies almost entirely in its external facades, particularly the south and east facades. The list description refers to it as being of 'Group Value' only. The interior is not of special interest. The rear of the building is also very utilitarian and contributes little to its special interest.

Pegasus House (37-43 Sackville Street) was built after the war, but, due to the economic conditions at that time, not quite to the same standards as 2-8 Sackville Street on the east side of the street, although on general inspection they do appear very similar, creating an almost symmetrical architectural composition. This is an important aspect of the composition of the southern end of the street.

The two buildings are considered to make a positive contribution to the character and appearance of the Mayfair Conservation Area and there is a presumption to retain them both.

The proposals

a. Demolition and redevelopment of Nuffield House behind retained facades.

This is considered acceptable in principle as the special interest is limited to the facades. This is evidenced by the fact that the list description states that the building is listed for 'Group Value only'. Whilst this does not mean that the interior is not protected to some degree, it does indicate that the interior is not of special interest. Historic England have stated that the demolition of the interior, including the loss of a staircase, would result in the loss of authenticity and integrity of the building. However, whilst this may be true, officers consider that the demolition of the interior would cause minor, if any, harm to the special interest of the listed building. If there is harm then this needs to be outweighed by public benefits.

At roof level an extension is proposed in the form of a shallow pitched roof, clad in zinc, above the existing mansard. An earlier proposal for a steep roof extension would have created a top heavy appearance, and officers have negotiated a more recessive design which does not have a significant visual impact on the building or the street scene. This is considered acceptable and Historic England agrees.

b. Demolition and redevelopment of Pegasus House

The proposal is to replace the existing post war building with a new building with floor levels continuous across the whole site including Nuffield House. At the southern end, adjacent to Nuffield House the new building will match that on the opposite side of the street, thereby increasing the symmetry of the street at this point. However, the new facade at the north end

Item No.
1

does not replicate the existing, or the building on the opposite side of the street, because the new floor levels, taken from Nuffield House, mean that it is taller. Following negotiations the new building is now based more closely on the existing building, and the building on the east side of the street opposite, although full replication is not possible because of the proposed floor levels.

The proposed building features a large plant area at roof level, clad in zinc. Its height and bulk has been reduced through negotiations and is now considered acceptable on the basis that it has little impact on street level views. The detailed design of the new building and samples of the facing materials should be reserved by condition.

This loss of the symmetry across the street, a key and important characteristic of Sackville Street, causes less than substantial harm to the character and appearance of this part of the Mayfair Conservation Area. This harm needs to be weighed against the public benefits of the proposals.

c. The rear facades and impact on Albany Courtyard and 36 Sackville Street

The existing rear facades of both buildings are utilitarian and of little or no interest. Historic England have expressed concern about the loss of part of the rear façade of Nuffield House, which is an original part of the building. However, it is considered that this somewhat utilitarian façade does not contribute highly to the special interest of the listed building. The rear of Pegasus House is considered to be unattractive and has a negative impact on the setting of Albany Courtyard. Its replacement is acceptable in principle.

The new rear facades are faced in a grey brick on the west façade of Pegasus House, and red brick on the north façade of Nuffield House, with Portland stone surrounds to the window openings. In the corner is a circular stair tower, clad with dark metal fins. These are high quality facades.

The new building to replace Pegasus House extends further west than the existing and is closer to the rear of the Grade 1 listed buildings on the east side of Albany Courtyard, although there would still be a gap of four metres between the two buildings. This is considered acceptable.

An objection has been received regarding the impact of the rear on the setting of the Grade 2 Star listed building at 36 Sackville Street. It is argued that the increase in bulk at the rear would be dominant and overbearing compared with the existing building. The extension at the rear of the new building is set over 12 metres from the rear of no. 36. There is an increase of 2 metres in height on the party wall with no. 36. However, neither of these increases in bulk are considered to have an unacceptable impact on the setting of no. 36.

Overall the proposals for the rear are considered to have a positive impact on the setting of the Albany Courtyard. It is considered that the proposed facades are well designed and will enhance the setting of Albany (listed Grade 1). Historic England agrees. This is a public benefit to outweigh harm caused by other aspects of the proposals.

e. Shopfronts

The use of high quality traditional bronze shopfronts at ground floor level is a welcomed and beneficial.

Conclusion on townscape and design issues.

It is considered that this is a high quality scheme which will cause some harm to the heritage assets area but overall this harm is outweighed by public benefits. The proposals will preserve and enhance the character and appearance of the Mayfair Conservation Area. It complies with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and pols DES1, DES4, DES9 and DES 10 of the Unitary Development Plan.

Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

An objection has been received on behalf of an adjacent residential house No 36 Sackville Street that the increased bulk and mass of the rebuilt Pegasus House may result in a loss of daylight and sunlight and the increase and would result in an increase in the sense of enclosure to the property, in particular that a 1st floor roof terrace would be overshadowed. The objection is also made on the grounds that a new roof terrace at 5th floor level would result in overlooking and potential noise nuisance to the terrace.

Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, GVA GVA Schatunowski Brooks has carried out the necessary tests using the methodology set out in the BRE guidelines on 36 Sackville Street to the north and 1-15 Albany to the west the nearest residential properties to the site. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (no sky line) available to windows in these properties. 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 guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90 degrees of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

The site is bounded predominantly by commercial office and retail buildings, however there is residential at 36 Sackville Street to the north and 1-15 Albany to the west. As stated the daylight and sunlight report assesses the impact on these properties.

At 36 Sackville Street there are no windows that directly face towards the application site. The study shows that the daylight and sunlight levels to this property would be largely maintained and there would be no breach in BRE guidelines. With regards to overshadowing of the terrace the BRE guidelines recommend that amenity areas should be tested to ensure that sufficient sunlight reaches the space or that the existing levels are not noticeably reduced. The study shows that sunlit area of the terrace would increase and in this respect the amenity space would be improved with the proposed development in place. It is considered that the new building would not result in any material increased sense of enclosure to either rooms within the building or the rear terraced area.

With regards to 1-15 Albany all 53 windows tested satisfy the BRE Guidelines in relation to VSC. There is a technical breach to BRE guidelines to the daylight distribution (no sky line) to 3 rooms. At two rooms at 4th floor the NSL reductions would be 24.23% and 21.55% respectively, marginally beyond the 20% guidance. However, in each case each room will retain daylight to over 60% the room area.

At fifth floor, a single room will see a reduction of 22.04%, which again, is marginally above the 20% guidance. It should also be noted that this room is a bedroom, which is considered by the BRE to be "less important".

The development would not result in a material loss to residential amenity due to a loss of daylight, sunlight or increased sense of enclosure.

Privacy / Noise

The objection on behalf of No 36 Sackville Street is made on the grounds that a 5th floor office roof terrace would result in overlooking and noise nuisance to a 1st floor terrace. The terrace in question is currently overlooked by a number of windows from surrounding properties. Furthermore, the proposed 5th floor terrace is a significant distance away, and planters around the perimeter will prevent significant overlooking. With regards to the concern that use of the terrace may result in noise nuisance it should be noted that this will be used by office occupants and not a commercial entertainment use. It is however recommended that the terrace is not used beyond 9pm on Mondays to Fridays and not at all at the weekends to ensure that its use does not result in noise disturbance. It is recommended that the hours of use of the terrace and details of the planters are secured by condition.

8.3 Transportation/Parking

Car parking

UDP policies TRANS 22 and TRANS 23 set out the City Council's standards for car parking across different land uses. No car parking is proposed on site for either commercial or residential uses.

Item No.
1

There will be no overall increase in the number of residential units. The Highways Planning Manager confirms that a car free development is acceptable.

Servicing

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street. Servicing is to be provided partially from a loading bay off Sackville Street. This can accommodate smaller service vehicles (e.g transit, Luton and home delivery vans). Large service vehicles would service on street. The Transport Statement submitted with the application predicts that there would be an extra seven servicing vehicles a day. The highways Planning Manager advises that the servicing arrangements are acceptable subject to the approval of a Servicing Management Plan (SMP) which should principally be used to manage deliveries so ensure deliveries do not arrive together and to promote consolidation of servicing. It is recommended that the SMP is secured by condition.

Cycle storage

London Plan policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwelling sizes, 1 space per 175 square metres of retail use and 1 space per 90 square metres of office use. The scheme will provide a minimum of 76 cycle spaces in the basement which meets the adopted London Plan standards. The Highways Planning Manager advises that the draft new London Plan would require 11 more new cycle parking spaces for the office use, and it would be preferable that the draft London Plan standards are met. It is recommended that this is secured by condition.

Building line

The new building line comes forward on Sackville Street. Whilst this does not reduce the amount of space available to pedestrians, a significant part of this space is used currently by the existing restaurant for the provision of tables and chairs and the building line would only come forward to be in line with buildings either side. The land is in the applicant's ownership. However this would require a stopping up order as the land is considered to be public highway having been open and passable for enough time for the public to have acquired highway rights over it.

8.4 Economic Considerations

The economic benefits generated by the provision of new office, retail, restaurant and residential accommodation are welcomed.

8.5 Access

The development would be fully accessible to those with disabilities, with level access to all buildings proposed as part of the scheme in accordance with saved policies TRANS27 and DES1 of the UDP.

8.6 Other UDP/Westminster Policy Considerations

Noise/plant

Environmental Health officers are satisfied that the plant is capable of complying with the City Council's noise standards; residential units must also be constructed to achieve the relevant internal noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at basement level, (with an internal holding area at ground floor) – check before the bins are put on the street for collection. Appropriate conditions to secure the arrangements are attached

Sustainability

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 applicant has submitted an energy statement prepared by Watkins Payne which focuses on CO2 reduction by using a highly efficient building envelope with highly efficient mechanical and electrical services along with air source heat pumps serving the commercial aspects of the development.

The proposed development predicts;

- i) CO2 reduction of 28.7% over the Building Regulations 2013;
- ii) The use of renewable energy technologies are predicted to achieve a 16.64% CO2 reduction based on regulated uses; and
- iii) The energy strategy is predicted using the Building Regulations calculation methodologies to achieve an annual carbon emission saving of 74.94 tonnes over the baseline scheme for the development.

There is a shortfall of 22.18 13 tonnes of CO2 per year. It is therefore appropriate in this case to secure a carbon-offset contribution which is in accordance with the formulae in the London Plan equates to financial contribution of £167,680.

The development will meet BREEAM 2018 'excellent' with an Energy Performance Certificate B rating. The bike storage and changing facilities for cyclists encourage and enable sustainable travel for the occupants.

Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service and will address the limitations highlighted above by:

-Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

-Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

-The note sets out how contributions will be calculated according to the type of development proposed. In this case, the commercial floorspace (office and retail uses) attracts a contribution of £74,872 if the ground floor mezzanine is used as offices. This is reduced to £60,968 if this floor is used for retail purposes. The applicant has agreed to these contributions.

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.8 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

8.9 London Plan

This application raises no strategic issues; the relevant London Plan policies are referred to throughout the report.

8.10 National Policy/Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the following:

- i) The applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.

The applicant has accepted the conditions.

8.11 Planning Obligations

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

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £537,970 along with Mayoral CIL for Crossrail 2 (MCIL 2 introduced in April 2019) of £.419,2378 These figures are provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

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

- i) Carbon offset payment of £ 167,680 (index linked) to be paid on commencement of development.
- ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
- iii) A financial contribution towards employment, training and skills of £74,872 or £60,968 (index linked) payable on commencement of development.

- iv) A stopping up order.

8.12 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, y, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.13 Other Issues

Archaeology

The site is within a Tier 2 archaeological priority area In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers. The archaeological investigation can be secured by condition.

Construction impact

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's approach is for a condition to be imposed requiring the applicant to provide evidence of compliance with the CoCP before starting work. Compliance is monitored by the Environmental Inspectorate.

A condition is also recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Basement

The proposals involve the excavation of a deeper basement than currently exists. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

Item No.
1

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

(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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk

9 KEY DRAWINGS

Sackville Street
Looking South



Existing view



Proposed view

2.10 Ground Floor

Proposed Ground Floor Analysis

- RETAIL
- RESTAURANT
- OFFICE ENTRANCE / RECEPTION
- RESIDENTIAL ENTRANCE / RECEPTION
- PRIVATE AMENITY
- LOADING BAY ENTRANCE
- BIKE STORE ENTRANCE AND ESCAPE ROUTE
- VERTICAL DISTRIBUTION CORE
- ➔ RESIDENTIAL ENTRANCE
- ➔ OFFICE ENTRANCE
- ➔ CYCLE STORE ENTRANCE
- ➔ LOADING BAY ENTRANCE



Sackville Street
Looking Northwest



Existing view



Proposed view

Albany Courtyard
Looking Southeast



Existing view



Proposed view

This page is intentionally left blank

Agenda Item 2

Item No.

2

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site At 8-10 Grafton Street, 11-14 Grafton Street, 22-24, Bruton Lane, and 163-164 New Bond Street, London		
Proposal	Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street and a linked 11 storey building (plus two storey and part three storey basement) on Bruton Lane/Barlow Place comprising up to six residential units (Class C3), use of the remaining floorspace for use as a hotel and associated facilities (Class C1), retail (Class A1), flexible retail/restaurants (Class A1 and A3), flexible hotels/restaurants (Classes C1 and A3), and flexible hotel/restaurants/bars (Classes C1, A3 and A4), flexible hotel/spa (Classes C1 and D2), creation of a recessed drop off onto Grafton Street, creation of terrace areas at ground/first floor level overlooking Bruton Lane and at sixth floor level on the Grafton Street building, installation of plant at roof level and associated provision of open space and landscaping. (Site includes 163-164 New Bond Street). Dismantling of the Grade II listed shopfront and re-erection in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street.		
Agent	Gerald Eve LLP		
On behalf of	O & H Grafton Developments Ltd		
Registered Numbers	19/02260/FULL and 19/02262/LBC	Date amended/ completed	25 March 2019
Date Application Received	25 March 2019		
Historic Building Grade	The Wartski Shopfront is Grade II listed, the rest of the site is unlisted.		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission, subject to referral to the Mayor of London and subject to S106 legal agreement to secure the following:

- i) A financial contribution to the carbon offsetting fund of £1,800 (index linked and payable prior to commencement of development);
- ii) Highway works to renew the footways around the site, providing access to and egress from the

porte cochere; to make adjustments to the TfL cycle hire station on Grafton Street; to make adjustments to the motorcycle bay in Bruton Lane;

- iii) Stopping up order and possibly dedication of highway;
- iv) Dismantlement and re-instatement of the listed 'Wartski' shopfront;
- v) Demolition clauses;
- vi) Travel plan; and
- vii) costs of monitoring the S106.

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

(a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

5. Grant conditional listed building consent.

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

2. SUMMARY

The application site comprises four separate addresses fronting onto Grafton Street, New Bond Street and Bruton Lane. The buildings are in use for office, residential and retail purposes, although the majority of the site is vacant. The buildings are unlisted, but the shopfront at 14 Grafton Street is Grade II listed (Wartski shopfront). Two separate consents have previously been granted for 8-10 Grafton Street and 22-24 Bruton Lane and 11-14 Grafton Street and 163-164 New Bond Street.

Permission is sought for the demolition of all the building on-site and redevelopment to provide a seven-storey building fronting Grafton Street and a linked 11 storey building to the rear in Bruton Lane/Barlow Place, sub-basement levels are proposed under the whole of the site. It is proposed to use the building as a hotel, flexible uses are also proposed to include restaurants, bar and spa uses. The existing residential floorspace will be re-provided and extended to include six flats in the Barlow Place building. A porte cochere is proposed on Grafton Street which will allow guests to be dropped off within the building. The ground and first floors of the Grafton Street building will be used for retail

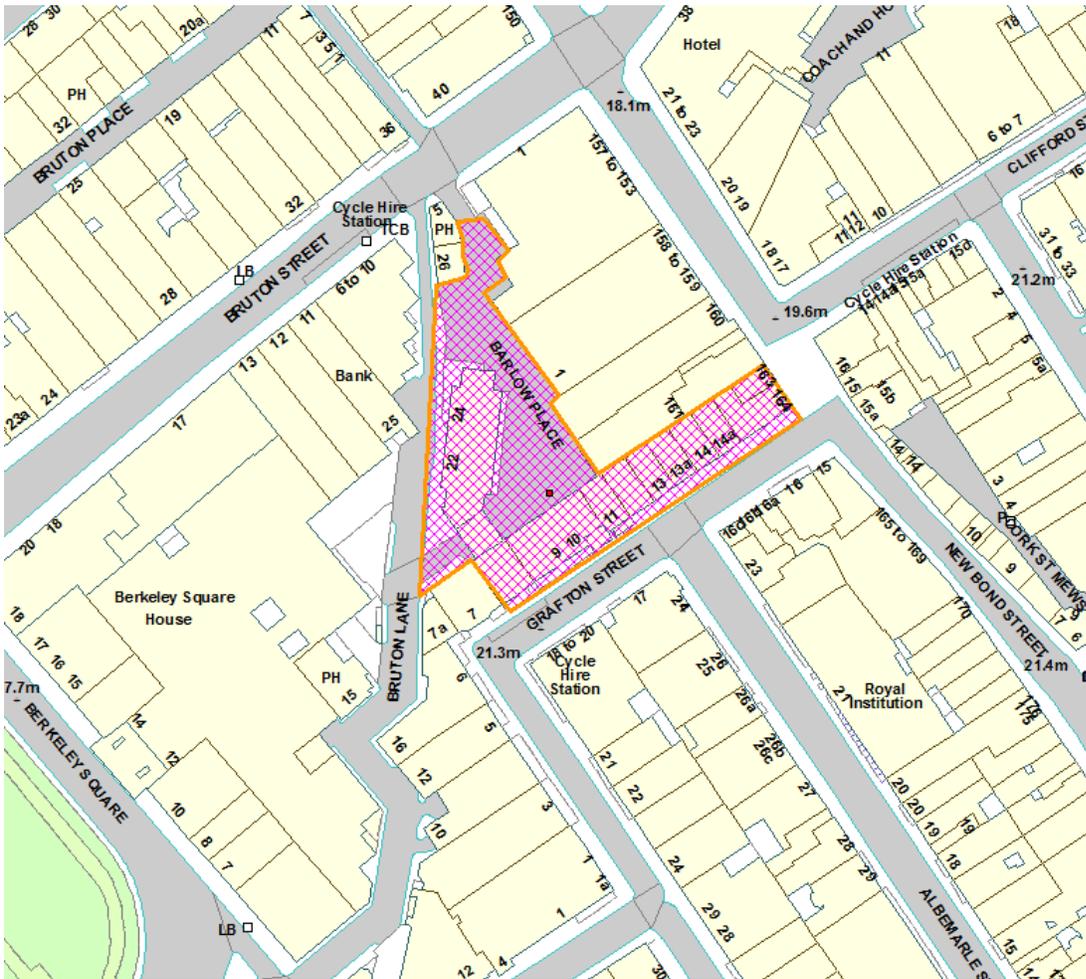
purposes. The existing 'Wartski' shopfront will be dismantled and relocated to the Barlow Place building and listed building consent is sought for this aspect of the proposals.

The key issues for consideration are:

- The impact of the proposals on the Mayfair conservation area;
- The impact of the proposals on residential amenity; and
- The relocation of the 'Wartski' shopfront.

The proposals are considered acceptable in land use, amenity, design and conservation grounds and are in line with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Grafton Street frontage



New Bond Street elevation



Bruton Lane elevation



Wartski Shopfront



5. CONSULTATIONS

GREATER LONDON AUTHORITY

- Principle of a hotel in this location is strongly supported.
- Loss of office floorspace is acceptable in this instance.
- High quality design although the applicant should consider improvements to the porte cochere entrance.
- Less than substantial harm caused by relocation of Grade II listed Wartski shopfront offset by economic benefits and continued use of Barlow Place.

LONDON UNDERGROUND LIMITED

No objection, subject to conditions.

TRANSPORT FOR LONDON

No objection.

THAMES WATER UTILITIES LTD

No objection, subject to conditions.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Authorisation granted for the relocation of the Grade II listed shopfront.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

WASTE PROJECT OFFICER

No objection.

BUILDING CONTROL

Any response to be reported verbally.

ARBORICULTURAL SECTION

Any response to be reported verbally.

WCC ECONOMY TEAM

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 625

No. responses: 4 letters of support received.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The application comprises four separate addresses, 8-10 Grafton Street and 22-24 Bruton Lane are linked at ground floor level to fifth floor level and 11-14 Grafton Street and 163-164 New Bond Street are linked on all floor levels.

- 8-10 Grafton Street is an unlisted building comprising basement, lower ground, ground, first to fourth floors with a set-back fifth floor level. The lawful use of the part lower ground and ground floor is for retail purposes, with offices on the upper floors. The building was built in the late 1950's/early 1960s and includes a flying freehold over the entrance of its neighbour (No.7) which is Grade II listed.
- 22-24 Bruton Lane is linked to Nos.8-10 but on a different street frontage, the building has facades to both Bruton Lane and Barlow Place. This building comprises basement, lower ground, ground and six upper floors and was last in use for office purposes. Due to the height difference between Grafton Street and Bruton Lane, the ground floor level of the Grafton Street building equates to the second-floor level of the building in Bruton Lane.
- 11-14 Grafton Street and 163-164 New Bond Street is an unlisted building comprising basement parking (accessed from Barlow Place), seven retail (Class A1) units at ground floor level, offices at first to third floor levels and two residential flats at fourth floor level. The main building on Grafton Street dates from the early 1970s and includes a shopfront (known as the 'Wartski' shopfront) at No. 14 which is listed Grade II.

Bruton Lane connects Berkeley Street to the south and Bruton Street to the north. It serves as a servicing route to the rear of several buildings on Berkeley Square and to buildings on Grafton Street and Bruton Street. Barlow Place is a private road at the rear of New Bond Street and is within the applicant's ownership. It provides access, parking and servicing area for several of the retail units on New Bond Street.

The wider surrounding area comprises commercial uses, including the International Shopping Frontage of Bond Street. The nearest residential properties are located to the rear of 160 New Bond Street and 1 Barlow Place. The site is within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ).

6.2 Recent Relevant History

8-10 Grafton Street and 22-24 Bruton Lane

Planning permission was granted on 19 December 2014 for the demolition of all existing buildings and redevelopment to provide (i) a six storey building (plus three storey basement) on Grafton Street comprising dual/alternative retail, restaurant or office use (Class A1/A3/B1) at ground and basement level 1, car parking and plant installation at basement level 2 and office use (Class B1) at first - fifth floor levels with plant enclosure at rooftop level; (ii) an 11 storey (plus two storey basement) building on Barlow Place comprising car parking and residential storage at basement levels and dual/alternative retail or restaurant (Class A1/A3) use at ground floor, and residential use (Class C3) at first - tenth floors containing 15 residential units. Creation of roof terraces and plant enclosure at roof level and balconies at all floor levels. Associated provision of open space and landscaping.

Planning permission was granted on 3 April 2008 for the redevelopment to provide i) a 7 storey plus basement office building on Grafton Street comprising ground floor retail use, offices and roof plant enclosure and ii) an 11 storey plus basement building, with roof level plant enclosure, comprising a mix of offices and 11 self-contained flats, fronting Bruton Lane; provision of open space and associated landscaping.

11-14 Grafton Street and 163-164 New Bond Street

Planning permission was granted on 29 April 2016 for the demolition of 11-14 Grafton Street and 163-164 New Bond Street, excavation of new sub-basement storey, and erection of replacement building over sub-basement, basement, lower ground, lower ground mezzanine, ground and part five and part six upper storeys for use as car / cycle parking and refuse store at sub-basement level, plant at part basement level, retail (Class A1) at part basement, lower ground, lower ground mezzanine, part ground, first and part second floor levels, Class B1 offices at part ground (reception), third and fourth floors; dual/alternative use as office (Class B1) and/or retail (Class A1) at part second floor level, two flats (Class C3) at fifth and six floor levels and installation of plant at roof level.

Berkeley Square House – Starwash site

Planning permission was granted on 29 September 2015 for the erection of a basement, ground plus six storey building to the rear of Berkeley Square House [former 'Starwash' site] comprising restaurant (Class A3) at basement and ground floor levels, offices (Class B1) at first floor level and residential (Class C3) on upper floors, with private roof terrace at roof level in connection with a residential unit and installation of plant and photovoltaic panels at roof level; use of part of basement and ground floor of Berkeley Square House for restaurant (Class A3), plant accommodation and storage area; installation of plant within an acoustic enclosure to first floor roof; new access and servicing arrangements and other associated works. This permission has not been implemented.

7. THE PROPOSAL

Permission is sought for the demolition of all the existing buildings and redevelopment to provide a six-storey building on Grafton Street and a link 11- storey building located between Bruton Lane and Barlow Place. Three sub-basement levels are proposed and

these would extend under the whole of the site. The Grafton Street building and Barlow Place building will be separated at ground floor level and above, and this will create a gap between the buildings.

A porte cochere is proposed to allow for an internal drop-off point and this will have two access points on Grafton Street.

The majority of the site will be used as a hotel (Class C1) including 83 bedrooms. Retail floorspace is proposed at lower ground floor, ground floor and first floor level of the Grafton Street building. Flexible restaurant/hotel floorspace is proposed at part ground, part first and flexible restaurant/bar/hotel floorspace at sixth floor level. Further flexible floorspace is proposed at basement level -1 which could be used as spa/hotel floorspace. Six residential units are proposed and these will be located over the second and third floor level of the Barlow Place building. The ground floor of the Barlow Place building will be used flexibly between retail or restaurant uses.

Servicing for the site will take place via a dedicated service bay on Bruton Lane

Listed building consent is sought for the dismantling and relocation of the 'Wartski' shopfront from Grafton Street to the Barlow Place building.

Table 1. Land use table

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	8,067	0	-8,067
Retail	1,345	1,797	+452
Residential	485	608	+123
Hotel	0	12,345	+12,345
Flexible Hotel/Restaurant	0	1,514	+1,514
Flexible Hotel/Restaurant/Bar	0	536	+536
Flexible Hotel/Spa	0	597	+597
Flexible Retail/Restaurant	0	243	+243
Total	9,897	17,640	+7,743

The hotel would be operated by LVMH's Cheval Blanc brand, which currently has four resorts and hotels globally.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposals result in the loss of office floorspace. Office floorspace is not protected where it is going to another commercial use. Therefore, the loss is acceptable. The GLA have also confirmed that while the office space supports the strategic functions of the CAZ, so does the provision of a hotel.

Residential use

There are two residential flats at fourth floor level of Nos. 11-14 comprising 1 x 2 bed and 1 x 3 beds, the existing residential accommodation has a shared access with the offices. Six residential units are proposed over 608sqm (increase of 123sqm), the increase in residential floorspace is acceptable and complies with UDP policy H3 and City Plan policy S14. The proposed mix of units comprises 4 x 1 beds and two studio flats. No family sized units are proposed and this does not comply with UDP policy H5 which requires 33% of housing developments to consist of family accommodation (3 beds or more).

The proposed units will be located within the Barlow Place building at second and third floor level with the entrance on Bruton Lane. The units comply with the minimum space standards set out in the London Plan (2 x 68.1sqm, 2 x 76.7sqm and 2 x 49.7sqm). It is regrettable that no family sized accommodation is proposed, however, given the location, on balance this is acceptable. One of the residential units will be wheelchair user accessible and this is considered acceptable and secured by condition.

Environmental Health have raised concerns that the internal activity from the hotel will have an impact on the proposed residential and have requested that standard internal noise conditions are imposed. With these conditions it is considered that the residential flats will be adequately protected.

The residential floorspace does not generate a requirement for affordable housing.

Hotel use

The proposal will result in a new hotel comprising 12,345sqm with 83 hotel bedrooms.

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. City Plan Policy S23 states that new hotels will be directed to the Core CAZ. UDP Policy TACE 2 (A) states that within CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels where: no adverse environmental and traffic effects would be generated; and adequate on-site facilities are incorporated within developments proposals significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis.

This area is predominantly commercial, however there are five residential flats to the rear within 1 Barlow Place, two flats on the upper floors of 160 New Bond Street and a single-family dwelling house at 5 Grafton Street. Therefore, it is not considered that this area is predominantly residential. The proposed hotel will contain 83 bedrooms and potentially 2,293sqm of ancillary entertainment floorspace, this ancillary floorspace will be accessible to members of the public and hotel guests.

Due to its central London location is likely that most guests will arrive by taxis or public transport, and they would utilise the porte cochere, this will minimise the impact on the public highway, this is considered acceptable.

As the hotel does not include large conferencing facilities or event space and due to the constraints of the highway around the application site, it would be difficult for coaches to

service the hotel. The applicants have also stated that they will not take group bookings for hotel rooms therefore reducing the likelihood of coaches visiting this hotel. The GLA have requested that a condition is imposed preventing coaches arriving at this hotel. The applicants have stated in the Operational Management Plan (OMP) that they will not accept coach party bookings, as the OMP is secured by condition, it is not considered necessary to add a further condition in this regard.

In line with London Plan policy 4.5, 10% of the hotel rooms will be wheelchair accessible, this will be secured by condition.

The proposals are considered to be in line with London Plan policy which encourages an increase in visitor accommodation throughout the city. A hotel would provide a more appropriate strategic use of this site considering its location within the International shopping and leisure destination of the West End.

Retail floorspace

There is existing retail floorspace at basement and ground floor level along Grafton Street comprising 1345sqm, it is proposed to increase the amount of retail floorspace by 452sqm (total 1797sqm), this could potentially increase to 2,040sqm, if the flexible floorspace in Barlow Place is implemented as retail.

The proposed retail floorspace is considered to be of a better quality than the existing floorspace, with an improved street presence on Grafton Street and New Bond Street, which will be complementary to the International Shopping Frontage. It is considered that a retail unit on Bruton Lane will enliven this currently underused area. The increase in retail floorspace is acceptable and in line with Policy S21 of the City Plan.

Restaurant/Bar floorspace

New restaurant floorspace is proposed comprising 2,293sqm. The applicants have applied for all of this space to be used flexibly between hotel and restaurant/bar floorspace. This allows the applicant a certain amount of flexibility as to how the spaces are used. As the ancillary floorspace could be used by hotel and non-hotel guests the total amount of entertainment floorspace must be considered in light of the entertainment policies.

The restaurant/bar floorspace will be divided throughout the site, a flexible retail/restaurant space is proposed at ground floor level within the Barlow Place building, a flexible hotel/restaurant is proposed at ground floor level which will lead to a terrace overlooking Bruton Lane (this terrace is technically at first floor level), a flexible hotel/restaurant is proposed at first floor level with a further flexible hotel/restaurant/bar at sixth floor level. External terraces are proposed overlooking Grafton Street and Bruton Lane.

City Plan Policy S6 accepts that, in principle, entertainment uses are appropriate for the Core CAZ. The proposal is for a 'large-sized' entertainment use and UDP Policy TACE10 applies, which requires the City Council to consider carefully the potential impact on residential amenity and environmental quality, taking into account the cumulative impact with other nearby entertainment uses, and the effect on the character and function of the area. City Plan Policy S24 states that new large scale late night entertainment uses over 500sqm will not generally be appropriate within Westminster.

Table 2. Entertainment table

Location	Use	Covers	Open to non-hotel guests?	Hours open to non-hotel guests
Lower Ground floor – Barlow Place building	Flexible retail/restaurant	75	Yes	07.00 – 19.00 daily
Ground floor	Flexible Hotel/Restaurant	120	Yes	06.00 – midnight daily
First floor	Flexible Hotel/Restaurant	52	Yes	18.00 – 01.00 daily
Sixth floor	Flexible Hotel/Restaurant/Bar	70 covers plus 40 on the terrace	Yes	11.00 – midnight daily.

All of the restaurant/bar floorspace will be open to non-hotel guests and the majority of the entertainment space will have opening hours that are consistent with the core hours set out in the UDP (midnight on Sunday to Thursdays and 00.30 on Friday and Saturdays). However, the restaurant at first floor, is proposed to be open until 01.00. In this location, which is not predominantly residential, the slightly later closing time for non-hotel guests is considered acceptable.

External dining areas are proposed at ground/first floor level and at sixth floor level. The ground/first floor terrace will be located above the entrance to the servicing/loading bay and opposite the former 'Starwash' site. Bruton Lane is commercial in nature and terrace in this location is considered acceptable. The proposed restaurant/bar at sixth floor level includes terraces overlooking Bruton Lane and Grafton Street. The roof terrace on the Grafton Street elevation, will be set back and also higher than the nearest residential at 5 Grafton Street. Environmental Health have also assessed the potential noise outbreak from the terrace at sixth floor level in relation to the potential impact on nearest residential property. A noise assessment has been submitted and concludes that speech sound will have a low impact on residential properties. Environmental Health have requested a condition restricting the playing of music on the terraces and that they should not be used between 23.00 – 07.00. However, it is recommended that the terrace should be closed at 22.00 to ensure that noise disturbance is reduced.

The proposed entertainment floorspace is considered acceptable and will complement the character and function of the area. There is a limited number of other entertainment uses in the vicinity of the site and it is not considered that the entertainment floorspace will lead to a cumulative impact in the area.

An OMP has been submitted with the application, and this will be secured by condition. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

The proposed spa floorspace is considered acceptable.

8.2 Townscape and Design

The application site is on the northern side of Grafton Street with a short section on New Bond Street, and secondary frontages to Bruton Lane and Barlow Place, all in the Mayfair Conservation Area and in the Great Estates area of archaeological priority.

Grafton Street was designed and developed by Sir Robert Taylor on behalf of the 3rd Duke of Grafton from 1768-1770s and there are several surviving buildings from this date in the area including a group of grade I and grade II listed eighteenth century houses situated on the southern arm of Grafton Street, a group of five houses with shop-fronts below at Asprey's at 165-169 New Bond Street (listed at Grade II). The development is also within the setting of the grade II-star listed 'Time Life' building at No. 1-4 Bruton Street and the grade II listed No. 161-162 New Bond Street.

The shopfront at Wartski jewellers, dating to 1974, at 14 Grafton Street is listed at Grade II

All of the buildings on the site are to be demolished including the much altered 163 New Bond Street which is a surviving part of Sir Roger Taylor's development that was granted a certificate of immunity from listing in 2016. Also forming part of the site is the grade II listed shopfront of 'Wartski'.

The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset, because of its heritage interest, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposed development is mostly within the outline of the previously approved developments on the site. The detailed design of the new buildings harmonises with the historic character and appearance of development in the conservation area. The use of brick for the Grafton Street façade and the chosen brick colour, combined with the height and detailed design of the new façade, enhance the setting of the nearby listed buildings by recreating the architectural order of the street that was lost in the 1960s. The roof form is an attractive feature that includes a raised feature to provide a focus for the view north along Albemarle Street.

Key views of the site from surrounding streets have been provided, and in all these views the development will be an improvement in comparison to the existing buildings as a result of the improved façade designs and more appropriate palette of materials. The development as a whole will therefore enhance the character and appearance of the

conservation area. The proposal would rise above surrounding buildings in several views including the Grade II star 1-4 Bruton Street. However, the high quality of the roof design minimises the harm to these buildings and overall causes less than substantial harm to the conservation area. It is also considered that proposal would cause no harm to the heritage asset at 7-7A Grafton Street (Grade II listed), by virtue of the demolition of the existing unsympathetic office block and its replacement with a sympathetically design hotel and would enhance the setting of the 7-7A Grafton Street.

A porte cochere is proposed and this creates a large void within the street, where buildings generally form a continuous alignment. The GLA have commented that in views along Albemarle Street, the porte cochere would interrupt and detract from the frontage. Public art is proposed for the ground floor façade on Grafton Street which would improve the frontage, this is also considered to be an acceptable location in principle and details may be secured by condition. On balance, it is considered that the porte cochere is acceptable.

The grade II listed Watski shopfront, which is a rare surviving example of 1970s retail design, is to be dismantled and re-erected in Barlow Place. The relocation of the shopfront to an appropriate position in the development which allows its continued use, is acceptable in design and heritage asset terms and ensures that its special interest will be maintained. It is considered that this would result in less than substantial harm to the heritage asset. The shopfront would also be taken out of its mid-20th century architectural context with the demolition of the office block. Nonetheless, this harm is offset by the loss of the empty office block and its replacement with a hotel, providing new economic activity though jobs and guests as well as very high-quality design and materials. The harm is further offset by the fact that the 'Watski' shopfront would continue to front a retail unit on Barlow Place. As with previous approvals for its relocation, this will be secured by a legal agreement.

Historic England have confirmed that no archaeological recording is required on the basis that previous analysis has shown the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. Nevertheless, the circular staircase in No. 163 New Bond Street, which dates from the eighteenth century, should be fully recorded with drawings and photographs before it is demolished to ensure that its details are retained in the historic environment record. This may be dealt with by condition.

8.3 Residential Amenity

Daylight and Sunlight overview

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used and it is a requirement of the City Council that most major planning applications are accompanied by a sunlight and daylight report using accepted BRE methodology.

For daylighting matters, the most commonly used BRE method for calculating values is the 'vertical sky component' (VSC) method which measures the amount of light reaching the outside face of a window. This method is most widely used as it does not need to rely on internal calculations, which means that it is not necessary to gain access to all affected properties to assess, and compare, potential light loss across all properties. However, it is still important to know what an affected room is used for, since the BRE guidelines principally seek to protect living rooms, dining rooms, kitchens and, to a lesser extent, bedrooms. Under this method, if an affected window is already not well lit (considered to be below a nominal value of 27%) and the daylight received at the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly depending on the given circumstances.

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, 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, and living rooms and conservatories are considered to be the most important rooms to be protected in terms of sunlighting – with kitchens and bedrooms less so.

A daylight and sunlight report has been submitted with the planning application which includes an assessment of the development under the BRE guidelines, and these are analysed below.

1 Barlow Place

This building comprises five residential units at ground to fifth floor level, which are all single aspect, overlooking Barlow Place. Two windows serve each of the living rooms at ground to third floor level and three windows serve the living room to the maisonette at fourth and fifth floor level. The windows currently overlook the east elevation of 22-24 Bruton Lane and therefore the outlook from these windows is currently poor. As with the 2014 consent, the proposed Barlow Place building will be separated from the Grafton Street building and a gap between the buildings will be created. The outlook from the existing residential windows at 1 Barlow Place will be improved.

However, despite this gap there will be losses of VSC to the flats in 1 Barlow Place in excess of 20%, ranging from 7.97% to 62.18%. It is appropriate to consider the consented scheme as the baseline position when assessing the losses daylight and sunlight. There are additional losses in VSC from the consented scheme ranging from 0.02% to 4.21%. These are minimal additional losses and on this basis, it is considered that the loss of daylight is acceptable.

Similarly, there are losses to above 20% of APSH to three of windows in 1 Barlow Place. However, five windows see an improvement in sunlight levels, from the consented position and this is considered acceptable.

160 New Bond Street

Planning permission was granted 22 January 2013 for the redevelopment behind the retained front façade of No. 160 to improve the retail floorspace and to reconfigure the residential accommodation in that building. That scheme has been implemented and

the rearranged residential floorspace is located at fourth and fifth floor level and situated to the front of the building overlooking New Bond Street, therefore set back further away from Barlow Place at the rear. The main windows to the residential units would overlook New Bond Street, but there is a living room window at fourth floor level and a bedroom window at fifth floor level which would face west towards the current application site, though set well back from the site boundary. In acknowledging this relationship between the application site and 160 New Bond Street, the proposals would create a gap that would actually improve the situation for the residential units at 160 New Bond Street.

One window at fourth floor level will have a reduction in VSC levels over 20% (21.36%) this is a minor transgression and considered acceptable. The losses to sunlight are within BRE guidelines.

Sense of Enclosure

With regard to increase sense of enclosure, the principle of development of similar height and bulk has previously been granted and it is considered that the proposed building would not materially worsen any potential sense of enclosure.

Privacy

There is already a large amount of mutual overlooking between the existing windows to the rear and the residential windows at 1 Barlow Place. Projecting windows are proposed in the Barlow Place building. However, due to the Barlow Place building being set further north than existing, it no longer directly overlooks the residential windows.

External terraces are proposed at ground/first floor level on Bruton Lane and sixth floor level overlooking Grafton Street. As mentioned earlier, there are no residential properties in Bruton Lane directly opposite the application site. The Grafton Street terrace is set back and due to the orientation of the nearest residential at 5 Grafton Street, it is considered that the any overlooking from the terrace will be minimal.

8.4 Transportation/Parking

Car Parking

No off-street car parking is proposed for the development, which is welcome in terms of the hotel and retail elements of the proposals. However, six residential units are proposed, which represents an increase of four units over existing. UDP TRANS23 requires sufficient off-street parking to be provided to ensure that parking pressure in surrounding streets is not increased to 'stress levels'. The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement for six spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is below 80%. During the day the uptake is 64%. On this basis, as the stress levels in the area are below 80%, the Highways Planning Manager has no objection to the lack of off-street car parking.

One blue badge car parking space is proposed, accessed via Barlow Place, this is in line with London Plan policy and secured by condition.

Servicing

An off-street servicing bay is proposed on Bruton Lane and all servicing is intended to take place from this bay, this is considered acceptable and in line with UDP TRANS20. The applicant has indicated that there will be 35 trips per day and this will require careful management to prevent vehicles arriving at the same time. A draft Servicing Management Plan (SMP) has been submitted and a condition is recommended securing a final version.

Porte Cochere

The proposals include a porte cochere, which will allow guests of the hotel and restaurant to be dropped off within the site, rather than on the highway. Two vehicular access points are required. The Highways Planning Manager considers that the benefit of all the picking up/setting down activity taking place off-street outweighs the potential conflict there may be between vehicles entering and exiting the site and pedestrians. TfL have stated that the porte cochere should be designed in line with their streetscape guidance and there should be an innovative solution to ensure safe crossing and visibility is maintained.

Cycle parking

Cycle parking is proposed for the all parts of the development in line with the London Plan, full details have not been submitted and a condition is recommended requiring these details and layouts. The GLA and TfL have requested details demonstrating how at least 5% of the cycle spaces will cater for larger cycles including adapted cycles for disabled people, a condition is recommended. A further condition is requested by the GLA and TfL requiring details of end of journey facilities (showers/lockers etc), the applicant has agreed to this condition.

There is an existing Cycle Hire Stand outside Nos. 7 and 8 Grafton Street, there is also an existing motorcycle parking bay on Bruton Lane. As a result of the proposal, both of these stands will be required to be moved. This will be secured via S106.

Landscaping works are proposed to Barlow Place, including re-paving, tree planting and shared surfaces are shown in the submitted scheme. In highways terms the works are acceptable considering that Barlow Place is entirely within the applicant's ownership (but will be publicly accessible).

8.5 Economic Considerations

The economic benefits generated by the scheme are welcomed.

8.6 Access

Level access will be provided to all new entrances, with lift and stair access to the upper floors.

8.7 Other UDP/Westminster Policy Considerations

Basement excavation

The proposal includes excavation to create additional sub-basement levels under application site. City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Plant

Internal plant rooms are proposed over the basement levels and enclosed at roof level. The extract duct for the potential restaurant uses will be routed internally and extract at the roof level of the Barlow Place building. Environmental Health have no objection to the proposal and subject to the imposition of the standard noise conditions.

Refuse /Recycling

A dedicated refuse and recycling store is proposed, which will include provision for general waste, recycling, specialised provision for food waste, glass crushing and compactors. The Waste Project Officer has no objection to the size and location and it will be secured by condition.

Sustainability

An energy statement has been submitted setting out how the development proposes to reduce carbon dioxide emissions. The strategy comprises; energy efficiency measures (including a range of passive design features and demand reduction measures); glazing methods to reduce demand for cooling and overheating risk; and renewable technologies (PV panels and air source heat pumps). This would achieve an 84% carbon dioxide reduction compared to the 2013 Building Regulations for the domestic element and 36% reduction for the non-domestic element. These savings meet the targets within Policy 5.2 of the London Plan. To enable the development to meet the zero-carbon target for the domestic element, the applicants have offered to make a contribution to the City Council's carbon off-setting fund of £1,800.

The GLA have commented that the applicant should consider scope for additional measures aimed at further carbon reductions such as PV panels. The form of the roofs on both buildings does not allow further panels to be added.

The applicants have confirmed that the building will be designed to incorporate a possible future connection to a district heating network and this is in line with the comments made by the GLA.

The proposed development (for both hotel and retail elements of the scheme) are proposed to exceed the minimum requirement for BREEAM 'Excellent' rating. This will be secured by condition.

Biodiversity

Green roofs are not proposed, (for the same reason that additional PV panels are not proposed) due to the undulating design of the roof. The GLA recognise that there is little space for further urban greening, but have requested that a condition is imposed for this matter to be explored further.

Air Quality

City Plan policy S31 states that the council will require a reduction in air pollution, with the aim of meeting the objectives for pollutants set out in the national strategy.

An Air Quality Assessment has been submitted which indicates that for the building and transport emissions calculates that the development will be air quality neutral, which is considered acceptable.

Environmental Sciences were initially concerned that the report did not include the traffic generation figures, negotiations are ongoing, and it is recommended that this aspect with dealt with by condition.

Contaminated Land

Historic maps suggest that a smithy was in use in the vicinity of 22-24 Bruton Lane and as the proposal includes sensitive end uses and basement excavation, it is considered reasonable to require an assessment to determine whether remediation at the site is required, which is secured by condition.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until it the referendum process has been properly completed.

8.10 London Plan

The application is referable to the Mayor of London and a Stage 1 response has been received which is generally supportive of the scheme.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development; to ensure that the development does not interfere with the existing London Underground tunnels; to ensure that an independent review of energy efficiency measures are submitted and to ensure that the development provides air quality measures.

The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- i) A financial contribution to the carbon offsetting fund of £1,800 (index linked and payable prior to commencement of development;
- ii) Highway works to renew the footways around the site, providing access to and egress from the porte cochere; to make adjustments to the TfL cycle hire station on Grafton Street; to make adjustments to the motorcycle bay in Bruton Lane;
- iii) Stopping up order and possibly dedication of highway;
- iv) Dismantlement and re-instatement of the listed 'Wartski' shopfront;
- v) Demolition clauses;
- vi) Travel plan; and
- vii) costs of monitoring the S106.

The estimated CIL payment is : £1,987,375.00

8.13 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

8.14 Other Issues

Construction

The GLA and TfL have requested that the conditions are attached securing a Demolition and Construction Management Plan. Prior to June 2016, the City Council secured CMP's by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 developments will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning has no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

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

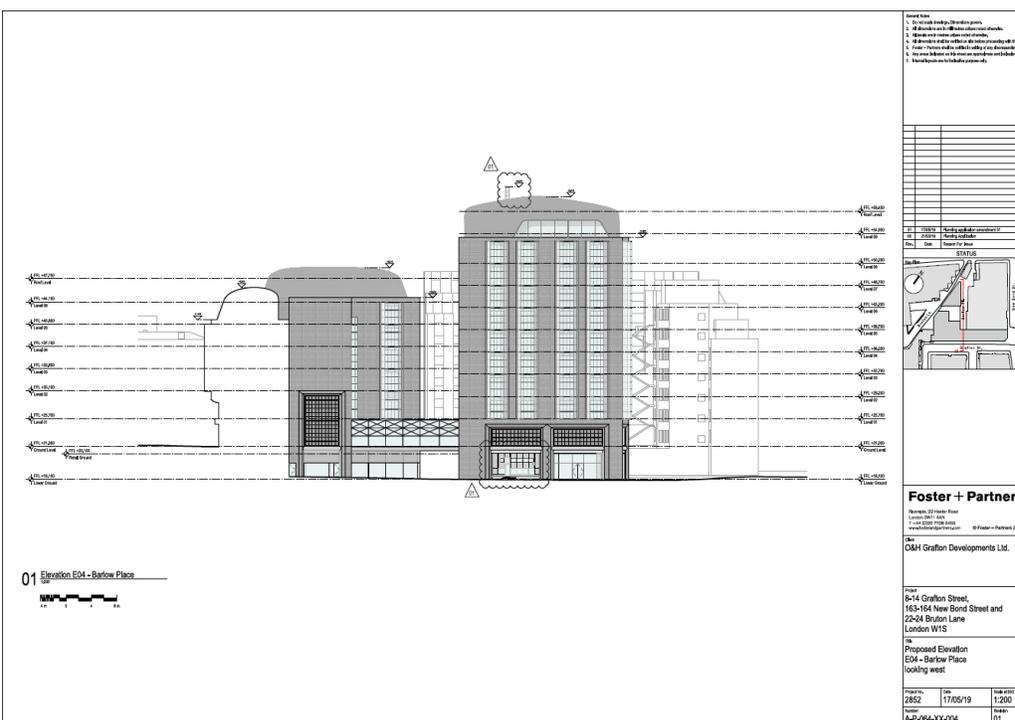
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS

Proposed Grafton Street elevation



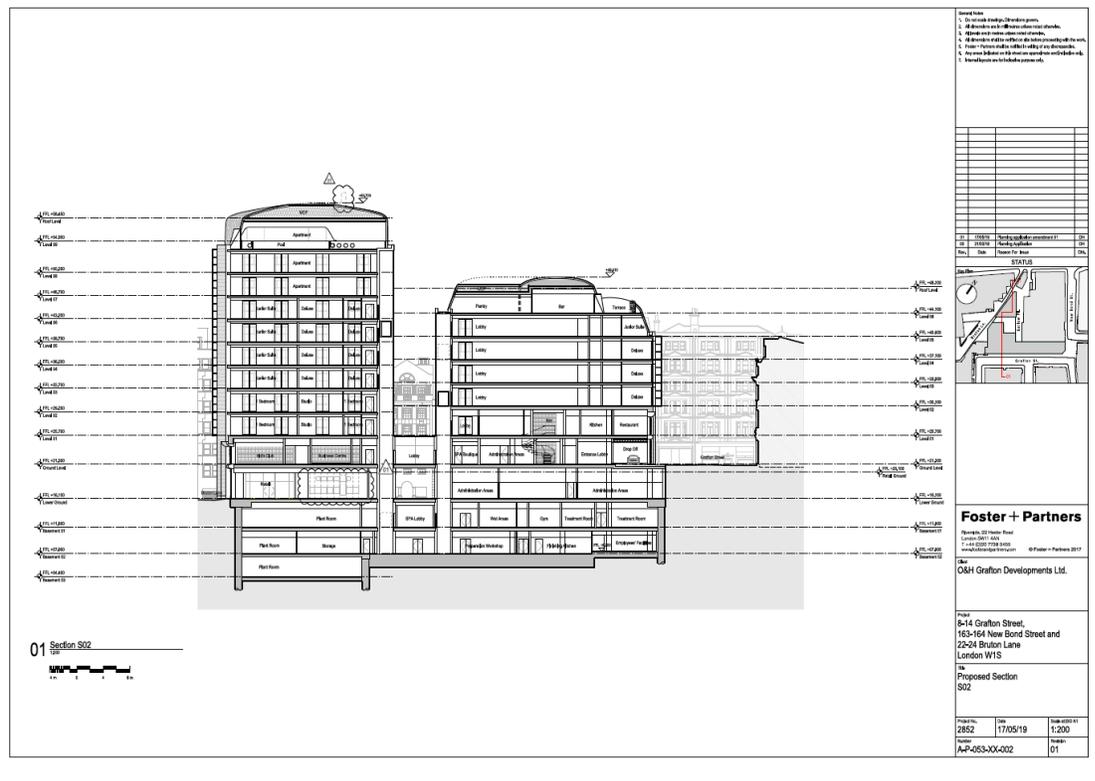
Proposed Barlow Place elevation



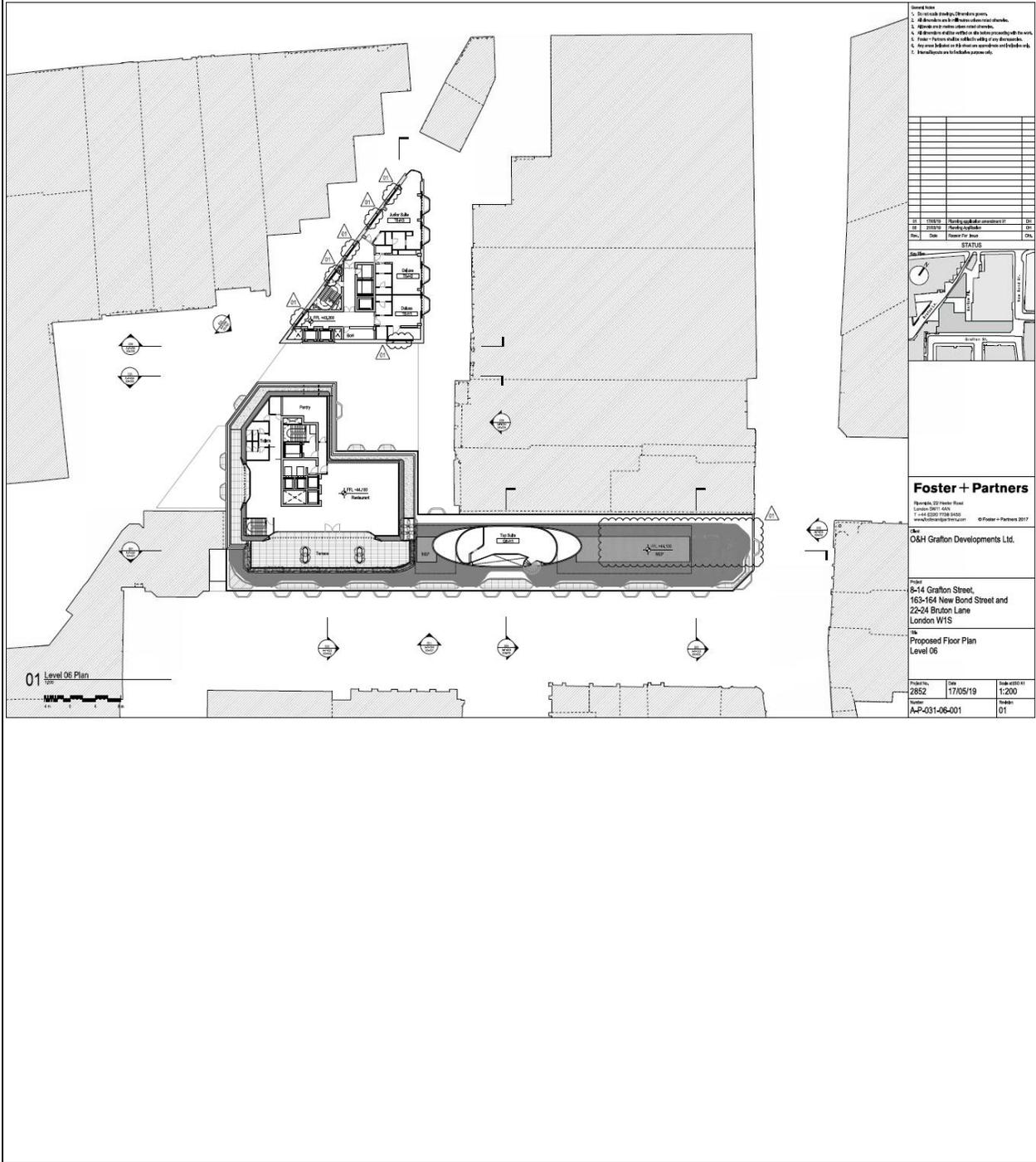
Proposed Bruton Lane elevation



Proposed section



Proposed sixth floor plan



DRAFT DECISION LETTER

- Address:** Development Site At 8-10 Grafton Street, 11-14 Grafton Street And 22-24, Bruton Lane, London
- Proposal:** Demolition of all existing buildings and redevelopment to provide a seven storey building (plus three storey basement) on Grafton Street and a linked 11 storey building (plus two storey and part three storey basement) on Bruton Lane/Barlow Place comprising up to six residential units (Class C3), use of the remaining floorspace for use as a hotel and associated facilities (Class C1), retail (Class A1), flexible retail/restaurants (Class A1 and A3), flexible hotels/restaurants (Classes C1 and A3), and flexible hotel/restaurants/bars (Classes C1, A3 and A4), flexible hotel/spa (Classes C1 and D2), creation of a recessed drop off onto Grafton Street, creation of terrace areas at ground/first floor level overlooking Bruton Lane and at sixth floor level on the Grafton Street building, installation of plant at roof level and associated provision of open space and landscaping. (Site includes 163-164 New Bond Street).
- Reference:** 19/02260/FULL
- Plan Nos:** DEMOLITION
A-P-013-00-001 00, A-P-013-00-002 00, A-P-013-00-003 00, A-P-013-01-001 00, A-P-013-02-001 00, A-P-013-03-001, A-P-013-04-001 00, A-P-013-05-001 00, A-P-013-B1-001 00, A-P-013-RF-001 00, A-P-013-XX-001 00,
PROPOSED
A-P-031-B1-001 00, A-P-031-B2-001 00, A-P-031-B3-001 00, A-P-031-00-001 02, A-P-031-00-002 01, A-P-031-01-001 01, A-P-031-02-001 01, A-P-031-03-001 01, A-P-031-04-001 01, A-P-031-05-001 01, A-P-031-06-001 01, A-P-031-07-001 01, A-P-031-08-001 01, A-P-031-09-001 01, A-P-031-RF-001 01, A-P-053-XX-001 00, A-P-053-XX-002 01, A-P-053-XX-003 01, A-P-064-XX-001 01, A-P-064-XX-002 01, A-P-064-XX-003 01, A-P-064-XX-004 01, A-P-064-XX-005 01, A-P-064-XX-006 01, A-P-064-XX-007 00, A-P-199-00-001 00, 0710133-HL-XX-XX-DT-M-570-5000 P1, 0710133-HL-XX-XX-GA-M-570-5006 P1
Operational Management Plan dated 18 February 2019, Structural survey by Ramboll dated March 2019 (INFORMATION ONLY)

Case Officer: Helen MacKenzie**Direct Tel. No.** 020 7641 2921**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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 Prior to the commencement of any: (a) demolition, and/or, (b) earthworks/piling and/or , (c) construction , on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 4 You must apply to us for approval of detailed drawings of the following parts of the development - a typical example of each different window and external door type. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 apply to us for approval of a scheme of public art on the Grafton Street façade. You must not start work on the public art until we have approved what you have sent us, before the occupation of the hotel, you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

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 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 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, unless otherwise agreed in writing by the Local Planning Authority. (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)

- 8 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace, unless otherwise agreed in writing by the Local Planning Authority. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 occupation, you must provide confirmation that either: a) all surfacewater network upgrades required to accommodate the additional flows from the development have been completed; or b) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied., , Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows from the new development. Any necessary reinforcements works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 10 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each stage of the development for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), 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
- Ground Movement Assessment will be required; 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 comprises 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, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 11 (a) You must apply to us for approval of a written proposal for recording the circular staircase in No. 163 New Bond Street with detailed measured drawings and photographs. (b) After we have approved the proposal under part (a) you must then carry out the recording work according to the written proposal and submit the completed recording work to us for approval. You must not demolish the staircase or use any part of the new building until we have confirmed in writing that you have carried out the recording work in accordance with the written proposal.

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)

- 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. (R46AB)

- 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. (R48AA)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 16 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 14, 15 and 17 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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. (R51AB)

- 17 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm and shall be representative of the activity operating at its noisiest. (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use.

The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest. (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) The location of most affected noise sensitive receptor location and the most affected window of it; (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 18 Prior to the occupation of the hotel part of the development, 10% of the hotel rooms shall be designed to be wheelchair accessible units. You must not remove the 'wheelchair accessible units', unless otherwise agreed in writing by the Local Planning Authority

Reason:

To ensure that an acceptable standard of hotel bedroom units is provided, in line with London Plan policy 4.5.

- 19 Prior to the occupation of the residential part of the development, at least one of the dwellings shall be designed as an M4(3) wheelchair user accessible dwelling and all other dwellings must meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. You must not remove the 'wheelchair user dwelling', unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with London Plan policy 3.8.

- 20 Prior to occupation of the development, you must submit and have approved in writing a Servicing Management Plan. The plan should identify the process, internal storage locations, scheduling of deliveries and staffing.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 21 You must apply to us for approval of details showing that 5% of the approved cycle parking spaces will cater for larger cycles, including adapted cycles for disabled people. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation of the hotel. You must not use the cycle storage for any other purpose.

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 2016 (R22FA)

- 22 You must retain the blue badge car parking space as shown on plan number: A-P-031-00-001 02, unless otherwise agreed in writing by the Local Planning Authority

Reason:

To comply with Draft London Plan Policy T6

- 23 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain on the premises within the hotel restaurants, bars, spas and other ancillary facilities except between 06.00 - 01.00 daily.

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)

- 24 Customers shall not be permitted on the roof terraces at ground/first before 07.00 or after 23.00

or sixth floor levels before 07.00 or after 22.00 hours each day.

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)

- 25 You must not play background music on the terraces at ground/first and sixth floor level, which would be audible at the site boundary. (C13IA)

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)

- 26 You must carry out the measures included in your operational management plan dated 18.02.2019 at all times that the hotel (and other uses) are in use, unless otherwise agreed in writing by the Local Planning Authority. (C05KA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10, TACE2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 27 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes, unless otherwise agreed in writing by the Local Planning Authority. (C23AA)

Reason:

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

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

Reason:

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

- 29 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

- 30 You must provide, maintain and retain the energy efficiency measures as set out in the submitted energy statement Hoare Lea dated 21 March 2019. You must not remove any of these features, unless otherwise agreed in writing by the Local Planning Authority. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 31 Pre Commencement Condition. You must apply to us for our written approval of an independent review of the energy efficiency measures, to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 32 You must provide the waste store shown on drawing A-P-031-00-001 02 before occupation. You must clearly mark it and make it available at all times to everyone using the waste store.

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 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)

- 33 You must not allow more than: - 75 covers in the lower ground floor - Barlow Place building; , - 120 covers in the ground floor restaurant, - 52 covers in the first floor restaurant , - 130 covers in the sixth floor restaurant/bar, at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 34 Prior to the commencement of the basement excavation works, you must apply to us for approval of details on how the design and structure of the development shall be of such a standard that it will protect noise sensitive dwellings within the development from groundborne noise from the transmission of underground train operations so that they are not exposed to levels indoors of more than 35dB LASMax within habitable rooms during the day and night and that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations. , , You must not commence the basement excavation works until we have approved what you have sent us and then carry out the development in accordance with the approved details.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 35 You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is

occupied. Phase 1: Desktop study - full site history and environmental information from the public records. Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property. Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution. Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 36 Prior to commencement; you must apply to us for approval of a detailed air quality assessment for road traffic emissions. Any required mitigation measures must be identified, and the approved mitigation measures implemented and permanently retained thereafter.

Reason:

To make sure that the development provides the air quality mitigation measures included in your application as set out in S31 of Westminster's City Plan (November 2016)

- 37 You must apply to us for approval of detailed drawings of the following parts of the development - end of journey facilities for cyclists. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To provide end of journey facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 38 You must apply to us for approval of details which includes a feasibility study of the practicability of urban greening on the development. If the feasibility study indicates that further urban greening can be implemented, you must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the development provides the environmental sustainability features as set out in S28 or S40, or both, of Westminster's City Plan (November 2016).

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, neighbourhood plan (where relevant), 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 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition). You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You should take this minimum pressure into account in the design of the proposed development.
- 4 The proposed development is located within 15m of Thames Water's underground assets, as

such the development could cause the assets to fail if appropriate measures are not taken. Please read the Thames Water's guide 'Working near our Assets' to ensure your workings are in line with the necessary processes you need to follow.

- 5 You are advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regards to: demolition, excavation and construction methods.

- 6 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,
 - the lower ground floor of the Barlow Place building can change between the retail (Class A1) and restaurant (Class A3) uses
 - the ground floor of the Grafton Street building can change between the hotel (Class C1) and restaurant (Class A3) uses
 - the first floor of the Grafton Street building can change between the hotel (Class C1) and restaurant (Class A3) uses
 - the sixth floor of the Grafton Street building can change between the hotel (Class C1), restaurant (Class A3) and bar (Class A4) 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)

- 7 In line with Policy D11 'Fire safety' of the draft London Plan, you should submit a fire statement, produced by a third part suitable qualified assessor.

- 8 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, , 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, , **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.**

- 9 The Servicing Management Plan (SMP) should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well. It should clearly outline how servicing will occur

on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (i.e. set out how the occupant is expected to service the unit). A supplier instruction sheet is a helpful part of the SMP.

- 10 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 11 The term 'clearly mark' in condition 32 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 12 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)
- 13 If any 'special treatment', as defined in the London Local Authorities Act 1991, is going to be given at the premises, you should ring our Licensing Service (on 020 7641 7822 or 020 7641 8549) about getting a licence for those treatments. You should also contact our Environmental Health Consultation Team (on 020 7641 3161) to make sure any treatment rooms meet the environmental health standards of construction. (I07BA)
- 14 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)

- 15 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible; * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 16 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:; * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;; * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;; * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;; * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;; * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 17 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.* Window cleaning - where possible, install windows that can be cleaned safely from within the building.* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.* Lighting - ensure luminaires can be safely accessed for replacement.* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission)., More guidance can be found on the Health and Safety Executive website

at www.hse.gov.uk/falls/index.htm. Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 18 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 19 It is a legal requirement to ensure that every enclosed workplace is ventilated by a sufficient quantity of fresh or purified air. Where this ventilation is provided by mechanical means the regulations require those mechanical ventilation systems to be maintained (including appropriate cleaning) in efficient working order. B&ES Guide to Good Practice - TR19 Internal Cleanliness of Ventilation systems is a guidance document which can be used for new build, upgrade and maintenance of ventilation systems. Particular attention should be given to; Section 2 - New ductwork system cleanliness, Section 3 - Design and access to the internal surfaces of the ventilation system, Section 7 - Specific considerations for kitchen extract systems. (This section deals specifically with access to the internal surfaces to the kitchen extract system, cleaning methods and frequency of cleaning). Where access hatches or panels are required in order to meet the above requirements, these must be incorporated into the design of the ducting and any associated screening or cladding.
- 20 You are advised that you are required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meeting the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and be contacted at: environmentalsciences2@westminster.gov.uk
- 21 It is anticipated that the assessment of Condition 34 will include a comparison of 'on/off' conditions and seek to investigate the 'increase' in measured levels with the following points relating to standard deviation taken into consideration. For example; a level 10 dB below existing levels would increase existing levels by 0.4 dB. The assessment of Condition 34 might also include a calculation approach where measurement is impracticable or a combination of measurement and calculation may be deployed. Measurement assessment of Condition 34 may require that third parties allow the applicant access to carry out Acoustic testing to demonstrate compliance with Condition 34 through measurement. If access is not, made available, the applicant may deploy a calculation approach and base the criteria on reasonable assumptions of the existing acoustic conditions within the adjacent properties. It is possible that existing background, ambient and maximum levels within the adjacent properties could be very low for measurement and assessment purposes. It is expected that the accuracy of results should be taken into consideration when dealing with the measurement of low noise levels. Standard Deviation of measurement is a recognised measure of accuracy of results and reasonable consideration should be given to Standard Deviation as well as the capabilities of the instrumentation used for the assessment.

- 22 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met: 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]. 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises). This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 23 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to,
- i) Carbon offsetting payment;
 - ii) Highway works to renew the footways around the site, providing access to and egress from the porte cochere; to make adjustments to the TfL cycle hire station on Grafton Street; to make adjustments to the motorcycle bay in Bruton Lane;
 - iii) Stopping up order and possibly dedication of highway;
 - iv) Dismantlement and re-instatement of the listed 'Wartski' shopfront;
 - v) Demolition clauses;
 - vi) Travel plan; and
 - vii) costs of monitoring the S106. (I55AA)
- 24 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

DRAFT DECISION LETTER

Address: Development Site At 8-10 Grafton Street, 11-14 Grafton Street And 22-24, Bruton Lane, London

Proposal: Dismantling of the Grade II listed shopfront and re-erection in Barlow Place following the wider redevelopment of 8-14 Grafton Street, 22-24 Bruton Lane and 163-164 New Bond Street.

Reference: 19/02262/LBC

Plan Nos: A-P-013-00-003 00, A-P-013-XX-001 00, A-P-064-XX-004 01, A-P-031-00-001 02, A-P-199-00-001 00

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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 apply to us for approval of a method statement for the dismantling, storage and reconstruction of the 'Wartski' shopfront at 14 Grafton Street. You must not start any work on the shopfront for its removal until we have approved what you have sent us and you must then carry out the work to the shopfront in accordance with the details we have approved.

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, the London Plan 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.

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.

Item No.
2

Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	45-57 Marylebone Lane, London, W1U 2NT		
Proposal	Redevelopment of 45-57 Marylebone Lane and 20-27 Thayer Street behind a retained Marylebone Lane facade, to provide a new building for retail use (Class A1) at part basement and ground floor levels, nursery use (Class D1) at part basement, ground and first floor levels and office use (Class B1) at part basement, part ground and from first to fourth floor level with a roof top plant enclosure to 20-27 Thayer Street and a green roof throughout. Creation of terraces from second to fourth floor level with the central courtyard [Site includes 20-27 Thayer Street Street].		
Agent	Howard de Walden Management Ltd		
On behalf of	Howard de Walden Estate Ltd		
Registered Number	18/10276/FULL	Date amended/ completed	4 December 2018
Date Application Received	4 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

45-57 Marylebone Lane and 20-27 Thayer Street are two unlisted buildings located within the Harley Street Conservation Area and the Core Central Activities Area (CAZ). The buildings comprise of lower ground, ground and three upper floors.

Permission is sought for the demolition of 45-57 Marylebone Lane and 20-27 Thayer Street with retained ground to second floor facade on the Marylebone Lane frontage and erection of replacement five storey plus basement building to provide retail, nursery and office accommodation, with associated plant and terraces.

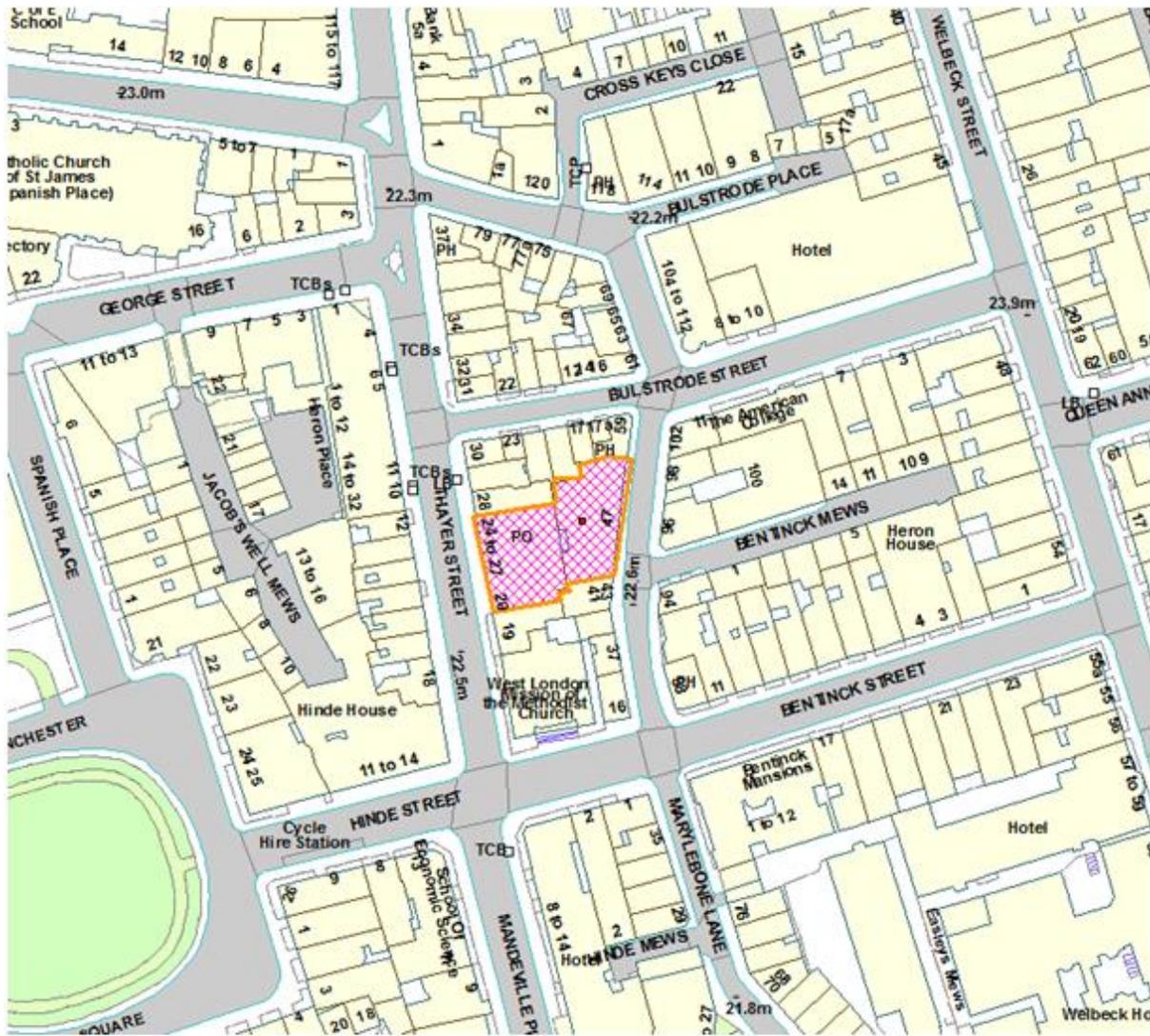
The key issues for consideration are:

- The acceptability of the proposal in design/townscape terms and its impact on the character and appearance of the Harley Street Conservation Area and the setting of neighbouring listed

- buildings; and
- The acceptability of the proposal in amenity terms.

The proposals are considered acceptable in land use, amenity, highways and design grounds and broadly comply with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan. The application is therefore recommended for conditional approval.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Context



Thayer Street Frontage



Marylebone Lane Street Frontage



Backland Area



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

HISTORIC ENGLAND

Do not wish to comment.

BUILDING CONTROL

No objection.

THAMES WATER

No objection subject to condition

ENVIRONMENTAL HEALTH

No objection

HIGHWAYS

No objection (following revisions)

PROJECT MANAGER (WASTE)

No objection (following revisions)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 85

Total No. of replies: 5

No. of objections: four objections on the following grounds:

- Loss of daylight and sunlight/ accuracy of assessment
- Proximity and sense of enclosure
- Over-development/massing and design
- Setting of neighbouring listed buildings
- Impact on urban grain
- Noise (plant and terraces)/ accuracy of acoustic report
- Construction Impact

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

45-57 Marylebone Lane and 20-27 Thayer Street are two unlisted buildings which are not currently linked internally.

47-57 Marylebone Lane is shown as an unlisted building of merit comprising of basement, ground and three upper floors. The basement and ground floors are partly in office (Class B1) and partly in use as a nursery (Class D1), whereas the upper floors are office use (Class B1) throughout.

20-27 Thayer Street is an unlisted utilitarian building which is noted as a building making a neutral contribution comprising basement, ground, and three upper floors. The basement and ground floor are in retail use (Class A1) and the upper floors are in office use (Class B1).

The site lies within the Core CAZ and the Harley Street Conservation Area.

The immediate area is predominantly commercial in nature at street level, however, the upper floors of all adjoining buildings are in residential use (19 and 28-30 Thayer Street 17-23 Bulstrode Street and 37 to 43 Marylebone Lane).

6.2 Recent Relevant History

47-57 Marylebone Lane

Planning permission granted 02 March 1984 (RN: 83/04119) for use of part of the ground floor and part of the basement as Class D1 educational use.

Planning permission granted 23 February 1994 (RN: 93/08055) for alterations to the ground floor window to provide new office entrance.

Planning permission granted 16 March 2010 (RN: 10/00444) for dual/alternative use of basement and ground floor (Class B1) or nursery school (Class D1) in connection with the existing educational facility at 57 Marylebone Lane (Class D1).

Planning permission granted 25 January 2013 (RN: 12/12180) for installation of six air conditioning units at roof level.

20-27 Thayer Street

Planning permission was refused on 10 August 1989 (RN: 89/00370) for demolition of 24-30 Thayer Street and 23 Bulstrode Street and redevelopment to create a four storey building for mixed office, retail and residential use.

Planning permission was granted 28 October 1993 (RN: 93/03912) for third floor roof terrace with balustrading.

Planning permission was refused on 13 January 1994 (RN: 93/04303) for tank housing and air conditioning units on upper roof (above third floor level).

Planning permission was granted 16 November 1993 (RN: 93/05966) for window boxes to front elevation.

Planning permission was granted 12 August 1996 (RN: 96/05725) for rear conservatory to part enclosed roof terrace at first floor level.

Planning permission was granted 13 May 1997 (RN: 97/02716) for rear extension at first floor level to form link corridor at 1st floor of 47-57 Marylebone Lane.

Planning permission was granted 22 January 2009 (RN: RN: 08/08588) for use of the first to third floors to provide six residential units (two 2-bed, two 1-bed, and two 3-bed units), extensions at rear first floor, second and third floor levels. External alterations to the windows on the front and rear elevations and creation of a green roof.

7. THE PROPOSAL

The proposed scheme involves the demolition behind retained façade of 47-57 Marylebone Lane and the total demolition and re-build of 20-27 Thayer Street for the creation of a single mixed retail (Class A1), educational (Class D1) and office (Class B1) Class A1) building.

Similar to the existing situation, the basement and ground floors are proposed to be partly in office (Class B1), partly in retail (Class A1) and party in use as a nursery (Class D1), whereas the upper floors are office use (Class B1) throughout. The existing and proposed floorspace schedule is as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	726	736	+10
Office (Class B1)	1,714	2,067	+353
Nursery (Class D1)	326	327	+1
Communal Area (Refuse/Showers/cycle storage covered plant etc)	0	299	+299
Total	2,766	3,429	+663

The proposed nursery will be located to the north of the site along the Marylebone Lane frontage. Both the retail and office accommodation will be accessible from Marylebone Lane and Thayer Street. In addition to this, the ground floor plan shows the main office entrance located on Thayer Street with a secondary access point to Marylebone Lane, offering access from both ends of the building.

The basement will accommodate cycle storage for 24 bicycles, shower/changing facilities and a new electric substation.

A refuse holding area which is accessible from Thayer Street is proposed to be located behind the lifts for both the office and retail units.

A stair, two lifts and toilet accommodation are proposed to be centrally located between the two 'wings' of office accommodation at each level from the first to the fourth floor.

In the central courtyard area, the proposed accommodation is tiered away from the rear of Bulstrode Street buildings. There are planted terraces proposed at second, third and fourth floor level; however, the proposed terraces at second floor level would be an

ornate terrace only which will not be accessible to the office occupants (excluding maintenance).

A plant enclosure is proposed at fourth floor level to the roof of the accommodation along the Thayer Street frontage which is accessible from the link accommodation.

The proposal also includes create a living green roof to both the accommodation fronting onto Thayer Street and Marylebone Lane.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

The site is located within the Core CAZ to where new office development is directed by City Plan Policies S18 and S20. Therefore, an increase in office floorspace in this location is acceptable in principle.

City Plan Policy S1 applies to office development within the Core CAZ, where net additional B1 office floorspace is proposed and requires the provision of new residential floorspace in specified circumstances. However, as the net additional floorspace (for all uses) is less than 30% of the existing building floorspace, there is no policy requirement to provide residential floorspace in this case.

New retail floorspace (Class A1)

The scheme includes a small increase of retail floorspace (10 sqm GIA) within the Core CAZ. Policy SS4 of the Unitary Development Plan (2007) and policies S6 and S21 of the City Plan promote the introduction of new retail floorspace in this location therefore the proposed modest increase is welcome.

Nursery (Class D1)

The proposal includes the re-provision of a nursery, albeit 1 sqm GIA larger which is welcome. Policies SOC 1 of the UDP and S34 of City Plan encourage the provision of community facilities in appropriate locations throughout Westminster, provided they are accessible to the residential areas they serve, will not harm the amenity of the surrounding area, including the effect of any traffic generated. Such uses must be safe and easy to reach on foot, by cycle and by public transport. Given the minimal increase in floorspace, it is considered that any impacts would be negligible.

8.2 Townscape and Design

The Harley Street Conservation Area Audit, which was adopted by the City Council in 2008, identifies 20- 27 Thayer Street as a building which makes a neutral contribution to the character and appearance of the conservation area. 47- 57 Marylebone Lane is identified as an unlisted building of merit, which makes a positive contribution to the character and appearance of the conservation area. 20- 27 Thayer Street is located immediately adjacent to two grade II listed buildings at the Methodist Church and the Church House at 19 Thayer Street. Grade II listed buildings are also located nearby at nos. 19 and 21 Bulstrode Street, the rear of which back on to the proposal site to the

north. Both buildings within the proposal site are identified in the conservation area audit as sites where a roof extension would not normally be considered acceptable.

The principle of demolishing the existing building at 20- 27 Thayer Street, which makes a neutral contribution to the character and appearance of the conservation area, is considered acceptable in principle providing the replacement frontage is of high quality design which relates sensitively to the adjacent listed building and the wider conservation area.

The composition of the proposed design divides the façade vertically into four bays with fenestration openings of a broadly traditional hierarchy, which is considered appropriate in this context. Following negotiations, the height of the parapet on the principal facade has been lowered in order to relate to the height of the balustrade of 19 Thayer Street to the south, reducing the impact of the new building in local views and improving the relationship between the proposed development and the adjacent listed building. The building steps upwards in height behind this parapet to accommodate the proposed 2.6m internal floor to ceiling height.

The proposed fourth floor plant enclosure is set back from the front of the building and will have very limited visibility in local views from street level. The imposition of a condition requiring the plant enclosure to be pitched on all sides is recommended. This is in order to ensure it relates more sensitively to the surrounding roofscape.

The proposed material palette of the Thayer Street frontage consists of a yellow brick with a textured stone base framing the shopfronts at ground floor level and reconstituted stone window reveals, which is considered appropriate. However, the proposed aluminium windows throughout the proposal site are considered to be of insufficient quality and contrary to DES 5 which resists fenestration of this type. The imposition of an amending condition requiring an alternative window type is therefore recommended.

Permission is sought to demolish the Marylebone Lane building behind a retained façade, which is considered acceptable in principle. The existing building consists of three storeys above a ground floor, including a mansard roof storey. Permission is sought to demolish the existing roof storey and to replace it with two new roof storeys, the design of which have been subject to extensive negotiations. The final design shows the addition of a gabled third floor sheer storey with an additional pitched roof storey above at fourth floor level. Unlike the Thayer Street frontage, the Marylebone Lane roofline is more eclectic and diverse with greater variation in building height. The proposal to extend the existing façade upwards with a gabled extension, to replace the existing mansard, is therefore considered appropriate in the context of this roofscape and compliant with DES 6. In long views submitted by the applicant, the proposed gabled frontage relates successfully to the context of Marylebone Lane and reduces the visual impact of the additional fourth storey bulk on street level views. The placement of the third storey windows have been negotiated in order to relate to the composition of the existing building below.

The existing shopfronts are of poor quality and their replacement is supported in design terms. The imposition of an amending condition is recommended in order to secure a better-quality design for the shopfronts on this frontage, which should be of a traditional

timber framed design with panelled stallrisers. The higher quality shopfronts secured through this amending condition would be a design benefit of the scheme.

At the rear of the site, permission is sought for large full height extensions to link the two buildings. Objections have been received to linking the two buildings on the grounds that the height and bulk of the infill is out of scale with the Bulstrode Street listed buildings and the urban grain of the conservation area. The massing of the proposed infill extensions will diminish the legibility of the two separate buildings fronting on to Thayer Street and Marylebone Lane, which is undesirable in design terms and would in many cases be resisted. Full height links between sites is not characteristic of the conservation area.

However, in this instance, it is considered that the design merit of this area between the two sites is limited and that the loss of the two visually distinct sites would not be harmful in heritage asset terms. Following negotiations, an additional plant enclosure located above the proposed extensions at fifth floor level has been omitted from the scheme, reducing the overall bulk of the proposed rear extensions with only a lift overrun and service riser remaining in this position. The design of the south flank wall has also been amended to include recesses within the blank elevation originally proposed, which improves the appearance of this flank wall from high level private views. The Thayer Street building currently shares a consistent rear building line with the neighbouring buildings including the adjacent listed building at 19 Thayer Street. The proposed infill extension has been set in from the south from first floor level upwards in order to respect this historic building line. The proposed extensions are also stepped back from the listed buildings fronting on to Bulstrode Street. The proposed green roofs and planting on the ornamental terraces facing north, which are to be secured through condition, will serve to soften the appearance of the proposed development from these high level views from the listed buildings on Bulstrode Street.

Overall, therefore, the proposed extensions are considered acceptable in design terms and will not cause harm to the setting of the neighbouring listed buildings nor the character and appearance of the conservation area. The design objections cannot therefore be supported in this instance.

Subject to the amending conditions set out above, the proposed development is considered compliant with DES 1, DES 4, DES 5, DES 6 and DES 9 of the UDP and will preserve (or enhance) the character and appearance of this part of the Harley Street Conservation Area and the setting of nearby listed buildings in compliance with DES 10 of the UDP. The application is therefore recommended for approval in design terms.

8.3 Residential Amenity

UDP Policy ENV13 seeks to protect and improve the residential environment and to resist proposals, which would result in a material loss of daylight or sunlight, increased sense of enclosure to adjoining windows or loss of privacy to adjoining occupiers. Similarly, City Plan Policy S29 seeks to safeguard the amenity of surrounding properties.

Objections have been received from and on behalf of both residential and commercial owners/occupants residing in No. 17, 19 and 21 Bulstrode Street on the grounds that the proposal will result in a loss of light to these properties/gardens, reduced outlook and

that the use of the terraces will result in overlooking and noise. Each of these grounds have been discussed in turn below. Access has only been granted to three of the objectors' properties (19 Bulstrode Street, basement and ground floor of 21 Bulstrode Street and fourth floor of 21 Bulstrode Street).

Sunlight and Daylight

The application is supported by a daylight and sunlight report which assesses the impact of the development on the following properties which contain habitable residential accommodation:

- 19 Bulstrode Street
- 21 Bulstrode Street
- 23 Bulstrode Street
- Heron Place, Thayer Street
- 13-14 Thayer Street
- 16 Thayer Street
- 17 Thayer Street
- 28 Thayer Street
- 29 Thayer Street
- 16 Hinde Street
- 37 Marylebone Lane
- 39 Marylebone Lane
- 41-43 Marylebone Lane
- 94 Marylebone Lane

An objection to loss of daylight and sunlight has been received from the occupant of number 17 Bulstrode Street due to potential loss of daylight and sunlight to their property. The only windows looking onto the proposal serve a stairwell. As a stairwell is not considered a habitable room, no daylight or sunlight assessment is required.

An objector questioned the accuracy of the assessment which they did not believe took into account the parapet to the terraces nor vegetation. The light assessment has been updated during the course of the application due to the modifications of the scheme. The assessment is based on the architectural drawings listed in the approved document therefore there is no reason to doubt its accuracy.

Daylight

Vertical Sky Component (VSC) is the method used to measure the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the window will have the potential to provide good levels of daylight. Reductions of more than 20% should be avoided as such losses are likely to be noticeable, and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms. The BRE guidance is clear that numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the site circumstances.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. Where a significant proportion of the working plane (which can receive direct skylight) lies beyond the NSL, the distribution of daylight within the room will seem poor and supplementary electric lighting will be required. The British Standard suggests that a significant area would be more than 20%. However, it is acknowledged that if an existing building contains single aspect rooms, which are particularly deep, then a greater movement of the NSL line may be unavoidable. In all cases, testing need only be undertaken in the case of habitable rooms and, if the area of the working plane is reduced by more than 20%, this will be noticeable to the occupants, with more of the room appearing to be poorly lit. Again, habitable room should be assessed, although bedrooms are accepted to be of less importance.

With the exception of windows serving habitable rooms within 19 and 21 Bulstrode Street, 28 Thayer Street, 39 and 41-43 Marylebone Lane and 16 Hinde Street predicted reduction in daylight do not exceed the 20% threshold and therefore the occupants of these properties will not notice any reduction in daylight.

The Greater London Authority's representation hearing report D&P/3067/03 – Appendix 1 dated 18 November 2013 states that it should be noted that the 27% VSC target value is derived from a low density suburban housing model. The independent daylight and sunlight review states that in an inner-city urban environment, VSC values in excess of 20% should be considered as reasonably good, and that VSC in the mid-teens should be acceptable. However, where the VSC value falls below 10% (so as to be in single figures), the availability of direct light from the sky will be poor.

With respect to the reduction factor, it should also be noted that whilst BRE guidelines state that a 20% reduction is the threshold for a materially noticeable change, the above GLA independent daylight and sunlight review sets out that given the underdeveloped nature of the site relative to its context, this percentage reduction should be increased to 30%, with an upper threshold of 40%.

19 Bulstrode Street

This building is in use as a single family dwelling and is situated to the north of the application site. The table below details the losses to the VSC in excess of the BRE guidance:

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	4 rd	bedroom	35.91 %	24.06 %	11.85 %	0.67	92%	81%	9%	0.88

W1 at fourth floor level serves a study which is currently being used as a nursery within a fourth floor flat and retains a VSC of 24.06% in the proposed scenario. Given the central London location of the site, it is considered the retained VSC is adequate. The NSL assessment shows that this room would experience reductions of 12% which is within the acceptable limits within the BRE guidance.

21 Bulstrode Street

21 Bulstrode Street is in use as residential flats and is located to the north of the application site. The affected windows are on the rear elevation of the property, with five windows predicted to experience losses in excess of the BRE Guidance as detailed in the table below:

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	Ground Floor	Dining room	9.75%	6.77%	2.98%	0.70	65%	30%	35%	0.47
W1	1 st floor	Unknown	21.03 %	12.42 %	8.61%	0.59	77%	41%	36%	0.54%

W3	1 st floor	Kitchen	15.95 %	8.64%	7.31%	0.54	87%	81%	7%	0.93
W1	2 nd Floor	Unknown	26.36 %	17.23 %	9.13%	0.65	79%	36%	43%	0.46
W1	3 rd Floor	Unknown	31.33 %	22.41 %	8.92%	0.72	91%	53%	42%	0.58

W1 at ground floor level serves a dining room. This room experience a 30% loss of VSC. However, the actual loss is 2.98% but the proportional reduction is high because existing VSC levels are so low. The NSL assessment shows that this rooms would experience reductions of 53%. During a visit to the impacted room, it is evident that this room is also illuminated from windows serving the living room to the front of the property and the kitchen to the rear. As such, it is not considered that the internal light levels would be so adversely impacted to warrant a refusal.

W1 at first floor level experience an actual VSC loss of 8.61 and 46% NSL reduction to the room its serves. As the occupant of this flat did not comment on this application, therefore the case officer was unable to gain access. Although the room which W1 serves is unknown it is assumed, based on photos found online, that the principle habitable accommodation to this flat is located to the front of the property. As such, it is likely that this window serves either a bathroom or a bedroom. Whilst this loss is unfortunate, given this building is in a built-up central London location, it is considered the retained VSC is adequate for a bathroom which is not considered a habitable room and a bedroom which the BRE guidance states to have less importance than the main living rooms when assessing impacts to daylight to existing buildings.

W3 at first floor level is one of three windows serving a single kitchen. The VSC of this window reduces by 7.31% to 8.64%. Whilst this is a considerable loss to a single window, this also benefits from another two windows/skylights which experience daylight reduction in line with the BRE guidance, one of which would have a proposed VSC of 36.08% which is considered very high for its central London location. This is evident in the NSL assessment which shows that 81% of this rooms would remain lit.

W1 at both second and third floor level serve two unknown rooms and experience 35% and 28% VSC loss and NSL reductions of 54% and 42% respectively. Given that the retained VSC for these windows would be 17.23 and 22.41% respectively, which is considered relatively high for this location, it is not considered that that these losses would justify a refusal.

28 Thayer Street

This building comprises a dry cleaner at basement and ground floor levels with residential flats on the upper floors and is situated to the north of the application site. The table below details the losses to the VSC in excess of the BRE guidance:

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	1 st	Bedroom	14.11 %	7.43%	6.68%	0.53	18%	10%	8%	0.56
W1	2 nd	Kitchen	25.73	17.59	8.14%	0.68	96%	96%	0	1

			%	%						
W2	2 nd	Kitchen	20.19 %	14.08 %	6.11%	0.70	96%	96%	0	1
W3	2 nd	Kitchen	11.03 %	5.06%	5.99%	0.46	96%	96%	0	1
W1	3 rd	Bedroom	32.51 %	24.80 %	7.71%	0.78	83%	46%	37%	0.55

W1 at first floor level experiences loss of 47% VSC and would retain a 7.43 VSC. The NSL would also reduce by 54%. Whilst the loss to a bedroom in a recent extension is unfortunate it is not considered to warrant the same level of protection as essential residential rooms, such as living rooms. Given the central London location of the site, it is considered the retained VSC is adequate for a room of this size.

Whilst the daylight assessment indicates that windows W1 (window), W2 (glazed door) and W3 (fanlight) at second floor level do not comply with the BRE guidance, given that they serve a galley kitchen totalling 8.7 sqm and the retained VSC for the window and door are relatively high, the impact is acceptable. Furthermore, the NSL assessment demonstrates that there is no predicted loss to the lit area to the kitchen.

W1 at third floor which serves a bedroom would experience a 22% VSC loss, however, the VSC (25.21%) is considered relatively high. This also benefits from another window which experience daylight reduction in line with the BRE guidance, which would have a proposed VSC of 24.80%. The NLS assessment indicates that 82% of the room will remain lit. Given the number of windows and the retained VSC levels, it is not considered there would be a noticeable change due to the proposal.

29 Thayer Street

This building comprises a shop at basement and ground floor levels with residential flats on the upper floors and is situated to the north of the application site. The table below details the losses to the VSC in excess of the BRE guidance.

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	2 rd floor	Kitchen	18.12 %	13.49 %	4.63%	0.74	18%	10%		0.56
W1	3 rd	Bedroom	27.66	22.79	4.87%	0.82	83%	46%	37%	0.55

Whilst the daylight assessment indicates that the W1 at second floor level does not comply with the BRE guidance, given that they serve a galley kitchen totalling 8.7 sqm which is not considered to be a habitable room and the retained VSC, the impact is acceptable. Furthermore, the NSL assessment shows demonstrates that there is no reduction to the lit area.

The NSL assessment show that there would be 44% and 45% reductions to the lit area within bedrooms at first and third floor levels. The first bedroom is currently poorly lit with 18% of the room experiencing light but the proportional reductions are high because

existing NSL levels are so low. The third floor bedroom retains a lit area of 46% which is considered acceptable in this central London context.

39 Marylebone Lane

This building comprises a restaurant at basement and ground floor levels with residential flats on the upper floors and is situated to the south of the application site. The table below details the losses to the VSC in excess of the BRE guidance:

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	1 st floor	Unknown	11.79 %	8.32%	3.47%	0.71	57%	50%	7%	0.87
W2	1 st floor	Unknown	10.51 %	7.60%	2.99%	0.72	57%	50%	7%	0.87
W3	1 st floor	Unknown	9.72%	7.42%	2.3%	0.76	64%	64%	0	1.0
W1	2 nd Floor	Unknown	17.53 %	13.44 %	3.99%	0.77	72%	61%	11%	0.84

The rooms served by windows W1, W2 and W3 at first floor and W1 at second floor are unknown. Whilst the degree of reduction to all windows is greater than 20%, the maximum actual reductions to these windows is only 3.99%. In such circumstances, even imperceptible absolute changes in VSC result in a technical failure when expressed as a percentage. The NSL assessment shows that the maximum these rooms would experience reductions of 13% of lit area which is within the acceptable limits within the BRE guidance.

As such, it is not considered that the proposal would be materially harmful.

41-43 Marylebone Lane

This building comprises a retail unit at basement and ground floor levels with residential flats on the upper floors and is situated to the south of the application site. The table below details the losses to the VSC in excess of the BRE guidance:

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	1 st floor	Kitchen	17.68 %	9.38%	8.3%	0.53	97%	93%	4%	0.96
W1	2 nd floor	Kitchen	25.98 %	14.28 %	11.7%	0.55	98%	96%	2%	0.98
W3	3 rd floor	Kitchen	33.11 %	20.47 %	12.64 %	0.62	99%	98%	1%	0.99

Whilst the daylight assessment indicates that W1 at first floor level, W1 at second floor level and W3 at third floor level do not comply with the BRE guidance, given that they serve galley kitchens which BRE guidance do not consider to be habitable rooms and the retained VSC, the impact is acceptable in this instance. Furthermore, the NSL

assessment shows that maximum NSL reductions to these room would be 4% which is considered negligible.

16 Hinde Street

This building comprises a shop at basement and ground floor levels with residential flats on the upper floors and is situated to the south of the application site

Ref	Floor	Use	Vertical Sky Component				No Sky Line			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	3rd	Unknown	14.99 %	13.14 %	1.85%	0.88	96%	57%	39%	0.78

A third floor window to an unknown residential room would experience a 22% NSL reduction which is marginally above the acceptable limits.; however, as the 75% of the room would remain lit, it is not considered that the application could be refused due to the proposed impacts.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, or there is more than a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

19 Bulstrode Street

19 Bulstrode Street has two windows which experience sunlight losses in excess of the BRE Guidance, as detailed in the table below:

Ref.	Location	Use	Sunlight to Windows							
			Total Sunlight Hours				Winter Sunlight Hours			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	Upper ground	Snug/ games room	36	20	16	0.64	4	0	4	0
W2	Upper ground	Snug/ games room	33	21	12	0.64	3	0	4	0

W1 and W2 serves a snug/games room at upper ground floor level. Both the impact on total annual sunlight hours and the loss of all of the winter sunlight hours as a result of the proposal are in breach of the BRE guidance. Given the very high levels of APSH for this built-up central London location that will be retained after the proposed development, this room will still receive very good levels of sunlight.

21 Bulstrode Street

21 Bulstrode Street has a number of windows which experience sunlight losses in excess of the BRE Guidance, as detailed in the table below:

Ref.	Location	Use	Sunlight to Windows							
			Total Sunlight Hours				Winter Sunlight Hours			
			Before	After	Loss	Ratio	Before	After	Loss	Ratio
W1	Ground	Dining	18	12	6	0.67	4	0	4	0
W1	1 st floor	Unknown	41	21	20	0.51	10	0	10	0
W3	1 st floor	Kitchen	38	20	18	0.53	6	0	6	0
W4	1 st floor	Kitchen	47	24	23	0.51	12	0	12	0
W1	2 nd floor	Unknown	61	35	26	0.57	16	4	8	0.25

W1 which serves a dining room at ground floor level would experience losses of 6% APSH which include all the winter sunlight hours (4%). Given that the room would retain 12% APSH it is considered acceptable in this context.

Two out of three windows serving a kitchen at first floor level would experience material losses of sunlight in excess of the BRE Guidance. Whilst the losses to these windows are unfortunate, given that this kitchen is served by an additional window which experience sunlight reduction in line with the BRE guidance and the relatively high APSH retained to both windows, it is considered that the impact of the proposed development would therefore not be materially harmful in this respect.

W1 at second floor level retains APSH of 35%, however, the winter sunlight hours reduces to 4%, which is 1% below the BRE guidance. Given the very high levels of APSH that will be retained after the proposed development, this room will still receive very good levels of sunlight.

Overshadowing

Objections have been received due to the potential of overshadowing to the rear terrace to the basement and ground floor flat. Given the stepped approach in the courtyard, it is not considered that the impact of the proposal to the terrace is so harmful to warrant a refusal.

Sense of Enclosure

The proposal has been modified to remove the plant enclosure above the link building within the central courtyard and the height of the whole development has been marginally reduced to better align with the parapets of neighbour properties. Given the amendments together with the tiered nature of it proposed building in the central courtyard area and the inset of the link building above first floor level to the south of the application, it is not considered the proposal will materially increase the sense of enclosure felt within neighbouring residential properties. As such, the objections received due to loss of outlook to the Bulstrode Street properties is not sustainable.

Privacy

There is already a certain degree of mutual overlooking between the flats in Bulstrode Street and the application site due to the presence of existing terraces at first, second and third floor level Nos. 20-27 Thayer Street due to the existing terraces at first, second and third floor levels.

During the course of the application, the terrace proposed at second floor level was changed to an ornate terrace where future building occupants will not be able to access with the exception of maintenance personal and in case of an emergency. A condition has been attached to ensure this is the case.

This proposal does however, includes terraces accessed from the link building at third and fourth floor level. Given the set back from properties to the north, it is considered that the proposal will reduce the potential of overlooking based on the existing situation.

There is a flat roof to the south of the central link building at first floor level where access is provided to a substation and waste store vent. A condition is recommended to restrict access for maintenance purposes or in an emergency.

Windows serving the office accommodation have been minimised on the northern portion of the site to minimise potential overlooking.

The proposal introduces new windows to the Marylebone Lane and Thayer Street frontages. However, given the existing situation, and the relationship with neighbouring sites, it is not considered that the proposals would result in any material increase in the potential for overlooking to adjoining properties which could justify a recommendation for refusal.

Given the above, it is not considered that the objections on the grounds of reduced privacy can be sustained.

Noise

Cumulatively, the proposed terraces at third floor and fourth floor are significantly smaller than the existing terraces. Therefore, it is unlikely that these terraces will be more intensively used. To reduce any potential noise implication due to their inclusion in the proposal, the applicant has agreed to the imposition of a condition to limit the hours of use from 08:00 to 19:00 daily.

Given the cumulative sizes of the existing terrace, their unrestricted nature in terms of hours of use and their proximity to the Bulstrode properties, it is considered that the proposal is likely to be a betterment based on the existing situation therefore it is considered unreasonable to withhold permission based on noise nuisance from the proposed terraces.

8.4 Transportation/Parking

Parking/traffic generation

The site is centrally located and well served by public transport including principal bus routes. Anyone visiting the site by car would be subject to local parking restrictions and the proposal is considered unlikely to have a significant impact on car parking demand and is consistent with UDP policies TRANS21 and TRANS22.

The application site is conveniently located with a vast range of public transport modes in the immediate vicinity. The proposal also includes cycle parking and showers and changing facilities to encourage those wishing to walk or cycle to the application site.

Servicing

The existing buildings are serviced from both Marylebone Lane and Thayer street. While UDP Policy TRANS 20 seeks off-street servicing, there is no opportunity to provide this within the development. The site is serviced from single yellow line in the vicinity and there are no restrictions on loading. It is considered that any increased servicing demands resulting from the development could be accommodated on street without detriment to the operation of the highway.

Cycle Parking

The application site currently has no cycle parking. The proposal includes cycle storage for 32 cycles together with changing facilities and showers. This is welcomed, and cycle parking would be secured by condition.

Doors

The proposal includes several sets of doors which open outwards over the public highway. This is unacceptable and contrary to Section 153 of the Highways Act, in addition to Council policies TRANS3 and S41. An amending condition has been recommended to ensure that all doors do not open over the public highway.

8.5 Economic Considerations

Any economic benefits generated by the proposed increase in office floorspace within the Core CAZ are welcome.

8.6 Access

The revolving door to the main office entrance on Upper John Street will be replaced by power assisted double doors. The new office accommodation would be accessed via an extended lift.

The flexible retail, gym and office unit would have separate access from Upper John Street.

The basement would be accessible from a secondary entrance on Upper John Street, either via the lobby or the service bay gates, which lead to a secondary stair core down to the basement where cyclists will also enter.

The proposal includes step free access throughout.

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

The proposal includes the installation of plant with associated screening at to the roof of the Thayer Street building.

Objections have been received on the due to the potential noise nuisance due to the inclusion of mechanical plant and the measurement point used when undertaking the survey to establish the existing background noise.

The application is supported by an acoustic report which has been reviewed by the Council's Environmental Health Officer. They consider that their records appear to agree with what has been taken as the most sensitive receiver and confirmed that that position 2 would be the most relevant design criteria to bases the acoustic assessment.

Environmental Health considers that the plant is likely to comply with the City Council's standard conditions. However, as all of the plant has not yet been selected a further condition is recommended requiring the submission of supplementary acoustic report with specifications for the plant and details of noise/vibration attenuation measures. A condition is also recommended requiring the plant screen to be installed prior to the operation of the plant. Subject to these conditions, the proposal would comply with UDP policy ENV7 and S32 of the City Plan.

Refuse /Recycling

The proposal provides a waste storage area at lower ground level to serve both the office and retail/nursery element. The Waste Project Officer has raised no objection to proposed refuse and recycling storage arrangements, which would be secured by condition.

Contaminated Land

A structural engineering report was submitted to support the application. Within section 3.7 it states: 'Due to the site location and current/previous usage, it is assumed that no significant contamination is present on site; assuming that print works (light industrial) resulted in no significant contamination). During the full site investigation, measures will be taken to confirm this.' On the basis, a condition is recommended requiring a detailed site investigation to find out if the building or land are contaminated with dangerous material, a remediation strategy and details of the action taken during the development process and action required in the future, if appropriate.

Biodiversity

The proposal incorporates a green roof to the portions of the building facing both Thayer Street and Marylebone Lane at main roof level and planters within the tiered terraces. This is welcomed and accords with City Plan Policy S38 and ENV17 of the UDP. It is recommended that details of green roof (construction and planting) and the strategy for the maintenance of the planters are secured by condition.

Sustainability

The applicants have submitted a detailed Sustainability and Energy Strategy in support of the proposals.

Policies 5.1 to 5.9 of the London Plan focus on measures to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments, including this scheme, which equates to a 35% reduction in carbon dioxide emissions for non-domestic buildings when compared with part L of the Building Regulations (2013). Policy 5.6 of the London Plan requires development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems.

In order to reduce carbon omissions, the scheme incorporates various measures including the use of thermally efficient building fabric, insulated pipework and ductwork

(and air sealed ductwork), energy efficient water, heating, cooling, lighting and ventilation (with heat recovery systems). Through the implementation of these measures, it is estimated that the development would achieve a 11.64% reduction in site-wide regulated CO2 emissions beyond the requirements of the Building Regulations Part L (2013) 'baseline'.

The applicants acknowledge that the overall shortfall in CO2 savings is below the London Plan Policy target but consider that this level of savings represents the maximum that can be achieved given that the building façade would be, partly, retained. As the roof would house plant for the development and a living/green roof which is required for water attenuation, it is not considered that further measures e.g. the installation of photovoltaic panels could be accommodated. In these circumstances, a shortfall in the level of CO2 savings can be offset through a financial contribution to the Council's carbon offset fund. This would be secured by condition. It is estimated that the required contribution would be £39,978.

Subject to conditions to secure the sustainability measures proposed and a carbon offset payment, this aspect of the scheme is considered acceptable.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

The Knightsbridge Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 18 October 2018, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Knightsbridge Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to:

- City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development (Condition 14); and
- Details of land contaminants/remedial strategy and future action (Condition 15)
- Arrangements to address the shortfall in carbon dioxide reductions (Condition 16)

The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The Mayoral CIL and Westminster CIL required as a result of this proposal is £122,655 and £132,600 respectively.

8.13 Environmental Impact Assessment

The proposal is of insufficient scale to require an environmental assessment.

8.14 Other Issues

Construction impact

Objections have also been made due to the potential amenity impact of the proposal during the construction phase. A condition has been recommended requiring the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. This will be secured by condition. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupants during the construction process to ensure that residents' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

(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: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

9. KEY DRAWINGS

Existing Marylebone Lane Elevation



A - Marylebone Lane Elevation
1:100 at A1

Proposed Marylebone Lane Elevation



Existing Thayer Street Elevation

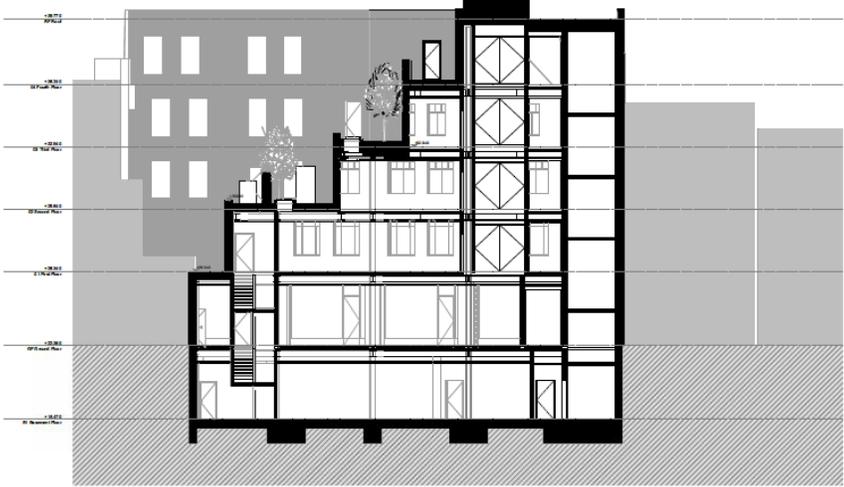


B - Thayer Street Elevation
1:100 at A2

Proposed Thayer Street Elevation

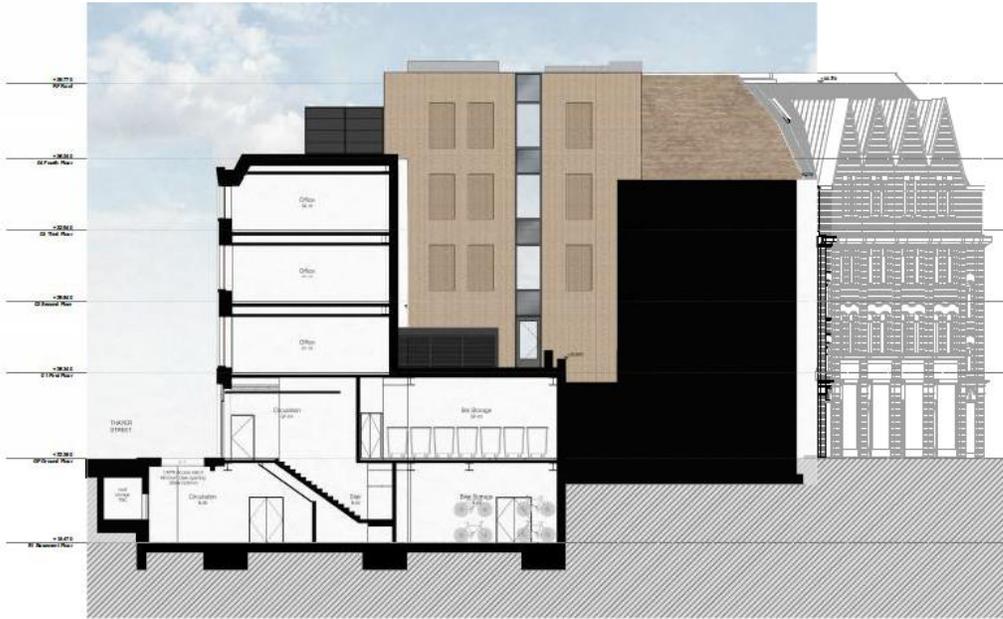


Proposed Section (north-south)



Section F
1:100 (A1)

Proposed Southern Section



Existing Ground Floor Plan



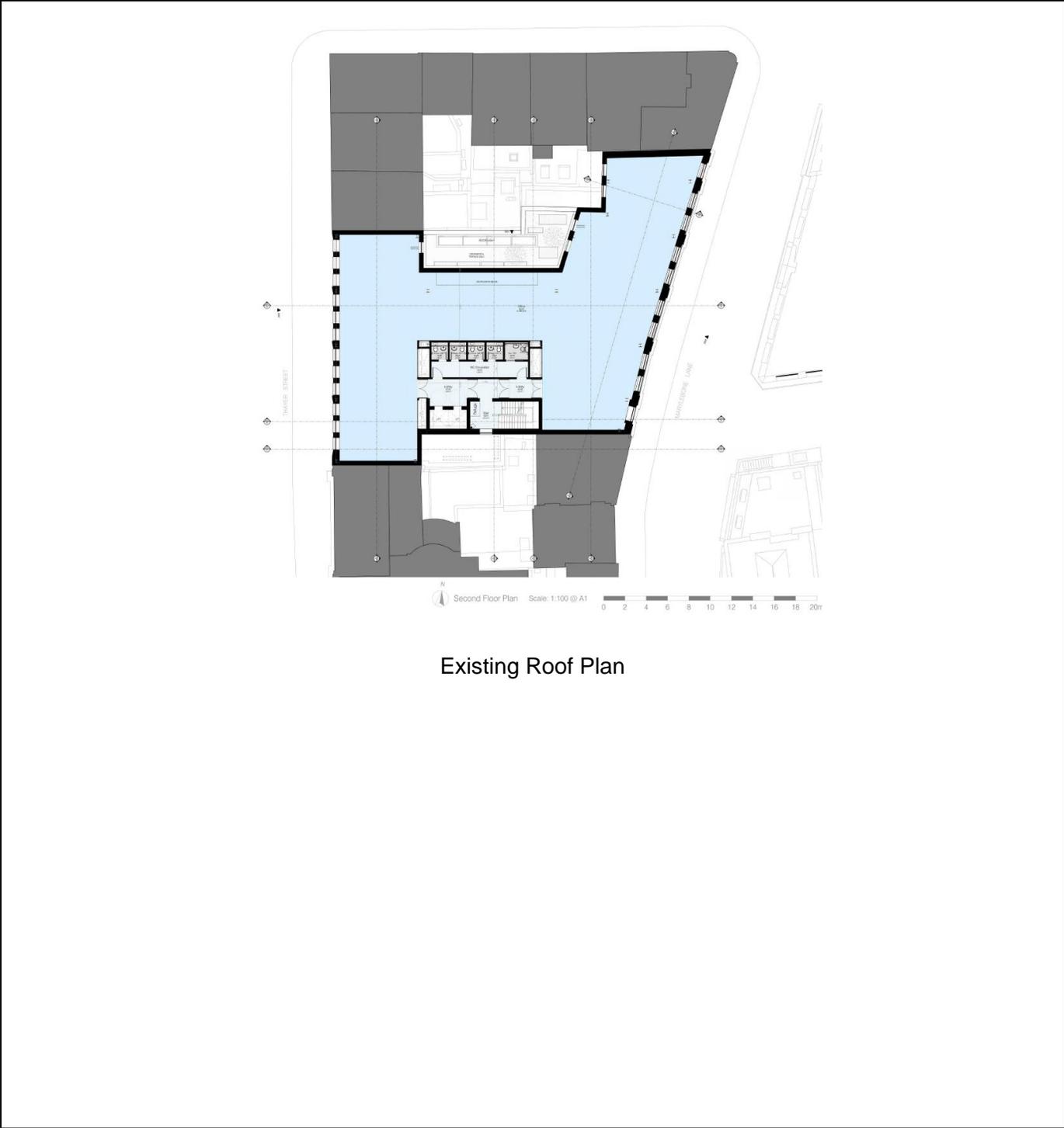
Proposed Ground Floor Plan



Existing Second Floor Plan



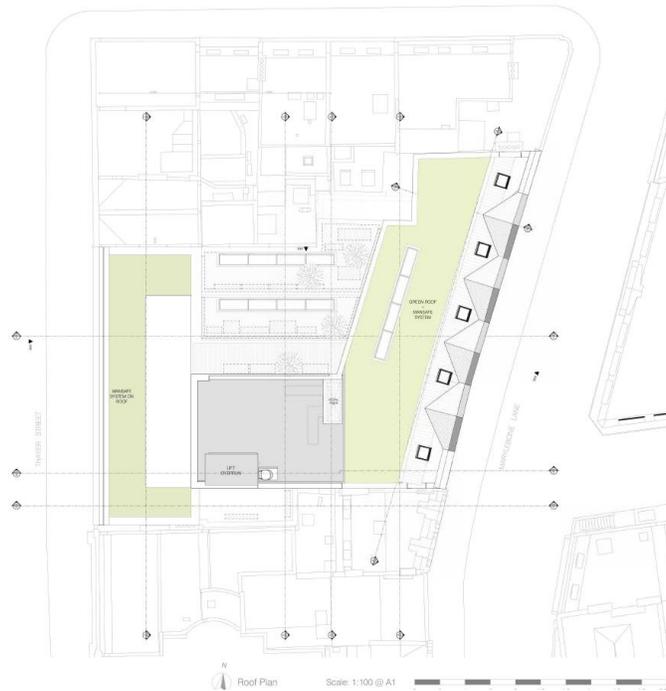
Proposed Second Floor Plan



Existing Roof Plan



Proposed Roof Plan



DRAFT DECISION LETTER

Address: 45-57 Marylebone Lane, London, W1U 2NT

Proposal: Redevelopment of 45-57 Marylebone Lane and 20-27 Thayer Street behind a retained Marylebone Lane facade, to provide a new building for retail use (Class A1) at of part basement and ground floor levels, nursery use (Class D1) at of part basement, ground and first floor levels and office use (Class B1) at part basement, ground and from first to fourth floor level with a roof top plant enclosure to 20-27 Thayer Street and a green roof throughout. Creation of terraces from second to fourth floor level with the central courtyard (Site includes 20-27 Thayer Street Street).

Plan Nos: CA 00 01 DR A 6320 REV P01, CA 00 B DR A 6320 REV P01, CA 00 GF DR A 6320 REV P01, CA 00 02 DR A 6320 REV P01, CA 00 03 DR A 6320 REV P01, CA 00 RF DR A 6320 REV P01, CA 00 B DR A 6321 REV P02.

CA 00 B DR A 2001 REV P08, CA 00 GF DR A 2001 REV P08, CA 00 01 DR A 2001 REV P06, CA 00 01 DR A 2001 REV P06, CA 00 03 DR A 2001 REV P06, CA 00 04 DR A 2001 REV P06, CA 00 RF DR A 2001 REV P06

CA 00 ZZ DR A 3050 REV P01, CA 00 ZZ DR A 3051 REV P01, CA 00 ZZ DR A 3056 REV P02, CA 00 ZZ DR A 4001 REV P06, CA 00 ZZ DR A 4001 REV P06, CA 00 ZZ DR A 4002 REV P07, CA 00 ZZ DR A 4003 REV P08, CA 00 ZZ DR A 4004 REV P07, CA 00 ZZ DR A 4005 REV P06, CA 00 ZZ DR A 4006 REV P06, CA 00 ZZ DR A 4007 REV P07.

MARBN-CA-00-XX-DR-A-9001 Waste Management Plan P01

Section 6.1 - 6.7 of document titled 'Energy Statement' by Me Engineers dated December 2018

Case Officer: Damian Lavelle

Direct Tel. No. 020 7641 5974

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

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

Reason:

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

- 2 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 Harley Street 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 not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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 Harley Street 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 apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

1. Plant enclosure on roof of Thayer Street building to be pitched on all sides.
2. Revised window design on Thayer Street and Marylebone Lane frontages, omitting proposed aluminium units.
3. Revised shopfront design on Marylebone Lane frontage to show timber framed shopfronts with panelled stallrisers and retention of existing decorative cornice at fascia level.

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 Harley Street 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 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Harley Street 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 of the following parts of the development:

1. New windows and doors (1:5 and 1:20)
2. Roof level plant enclosure to Thayer Street frontage (1:20)
3. New shopfronts (1:20)
4. Rooflights (1:5 and 1:20)

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 drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street 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 not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Harley Street Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Harley Street Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street 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 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 Harley Street 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)

- 12 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 facing the street unless they are shown on drawings we have approved. (C26MA)

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 Harley Street 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)

- 13 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces (both accessible and inaccessible terraces). (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street 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)

- 14 Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 15 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work

starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 16 **Pre Commencement Condition** You must not commence development until we have approved appropriate arrangements to secure the following:

- Arrangements to address the shortfall in carbon dioxide reductions

You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in London Plan Policy 5.2

- 17 You must use the D1 floorspace as a nursery only. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 18 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved shall not be used for food supermarket purposes

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 19 The ornamental terrace at second floor level along the boundary of the Bulstrode Street properties and the flat roof at first floor level providing access to the substation and waste store vent to the south of the site must not be used for sitting out or for any other purpose. You can however use these areas for maintenance purposes and to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 20 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof and terrace planters to include construction method, layout, species and maintenance regime. You must then install the green roof and terrace planters in accordance with these approved details and maintain them in situ for the life of the development.

Reason:

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

- 21 You must provide the be lean and be green environmental sustainability features (environmentally friendly features) identified in Section 6.1 - 6.7 of document titled 'Energy Statement' by Me Engineers dated December 2018 before you start to use any part of the new accommodation. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 22 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 Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 23 The terraces should not be in use between the hours of 19:00 - 08:00 except in the case of an emergency or to access for maintenance.

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 and ENV 7 of our Unitary Development

Plan that we adopted in January 2007. (R13FB)

- 24 You must put up the plant screen submitted and approved under Condition 5(1) of this permission before you use the machinery hereby approved. You must then maintain it in the approved form shown for as long as the machinery remains in place.

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. (R46AB)

- 25 (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. (R46AB)

- 26 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 25 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (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. (R46AB)

- 27 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. (R48AA)

- 28 You must provide the waste store shown on drawing 2001 Rev P08 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 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)

- 29 You must not occupy the floorspace hereby approved until you provide evidence that either (i) or (ii) below has taken place and the City Council has provided written confirmation.

(i) all combined water network upgrades required to accommodate the additional flows from the development have been completed; or

(ii) a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

- 30 Notwithstanding the detail shown on the approved drawings, you must hang all doors so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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, neighbourhood plan (where relevant), 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 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)

- 3 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)

- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
 - * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads

- 5 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 6 Manual-handling accidents account for 38% of all reported accidents. Careful consideration at the design stage can eliminate or reduce the need for manual handling within buildings, for example the location of delivery areas in relation to store rooms and access to and the position of plant rooms.

There is more guidance on the Health and Safety Executive website at <http://www.hse.gov.uk/msd/index.htm>. (I80EB)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 9 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.
- 10 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 11 Under condition 16 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a payment of £39,978.towards the Council's Carbon Off-set Fund. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.
- 12 Conditions 25 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)

Item No.
3

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.

This page is intentionally left blank

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Development Site at Bressenden Place, Allington Street and Nova, SW1 (Nova East)		
Proposal	Variation of condition 37 of permission dated 08/03/2016 (ref 15/08006/FULL) for Construction of a new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping / public realm works. NAMELY, further realignment of Allington Street and rotation of the permitted building, removal of basement floor space, increased office floorspace, amendments to the design of the facade, and associated works including decreased storey heights to enable the inclusion of two additional storeys without increasing the permitted height of the building.		
Agent	Gerald Eve		
On behalf of	Victoria Circle Limited Partnership		
Registered Number	19/00012/FULL	Date amended/ completed	24 December 2018
Date Application Received	24 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a deed of variation to the original S106 legal agreement dated 9 October 2009 secured under ref 08/08207/FULL (as varied) and subject to the views of the Mayor, to secure the following:</p> <ul style="list-style-type: none"> i. A payment of £12,449,773 (index linked) to the Council's affordable housing fund payable on commencement of development. ii. A payment of up to £3,441,200 towards Crossrail. iii. The necessary Stopping Up Orders and Traffic Management Orders to allow for the realignment of Allington Street. iv. Monitoring costs.

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

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

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

2. SUMMARY

The application site forms part of the original Victoria Transport Interchange 2 (VTI2) Masterplan site approved in October 2012. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with London Underground's Victoria Station Upgrade (VSU). Permission 1 (now known as Nova) has been completed in full and comprises a mix of retail, offices and 170 residential flats. Permissions 2 and 3 have been revised since the original permission was granted. These developments comprise a mix of residential, offices, a library and retail but remain unimplemented at the time of writing.

The application site comprises the site of Permission 3 (land bounded by Allington Street, Bressenden Place and the Nova development) and is known as Nova East. The application site is vacant having previously been used as a construction site for the VSU. The site is located outside a conservation area. However, the Westminster Cathedral Conservation Area is located to the south east and the Grade II* listed Victoria Palace Theatre is nearby.

A revised scheme has been submitted for Nova East in the form of a S73 minor material amendment. The proposal is again for the construction of an office (Class B1) building fronting Allington Street and Bressenden Place with part flexible office and retail uses (B1/A1/A2) at ground and first floor. The key amendments sought are:

- the rotation of the approved building and realignment of Allington Street (Allington Street to remain as public highway)
- removal of basement floor space,
- amendments to the design of the façade
- decreased storey heights to enable the inclusion of two additional storeys (without increasing the permitted height of the building).

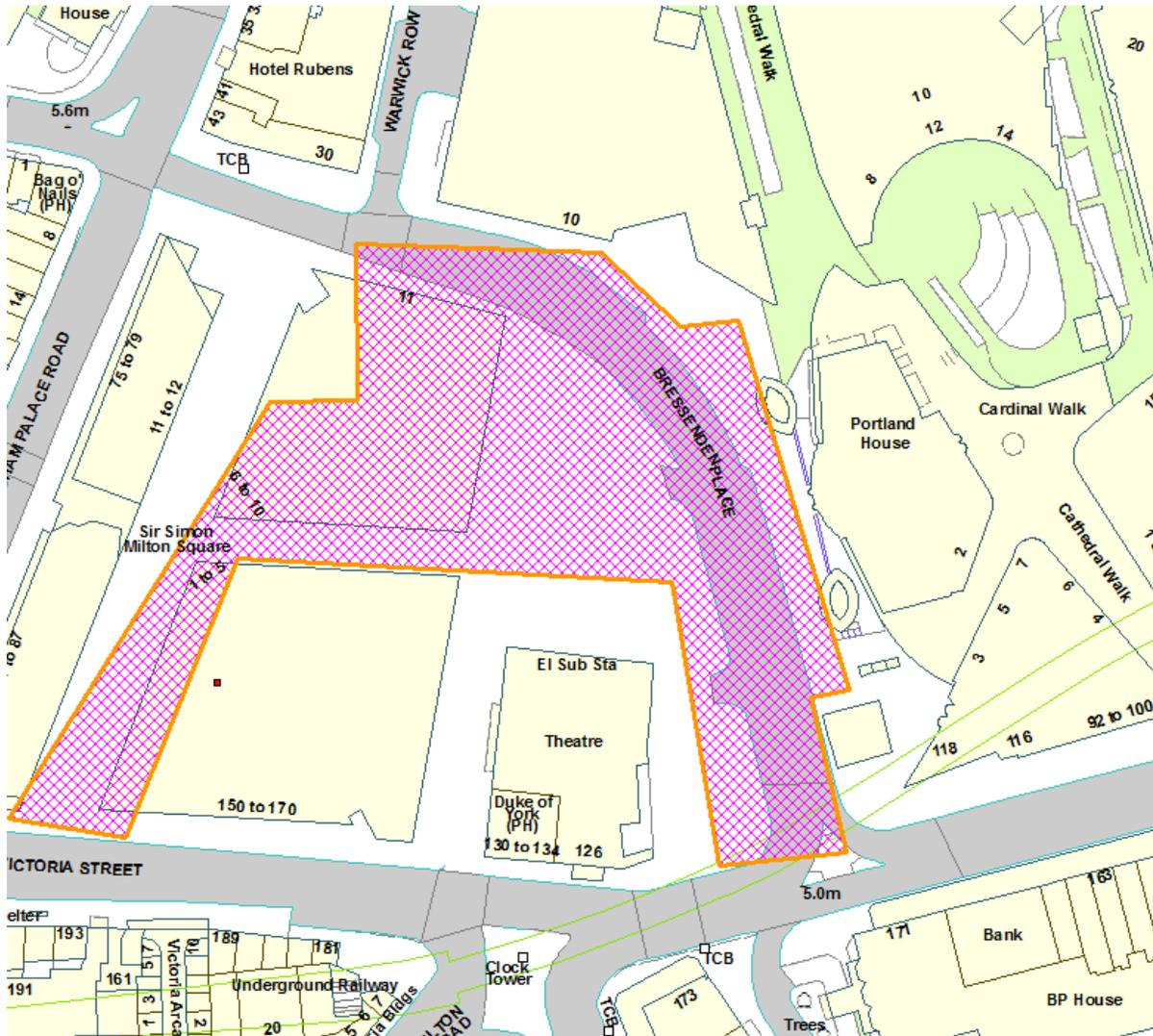
A separate application for revisions to the approved scheme for Permission 2 (known as Nova Place) is Item 5 on this agenda.

The application is accompanied by an Environmental Statement (ES).

The key issues with this application are design of the new building and its impact on the townscape and strategic views and the increase in office floorspace and compliance with the Council's mixed use policies.

The current proposal for Nova East is substantially similar to the scheme permitted in 2016 and is again considered acceptable in terms of design, land use, highways, amenity impact and environmental considerations. The provision of a payment in lieu for the increase in office floorspace is again considered acceptable for the reasons set out in the report. The application is considered to comply with relevant policies in our City Plan and Unitary Development Plan and is recommended for approval subject to a Deed of Variation to the legal agreement dated 9 October 2009 (as amended) to secure the necessary planning obligations.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View of Nova East site from Bressenden Place

5. CONSULTATIONS

Westminster Society

Any response to be reported verbally.

Victoria Neighbourhood Forum

Any response to be reported verbally.

Waste Project Officer

No objection subject to a condition.

Belgravia Residents Association

Any response to be reported verbally.

Belgravia Neighbourhood Forum

Any response to be reported verbally.

The Belgravia Society

Any response to be reported verbally.

Cathedral Area Residents Group

Any response to be reported verbally.

Highways Planning - Development Planning

No objections to servicing, car parking or cycle parking arrangements. Concerns raised about the Allington Street closure and its implications for highway and pedestrian movements along Victoria Street (due to the proposed contra-flow on Victoria Street) and the access, servicing and delivery arrangements for the Victoria Palace Theatre and Duke of York pub.

Environmental Health

No objection on environmental or noise nuisance grounds.

Thames Water

No objection subject to recommended

Transport for London

Do not object to the application however this is subject to the applicant satisfactorily addressing the points raised in our letter dated 5 June 2019 relating to bus service delivery and public transport planning, detailed design of contraflow, road safety, highways and traffic engineering impact. The level of cycle parking is Draft London Plan compliant.

Historic England (Listed Builds/Con Areas)

Do not wish to offer any comments.

Historic England (Archaeology)

No objection subject to a condition.

Theatres Trust

Object to the to the public realm proposals on Allington Street as this will impact on access, servicing and deliveries to the theatre. No objection to the principle of development or to the proposed uses.

Greater London Authority

Any response to be reported verbally

Natural England

No comment

Environment Agency (Thames Region)

No objection subject to conditions

The Royal Parks

Any response to be reported verbally.

National Planning Casework Unit

Any response to be reported verbally.

London Underground Limited

No comment except that the developer should continue to work with LU engineers as per lease agreement.

Theatres Trust

No objections to the principle of development but object to the public realm proposals as currently presented. This is because it would result in the Victoria Palace Theatre unable to facilitate get-ins and get-outs (the delivery and removal of sets and stage equipment) along with any other activities requiring the handlings of large vehicles e.g. outside broadcasts

Designing Out Crime

The Designing Out Crime Officer has met with the applicant's representatives resulting in recommendations being made in terms of reducing the opportunity for crime and the fear of crime within this scheme. The Counter Terrorism Advisor was notified of this application.

Network Rail

Any response to be reported verbally.

City of London

Any response to be reported verbally.

Hammersmith & Fulham Council

No objection

Royal Borough of Kensington & Chelsea

No objections.

London Borough of Lambeth
Any response to be reported verbally.

London Borough of Southwark
No comment.

London Borough of Wandsworth
Any response to be reported verbally.

London Borough of Tower Hamlets
Any response to be reported verbally.

Cross London Rail 2
No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 447
Total No. of replies: 4
No. of objections: 2
No. in support: 2

Victoria Palace Theatre (VPT) – objects to the proposal based on the potential effects of the both the Nova Place and Nova East developments on access to the VPT. The proposed draft Access and Delivery Service Plan (ADSP) goes some way to mitigating the principal concerns related to access to the theatre. The applicant and the theatre have yet to reach an agreed position on these matters.

Duke of York Public House – there are two matters that raise concern relating to how construction is to be managed over the three year implementation period and how the public house is to be accessed and serviced both during construction and completion of the works.

Comment from the National Cyber Security Centre (NCSC) who broadly support the proposal to pedestrianise Allington Street because doing so provides security benefits, namely it provides a reasonable stand off from vehicle-borne attacks, it creates a safe space for those queuing for the theatre (1500 people eight times a week), it creates a safe refuge for anyone adjacent to the estate, it contributes to a safe walking route for pedestrians looking to access Buckingham Palace/Trafalgar Square and Victoria Street/Parliament Square from Victoria Stations (train, tube and bus) and it is a position consistent with advice from CPNI and CTSA's will offer if asked how best to protect pedestrians in that space. The NCSC Security) are against the prospect of re-opening Allington Street and maintaining it as a road as doing so creates unnecessary vulnerabilities and risks to the pedestrians using Nova retail , tenants in the buildings, and theatre goes – namely vehicles used to run people over, vehicles used to ram into buildings and vehicles used as bombs.

Letter of support from a local resident in The View that the modifications made to the previous permission are logical and coherent and provide both aesthetic and logistical improvements which are in the interest of the local community

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site forms part of the original Victoria Transport Interchange 2 (VTI2) Masterplan development site and relates to the site of Permission 3. (now known as Nova East).

The site comprises land bound by Bressenden Place to the east and Allington Street to the south. The site is vacant and was until recently a construction site for London Underground's VSU and for works to upgrade the Victoria Palace Theatre including the construction of its fly tower extension which was facilitated by the Nova Masterplan.

The site is located outside a conservation area. The Westminster Cathedral Conservation Area is located to the south east and the site is close to the Grade II* listed Victoria Palace Theatre. The site is located within the Core Central Activities Zone (CAZ), the Victoria Opportunity Area and the Victoria Area Planning Brief (VAPB). The site is located outside the congestion charge zone and the main highways surrounding the sites form part of the inner ring road/congestion charge boundary and part of the Transport for London Road Network.

6.2 Recent Relevant History

Permission was granted for the VTI2 Masterplan on 9 October 2009. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with the VSU which occupied land that comprised Permissions 2 and 3. The three applications were considered as one proposal and they were linked via a S106 legal agreement into a series of development scenarios to secure the overall delivery of the Masterplan. The description of each permission and subsequent revisions together with the development scenarios are set out below.

Permission 1 – Buildings 5, 7a and 6b (now known as Nova)

Permission was granted on 9 October 2009 for three new buildings with 170 private residential units, retail and office accommodation. The development includes a two storey basement accessed from Bressenden Place for vehicle and cycle parking, servicing and loading and alterations to the public realm to provide new pedestrian routes and facilities for buses. (08/08205/FULL). The permission has subsequently been revised through minor material amendment applications to allow for revisions to the massing and external appearance, the basement, parking and loading arrangements, to the retail mix and to the use of the first floor terrace. The Nova development was completed in 2016.

Permission 2 – Building 7b/7c

In the Masterplan scheme Permission 2 provides the affordable housing units triggered by the market housing in Permission 1 and the community space (library). Under the terms of the Masterplan S106 legal agreement, there is no requirement for Permission 2 to be built as Permission 1's planning obligations, which are the provision of affordable

housing and the library, can be fully satisfied by commuted sum payments. The provision for commuted sums for these planning obligations was necessary due to uncertainties associated with the return of land that was occupied by the VSU works.

The original Permission 2 dated 9 October 2009 comprised a part six and part 12 storey building fronting Bressenden Place and Allington Street for use as offices (Class B1), retail (Classes A1-A5), flexible library/retail (Class D1/A1-A5) and 35 affordable housing units with servicing from Bressenden Place. (08/08206/FULL)

A revised Permission 2 was approved in January 2012 for a similar description of development set out above, but the scheme included the reinstatement of the facade, part basement and ground floors of Sutton House on Allington Street and the relocation of the library onto Victoria Street frontage. (11/05097/FULL) The key changes were:

- the potential library / office space relocated to Victoria Street. This followed concerns by amenity groups that the library was not in a prominent enough location;
- revisions to the library space definition to allow for the facility to be provided on multi levels and to provide for a one-off capital sum of £1,000,000 (index linked) to be used as a sinking fund to off-set any increased management costs for a multi-level library.
- the revised scheme to incorporate the Grade II listed Sutton House façade.

In 2015 Land Securities advised that Permission 2 was not commercially viable and was unlikely to be implemented.

The Masterplan S106 legal agreement sets out that if Permission 2 is not implemented, or if the affordable housing units are not transferred to a registered provider, or if the council decides not to take up the community space, the applicant is required to pay an affordable housing commuted sum of £8,287,628 (index linked) and a community space contribution of £6,920,000 (index linked).

Permission was granted in March 2016 for a revised Permission 2 (rebranded as Nova Place) for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1), 42 residential units and the reinstatement of elements of the retained facade and interiors of Sutton House on Allington Street. The key changes were:

- i) The provision of the library space at a peppercorn rent for a period of 25 years.
- ii) The provision of nine affordable housing units on site for social rent purposes (triggered by the 5,619m² of residential floorspace in the scheme).

The revised scheme for Permission 2 did not seek to provide Permission 1's obligation with regard to affordable housing on the basis that the affordable housing obligation could be satisfied by the commuted sum. The revised scheme does however continue to provide the community space. The permission expires on 30 September 2019.

Land Securities satisfied its affordable housing obligation for Permission 2 in September 2016 with a payment to the council's affordable housing fund of £10,520,367.

Permission 3 – Building 6a

The original permission dated 9 October 2009 comprises the construction of a new 14 storey office (Class B1) building with retail uses at ground and first floor level with servicing from the basement in Nova (08/08207/FULL).

A revised scheme was approved on 8 March 2016 for construction of new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal included new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping/public realm works. The permission expires on 30 September 2019.

7. THE PROPOSAL

The application for Nova East comprises a minor material amendment to the permission granted on 8 March 2016. The proposal is again for the construction of an office (Class B1) building fronting Allington Street and Bressenden Place with part flexible office and retail uses (B1/A1/A2) at ground and first floor (the previously approved uses within A3, A4 and A5 no longer form part of the scheme). The key changes to the design of Nova East are the realignment of the south elevation of the building to now be parallel with the Victoria Palace Theatre (the alignment of Allington Street and Nova Place has also changed) and the introduction of trusses to support the building along Allington Street rather than the previously approved cantilevered structure. The design approach is the same as previously approved. Although the scheme proposes two additional floors these are contained within the permitted building height. The proposed maximum height of the building of 73.380 is the same as that previously permitted, being 73.380m. The elevations are to be fabricated in natural anodised aluminium as previously permitted.

In addition to the proposed realignment of Allington Street, as originally submitted the scheme sought to permanently close the east-west leg of Allington Street with a pedestrianised public realm scheme to occupy the space. Restricted vehicle access was also proposed at Allington Street south, allowing delivery and servicing access for Victoria Palace Theatre and Duke of York pub only during restricted times. Following negotiations with the Highways and the proposed public realm works to Allington Street scheme have been removed from the scheme. Allington Street will therefore remain as public highway.

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

Use	Gross Internal Floorspace			
	Approved 2009	Approved 2016	Proposals	Net Change since 2016
Office (B1)	13,290	19,946	24,420	+4,474
Flexible Retail / Office (Classes A1-A2 or B1)	278	325	160	-118
Total	13,568	20,271	24,580	+4,309

Table 1 Land Use: Nova East (Applicant's calculations)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Nova East proposes an increase in office floorspace of up to 4,309 sqm from the scheme permitted in 2016. The proposed office increase is welcome in terms of Policies S4, S18 and S20 of the City Plan. The scheme proposes flexible retail uses within Classes A1-A2 (either shops or financial and professional services) or Class B1 offices of 160sqm at ground and first floor level. The reason for this reduction in potential retail floorspace compared to the previous scheme is due to the smaller footprint of the ground floor and the need to maintain full access to the mains sewer than runs underneath the site. The reduction in flexible retail floorspace is not considered significant given the other retail uses in Nova.

Mixed use policy

Policy S1 of the City Plan states that within the Core CAZ a mix of uses consistent with supporting its vitality, function and character will be promoted. Where the net additional floorspace (of all uses) is more than 50% of the existing building floorspace residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace. The residential floorspace will be provided in accordance with the following cascade; (i) on-site or in the immediate vicinity of the site, (ii) off-site on a site in the vicinity of the development site or in the case of the Victoria Opportunity Area, within that Opportunity Area, (iii) payment of an appropriate payment in lieu to the Affordable Housing Fund. In considering that a particular step is not practicable, site specific considerations will need to be taken into account. In demonstrating a particular step is not appropriate, considerations may include where a significantly better outcome can be achieved, in keeping with the council's mixed use objectives, by not providing the residential floorspace on site.

In terms of applying Policy S1 it has been agreed by officers that in calculating any financial contribution under mixed use policy, the uplift should be considered to be that from the original permitted scheme i.e. the floorspace uplift from the 2009 Permission 3. This is consistent with the way the 2016 permission was assessed. This is because the

uplift from the buildings that previously existed on the site had already been captured as part of the Masterplan scheme. The increase in office floorspace from the 2009 permission is up to 4,309sqm.

It is not considered appropriate to provide residential floorspace within Nova East as it will undermine the strategic objectives of increasing the amount of office floorspace within the Victoria Opportunity Area. In addition, there are above ground constraints that prevent an increase in the size of the building in the form of strategic and other views; for example, views of the building from the Queen Victoria Memorial. The applicant, which is Victoria Circle Limited Partnership, only owns sites comprising the Nova development and no other sites within the VOA. Although residential uses have previously been permitted at the adjacent site Nova Place, the applicant considers that it is not appropriate to put residential floorspace within the current scheme for Nova Place due to the constraints imposed by the VSU ventilation towers.

The principle of a fully commercial building on this site has been accepted twice previously in 2009 and 2016. It is not considered that there has been a significant material change in circumstances to take an alternative position with the current scheme. Whilst there is a new policy in place in the form of S1 of the City Plan, it has adopted a substantially similar cascade approach to previous iterations of the mixed use policy. The argument put forward by the applicant for not providing the required residential floorspace at Nova Place is accepted.

It is therefore proposed to address the mixed use policy through a payment in lieu taking into account the increase in floorspace proposed. A payment of £12,449,773 will therefore be required towards the council's affordable housing fund which is equivalent to the net additional B1 office floorspace less 30% of the existing building. Should the flexible A1/A2 space at ground and first floors be used for B1 purposes then this sum will reduce to £12,244,107. This could be secured through the deed of variation to the S106 legal agreement.

8.2 Townscape and Design

The revisions to Nova East are considered acceptable in design terms. The overall height of the building is the same as previously approved and the design and massing is substantially similar to the permitted scheme. There will be no material difference in key views of the building from the Queen Victoria Memorial and the gardens of Buckingham Palace. The changes to the south elevation of the building (arising from the realignment of the building footprint) and the changes to the design of the shoulder element of the building will be visible from the south. However, this will not have any significant impact on the setting of the Grade II* listed Victoria Palace Theatre when viewed from the south. The building remains a conventional curtain wall construction in natural anodised aluminium. The south facade again has solar shading by projecting vertical fins which add visual depth to the facade, while other facades have a combination of narrow fins and clear and translucent glass panels. The design approach to the ground floor where the cantilevered roof is replaced by structural trusses is considered acceptable and an improvement over the approved scheme.

8.3 Residential Amenity

Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy S29 of the City Plan states that 'the council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment.'

The applicant provided a daylight and sunlight assessment for the scheme approved in 2016. This assessment demonstrated that all of the 930 windows assessed surrounding the proposal would meet the BRE criteria for the vertical sky component (VSC). The 'no sky line' (NSL) assessment demonstrated that 17 windows within The View (that serve living rooms) would not meet the BRE guidelines with nine experiencing a NSL reduction between 20-30% and 8 experiencing a reduction of between 30-40%. However, this impact was considered acceptable on the basis that all windows pass the VSC daylight test, and given the central London context, the impact to properties within The View would not be so severe as to justify a refusal.

The applicant has concluded that full reassessment of the amended scheme is unnecessary on the basis that there are relatively small changes to the massing of the proposed development. A Statement of Conformality has been provided by the applicant confirming this. This approach is considered acceptable and it is considered that for the reasons set out above the material loss of residential amenity to residential properties within the View is once again considered acceptable.

8.4 Transportation and Public Realm

Cycle parking, car parking and servicing

There are no objections to the realignment of Allington Street. The realigned Allington Street will make an improved and logical connection between Nova and Bressenden Place. The necessary Stopping Up Orders and Traffic Management Orders for this realignment could be secured as part of the deed of variation to the S106 legal agreement.

Policy S41 of the City Plan requires all development to prioritise pedestrian movement and a pedestrian safe environment, encouraging sustainable transport options. S42 requires adequate off-street servicing provision in new developments.

Nova East forms part of the Masterplan scheme and access is provided to the basement under Permission 1 (the Nova development) for cycle parking, disabled car parking and servicing.

A total of 329 long stay cycle parking spaces are proposed in the Nova basement with accompanying shower and locker facilities. A further 23 short stay spaces are provided for visitors. The cycle parking proposed meets the London Plan standards and is considered acceptable. It is recommended that details of the on-street cycle parking are secured by condition.

The Nova basement will provide 5 disabled car parking spaces for the commercial use in Nova East. No other car parking is provided. This is considered acceptable.

Off street servicing to Nova East will be provided via the basement which is to be connected through to the main Nova basement to the west. These servicing arrangements are similar to those previously approved and are considered acceptable in highways terms. Commercial waste for Nova East will be stored within the shared basement level for Nova.

Public Realm

The scheme as originally submitted proposed to enhance the public realm of the Nova Masterplan area through the pedestrianisation of the east-west part of Allington Street and the part pedestrianisation of the north-south part. Under current proposals Allington Street is due to be reinstated following the completion of the VSU works and will once again be open to buses only.

Officers recognise that the public realm proposals would enhance pedestrian movement and comfort within the Nova Masterplan area, enhance the east-west connections to Nova Phase 1 and Cardinal Place and provide a new area of open space for people to relax and sit. The public realm measures would also enhance the security within the wider Nova development. However, the closure of Allington Street to bus traffic necessitates the provision of a contraflow bus lane on Victoria Street outside the Victoria Palace Theatre and modifications to two junctions on Victoria Street. The detailed traffic modelling carried out by the applicant has been independently assessed by the council's consultants. They advise that further design work and modelling is required to ensure that the creation of the new public realm within Nova is not achieved at the expense of east-west pedestrian movement along Victoria Street. Rather than delay the determination of both the Nova East and Nova Place applications it has been agreed with the applicant that these matters need to be resolved outside the planning process. The applicant has therefore removed the public realm proposals from the scheme and Allington Street will now remain as public highway, albeit realigned. Whilst the loss of the public realm proposal from the scheme is regretted it is important to ensure that any highway issues are fully considered and assessed. The closure of the east west part of Allington Street could always be brought forward by the applicant at a later date under appropriate highways legislation.

As well as the pedestrianisation of the east-west part of Allington Street, the scheme also proposed to part pedestrianise the north south part of the street with reduced access for the Victoria Palace Theatre and Duke of York public house as well as introducing security bollards into the highway. The applicant has consulted with both the theatre and the pub on this issue and has prepared a draft Access, Servicing and Delivery Plan which officers have had sight of. Although proposed as part of the current scheme, the part pedestrianisation and bollards could only be considered through a Traffic Management Order (TMO) and Bollard Management Order rather than through planning legislation. The applicant has therefore also removed these elements from the proposed drawings. The concerns expressed by the Victoria Palace Theatre and the Duke of York public house about access and servicing are noted, however, they will need to be assessed as part of any future TMO process.

8.5 Economic Considerations

The economic benefits of providing additional high quality office floorspace are welcomed.

8.6 Access

The scheme provides key features for compliant and convenient inclusive access to meet the needs of the public and tenants.

8.7 Other UDP/Westminster Policy Considerations

Mechanical Plant

Mechanical plant is proposed at first, second and basement level. The previously proposed plant within the top floor of the building has been removed from the scheme. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected and the attenuation measures are available to confirm compliance with the Council's standard noise condition. The Council's standard condition relating to the testing of emergency generators is also recommended.

Biodiversity

A sedum roof is proposed at main roof level. This is welcome, and it is recommended that this is secured by condition. There is also a commitment by the applicant to provide bird boxes and it is recommended that these are secured by condition.

Wind

The application is accompanied by a wind assessment prepared by the Building Research Establishment. Wind tunnel testing has been carried out combined with statistical data relating to meteorological conditions in London, adjusted for site specific conditions. If both the Nova Place and Nova East schemes are completed the results show that wind conditions will be suitable for their intended pedestrian activities. The results are similar for the development scenario 7 where only Nova East is implemented.

Air Quality

Environmental Health has confirmed that the transport emissions will be air quality neutral and therefore no further mitigation is required.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There are currently no neighbourhood plans in place that affect this area.

8.10 London Plan

The GLA has indicated that the scheme is not of strategic importance. The proposal was referred to the GLA given its history as part of the VT12 Masterplan site.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions. The applicant sought modifications to the wording of some pre-commencement conditions that have been agreed with officers.

8.12 Planning Obligations

A deed of variation is proposed to cover the following issues:

- A payment of £12,449,773 (index linked) to the Council's affordable housing fund payable on commencement of development.
- A payment of up to £3,441,200 towards Crossrail.
- The necessary Stopping Up Orders and Traffic Management Orders to allow for the realignment of Allington Street.
- Monitoring payment of £500.

The estimated Mayoral CIL(1) payment is : £1,807,677.13

8.13 Environmental Impact Assessment including Sustainability

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations (2017) and that sufficient information has been provided to enable assessment of the environmental impact of the application.

Energy Strategy

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 which sets out the sustainability credentials of the building. The 'Be Lean' measures include natural ventilation, solar shading and low energy lighting. The 'Be Clean' measures include a connection to the Nova Permission 1 Energy Centre (which include a Combined Heat and Power Unit). There are no 'Be Green' measures proposed. Taken together these measures will lead to a reduction in cumulative CO2 levels of 37.3% beyond Building Regulation Part L1A 2013 which demonstrates a slight improvement on the permitted 2016 scheme.

The Council has recently commissioned a feasibility study with regard to connecting Nova to the PDHU. The study concludes that there are significant obstacles to connecting the Nova energy centre to the PDHU. Notwithstanding this the Nova scheme is future proofed to enable a connection to district heating infrastructure should circumstances change in the future.

8.14 Other Issues

Public consultation

The applicant has submitted a Statement of Community Involvement (SCI) with the application. This sets out the consultation carried out by the applicant prior to the submission of the application.

The SCI advises that the consultation included a two-day, fully-staffed and promoted public exhibition at Nova South as well as an ongoing contact programme with ward councillors and local residents to offer meetings in order to discuss the proposals. Ward councillors and representatives of the Victoria Palace Theatre were also invited to private briefings to view the plans and give their feedback to members of the team. Local resident and amenity groups were also invited to the exhibitions, including the Westminster Society, Historic England, the Twentieth Century Society and the Victoria Business Improvement District. The public consultation was promoted through flyers, which were distributed to 1,732 local households and businesses. A total of 120 people attended the consultation events at Nova South; 43 people attended on Tuesday 20 November and 77 people attended on Wednesday 21 November.

Construction impact

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. Officers from these teams were involved in monitoring the Nova (Permission 1) site to ensure compliance with the Council's Code of Construction Practice and site specific Site Environmental Management Plan, the latter of which controls noise, dust and vibration emanating from the site. As part of the S106 legal agreement for the Nova Masterplan a financial contribution of £100,000 was secured for Permissions 2 and 3 towards monitoring by the council's Environment Inspectorate. It is therefore recommended that these measures are retained for the current Nova East and Nova Place applications. Notwithstanding this it is recommended that a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) are secured by condition. These can deal with matters raised by the Duke of York public house, access to the site by construction vehicles and the necessary mitigation measures for the Victoria Palace Theatre which may include an agreement limiting noisy and percussive works during performances. The CMP and CLP conditions are usually pre-commencement conditions. However, given that the applicant is seeking to implement the 2016 permission by carrying out preliminary works of installing the piling guide wall and piling works which are also common to the current scheme, it is considered appropriate to allow these limited preparatory works to take place prior to the submission of the CMP and CLP documents. The standard condition pre-commencement condition has been amended to this affect.

A condition is also recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

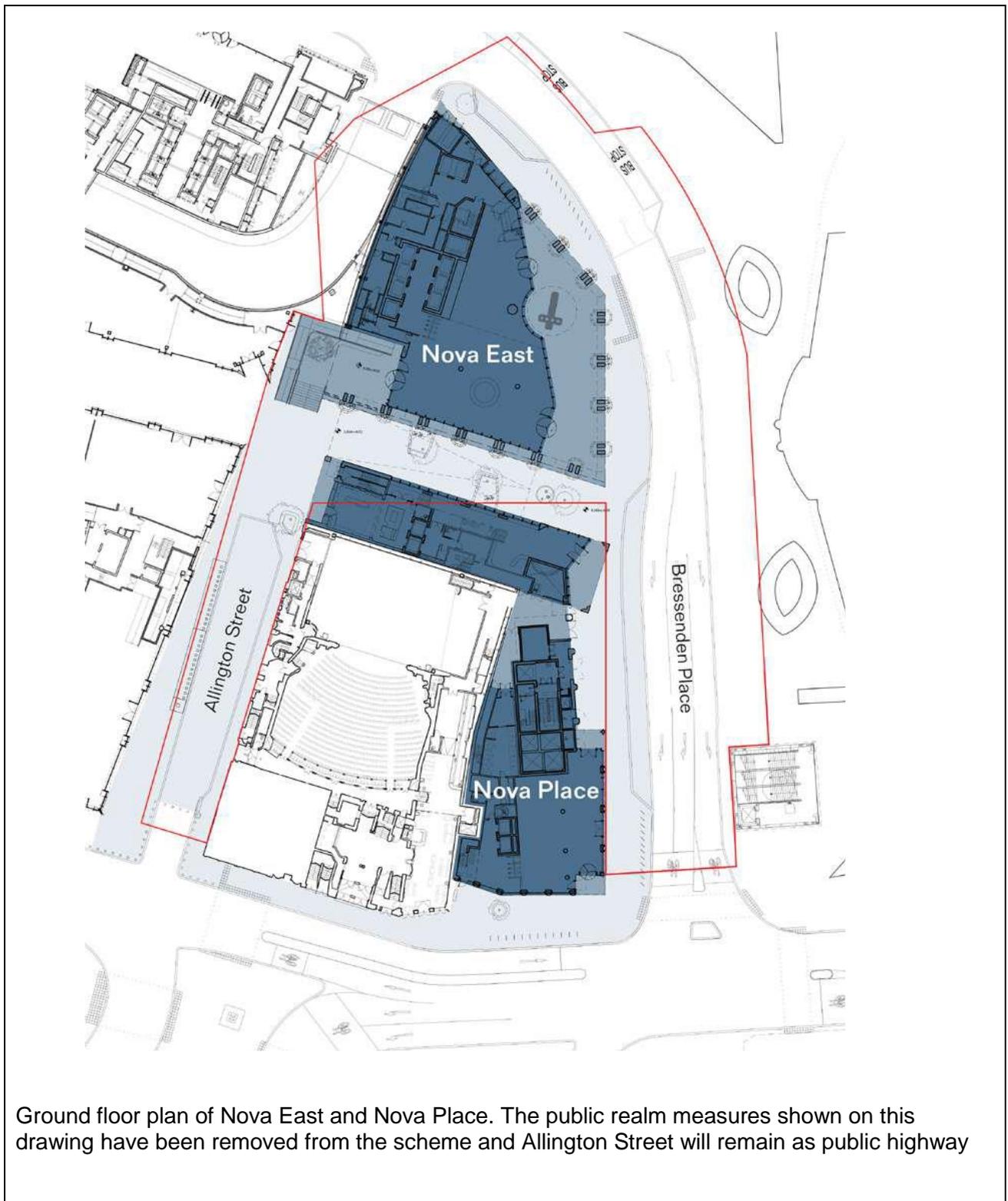
Crime and security

The Designing Out Crime Officer has met with the applicant's representatives resulting in recommendations being made in terms of reducing the opportunity for crime and the fear of crime within this scheme. The Counter Terrorism Advisor was notified of this application. Following the removal of the Allington Street public realm proposal it is recommended that a revised crime and security statement is secured by condition. In the event that Allington Street reopens as public highway then hostile vehicle mitigation measures may be required to protect the pedestrian areas of Nova.

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk.

9 KEY DRAWINGS





Model of Nova East (tall building in the background) shown in context with the smaller Nova Place



Nova East



View of proposed Nova East from Vauxhall Bridge Road

DRAFT DECISION LETTER

- Address:** Development Site (Nova) At Bressenden Place Victoria Street Allington Street And, Buckingham Palace Road, London, SW1E 5EF,
- Proposal:** Variation of condition 37 of permission dated 08/03/2016 (ref 15/08006/FULL) for Construction of a new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1 to A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping / public realm works. NAMELY, further realignment of Allington street and rotation of the permitted building, removal of basement floor space, increased office floorspace, amendments to the design of the facade, use of ground and first floor for flexible B1/A1 or A2 only and associated works including decreased storey heights to enable the inclusion of two additional storeys without increasing the permitted height of the building. (Site also known as Nova East).
- Reference:** 19/00012/FULL
- Plan Nos:** Plans Approved under RN15/08006/FULL, Site location plan - LA-070-NOV-TP-010, Proposed drawings - LA-070-NOV-TP-107, LA-070-NOV-TP-108, LA-070-NOV-TP-109, LA-070-NOV-TP-110, LA-070-NOV-TP-111, LA-070-NOV-TP-112, LA-070-NOV-TP-113, LA-070-NOV-TP-114, LA-070-NOV-TP-115, LA-070-NOV-TP-116, LA-070-NOV-TP-117, LA-070-NOV-TP-118, LA-070-NOV-TP-119, LA-070-NOV-TP-130, LA-070-NOV-TP-131, LA-070-NOV-TP-132, LA-070-NOV-TP-140, LA-070-NOV-TP-141, LA-070-NOV-TP-142, LA-070-NOV-TP-143, LA-070-NOV-TP-150, LA-070-NOV-TP-151, LA-070-NOV-TP-152, LA-070-NOV-TP-153, LA-070-NOV-TP-154, LA-070-NOV-TP-155., Documents - Environmental Statement Volume 1: Main Text; Environmental Statement Volume 2: Figures; Environmental Statement Volume 4: Appendices (Parts 1, 2, 3, 4, 5); Landscape Design and Public Realm Strategy.
As Revised by:, Location and Site Plans - LA-070-NOV-TP-010 01, LA-070-NOV-TP-011 01, LA-070-NOV-TP-100 01, LA-070-NOV-TP-101 00., , Proposed Plans, LA-070-NOV-TP-107 01, LA-070-NOV-TP-108 01, LA-070-NOV-TP-109 01, LA-070-NOV-TP-110 01, LA-070-NOV-TP-111 01, LA-070-NOV-TP-112 01, LA-070-NOV-TP-113 01, LA-070-NOV-TP-114 01, LA-070-NOV-TP-115 00, LA-070-NOV-TP-116 01, LA-070-NOV-TP-117 01, LA-070-NOV-TP-118 01, LA-070-NOV-TP-119 01, LA-070-NOV-TP-130 01, LA-070-NOV-TP-131 01, LA-070-NOV-TP-132 01, LA-070-NOV-TP-140 01, LA-070-NOV-TP-141 01, LA-070-NOV-TP-142 01, LA-070-NOV-TP-143 01, LA-070-NOV-TP-1050 01, LA-070-NOV-TP-151 01, LA-070-NOV-TP-152 01, LA-070-NOV-TP-153 01, LA-070-NOV-TP-154 00, LA-070-NOV-TP-155 01, LA-070-NOV-TP-156 00., Preliminary works of installing the piling guide: 3651-RBG-NE-XX-DR-S-10004 P02., Piling works: 3651-RBG-NE-XX-DR-S-10022 P03 and 3651-RBG-NE-XX-DR-S-10023 P03.
Energy Strategy Ref : 60579447/E_ES01, Sustainability Statement WIE14783-100-R-3-2-3-SUS, Flood Risk Assessment WIE14783-100-R-4-1-2-FRA, Environmental Statement Volume 1 WIE14783-100-R-2-1-1 ES, Volume 2

WIE14783-100-R-2-1-1 Figures, Volume 3, Volume 4 WIE14783-100-R-2-1-1 Appendices. Environmental Statement - Non Technical Summary WIE14783-100-R-2-1-1 NTS. Planning Statement., Transport Assessment. M000402 - 3 - 1 - RE - 001 v3.0, , For information purposes only:, Design and Access Statement., BREEAM Pre-Assessment.

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

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 The development hereby permitted must be commenced no later than 30 September 2019.

Reason:

This permission authorises amendments to the original planning permission granted on 08/03/2016 (RN 15/08006/FULL) which must be commenced no later than the above date. (R03HA)

- 3 You must carry out a detailed site investigation for all parts of the site, except those which have already been investigated in relation to the Victoria Station upgrade works, to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

Unless otherwise agreed in writing, you must apply to us for approval for phases 2 and 3 before any demolition or excavation work starts, except for the preliminary works of installing the piling guide wall, and for phase 4 when the development has been completed:, , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.,

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)

4 Pre Commencement Condition.

- (a) No development shall take place until you have secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- (b) No development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A)., and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BB)

5 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 unless except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Reason:

To protect the environment of neighbouring residents. This is as set out in STRA 16, STRA 17 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AB)

6 You must apply to us for approval of a schedule and samples of the facing materials you will use, including glazing. You must not start 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. (C26BB)**Reason:**

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in STRA 37, ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AB)

7 You must not occupy any part of the office or retail uses hereby approved until the building is fully connected to the energy centre located in the basement of Nova (Permission 1 approved under reference 13/00090/FULL or as subsequently varied).**Reason:**

To make sure that the development provides environmental sustainability features as set out in S39 of

Westminster's City Plan: Strategic Policies adopted November 2013.

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

- bird and bat boxes.
- sedum roof.
- sedum roof maintenance plan.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings and thereafter retain and maintain.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 9 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement unless otherwise agreed in writing by us.

Reason:

In the interests of public safety as set out in STRA 21, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BB)

- 11 Notwithstanding the submitted document, you must apply to us for approval of an updated Transport Statement for the approved building. You must not occupy the building for office purposes until we have approved what you have sent us. Thereafter you must carry out and manage the development in accordance with the approved document.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 12 Notwithstanding the approved drawings you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the surfacing and levels of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the soft landscaping according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 13 You must apply to us for approval of detailed drawings of the 23 on-street cycle parking spaces in consultation with TfL. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the occupation of the offices and thereafter the cycle spaces shall be retained for the life of the development.

Reason:

To ensure on-site cycle parking spaces are provided for people visiting the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must provide 329 long stay cycle parking spaces as set out on drawing LA-070-NE18-SK-3034 Rev P8 within the basement of Nova Permission 1 approved under reference 13/00090/FULL (or as subsequently varied). The parking spaces must be provided prior to occupation of the retail, office or library floorspace and thereafter made permanently available for use.

Reason:

To ensure the cycle parking spaces and cycle access facilities are provided for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must apply to us for approval of detailed drawings to show the access route for the long stay cycle parking spaces for the occupiers of the approved building. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the occupation of the offices and thereafter the cycle space route shall be retained for the life of the development.

Reason:

To ensure the cycle parking spaces and cycle access facilities are easily accessible set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 17 and 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 17 You must apply to us for approval of detailed drawings to show the access route for the long stay cycle parking spaces for the occupiers of the approved building. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the occupation of the offices and thereafter the cycle space route shall be retained for the life of the development.

Reason:

To ensure the cycle parking spaces and cycle access facilities are easily accessible set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 18 (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 (excluding emergency plant) hereby permitted shall not at any time exceed either, , i) a value of 10 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006), or:, ii) a value of 5dB below the minimum post-development external background noise level, which ever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design., , (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 tonal or intermittent plant and machinery (excluding emergency plant) hereby permitted, when operating at its noisiest, shall not at any time exceed either, i) a value of 15 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006), or, ii) a value of 10 dB below the minimum post-development external background noise level, whichever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design., , (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. (R46AB)

- 19 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:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 20 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase either, i) the minimum assessed historical pre-development background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006) expressed as the lowest 24 hour LA90, 15 mins, by more than 10 dB one metre outside any premises, or, ii) the lowest measured post development 24 hour LA90, 15 min, by more than 10 dB, when assessed for each building separately,, whichever is the lower of (i) or (ii).

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. (R50AB)

- 21 You must not attach satellite antennae, 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

or otherwise agreed in writing with us. (C26KA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 2 or DES 3 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 22 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace, unless otherwise agreed in writing with us.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 23 You must apply to us for approval of detailed drawings showing proposed machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof., , You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof until we have approved what you have sent us. You must then only carry out the work according to these drawings unless otherwise agreed in writing with us.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 24 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans unless otherwise agreed in writing with us. (C34AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

- 25 Surface water source control measures shall be taken in accordance with details which are submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason:

To prevent the increased risk of flooding and improve water quality

- 26 The construction of the site drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency before the development commences. A plan must be submitted for analysis to prevent pollution of the water environment.

Reason:

To prevent pollution of the water environment.

- 27 Save for the preliminary works of installing the piling guide wall as shown on drawing 3651-RBG-NE-XX-DR-S-10004 P02 and the piling works as shown on drawings 3651-RBG-NE-XX-DR-S-10022 P03 and 3651-RBG-NE-XX-DR-S-10023 P03 no development shall take place until a Construction Logistics Plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority in consultation with Transport for London (see informative 2). Thereafter the construction logistics must be managed in accordance with the details approved.

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)

- 28 Save for the preliminary works of installing the piling guide wall as shown on drawing 3651-RBG-NE-XX-DR-S-10004 P02 and the piling works as shown on drawings 3651-RBG-NE-XX-DR-S-10022 P03 and 3651-RBG-NE-XX-DR-S-10023 P03 no development shall take place until a Construction Management Plan for the proposed development has been submitted to and approved in writing by the City Council. Thereafter the construction must be managed in accordance with the details approved.

Reason:

To protect the environment of neighbouring occupiers and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 29 In the event that Allington Street remains open to traffic as public highway you must submit a revised Crime and Security statement that sets out details of measures to protect Allington Street and the adjoining east-west public realm route in Nova (Permission 1)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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, neighbourhood plan (where relevant), 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 You are advised that the construction logistics plan must include details of the cycle safety measures that will be implemented during demolition and construction such construction vehicles being fitted with side-bars, blind spot mirrors and cycle detection equipment. Please consult with TfL over the preparation of the construction logistics plan as they are the highways authority for Bressenden Place.
- 3 This permission is governed by a legal agreement (deed of variation) between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to (i) A payment of £12,449,773 (index linked) to the Council's affordable housing fund payable on commencement of development (ii) A payment of up to £3,441,200 towards Crossrail (iii) The necessary Stopping Up Orders and Traffic Management Orders to allow for the realignment of Allington Street and (iv) Monitoring costs.
- 4 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 , 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 , **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.**

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.

This page is intentionally left blank

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Development Site at Bressenden Place, Victoria Street and Allington Street, SW1 (Nova Place)		
Proposal	Construction of a ground floor plus part four, six and seven storey building with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Class A1/A2/B1), flexible office/library (Class B1/D1) and flexible retail/library/office (Class A1/A2/B1/D1) and associated works, hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House.		
Agent	Gerald Eve		
On behalf of	Victoria Circle Limited Partnership		
Registered Number	18/10917/FULL	Date amended/ completed	21 December 2018
Date Application Received	21 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	No		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a deed of variation to the original S106 legal agreement dated 9 October 2009 (as varied and secured under ref 08/08206/FULL) and subject to the views of the Mayor, to secure the following:</p> <p>i) The Class D1 (library) space at a peppercorn rent for a period of 25 years</p> <p>ii) A one-off capital sum of £1,000,000 (index linked to 2012) to be used as a sinking fund to off-set the management costs associated with a multi-level library.</p> <p>iii) Monitoring payment of £500 for each obligation.</p> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <p>a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to</p>

determine and issue such a decision under Delegated Powers; however, if not

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

2. SUMMARY

The application site forms part of the original Victoria Transport Interchange 2 (VTI2) Masterplan site approved in October 2012. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with London Underground's Victoria Station Upgrade (VSU). Permission 1 (now known as Nova) has been completed in full and comprises a mix of retail, offices and 170 residential flats. Permissions 2 and 3 have been revised since the original permission was granted. These developments comprise a mix of residential, offices, a library and retail but remain unimplemented at the time of writing.

The application site comprises the site of Permission 2 (land bounded by Victoria Street, Allington Street, Bressenden Place and the Nova development) and is known as Nova Place. The application site is vacant having previously been used as a construction site for the VSU. The site is located outside a conservation area. However, the Westminster Cathedral Conservation Area is located to the south east and the Grade II* listed Victoria Palace Theatre is nearby.

The proposal is for the construction of a ground floor plus part four, six and seven storey building with new basement for use as offices (Class B1). It is also proposed to provide space for a new library (Class D1) with the flexibility that the space can be used for office (Class B1) should the council's library service decide not to take up the space. At ground floor level it is proposed to provide either retail (Class A1/A2) office (Class B1) or library (Class D1). The scheme proposes to reinstate elements of the retained facade and interiors of Sutton House that was previously at 156-158 Victoria Street.

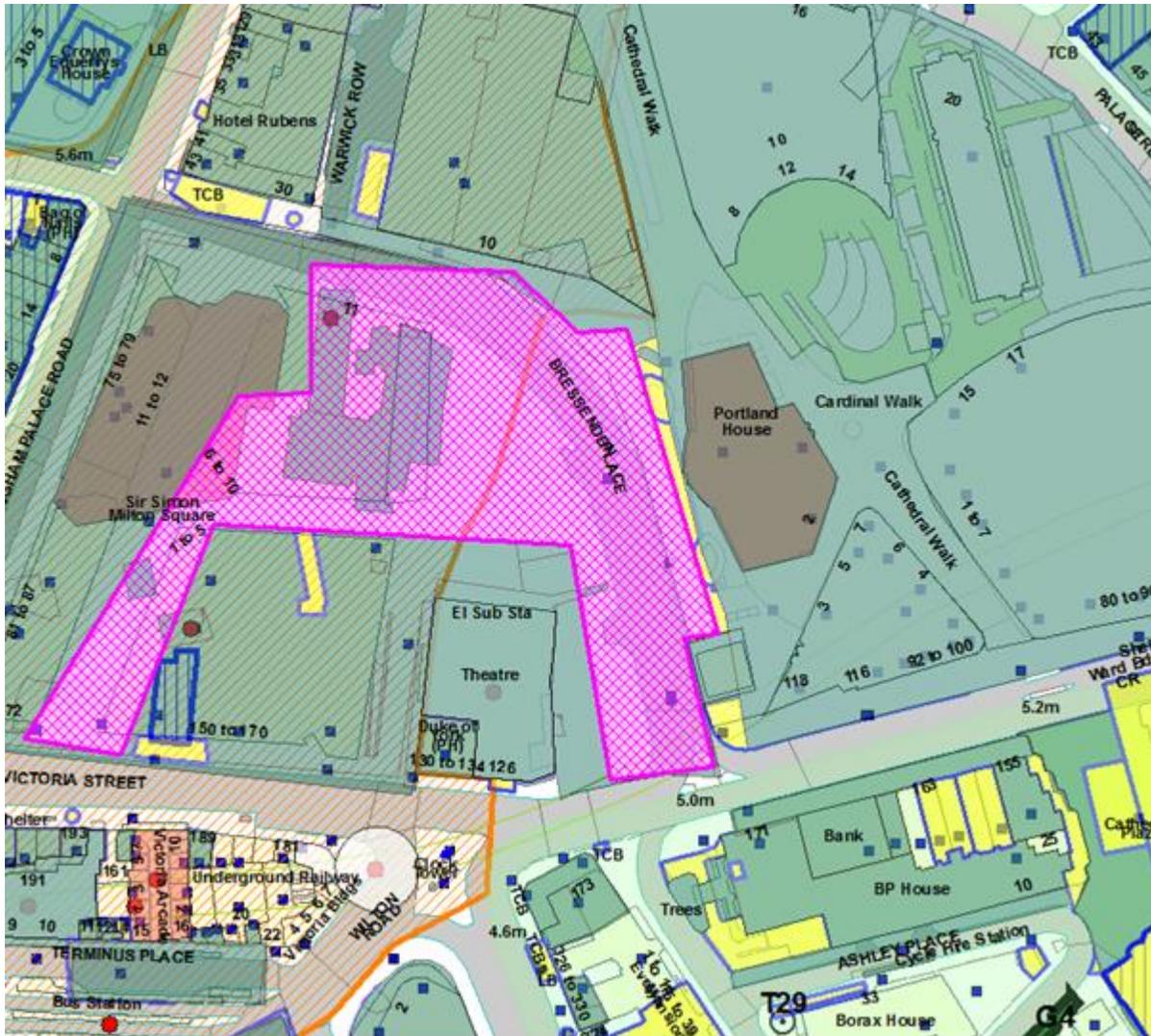
A separate application for revisions to the approved scheme for Permission 3 (known as Nova East) is Item 4 on this agenda.

The application is accompanied by an Environmental Statement (ES).

The key issues with this application are the mix of uses within the development, the design of the new building and its impact on the townscape and the design of the library space.

The proposal is considered acceptable in terms of design, land use, highways, amenity impact and environmental considerations. The application is considered to comply with relevant policies in our City Plan and Unitary Development Plan and is recommended for approval subject to a Deed of Variation to the legal agreement dated 9 October 2009 (as amended).

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



View of Nova Place from Victoria Street

5. CONSULTATIONS

Westminster Society

Any response to be reported verbally.

Victoria Neighbourhood Forum

Any response to be reported verbally.

Cathedral Area Residents Group

Any response to be reported verbally

Belgravia Residents Association

Any response to be reported verbally

Belgravia Neighbourhood Forum

Any response to be reported verbally

The Belgravia Society

Any response to be reported verbally

Theatres Trust

Object to the to the public realm proposals on Allington Street as this will impact on access, servicing and deliveries to the theatre. No objection to the principle of development or to the proposed uses.

Highways Planning - Development Planning

No objections to servicing from Bressenden Place, car parking or cycle parking arrangements. Concerns raised about the Allington Street closure and its implications for highway and pedestrian movements along Victoria Street (due to the proposed contra-flow on Victoria Street) and the access, servicing and delivery arrangements for the Victoria Palace Theatre and Duke of York pub.

Waste Project Officer

No objection.

Thames Water Utilities

No objection subject to condition.

Transport for London

Do not object to the application however this is subject to the applicant satisfactorily addressing the points raised in our letter dated 5 June 2019 relating to bus service delivery and public transport planning, detailed design of contraflow, road safety, highways and traffic engineering impact. The level of cycle parking is Draft London Plan compliant. TfL do not support the use of the loading bay on Bressenden Place for the servicing of Nova Place. A Delivery and Servicing Management Plan should be secured by condition.

Environmental Health
No objection

Historic England (Listed Builds/Con Areas)
Do not wish to offer any comments.

Historic England (Archaeology)
No objection subject to condition.

Greater London Authority
Any response to be reported verbally.

Environment Agency (Thames Region)
No objection

National Planning Casework Unit
Any response to be reported verbally.

London Underground Limited
No comment except that the developer should continue to work with LU engineers as per lease agreement.

Natural England
No objection.

Designing Out Crime
Met with representatives of developer last year and made recommendations in terms of reducing the opportunity for crime and the fear of crime.

Cross London Rail 2
No comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 141
Total No. of replies: 3
No. of objections: 2
No. in support: 1

Victoria Palace Theatre (VPT) – objects to the proposal on the basis of the potential effects of the both the Nova Place and Nova East developments on access to the VPT. The proposed draft Access and Delivery Service Plan (ADSP) goes some way to mitigating the principal concerns related to access to the theatre. The applicant and the theatre have yet to reach an agreed position on these matters.

Duke of York Public House – there are two matters that raise concern relating to how construction is to be managed over the three year implementation period and how the public house is to be accessed and serviced both during construction and completion of the works.

Comment from the National Cyber Security Centre (NCSC) who broadly support the proposal to pedestrianise Allington Street because doing so provides security benefits, namely it provides a reasonable stand off from vehicle-borne attacks, it creates a safe space for those queuing for the theatre (1500 people eight times a week), it creates a safe refuge for anyone adjacent to the estate, it contributes to a safe walking route for pedestrians looking to access Buckingham Palace/Trafalgar Square and Victoria Street/Parliament Square from Victoria Stations (train, tube and bus) and it is a position consistent with advice from CPNI and CTSA's will offer if asked how best to protect pedestrians in that space. The NCSC Security) are against the prospect of re-opening Allington Street and maintaining it as a road as doing so creates unnecessary vulnerabilities and risks to the pedestrians using Nova retail , tenants in the buildings, and theatre goers – namely vehicles used to run people over, vehicles used to ram into buildings and vehicles used as bombs

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application sites form part of the original Victoria Transport Interchange 2 (VTI2) Masterplan development site and relates to the site of Permission 2. The site is now known as Nova Place .

The site comprises land bound by Victoria Street to the south, Bressenden Place to the east and Allington Street to the north. The site is vacant and was until recently a construction site for London Underground's VSU and for works to upgrade the Victoria Palace Theatre including the construction of its fly tower extension which was facilitated by the Nova Masterplan.

The site is located outside a conservation area. The Westminster Cathedral Conservation Area is located to the south east and the site is adjacent to the Grade II* listed Victoria Palace Theatre. The site is located within the Core Central Activities Zone (CAZ), the Victoria Opportunity Area and the Victoria Area Planning Brief (VAPB). The site is located outside the congestion charge zone and the main highways surrounding the sites form part of the inner ring road/congestion charge boundary and part of the Transport for London Road Network.

6.2 Recent Relevant History

Permission was granted for the VTI2 Masterplan on 9 October 2009. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with the VSU which occupied land that comprised Permissions 2 and 3. The three applications were considered as one proposal and they were linked via a S106 legal agreement into a series of development scenarios to secure the overall delivery of the Masterplan. The description of each permission and subsequent revisions together with the development scenarios are set out below.

Permission 1 – Buildings 5, 7a and 6b (now known as Nova)

Permission was granted on 9 October 2009 for three new buildings with 170 private residential units, retail and office accommodation. The development includes a two storey basement accessed from Bressenden Place for vehicle and cycle parking, servicing and loading and alterations to the public realm to provide new pedestrian routes and facilities for buses. (08/08205/FULL). The permission has been revised through a number of minor material amendment applications to allow for revisions to the massing and external appearance, the basement, parking and loading arrangements, to the retail mix and to the use of the first floor terrace. The Nova development was completed in 2016.

Permission 2 – Building 7b/7c

In the Masterplan scheme Permission 2 provides the affordable housing units triggered by the market housing in Permission 1 and the community space (library). Under the terms of the Masterplan S106 legal agreement, there is no requirement for Permission 2 to be built as Permission 1's planning obligations, which are the provision of affordable housing and the library, can be fully satisfied by commuted sum payments. The provision for commuted sums for these planning obligations was necessary due to uncertainties associated with the return of land that was occupied by the VSU works.

The original Permission 2 dated 9 October 2009 comprised a part six and part 12 storey building fronting Bressenden Place and Allington Street for use as offices (Class B1), retail (Classes A1-A5), flexible library/retail (Class D1/A1-A5) and 35 affordable housing units with servicing from Bressenden Place. (08/08206/FULL)

A revised Permission 2 was approved in January 2012 for a similar description of development set out above, but the scheme included the reinstatement of the facade, part basement and ground floors of Sutton House on Allington Street and the relocation of the library onto Victoria Street frontage. (11/05097/FULL) The key changes were:

- the potential library / office space relocated to Victoria Street. This followed concerns by amenity groups that the library was not in a prominent enough location;
- revisions to the library space definition to allow for the facility to be provided on multi levels and to provide for a one-off capital sum of £1,000,000 (index linked) to be used as a sinking fund to off-set any increased management costs for a multi-level library.
- the revised scheme to incorporate the Grade II listed Sutton House façade.

In 2015 Land Securities advised that Permission 2 was not commercially viable and was unlikely to be implemented.

The Masterplan S106 legal agreement sets out that if Permission 2 is not implemented, or if the affordable housing units are not transferred to a registered provider, or if the council decides not to take up the community space, the applicant is required to pay an affordable housing commuted sum of £8,287,628 (index linked) and a community space contribution of £6,920,000 (index linked).

Permission was granted in March 2016 for a revised Permission 2 (rebranded as Nova Place) for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1), 42 residential units and the reinstatement of elements of the retained facade and interiors of Sutton House on Allington Street. The key changes were:

- i) The provision of the library space at a peppercorn rent for a period of 25 years.
- ii) The provision of nine affordable housing units on site for social rent purposes (triggered by the 5,619m² of residential floorspace in the scheme).

The revised scheme for Permission 2 did not seek to provide Permission 1's obligation with regard to affordable housing on the basis that the affordable housing obligation could be satisfied by the commuted sum. The revised scheme does however continue to provide the community space. The permission expires on 30 September 2019.

Land Securities satisfied its affordable housing obligation for Permission 2 in September 2016 with a payment to the council's affordable housing fund of £10,520,367.

Permission 3 – Building 6a

The original permission dated 9 October 2009 comprises the construction of a new 14 storey office (Class B1) building with retail uses at ground and first floor level with servicing from the basement in Nova (08/08207/FULL).

A revised scheme was approved on 8 March 2016 for construction of new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal included new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping/public realm works. The permission expires on 30 September 2019.

7. THE PROPOSAL

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

Use	Gross Internal Floorspace (sqm)			
	Approved 2012	Approved 2016	Proposals	Net Change since 2016
Office (B1)	2,768	1,251	3,695	+2,444
Flexible Retail/Office (Classes A1, A2, B1)	0	0	250	+250
Retail (Classes A1-A5)	562	73	0	-73
Flexible Retail/Library (A1/D1)	321	226	0	-226
Flexible Office/Library (B1/D1)	2,062	2,090	1,950	-140
Residential (C3)	3,595	5,338	0	-5,338
Flexible Retail/Office/ Library (A1/A2/B1/D1)	0	0	203	+203
Total	9,308	8,978	6,098	-2,880

Table 1 Land Use: Nova Place (Applicant's calculations)

The proposal is for the construction of a ground floor plus part four, part six and part seven storey building with new basement fronting Allington Street, Bressenden Place and Victoria Street. The proposals include realigning Allington Street to facilitate the revised Nova East scheme considered as Item 4 on this agenda.

The key difference between the scheme approved in 2016 and the current scheme is that residential floorspace has been removed and, other than the Class D1 library space, the scheme is now entirely commercial with flexible retail uses at ground floor and offices above. The library is to be provided on multiple floor levels in Nova Place North with the entrance from Bressenden Place. In the event that the library space is not taken by the council (as allowed in the S106 legal agreement) then the library space can be used for Class B1 offices. The scheme also includes the incorporation of the Sutton House façade on the western elevation of Nova Place, the realignment of the proposed building line to suit the realignment of Allington Street.

As originally submitted the scheme sought to permanently close the east-west leg of Allington Street with a pedestrianised public realm scheme to occupy the space. Restricted vehicle access was also proposed at Allington Street south, allowing delivery and servicing access for Victoria Palace Theatre and Duke of York pub only during

restricted times. Following negotiations with the Highways and the proposed public realm works to Allington Street scheme have been removed from the scheme. Allington Street will therefore remain as public highway.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Nova Place proposes at least 3,695 sqm of Class B1 office floorspace. This is welcome in terms of Policies S4, S18 and S20 of the City Plan. The scheme also proposes flexible Class A1/A2/B1 uses and flexible Class A1/A2/B1/D1 uses (either shops, financial and professional services, offices and library) for the ground floor units. The provision of uses which attract visiting members of the public at ground floor level is supported in policy terms.

The provision of flexible Class B1/D1 (office/library) floorspace within the development accords with the principles established as part of the VT12 Masterplan proposals approved in 2009. The provision of library floorspace is welcome and is once again considered to be a public benefit of the scheme. The library has been relocated to the north of the site with an entrance from Bressenden Place. In the 2012 and 2016 schemes the library and its entrance was located on Victoria Street. This followed a Committee decision in 2009 to approve the VT12 Masterplan scheme subject to a condition to relocate the library entrance from Allington Street to Victoria Street. In addition, a number consultation responses for the 2009 Masterplan scheme raised the issue that the library entrance should be on Victoria Street.

The applicant considers that the library will benefit from the new location on Bressenden Place, namely the library will be located at the heart of the Masterplan, it will be located adjacent to the new area of public realm (if secured separately through highways legislation) and it will no longer be south facing which will make the library cheaper to run (less comfort cooling required). The entrance to the library is prominent and will have a 5m high portico. The library is to be provided at ground and four upper storeys. The Director of Libraries is satisfied with the new library location and the internal layout.

The library floorspace is split over ground plus 5 upper storeys and will be provided to shell and core with the fit out being the responsibility of the Council. The existing planning obligations provide a mechanism for negotiation to take place between the developer and the Council to conclude an agreement for a lease for the library space. The library floorspace is subject to a deed of variation to the 2009 S106 legal agreement and will once again be offered to the Council at a peppercorn rent for 25 years together with a one-off capital sum of £1,000,000 (index linked) to be used as a sinking fund to off-set the management costs associated with a multi-level library. In the event that those negotiations cannot be concluded, i.e. if the City Council does not wish to take the library space, then a commuted sum payment of £6,920,000 (index linked) is provided for through the S106 legal agreement. In this scenario the applicant could use the library space for B1 office use. The provision of a commuted sum and alternative B1 office use for the library accords with the principles established in the previous three permissions.

Mixed use policy

Policy S1 of the City Plan states that within the Core CAZ a mix of uses consistent with supporting its vitality, function and character will be promoted. Where the net additional floorspace (of all uses) is more than 50% of the existing building floorspace residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace. The residential floorspace will be provided in accordance with the following cascade; (i) on-site or in the immediate vicinity of the site, (ii) off-site on a site in the vicinity of the development site or in the case of the Victoria Opportunity Area, within that Opportunity Area, (iii) payment of an appropriate payment in lieu to the Affordable Housing Fund. In considering that a particular step is not practicable, site specific considerations will need to be taken into account. In demonstrating a particular step is not appropriate, considerations may include where a significantly better outcome can be achieved, in keeping with the council's mixed use objectives, by not providing the residential floorspace on site.

In terms of applying Policy S1 it has been agreed by officers that in calculating any financial contribution under mixed use policy, the uplift should be considered to be that from the original permitted scheme. In the case of Permission 2 it is the floorspace uplift from the 2012 scheme which included the relocated library and the Sutton House facade. This is because the uplift from the buildings that previously existed on the site has already been captured as part of the Masterplan scheme. Assuming that all the flexible space that could be delivered as office was implemented as office (both for the 2012 and 2018 schemes) the net additional office space from the 2012 scheme would be 1,268 sqm. This would comprise an uplift of 13% from the baseline building floorspace (of all uses) thereby no residential floorspace would be required under Policy S1.

8.2 Townscape and Design

The revised scheme for Nova Place follows the design principles agreed in 2016 and is considered acceptable in design terms. The amended design retains the previously approved building at the corner of Victoria Street and Bressenden Place. This façade will be constructed from pre-cast concrete and Jura limestone. Facing onto Bressenden Place the east façade of the building will have a reduced massing compared to the approved scheme and the building will be set back to create new public realm and a setting for the new library entrance. Part of the east elevation will include a shroud for the London Underground ventilation shaft. The façade of the library will be more extensively glazed than the other elevations as it will benefit from more favourable environmental conditions with minimal solar gain, noise and pollution. The reinstated Sutton House will form part of the north west corner of the site. The interior of the ground floor of Sutton House would be reconstructed at ground floor forming an entrance to the upper office levels of the building. The realigned Allington Street will enhance the setting of this part of the development and allow the Sutton House façade to be better appreciated. The building is respectful to the setting of the Grade II* Victoria Palace Theatre in terms of size, siting and design.

The proposed permanent closure of the east-west part of Allington Street will allow for the creation of a new area of public realm. This is welcome in urban design terms and

will enhance the permeability of the Nova development. There will be hostile vehicle mitigation measures designed into the public realm.

8.3 Residential Amenity

Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy S29 of the City Plan states that 'the council will resist proposals that result in an unacceptable material loss of residential amenity and development should aim to improve the residential environment.'

The applicant provided a daylight and sunlight assessment with the application permitted in 2016. This assessment demonstrated that all of the 930 windows assessed surrounding the proposal would meet the BRE criteria for the vertical sky component (VSC). The 'no sky line' (NSL) assessment demonstrated that 17 windows within the View (that serve living rooms) would not meet the BRE guidelines with nine experiencing a NSL reduction between 20-30% and 8 experiencing a reduction of between 30-40%. However, this impact was considered acceptable on the basis that all windows pass the VSC daylight test, and given the central London context, the impact to properties within the View would not be so severe as to justify a refusal.

The applicant has concluded that full reassessment of the amended scheme is unnecessary on the basis that there are relatively small changes to the massing of the proposed development. A Statement of Conformality has been provided by the applicant confirming this. This approach is considered acceptable and it is considered that for the reasons set out above the material loss of residential amenity to residential properties within the View is considered acceptable.

8.4 Transportation and Public Realm

Cycle parking, car parking and servicing

Policy S41 of the City Plan requires all development to prioritise pedestrian movement and a pedestrian safe environment, encouraging sustainable transport options. S42 requires adequate off-street servicing provision in new developments.

A total of 103 cycle parking spaces would be provided for Nova Place with 54 long-stay spaces in the basement of Nova accessed by a lift and 49 short stay spaces at ground floor level for visitors on Bressenden Place.

The Nova basement will provide disabled car parking spaces for the commercial uses in Nova Place. No other car parking is provided. This is considered acceptable.

Off street servicing to Nova Place will be from the on-street layby on Bressenden Place. Commercial waste for Nova Place will be stored inside the building and collected from the Bressenden Place on-street loading bay on a daily basis. Although TfL has raised a concern, these servicing arrangements are similar to those previously approved and are considered acceptable in highways terms. It is recommended that a Delivery and Servicing Plan is secured by condition.

Public Realm

The scheme as originally submitted proposed to enhance the public realm of the Nova Masterplan area through the pedestrianisation of the east-west part of Allington Street and the part pedestrianisation of the north-south part. Under current proposals Allington Street is due to be reinstated following the completion of the VSU works and will once again be open to buses only.

Officers recognise that the public realm proposals would enhance pedestrian movement and comfort within the Nova Masterplan area, enhance the east-west connections to Nova Phase 1 and Cardinal Place and provide a new area of open space for people to relax and sit. The public realm measures would also enhance the security within the wider Nova development. However, the closure of Allington Street to bus traffic necessitates the provision of a contraflow bus lane on Victoria Street outside the Victoria Palace Theatre and modifications to two junctions on Victoria Street. The detailed traffic modelling carried out by the applicant has been independently assessed by the council's consultants. They advise that further design work and modelling is required to ensure that the creation of the new public realm within Nova is not achieved at the expense of east-west pedestrian movement along Victoria Street. Rather than delay the determination of both the Nova East and Nova Place applications it has been agreed with the applicant that these matters need to be resolved outside the planning process. The applicant has therefore removed the public realm proposals from the scheme and Allington Street will now remain as public highway, albeit realigned. Whilst the loss of the public realm proposal from the scheme is regretted it is important to ensure that any highway issues are fully considered and assessed. The closure of the east west part of Allington Street could always be brought forward by the applicant at a later date under appropriate highways legislation.

As well as the pedestrianisation of the east-west part of Allington Street, the scheme also proposed to part pedestrianise the north south part of the street with reduced access for the Victoria Palace Theatre and Duke of York public house as well as introducing security bollards into the highway. The applicant has consulted with both the theatre and the pub on this issue and has prepared a draft Access, Servicing and Delivery Plan which officers have had sight of. Although proposed as part of the current scheme, the part pedestrianisation and bollards could only be considered through a Traffic Management Order (TMO) and Bollard Management Order rather than through planning legislation. The applicant has therefore also removed these elements from the proposed drawings. The concerns expressed by the Victoria Palace Theatre and the Duke of York public house about access and servicing are noted, however, they will need to be assessed as part of any future TMO process.

8.5 Economic Considerations

The economic benefits of providing high quality office floorspace and a public library are welcomed.

8.6 Access

The scheme provides level access from street level and lift access to all floors of the building.

8.7 Other UDP/Westminster Policy Considerations

Mechanical Plant

Mechanical plant is proposed at mezzanine level and at main roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected and the attenuation measures are available to confirm compliance with the Council's standard noise condition. The Council's standard condition relating to the testing of emergency generators is also recommended.

Biodiversity

A green roof is proposed at main roof level(s). This is welcome, and it is recommended that this is secured by condition. There is also a commitment by the applicant to provide bird boxes and it is recommended that these are secured by condition.

Wind

The application is accompanied by a wind assessment prepared by the Building Research Establishment. Wind tunnel testing has been carried out combined with statistical data relating to meteorological conditions in London, adjusted for site specific conditions. If both the Nova Place and Nova East schemes are completed the results show that wind conditions will be suitable for their intended pedestrian activities. The results are similar for the development scenario 7 where only Nova East is implemented.

Air Quality

Environmental Health has confirmed that the transport emissions will be air quality neutral and therefore no further mitigation is required.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There are currently no neighbourhood plans in place that affect this area.

8.10 London Plan

The GLA has indicated that the scheme is not of strategic importance. The proposal was referred to the GLA given its history as part of the VT12 Masterplan site.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

A Deed of Variation to the original S106 legal agreement dated 9 October 2009 will be required to secure

- i) The Class D1 (library) space at a peppercorn rent for a period of 25 years
- ii) A one-off capital sum of £1,000,000 (index linked to 2012) to be used as a sinking fund to off-set the management costs associated with a multi-level library.
- iii) Monitoring payment of £500 for each obligation.

The estimated Westminster CIL payment is: £1,453,619.19

The estimated maximum Mayoral CIL2 payment based on the flexible uses being B1 office is £1,128,130,00.

8.13 Environmental Impact Assessment

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations (2017) and that sufficient information has been provided to enable assessment of the environmental impact of the application.

Energy Strategy

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 which sets out the sustainability credentials of the building. The 'Be Lean' measures include natural ventilation, solar shading and low energy lighting. The 'Be Clean' measures include a connection to the Nova Permission 1 Energy Centre (which include a Combined Heat and Power Unit). There are no 'Be Green' measures proposed. Taken together these measures will lead to a reduction in cumulative CO2 levels of 37.3% beyond Building Regulation Part L1A 2013 which demonstrates a slight improvement on the permitted 2016 scheme.

The Council has recently commissioned a feasibility study with regard to connecting Nova to the PDHU. The study concludes that there are significant obstacles to connecting the Nova energy centre to the PDHU. Notwithstanding this the Nova scheme is future proofed to enable a connection to district heating infrastructure should circumstances change in the future.

8.14 Other Issues

Public consultation

The applicant has submitted a Statement of Community Involvement (SCI) with the application. This sets out the consultation carried out by the applicant prior to the submission of the application.

The SCI advises that the consultation included a two-day, fully-staffed and promoted public exhibition at Nova South as well as an ongoing contact programme with ward councillors and local residents to offer meetings in order to discuss the proposals. Ward councillors and representatives of the Victoria Palace Theatre were also invited to private briefings to view the plans and give their feedback to members of the team. Local resident and amenity groups were also invited to the exhibitions, including the Westminster Society, Historic England, the Twentieth Century Society and the Victoria Business Improvement District. The public consultation was promoted through flyers, which were distributed to 1,732 local households and businesses. A total of 120 people attended the consultation events at Nova South; 43 people attended on Tuesday 20 November and 77 people attended on Wednesday 21 November.

Construction impact

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. Officers from these teams were involved in monitoring the Nova (Permission 1) site to ensure compliance with the Council's Code of Construction Practice and site specific Site Environmental Management Plan, the latter of which controls noise, dust and vibration emanating from the site. As part of the S106 legal agreement for the Nova Masterplan a financial contribution of £100,000 was secured for Permissions 2 and 3 towards monitoring by the council's Environment Inspectorate. It is therefore recommended that these measures are retained for the current Nova East and Nova Place applications. Notwithstanding this it is recommended that a Construction Management Plan (CMP) and a Construction

Logistics Plan are secured by condition. These can deal with matters raised by the Duke of York public house, access to the site by construction vehicles and the necessary mitigation measures for the Victoria Palace Theatre which may include an agreement limiting noisy and percussive works during performances.

A condition is also recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Crime and security

The Designing Out Crime Officer has met with the applicant's representatives resulting in recommendations being made in terms of reducing the opportunity for crime and the fear of crime within this scheme. The Counter Terrorism Advisor was notified of this application. Following the removal of the Allington Street public realm proposal it is recommended that a revised crime and security statement is secured by condition. In the event that Allington Street reopens as public highway then hostile vehicle mitigation measures may be required to protect the pedestrian areas of Nova.

(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: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

9. KEY DRAWINGS



Ground floor plan of Nova East and Nova Place. The public realm measures shown on this drawing have been removed from the scheme and Allington Street will remain as public highway.



Nova Place at the corner of Victoria Street and Bressenden Place



DRAFT DECISION LETTER

Address: Development Site (Nova) At Bressenden Place Victoria Street Allington Street And, Buckingham Palace Road, London, SW1E 5EF,

Proposal: Construction of a ground floor plus part four, six and seven storey building (Building 7b/7c) with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Class A1/A2/B1), flexible office/library (Class B1/D1) and flexible retail/library/office (Class A1/A2/B1/D1) and associated works, hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House (previously at 156-158 Victoria Street).

Reference: 18/10917/FULL

Plan Nos: Energy Strategy Ref : 60579447/E_ES01, Sustainability Statement WIE14783-100-R-3-2-3-SUS, Flood Risk Assessment WIE14783-100-R-4-1-2-FRA, Environmental Statement Volume 1 WIE14783-100-R-2-1-1 ES, Volume 2 WIE14783-100-R-2-1-1 Figures, Volume 3, Volume 4 WIE14783-100-R-2-1-1 Appendices. Environmental Statement - Non Technical Summary WIE14783-100-R-2-1-1 NTS. Planning Statement., Transport Assessment. M000402 - 3 - 1 - RE - 001 v3.0, , For information purposes only:, Design and Access Statement., BREEAM Pre-Assessment. Location and Site Plans -LA-070-NOV-TP-320-00, LA-070-NOV-TP-321-00, LA-070-NOV-TP-400-00, LA-070-NOV-TP-401-00., , Existing Drawings, LA-070-NOV-TP-330-00, LA-070-NOV-TP-331-00, LA-070-NOV-TP-332-00, LA-070-NOV-TP-333-00, LA-070-NOV-TP-340-00, LA-070-NOV-TP-341-00, LA-070-NOV-TP-342-00, LA-070-NOV-TP-343-00, LA-070-NOV-TP-334, LA-070-NOV-TP-335-00, LA-070-NOV-TP-344-00, LA-070-NOV-TP-336-00., , Proposed Drawings, LA-070-NOV-TP-409-00, LA-070-NOV-TP-410-00, LA-070-NOV-TP-411-00, LA-070-NOV-TP-412-00, LA-070-NOV-TP-413-00, LA-070-NOV-TP-414-00, LA-070-NOV-TP-415-00, LA-070-NOV-TP-416-00, , LA-070-NOV-TP-417-00, LA-070-NOV-TP-418-00, LA-070-NOV-TP-419-00, LA-070-NOV-TP-430-00, LA-070-NOV-TP-431-00, LA-070-NOV-TP-440-00, LA-070-NOV-TP-441-00, LA-070-NOV-TP-442-00, LA-070-NOV-TP-450-00, LA-070-NOV-TP-451-00, LA-070-NOV-TP-422-00, LA-070-NOV-TP-444-00, LA-070-NOV-TP-443-00., LA-070-NE18-SK-3034 Rev P8.

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 You must carry out a detailed site investigation for all parts of the site, except those which have already been investigated in relation to the Victoria Station Upgrade works, to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed:., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)

- 4 **Pre-Commencement Condition:** No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and , , A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works. , , B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination

and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

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

- 5 **Pre-Commencement Condition:** No development shall take place until a Construction Logistics Plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority in consultation with Transport for London (see informative 2). Thereafter the construction logistics must be managed in accordance with the details approved.

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)

- 6 **Pre Commencement Condition.**, None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which: , (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works, , The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraph (i) of this condition shall be completed, in their entirety, before any part of the building is occupied

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 7 **Pre Commencement Condition.**, You must apply to us for approval of detailed drawings showing how you will support and protect the relevant parts of the Victoria Palace Theatre. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 8 **Pre Commencement Condition.**, You must apply to us for approval of details of a detailed condition survey of the Victoria Palace Theatre together with details of construction vibration limits that comply with Part 2 of BS 7385. You must not start any work until we have approved what you have sent us. You must then carry out the work according to these agreed vibration limits.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 9 You must provide two disabled parking spaces for use by occupiers of the building hereby approved within the basement of Nova (Permission 1 approved under reference 13/00090/FULL or as subsequently varied). The parking spaces must be provided prior to occupation of the retail, office or library floorspace and thereafter made permanently available for use.

Reason:

To make sure provision is made for off-street residential car parking in accordance with policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes.

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)

- 11 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: , - the removal of any door that open outward onto the public highway on Bressenden Place and Allington Street at ground floor level. , , 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:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 12 You must provide the waste stores shown on the approved drawing before anyone moves into the relevant part of the development. You must clearly mark them and make them available at all times to everyone using the relevant part of the development. 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 13 You must apply to us for approval of details of the short-stay cycle parking in consultation with TfL. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and thereafter retain it.

Reason:

To ensure the cycle parking spaces and cycle access facilities are provided for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must provide 55 long stay cycle parking spaces as set out on drawing LA-070-NE18-SK-3034 Rev P8 within the basement of Nova Permission 1 approved under reference 13/00090/FULL (or as subsequently varied). The parking spaces must be provided prior to occupation of the retail, office or library floorspace and thereafter made permanently available for use.

Reason:

To ensure the cycle parking spaces and cycle access facilities are provided as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 15 You must apply to us for approval of detailed drawings to show the access route for the long stay cycle parking spaces for the occupiers of the approved building. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to the occupation of the offices and thereafter the cycle space route shall be retained for the life of the development.

Reason:

To ensure the cycle parking spaces and cycle access facilities are easily accessible set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant installed will comply with the Council's noise criteria as set out in Conditions 17 and 18 of this decision. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so

that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 17 (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 (excluding emergency plant) hereby permitted shall not at any time exceed either, , i) a value of 10 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006 approved under ref 13/00090/FULL), or:, ii) a value of 5dB below the minimum post-development external background noise level, which ever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design., , (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 tonal or intermittent plant and machinery (excluding emergency plant) hereby permitted, when operating at its noisiest, shall not at any time exceed either,, i) a value of 15 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006 approved under ref 13/00090/FULL), or, ii) a value of 10 dB below the minimum post-development external background noise level, whichever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design., , (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. (R46AB)

- 18 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 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.
- 19 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the soft landscaping according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30AB)
- Reason:
To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)
- 20 You must not attach satellite antennae, 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.
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)
- 21 You must apply to us for approval of detailed drawings of a typical (full height) bay detail of each facade in plan, section and elevation annotated to show materials. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings unless otherwise agreed in writing with us.
- Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)
- 22 You must apply to us for approval of a schedule and samples of the facing materials you will use. You must then carry out the work using the approved materials, unless otherwise agreed in writing with us.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 23 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 24 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 25 You must apply to us for approval of details of the following parts of the development - , , - bird and bat boxes., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to occupation. Thereafter the bird and bat boxes must be retained as approved.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 26 Surface water source control measures shall be taken in accordance with details which are submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

Reason:

To prevent the increased risk of flooding and improve water quality

- 27 The construction of the site drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency before the development commences. A plan must be submitted for analysis to prevent pollution of the water environment.

Reason:

To prevent pollution of the water environment.

- 28 You must not occupy any part of the office or retail uses hereby approved until the building is fully connected to the energy centre located in the basement of Nova (Permission 1 as approved under reference 13/00090/FULL or as subsequently varied).

Reason:

To make sure that the development provides environmental sustainability features as set out in S39 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 29 **Pre-Commencement Condition:** No development shall take place until a Construction Management Plan for the proposed development has been submitted to and approved in writing by the City Council. Thereafter the construction must be managed in accordance with the details approved.

Reason:

To protect the environment of neighbouring occupiers and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 30 You must apply to us for approval of details of a Delivery and Servicing Management Plan for the approved office and retail uses. You must not occupy any part of the building until we have approved what you have sent us. You must then manage the development in accordance with the details approved.

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)

- 31 In the event that Allington Street remains open to traffic as public highway you must submit a revised Crime and Security statement that sets out details of measures to protect Allington Street and the adjoining east-west public realm route in Nova (Permission 1)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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, neighbourhood plan (where relevant), 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 You are advised that the construction logistics plan must include details of the cycle safety measures that will be implemented during demolition and construction such construction vehicles being fitted with side-bars, blind spot mirrors and cycle detection equipment. Please consult with TfL over the preparation of the construction logistics plan as they are the highways authority for Bressenden Place.
- 3 This permission is governed by a legal agreement (deed of variation) between the applicant and us under Section 106 of the Town and Country Planning Act 1990. Among other things the agreement relates to the provision of the library space at a peppercorn rent for a period of 25 years and a one-off capital sum of £1,000,000 (index linked) to be used as a sinking fund to off-set the management costs associated with a multi-level library. , , .
- 4 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, , 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, , **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.**
- 5 Listed building consent is required for the installation into Nova Place of certain retained

elements dismantled pursuant to listed building consent dated 7 January 2011 Ref: 09/10493/LBC. There is a listed building consent application pending under ref 19/02135/LBC.

- 6 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality, ,

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Addendum report of Director of Place Shaping and Town Planning		Ward(s) involved Vincent Square	
Subject of Report	Townsend House, Greycoat Place, London, SW1P 1BL,		
Proposal	Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level.		
Agent	Miss Hannah Willcock DP9		
On behalf of	ITC Properties (Townsend House) Company Ltd		
Registered Number	18/10755/FULL	Date amended/ completed	20 December 2018
Date Application Received	20 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
- i) Carbon offset payment of £24,085 (index linked) to be paid on commencement of development.
 - ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
 - iii) A financial contribution towards employment, training and skills of £95,966 (index linked) payable on commencement of development.
 - iv) Car club membership for residents (for a minimum of 25 years)
 - v) Monitoring costs.

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

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director is authorised to determine and issue such a decision under Delegated Powers; however, if not

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

2. SUMMARY

The application was reported to the Planning Applications Sub-Committee on 4 June 2019. Members resolved to defer the application for the applicants to amend the proposals to address concerns of the Sub-Committee with regards to daylight and sense of enclosure to the occupants of 10 Rochester Row adjacent.

During the Sub-Committee meeting of 4 June, Members sought clarification on the size of the individual residential units. The east flat comprises 216 square metres and the west flat is 204 square metres.

The applicants have submitted some revisions which show the installation of glazed white tiles on the lightwell elevation of the building, along with setting back the 5th floor 'nibs' to align with the building line of 10 Rochester Row. The plant room above is also set back away from 10 Rochester Row by 0.5m and the plant screen changed to white aluminium to maximise reflectivity.

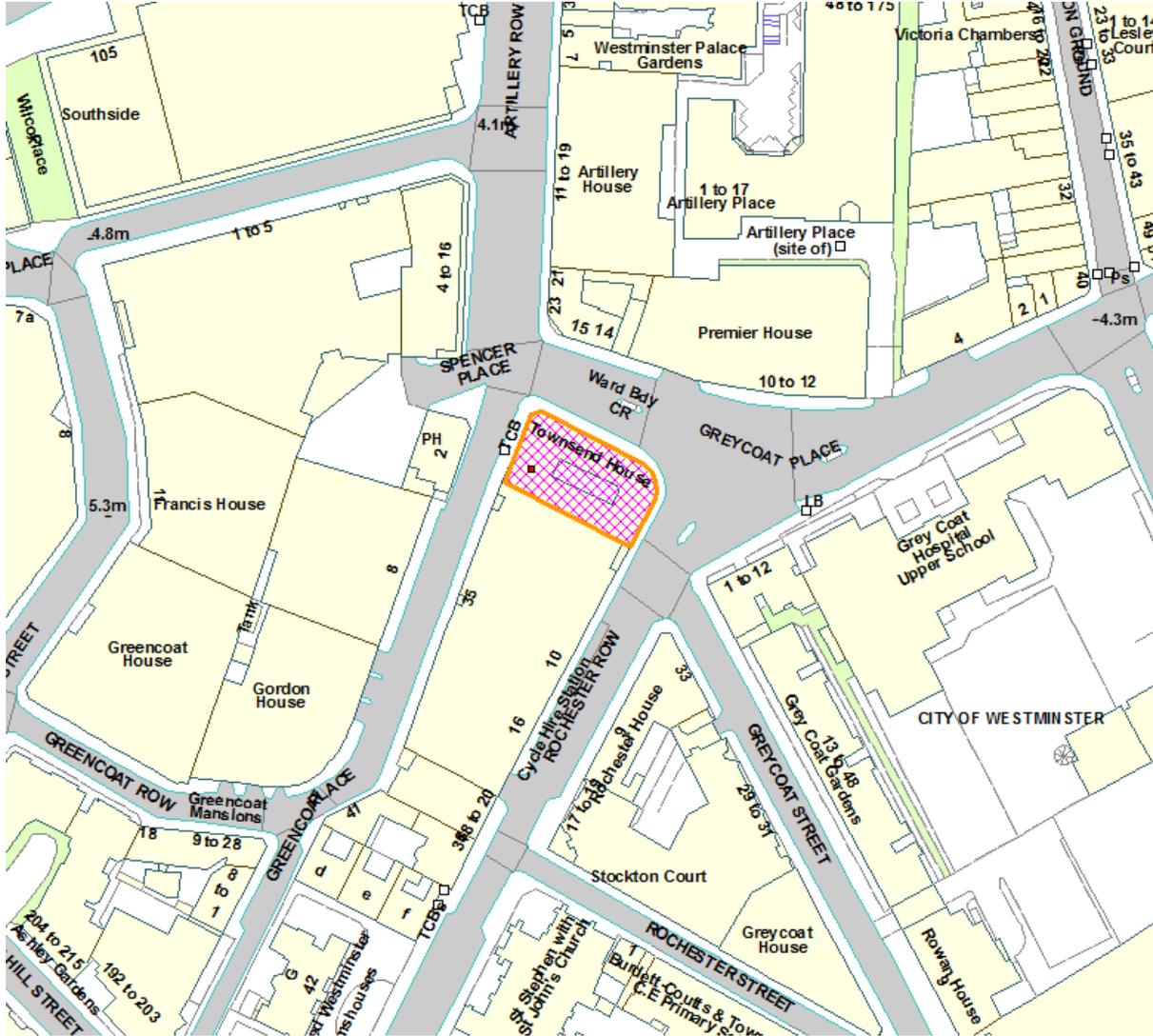
The changes have resulted in some improvements to the daylight test results as set out below:

Floor	Room use	Window ref	Existing VSC	Proposed VSC	Proposed VSC - revised	% loss VSC - revised	% loss daylight distribution - revised
4	Living/kitchen	W2	18.85	6.27	7.84	58.43%	1.05%
5	Living/kitchen	W2	22.42	10.36	12.78	43.02%	2.28%
6	Living/kitchen	W2	27.1	18.54	20.73	23.51%	3.83%
4	Bedroom	W4	20.33	6.23	7.67	62.27%	81.69%
5	Bedroom	W4	24.38	10.27	12.92	47%	62.16%
6	Study/bedroom	W4	29.09	18.36	20.94	28.02%	41.48%

The objectors at 10 Rochester Row are not of the view that the amendments have addressed their concerns, stating that the overall height of the building still needs to be reduced and the glazed tiles are a cosmetic solution not addressing the main issue which is loss of daylight and outlook.

The application is reported back for determination and Members are invited to consider if the changes made by the applicant are sufficient to address their concerns regarding the proposed development's effect upon daylight and sense of enclosure to 10 Rochester Row.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
 All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Townsend House – view from Greycoat Place across to Rochester Row



Long view from Victoria Street

5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING PUBLICATION OF PREVIOUS COMMITTEE REPORT AND PRESENTED TO COMMITTEE ON 4 JUNE

Cathedral Area Residents Group – letter received reiterating their original comments.

2 additional letters of objection received raising the following issues:

Amenity

- The proposed development would mean that windows to the rear of flats at 10 Rochester Row will be faced with a concrete wall and block any daylight.

Design/conservation

- The new building will block views of the campanile of Westminster Cathedral.
- There are other poor examples of red sandstone buildings in the area on Buckingham Gate/Petty France which are revolting.
- Draws attention of the committee to the dismissed appeal of 2001 – the inspector considered the main issue to be the effect the proposal had on the character of the area and the setting of Greycoat Hospital School.
- An attached letter from the then English Heritage sets out their view on the importance of Townsend House.
- Attaches an e-mail from a conservation officer showing he was ill informed about the history of Townsend House.

REPRESENTATIONS RECEIVED AFTER THE SUB COMMITTEE MEETING OF 4 JUNE

- Photos shown to the committee were misleading and taken from a long distance back in the affected rooms – additional photos enclosed to show the impact close up.
- Councillors were misled because the number of floors in the new building does not correspond with the floor of the adjacent 10 Rochester Row – 5 floors in the new build are the same as 6 floors on 10 Rochester Row.
- The flank wall of 10 Rochester Row adjacent to Townsend House was not meant to be covered. At the time of permitting 10 Rochester Row, the planning department wanted Townsend House to stand out against 10 Rochester Row.
- The lack of parking spaces is not good for the environment and will transfer the problems to the surrounding community.

FURTHER CONSULTATION FOLLOWING REVISION:

CATHEDRAL AREA RESIDENTS GROUP

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

No. consulted – 33

No. of responses – At the time of writing, one letter received maintaining the original objections to the scheme, namely that the size of the building needs to be reduced – the use of glazed tiles and a setback will not have any meaningful effect upon the levels of daylight or loss of outlook. The glazed tiles will make the wall look like an abattoir or factory. Refer back to the photos submitted with objections to the original scheme.

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

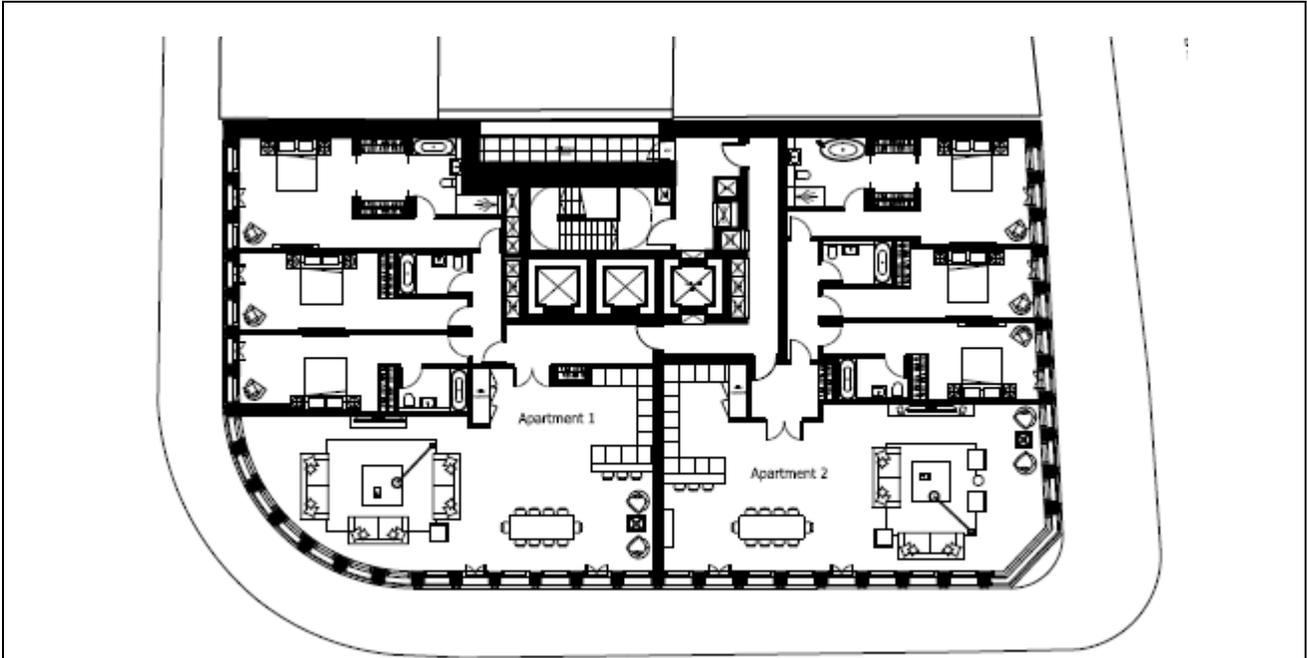
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

6. KEY DRAWINGS

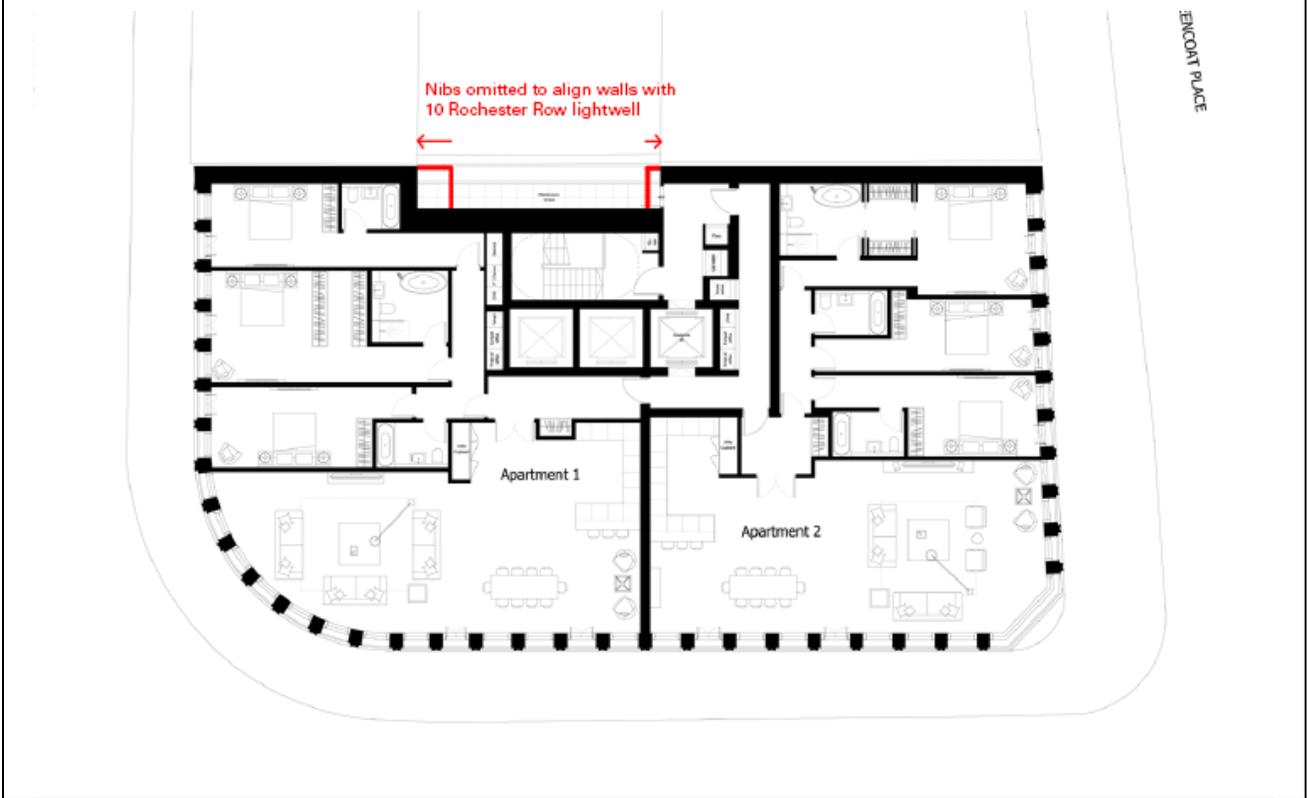


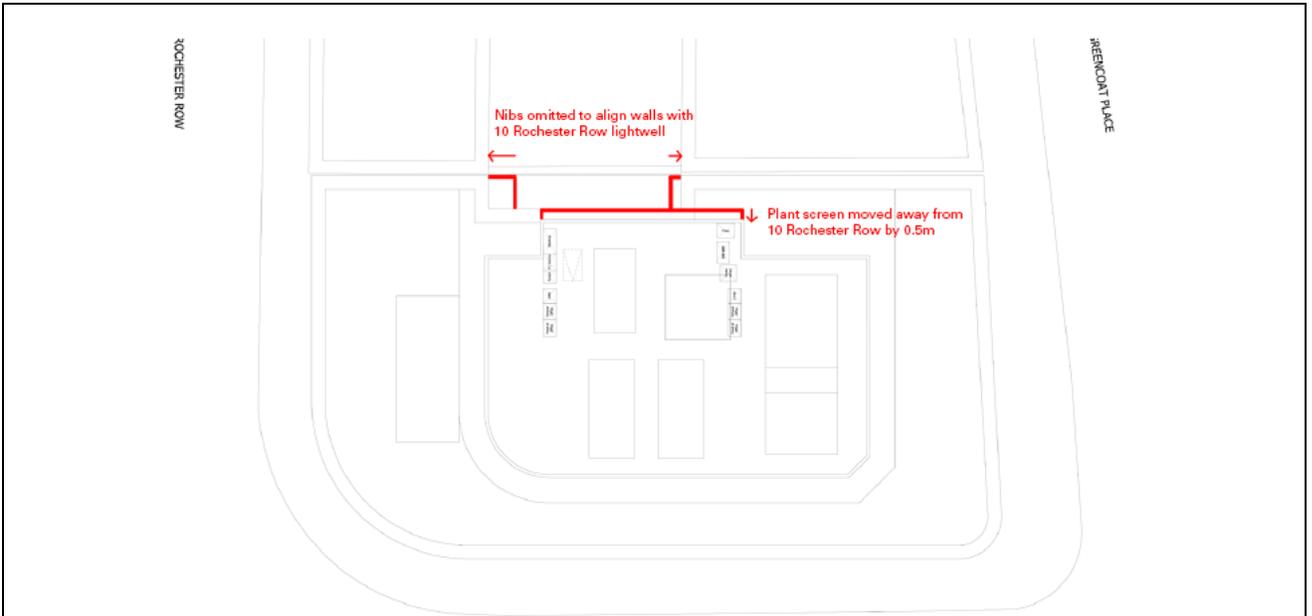
View from Greycoat Place (existing above and proposed below)



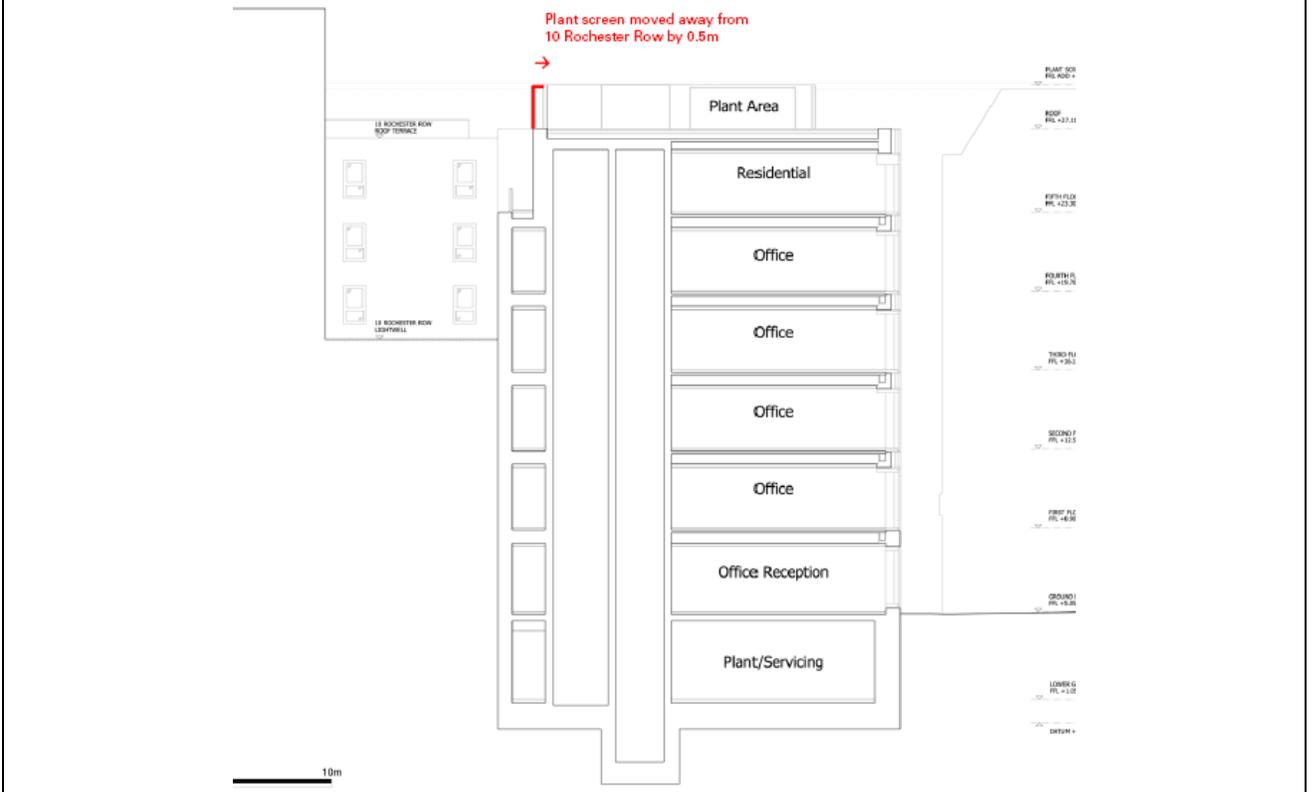


5th floor plan – as originally proposed and below, as revised.



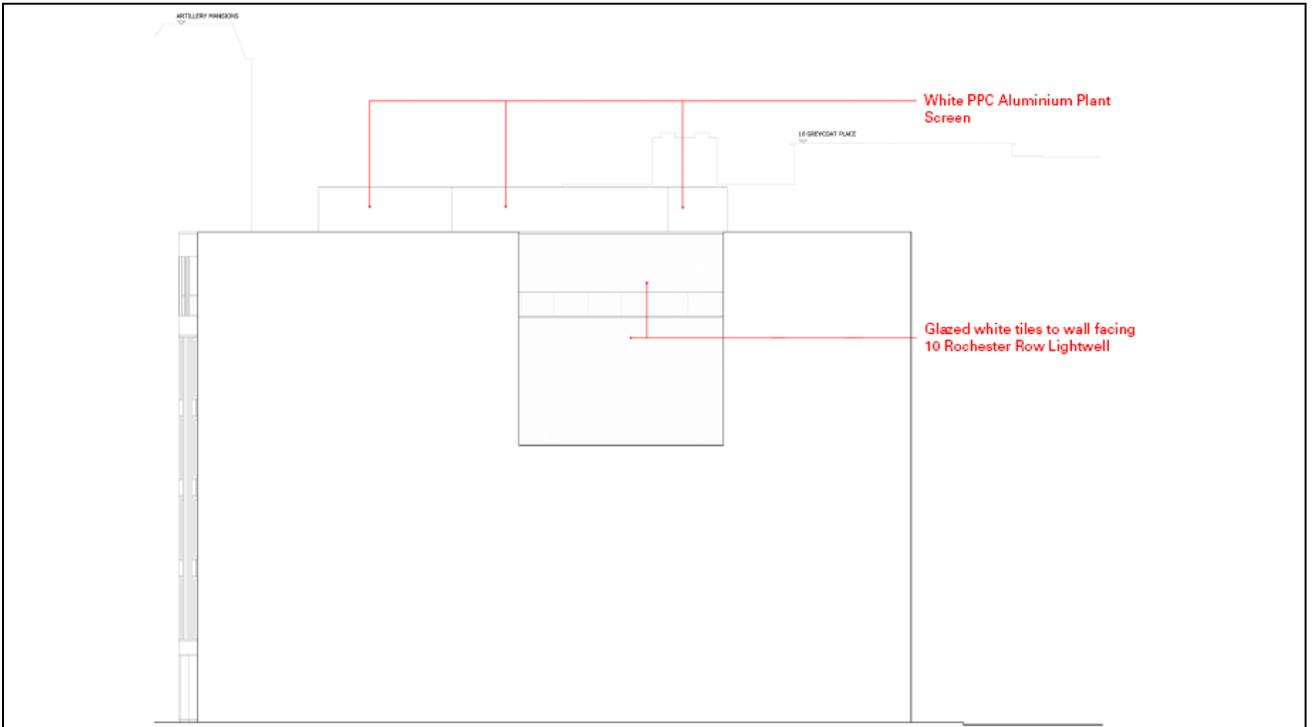


Above: 6th floor plan as proposed
Below: section through lightwell





Illustrative model showing setbacks.



Lightwell elevation of application site showing glazed tiling and white aluminium screen.

DRAFT DECISION LETTER

Address: Townsend House, Greycoat Place, London, SW1P 1BL.

Proposal: Demolition of existing building and redevelopment to provide a building of basement, ground and five upper floors with plant enclosure at roof level, comprising a retail unit and office reception at ground level, offices at first to fourth floors and two residential (Class C3) units at fifth floor; ancillary plant, cycle and refuse storage at basement level.

Reference: 18/10755/FULL

Plan Nos: C645_P_AL_001; C645_E_E_001A; C645_E_N_001A; C645_E_W_001A; C645_P_00_001A; C645_P_B1_001A; C645_P_T1_001A; C645_P_05_001B; P_RF_001B; C645_S_AA_001A; C645_E_S_001.

for information only: existing drawings; design and access statement (Squires, December 2018); Air Quality Assessment (Hoare Lea, revision 7 December 2018); Structural Methodology Statement (Heyne Tillett Steel ref 1759); Archaeological Assessment (Mills Whipp projects); basement impact review letter (RSK ref 371610 L01 (00)); daylight and sunlight assessment (Delva Patman Redler December 2018); Energy Strategy (Hoare Lea rev 04); Acoustic Report (Hoare Lea rev 04); draft servicing plan (Velocity); sustainability statement (Hoare Lea rev 05); Townscape and Visual Impact Assessment (Peter Stewart Consultancy December 2018 and March 2019); Transport Statement (Velocity December 2018); Planning Statement (DP9 December 2018); existing building report (Squire and Partners March 2019). Addendum submission June 2019.

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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:
 - 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.

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

- between 08.00 and 18.00 Monday to Friday; and
- 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).

3 Pre commencement condition

Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

4 Pre Commencement Condition.

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

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

Reason:

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

- 5 Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 6 (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. (R46AB)

- 7 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. (R48AA)

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 6 and 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 9 (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. (R50AB)

- 10 The design and structure of the development shall be of such a standard that it will protect residents

within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 13 You must apply to us for approval of details of a ventilation strategy for the residential properties to mitigate against overheating. The ventilation scheme installed, with windows closed, to prevent overheating must show compliance to at least the Overheating Standard of CIBSE Guide A (2006), specifically; for living rooms, less than 1% of occupied hours are over an operative temperature of 28 degrees celcius; for bedrooms, less than 1% of occupied hours are over 26 degrees celcius. You must not start work on this part of this development until we have approved what you have sent us and you must carry out the work in accordance with the approved details, to be retained for the life of the development.

Reason:

To safeguard the amenity of the future occupiers of the properties, provide an appropriate living environment and ensure appropriate air quality in accordance with the aims of policies S29, S31 and S32 of the Westminster City Plan, November 2016.

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number C645_P_B1_001/A. 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)

- 15 You must not use the roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

16 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 Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

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

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

18 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:
To maintain the character of the area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007.

19 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

photovoltaic panels

You must not remove any of these features. (C44AA)

Reason:
To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

20 You must submit a written and photographic schedule of the proposed facing materials, cross referenced to the approved elevations, and where necessary with other conditions imposed on this permission, and including a record of samples / trial panels prepared on-site for our inspection. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:
To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

- a) Typical bay studies at 1:20, including windows, non-shop doors, canopy, stonework, exposed rainwater goods, and rooflines.
- b) Shopfronts at 1:20;
- c) Metal spandrels and railings at 1:10;
- d) Plant enclosure at 1:20.

All submitted drawings should be cross-referenced against the approved elevations, and where necessary with other conditions imposed on this permission. You must not start work on each of these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

22 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing.

You must not occupy any part of the building until we have approved what you have sent us.

The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

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)

23 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a supermarket).

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)

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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i) Carbon offset payment of £24,085 (index linked) to be paid on commencement of development.
 - ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
 - iii) A financial contribution towards employment, training and skills of £95,966 (index linked) payable on commencement of development.
 - iv) Car club membership for residents (for a minimum of 25 years)
 - v) Monitoring costs.
- 3 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.
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work.
- Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).
- You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.
- Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 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 In relation to the requirements of condition 13, the ventilation scheme (with windows closed) should achieve compliance to at least the Overheating Standard is recommended to be devised using the following cooling hierarchy:
- i. Minimise internal heat generation through efficient design;
 - ii. Reduce the amount of heat entering a building in summer through shading, light colouration, albedo, fenestration, insulation and green roofs and walls;
 - iii. Manage the heat within the building through exposed internal thermal mass and high ceilings and particularly from heat sources not directly under the control of the occupiers eg any communal hot water distribution systems;
 - iv. Passive ventilation;
 - v. Mechanical ventilation (eg MVHR (with summer override) giving at least 4 air changes per hour(ach)); and finally,
 - vi. Active Cooling Systems in the following order of preference:
 - a. Free cooling technologies;
 - b. Mechanical active cooling systems (ensuring the system used is the lowest carbon option, will achieve the agreed temperature range, and will not deliver unnecessary cooling).
- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 9 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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.

Agenda Item 7

Item No.
7

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Unit 35, Jubilee Hall Jubilee Market, The Piazza, Covent Garden, London, WC2E 8BE,		
Proposal	Amalgamation of 1A Tavistock Street and 35 The Piazza to form a restaurant and late night entertainment, live music and performance venue (Sui Generis) including associated internal alterations and external alterations to entrances and ground and mezzanine windows.		
Agent	Gerald Eve		
On behalf of	Capital & Counties		
Registered Number	19/03044/FULL and 19/03045/LBC	Date amended/ completed	18 April 2019
Date Application Received	18 April 2019		
Historic Building Grade	Jubilee Hall: Grade II 1A Tavistock: Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

<ol style="list-style-type: none"> Grant conditional permission and conditional listed building consent. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

<p>35 The Piazza is a basement unit within Jubilee Hall, which is a grade II listed building located within the Covent Garden Conservation Area. The unit is a restaurant/ late night drinking/ dancing/ live music venue (sui generis) known as The Roadhouse.</p> <p>1A Tavistock Street is a part of an unlisted building located within the Covent Garden Conservation Area. The unit is primarily at basement level, with an entrance at the corner of Tavistock and Southampton Streets. It is a vacant restaurant (Class A3), formerly operated as a Wagamama. This building contains residential flats on the upper floors and is known as Driscoll House.</p>

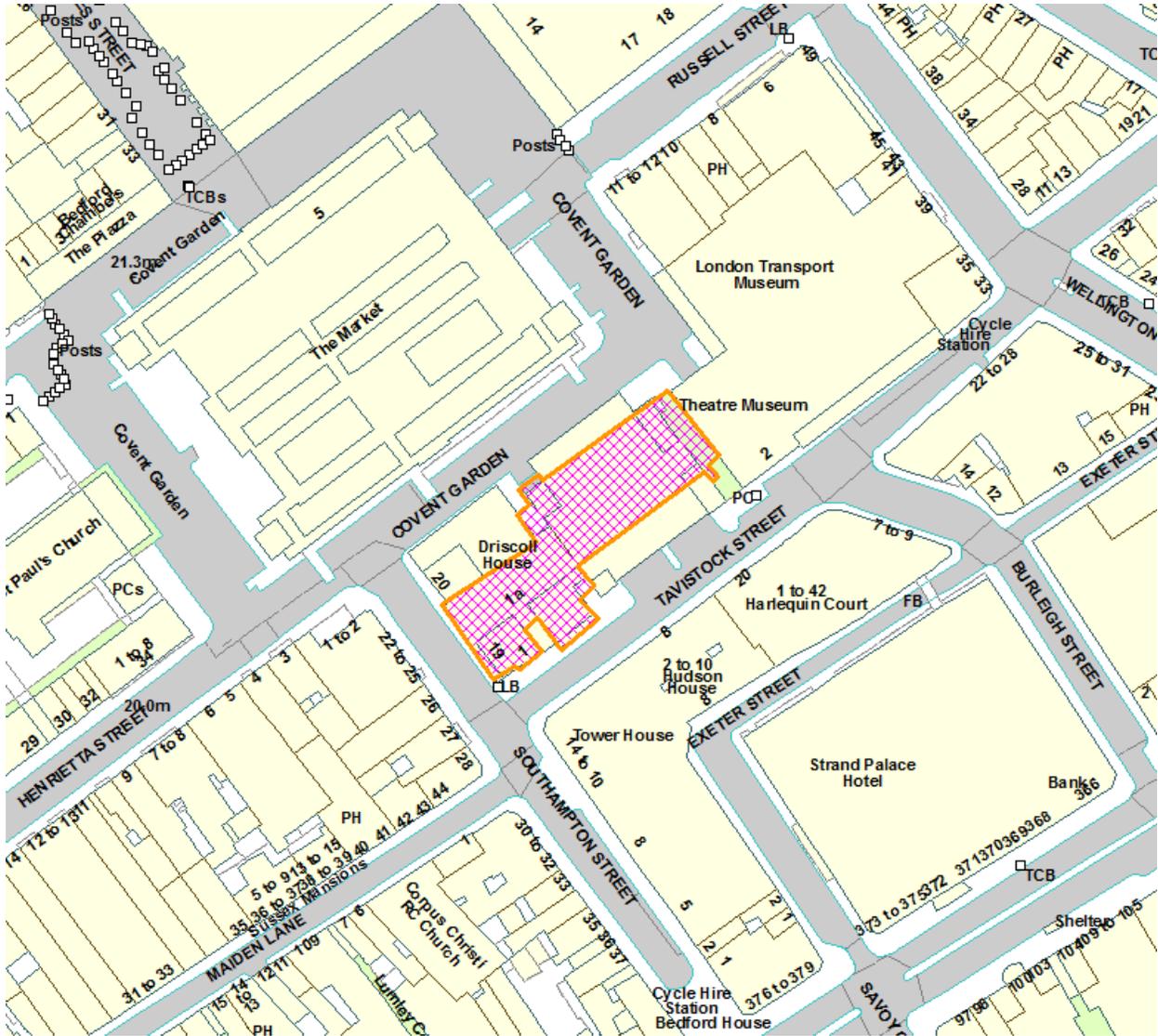
Permission and listed building consent are sought to amalgamate the basements of 1A Tavistock Street and 35 The Piazza to form a single restaurant and late-night entertainment, live music and performance venue (sui generis) including associated internal alterations and external alterations to entrances and ground and mezzanine windows. The food offer would remain operational throughout the trading hours, dinner sessions would be to a backdrop of interactive entertainers, in the style of Cirque du Soleil, including dance acts and live music.

The key issues in this case are:

- the impact of the proposals on the significance of designated heritage assets including the impact on the listed building, archaeological assets and the Covent Garden Conservation Area; and
- the impact of the proposals on the amenity enjoyed by neighbouring residential occupiers.

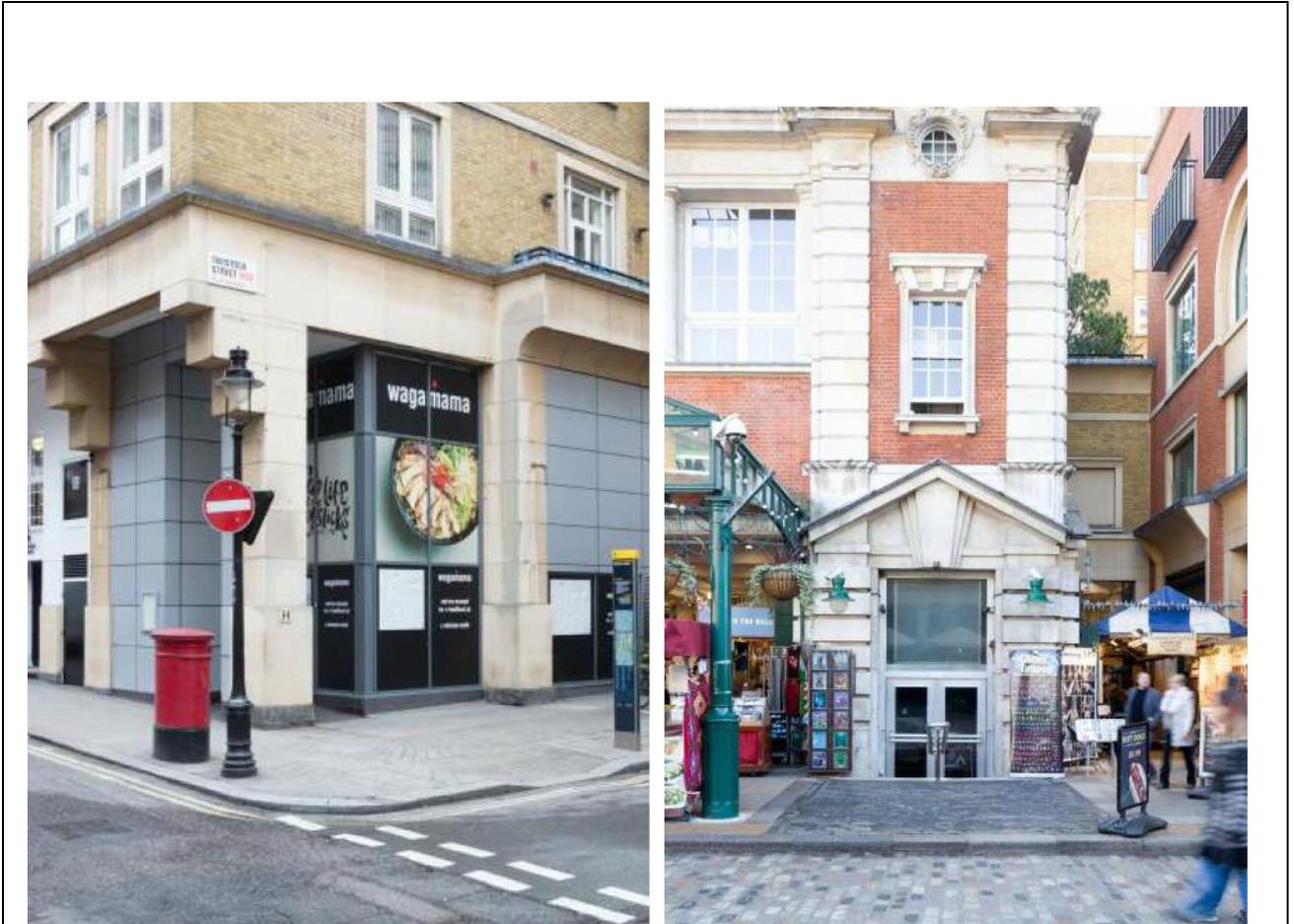
For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Entrances: 1A Tavistock on the Left, 35 The Piazza on the Right



1A Tavistock



35 The Piazza

5. CONSULTATIONS

HISTORIC ENGLAND:
Authorised to determine.

HISTORIC ENGLAND (ARCHAEOLOGY):
No objection, subject to a condition.

COVENT GARDEN COMMUNITY ASSOCIATION:
The CGCA does not object to the proposal provided that: the use remains as described in the application; and the City Council attaches appropriate conditions to mitigate harm to residents. To avoid noise nuisance to the area there must be no noise/music break out from the venue. The updated Operating Management Statement is welcomed.

COVENT GARDEN AREA TRUST:
The Trust is supportive of proposals which improve the viability and vitality of Covent Garden, and protects the historic fabric of the building. It improves upon the 2018 proposals, as it no longer requires excavation. Live music/ performance is retained, which adds to the character and interest of Covent Garden. The operational management and leasehold conditions are to be imposed to protect residents.

METROPOLITAN POLICE:
No objection to the principle of the proposals, subject to a condition to ensure a 'Secured by Design' accreditation is received.

ENVIRONMENTAL HEALTH:
No objection, subject to conditions.

HIGHWAY PLANNING MANAGER:
No objection, subject to conditions.

PROJECT OFFICER (WASTE):
No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 274
No. of objections: 3
No. neutral: 2
No. support: 1

Three neighbouring residents object to the proposal on the following grounds:

- The properties are surrounded by residential properties and the use would harm these residents, including those within Driscoll house, in terms of noise and other impacts such as worsening security;
- The main entrance should be on The Piazza and not on Tavistock/ Southampton Street where residents are located; and

- An earlier closing time and later opening time would be preferred, and operational measures are recommended to ensure servicing and patrons/ staff do not harm neighbours.

One neighbouring resident and a representative of a residents association state neither objection nor support, but raises the following issues:

- Servicing/ refuse collection should not happen from Tavistock Court as this would harm those within Harlequin Court in terms of noise from service vehicles; and
- Operational measures must ensure patrons and staff do not disturb neighbours in terms of noise.

One neighbouring resident states support, but raises the following issues:

- Conditions should be imposed to minimise noise and measures should be taken to ensure the building is sound insulated.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

35 The Piazza is a basement unit (with access at ground level) within Jubilee Hall, which is a grade II listed building located within the Convent Garden Conservation Area. The unit is a restaurant/ late night drinking/ dancing/ live music venue (sui generis) known as The Roadhouse.

1A Tavistock Street is a part of an unlisted building located within the Covent Garden Conservation Area. The unit is primarily at basement level, with an entrance at the corner of Tavistock and Southampton Streets. It is a vacant restaurant (Class A3). This building contains residential flats on the upper floors and is known as Driscoll House.

There are other residential occupiers within the area, including within Harlequin Court on Tavistock Street and on Southampton Street. The area is characterised by a mix of uses however, and these include office, retail, cultural and entertainment uses.

The site is located within the Core Central Activities Zone, West End Stress Area and within a Tier 1 Archaeological Priority Area.

6.2 Recent Relevant History

35 The Piazza

On 26 April 2018, the City Council granted permission and consent for alterations to ground floor entrances to the Piazza and Tavistock Court; lowering of existing basement floor level and associated internal and external alterations.

On 25 October 2017, the City Council issued a Certificate of Lawful Development (Existing) for 35 The Piazza for the use of the basement unit (with ground floor entrance) as a restaurant and late night drinking and dancing venue playing live music (Sui Generis).

1A Tavistock Street

On 29 October 1998, the City Council granted planning consent for internal and external alterations in connection with the use of 1A Tavistock Street as a restaurant (Class C3).

7. THE PROPOSAL

The applicant seeks permission and listed building consent to amalgamate the basements of 1A Tavistock Street and 35 The Piazza to form a single restaurant and late-night entertainment, live music and performance venue (sui generis) including associated internal alterations and external alterations.

The works include:

- creating an additional opening in the current party wall to join the two units;
- altering the entrances on The Piazza, Tavistock Court and on the corner of Tavistock and Southampton Streets;
- internal alterations, including the provision of universal access across the entire space and levelling the floor within 35 The Piazza; and the
- installation of mechanical plant at roof level and associated alterations.

The proposals seek to deliver an all-day dining and evening entertainment use, operating in a style the applicant describes as 'Vibe Dining'. The food offer would remain operational throughout the trading hours, dinner sessions would be to a backdrop of interactive entertainers, in the style of Cirque du Soleil, including dance acts and live music.

Figure 1: Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant and live music/ performance venue (sui generis)	760	1577	+817
Restaurant (class A3)	810	0	-810
Total	1570	1577	+7

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of 35 The Piazza is a restaurant/ late night drinking/ dancing/ live music venue. The City Council confirmed this in a certificate issued on 25 October 2017. It is a 'sui generis' use meaning that it does not fit in any use class, and any material change in the use of 35 The Piazza would require planning permission. 1A Tavistock Street is a vacant restaurant, within use class A3.

The proposed use, consisting of both restaurant and live music/ performance uses, is also a 'sui generis' use. Arguably, this use is sufficiently similar to the lawful use of 35 The Piazza to mean no material change of use of this land would occur. As the applicant proposes to amalgamate 35 The Piazza with 1A Tavistock Street so that the proposed

restaurant and live music/ performance use would operate across the site, a change of use of 1A Tavistock Street would occur resulting in the loss of the existing A3.

Loss of restaurant at 1A Tavistock Street

Restaurants are important facilities for residents, workers and visitors to the City, and these uses contribute toward the vitality and vibrancy of Covent Garden, and the wider Core CAZ. Policy SS 5 of the Unitary Development Plan (UDP) relates to the management of shopping and other services within the Core CAZ, it seeks to encourage a balanced mix of appropriate street-level activities and seeks to protect and enhance the attraction of the Core CAZ as a shopping and entertainment destination. It affords no specific protection to restaurants or other A3 uses. It states that proposals for non-A1 uses must not lead to, or add to, a concentration of non-A1 uses, or cause or intensify an existing over-concentration of A3 and entertainment uses in a street or area. The reasoned justification for Policy S6 of the City Plan also states that within the West End Stress Area proposals for additional entertainment uses would be unacceptable in many instances.

As the proposal is to change the use of the unit to an alternative entertainment use (which includes a restaurant element), it would not alter the concentration of non-A1 uses or intensify a concentration of A3 and entertainment uses (indeed the number of entertainment premises would reduce because of the amalgamation). Therefore, the loss of the restaurant would be acceptable subject to the acceptability of providing this enlarged single entertainment use within the West End Stress Area.

Provision of a restaurant and live music/ performance use

Policy S1 of the City Plan states that within the CAZ the City Council will promote a mix of uses consistent with supporting its vitality, function and character. The justification for policy S1 states mixed use means offices, shopping, entertainment, cultural, social and community and residential uses sharing buildings, streets and localities. The unique and varied use character across the CAZ is fundamental in ensuring the vitality, attraction and continued economic success of Central London. Although, policy S6 of the City Plan states that within the West End Stress Area, new entertainment uses will only be allowed where the council considers that they are small-scale, low impact and they will not result in an increased concentration of late-night uses.

The Mayor's Draft New London Plan and draft 'Culture and the Night Time Economy' SPG are also material considerations in planning decisions. These promote the night-time economy, particularly in the CAZ, and state boroughs should support proposals for new night time uses where appropriate (Emerging London Plan Policies HC6 and HC7).

An objector considers the restaurant and live music/ performance use in this location would conflict with the residential flats in the area. However, a mix of uses, including entertainment uses such as this, is appropriate within the CAZ and consistent with the above policy and guidance. The main land use issue is whether an entertainment use of the scale proposed would accord with requirements of the City Council's entertainment policies.

The proposed restaurant and live music/ performance use measures 1,577 sqm (GIA), which constitutes a large entertainment use as defined in Chapter 8 of the UDP. Policy

TACE 10 of the UDP states that entertainment uses of this size will only be acceptable in exceptional circumstances. Policies TACE 10 of the UDP and S6 of the City Plan recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function, of an area. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. However, the plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses.

Following appeal decisions relating to entertainment uses (for example: APP/X5990/A/12/2183693), the City Council has adopted the approach that if the use would not result in any material harm to residents' amenity and local environmental quality, this would be enough to constitute an exceptional circumstance. Therefore, any proposals should provide enough information to demonstrate that the development would have no adverse effect upon residential amenity or local environmental quality and the use should have no adverse effect on the character or function of the area.

Impact of the proposed use

The restaurant and live music/ performance use would open at 07:00 each day and would close at 03:30 the next day, except for Sundays when it would close earlier at 01:00 the next day. The premise would have maximum capacity of 790 patrons. This compares to the existing capacities of 575 at 35 The Piazza and 120 at 1A Tavistock Street - which means the proposal would allow an additional 95 patrons on the site at any one time. The proposed use would maintain the two patron entrances, one on the corner of Tavistock and Southampton Streets and the other on The Piazza. The unit would not benefit from an external area, and therefore patrons would smoke outside the front of the building on The Piazza in a designated area (no drinking or eating would be allowed outside).

Policies ENV 6 and ENV 7 of the UDP and policy S32 of the City Plan require developments to contain noise and to demonstrate that any noises emitted by plant and machinery and from internal activities, including noise from music (amplified or unamplified), and human voices, complies with relevant standards. Where appropriate, developments should incorporate design features and operational measures to minimise and contain noise and vibration from developments, to protect noise sensitive properties.

Noise issues of potential concern would be the impact of mechanical plant and the impact of patron/ staff activity inside and outside the premises. The applicant has provided an acoustic report to assess the noise impact. The Council's Environmental Health team have confirmed the report demonstrates that noise from patrons, even at peak times, would not disturb the residents above or residents adjacent as the acoustic/ operational measures proposed are sufficient. The impacts in terms of noise from plant and the kitchen extract system are discussed elsewhere in this report, where it is explained that these elements would not harm the amenity of neighbours or local environmental quality.

In terms of the detailed operation and management of the premises, the applicant has submitted a plan which sets out policies and procedures for the management of the site. This includes policies on entrance, dispersal and neighbourhood relations to ensure patrons do not harm neighbouring residents and on operations of servicing, plant and waste to ensure staff do not harm residents.

While the applicant seeks permission for the unit to be open from 07:00 until 03:30 the next day on Monday to Saturday (which is longer than usually would be allowed with the West End Stress Area) and 01:00 on Sunday, the existing use at 35 The Piazza closes at 03:00 Tuesday to Saturday and so the closing time would be extended by only 30 minutes on these days. Still, the unit would be open for a greater portion of each day, and for more days of the week. The unit currently closes on Sunday and Monday and it opens at 17:30 on the other days. However, it is important to note that this existing use is not controlled by planning conditions and so could currently close even later and open even earlier without being in breach of planning control (although, their operations would also be separately controlled through licencing).

The existing restaurant use at 1A Tavistock Street is controlled by planning condition to ensure it closes at midnight, accordingly the proposed closing time would be three and a half hours later than currently permitted for this portion of the site. However, the Operational Management Strategy proposes that the entrance on Tavistock Street would be closed at midnight (as existing) and after this point only the entrance on The Piazza would be open. This is because this entrance is closest to residential occupiers, and so late-night activity here could harm neighbours and an objection has been received on these grounds. Environmental Health had suggested that this entrance closer earlier to prevent external queues forming in this location (the noise associated with a queue could harm neighbours), but the applicant has instead amended the Operational Management Strategy to ensure that no external queuing occurs (at any time) by redirecting patrons to the Piazza entrance. These measures would prevent patrons from congregating outside this entrance, and so would protect residential neighbours.

There of course would be increased activity within the 1A Tavistock portion of the site compared to the existing restaurant use, but the applicant proposes various measures to ensure that a harmful noise impact on nearby residential premises is prevented. These include lobbied entrances to prevent noise escaping from the entrances, sounding insulating measures to the ceilings, walls and columns in high noise areas, ensuring loudspeakers are not fixed to the building's structure and that noise limiters are installed. Some neutral commenters on the application state they wish to see controls and/or conditions to prevent noise transfer to other properties. Environmental Health Officers have confirmed that the internal activity within the premises would not be audible from within residential properties, subject to conditions to prevent internal and external transfer of music noise. These include conditions relating to the design and structure of the basement to ensure it is acoustically enhanced, that a sound limiter device is installed and that the entrances are lobbied as proposed. With these measures in place, noise from inside the new unit would not be audible from surrounding properties.

A further issue is whether the additional patrons entering and exiting at 35 The Piazza, earlier than existing, for more days than existing and half an hour later than existing on Tuesday to Saturday, would result in harm to residential occupiers. The existing unit does not have any planning controls on its use, there is no management plan or other operational conditions managing its use. The proposal is supported by an Operational Management Plan which when implemented would ensure the management of patrons and staff. This includes actively monitoring any queues and the vicinity and discouraging noisy behaviour and preventing patrons from congregating; supervising taxi/ mini cab pick-ups; ensuring the tenants security team cooperate fully with the freeholders security team;

and managing the dispersal of patrons at close, in accordance with the Metropolitan Police safer streets protocols. The plan also outlines procedures for neighbourhood liaison and dealing with any complaints, as well as designating and managing a smoking area to the front of the property on The Piazza. These measures would constitute an improvement over the existing uncontrolled situation. Combined with new measures to sound insulate the building to prevent noise break out, the proposals would not result in a significant worsening of the existing situation.

In terms of the wider area, on the Piazza and the surrounding streets there are relatively few late-night entertainment uses considering the site is within the West End Stress Area. Dirty Martini at 11-12 Russell Street closes at 03:00 Thursday to Saturday, and this bar along with the existing use at 35 The Piazza operate later than is typical within the immediate area where most entertainment use cease operations by midnight. Taking into account this context, that the proposals would not create add to the number of late night uses, and the measures with the measures outline above implemented, the cumulative impact of the proposals would not worsen the West End Stress Area. Indeed, with the management plan in place, which is recommended to be ensured by condition, and the other operational conditions attached, this large single entertainment use would not worsen residential amenity or environmental quality compared to the existing two entertainment uses, and this constitutes an exceptional circumstance in terms of TACE 10. Therefore, the proposal is acceptable in land use terms.

8.2 Townscape and Design

UDP Policies DES 1 (urban design / conservation principles), DES 5 (alterations and extensions), DES 9 (conservation areas) and DES 10 (listed buildings) apply to the consideration of these applications, whilst S26 and S28 of the City Plan provide the strategic planning policies relevant to design.

Sections 7 and 12 of the National Planning Policy Framework (NPPF) require great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits.

35 The Piazza is part of the grade II listed Jubilee Hall, and its historic interest principally relates to its elevations, particularly its Anglo-Baroque façade to The Piazza, and the primary structure at ground and first floor levels. The basement was designed to be utilitarian in character as a storage space and, until the 1970s, it retained its original subdivided nature which comprised compartmentalised storage and mezzanine areas. Since then, the basement has been significantly altered and the partitions removed.

1A Tavistock Street is part of the unlisted Driscoll House built in the 1980s. It has frontages to Southampton Street and Tavistock Street and is nine storeys high. The corner entrance which allows access to the basement level restaurant was constructed in the late 1990s when this restaurant was formed.

Externally, the existing main entrance doors to 35 The Piazza have a heavy metal frame and are of no architectural interest, and given their appearance their replacement is not

opposed, subject to their detailed design which will be ensured by condition. Internally, the existing internal fit out and staircases are all modern features, likely to have been added in the 1970's, and 80's as part of the buildings use. They do not contribute to the significance of the building and as such, their loss is not harmful. The proposed internal works, which include the demolition of a modern wall which separates the basements of 35 The Piazza and 1A Tavistock Street, would not result in harm to the significance of this already highly altered basement.

The existing entrance to 1A Tavistock Street is a blank and unappealing modern entrance that adds little to the character and appearance of the building or conservation area. The altered fenestration details to 1A Tavistock Street are appropriate to the architecture of the building and will not diminish its appearance. Consequently, these works are also acceptable.

In terms of plant, the applicant proposes a similar arrangement to the current situation, with the plant area in the north-west corner of the building at roof level. A new water tank is proposed adjacent to the existing plant, which will be largely concealed by the bottle balustrades and screened from long views by the neighbouring building.

On the eastern side of the building, fronting Tavistock Court, existing duct work and extracts are to be retained causing no additional harm to the appearance of the building. overall the services, plant and duct work avoid the principal elevations of the building, where long and open public views of the property can be achieved.

Archaeological Impact

The site is within a Tier 1 Archaeological Priority Area (Lundenwic and the Strand) which is known to contain archaeological heritage assets of national importance. Historic England's Greater London Archaeological Advisory Service (GLAAS) have been consulted and consider that further exploratory fieldwork and assessment will be required to determine the nature and significance of remains, and to refine an appropriate mitigation strategy if required. As such, GLAAS advise that a condition be attached to secure a staged programme of archaeological work in the usual way. This would ensure any archaeological assets are protected.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development that enhances the residential environment of surrounding properties.

The external works are modest alterations that would not harm neighbouring residents in terms of light, enclosure or loss of privacy.

8.4 Transportation/Parking

Trip Generation, Cycle Parking and Car Parking

The Highway Planning Manager advises most trips associated with the site (excluding servicing activity) would be via public transport or other sustainable modes (eg walking,

cycling). It is noted, the proposed use would alter the time profile of trips associated with the site, with a slight increase in late night movements, but the Highway Planning Manager states this would not have a significantly adverse highway impact.

11 cycle parking spaces are proposed within the basement, which is in accordance with London Plan requirements. In terms of car parking, the site is within a Control Parking Zone which means anyone who does drive to the site will be subject to those controls.

Delivery Service

To minimise the impact of the restaurant and live music/ performance use on the road network, the Highway Planning Manager advised that no delivery service should operate from this location, which is recommended to be ensured by condition.

Servicing

S42 and TRANS20 require off-street servicing. No off-street servicing is provided, although a small ground floor holding area is included within the site, and limited servicing detail is provided within the Operational Management Plan. Therefore, the Highway Planning Manager advised that in order to minimise the impact of servicing on highway users, including pedestrians and reduce localised congestion, a Servicing Management Plan should be secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

Currently there is no level access for patrons to enter 35 The Piazza. There is an existing lift for patrons at the Tavistock/ Southampton Street entrance for 1A Tavistock Street. The proposals involve upgrading the Tavistock/ Southampton Street entrance, including by installing a replacement lift and by linking the two units and internal alterations to create level access throughout the basement. This improved access is welcomed.

8.7 Other UDP/Westminster Policy Considerations

Refuse and Recycling:

A commenter has raised concern regarding waste being left out near the Tavistock Court entrance, and that when it is collected the noise harms residential occupiers. The proposal would improve servicing and waste management. Waste would be stored within the basement until schedule for removal during the 7.00am and 10.30am Piazza servicing hours. The waste would be taken out to the Piazza via Tavistock Court, but it would not be left by that entrance. The Project Officer for Waste has confirmed the waste arrangements are acceptable.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. The draft City Plan was published for public consultation purposes under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations on 19 June 2019. Consultation will close on 31 July. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

None relevant.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

None relevant.

8.12 Planning Obligations

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

The development is not CIL liable.

8.13 Environmental Impact Assessment

Not relevant to this application.

8.14 Other Issues

Crime and security

The Metropolitan Police state that whilst in principle they have no objections to the proposal, a condition is recommended to ensure the applicant achieves a Secured by Design Accreditation. They confirmed that the applicant should be able to achieve this if they follow their advice and so the condition and informative are attached.

Statement of Community Involvement

The applicant has submitted a statement outlining their engagement with interested people and organisations in the years leading up to the submission of this application. This included neighbours and amenity societies, as well as the City Council.

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

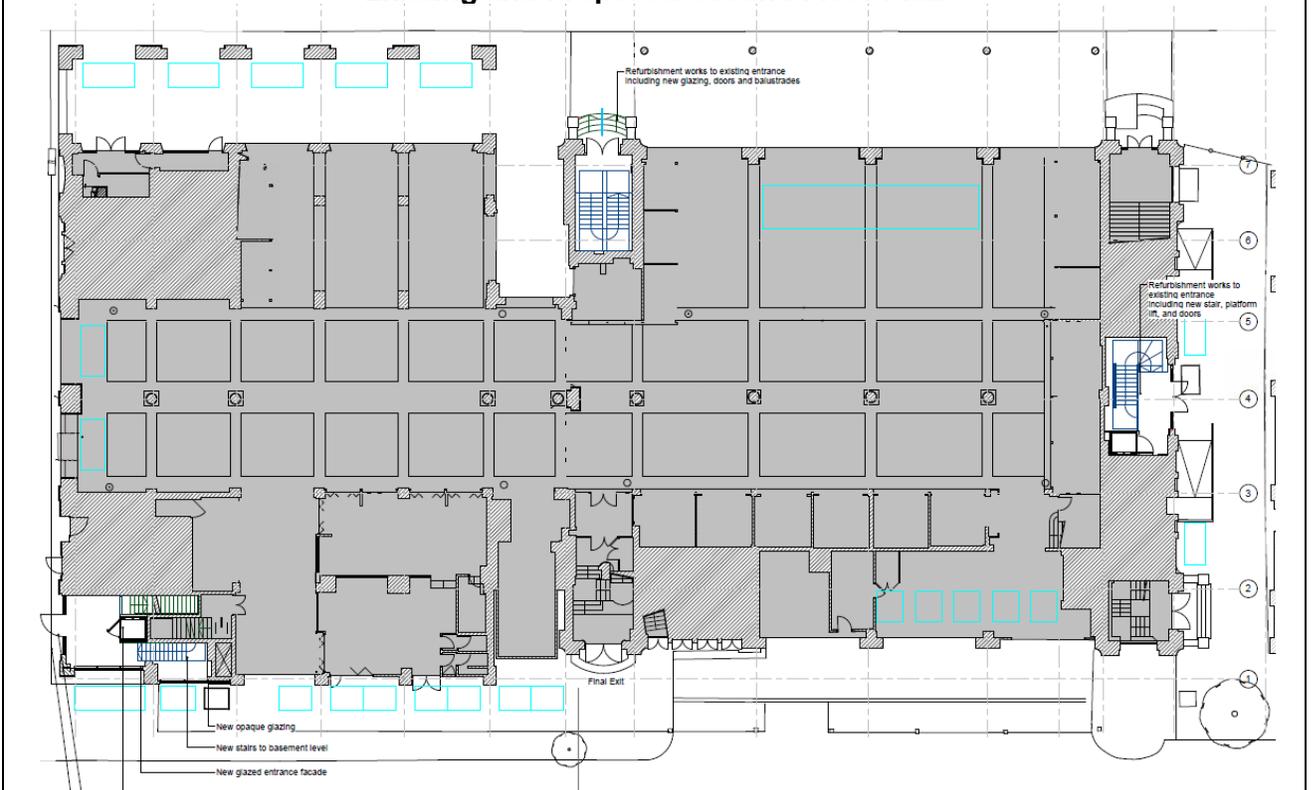
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

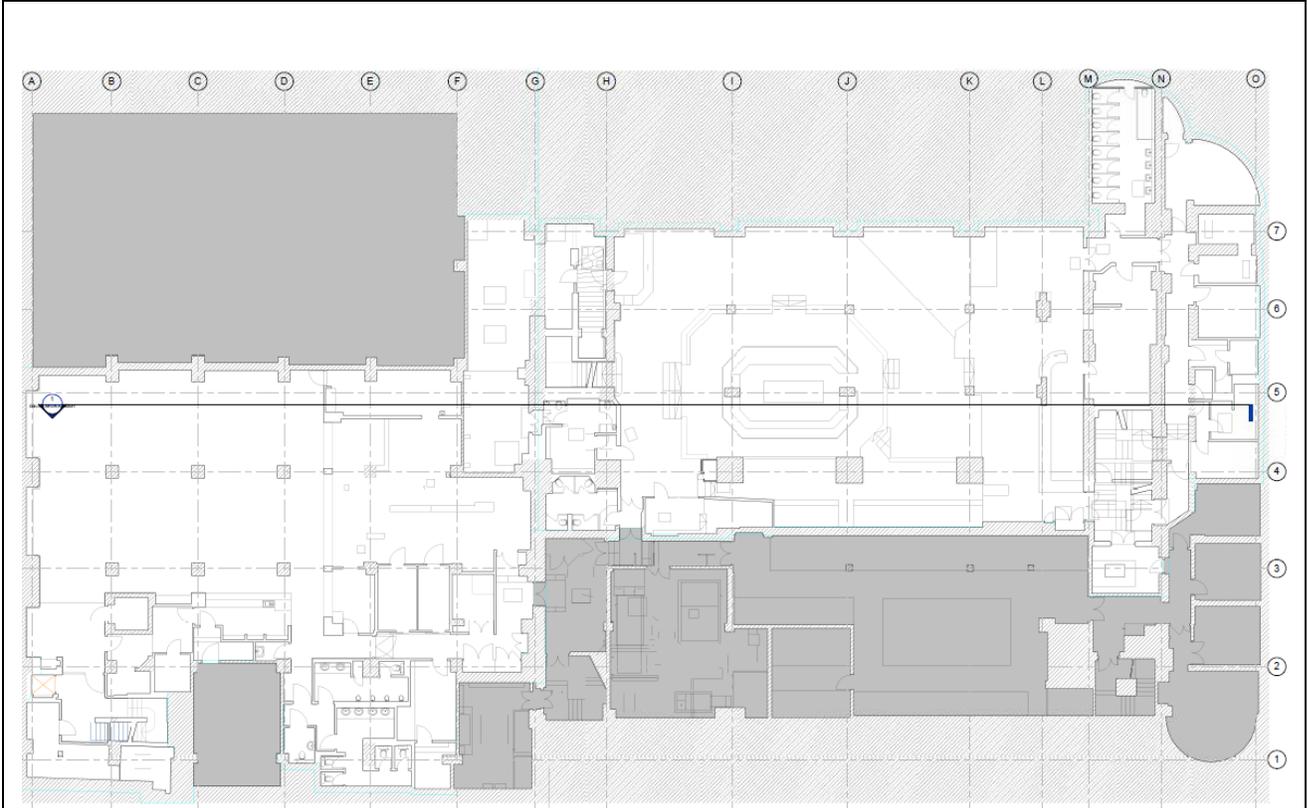
Item No.
7

9. KEY DRAWINGS

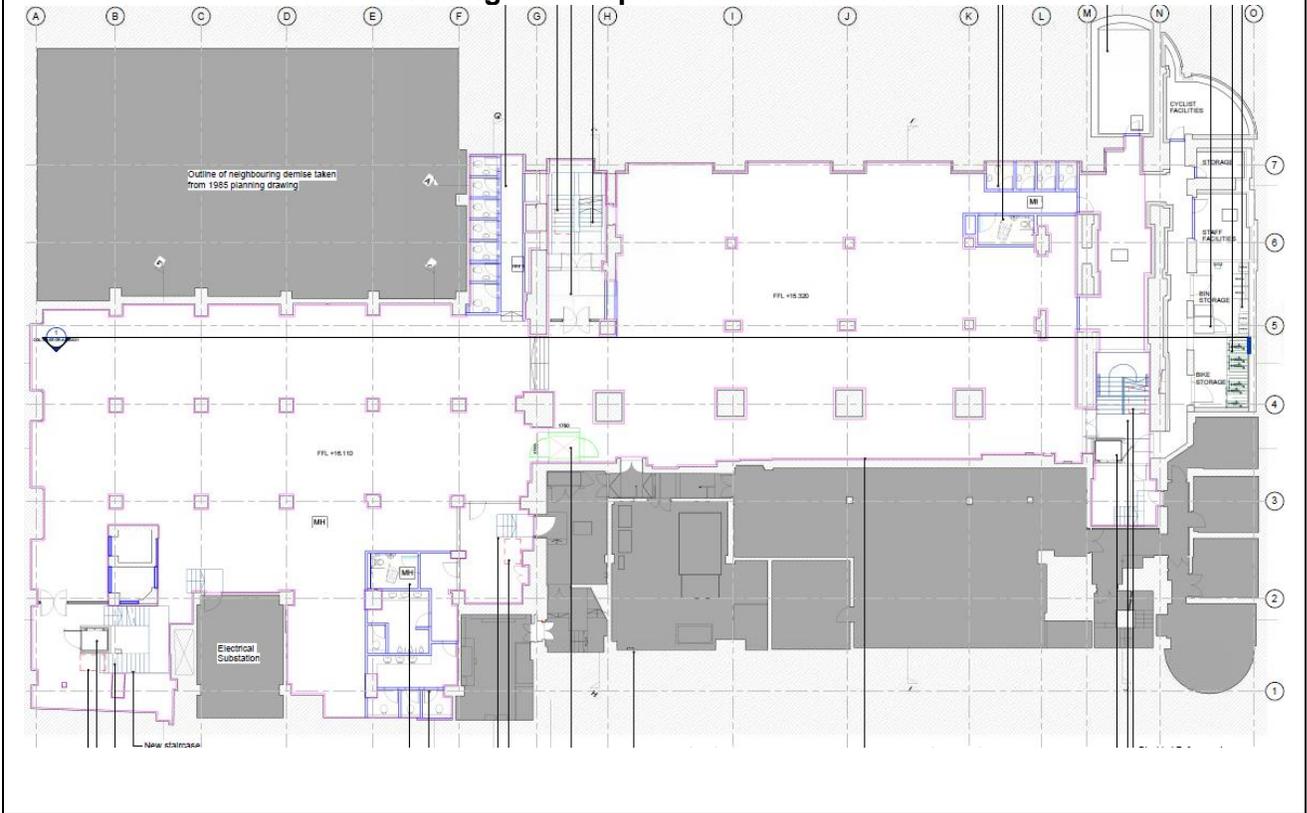


Existing and Proposed Ground Floor Plan





Existing and Proposed Basement Plan





Existing and Proposed North Elevation

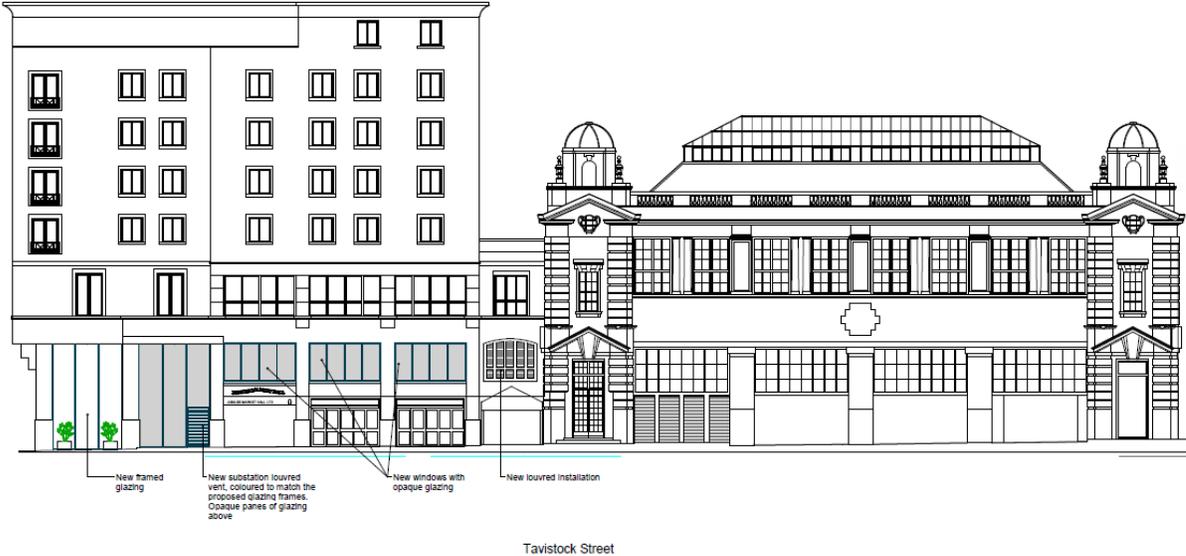


New entrance door, glazing, balustrade and intercom.
Allow for repairs to the external stairs as well as
cleaning where required.

The Piazza



Existing and Proposed South Elevation





Existing and Proposed West Elevation





Computer Generated Image of new entrance.

DRAFT DECISION LETTER – PLANNING APPLICATION

Address: Unit 35, Jubilee Hall Jubilee Market, The Piazza, Covent Garden, London, WC2E 8BE,

Proposal: Amalgamation of 1A Tavistock Street and 35 The Piazza to form a restaurant and late night entertainment, live music and performance venue (Sui Generis) including associated internal alterations and external alterations to entrances and ground and mezzanine windows.

Reference: 19/03044/FULL

Plan Nos: Site Location Plan

Proposed Drawings:

CGL-XX-EL-EL-A-070XX1 rev PG; CGL-XX-EL-EL-A-070XX2 rev PG; CGL-XX-EL-EL-A-070XX3 rev PG; CGL-XX-EL-EL-A-070XX4 rev PH; CGL-XX-SE-DR-A-070XX1 rev PF; CGL-XX-XX-GA-A-060RF1 rev PF; CGL-Z1-00-GA-A-060001 rev PH; CGL-Z1-01-GA-A-060011 rev PI; CGL-Z1-B1-GA-A-060B11 rev PH; CGL-XX-EL-EL-A-070XX4 rev PH; CGL-XX-EL-EL-EW-070XX1 rev PA; CGL-XX-EL-EL-EW-070XX2 rev PA; CGL-XX-EL-EL-EW-070XX3 rev PA; CGL-XX-SE-DR-EW-070XX1 rev PA; CGL-Z1-00-GA-EW-060001 rev PA; CGL-Z1-01-GA-EW-060011 rev PA; CGL-Z1-B1-GA-EW-060B11 rev PA.

Existing Drawings:

CGL-XX-SE-DR-A-020XX1 rev PF; CGL-Z1-00-GA-A-010001 rev PG; CGL-Z1-01-GA-A-010011 rev PF; CGL-Z1-B1-GA-A-010B11 rev PF; CGL-Z1-EL-EL-A-020XX1 rev PG; CGL-Z1-EL-EL-A-020XX2 rev PF; CGL-Z1-EL-EL-A-020XX3 rev PF; CGL-Z1-EL-EL-A-020XX4 rev PF; CGL-Z1-XX-GA-A-010RF1 rev PF.

Demolition Drawings:

CGL-XX-SE-DR-A-050XX1 rev PE; CGL-XX-XX-GA-A-040RF1 rev PF; CGL-Z1-00-DR-A-040001 rev PH; CGL-Z1-01-DR-A-040011 rev PG; CGL-Z1-B1-DR-A-040B11 rev PF; CGL-Z1-EL-EL-A-050XX1 rev PF; CGL-Z1-EL-EL-A-050XX2 rev PH; CGL-Z1-EL-EL-A-050XX3 rev PF; CGL-Z1-EL-EL-A-050XX4 rev PG.

Mechanical Drawings:

TPS/JH/R/M&E/EX rev 0; TPS/JH/R/M&E rev B; TPS/JH/M/M&E rev A; TPS/JH/EL/NE/M&E rev 0; TPS/JH/EL/M&E/EX rev 0; TPS/JH/EL/M&E rev B.

Documents:

Schedule of Structural Works; Mechanical and Electrical Services Strategy (April 2019); Noise Report (17 April 2019); Cover Letter (18 April 2019); Planning Statement (April 2019); Design and Access Statement (18 April 2019); Operational Management Strategy (11 June 2019); Historic Building Report (April 2019).

For Info Only:

Construction Management Plan (April 2019); Marketing Letter Davis Coffey Lyons (16 April 2019); Statement of Community Involvement (April 2019); Transport Statement (April 2019).

Item No.
7

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation

Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawing of the following parts of the development:
- i) New external doors to Jubilee Hall

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 drawings (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must manage the premises according to the Operational Management Statement dated 11 June 2019 for the lifetime of the development.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

- 6 You must apply to us for approval of a Servicing Management Plan to show how you will service the property. The plan must identify process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing vehicle sizes. You must not start the new restaurant and live music/ performance use until we have approved what you have sent us. You must then carry out the measures included in the Servicing Management Plan at all times that the property is in use.

Reason:

To protect the environment of people in neighbouring properties and the highway network as set out in S24, S29, S32 and S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, TACE 10 and TRANS 20 of our Unitary Development Plan that we adopted in January 2007

Item No.
7

- 7 The restaurant and live music/ performance venue shall only be open to patrons between 07:00 and 03:30 the next day on Monday to Saturday, and 07:00 and 01:00 the next day on Sunday.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 8 You must not allow more than 790 patrons into the restaurant and live music/ performance venue at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must not operate a delivery service from any part of the site, even as an ancillary part of the primary restaurant and live music/ performance venue use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 10 No goods shall be received at, or despatched from, the premises except between 07:00 and 10.30 hours on Monday to Saturday (excluding Bank Holidays and public holidays) and no goods shall be received at, or despatched from, the premises except between 8:30 and 10:30 hours on Sundays, public holidays and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 (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 LA90, 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. (R46AB)

- 12 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. (R48AA)

- 13 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 11 and 12 of this permission. The supplementary acoustic report also must include:
- (a) A schedule of all plant and equipment installed;
 - (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 all most affected noise sensitive receptor locations and the most affected windows;
 - (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) The lowest existing L A90 (15 minutes) measurement as already established.
 - (g) New noise monitoring data, measurement evidence and any calculations demonstrating that plant complies with the planning condition.

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. (R51AB)

- 14 The design and structure of the development shall be of such a standard that it will protect other users within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 30 dB LAeq.

The design and construction of the separating building fabric should be such that the received noise value in the residential habitable spaces, with music/entertainment occurring, should

achieve a value of 10 dB below that measured/assessed without music/entertainment events taking place, at the quietest time of day and night, measured/assessed over a period of 5 minutes and in the indices of Leq & LFM_{ax} in the octave bands of 63 Hz & 125 Hz. The limits of NR30 (day) , NR25 (night) and NR40 (LAF_{Max}, night time) should be used to demonstrate that the intrusive noise would be effectively inaudible.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 15 A Sound Limiter device shall be installed and set to the satisfaction of Environmental Health service to ensure that the Maximum Music Noise Level meet the design, criteria and/or mitigation specified in condition 14. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Applicant. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 16 You must not use the lobbies on approved drawings CGL-Z1-B1-GA-A-060B11 rev PH for any activities associated with the restaurant and live music/ performance venue. You must not put covers in it or allow customers to congregate.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

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

Reason:

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

- 18 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant and live music/ performance venue use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the restaurant and live music/ performance venue use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is

protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 19 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 Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 20 You must provide the waste store shown on drawing CGL-Z1-B1-GA-A-060B11 rev PH before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the premises. 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 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 **Pre Commencement Condition.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works., , If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

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

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be

discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

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

- 22 Prior to the first use of the restaurant and live music/ performance venue, a 'Secured by Design' accreditation shall be obtained for the premises and thereafter all features are to be permanently retained.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

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, neighbourhood plan (where relevant), 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 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)

- 3 The term 'clearly mark' in condition 19 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 4 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 5 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

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

- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 7 The Servicing Management Plan (SMP) required by condition 6 should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of

their servicing on the highway (ie set out how the occupant is expected to service the unit). A supplier instructions sheet is a helpful part of the SMP.

- 8 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.
- 9 Conditions 11 and 12 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)
- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 11 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 12 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 13 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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 – LISTED BUILDING CONSENT

Address: Unit 35, Jubilee Hall Jubilee Market, The Piazza, Covent Garden, London, WC2E 8BE

Proposal: Amalgamation of 1A Tavistock Street and 35 The Piazza to form a restaurant and late night entertainment, live music and performance venue (Sui Generis) including associated internal alterations and external alterations to entrances and ground and mezzanine windows.

Reference: 19/03045/LBC

Plan Nos: Site Location Plan;

Proposed Drawings:, CGL-XX-EL-EL-A-070XX1 rev PG; CGL-XX-EL-EL-A-070XX2 rev PG; CGL-XX-EL-EL-A-070XX3 rev PG; CGL-XX-EL-EL-A-070XX4 rev PH; CGL-XX-SE-DR-A-070XX1 rev PF; CGL-XX-XX-GA-A-060RF1 rev PF; CGL-Z1-00-GA-A-060001 rev PH; CGL-Z1-01-GA-A-060011 rev PI; CGL-Z1-B1-GA-A-060B11 rev PH; CGL-XX-EL-EL-A-070XX4 rev PH; CGL-XX-EL-EL-EW-070XX1 rev PA; CGL-XX-EL-EL-EW-070XX2 rev PA; CGL-XX-EL-EL-EW-070XX3 rev PA; CGL-XX-SE-DR-EW-070XX1 rev PA; CGL-Z1-00-GA-EW-060001 rev PA; CGL-Z1-01-GA-EW-060011 rev PA; CGL-Z1-B1-GA-EW-060B11 rev PA.

Existing Drawings:

CGL-XX-SE-DR-A-020XX1 rev PF; CGL-Z1-00-GA-A-010001 rev PG; CGL-Z1-01-GA-A-010011 rev PF; CGL-Z1-B1-GA-A-010B11 rev PF; CGL-Z1-EL-EL-A-020XX1 rev PG; CGL-Z1-EL-EL-A-020XX2 rev PF; CGL-Z1-EL-EL-A-020XX3 rev PF; CGL-Z1-EL-EL-A-020XX4 rev PF; CGL-Z1-XX-GA-A-010RF1 rev PF.

Demolition Drawings:

CGL-XX-SE-DR-A-050XX1 rev PE; CGL-XX-XX-GA-A-040RF1 rev PF; CGL-Z1-00-DR-A-040001 rev PH; CGL-Z1-01-DR-A-040011 rev PG; CGL-Z1-B1-DR-A-040B11 rev PF; CGL-Z1-EL-EL-A-050XX1 rev PF; CGL-Z1-EL-EL-A-050XX2 rev PH; CGL-Z1-EL-EL-A-050XX3 rev PF; CGL-Z1-EL-EL-A-050XX4 rev PG.

Mechanical Drawings:

TPS/JH/R/M&E/EX rev 0; TPS/JH/R/M&E rev B; TPS/JH/M/M&E rev A; TPS/JH/EL/NE/M&E rev 0; TPS/JH/EL/M&E/EX rev 0; TPS/JH/EL/M&E rev B.

Documents:

Schedule of Structural Works; Mechanical and Electrical Services Strategy (April 2019); Cover Letter (18 April 2019); Planning Statement (April 2019); Design and Access Statement (18 April 2019); Historic Building Report (April 2019).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641 2069

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work and improvements inside and outside 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 Covent Garden 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 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 Covent Garden 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 You must apply to us for approval of detailed drawing of the following parts of the development:
 - i) New external doors to Jubilee Hall

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 drawings (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden 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 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, neighbourhood plan (where relevant), 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 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.

This page is intentionally left blank

Agenda Item 8

Item No.
8

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR		
Proposal	Use of 56 Davies Street as immersive theatre space and ancillary uses (sui generis) for a period of 36 months.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor West End Properties and Hartshorn - Hook Productions		
Registered Number	19/02978/FULL	Date amended/ completed	17 April 2019
Date Application Received	17 April 2019		
Historic Building Grade	No		
Conservation Area	Mayfair		

1. RECOMMENDATION

Grant conditional permission for a temporary period of 36 months.

2. SUMMARY

The application site comprises the entirety of 56 Davies Street, an unlisted building located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). 52-56 Davies Mews was occupied by the Territorial Army Reserve Centre and Rifles Club, a *Sui Generis* use comprising several military-related activities. The three buildings have been vacant since March 2018 when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly.

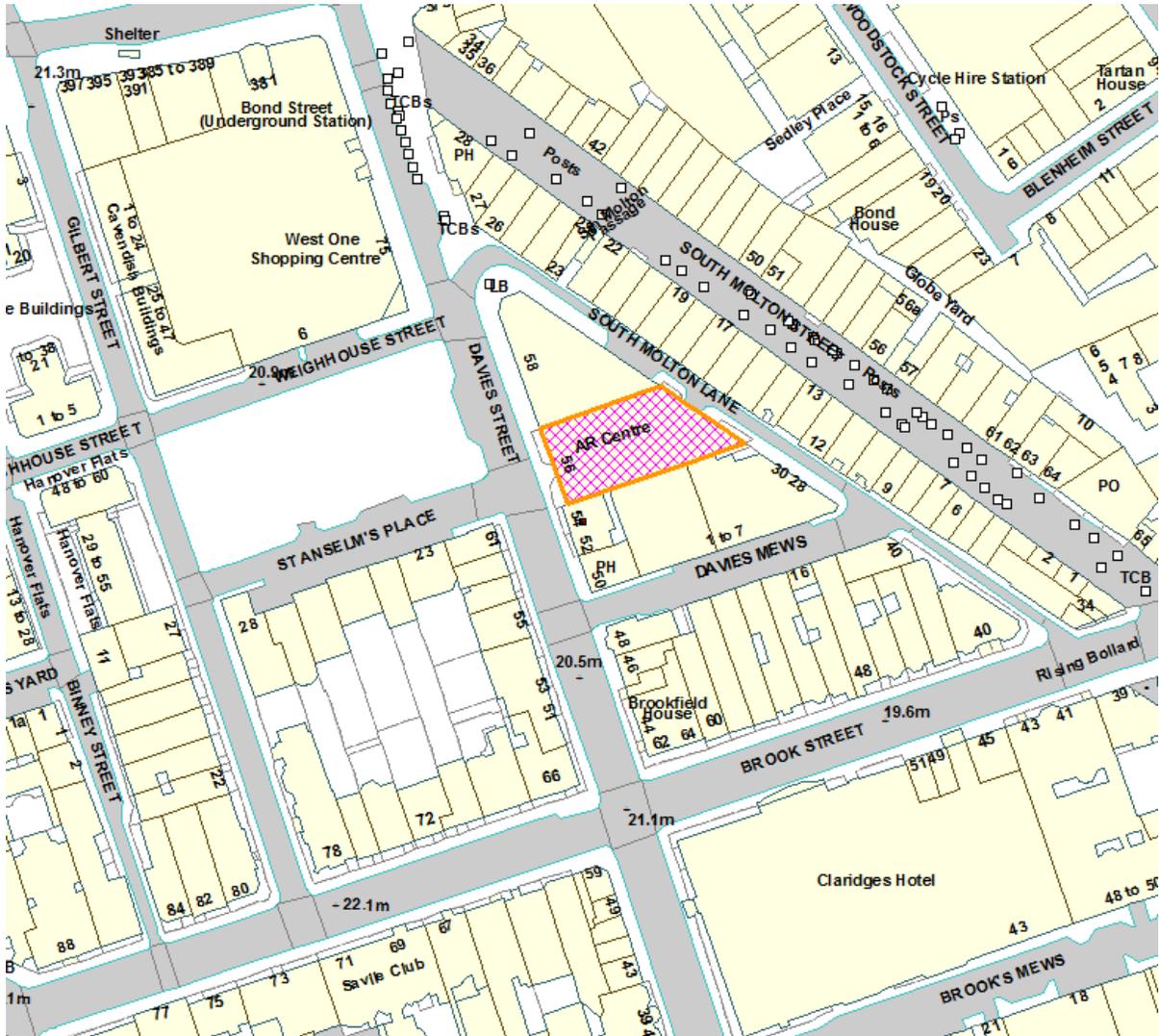
The applicant seeks permission to use the building as an 'immersive theatre' (also a *Sui Generis* use) that will be able to accommodate two theatres with staggered evening opening times and potential for afternoon matinees. The theatre over basement and ground floor levels will accommodate an audience of up to 350 and will be accessed from the rear on South Molton Lane. The theatre over first and second floors will be accessed from Davies Street and will accommodate an audience of up to 200. Temporary permission is sought for a period of 36 months. No external alterations are proposed.

The key issues for consideration are:

- Whether the proposed immersive theatre is acceptable in terms of its impact upon the character and function of the area, upon the amenity of local residents and South Molton Lane is an acceptable access / egress point for up to 350 customers.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For these reasons it is recommended that conditional permission is granted for a temporary period of 36 months.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Front elevation (Davies Street)



Rear elevation (South Molton Lane)



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection in principle but:

- Request that adherence to the submitted Operational Management Plan be secured by condition to ensure theatre attendees do not queue on the public highway.
- Requests that a condition be imposed securing cycle parking provision for staff and theatre attendees.

WASTE PROJECT OFFICER

No objection subject to a condition securing details of waste and recyclable material.

METROPOLITAN POLICE

No objection in principle and advice given to the applicant on measures to reduce crime opportunities.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 122

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Whilst not objecting to the principle of the proposed use, concerns raised in respect to the suitability from a safety perspective of South Molton Lane being used as an access and egress point for up to 350 audience members. Queries also raised regarding the impact on the cleanliness of South Molton Lane, how the garage will operate, the arrangement and hours of rubbish collections and the proposed hours of operation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises the entirety of 56 Davies Street over basement, ground and three upper floors. The building is unlisted and located within the Mayfair Conservation Area and the Core CAZ. The site is not located within a 'stress area'.

The floorspace that is the subject of this application formed part of the former Territorial Army Reserve Centre and Rifles Club (*Sui Generis*) that occupied 52, 54 and 56 Davies Street between c.1890 and March 2018. The three buildings have been vacant since the

Item No.
8

F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly. 52 and 54 Davies Street are unaffected by the proposal. The main entrance to the site is from Davies Street. To the rear is a garage that provides vehicular access to South Molton Lane.

A Certificate of Immunity from listing was issued by the Secretary of State on 30 August 2016, guaranteeing that 56 Davies Street will not be added to the list for a period of five years from the date of issue.

The application site is surrounded by listed buildings. 58 Davies Street (occupied by Gray's Antiques) is located to the north. 50 Davies Street (The Running Horse Public House), 52 Davies Street, 54 Davies Street and 1-7 Davies Mews and 28-20 South Molton Lane are all located to the south. 14-21 South Molton Lane are located to the east of the site on the opposite side of South Molton Lane. All, but 17 South Molton Street which is Grade II* listed, are Grade II listed.

Records indicate that the nearest residential properties are eight flats within 5 Davies Mews, a third floor flat within 21 South Molton Street, a flat on the upper floors of 24 South Molton Street, a flat on the upper floors of 13 South Molton Street, 3 x flats on the upper floors of 26 South Molton Street and 11 x flats within 59 Davies Street.

Once complete, to the west of the application site will be Bond Street West Crossrail Station with over-station development that will provide office floorspace. Public realm improvements at the junction of Weighhouse Street, Davies Street and South Molton Lane associated with the new station are currently anticipated to be complete by the end of 2019 and are likely to result in a wider pavement on the east side of Davies Street in front of the application site.

Design principles for public realm works at the junction of Oxford Street, South Molton Street and Davies Street are set out within the Oxford Street District Place Strategy and Delivery Plan (25 February 2019) but no firm plan for this area has currently been worked up. The focus, however, will be on the creation of a public realm area north of Weighhouse Street to the intersection with Oxford Street, with timed restrictions for vehicular traffic.

Given the above public realm and traffic changes, it is clear that the area surrounding the site will undergo considerable change during the 36-month period sought in this application and South Molton Lane will be reopened to vehicular traffic.

To the north-west of the site is Bond Street Underground Station. The site is location within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008).

6.2 Recent Relevant History

19/00733/FULL

Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.

Permitted – 23 April 2019.

7. THE PROPOSAL

It is proposed to use the building as an immersive theatre space with ancillary uses such as a bar and dining facilities. No external alterations are proposed.

Rather than a traditional theatre where there is a clear separation between the audience and the production, immersive theatre features multiple rooms within the show, allowing audience members to move around within the production, experiencing different scenes and interacting with the actors.

The building has two large double-height spaces; the ground floor garage at ground floor level and the former drill hall at first floor level. It is anticipated that two separate theatre productions would be able to take place simultaneously within the building (albeit with staggered start times – 19.00 and 19.30), with one production taking place over ground and basement floors levels and the other over first and second floor levels. Flexibility is sought in terms of the operating hours in order to accommodate evening performance, matinees and children’s productions, with the following hours of operation sought:

- 10.00 – 23.30 (Monday to Saturday)
- 10.00 – 23.00 (Sunday).

The immersive theatre at basement and ground floor level is proposed to be accessed from the existing garage entrance on South Molton Lane and have an audience capacity of a maximum of 350. The immersive theatre at first and second floor levels is proposed to be accessed from Davies Street and have an audience capacity of a maximum of 200.

Cognisant of the residential properties on South Molton Street that have windows facing on South Molton Lane, the applicant has agreed that any audience members leaving the premises between 23.00 and 23.30 will exit via Davies Street.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Regiment headquarters, army reserve centre and drill hall (<i>Sui Generis</i>)	2,321	0	-2,321
Event space (<i>Sui Generis</i>)	0	2,321	+2,321
Total	2,321	2,321	0

It is estimated that around 95% of tickets will be sold in advance, with some sold on the door.

A bar for each production will open 45 minutes before the production starts, a 20 minutes interval will then take place when the bar opens again, and then the bar will open for a final time for around 30 minutes after the close of the production. The bar will not be accessible to persons without a ticket.

Some cooking is proposed on site. Due to the presence of a full height extract duct, primary cooking is proposed within the third-floor kitchen, whilst 'plating up' and reheating will take place within the basement kitchen.

Servicing and deliveries for each event are proposed to take place within the ground floor garage space between 08.00 and 10.00 (Monday to Friday) and between 10.00 and 12.00 (Saturday and Sunday). During show changeovers, additional deliveries may take place between 08.00 and 21.00.

The main differences between the current proposal and that granted permission on 23 April 2019 are as follows:

- An immersive theatre is now proposed rather than an event space.
- The entirety of the building is now sought (2,321 sq.m GIA) whereas the event space omitting some of the basement, second and third floor in the approved scheme (1,811 sq.m GIA).
- The maximum capacity is proposed to be increased from 500 to 550 guests.
- Primary cooking is now proposed (but restricted to the third-floor kitchen).
- Whereas the events space would have primarily used Davies Street for access and egress, 350 out of the maximum capacity of 550 will now use South Molton Lane.
- Children productions and matinees are now proposed and therefore there will be additional activity during the daytime.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

The lawful use of 52-56 Davies Street is as a variety of military-related uses. The F (Rifles) Company Reserve regiment had control of the three buildings which contain a large drill hall at first floor level, a large garage accessed from the rear on South Molton Lane, an armoury, a firing range, stores, a mess hall and ancillary meeting rooms. It is understood that activities revolved around the organisation of the regiment, including military training, drills, equipment storage and administrative desk work and meetings.

The committee report in respect to the approved event space argued that, whilst this long-standing military use housed in a prominent building could conceivably be international and / or national importance and therefore protected by City Plan Policy S27, equally so could the proposed event use. Upon reflection, however, officers verbally reported at committee that neither the existing nor proposed use of the building are considered to be of international and / or national importance and therefore the existing use of the building is not protected by City Plan Policy S27. There is therefore no objection to the loss of the existing lawful use of the building.

This part of Mayfair is mixed use in character, comprising primarily commercial offices and retailers, although there are some residential properties. City Plan Policies S6, S18 and S22 and UDP Policy TACE 5 stated that new arts and cultural uses, tourist attractions and commercial development will be acceptable within the Core CAZ, subject to the use being compatible with the character and function of the area, not resulting in

an adverse impact on residential amenity, and there being no adverse environmental or traffic effects.

The proposed immersive theatre use promotes Westminster's World City functions through attracting visitors and economic activity to this highly accessible and prominent part of the Core CAZ, in accordance with City Plan Policies S1, S6 and S18.

The commercial nature of the site, its central location and the reasonable operating hours proposed, means that, subject to the use operating in accordance with the submitted Operating Schedule (which includes a requirement that security staff are present at all times) and subject to patrons leaving after 23.00 via Davies Street, the use is considered acceptable as it would be neither harmful to the character and function of the area or to residential amenity.

8.2 Townscape and Design

No external alterations are proposed to the building and therefore the character and appearance of the Mayfair Conservation Area will be preserved.

8.3 Transportation/Parking

Highways Planning has no in-principle objection to the proposal, considering that it is unlikely to have a significant impact upon the public highway through trip generation. Indeed, the site is highway accessible and eminently suitable for uses that attract high visitor numbers.

To ensure compliance with City Plan Policy S42, it is recommended that a condition be imposed requiring any servicing to take place within the application site from the garage accessed from South Molton Lane. It is also recommended that the on-site cycle parking provision that is recommended to be secured by condition.

The busy nature of the pavement on the east side of Davies Street due to the ongoing works connected with the Bond Street West Crossrail Station, the increased number of pedestrians expected in the area when the Elizabeth Line opens and the narrow pavements on South Molton Lane, means that any queuing on the public highway is not considered to be acceptable. A condition is recommended securing the submission for the City Council's approval of a Crowd Management Scheme prior to the commencement of the interactive theatre use. Space within the building should be set aside to allow visitors to wait inside the building before being processed rather than having to queue on the public highway and cause an obstruction to members of the public.

Whilst the concerns of a local resident on the highway safety grounds due to the poor quality of the public realm on South Molton Lane are noted, it is not considered that this warrants refusing permission.

8.4 Economic Considerations

The proposed interactive theatre is likely to generate additional visitors to the City and could support economic activity within the Core CAZ, in accordance with City Plan Policy S18.

8.5 Access

The entrance to one of the theatres fronts Davies Street and has three steps leading up to the main entrance. There no level access for wheelchair users to this entrance. The theatre accessed from South Molton Lane does, however, benefit from level access and the applicant is committed to providing DDA accessible WCs and an accessible bar stocking a full service inside the ground floor main performance space.

Had the permission sought been permanent, suitable alterations to the building would have been sought to ensure level access throughout was achieved. However, given the temporary nature of the permission, it is considered that this would impose an unreasonable burden upon the applicant. Furthermore, one theatre space will be fully accessible. On balance, this is considered to be acceptable.

8.6 Other UDP/Westminster Policy Considerations

Noise

In order to ensure that noise from the production within the rear ground floor garage does not cause disturbance to residents to the rear, the applicant states that at an internal structure will be erected around the garage door entrance to prevent sound escaping. This structure will be hinged so that it can be moved out of the way for deliveries. Subject to a condition preventing noise outbreak from breaching acceptable levels, it is not expected that residents will be disturbed during performances.

Plant

No new plant is proposed. As set out above, the third-floor kitchen is proposing to utilise an existing full-height extract duct which will ensure that cooking odours are adequately dispersed. A condition is recommended to be imposed ensuring that noise from this plant adheres to the relevant criterion within UDP Policy ENV 7.

Refuse / Recycling

Provision for on-site storage of waste and recyclable material is shown on the proposed drawing and no objection is raised from the City Council's Projects Officer (Waste).

8.7 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning)

(England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.8 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

No pre-commencement conditions are proposed.

8.11 Planning Obligations

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

No additional floorspace is proposed and therefore no Mayoral or Westminster CIL liability is generated.

8.12 Environmental Impact Assessment

The proposal will not have a significant environmental impact and therefore was not accompanied by an Environmental Statement.

8.13 Other Issues

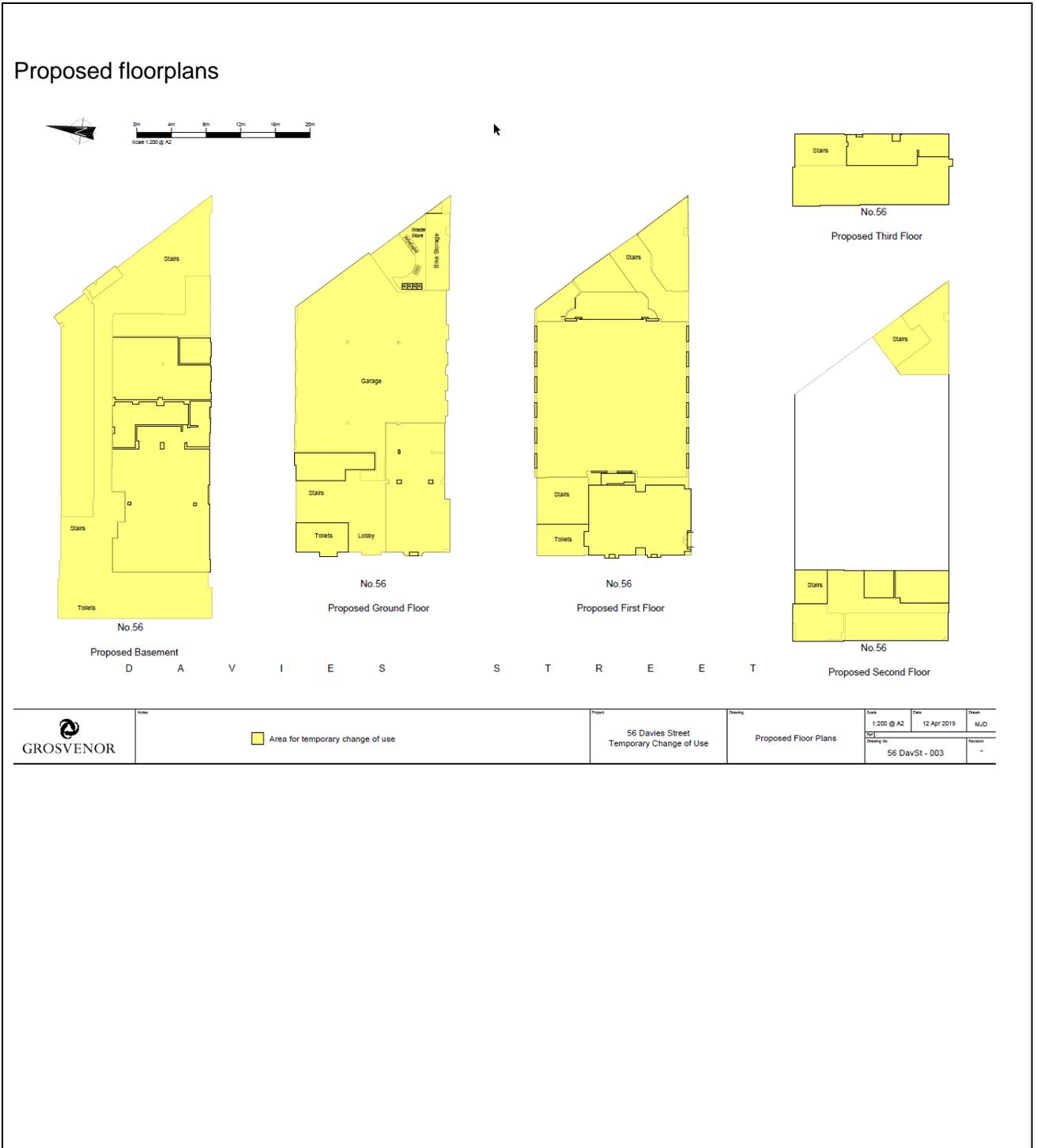
Crime and security

Detailed advice has been provided to the applicant by the Metropolitan Police on how to reduce opportunities for crime and disorder in association with the proposed theatre. An informative is recommended advising the applicant to implement the Metropolitan Police's recommendations.

(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: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: Army Reserve Centre, 52 - 56 Davies Street, London, W1K 5HR

Proposal: Use of 56 Davies Street as immersive theatre space and ancillary uses (sui generis) for a period of 36 months.

Plan Nos: 56 DavSt-003.

Case Officer: Mark Hollington Direct Tel. No. 020 7641 2523

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

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

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 Prior to commencement of the immersive theatre hereby approved, you must provide the separate stores for waste and materials for recycling shown on drawing number 56 DavSt-003. You must clearly mark them and make them available at all times to everyone using the event space.

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)
- 3 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)
- 4 You must provide each of the 22 cycle parking spaces shown on the approved drawings prior to commencement of the immersive theatre use hereby approved. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 5 Staff (excluding cleaning staff) shall not be permitted within the premises before 08.00 or after 00.00 daily.

No loading or unloading shall be take place other than between 08.00 and 10.00 (Monday to Friday) and between 10.00 and 12.00 (Saturday and Sunday). During show change-overs, additional deliveries may take place between 08.00 and 21.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 6 The immersive theatre use allowed by this permission can continue until 2 July 2022. After that the part of the building we have approved for immersive theatre must return to its previous use. (C03BA)

Reason:

At the request of the applicant.

- 7 Other than within the third floor kitchen, there shall be no primary cooking on site such that you must not cook raw or fresh food on the premises.

Reason:

The only acceptable kitchen extract serves the third floor kitchen. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 8 Details of a Crowd Management Scheme shall be submitted to and approved by the City Council prior to the commencement of the immersive theatre use hereby approved. The use shall then be carried out in accordance with the approved details at all times.

Reason:

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

- 9 You must apply to us for approval of arrangements showing how you will give people with disabilities access to the site from South Molton Lane. You must not commence the immersive theatre use hereby approved until we have approved what you have sent us. You must then provide the approved access arrangements at all times.

Reason:

To make sure that there is reasonable access for people with disabilities, and to make sure that the access does not harm the appearance of the building, as set out in S28 of Westminster's City Plan (November 2016) and H 8 and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20BC)

- 10 The maximum audience capacity of the immersive theatre hereby approved shall be 550.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 The immersive theatre use hereby approved shall be operated in accordance with the Operating Schedule (dated 8 April 2019) hereby approved. This is with the exception of the requirements of any conditions to this permission.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 Attendees of events shall only be permitted within the premises between the following hours:

- 10.00 - 23.30 (Monday to Saturday)
- 10.00 - 23.00 (Sunday).

Any audience member leaving the site after 23.00 shall leave via the Davies Street exit only.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007.

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

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity

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

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 14 (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. (R46AB)

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, neighbourhood plan (where relevant), 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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 This permission does not allow any work which would change the outside appearance of the property. (I18AA)
- 5 Under Condition 7, other than within the third-floor kitchen, you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment.

Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation).

- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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

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

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

- 7 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)

- 8 For the purpose of Condition 8, due to the construction of the Bond Street West Crossrail Station and the narrow pavements on South Molton Lane, it is imperative that visitors do not queue outside of the premises. Further consideration should be given to how visitors can be processed within the building in order to ensure that there is no obstruction to the free movement of pedestrians outside the site.

- 9 You have received detailed advice from the Metropolitan Police in respect to crime and security measures and best practice that should be incorporated within the immersive theatre. This advice should be followed.

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.