

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 December 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b>	
<b>Subject of Report</b>	<b>Development at 123 and 124 New Bond Street, London, W1</b>		
<b>Proposal</b>	Demolition and redevelopment behind retained New Bond Street and Lancashire Court facades to provide a building comprising basement, lower ground, ground and four upper floors, providing retail (Class A1) and office (Class B1) floorspace, with a new office entrance on Lancashire Court.		
<b>Agent</b>	Turley		
<b>On behalf of</b>	City of London		
<b>Registered Number</b>	16/05310/FULL	<b>Date amended/ completed</b>	7 June 2016
<b>Date Application Received</b>	7 June 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission including a Grampian condition to mitigate the failure of the development to provide adequate on-site carbon reductions.

## 2. SUMMARY

The application site comprises two neighbouring buildings on New Bond Street, one with a return façade on Lancashire Court, which comprise retail accommodation on lower ground and ground floors, with a basement beneath part of the site, and offices on the four upper floors. The application proposes the erection of a replacement building behind the retained, and altered, street facades with rear extensions on second to fourth floors and the excavation of an extended basement area. The new building would provide a retail shop (class A1) on the basement to first floors and offices on the floors above. Objections and comments have been received concerning the impact of the development on residents' amenities and the impact of construction works upon a neighbouring business.

The key issues in this case are

- The acceptability of the proposals in land use terms
- The impact of the development on residents' amenities
- The acceptability of the scheme in townscape terms

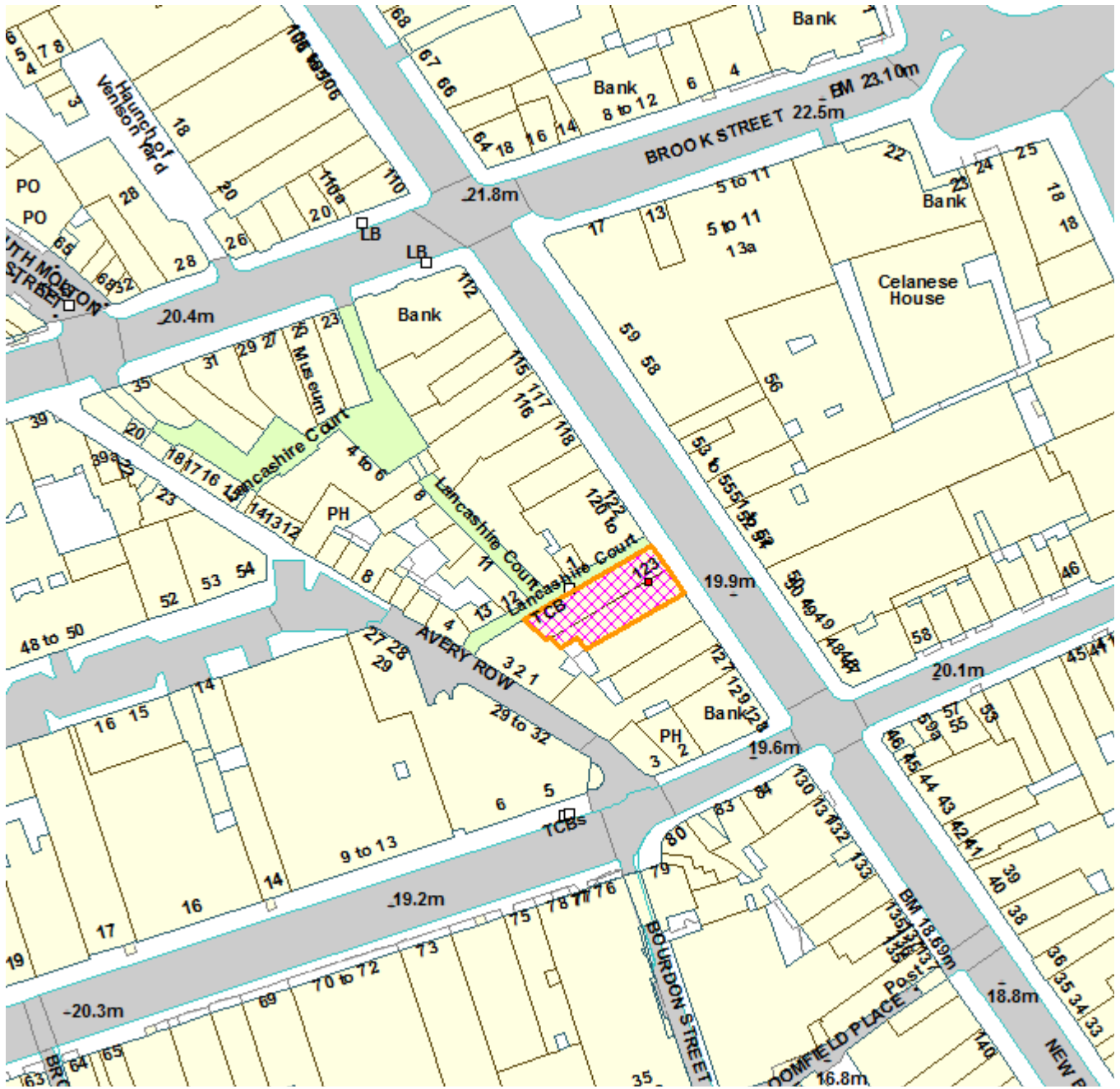
The proposed development complies with adopted land use policies and, subject to conditions, is

Item No.
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<b>3</b>
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considered acceptable in terms of its impact upon the character and appearance of this part of the Mayfair conservation area. With appropriate conditions, it is also considered that the scheme would not have a material impact upon the amenities of neighbouring occupiers. The application is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions

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

Any response to be reported verbally

### HIGHWAYS PLANNING

No objection

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### BUILDING CONTROL

No objection

### CLEANSING

Details of refuse/recycling storage arrangements required

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24

Total No. of replies: 3

No. of objections: 1, No. in support: 0, Neutral: 2

#### Amenity

- Loss of light
- Overlooking from rear extensions and roof terrace
- Nuisance from smokers standing outside new office entrance on Lancashire Court

#### Other issues

- Impact on operation of neighbouring business premises during construction
- Concerns re damage to neighbouring buildings and arrangements for emergency escape routes

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises are two adjoining buildings, of differing architectural styles, on the west side of New Bond Street, within the Mayfair Conservation Area. No. 123 has a return frontage on Lancashire Court. The properties are not listed. However, buildings immediately to the north of the site, in New Bond Street and Lancashire Court, and to the west, in Avery Row, are Grade II listed.

The application buildings comprise vacant retail shops lower ground and ground floors (with a basement area beneath no.123)) and four floors of offices above. The offices are accessed from separate entrances on the main frontage. There are access doors from no 123 on to Lancashire Court leading from the ground floor entrance hall and the rear of the shop unit.

The area is characterised by retail uses on the lower floors with offices above. However, records indicate that there are flats on the upper floors of 122 New Bond Street, on the opposite side of Lancashire Court and at 12 and 13 Lancashire Court.

The buildings are situated within the Mayfair Conservation, the Core CAZ and form part of the designated International Shopping centre within this part of the West End Retail Special Retail Policy Area

## 6.2 Recent Relevant History

None relevant

## 7. THE PROPOSAL

This application is for the demolition of the existing buildings behind the retained, and altered, New Bond Street and Lancashire Court facades and for the erection of a single building comprising plant, cycle stores and showers at basement level, retail floorspace on lower ground, ground and first floors and offices on second to fourth floors. Although basement areas are designated for the storage of refuse and recyclable materials, the means of access to these areas remains to be confirmed. The offices would be accessed from a new office entrance on Lancashire Court. Additional plant would be located within a screened area at rear fourth floor level and on the main roof.

The scheme involves the creation of extensions on rear second to fourth floors, principally at the rear of no. 124. The lower ground and basement levels would be excavated by 700mm and 1100mm respectively and the basement area extended beneath no. 124. Alterations are proposed to the shopfronts. Retained windows will be replaced or, in some cases, bricked up. New and replacement windows will be installed to the upper floors of the flank elevation of the corner building.

Existing access doors onto Lancashire Court will be removed; Obscured glass will be installed within a number of the arched brick reveals. In addition, high level louvres would be installed to serve the retail floorspace, with two low levels louvres to serve the sub-station (see below). The reveal to the office entrance would be fitted with clear glass. Photovoltaic panels are proposed on the roof of no. 123. A new lift core will be introduced to provide improved access.

The submitted plan shows a new solid door within the westernmost brick arch, which is labelled as a “back of house access”. However, the floorplan is annotated to refer to an “access hatch” for the transformer with a “clear working area” indicated on the highway beyond.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The schedule of existing and proposed floorspace is as follows (GIA)

	Existing m2	Proposed m2	+/-
Retail (A1)	641	892	+ 251
Office (B1)	578	795	+ 217
Total	1219	1687	+468

#### 8.1.1 Retail use

The proposed increase in retail floorspace (251 sqm) would be achieved through the amalgamation of the buildings and the conversion of first floor offices to retail use. The provision of enhanced retail floorspace over three floors on this primary shopping frontage is welcomed in land use terms and accords with policies SS3 and SS4 of the Unitary Development Plan and S6, S7 and S21 of the City Plan.

#### 8.1.2 Office use

Notwithstanding the conversion of the first floor offices to retail use, the proposals would result in an increase in Class B1 office floorspace on the site (217 sqm), achieved through the amalgamation of the two buildings and extensions at the rear. The office floorspace has been designed to provide the flexibility for the accommodation to be let to a single tenant or on a floor-by floor basis.

The increase in office floorspace within the Core CAZ accords with policies S6, S18 and S20 of the City Plan and is acceptable in land use terms.

#### 8.1.3 Mixed use policy

City Plan policy S1 sets out the circumstances in which development proposals which include an increase in Class B1 office floorspace trigger a requirement to provide new residential accommodation. However, as the net increase in office floorspace (217 sqm) is less than 30% of the total existing building floorspace (365.7sqm), no residential offset is required to offset the increase in office floorspace.

### 8.2 Townscape and Design

#### 8.2.1 Existing and proposed buildings

The demolition of the existing buildings behind the retained facades is considered acceptable in principle. This application follows the submission of pre-application proposals and has been extensively revised to address officers concerns about the treatment of the front façade, changes at roof level and increased massing at the rear, which has been reduced.

The unusual form of the rear part of the development is governed by site restrictions and the need to safeguard the amenity of neighbouring residents and, in this context, is considered acceptable given other benefits of the scheme. The rebuilt rear would include the extensive use of glazed white slip cladding to reflect the white glazed bricks at the rear of the existing building and on neighbouring sites. Part of one north facing elevation would be clad in non-oxidising standing seamed copper cladding, which also proved for the second floor roofs. Rear windows are black framed aluminium. In principle, these materials and the unusual fenestration pattern are not considered to be harmful to the surrounding conservation area or the setting of neighbouring listed buildings.

However, some concerns remain about aspects of the current proposals namely the installation a single sheet of glass behind first floor decorative pilasters at no, 123, (replacing separate windows): the use of a single sheet of glass within the first floor window opening at no. 124; the use of large areas of copper cladding on rear roofs and the size and shape of the proposed new dormers. However, it is considered that these concerns can be addressed through the imposition of an amending condition requiring

1. the roof slopes at the rear of no.124 to be clad in zinc or lead rather than copper
2. the first floor windows on the front elevation of 123 to retain three separate openings rather than a sheet of glass behind the retained pilasters
3. the dormer windows to be of a more traditional design in keeping with the existing building facades in accordance with published design guidance.
4. an element of sub-division to be retained within the first floor arched window to no, 124.

However, subject to conditions, including the amending condition outlined above, the application is considered to accord with UDP policies DES 1; DES 5; DES 6; DES 9, S25 and S 28 of the City Plan and the relevant parts of the NPPF.

The submitted drawings indicate proposals to display a flag advertisement. This would require separate advertisement consent.

### **8.2.2 Archaeology**

The application site does not lie within an archaeological priority area but the projected line of Civil War Defences Lies within the site. A Historic Environment Desk- based Assessment has been submitted with the application, which concludes that no further archaeological mitigation is required. The Archaeology Officer from Historic England does not agree with this conclusion and considers, given the site's topography, that there is likely to be good archaeological survival towards the rear of the site. However, given that the site is relatively small, they consider that the impact of the development could be appropriately mitigated by the implementation of an archaeological watching brief. A condition is therefore recommended requiring this work to be undertaken.

### **8.3 Residential Amenity**



The site is located with a central location characterised by commercial uses. However, there are residential properties in close proximity to the site including a single flat at 1a Lancashire Court (which encompasses the first to third floors of 121-122 New Bond Street), and at 12 and 13 Lancashire Court.

UDP policy ENV 13 seeks to ensure that new development do not adversely affect the amenities of neighbouring residential occupiers and has particular regard to the impact on daylight and sunlight, privacy and the sense of enclosure to neighbouring windows. Similarly, City Plan policy S29 also requires developments to safeguard neighbours amenity.

### **8.1.1 Daylight and Sunlight**

The proposal involves extensions at the rear of the site, on rear second to fourth floors, although the greatest increase in bulk is directed to the rear of 124 New Bond Street adjacent to the neighbouring commercial buildings.

The application is supported by a daylight/sunlight report, based on guidance published by the Building Research Establishment, which assesses the impact of the development on levels of light received to flats within the neighbouring residential buildings at 1a Lancashire Court/122 New Bond Street and 12 and 13 Lancashire Court.

An objection has been received from the occupier of the first/second floor flat at 12a Lancashire Court on the grounds that the proposals would result in an unacceptable loss of light to that property. At first floor level, the living room is served by two east-facing windows and one south facing window. The adjacent window on the southern facade serves a small, non-habitable kitchen. On the second floor, the room layout/ window arrangement is the same, with three windows serving a bedroom and a single, obscure glazed, window to a bathroom.

#### **8.3.1.i Daylight**

In assessing daylight measuring the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. Where windows to a room are of equal size, any losses to these windows can be taken as an average.

In all cases, testing need only be undertaken in the case of habitable rooms.

The submitted assessment shows that all reductions in VSC to windows at 12 and 13 Lancashire Court would be below the 20% benchmark.

At 1A Lancashire Court, there would losses to three first floor windows (at 33.46, 39.50 and 21.35%). Records suggest that these windows serve a single guest bedroom/study. Although the percentage reductions are high, the actual losses range between 2.58 and 3.56%. The percentage losses appear disproportionately high because existing values

are relatively low (between 8.59 and 10.64%). There would also be a reduction in VSC to one second floor window (28.29%). The use of this room is unclear but the actual reduction, at 1.17%, is minimal.

#### 8.3.1. ii Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values. Only those windows facing within 90 degrees of due south require testing.

At 12 Lancashire Court, all windows would experience either no loss of annual sunlight, some slight improvement (in the case of the first floor kitchen) or would continue to receive sunlight levels far exceeding the BRE target. Only the south facing bedroom window currently receives any winter sunlight (1%) and this would be lost.

At 13 Lancashire Court, of the six windows tested, the three first floor windows would see annual sunlight losses of between 27.3 and 45.5% (from existing values of 10 and 11% to between 6 and 8%). One second floor window would experience a 25% loss (from 12 to 9%) but losses to the two adjacent second floor windows are within BRE guidelines. Only one second floor window receives any winter sun (1%), and this would be lost as a result of the proposal. No plans of the building are available and no objection has been received from the building occupiers.

Two of the three first floor bedroom windows at 1a Lancashire Court would see reductions in annual sunlight of 26.7 and 25%, although the third window would see no change. However, these windows would continue to receive relatively good sunlight values of between 19 and 22%. Two windows of these three bedroom windows would also experience a 50% reduction in winter sun (from 6 to 3%), with the third window seeing a 25% reduction (from 4 to 3%). Sunlight levels to an adjacent first floor window would be unaffected although this window would appear to serve a bathroom.

At second floor level the rear (west facing) window would continue to receive annual and winter sunlight levels exceeding the BRE targets. This window is fitted with clear glass but records suggest that it serves a bathroom. The adjacent south facing window, would see a 46.2% reduction in annual sunlight values (from 13 to 7%) and would lose all winter sun (from 3%). The use of this room is unclear.

All windows at third floor level would either see no loss of sunlight or would continue to receive sunlight values exceeding BRE targets for annual and winter sun.

Although the daylight/sunlight analysis shows that there will be some reductions in daylight and sunlight beyond the BRE thresholds, most of the affected windows serve bedrooms, which are afforded a lesser degree of protection than other principle habitable rooms. Most windows will continue to receive reasonable daylight and sunlight levels in this built up central location and it is not considered that the impact of these losses would be so significant as to justify a recommendation for refusal.

#### 8.3.3 Overlooking

The submitted scheme includes the creation of a second floor roof terrace at the rear of 123 New Bond Street to serve the new offices. The plans show that this terrace would be set back from the roof edge behind barrier planters, but no other form of screening is proposed. An objection has been received from the occupiers of 12 Lancashire Court on the grounds that the use of this terrace would result in unacceptable overlooking to neighbouring properties.

Following discussions with officers, the applicants have agreed to accept amending conditions requiring the deletion of this terrace and its replacement with a living roof. This amendment is considered to overcome the neighbour's objection to overlooking from the terrace.

The occupant of 12a Lancashire Court has also objected to the proposed extension on overlooking grounds. New office windows in the flank elevation of 123 New Bond Street replace existing windows in similar positions and it is not considered that the installation of additional windows in this location would result in any have any significant impact on the potential for overlooking from this part of the site. However, within the proposed rear extensions, a secondary office window and an access door (initially serving the terrace) are proposed on the chamfered façade. A further access door and secondary windows are set on the boundary between the application buildings. New secondary windows on the two upper floors are set on, or close to this boundary.

Given the orientation of these windows and doors (which would access the roof for maintenance purposes only) and their relationship with residential properties on opposite side of Lancashire Court, it is considered that these windows, which are secondary windows to the offices or serve corridors/lobbies etc. should be fitted with obscured glass and, in the case of the windows, fixed shut.

Subject to these conditions, it is not considered that objections on overlooking grounds could be supported.

#### **8.3.4 New office entrance/smoking**

The resident at 12 Lancashire Court has objected to the proposals on the grounds that he relocation of the office entrance to Lancashire Court, which is a narrow pedestrian thoroughfare, would result in disturbance from increased pedestrian traffic and noise "in an already very busy" lane and would exacerbate existing levels of noise and smoke pollution (from smokers), generated by customers of the bars and shops in the area, beneath neighbouring residential windows.

These concerns are noted however, there is a relatively modest increase in floorspace on the site. Occupants of the existing offices have always had the potential to congregate/smoke in Lancashire Court, and in the context of this busy and vibrant location, it is not considered that the impact of the proposals, where activity is confined to office/shop hours, would have a significant adverse impact upon the amenities of neighbouring residents.

Subject to the amending condition requiring the omission of the terrace, it is not considered that the proposals would result in a material loss of amenity neighbouring residential properties and therefore accords with policies ENV13 and S29

#### **8.4 Highways**

The site is close to good transport link and it is assumed that the majority of reps associated with the site (excluding servicing) would be by public transport, cycle or foot.. Notwithstanding the increase in floorspace it is not considered that the development would have an adverse impact on the safety or operation of the highway. The area is located within a Controlled Parking Zone and anyone driving to the site would be subject to those parking controls and it is considered that the level of parking generated by the proposed development would be similar to that of the existing use.

Policies S42 and TRANS 20 require new developments to include off-street servicing. However, given the site constraints it is accepted that this could not be accommodated. Servicing can be carried out from single yellow lines in the vicinity of the site. The largest regular service vehicle is likely to be the refuse collection vehicle which would service this property, together with its neighbours.

Cycle parking standards within the Further Alterations to the London Plan would require the provision of 6 cycle parking spaces for the retail use and 8 spaces for the office use. Whilst the plans indicate a basement level cycle store, the space allocated is not likely to be sufficient to accommodate the cycle parking requirement. However, there is considered to be adequate space within the basement to accommodate the required number of cycle spaces and this matter can be dealt with by condition.

There is currently street lighting attached to the facade of the building on Lancashire Court. The applicants have confirmed that these will have to be removed in order for the development to proceed. The site will be enclosed by a hoarding and temporary street lighting will be attached to the hoarding to replace the existing permanent lighting, or where the hoarding obscures retained lighting. The applicants have confirmed that the lighting and brackets will either be stored for reinstatement, or alternative replacement lighting erected, following the works. The full cost of this work, which would be dealt with through the Highways Licensing process, will be borne by the applicants.

#### **8.5 Economic Considerations**

Any economic benefits of the scheme are welcomed.

#### **8.6 Access**

The development would improve access to the site providing level entrances to the shops and offices, with wheelchair access, and a lift where none currently exists. These improvements are welcomed.

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

##### **8.7.1 Plant**

The application is accompanied by an acoustic report which has been assessed by the Environmental Health officer. He has raised no objection to the proposals subject to standard conditions on plant noise and vibration, and subject to plant attenuation being carried out in accordance with specifications in the report. In addition, he has noted that some areas have been designated for future tenants' plant. This does not form part of the current application and would require the submission of a separate acoustic report. This issue would be dealt with by way of an informative.

### **8.7.2 Refuse**

Previous discussions with the applicants have concern the provision of a transformer on the site, accessed from Lancashire Court, However, the inclusion of this has been problematic both because of the access requirements of the provider (who generally require outward opening doors), the design requirements of these doors and the narrow width of Lancashire Court.

The submitted plan shows a new solid door within the westernmost brick arch, which is designated as a "back of house" access. However, the plan is annotated to refer to an "access hatch" with a "clear working area" indicated on the highway beyond. Whilst the basement plan shows designated refuse and recycling areas, the plan states that access to these storage areas is to be detailed at a later stage once plans for the provision of the transformer have been determined. A refuse storage area would be provided at basement level. Waste will be transferred to ground level via a lift and collected from New Bond Street. The Cleansing Officer has objected to the scheme on the basis that the basement storage areas are inaccessible and because the storage capacity of the bins shown is not specified. However, given the amount of space reserved for plant and refuse storage at basement level he is satisfied that the required waste/recycling storage facility can be accommodated and a condition is therefore recommended requiring the submission of detailed plans.

### **8.7.3 Sustainability and biodiversity**

#### **8.7.3.1 Sustainability**

City Plan policy S28 requires new development to include exemplary standards of sustainable and inclusive urban design and to reduce energy use and emissions that contribute to climate change to ensure the reduction, reuse and recycling of resources. Policy S40 requires all major developments to maximise on-site renewable energy generation to achieve at least 20% of carbon dioxide emissions, except where the council considers that this is not appropriate or practical due to the local historic environment or other site constraints.

London Plan policy 5.2 requires new developments to achieve a reduction on carbon dioxide emissions by 40% over Part L of the Building Regulation's 2010. The Mayor's SPG on Sustainable Design and Construction (2013) adopts an equivalent flat rate savings target of 35% beyond part L of the Building Regulations 2013.

The application is supported by an Energy and Sustainability Statement. This statement sets out passive design measures including energy efficient building fabric, energy efficient ventilation systems with heat recovery, air source heat pumps for heating and cooling and roof mounted photovoltaic panels. The development will be designed to link into future local heating and energy networks in accordance with policy S28. In addition, photovoltaic panels will be installed on the main roof. The development is designed to achieve an “excellent” BREEAM rating

It is estimated that the proposed sustainability measures would achieve a reduction in CO2 emissions of 29.7% over 2013 Building Regulations.

The applicants propose to offset this shortfall by a carbon offset payment. Based upon the figure which is likely to be set out in the SPD on Planning Obligations of £1,800/t (which is also the figure in the London Plan) this equates to a payment of £3,900. This would be acceptable and would be secured by condition.

The application is accompanied by a SUDS report and the development is designed to ensure that there is negative impact from water run off.

In view of the above, this aspect of the scheme is considered acceptable.

#### **8.7.3.2. Biodiversity**

The original scheme included a second roof terrace enclosed by large planters. As detailed above, the roof terrace is considered unacceptable on overlooking grounds. Following discussions with officers, the applicants have agreed to a condition requiring this roof to provide a living roof in order to increase the development's contribution to the biodiversity of the area. This is welcomed. It is recommended that details of the living roof be reserved by condition.

### **8.8 London Plan**

The application does not raise any strategic issues

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

The estimated Westminster CIL payment is £93,600.

### **8.11 Environmental Impact Assessment**

Environmental Impact issues have been covered elsewhere in the report.

### **8.12 Other Issues**

### **8.12.1 Basements**

The application involves the excavation of the basement and lower ground levels by approximately 1 metre and the extension of the basement beneath no 124 New Bond Street. The application was submitted prior to the formal adoption of the revised City plan but after 1 November 2015 when new basement policies began to be used in the determination of planning applications.

City Plan policy CM28 requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment(s) in the area of the development. They must be accompanied by a detailed structural methodology statement and a separate flood risk assessment, where required, and reports detailing measures to protect heritage assets, as appropriate. In addition, applicants will be required to sign an undertaking to demonstrate that they will comply with the relevant parts of the Council's Code of Construction Practice and are aware of the need to comply with other public and private law requirements governing development of this kind.

The policy sets out the requirement for the development to safeguard the structural stability of the existing building, nearby buildings and other infrastructure and to be designed to ensure that any flood risk on the site, or beyond, is not increased or exacerbated. The policy also requires the development to be designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses; the amenity of those living or working in the area; on users of the highway; and traffic and highways function.

The application is supported by a Construction methodology Statement which has been reviewed by the Building Control Officer. He has advised that the structural method statement is considered to be partially acceptable. An initial investigation of existing structures and geology has been undertaken and further investigation will yet be made and details provided. The existence of groundwater, including underground rivers has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using friction piles and underpinning of the retained facade and party walls, which is considered to be acceptable for this site. The proposals to safeguarding of adjacent properties are in outline form only and will need to be further detailed before demolition can commence. However, the Building Control Officer has since confirmed that the submitted reports are adequate for the purposes of determining the planning application and that the additional information would be required as part of the application under the Building Regulations.

As the new construction provides support to the highway, an informative should be included to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation.

The Building Control Officer has since confirmed that the submitted reports are adequate for the purpose of determining the planning application.

### **8.12.2 Construction management**

The application is also supported by a Construction Management Plan which details measures to ameliorate the impact of the construction works given the extent of the demolition and the constrained nature of the site. These measures would now be considered under new arrangements under the Code of Construction Practice, including the payment of a capped annual fee for site monitoring by Council officers during the course of construction. The applicants have indicated their willingness to be bound by the CoCP, which would not be the subject of a condition rather than a planning obligation within a legal agreement.

An objection has been received on behalf of the commercial occupier of 126-127 New Bond Street. This objection relates to nuisance from noise, dust and vibrations, the impact of scaffolding, disruption to deliveries and inconvenience during the course of construction and potential damage to neighbouring sites (and related insurance issues). These matters, which cannot justifiably form the basis of a recommendation for refusal of the scheme, will be covered as part of the CoCP. The matter of insurance against damage is not a material planning consideration.

### **8.13 Other issues**

The neighbouring commercial occupier has also asked for confirmation i) of the proposed route for the new fire escape routes from 123/124 New Bond Street and whether these would connect with 125 New Bond Street and ii) that the demolition of the fire escape staircase across the boundary of 124 and 125 New Bond Street would not affect their property. They have also requested details of the applicant's proposals in terms of removing and making safe the portion of staircase that exits across, and into, 125 New Bond Street and confirmation of the provisions for repairing any damage to the neighbouring building caused by removal of the fire escape staircase.

The applicants do not believe that the neighbouring occupier has any right of escape via their property and, consequently, no provision is made in respect of the adjoining building. The proposed fire escape route from the application premises is via the internal stairs. There is no plan to connect the application building with the neighbouring site. The scheme involves the removal of the fire escape up to the boundary line, between the first and second floors. The party wall is to be altered and increased in height, subject to a Party Wall Award.

The applicants anticipate that any works to the adjacent property will be minimal, with any right of support for the remaining portion of fire escape addressed under the Party Wall Award. Any necessary structural and balustrade alterations to terminate the escape at the party wall line, to comply with the Building Regulations, will be undertaken "in a safe and workmanlike manner" at the applicants expense.

One neighbouring occupier contacted the Council to advise that they were unable to view the application document on-line, that they had not seen any site notices posted outside of the application property and had not seen a flyer which the applicants stated that they had posted prior to the submission of the application. The problem with the Council's website was immediately rectified. Records show that the application was advertised and the Council has undertaken a full consultation with neighbouring properties. This respondent has raised no objection to the application.



## 9. BACKGROUND PAPERS

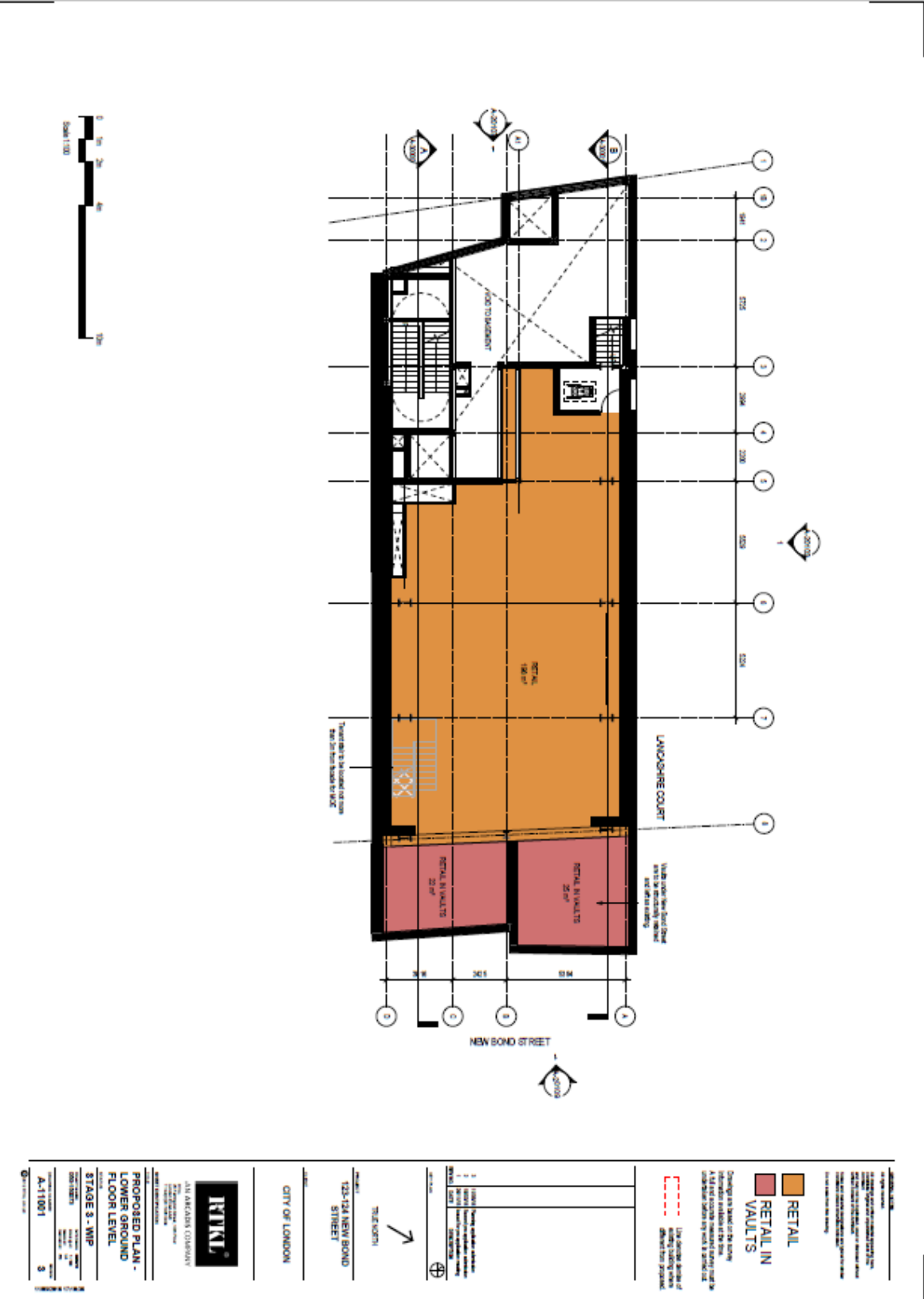
1. Application form
2. Letter from Historic England (Archaeology) dated 26 July 2016
3. Memorandum from Environmental Health dated 27 June 2016
4. Memoranda from Building Control dated 12 July and 18 October 2016
5. Memorandum from Project Officer (Waste) dated 21 June 2016
6. Memorandum from Highways Planning dated 22 August 2016
7. Responses from the occupier 12a Lancashire Court dated 4 and 7 November 2016
8. Letter on behalf of the occupier 126-127 New Bond Street dated 23 June 2016
9. Email from neighbouring occupier dated 4 November 2016

### **Selected relevant drawings**

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

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





**REVISED**

DATE: 12/11/2011  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: 123-124 NEW BOND STREET

**REVIT**  
 AN ARCADIS COMPANY

**PROPOSED PLAN - LOWER GROUND FLOOR LEVEL**

**STAGE 3 - WIP**

**LEGEND**

- RETAIL
- RETAIL IN VAULTS

**NOTES**

1. ALL RETAIL AREAS SHALL BE COMPLETED BY THE END OF 2012.
2. THE STAGE 3 AREA IS CURRENTLY UNDER CONSTRUCTION.
3. THE STAGE 3 AREA IS CURRENTLY UNDER CONSTRUCTION.

**SCALE**

1:100

**DATE**

12/11/2011

**PROJECT**

123-124 NEW BOND STREET

**CITY OF LONDON**

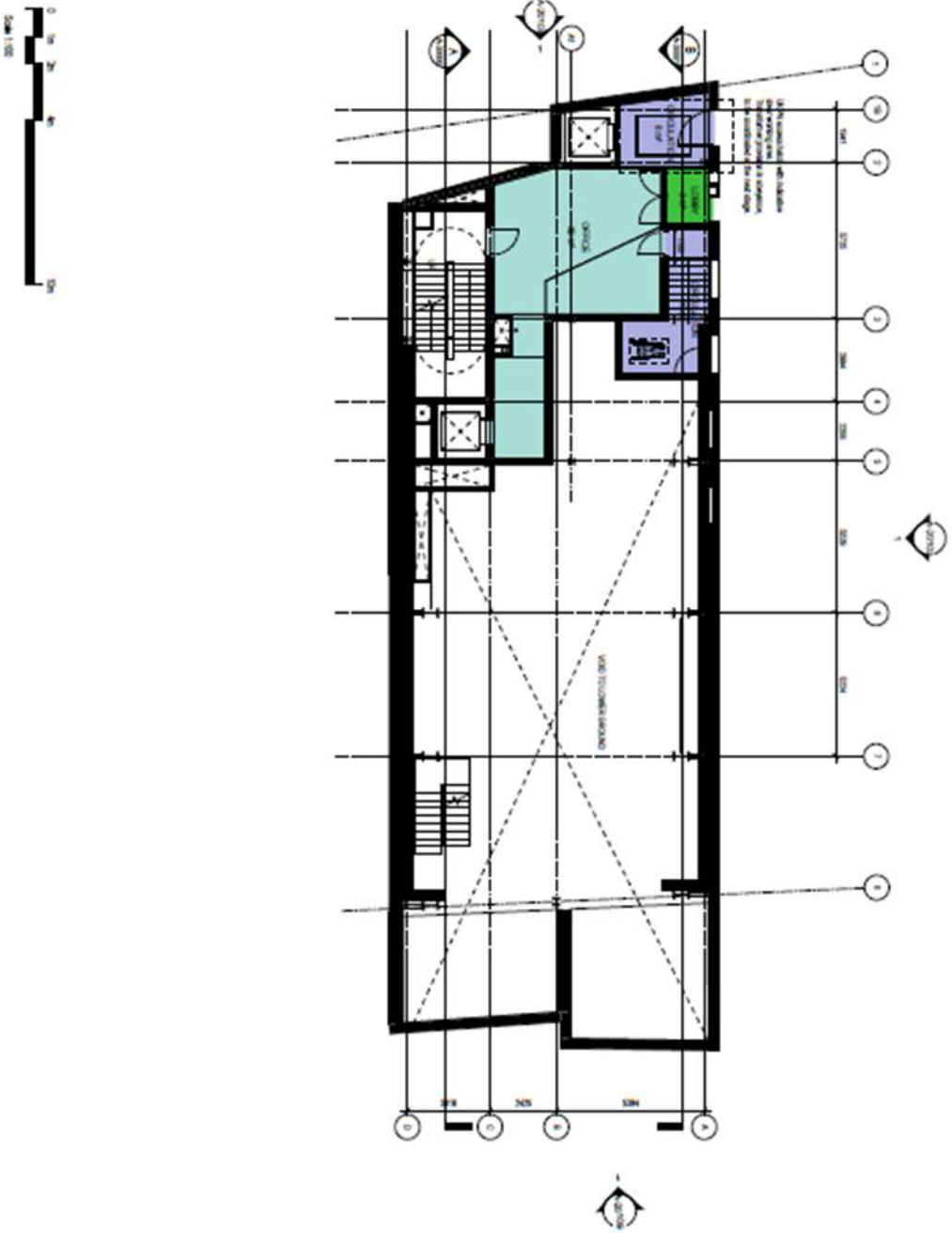
**STAGE 3 - WIP**

**DATE**

12/11/2011

**PROJECT**

123-124 NEW BOND STREET



**PROPOSED PLAN - OFFICE ENTRANCE LEVEL**

**STAGE 3 - WIP**

**RYM**

**123-124 NEWBOND STREET**

**CITY OF LONDON**

**LEGEND**

- CIRCULATION
- LOBBY
- OFFICE

**NOTES:**

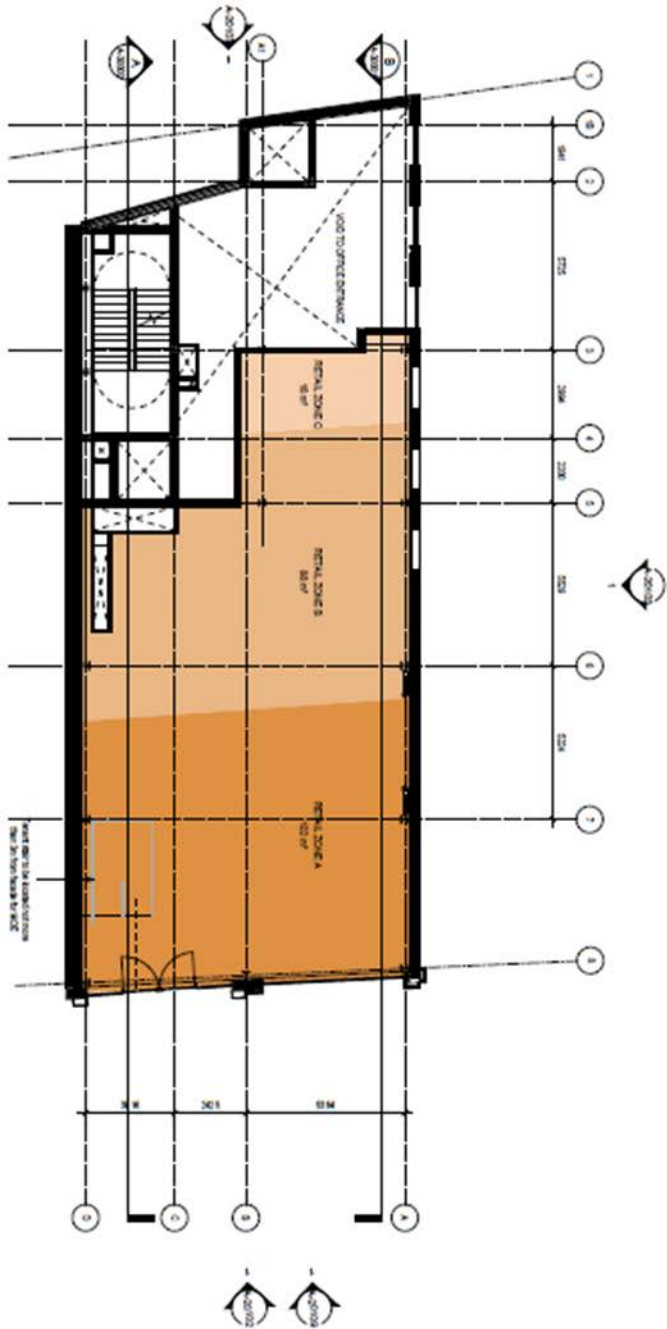
1. ALL WORK TO BE COMPLETED BY 15/01/2023.
2. ALL WORK TO BE COMPLETED BY 15/01/2023.
3. ALL WORK TO BE COMPLETED BY 15/01/2023.

**SCALE BAR**

**Scale 1:100**

**A-11002**

**3**



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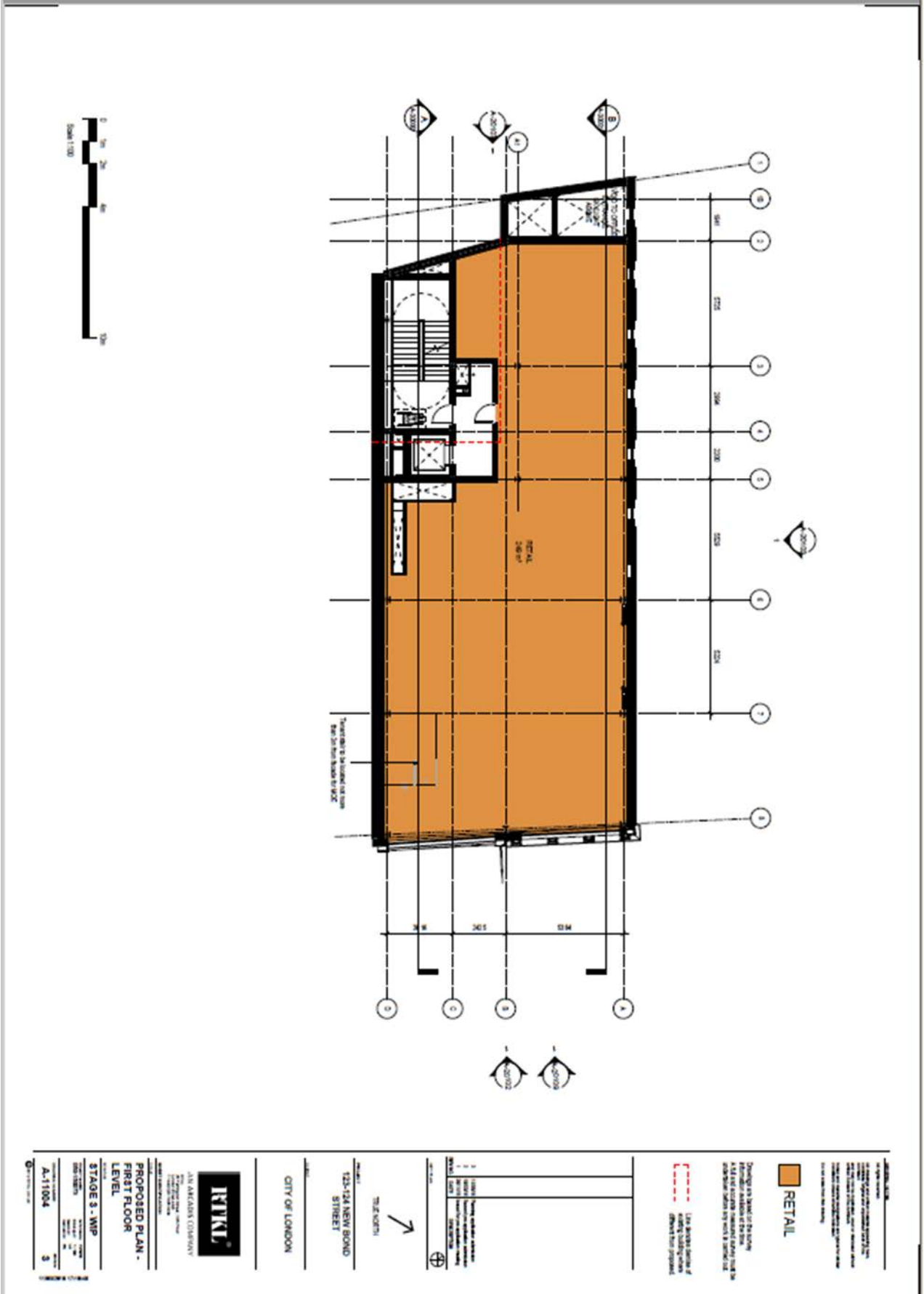
**RETAIL ZONE A**  
**RETAIL ZONE B**  
**RETAIL ZONE C**

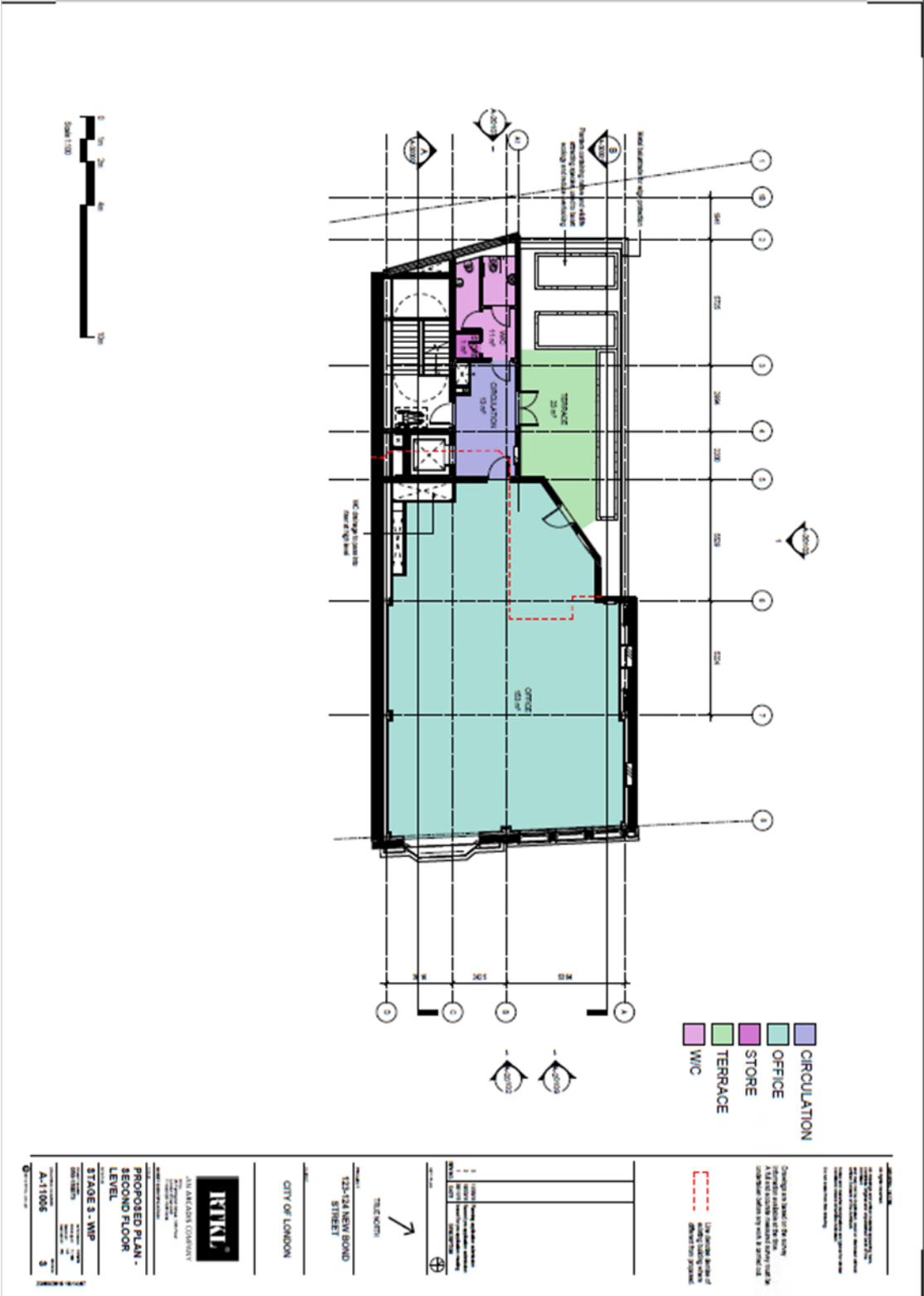
Change as shown or by note  
 Retain as shown unless noted otherwise  
 Additions shown in red  
 Deletions shown in red  
 The architect makes no warranty or representation as to the accuracy or completeness of the information shown on this plan.

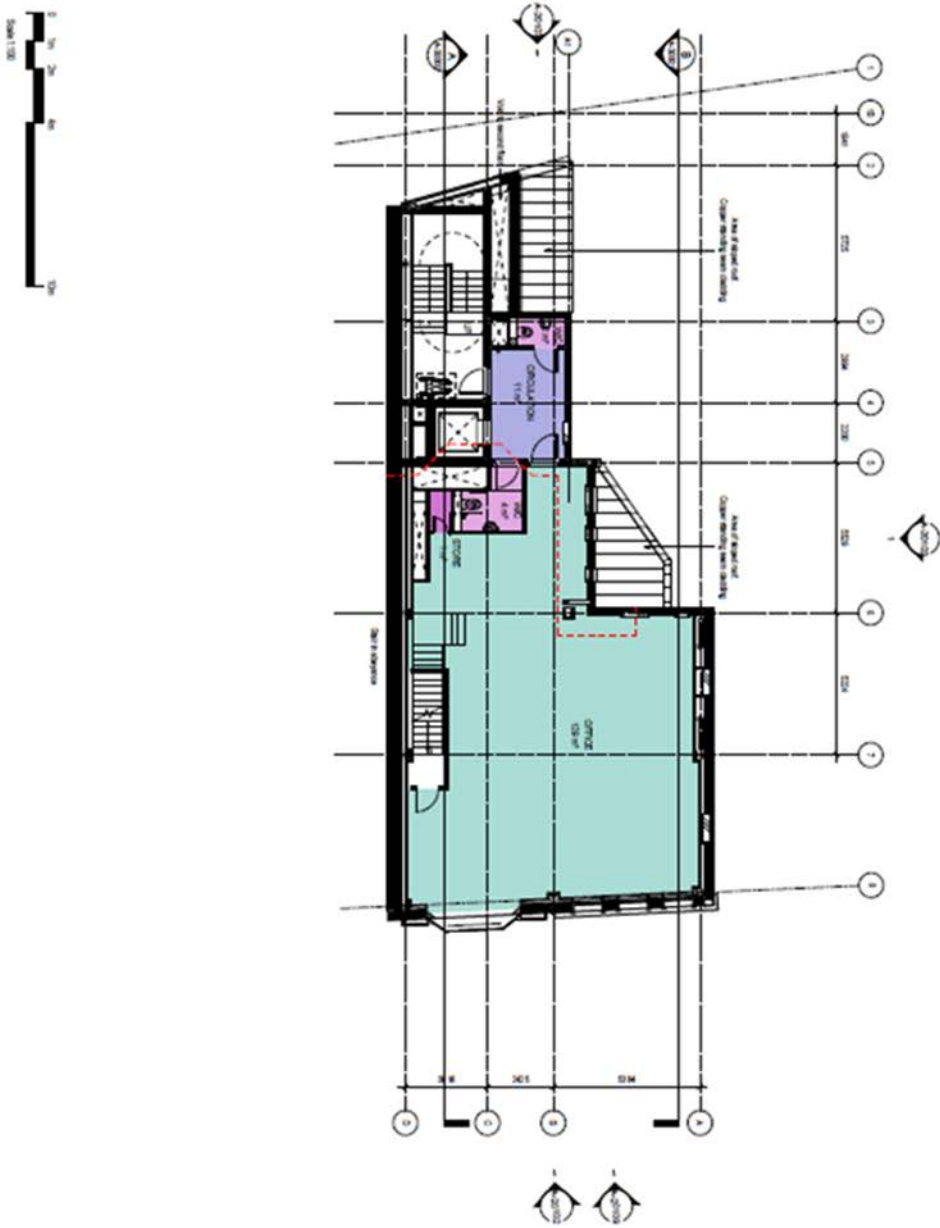
1. (100%) Final ground floor plan  
 2. (100%) Final ground floor plan  
 3. (100%) Final ground floor plan

123-124 NEW BOND STREET  
 CITY OF LONDON  
 AN AKERMAN COMPANY  
 123-124 NEW BOND STREET  
 LONDON EC2A 4DF  
 TEL: 020 7493 3300  
 WWW.AKERMAN.CO.UK

**PROPOSED PLAN - GROUND FLOOR LEVEL**  
 STAGE 3 - WIP  
 123-124 NEW BOND STREET  
 LONDON EC2A 4DF  
 DATE: 10/10/2023  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 A-11003 3







**LEGEND**

- CIRCULATION
- OFFICE
- STORE
- WIC

**NOTES**

1. CHECK FOR CONFLICTS WITH EXISTING STRUCTURE AND SERVICES.
2. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SPECIFIED.
3. DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.
4. DIMENSIONS TO CENTERLINE UNLESS OTHERWISE SPECIFIED.
5. DIMENSIONS TO EDGE UNLESS OTHERWISE SPECIFIED.
6. DIMENSIONS TO SURFACE UNLESS OTHERWISE SPECIFIED.
7. DIMENSIONS TO CENTERLINE OF OPENING UNLESS OTHERWISE SPECIFIED.
8. DIMENSIONS TO FACE OF WALL UNLESS OTHERWISE SPECIFIED.
9. DIMENSIONS TO FACE OF SLAB UNLESS OTHERWISE SPECIFIED.
10. DIMENSIONS TO FACE OF COLUMN UNLESS OTHERWISE SPECIFIED.
11. DIMENSIONS TO FACE OF BEAM UNLESS OTHERWISE SPECIFIED.
12. DIMENSIONS TO FACE OF JOIST UNLESS OTHERWISE SPECIFIED.
13. DIMENSIONS TO FACE OF TRUSS UNLESS OTHERWISE SPECIFIED.
14. DIMENSIONS TO FACE OF GIRDER UNLESS OTHERWISE SPECIFIED.
15. DIMENSIONS TO FACE OF RIB UNLESS OTHERWISE SPECIFIED.
16. DIMENSIONS TO FACE OF DECK UNLESS OTHERWISE SPECIFIED.
17. DIMENSIONS TO FACE OF CHAIR UNLESS OTHERWISE SPECIFIED.
18. DIMENSIONS TO FACE OF RAIL UNLESS OTHERWISE SPECIFIED.
19. DIMENSIONS TO FACE OF BALUSTRADE UNLESS OTHERWISE SPECIFIED.
20. DIMENSIONS TO FACE OF HANDRAIL UNLESS OTHERWISE SPECIFIED.
21. DIMENSIONS TO FACE OF STAIR UNLESS OTHERWISE SPECIFIED.
22. DIMENSIONS TO FACE OF LANDING UNLESS OTHERWISE SPECIFIED.
23. DIMENSIONS TO FACE OF CORRIDOR UNLESS OTHERWISE SPECIFIED.
24. DIMENSIONS TO FACE OF ENTRANCE UNLESS OTHERWISE SPECIFIED.
25. DIMENSIONS TO FACE OF EXIT UNLESS OTHERWISE SPECIFIED.
26. DIMENSIONS TO FACE OF DOOR UNLESS OTHERWISE SPECIFIED.
27. DIMENSIONS TO FACE OF WINDOW UNLESS OTHERWISE SPECIFIED.
28. DIMENSIONS TO FACE OF GLASS UNLESS OTHERWISE SPECIFIED.
29. DIMENSIONS TO FACE OF PANEL UNLESS OTHERWISE SPECIFIED.
30. DIMENSIONS TO FACE OF SIGN UNLESS OTHERWISE SPECIFIED.
31. DIMENSIONS TO FACE OF LIGHT UNLESS OTHERWISE SPECIFIED.
32. DIMENSIONS TO FACE OF VENT UNLESS OTHERWISE SPECIFIED.
33. DIMENSIONS TO FACE OF DUCT UNLESS OTHERWISE SPECIFIED.
34. DIMENSIONS TO FACE OF PIPE UNLESS OTHERWISE SPECIFIED.
35. DIMENSIONS TO FACE OF RIG UNLESS OTHERWISE SPECIFIED.
36. DIMENSIONS TO FACE OF TRAY UNLESS OTHERWISE SPECIFIED.
37. DIMENSIONS TO FACE OF TRUNK UNLESS OTHERWISE SPECIFIED.
38. DIMENSIONS TO FACE OF RACK UNLESS OTHERWISE SPECIFIED.
39. DIMENSIONS TO FACE OF CABINET UNLESS OTHERWISE SPECIFIED.
40. DIMENSIONS TO FACE OF DRAWER UNLESS OTHERWISE SPECIFIED.
41. DIMENSIONS TO FACE OF SHELF UNLESS OTHERWISE SPECIFIED.
42. DIMENSIONS TO FACE OF HOOK UNLESS OTHERWISE SPECIFIED.
43. DIMENSIONS TO FACE OF RING UNLESS OTHERWISE SPECIFIED.
44. DIMENSIONS TO FACE OF PIN UNLESS OTHERWISE SPECIFIED.
45. DIMENSIONS TO FACE OF NAIL UNLESS OTHERWISE SPECIFIED.
46. DIMENSIONS TO FACE OF SCREW UNLESS OTHERWISE SPECIFIED.
47. DIMENSIONS TO FACE OF BOLT UNLESS OTHERWISE SPECIFIED.
48. DIMENSIONS TO FACE OF WOOD UNLESS OTHERWISE SPECIFIED.
49. DIMENSIONS TO FACE OF METAL UNLESS OTHERWISE SPECIFIED.
50. DIMENSIONS TO FACE OF PLASTER UNLESS OTHERWISE SPECIFIED.
51. DIMENSIONS TO FACE OF GYPSUM UNLESS OTHERWISE SPECIFIED.
52. DIMENSIONS TO FACE OF CONCRETE UNLESS OTHERWISE SPECIFIED.
53. DIMENSIONS TO FACE OF BRICK UNLESS OTHERWISE SPECIFIED.
54. DIMENSIONS TO FACE OF BLOCK UNLESS OTHERWISE SPECIFIED.
55. DIMENSIONS TO FACE OF TILE UNLESS OTHERWISE SPECIFIED.
56. DIMENSIONS TO FACE OF CARPET UNLESS OTHERWISE SPECIFIED.
57. DIMENSIONS TO FACE OF FLOOR UNLESS OTHERWISE SPECIFIED.
58. DIMENSIONS TO FACE OF CEILING UNLESS OTHERWISE SPECIFIED.
59. DIMENSIONS TO FACE OF WALL UNLESS OTHERWISE SPECIFIED.
60. DIMENSIONS TO FACE OF ROOF UNLESS OTHERWISE SPECIFIED.

**PROJECT INFORMATION**

123-124 NEW BOND STREET  
CITY OF LONDON

**RYKAL**  
AN ARKADIA COMPANY

**PROPOSED PLAN - THIRD FLOOR LEVEL**

**STAGE 3 - WIP**

A.11006 3





**RTKL**  
AN ARCADIS COMPANY

**PROPOSED PLAN - FOURTH FLOOR LEVEL**  
STAGE 3 - WP

123-124 NEW BOND STREET  
CITY OF LONDON

7/21/2022

1. 12/21/2021: Proposed safety building system  
2. 01/27/2022: Proposed safety building system  
3. 07/27/2022: Proposed safety building system

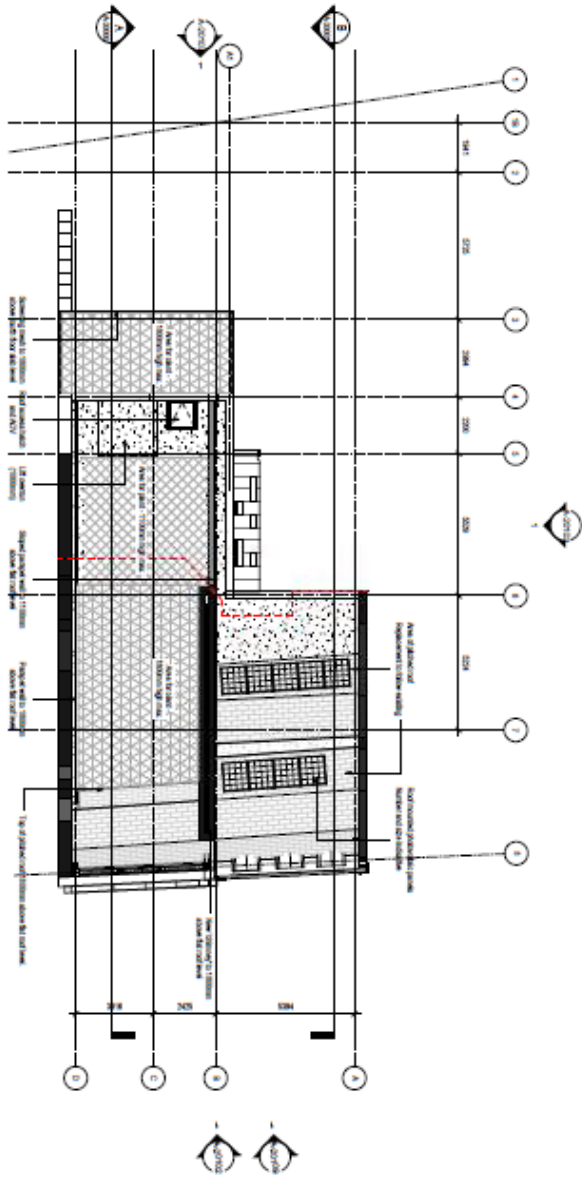
7/21/2022

Change to Stage 3 of the work  
A safety building system (SBS) has been proposed for the  
proposed office space on the 4th floor of  
123-124 New Bond Street, London EC2A 4DF.

The SBS is a system of  
safety building system  
designed to protect  
the building from fire.

RTKL  
AN ARCADIS COMPANY  
123-124 NEW BOND STREET  
LONDON EC2A 4DF  
TEL: +44 (0)20 7495 9400  
WWW.RTKL.COM

STAGE 3 - WP  
A-11007 3



**REVISED DRAWING**  
DATE: 12/01/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DESIGNED BY: [Name]

**STAGE 3 - IIP**  
DATE: 12/01/2023  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DESIGNED BY: [Name]

**PROPOSED PLAN - ROOF LEVEL**

**IRVING**  
100 MARKHAM SQUARE  
SUITE 1000  
MARKHAM, ONTARIO L3R 0V7  
CANADA  
TEL: (905) 479-3100  
WWW.IRVING.COM

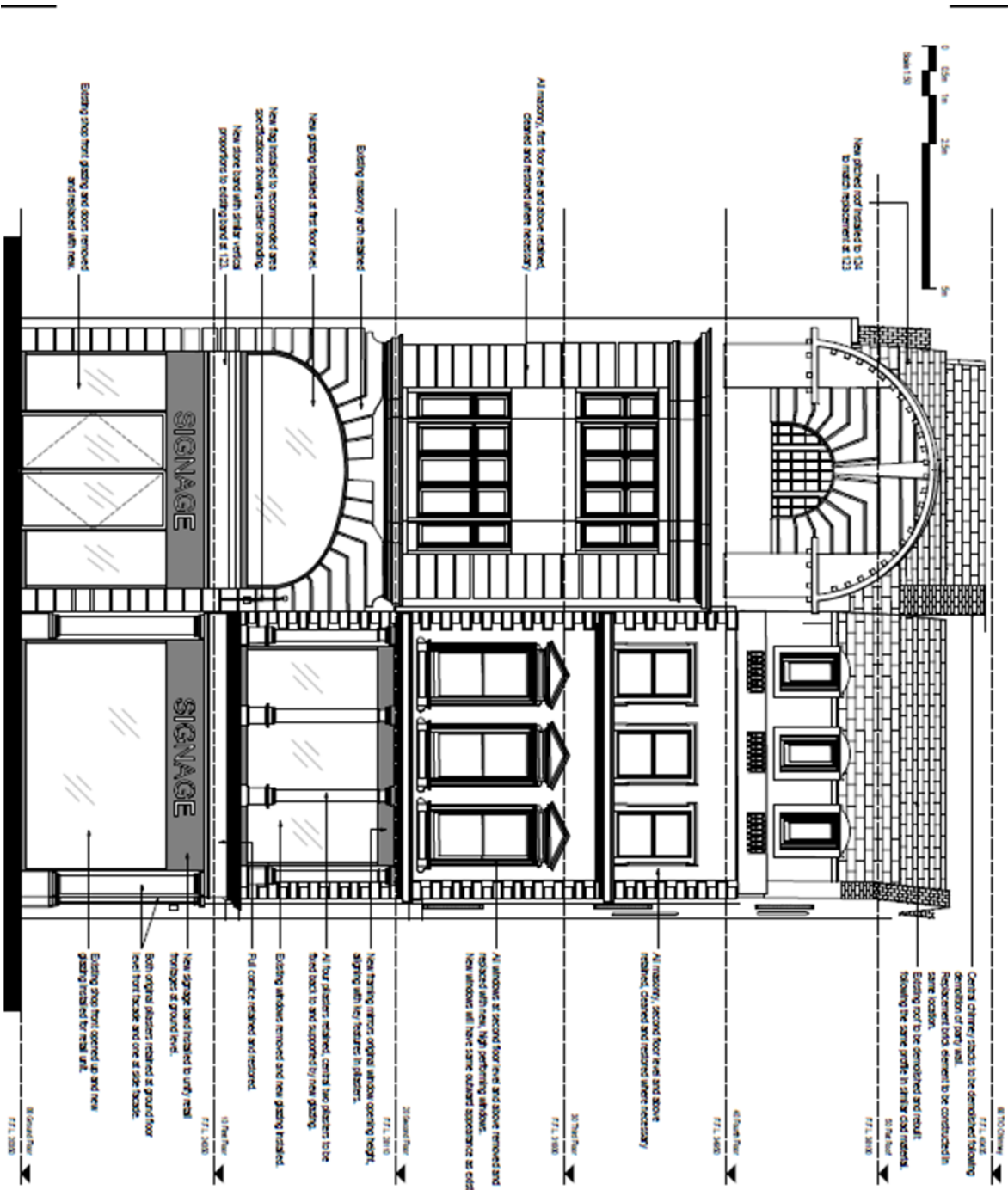
**CITY OF LONDON**  
125-126 NEW BOND STREET

**TECHNICAL**

**1** - [Description]  
**2** - [Description]

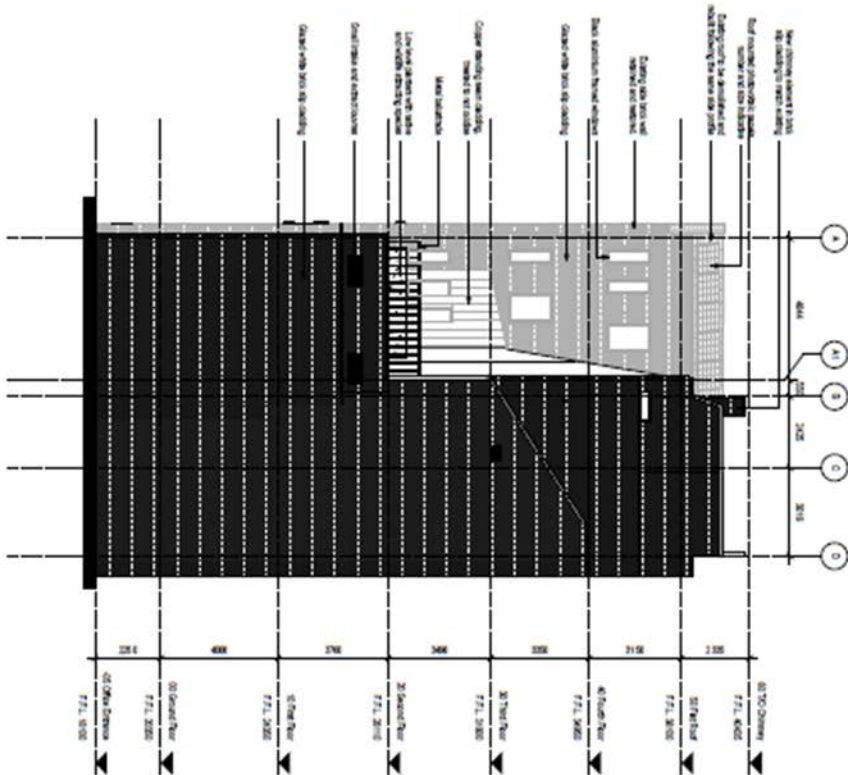
**A-11008**

**2**

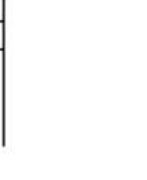


**ARCHITECT**  
 153-154 NEW BOND STREET  
 CITY OF LONDON  
 AN ARCHITECT COMPANY  
 153-154 NEW BOND STREET  
 CITY OF LONDON  
 EC3N 4JE  
 TEL: 020 7463 2300  
 FAX: 020 7463 2301  
 WWW: WWW.ARCHITECT.CO.UK  
 ARCHITECTS  
 STAGE 3 - W/P  
 153-154 NEW BOND STREET  
 CITY OF LONDON  
 EC3N 4JE  
 TEL: 020 7463 2300  
 FAX: 020 7463 2301  
 WWW: WWW.ARCHITECT.CO.UK  
 ARCHITECTS  
 A-20/102  
 6





DRAWING NO. 100-1000-1000-1000  
 PROJECT NO. 100-1000-1000-1000  
 DATE: 10/10/2010  
 SCALE: 1/8" = 1'-0"  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]



123-124 NEW BOND STREET  
 CITY OF LONDON  
 RTKL  
 AN ARCADIS COMPANY  
 ARCHITECTS  
 100-1000-1000-1000

**STAGE 3 - WP**  
 PROPOSED - REAR ELEVATION  
 A-20107  
 1



ALL WORK SHOWN IS PROPOSED UNLESS INDICATED OTHERWISE.  
 CHECK FOR CONFLICTS WITH ALL EXISTING AND PROPOSED UTILITIES AND STRUCTURES.  
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NO.	DATE	DESCRIPTION
1	10.15.20	ISSUED FOR PERMITTING
2	10.15.20	ISSUED FOR PERMITTING
3	10.15.20	ISSUED FOR PERMITTING
4	10.15.20	ISSUED FOR PERMITTING

123-124 NEW BOND STREET  
 CITY OF LONDON



PROJECT	123-124 NEW BOND STREET
CLIENT	CITY OF LONDON
ARCHITECT	RTKL
DATE	10.15.20
DRAWN BY	AJ/SK
CHECKED BY	JM/SK
SCALE	1/8" = 1'-0"
NO.	3

**DRAFT DECISION LETTER**

**Address:** Development At, 123 - 124 New Bond Street, London, ,

**Proposal:** Demolition and redevelopment behind retained New Bond Street and Lancashire Court facades to provide a building comprising basement, lower ground, ground and 4 upper floor levels, providing retail (Class A1) and office (Class B1) floorspace, with new office entrance on Lancashire Court (Site includes 124 New Bond Street). (Description corrected to refer to 123 AND 124 New Bond Street)

**Reference:** 16/05310/FULL

**Plan Nos:** A-12000Rev2, A-12001Rev2, A-1202Rev2, A-1203Rev2, A-12004Rev2, A-12005Rev2, A-12006Rev2, A-12007Rev1, A-20104-Rev1, A-20105Rev1, A-20108Rev1, A-30004Rev1, A-30005Rev1 (demolition drawings), A-11000Rev3, A-11001Rev3, A-11002Rev3, A-11003Rev3, A-11004Rev3, A-11005Rev3, A-11006Rev3, A-11007Rev3, A-11008Rev2, A-20109Rev1, A-20102Rev5, A-20103Rev4, A-20107Rev1, A-30003Rev3, A-30001Rev3, Acoustic report by Bickerdike Allen Partners reference A9955\_R01\_CC dated 15 April 2016.

**Case Officer:** [Redacted] Carrier

**Direct Tel. No.** 020 7641 3934

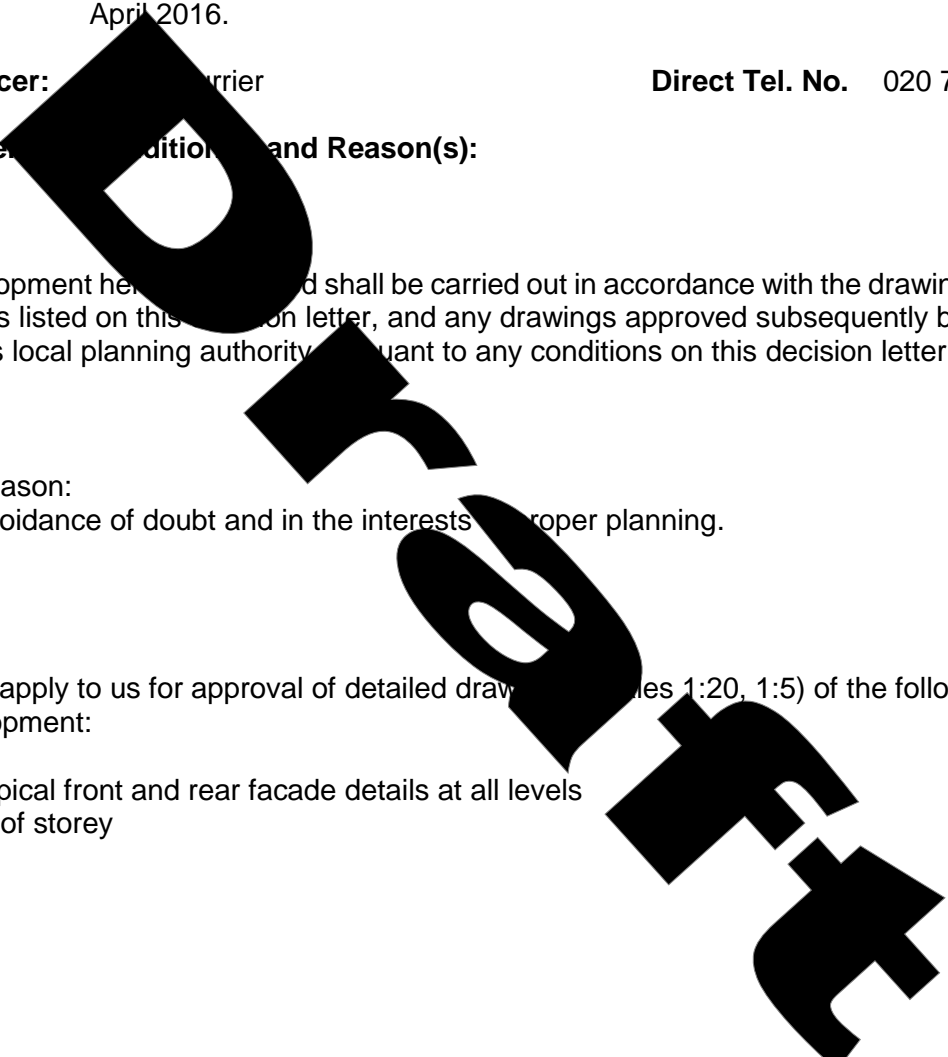
**Recommendation and Reason(s):**

1  
The development hereby proposed 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, in addition 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 detailed drawings (scales 1:20, 1:5) of the following parts of the development:

1. Typical front and rear facade details at all levels
2. Roof storey



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)

3

You must apply to us for approval of detailed drawings showing the following alterations to the scheme:

1. The roof slope at the rear of no.124 shall be clad in zinc or lead (and not copper as shown in the drawings hereby approved)
2. The first floor windows on the front elevation of 123 should remain as three separate openings (not a single sheet of glass behind the pilasters as shown on the drawings hereby approved)
3. The proposed dormer windows should be designed in a traditional manner including sash windows in keeping with the existing building façade
4. The retention of an element of subdivision in the first floor arched window of no.124 rather than a plain sheet of glass

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

4

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



**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

**5**

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). (C11AB)

**Reason:**

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

**6**

Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

**Reason:**

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

7

(1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

8

No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

9

(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.

10

The plant hereby approved shall be attitude and operated in accordance with the details set out in the acoustic assessment by Bickerdike Allen Partners reference A9955\_R01\_CC dated 15 April 2016.

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.

11

This permission does not grant approval for the installation of future tenants' equipment at third floor level as shown in Figure 3 of the acoustic assessment by Bickerdike Allen Partners reference A9955\_R01\_CC dated 15 April 2016.

Reason:

In accordance with the submitted application and to ensure that, 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, future tenants' plant operates 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.

12

You must apply to us for approval of details of secure cycle storage for the retail and office uses. 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. 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 2015.

13

You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

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)

14

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)

15

You must apply to us for approval of detailed drawings (plans, elevations and sections) showing the following alteration(s) to the scheme:  
the deletion of the roof terrace shown on drawing A-11005Rev3 and its replacement with a living roof.

Reason:

To protect the privacy and environment of people in neighbouring properties and to protect and increase the biodiversity of the environment. This is as set out in S29, S32 and S38 of Westminster's City Plan (November 2016) and ENV 6, ENV 13 and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

16

You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof at second floor level, secured under condition 15, to include construction method, layout, species and maintenance regime., , 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 and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To protect and 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. (R43CB)

17

You must not use any roofs of the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency or for maintenance purposes (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)

18

The external doors shown on drawing A-11005Rev3 shall only be used to access the second floor flat roof for emergency or maintenance purposes

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)

19

No waste shall be left on the highway

Reason:

To protect the environment 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)

20

You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (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)

21

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

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission on the same date as this consent, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., , You must only carry out the demolition and development according to the approved arrangements.  
(C29AC)

Reason:

To maintain the character of the Mayfair 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)

22

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. 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)

23 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

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)

24

You must not use any part of the development until we have approved appropriate arrangements to secure the following:

measures to mitigate the development's failure to provide adequate on-site carbon savings.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

As required by policy 5.2 of the London Plan and the Mayor's Supplementary Planning Guidance on Sustainable Design and Construction (2013)

25

With the exception of windows within the eastern and northern retained facades, all windows and glass within doors on the second, third and fourth floors must not be clear glass and, in the case of the windows, must be fixed permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.



2

Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto: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](http://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](http://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](http://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.

3

Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (154AA)

4

Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (108AA)

5

The term 'clearly mark' in condition 13 means marked by a permanent wall notice or floor markings, or both. (188AA)

6

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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

7

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.

8

The written scheme of investigation will need to be prepared and implemented by a suitable, professionally accredited, archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. Condition 22 is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method, with contingency arrangements for significant discoveries, will need to be agreed. The outcome will be a report and archive.

For further advice, please contact Laura O'Gorman, Archaeology Advisor, Greater London Archaeological Advisory Service - [laura.o'gorman@HistoricEngland.org.uk](mailto:laura.o'gorman@HistoricEngland.org.uk)

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.