

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 14 February 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>61 Curzon Street, London, W1J 8PD</b>		
<b>Proposal</b>	Demolition of existing building and erection of a new building of lower ground, ground plus eight upper storeys to comprise offices (Use Class B1), a retail unit (Use Class A1) on part of the ground and lower ground floor level and mechanical plant and solar photovoltaic panels at roof level and associated highway works.		
<b>Agent</b>	CBRE Ltd		
<b>On behalf of</b>	Greencap IV Ltd		
<b>Registered Number</b>	16/09518/FULL	<b>Date amended/ completed</b>	4 October 2016
<b>Date Application Received</b>	4 October 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Subject to referral to the Mayor of London, grant conditional permission, including Grampian condition to secure the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles.

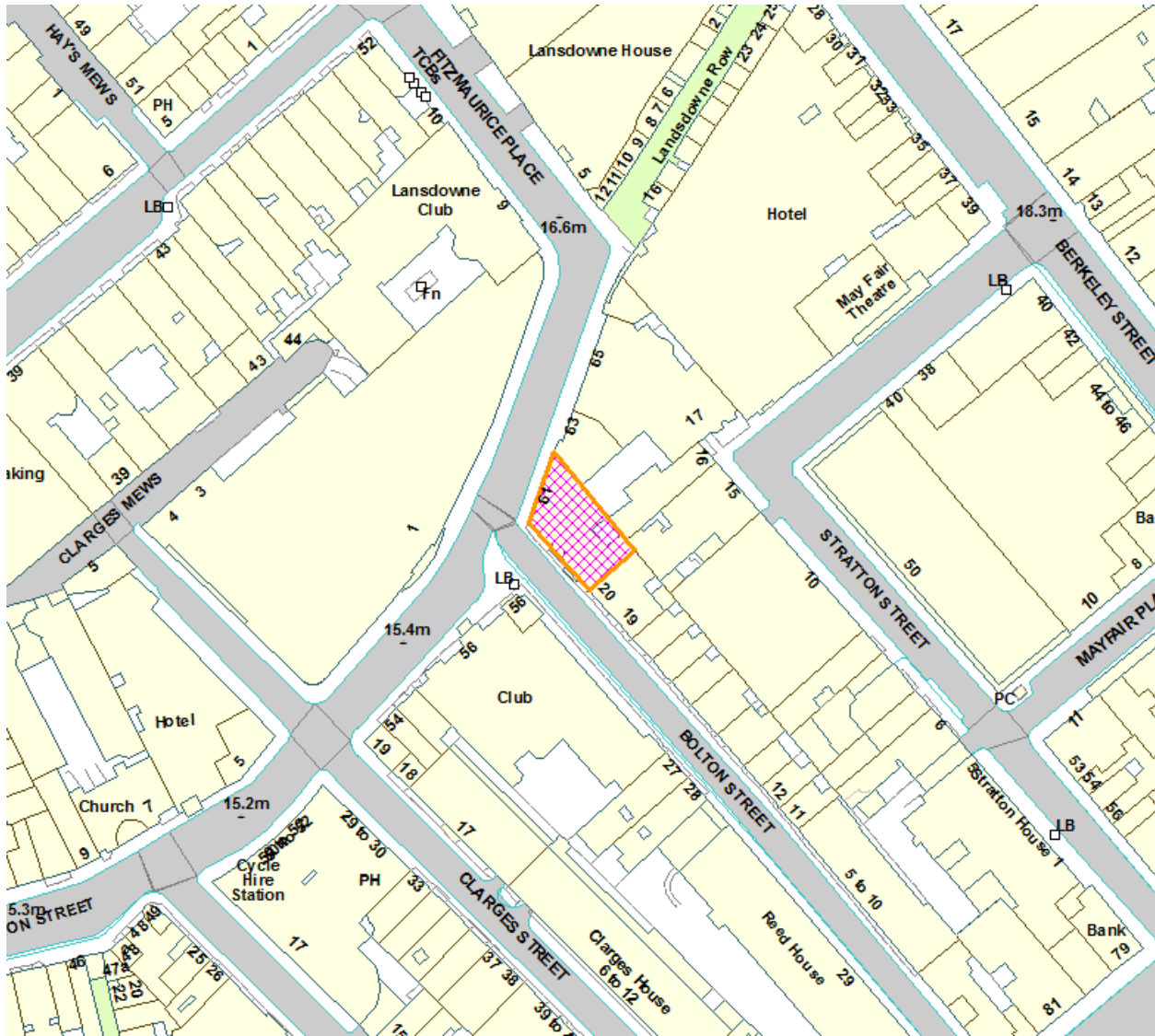
## 2. SUMMARY

The existing building, dating from the 1930s, occupies a prominent position on the corner of Curzon Street and Bolton Street. The lawful use is for office purposes but it has been vacant for approximately 15 years.

The current proposals will provide modern office accommodation and the introduction of a small retail unit is also welcome, helping enliven the street frontage. The key issue is considered to be design, with land use, amenity and highways matters considered to be acceptable.

Subject to a number of safeguarding conditions, the application is recommended for approval subject to referral back to the Greater London Authority.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

The Mayor considers that the application complies with the London Plan and provided that conditions/obligations concerning inclusive design, energy efficiency and transportation are attached to the planning permission, the Mayor does not need to be consulted again and the Council may proceed to determine the application without further reference to the Mayor.

### TRANSFERT FOR LONDON

Generally consider the scheme to be acceptable but would like to see provision made for 3 short stay cycle spaces, and provision of a Delivery and Service Management Plan and a travel plan.

### HISTORIC ENGLAND

Do not wish to comment on the application

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

Any response to be reported verbally

### HIGHWAYS PLANNING MANAGER

No objection

### CLEANSING

Initial objection about inadequate waste storage subsequently overcome by revisions.

### ENVIRONMENTAL HEALTH

No objection

### BUILDING CONTROL

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 140; No. of replies: 1 – raising objections to noise and disruption from demolition and construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

61 Curzon Street, occupies the corner of Curzon Street and Bolton Street and comprises an existing lower ground, ground and seven upper floors with roof top plant above. The building dates from the late 1930s and was originally constructed as residential flats but was comprehensively refurbished and extended in the 1980s for office use. It is now vacant and has been for fifteen years, with the internal fabric of the building being in a poor state of repair.

The building has a principal frontage onto both Curzon Street and Bolton Street. The façade is faced in red brick with stone detailing and stone clad ground and first floor elevations in a neo-Georgian style typical of the surrounding area. The elevations are capped with a lead clad mansard roof which is single storey, apart from where the building adjoins 20 Bolton Street, where the mansard roof comprises the top three storeys. An existing off-street servicing bay is located on the Curzon Street elevation. The rear of the building faces onto a lightwell formed by buildings in Curzon Street, Bolton Street and Stratton Street, and adjoins 15 Stratton Street.

The building is within the Mayfair Conservation Area but is not statutory listed. There are a number of heritage designations within the vicinity of the site, including the row of Grade II listed Georgian town houses along Bolton Street (including Nos. 19-20, immediately adjacent to the site). The site is also within the Core Central Activities Zone (CAZ).

The existing building is generally in line with the prevailing height of the surrounding area, particularly along Curzon Street, but it is noticeably taller than the listed town houses along Bolton Street (are five storeys in height). The recently consented scheme at 56 Curzon Street proposes a nine storey building which is taller than the one it replaces.

The surrounding buildings are predominantly in commercial use but there are several residential premises close by, with some retail uses (Use Classes A1 to A4) at ground floor level.

## 6.2 Recent Relevant History

There were a number of decisions for various schemes in the 1980s, none of which were implemented. The last relevant permission was granted in September 1998, for use of basement and ground floors as a restaurant (Use Class A3), use of upper floors as 14 flats, external alterations including rear extension, full height extract duct and air conditioning unit to main roof. Again, this permission was not implemented and the building appears to have been left vacant for most of the time since then.

A number of applications have recently been consented for properties in the immediate neighbourhood, including:

Nightingale House, 65 Curzon Street – Planning permission granted on 29 April 2016 for demolition and redevelopment for a ground plus eight storey building (3 basement levels) to comprise 32 residential units, a ground floor arcade link between Stratton Street and Curzon Street for use as retail or restaurant uses and 21 car parking spaces. This development has not been implemented.

Clarges House, 6-12 Clarges Street – Planning permission granted 15 November 2013 for redevelopment to provide four new blocks comprising a mix of residential, office and retail. This development is under construction.

56 Curzon Street (including the former Mirabelle restaurant) – Planning permission granted on 18 October 2013 for demolition and redevelopment of an eight storey building (4 basement levels) to comprise 31 residential units and a restaurant. Demolition on this site has recently commenced.

63 Curzon Street – Permission granted on 28 March 2013 for use of basement and ground floor as retail and first to sixth floors as residential (4 x 2 bed apartments and 1 x 3 bed apartment). This has been implemented.

## 7. THE PROPOSAL

The proposed redevelopment seeks to demolish and replace the existing building with a new eight storey building for office-led use, along with a new retail frontage. In floorspace terms:

- The total existing B1 office floorspace is 2,699.5 sqm (GEA), which excludes 81 sqm for the refuse area and loading bay (total 2,780.5 sqm);
- The new building will provide 2,848 sqm (GEA) of B1 office, excluding cycle storage of 36.5 sqm and refuse store of 19 sqm.
- The retail unit is 67 sqm (GEA).

The existing neo-Georgian style building will be demolished and replaced with a new building of lower ground, ground plus eight storeys. High quality new office floorspace will be created and a small retail unit will be introduced on the ground floor (with ancillary space on the lower ground floor) creating an active frontage to Curzon Street. The plant equipment that is to be located on the eighth floor will be clad in zinc and will be set back to ensure it is not as prominent in long views from Bolton Street and Curzon Street.

Along Bolton Street the existing light well will be opened up in order to provide natural daylight to the lower ground floor. The entrance to the existing building is currently on Bolton Street; however the proposed entrance for the new building is to be on the corner of Curzon Street and Bolton Street, in a more prominent location. The entrance, which will be recessed into the façade, will open up into a large ground floor reception space, where the upper and lower floors can be accessed from the internal lift core and main staircase.

The existing off-street servicing bay is to be removed and replaced by the retail unit. However, a secondary entrance is to be located on Curzon Street which will act as both the service and delivery access for the offices. A corridor here will provide access to the lifts, staircase and office reception. In order to allow for the location of on-street servicing here, the relocation of two taxi bays along Curzon Street is required, but the overall level of taxi parking will not change.

Refuse storage for the office and retail unit is to be located at the lower ground floor level. Secure cycle parking for 25 cycles using Josta two storey racks is proposed at the lower ground floor level, along with separate changing areas and showers for the proposed office occupiers to use. Access to the cycle storage area is via the secondary access point on Curzon Street using either the main staircase or a cycle hoist that will operate between the ground floor and the lower ground floor. As the existing building was car free, this has also been adopted here and no on-site car parking is proposed.

The public art is proposed to be incorporated at the main entrance to the building and to the balustrading of the Juliette balconies.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Replacement office use

The redevelopment of the office building to provide new modern accommodation is welcome in principle in this location within the Core CAZ. The increase in office floorspace is 148.5 sqm (GEA). This increase is similarly acceptable in principle in this location.

Policy S1 of the City Plan promotes a mix of uses within the Core CAZ. For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:

- A) Where the net additional floorspace (of all uses) is;
- i. less than 30% of the existing building floorspace, or
  - ii. less than 400sqm; (whichever is the greater),

or where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required.

Office and retail increase = 215.5 sqm, or 7.98% of the existing office accommodation. Accordingly the proposals do not trigger the requirement for residential floorspace under part 3B of policy S1.

#### Introduction of retail unit

The introduction of the small A1 retail unit will help enliven this stretch of the Curzon Street frontage and is considered to comply with policy SS 4 of the Unitary Development Plan and policy S6 of the City Plan.

### 8.2 Townscape and Design

The existing building is an early twentieth century neo-Georgian office building. It makes a neutral / positive contribution to the character and appearance of this part of the Mayfair Conservation Area. The buildings to the south in Bolton Street are grade 2 listed Georgian houses. The existing building relates to these in terms of it being Georgian in style, but its height and bulk do not create an harmonious relationship. It is not considered that the existing building makes such a positive contribution that there is a strong presumption to retain it. Demolition and redevelopment could be acceptable, subject to the replacement building making an equal or greater contribution to the conservation area.

The proposed building has been the subject of extensive pre-application negotiation. In terms of its height and bulk, the proposed is slightly higher than the existing, but the proposal is significantly more bulky on Curzon Street. However, this bulk is considered acceptable in the context of the buildings to the east and the new building currently being built on the west side of Bolton Street (56 Curzon Street). On Bolton Street the new building is modelled to reduce its bulk in views from the south, to improve the architectural relationship with the much lower listed buildings. This is considered acceptable.

The new building has been designed to have a base, middle section and roof level. The facades have a regular pattern of vertically proportioned windows, responding to those of the Georgian houses in Bolton Street. The facades are clad in a dark brick, with thin natural Portland stone lines, vertically and horizontally, to introduce visual interest. Initial draft designs used a variety of brick tones, resulting in a 'patchwork' appearance, which although fashionable, is not appropriate to this location in the Mayfair Conservation Area. The two storey base of the building has wider openings at ground floor level and is clad in natural Portland stone. Decorative metal balcony railings are used in the window openings at second and fifth floor levels. Decoration ('public art') is also used at the ground floor level entrance.

The roof storey features wider and taller windows. This floor is clad in zinc. Above is a roof level plant enclosure. This should be clad in zinc also.

It is concluded that this is a high quality building which is an acceptable replacement for the existing building, and it will contribute positively to the character and appearance of the Mayfair Conservation Area. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 9 and DES 10.

### **8.3 Residential Amenity**

The nearest residential accommodation is located within 16 Stratton Street where there are six residential units and 63 Curzon Street (five flats). These buildings share an internal lightwell with the application site and all these buildings have windows that overlook the lightwell. Permission has also been granted to develop 65 Curzon Street into residential accommodation though this has not been implemented.

Opposite the site, on the corner of Curzon Street and Bolton Street, 56 Curzon Street is in the process of being redeveloped into a replacement A3 restaurant and 32 residential apartments.

All of those buildings have therefore been tested on the assumption that they are or could be converted to residential use.

#### **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. Those results show that the proposed development will largely satisfy the BRE recommendations.

The VSC results for 16 Stratton Street show that six windows will experience a loss of VSC in excess of 20% of their existing values. However, these percentage losses are disproportionately high because the actual numerical results for the windows serving 16 Stratton Street in the lightwell receive virtually no natural daylight at all. The existing VSC values range from just 0.81% to 7.80% with the majority of windows with existing VSC values well into low single figures. As such, even relatively small changes in VSC values will therefore appear as disproportionately high percentage losses. The greatest percentage loss is 39.25%, to a ground floor window in the lightwell, where the existing VSC drops from 1.07 to 0.65. The key figures to examine in the VSC table are the actual loss in VSC where it will be seen that the absolute loss of VSC is less than 1% in all but two cases, and even with those two cases, the actual loss of VSC is 1.57% and 2.72% in absolute terms. These changes in VSC values are considered to be so small that they will be imperceptible.

There is no information about the internal layout of the flats in 16 Stratton Street and therefore the uses of the affected rooms are not known. However, there have been no objections from the occupiers.

For Nightingale House, 65 Curzon Street, the one shortfall in VSC is to the second window of an approved (but not yet built) bedroom at first floor level. That window will experience a percentage loss of VSC of 21.86%. The primary second primary window to the bedroom satisfies the BRE Guidelines. The impact on this room is therefore minimal.

The losses to 63 Curzon Street (which has windows to bedrooms and the communal staircase) are well within acceptable levels. Similarly the losses of daylight to the new residential accommodation being built opposite the site at 56 Curzon Street are well within the recommended 20%: the relevant rooms are bedrooms, bathrooms or dual aspect living/dining/kitchens.

The BRE sunlight criteria only applies to windows that face within 90 degrees of due south. The only building that could fall within the BRE sunlight criteria is 63 Curzon Street and its rear windows within the lightwell. The windows in question are windows within the shared lightwell where sunlight is restricted due to the enclosed nature of the lightwell itself. Although the results of the sunlight analysis show that there will be some very minor losses of sunlight, none of those losses are material, especially as the windows in question are within an enclosed lightwell. Furthermore, these windows serve bedrooms and a communal staircase.

None of the other windows of neighbouring residential properties, including 16 Stratton Street face, within 90 degrees of due south and therefore do not need to be tested.

### **Sense of Enclosure**

The proposed building will not extend beyond the existing footprint, but will in part be approximately one storey taller – this is where the large plant room that occupies part of the roof at eighth floor level is replaced with a full storey. It is not considered the proposed building will have an adverse effect on the nearest residential windows within any of the neighbouring properties.

### **Privacy**

There are existing office windows within the lightwell shared with the nearest residential at 16 Stratton Street and there is mutual overlooking between these two properties. The existing office windows clad the whole façade but they are set away from No.16 due to an existing escape stair. The proposal will introduce a more traditional fenestration pattern but they will be built closer to the existing residential windows, therefore reducing the distance window to window. This may lead to greater mutual overlooking, but it is not considered that this is so significant to justify the refusal of the planning application.

The new building does incorporate some terraces at rear fourth and front fifth and seventh floor levels. The terraces are relatively small but given the proximity of residential accommodation it is considered appropriate to restrict their use to between 8.00 and 21.00 hours.

### **Noise**

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

Plant is proposed within the basement and at roof level. The roof top plan will be enclosed by a screen. The proposals have been assessed by the Council's Environmental Services who have no concerns, and recommended the imposition of standard conditions restricting noise levels and vibration.

## 8.4 Transportation/Parking

The site has the highest possible Public Transport Accessibility Level rating of 6B, being located approximately 230 metres from Green Park Underground Station and within close proximity to a number of bus routes.

The lack of car parking is welcomed, as is the provision of cycle parking to London Plan standards. Transport for London (TfL) has asked for further provision of short-stay parking on-street, but there is a slight overprovision of cycle parking overall and there are already on-street facilities directly opposite, so the proposals are considered to be acceptable as they are.

Ideally the building would have replacement off-street servicing in line with Trans 20, but the Highways Planning Manager acknowledges that this takes up space on the ground floor, and the retail unit in the approximate location of the existing service bay is considered to be preferable. Furthermore, vehicles would have to enter and leave in a forward gear, and reversing in or out so close to the zebra crossing would be far from ideal. TfL has agreed in principle to the proposed changes to taxi bays to accommodate the short term parking on the highway for servicing. The applicant should be required to pay for the necessary changes.

The Highways Planning Manager considers it to be unfortunate that a 2.0m footway cannot be provided on Bolton Street (this is where the lightwell is being opened up). However, the building does have this 2m footway at the junction with Curzon Street where the actual entrance to the building has been set back, which gives a little more space for pedestrians at the zebra crossing and it does not encroach onto existing highway at all. Therefore these arrangements are considered to be acceptable.

## 8.5 Economic Considerations

The provision of modern office accommodation in place of the existing outdated offices will make a welcome contribution to the local economy.

## 8.6 Access

The proposal incorporates inclusive design and access, including the building entrances and circulation spaces. Level entrances will be provided from street level and throughout the building. The GLA has advised that the Council should secure the submission and implementation of a full inclusive access strategy, which should include the internal arrangements of the office space such as the location of accessible toilets and the accessibility of cycle stores, shower facilities and kitchen facilities. A condition has been added securing this.

## 8.7 Other UDP/Westminster Policy Considerations

### Refuse /Recycling

Following revisions, including the provision of a temporary waste holding area at ground floor level, the refuse and recycling provisions are now acceptable.

## Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture. 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. Policy S39 seeks to ensure that all new development links to an existing district heating network or where this is not possible provides a site wide decentralised energy generation network. The NPPF establishes a presumption in favour of sustainable development. London Plan Policy 5.3 also requires developments to achieve the highest standards of sustainable design, with Policy 5.2 seeking to minimise carbon emissions through a 'Be Lean, Be Clean and Be Green' energy hierarchy.

The applicant has submitted an energy assessment in support of the application – this demonstrates that the proposals will achieve an overall carbon saving of 35% above a 2013 Building Regulations' compliant development. In summary, the strategy comprises:

- Be lean: The proposed building has been designed to provide 31% improvement on CO2 emissions over 2013 Building Regulations.
- Be clean: The London Heat Map shows that no heat networks currently operate in the area of the development. The feasibility of incorporating Combined Heat and Power (CHP) system into the development was investigated. However, due to the buildings small size a CHP system is not a viable option. A single plant room will be provided at the lower ground floor level to allow for future connection to a district heating network should one be proposed in the area.
- Be green: Air Source Heat Pump system to be installed to provide heating and cooling along with 13.5 sq.m of Solar Photovoltaics on the roof.

A Sustainability Statement has been prepared to demonstrate that sustainable design standards will be achieved by the proposed development. It confirms that the proposals could achieve a BREEAM 'Excellent' rating in principle.

There are no biodiversity features proposed in the development and but this is considered to be justified given the small size of the site.

### 8.8 London Plan

The application is referable to the Greater London Authority because the new building is more than 30m high. The Mayor considers that the application complies with the London Plan and subject to several matters being secured with regard to design, energy efficiency and transportation, the case does not need to be referred back to the GLA.

### 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

Policy S33 of the City Plan details the Council's aim to secure planning obligations and related benefits to mitigate the impact of all types of development. Formulas for the calculation of contributions towards related public realm improvements etc. are detailed in the Council's Supplementary Planning Guidance on Planning Obligations. On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which makes it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three tests:

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

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1<sup>st</sup> May 2016.

In this case the only measures to be secured are the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles, all costs to be funded by the applicant. It is considered that this matter can be adequately dealt with by a Grampian condition.

The applicant advises that the Mayoral Community Infrastructure Level (CIL) charge would be £131,275 and the Council's CIL £525,100. These figures will need to be verified in due course.

## 8.11 Environmental Impact Assessment

The proposals are not of a sufficient scale to require an Environmental Impact Assessment.

## 8.12 Other Issues

### Construction impact

There has been an objection from the Lansdowne Club in Fitzgerald Place to disruption from the demolition and construction works. Although this is not a valid planning matter,

the scheme will be conditional on it signing up to the Council's Code of Construction Practice.

The proposals do not provide any additional basements other than the one basement that already exists.

## **9. BACKGROUND PAPERS**

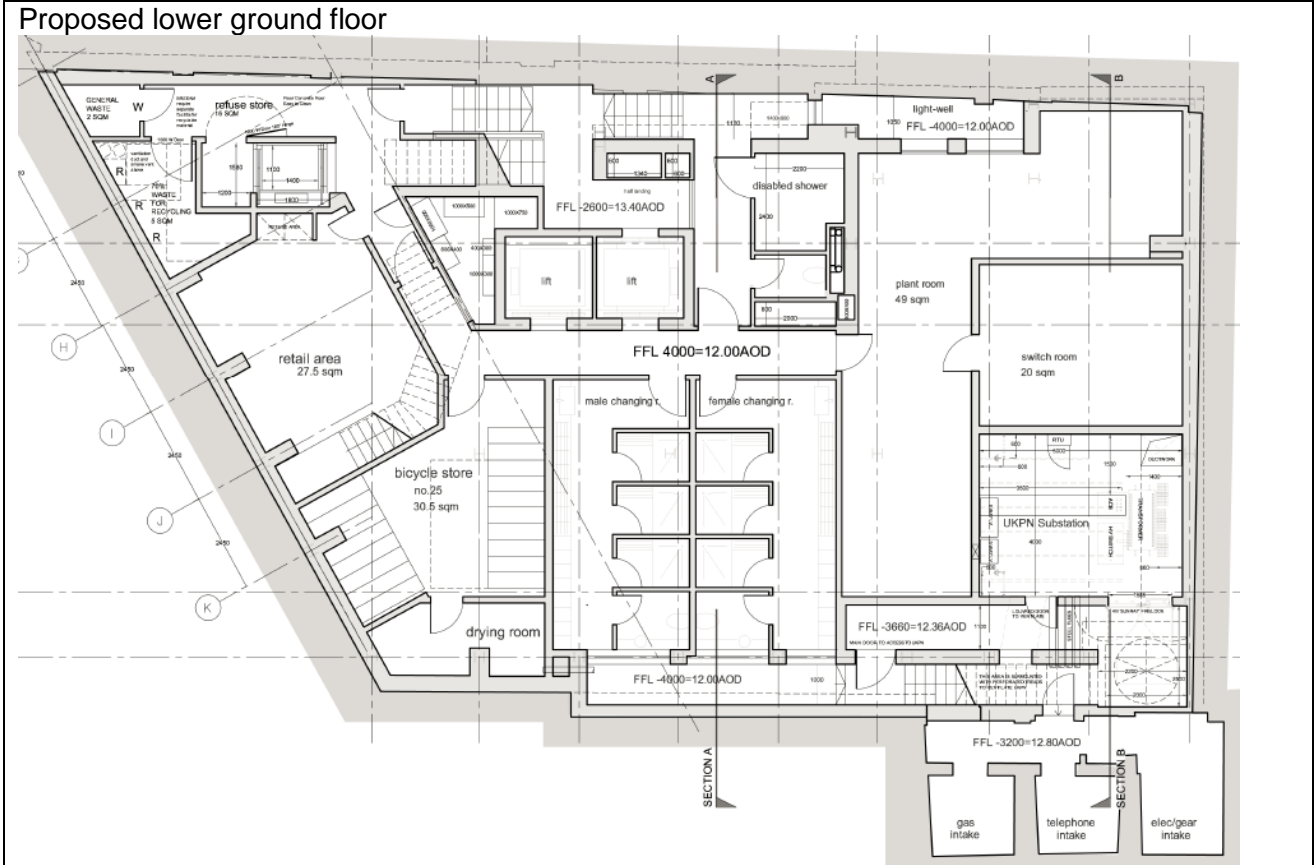
1. Application form
2. Response from Greater London Authority, dated 19 December 2016
3. Letter from Transport for London dated 10 November 2016
4. Letter from Historic England dated 24 October 2016
5. Memorandum from the Highways Planning Manager dated 7 December 2016
6. Memorandum dated 31 October 2016 and email dated 30 November 2016 from the Projects Officer (Waste)
7. Response from Environmental Services Team dated 1 November 2016
8. Memorandum from Building Control dated 31 October 2016
9. Letter from occupier of 9 Fitzmaurice Place, Mayfair, dated 25 October 2016

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

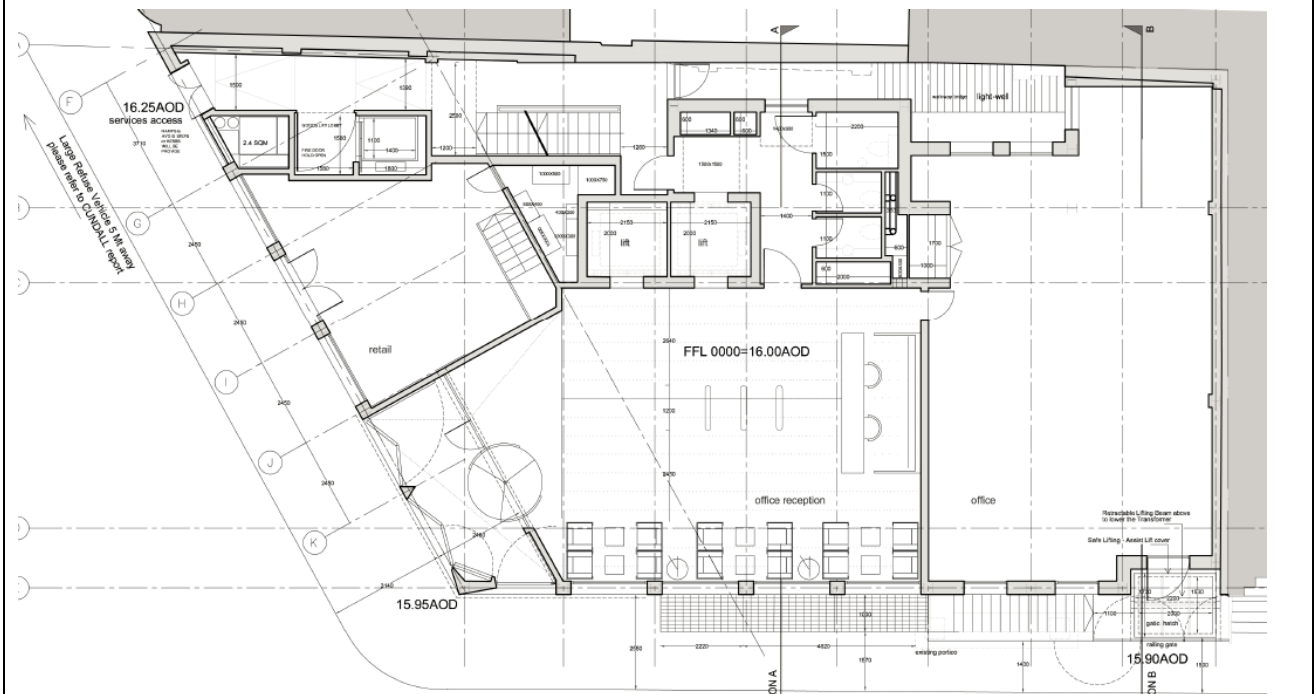
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT [mwalton@westminster.goc.uk](mailto:mwalton@westminster.goc.uk)

### 10. KEY DRAWINGS

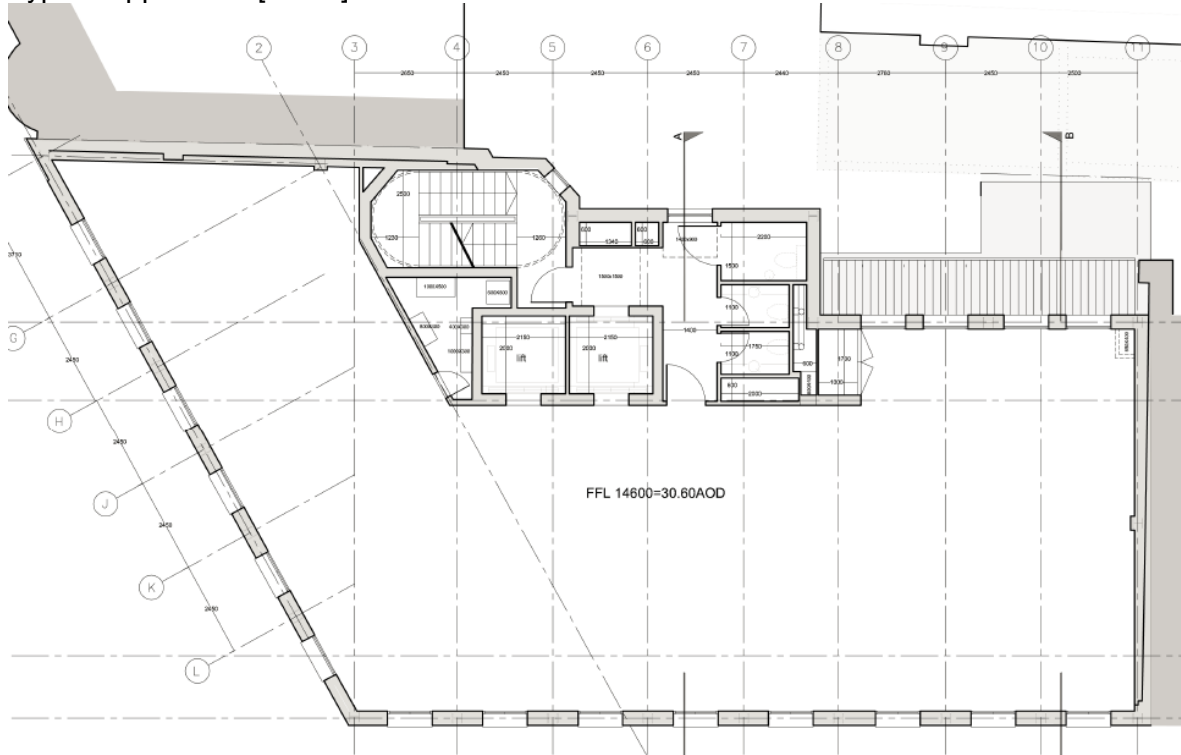
#### Proposed lower ground floor



#### Proposed ground floor



Typical upper floor [fourth]



Section A





### Curzon Street elevation



### Bolton Street elevation



**DRAFT DECISION LETTER**

**Address:** 61 Curzon Street, London, W1J 8PD

**Proposal:** Demolition of existing building and erection of a new building of lower ground, ground plus eight upper storeys to comprise offices (Use Class B1), a retail unit (Use Class A1) on part of the ground and lower ground floor level and mechanical plant and solar photovoltaic panels at roof level and associated highway works.

**Reference:** 16/09518/FULL

**Plan Nos:** TO BE ADDED

**Case Officer:** Paul Quayle

**Direct Tel. No.** 020 7641 2547

**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 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)

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (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 All stonework in the street facades shall be Natural Portland stone.

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 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 7 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)

- 8 The terraces shall only be used between 08.00 and 21.00 hours, except when used 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)

- 9 (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.

- 10 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.

- 11 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 9 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.

- 12 You must provide the waste stores shown on drawings P(0)0001D, 5562-JMA-XX-LG-DR-A-00-0004 and 5562-JMA-XX-OO-DR-A-00-0004 before anyone moves into the property. You must clearly mark them and make them 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 stores 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)

- 13 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)

- 14 You must apply to us for approval of a revised layout of the cycle parking, annotated to show the provision of short stay cycle parking in publically accessible areas. you must occupy the building until we have approved what you have sent us. You must then provide each cycle parking space shown on the approved drawings, and the proposed cyclist changing and locker facilities, prior to occupation. Thereafter the cycle spaces and cyclist changing and locker facilities 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 and associated facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015, and as requested by the Greater London Authority.

- 15 Before you begin to use the new buildings, you must apply to us for approval of a Workplace Travel Plan. The Travel Plan must include a comprehensive assessment of the measures outlined in section 6 of the Cundall Transport Statement dated 28.9.16. You must then only occupy the offices in accordance with the approved Travel Plan.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

- 16 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated October 2016 before you use the building. (C20AB)

**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 DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 17 You must apply to us for approval of a full inclusive access strategy, including the internal arrangements of the office space such as the location of accessible toilets and the accessibility of cycle stores, shower facilities and kitchen facilities. You must not occupy the office accommodation until we have approved what you have sent us. You must then carry out the work according to the approved strategy.

**Reason:**

To make sure that there is reasonable access for people with disabilities as set out in S28 of Westminster's City Plan (November 2016) and as requested by the Greater London Authority.

- 18 The development shall only be occupied in accordance with the Cundall Delivery and Service Management Plan dated 28.9.16

**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)

- 19 You must provide the environmental sustainability features (environmentally friendly features) set out in the CBRE Energy Strategy Report dated August 2016 before you start to use any part of the development. This includes the provision of the plant room in the basement to allow for future connection to a district heating network should one be proposed for the area. 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 not use any part of the development until we have approved appropriate arrangements to secure the on-street changes to move the taxi bay on Curzon Street and provide room for servicing vehicles, all costs to be funded by the applicant. 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:**

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

**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 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. (I54AA)
- 3 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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