

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 11 September 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	134 Oxford Street, London, W1D 1LU		
Proposal	Demolition of 134-140 Oxford Street and 77-84 Wells Street (Wells House) and the erection of a new building comprising basements, ground plus nine upper floors, with plant accommodation and Sui Generis (nightclub) at basement level 02; cycle parking, plant accommodation and Class A1 (retail) at basement level 01; part Class A1 (retail) accommodation and Class B1 (office) at ground floor level; Class A1 (retail) and associated plant accommodation at first floor level; flexible Class A1 (retail) or Class B1 (office) at second floor and Class B1 (office) accommodation at third to seventh floors; plant accommodation and Class B1 (office) accommodation at eighth floor; Class B1 (office) accommodation at ninth floor; the creation of terraces on levels 6 to 8 and a rooftop terrace area at level 9 (all for use in association with office accommodation); photovoltaic panels on level 9 and the roof; and other associated works including short stay cycle parking spaces in Adam & Eve Court.		
Agent	Gerald Eve LLP		
On behalf of	The Prudential Assurance Company Limited		
Registered Number	18/03229/FULL	Date amended/ completed	20 April 2018
Date Application Received	20 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission subject to the completion of a legal agreement to secure the following:
 - a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked), payable in the event that the second floor is occupied as offices (Class B1).
 - b) A Carbon Offset Contribution of £140,790 (index linked), payable prior to commencement of development.
 - c) A Crossrail contribution of £478,140 (index linked) payable within 60 days of commencement of development and an additional Crossrail contribution of £75,750 (index linked) payable in the

- event that the second floor is occupied as offices (Class B1) (both minus any relevant Mayoral Community Infrastructure Levy paid).
- d) Undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development.
 - e) An employment and training strategy.
 - f) Secure the re-provision of the nightclub (*Sui Generis*) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
 - g) Costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within eight weeks of the date of this resolution then:
- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

Wells House comprises an unlisted building located outside of a conservation area but within the Core Central Activities Zone (Core CAZ), the West End Stress Area and the West End Special Retail Policy Area. The Oxford Street frontage forms part of the Primary Frontage of the West End International Shopping Centre.

Wells House is currently occupied by a nightclub at part-basement level, three retail units fronting onto Oxford Street over basement, ground and mezzanine floor levels, and the remainder of the building is occupied by offices with ancillary car parking at roof level.

Permission is sought for the demolition of the existing building, excavation of any additional basement level and the erection of a replacement building over sub-basement, basement, ground and part-eight / part-nine upper floors (i.e. an increase in three floors above existing). The proposed replacement building accommodates the same uses as existing, with the nightclub re-provided at sub-basement level, retail provision on Oxford Street over at least basement, ground and first floors and office accommodation over at least third to ninth floor levels. Flexibility is sought in respect to the use of the second floor, with both retail and offices uses proposed. Increases of between 2,055 sq.m (GIA) and 3,570 sq.m (GIA) office accommodation and between 601 sq.m (GIA) and 2,116 sq.m (GIA) of retail accommodation are proposed.

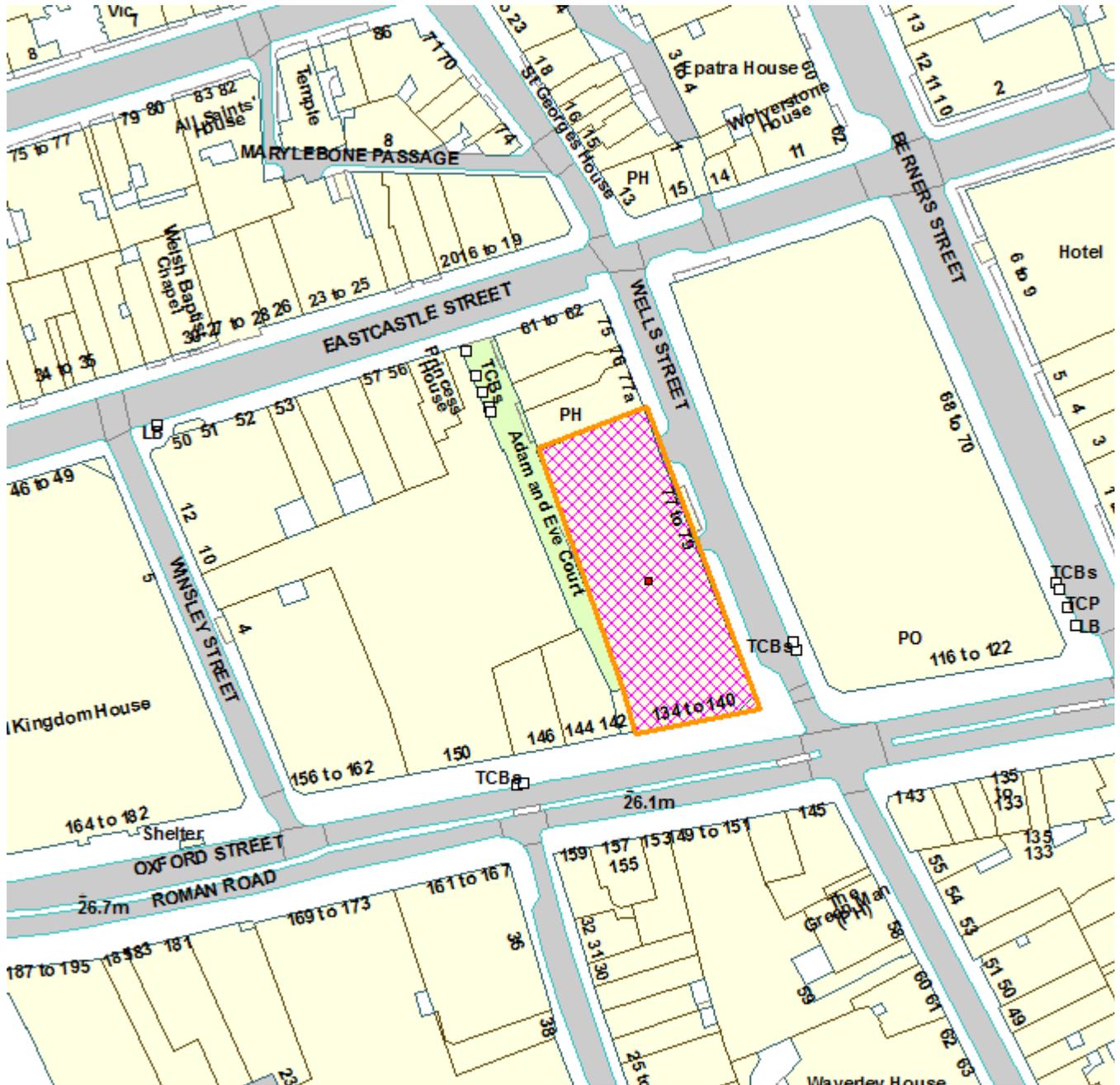
The key issues for consideration are:

- Whether the increase in height and bulk and detailed design of the replacement building is acceptable in design and townscape terms and will preserve the setting of the adjacent conservation areas and the setting of a number of listed buildings in the vicinity of the site.

- Whether the amenity of the neighbouring nine flats at No. 142-144 will be materially harmed as a result of proposed development.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan). Furthermore, the proposal is considered to not harm the setting of the adjacent conservation areas and not harm the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission be granted subject to the views of the Mayor of London and subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front (south) and east (Wells Street) elevation from Oxford Street:



5. CONSULTATIONS

Consultation on submitted scheme

GREATER LONDON AUTHORITY:

- Further detail on the specific provision for flexible and affordable workspace for start-ups and micro, small and medium-size enterprises is required in line with draft London Plan Policies E2 and E3.
- Loss of the existing nightclub and reduction of floorspace for night time economy uses is unacceptable, being contrary to Policy 4.6 of the London Plan, Policy HC6 of the draft London Plan and the Mayor's Culture and Night Time Economy SPG.
- A Heritage, Townscape and Visual Impact Assessment demonstrating the impact of the development on the surrounding historic context must be provided, in accordance with the Policy 7.8 of the London Plan, HC1 of the draft London Plan and the NPPF.
- In accordance with Policy 7.2 of the London Plan and Policy D3 of the draft London Plan, further detail is required to demonstrate inclusive and unhindered access is provided to each of the entrances safely, including details of levels, gradients and widths of the paths.
- The applicant is required to provide further energy efficiency improvements to meet the requirements of Policy 5.2 of the London Plan. The applicant should reconsider use of several renewable technologies and commit to a site wide network for heating and cooling.
- Additional long and short-term cycle parking is required to meet the draft London Plan standards. Ongoing liaison with London Underground Infrastructure Protection is required. A Construction Logistics Plan, Travel Plan and Delivery and Servicing Management Plan should be secured by condition

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

- Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY):

- No objection subject to the imposition of a pre-commencement condition securing a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

TRANSPORT FOR LONDON:

- Development should provide cycle parking in-line with the standards within the draft London Plan.
- The provision of male and female locker rooms and associated shower and storage facilities, a dry room and bicycle repair zone for staff and visitors to maintain their cycle are welcomed and should be secured by condition.
- Access to cycle parking and distances between double height cycle parking needs to be reconsidered.
- Seeks a contribution of £8,000 towards the maintenance of the Legible London map panels to reflect the new building line.
- Satisfied that the development will not have significant traffic capacity impact on the highway network.

- Requests that a workplace Travel Plan, a Delivery and Servicing Management Plan and a Construction Logistics Plan be secured by condition.

LONDON UNDERGROUND LIMITED:

- No objection subject to the imposition of conditions safeguarding subterranean infrastructure.

THAMES WATER UTILITIES LTD:

- No objection.

METROPOLITAN POLICE:

- Advice provided. Provided the recommendations are followed, no objection.

BUILDING CONTROL:

- No objection.

HIGHWAYS PLANNING:

- No objection to the loss of the existing off-street car parking.
- Welcomes the provision of off-street servicing and recommends that the Delivery Servicing Plan be secured by condition.
- Welcomes the cycle parking provision that meets the minimum requirements within the London Plan (2016) and raises no objection to the short-stay cycle parking in Adam and Eve Court which a useful facility that would be available to others beyond those visiting this building.

ENVIRONMENTAL HEALTH:

- No objection on environmental noise or nuisance grounds subject to the imposition of conditions.

CLEANSING:

- No objection subject to a condition securing the delivery and continued provision of storage for waste and recyclable material.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 198

Total No. of replies: 2

No. of objections: 1

No. in support: 1

Objection:

- Concerns that any scaffolding and hoardings erected during the course of construction could visually interfere with the street trading kiosk at the corner of Oxford Street and Wells Street and discourage shoppers from walking along this stretch of Oxford Street.

Support:

- Taller and more vibrant retail frontage is welcome.
- Proposed design creates a focal point at the corner of Wells Street and Oxford Street.

- Job creation and increase in office floorspace is welcome, providing flexibility for different occupier types and sizes.
- The flexible retail, restaurant or assembly and leisure space at front basement level will boost the evening economy.
- The proposed design is of high quality and is in keeping with the nearby listed buildings and adjacent conservation areas.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

Re-consultation following amendments to scheme

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

- Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 198
Total No. of replies: 1
No. of objections: 1
No. in support: 0

Objections:

- No information has been submitted as to how the large floorplates could be divided or how the site could provide suitable space for small and medium-sized enterprises.
- The western flank of the building is significantly more dominant than the existing building, harming views out of East Marylebone Conservation Area and harming the setting of the Grade II* listed No. 156-162 Oxford Street. It is suggested that the height of the building be dropped or this elevational treatment be softened to ensure that the building is not overly dominant in the streetscape.
- Concern about the losses in daylight to the neighbouring residential accommodation. A replacement of reduced height and bulk would generate a more satisfactory residential environment for the occupier of these neighbouring properties.

Comments:

- Requests that conditions be imposed securing noise mitigation from the proposed nightclub and adherence to a detailed Construction Management Plan.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises 134-140 Oxford Street and 77-84 Wells Street and is located at the corner of Oxford Street and Wells Street. This unlisted building is known as Wells House. It dates from the 1960s and was re-clad in the early 1990s. Wells House comprises basement, ground, part five / part six upper storeys with plant room above. Fronting onto Oxford Street are three retail (Class A1) units over basement, ground and mezzanine floors level. At rear basement level is a nightclub (*Sui Generis*)

accessed from Wells Street. A loading bay with separate access and egress points on Wells Street is located at rear ground floor level. The remainder of the building is in office (Class B1) use accessed from Wells Street. At roof level is an open air ancillary car park hidden behind a tall sloping roof storey (a car lift provides access from the loading bay).

Adam and Eve Court runs along the western boundary of the site and provides a pedestrian route between Oxford Street and Eastcastle Street.

In heritage asset terms, the site is not located within a conservation area but has the East Marylebone Conservation Area immediately to the north, east and west and the Soho Conservation Area to the south. The site therefore lies within the setting of both conservation areas. To the south of the site on the opposite side of Oxford Street is the Grade II listed 147 Oxford Street. The west and south-west are respectively the Grade II* listed Nos. 146-162 Oxford Street and the Grade II listed Nos. 173 Oxford Street (The Pantheon). The Green Man Public House (No. 57 Berwick Street), No. 58 Berwick Street, and Ilford House (No. 133-135 Oxford Street) are all Grade II listed and are located to the south-east of the site. The site is located within the Great Estates Area of Special Archaeological Priority and between the two Protected Vistas from Parliament Hill and Primrose Hill.

The site is located with the Core CAZ, the West End Stress Area and within a strategic cluster of night time activity of international importance. The southern part of the site is located within the West End Special Retail Policy Area and the Oxford Street frontage forms part of the Primary Frontage of the West End International Shopping Centre. The southern part of the site is located within the safeguarding zone for the Central Line London Underground Tunnel that runs beneath Oxford Street.

Records indicate that the nearest residential properties are located:

- On the upper floors of The Champion public house (No. 12-13 Wells Street) which is located at the corner of Wells Street and Eastcastle Street – two flats (possible ancillary accommodation to the public house).
- On the upper floors of No. 142-144 Oxford Street – nine flats.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Wells House is proposed to be demolished, an additional sub-basement excavated, and a replacement mainly brick-clad building erected comprising sub-basement, basement, ground and part-eight / part-nine upper floors.

The existing nightclub on site is proposed to be re-provided at front sub-basement level, accessed from Wells Street. The remainder of the sub-basement accommodates plant.

The front basement, front ground and the majority of the first floor are proposed to be used for retailing (Class A1), with double-height shopfronts providing access from Oxford Street.

A cycle centre accommodating 150 secure parking spaces plus four 'alternative transport' spaces, a bike repair zone, drying room and male and female shower rooms is proposed at basement level and accessed by lift from an entrance door on Adam and Eve Court. Surface level short-stay cycle stands are proposed on Adam and Eve Court that provides a parking capacity for 34 bicycles. A UKPN sub-station is accommodated at basement level with access from Wells Street.

The existing off-street loading bay is re-provided with plant above. A turntable is proposed rather than the existing arrangement of separate access and egress.

A large office entrance is proposed on Wells Street that has a projecting pre-cast stone facade that will provide access to the office accommodation at third to eighth floor level. The footprint of the ninth floor is smaller, being limited to a small lobby / reception area and the lift / stair core that allows access to a large terrace for use by the office occupiers. Smaller terraces are also proposed at sixth, seventh and eighth floor levels.

Flexibility is sought in respect to the use of the second floor, with both retail and offices uses proposed.

Photovoltaic arrays are proposed on the ninth floor terrace and above the access core at ninth floor level. Plant is proposed at rear eighth floor level. Finally, a ground source heat pump system is proposed that will include 41 boreholes to a depth of 150m beneath the site to contribute towards the heating and cooling requirements of the proposed replacement building.

A summary of the two development options depending on the use of the second floor is set out below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	7,302	10,987	+3,570
Retail (Class A1)	2,410	3,011	+601
Nightclub (<i>Sui Generis</i>)	561	561	0
Total	10,273	14,444	+4,171 (+41%)

Table 1: Option A (i.e. if the second floor is used for office (Class B1) purposes.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	7,302	9,357	+2,055
Retail (Class A1)	2,410	4,526	+2,116
Nightclub (<i>Sui Generis</i>)	561	561	0
Total	10,273	14,444	+4,171 (+41%)

Table 2: Option B (i.e. if the second floor is used for retail (Class A1) purposes.

The application has been amended during the course of its consideration to:

- Replace the plant originally sought at front basement level with a nightclub; effectively re-providing the existing nightclub on site. Given the size of sub-basement

- level and the generous floor to ceiling height that allows the double stacking of elements of plant, the applicant has confirmed that there is still sufficient plant space proposed to serve the proposed replacement building.
- Additional photovoltaic arrays are proposed at roof level.
 - The provision of a ground source heat pump system has been included within the scheme.
 - Remove the flexibility from the retail (Class A1), restaurant (Class A3) or assembly and leisure (Class D2) floorspace at front basement level so that now only retail (Class A1) is proposed in this part of the building.

The Fitzrovia Neighbourhood Association and all owners / occupiers of neighbouring properties were re-consulted on the proposed re-provision of the nightclub.

8. DETAILED CONSIDERATIONS

The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the London Plan (adopted March 2016), Westminster's City Plan (adopted November 2016) and the remaining 'saved' and not superseded policies within the City of Westminster UDP (adopted January 2007).

A draft new London Plan was published by the Mayor for consultation between 1 December 2017 and 2 March 2018. On 13 August 2018 the Mayor published a version of the draft Plan that includes his minor suggested changes. These suggested changes have been prepared following a review of consultation responses, and consist of clarifications, corrections and factual updates to the draft Plan that will help inform the Examination in Public. The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. The closer the document is to adoption, the greater the weight that should be given to it.

The revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF is also a material consideration in the determination of this application.

8.1 Land Use

8.1.1 Additional Office Floorspace

Given the site's location within the Core CAZ, the increase of between 2,055 sq.m (GIA) and 3,570 sq.m (GIA) of additional office floorspace is welcome, as set out within City Plan Policies S6, S18 and S20. The provision of modern, high quality office space is welcome and will contribute towards meeting the job and office floorspace targets set out within City Plan Policy S20.

Policy E2(C) of the draft London Plan states, '*Development proposals for new B1 business floorspace greater than 2,500 sqm (gross external area), or a locally determined lower threshold in a local development plan document, should consider the scope to provide a proportion of flexible workspace suitable for micro, small and medium-sized enterprises [MSMEs]*'. In addition Policy E3 of the draft London Plan states, '*In defined circumstances, planning obligations may be used to secure affordable*

workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose. Part C of the policy encourages boroughs to develop more detailed policies in light of local evidence of need and viability.

The Mayor of London has raised concerns that no information has been provided regarding specific provision for flexible and affordable workspace for MSMEs within the proposal. The applicant argues that the proposed office accommodation has been carefully designed in order to allow for the possibility of occupation by a range of tenants/tenancies and to be capable of subdivision in order to meet a variety of size requirements, including spaces for larger co-working and serviced occupiers.

Whilst it appears unlikely that the office floorspace will be aimed as accommodating MSMEs, the office floorspace is considered to be capable of being sub-divided and is more flexible than the office floorspace it replaces. In respect to the provision of below market rent workspace for specific social, cultural or economic development purposes, the City Council currently has no more detailed policies for such provision based on local evidence of need and viability. As such, despite the concerns of the Mayor, the proposed type of office accommodation is considered to be acceptable.

8.1.2 Mixed Use

If the second floor of the proposed building is used as retail accommodation, the new additional office floorspace is less than 30% of the existing building floorspace (of all uses). As such, there is no requirement to provide any residential floorspace under the mixed use policy (City Plan Policy S1).

If, however, the second floor is used as office accommodation, there is a requirement under City Plan Policy S1(3)(B) to provide 488.1 sq.m (GIA) of residential floorspace on-site, off-site, by mixed use credit or as a payment in lieu of residential floorspace (at the applicant's discretion). The applicant has indicated that, should the second floor be used as office accommodation, a policy-compliant payment towards the City Council's Affordable Housing Fund of £851,000 will be made. This will be secured by legal agreement.

8.1.3 Additional Retail Floorspace

The proposed increase in retail floorspace of between 601 sq.m (GIA) and 2,116 sq.m (GIA) and provision of retail floorspace on Oxford Street over basement, ground and at least first floor level is welcome, enhancing the unique status of the West End West End Special Retail Policy Area and enhancing the character and function of the West End International Shopping Centre, in accordance with City Plan Policies S6, S7 and S21 and UDP Policy SS3.

8.1.4 Re-provision of nightclub

The applicant originally proposed the loss of the 561 sq.m GIA nightclub on site. Both the Mayor and Officers resisted the loss of this cultural and entertainment offer within the CAZ and within a strategic cluster of night time activity of international importance on the basis that City Plan Policy S22 protects all arts and cultural uses and London Plan Policy 4.6 outlines how boroughs should, '*... support the continued success of London's*

diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors'. In addition, Policy HC6(B)(6) of the draft London Plan states that in planning decisions, boroughs should, '*... protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues*'.

The amendment to the scheme to include the re-provision of all the nightclub floorspace overcomes these concerns and the amended scheme is now acceptable in this regards. The fact that no additional entertainment floorspace is proposed means that the scheme is compliant with City Plan Policy S24 and exceptional circumstances exist to re-provide the night club in respect to UDP Policy TACE 10. This is notwithstanding the site's location within the West End Stress Area. This is subject to provisions in the legal agreement securing the completion of the nightclub to shell and core, ready for tenant fit out, prior to the occupation of any of the office floorspace on site. This is in order to ensure the delivery of the replacement night club.

There are no hours restrictions on the operation of the existing nightclub, with the premises licence allowing the night club to operate between 09.00 and 06.00 (Monday to Saturday) and between 09.00 and 04.30 (Sunday). The lack of existing planning control combined with the site's central location with few residential properties nearby, means that it is not considered necessary to impose any hours restrictions on the re-provided nightclub.

8.2 Townscape and Design

The existing building is modern and of little architectural interest. Demolition and redevelopment are uncontentious in principle.

The proposed building

The existing building is seven storeys high, with a roof top plant room in the northern half of the plan. The proposed building is ten storeys high. The Oxford Street facade is six storeys high (comparable to the top of the existing roof on Oxford Street) and the building then steps back progressively northwards. The top floor is set back from Oxford Street by approximately 20 metres. The upper floors are also recessed progressively from Wells Street.

This is a major increase in height and bulk in Oxford Street, resulting in a building which is significantly taller than its neighbours, including the building to the east, No. 120 Oxford Street. The applicant has submitted a number of views of the proposed building which indicate that the proposed roof level massing has a relatively small impact from street level. The roof storeys become most visible in a long view from the south, from Berwick Street. They will be more visible from the upper floors of adjacent buildings.

Facade designs

The Oxford Street is heavily modelled, with a two storey base and four storeys above, with semi-circular arches at the top level. It is clad in brickwork, using glazed and unglazed bricks. A textured pattern is used at fifth floor level. On Wells Street the southern section matches the Oxford Street facade, and the middle section of the facade (above the office entrance) is clad in pre-cast stone (concrete), with glazed bricks used

in horizontal and vertical bands. This middle section projects about 1 metre from the main building line on the upper floors. The northern most section is clad in brickwork.

The base of the building comprises two storey shopfronts, which have become a recent feature of new buildings in this part of Oxford Street. The ground and first floors are separated by a band of back painted glass. The Oxford Street corner is formed of curved glass, which is an attractive feature.

The sixth floor is the first roof storey. It is relatively lightweight, with large areas of glazing but there are projecting dormers which are clad in copper, and an horizontal band of brickwork above the windows. The seventh, eighth and ninth floors are fully glazed.

The western elevation is clad in brick at the Oxford Street end, and then in concrete panels at the northern end. This is considered acceptable in principle. However, the proposal includes large area of louvres at various levels. It would be desirable to improve the appearance of these through the introduction of high quality public art. A condition is recommended to address this matter.

The proposed building is much taller and more bulky than the existing building and its immediate neighbours. In many locations such a building would be considered inappropriate and unacceptable in urban design and conservation terms. However, in this location outside a conservation area and given the relatively low visual impact of the upper floors in views from street level, this massing is considered acceptable. The design of the facades is of high quality and will be an acceptable addition to the streetscape of this part of Oxford Street. The projection of the upper parts of the Wells Street facade would normally be resisted, but in this non-conservation area context it is considered to be acceptable. The applicant has provided an addendum to the Townscape and Visual Impact Assessment that focusses on the impact of the proposal on the setting of the adjacent conservation areas and the setting of nearby listed buildings. This meets the requirements of Para. 189 of the NPPF. Overall the proposal is considered not to cause harm to heritage assets and to comply with the City Council's urban design and conservation policies.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

8.3.1 Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by the

neighbouring residential windows at second to fourth floor of No.142-144 Oxford Street and of the second and third floors of Nos. 12-13 Wells Street.

No objections from the occupants of these properties has been made to the application and therefore it has not been possible to visit the affected rooms in order to assess their use or layout.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

The layout of the residential properties is not known and therefore, for the purposes of the daylight distribution test, reasonable assumptions have been used.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of 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, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

Assessment

In respect to daylight, sunlight and daylight distribution, the scheme will have no material impact upon the occupiers of the flats on the second and third floors of No. 12-13 Wells Street. The amenity of these neighbouring residents will not be materially affected in this respect.

In terms of No.142-144 Oxford Street, this building is considerably closer and has a number of windows facing Adam and Eve Court within the rear wing of the building or facing north within the main rear elevation of the building.

Because of their elevated location and open aspect to the north, the windows within the rear elevation of the building all have good levels of VSC and, all but one, are not

materially affected by the proposed development in terms of daylight or daylight distribution. The only breach is minor (-20.18%) and is not considered to be harmful.

As a result of facing into the highly enclosed Adam and Eve Court, the existing daylight levels to these windows and the proportion of the room that has views of the sky are very low and are predicted to be reduced by between 33% and 60% (VSC) and by between 88% and 100% in term of NSL as result of the proposed development. The absolute losses of daylight arising from the proposed development, however, are relatively small (between 0.3% and 4.5%) which indicates that it is the low existing light levels that are causing the disproportionate percentage reductions. As a consequence, it is not considered that the amenity of these neighbouring residents will be materially harmed by the proposed development in terms of daylight.

There are no breaches in terms of sunlight.

8.3.2 Sense of Enclosure, Privacy and Noise

The outlook from the windows of the flats within No. 142-144 Oxford Street is already highly enclosed and is not considered to materially increase as a result of the proposed development.

As set out above, terraces are proposed at sixth, seventh and eighth floor levels, as well as a large terrace at roof level. Given the relationship and distance between these terraces and the residential properties at No. 142-144 Oxford Street and the site's busy central location, these terraces will not result in any overlooking and it is not considered necessary to control the hours of use of these spaces in their ancillary capacity to the office floorspace.

8.4 Transportation/Parking

Whilst the proposed servicing bay is smaller than existing, the applicant has demonstrated that the building will be capable of being serviced from it. It is recommended that the submission of a Delivery Servicing Plan for the City Council's approval be secured by condition.

The loss of roof level car parking is welcome, reducing opportunities for commuting by private motor vehicle. The applicant has re-arranged the layout of the cycle centre to ensure that the quantum of cycle parking spaces complies with the requirement of Policy T5 of the draft London Plan and increased the spacing of the short-stay cycle stands on Adam and Eve Court to 1.0m to ensure that they are readily useable. The provision and retention of the cycle parking spaces, the bike repair zone, the changing / shower rooms, lockers and the drying room is proposed to be secured by condition, as is the provision of a mechanised door entry system and 'hold open' fire doors to allow ready access to the cycle parking.

There is no concern that the provision of cycle parking on Adam and Eve Court will impede pedestrian movement or harm highway safety, with the passageway being wide enough to accommodate the both pedestrians flows and the proposed cycle parking.

The undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development is proposed to be secured by legal agreement.

London Underground raises no objection to the proposed basement excavation in terms of its impact on the integrity of the Central Line beneath Oxford Street, subject to a condition securing the submission of detailed design and method statements for the City Council's approval prior to the commencement of the demolition of the existing building.

Transport for London has requested a contribution of £8,000 towards the cost of updating the Legible London map panels to reflect the new building line. The changes to the building line, however, are very minor and it is not considered necessary for the maps to be updated as a result of the proposed development.

8.5 Economic Considerations

The proposed increase in office and retail floorspace are welcome through supporting economic growth in this part of the Core CAZ and the West End Special Retail Policy Area. The re-provision of the nightclub is also welcome through contributing towards London's night time economy.

8.6 Access

The Mayor has requested that further detail be submitted demonstrate that inclusive and unhindered access is provided to each of the entrances safely, including details of levels, gradients and widths of the paths.

An additional ground floorplan has been provided showing the width of the pavement on Oxford Street and Wells Street, as well as the entrance door widths. All entrances will provide level access and there will be lift access throughout the proposed replacement building.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise

Plant is proposed at sub-basement, first (above the loading bay) and at eighth floor level. Subject to the imposition of suitable conditions securing the submission of a supplementary acoustic report once the plant has been selected, Environmental Health has no objection from an environmental nuisance perspective agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

8.7.2 Refuse /Recycling

The proposed refuse stores have been revised following feedback from the Cleansing Manager who no longer raises any objection to the proposal subject to conditions securing the delivery and retention of the waste stores.

The area on Adam and Eve Court where the short-stay cycle parking is now proposed is currently used for the storage of waste and recyclable material in connection with the application site and the adjacent Adam and Eve public house. The provision of an integral waste store will mean that waste from the application site will no longer need to be stored on Adam and Eve Court. This is clearly beneficial. In respect to the waste from the Adam and Eve public house and the agreement between the two parties that this can be stored on this area of land, this is a private matter between the two parties and has no involvement from the City Council. The operator of the public house will need to review its waste arrangement and provide an integral waste store. The Cleansing Manager has no objection to the proposal in this respect.

8.7.3 Biodiversity and Flooding

The site is not located within a flood risk zone. The flat roofs are all proposed to be used for terraces in association with the proposed office accommodation. Whilst City Plan Policy S38 and UDP Policies ENV and ENV 17 promote the provision of living roofs on flat surfaces and roof of buildings, it is considered that the contribution these terraces make to the quality and attractiveness of the office accommodation outweighs the biodiversity benefits of these flat roofs being 'living roofs'.

In order to ensure that the flat roofs do not result in flooding and associated pollution, the application has included a 60 cubic metre storm water attenuation tank at basement level in order to meet the storage requirement when considering a 1 in 100-year rainfall event plus a climate change factor of 20%. Thames Water raises no objection to the proposed development. It is therefore concluded that the proposal is in accordance with City Plan Policy S30 through reducing the risk of flooding.

8.7.4 Sustainability

The proposal has been revised in order to increase the area at roof level dedicated to photovoltaics from 72 sq.m to 172 sq.m and to include a ground source heat pump system. In addition, higher specification glazing has been selected for the double height shopfronts for the retail units.

The energy strategy now results in site wide carbon savings of 20.9% compared to a 2013 Building Regulations Compliant scheme. This falls short of the 35% reduction in carbon dioxide emissions against Part L 2013 required by London Plan Policy 5.2. There is therefore a shortfall of 49.4 tonnes to be off-set. It is considered that the scheme strikes an appropriate balance between providing high-quality office floorspace with associated terraces and providing on-site renewables. Based on the updated carbon off-set price of £95 per tonne, the required contribution to off-site carbon savings is £140,750 for the notional 30-year life of the development. This contribution is recommended to be secured by legal agreement.

It is understood that there are no district wide heat network in the vicinity of the site and none are planned. The development will be future-proofed to enable future connection to any district heating scheme.

8.7.5 Basement Excavation

There is no objection to the proposed excavation of a new sub-basement, with the applicant demonstrating demonstrate that site-specific ground conditions, drainage and water environment in the area of the development have been taken into account; that the structural stability of adjacent buildings will be safeguarded; and that the sub-basement basement will not increase flood risk on the site or beyond. The proposal is therefore compliant with City Plan Policy CM28.1. Building Control has no objection to the proposed basement development.

8.7.6 Other

The site is within the city-wide Air Quality Management Area with declared exceedances for short and long term Nitrogen Dioxide NO₂ objectives. Short term objectives would be exceeded at the building façade and potentially also at height. Natural ventilation is not recommended and the applicant proposes mechanical ventilation with the air intake at height away from the Oxford Street façade in order to ensure that air quality for users of the building is as clean as possible. Compliance with the City Council's Code of Construction Practice (see Section 8.12 below) will ensure that the impact of the construction phase on air quality is minimised.

The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). This is acceptable.

There is no objection from Historic England (Archaeology) to the proposal excavation subject to the imposition of a condition securing a two-stage process of archaeological evaluation and, if necessary, investigation and recording.

8.8 Neighbourhood Plans

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

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

8.9 London Plan

The application is of potential strategic importance as the proposed replacement building is more than 30m high. As such, the application has to be referred to the Mayor of London where he has the power to: (i) Allow the City Council to determine the

application; (ii) Direct that the application be refused; or (iii) Recover the application for his determination.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

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

- (a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked) payable in the event that the second floor is occupied as offices (Class B1).
- (b) A Carbon Offset Contribution of £140,790 (index linked).
- (c) A Crossrail contribution of £478,140 (index linked) and a further Crossrail contribution of £75,750 (index linked) if the second floor is used as offices (both minus any relevant Mayoral Community Infrastructure Levy paid – see below).
- (d) Undertaking of highways works in the vicinity of the site.
- (e) An employment and training strategy.
- (f) Secure the re-provision of the nightclub (*Sui Generis*) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
- (g) Costs of monitoring the S106 agreement.

Regardless of the use of the second floor, the estimated CIL payment is:

- Westminster CIL - £991,190.
- Mayoral CIL - £301,135

8.12 Environmental Impact Assessment

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

8.13 Other Issues

8.13.1 Construction impact

An objection has been received from a kiosk trader at the corner of Wells Street and Oxford Street on the ground that any scaffolding and hoardings erected during the course of construction could visually interfere with the street trading kiosk at the corner of Oxford Street and Wells Street and discourage shoppers from walking along this stretch of Oxford Street.

Any short-term disruption to this street trader during the course of the construction is not considered to constitute a sustainable reason for refusal.

The development will be subject to a condition requiring adherence to the Code of Construction Practice that will ensure that the disruption during the course of

construction is minimised. The applicant has confirmed that it will comply with the Code of Construction Practice.

8.13.2 Crime and security

Advice has been provided to the applicant from the Metropolitan Police. Provided this advice is followed, there is no objection to the proposal from a crime and security perspective. An informative is recommended requesting that the detailed features recommended by the Metropolitan Police are integrated within the development.

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

Existing basement plan:



Existing ground floor plan:



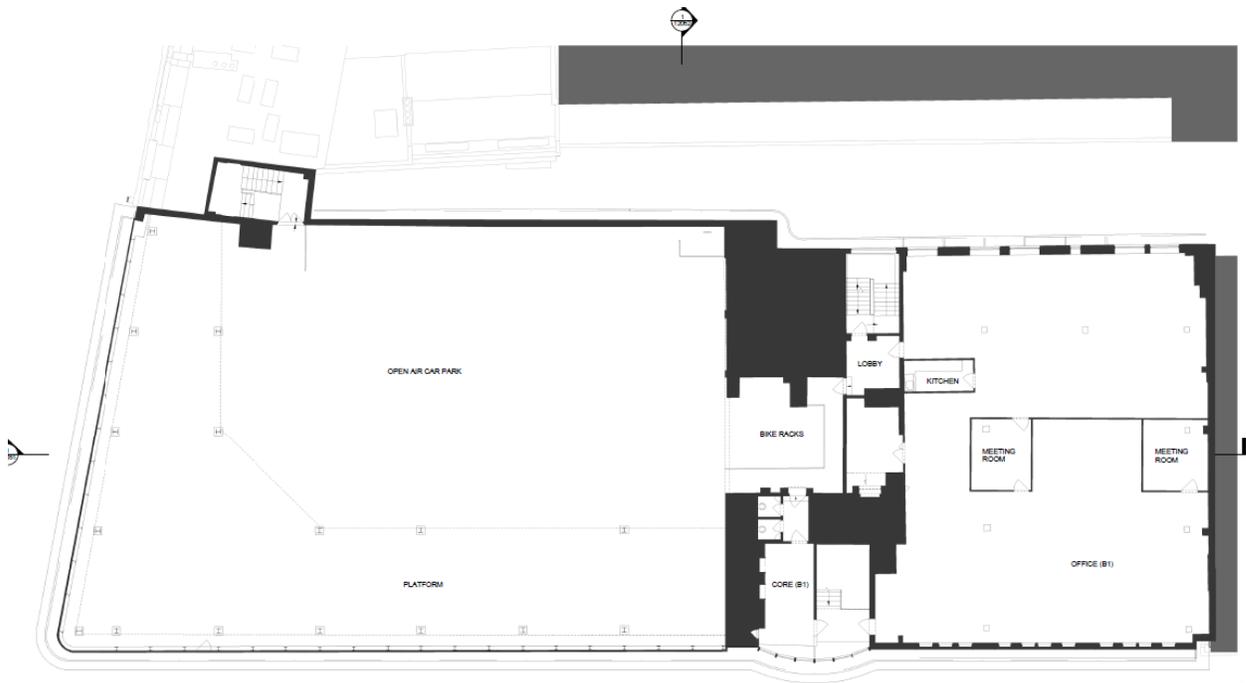
Existing mezzanine floorplan:



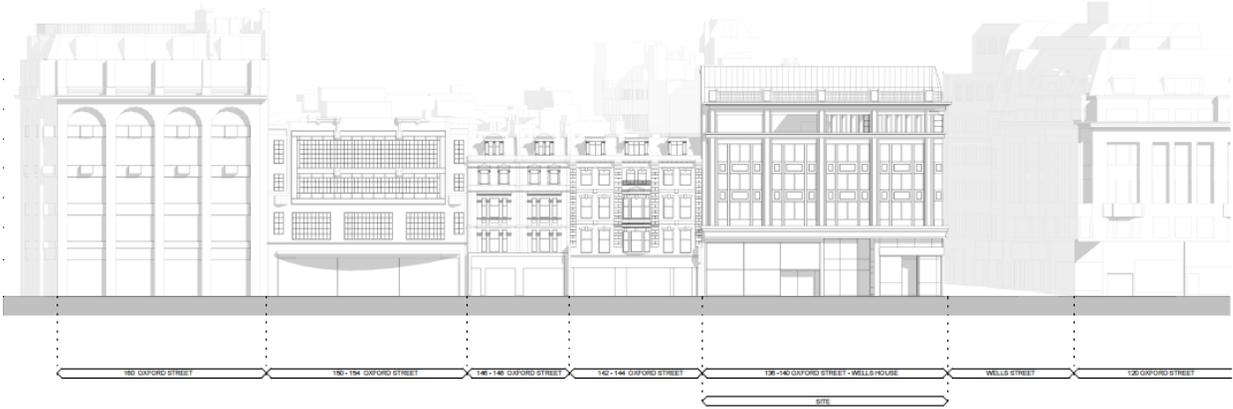
Existing first floorplan:



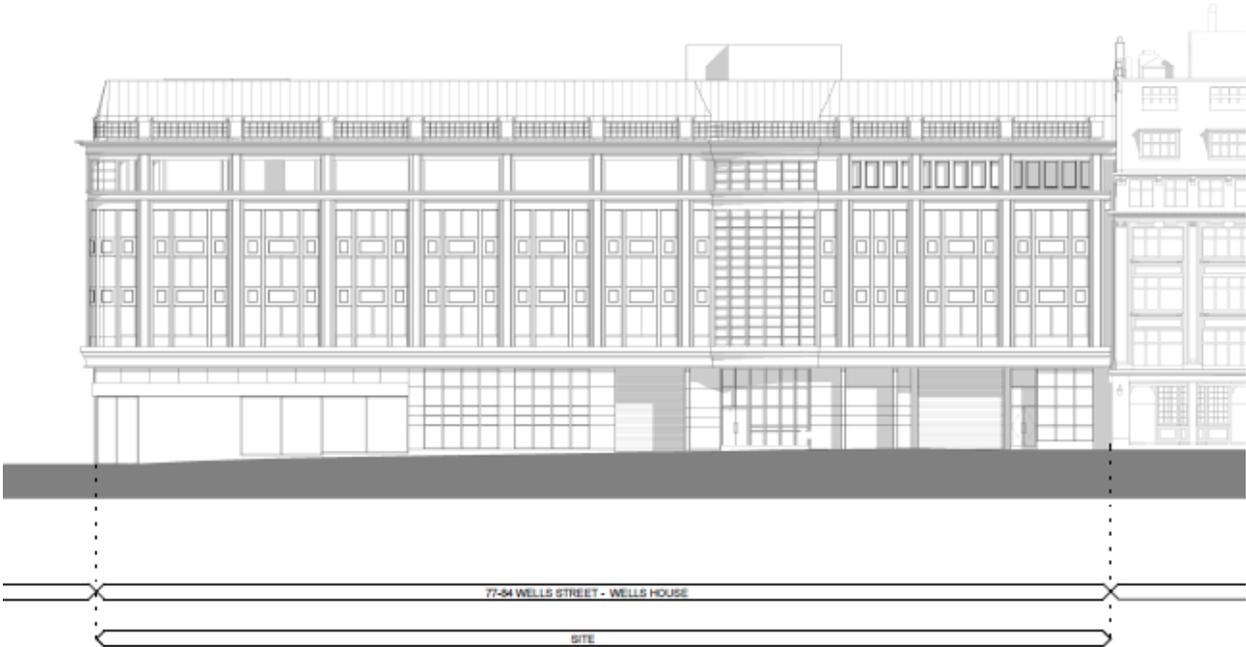
Existing fifth floorplan:



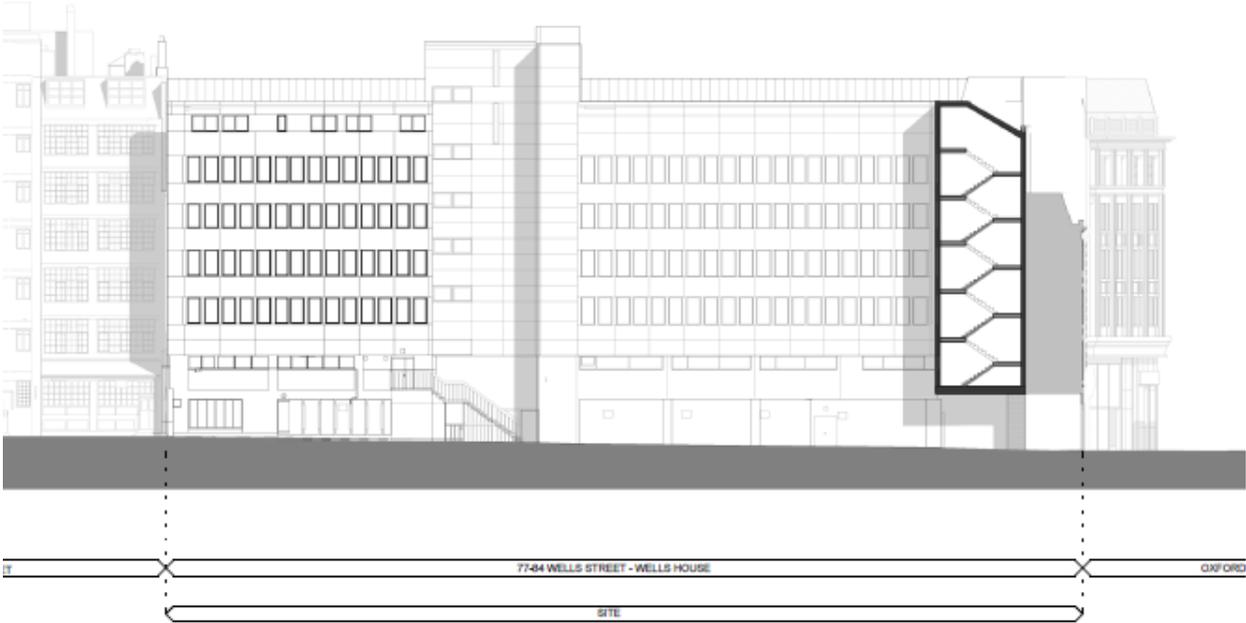
Existing Oxford Street frontage:



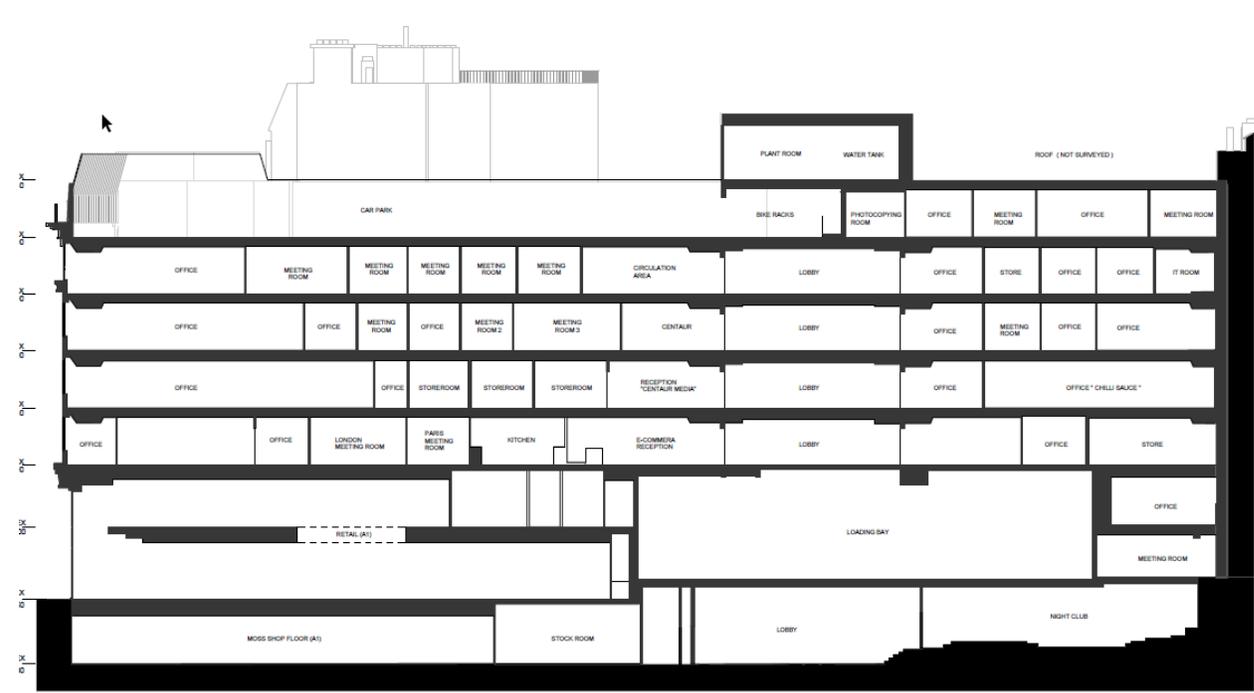
Existing Wells Street (east) elevation:



Existing Adam and Eve Court (west) elevation:



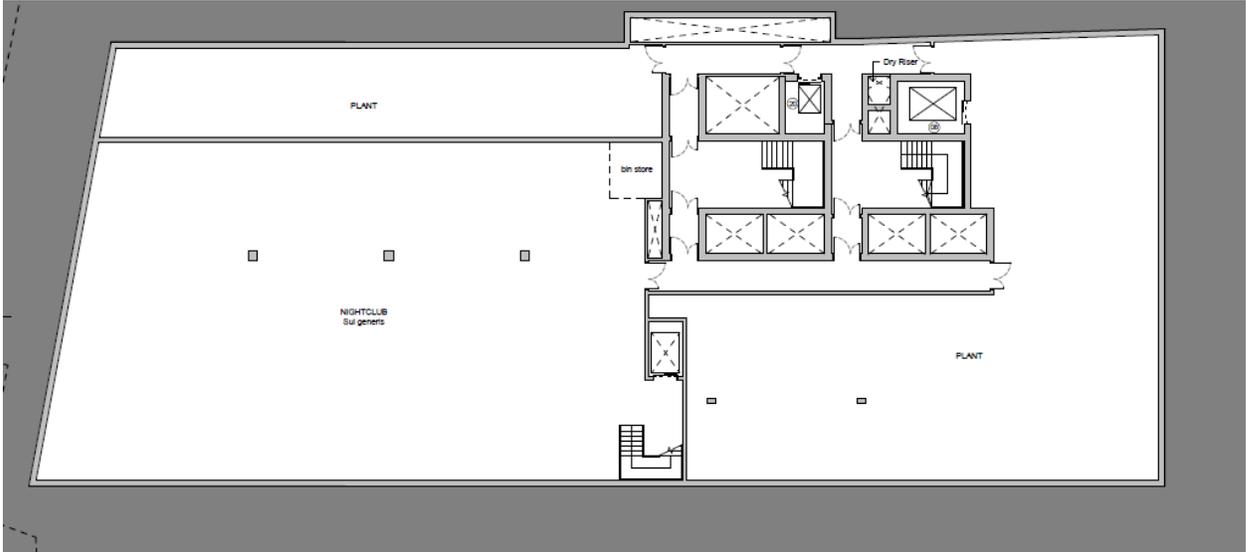
Existing Section A-A (long-section):



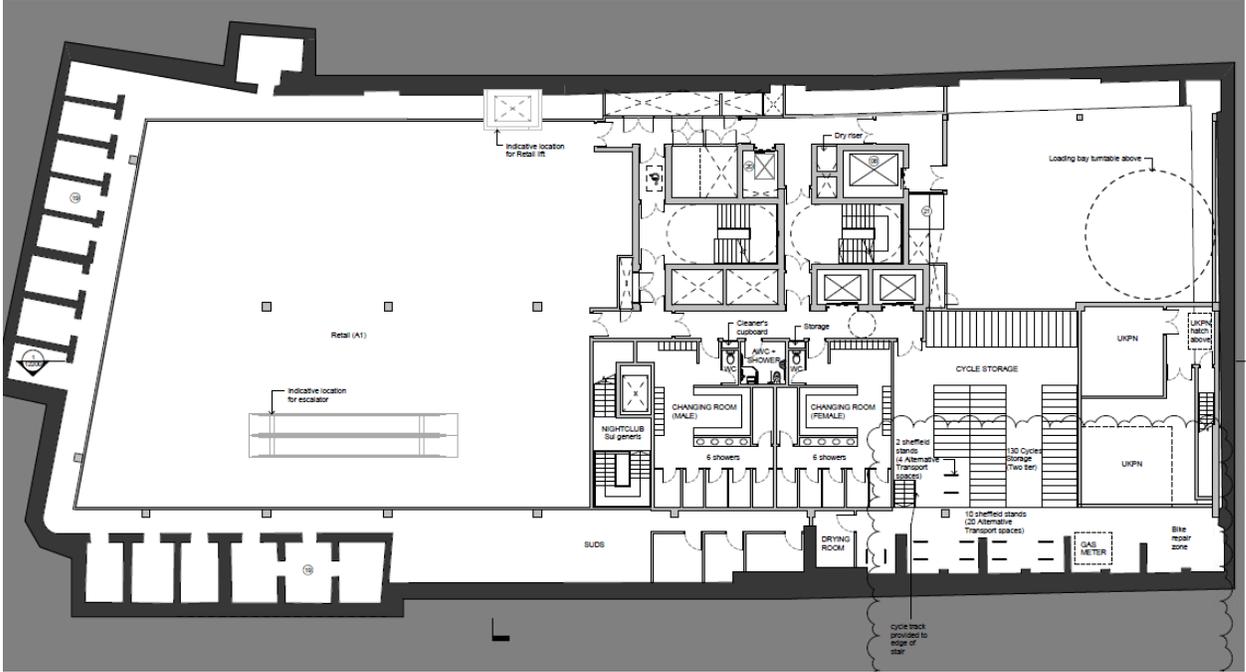
Existing Section B-B (short section):



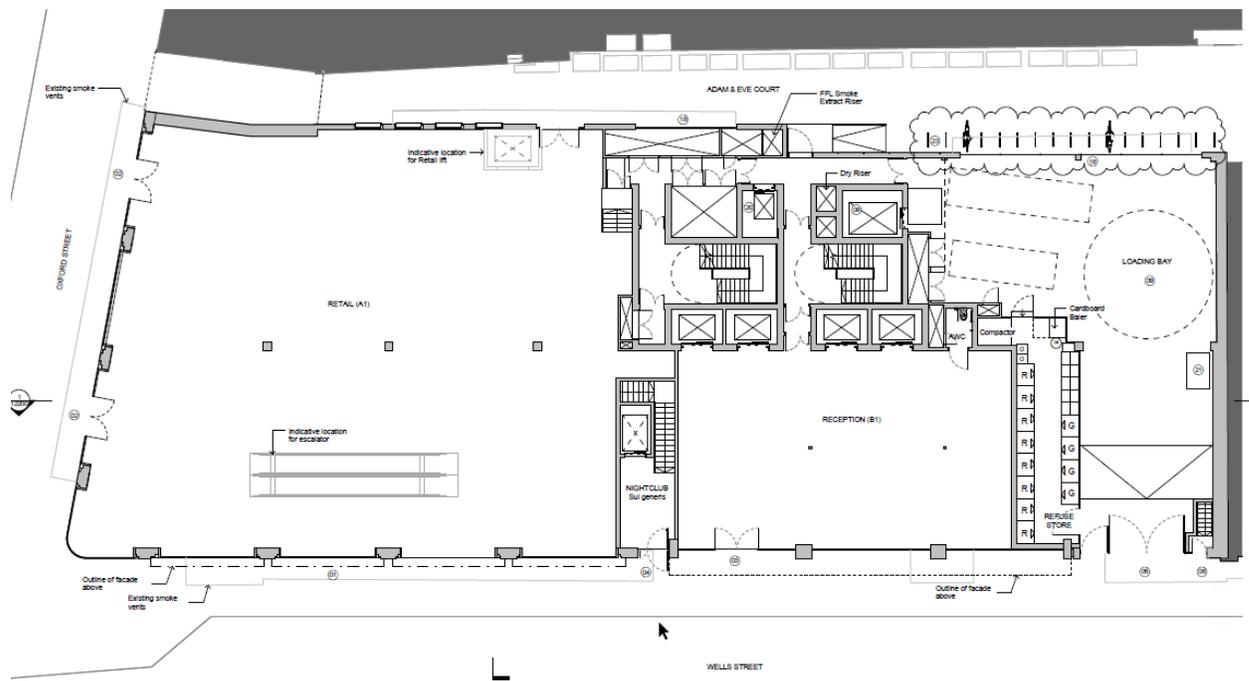
Proposed sub-basement floorplan:



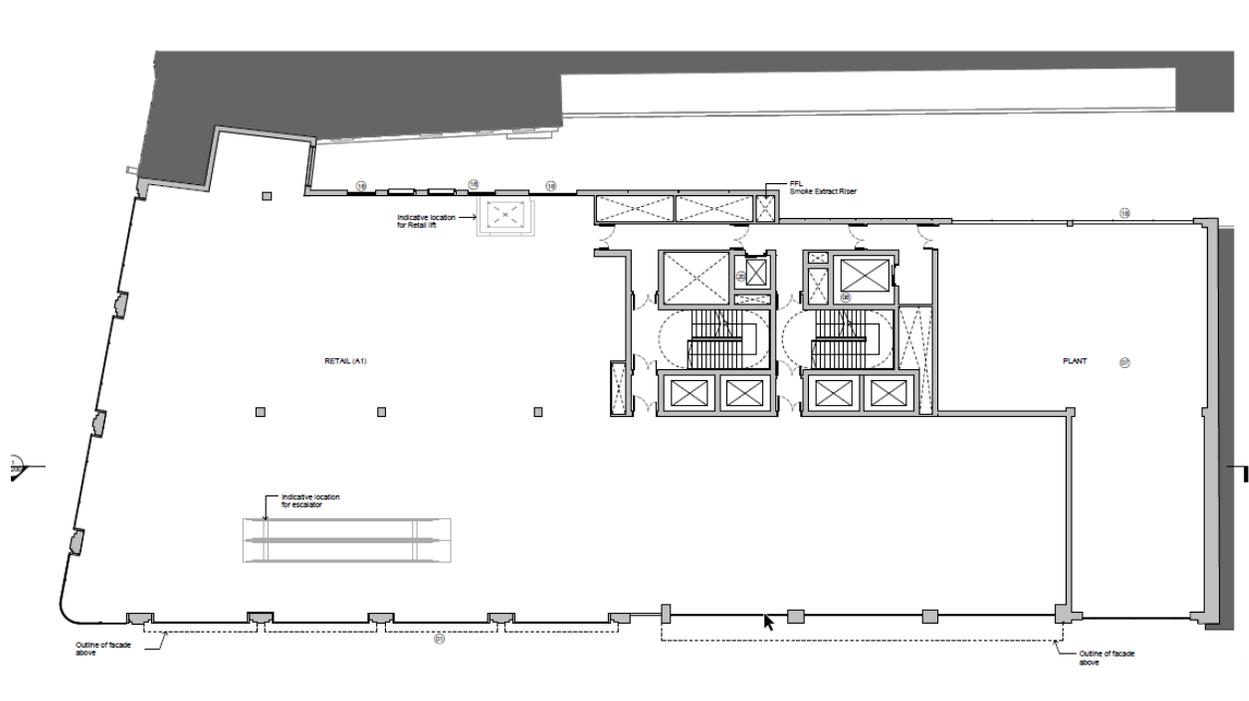
Proposed basement floorplan:



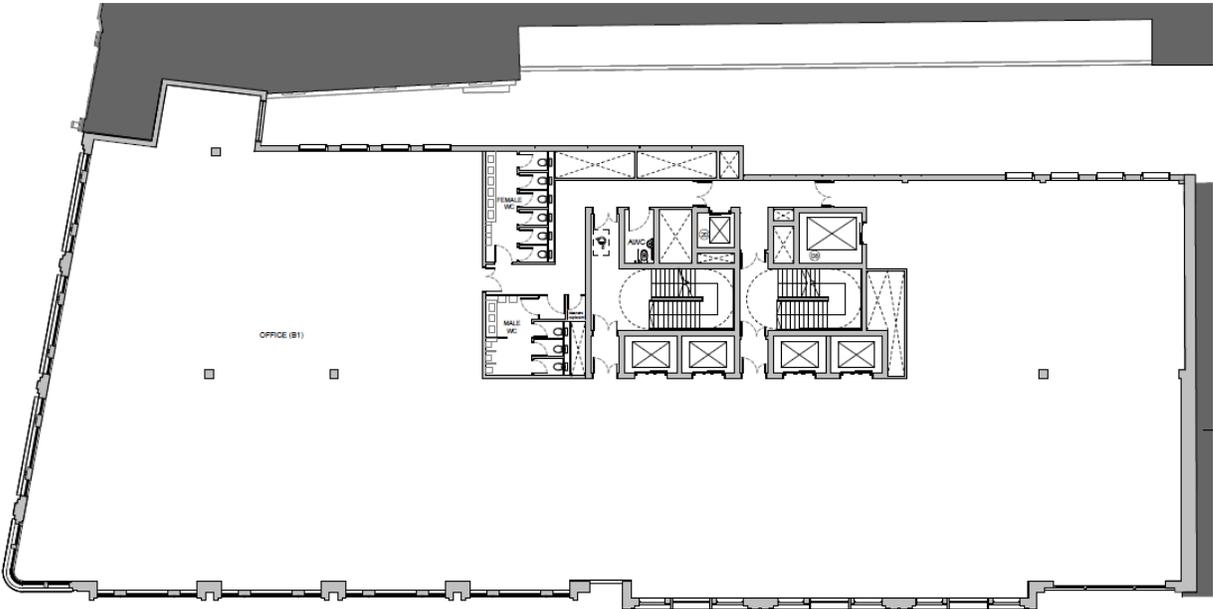
Proposed ground floorplan:



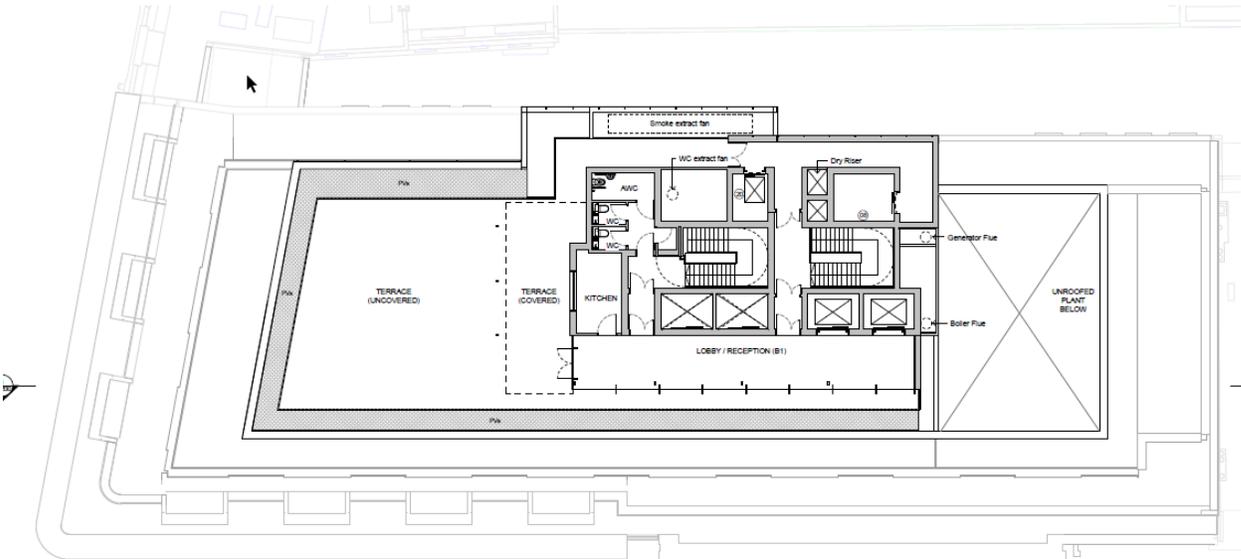
Proposed first floorplan:



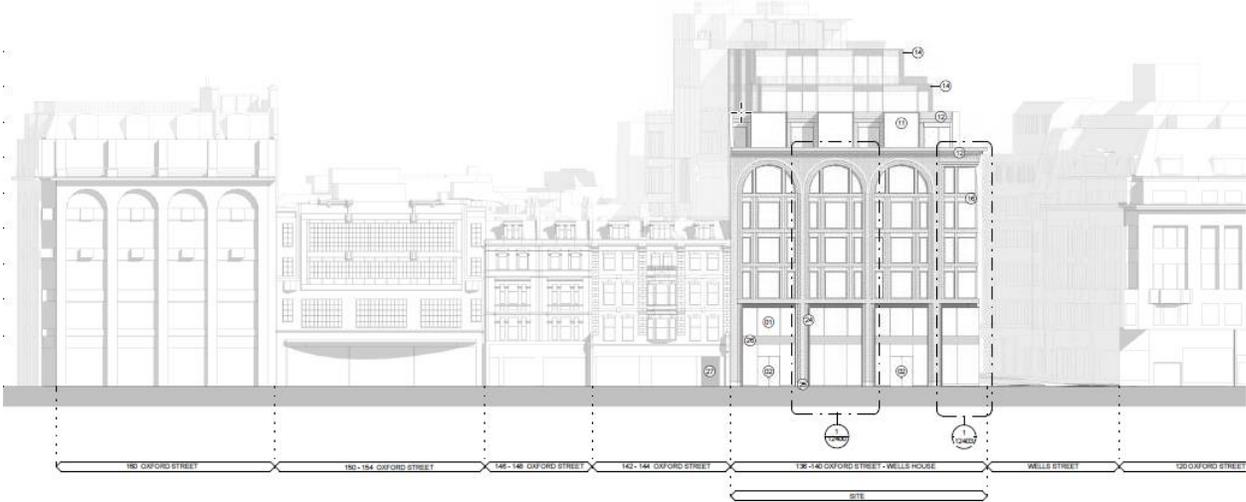
Proposed third floorplan:



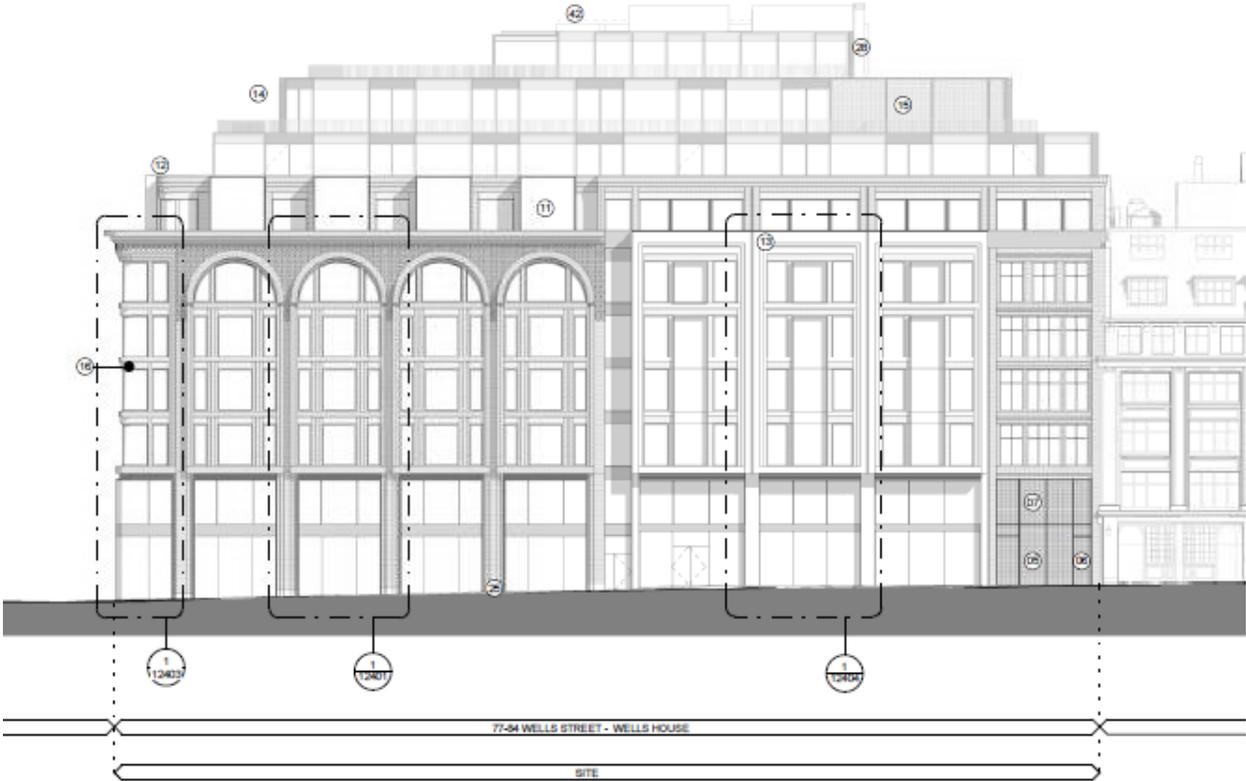
Proposed ninth floorplan:



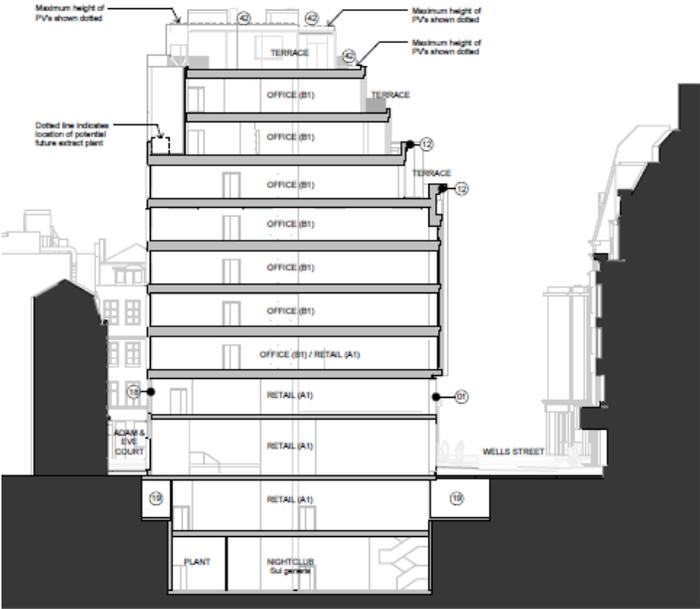
Proposed Oxford Street frontage:



Proposed Wells Street (east) elevation:



Proposed Section B-B (short section):



DRAFT DECISION LETTER

Address: 134 Oxford Street, London, W1D 1LU,

Proposal: Demolition of 134-140 Oxford Street and 77-84 Wells Street (Wells House) and the erection of a new building comprising basements, ground plus nine upper floors, with plant accommodation and Sui Generis (nightclub) at basement level 02; cycle parking, plant accommodation and Class A1 (retail) at basement level 01; part Class A1 (retail) accommodation and Class B1 (office) at ground floor level; Class A1 (retail) and associated plant accommodation at first floor level; flexible Class A1 (retail) or Class B1 (office) at second floor and Class B1 (office) accommodation at third to seventh floors; plant accommodation and Class B1 (office) accommodation at eighth floor; Class B1 (office) accommodation at ninth floor; the creation of terraces on levels 6 to 8 and a rooftop terrace area at level 9 (all for use in association with office accommodation); photovoltaic panels on level 9 and the roof; and other associated works including short stay cycle parking spaces in Adam & Eve Court.

Reference: 18/03229/FULL

Plan Nos: Demolition drawings

WSH ORM 00 00 DR A 12041 Rev. P05, WSH ORM 00 01 DR A 12042 Rev. P05, WSH ORM 00 02 DR A 12043 Rev. P05, WSH ORM 00 03 DR A 12044 Rev. P05, WSH ORM 00 04 DR A 12045 Rev. P05, WSH ORM 00 05 DR A 12046 Rev. P05, WSH ORM 00 06 DR A 12047 Rev. P05, WSH ORM 00 B1 DR A 12048 Rev. P05, WSH ORM 00 MZ DR A 12049 Rev. P05, WSH ORM 00 AA DR A 12051 Rev. P02, WSH ORM 00 BB DR A 12052 Rev. P02, WSH ORM 00 SO DR A 12060 Rev. P02, WSH ORM 00 EA DR A 12061 Rev. P02 and WSH ORM 00 WE DR A 12062 Rev. P02.

Proposed drawings / document

WSH ORM 00 ZZ DR A 12001 Rev. P07, WSH ORM 00 B2 DR A 12100 Rev. P07, WSH ORM 00 B1 DR A 12101 Rev. P09, WSH ORM 00 00 DR A 12102 Rev. P11, WSH ORM 00 01 DR A 12103 Rev. P06, WSH ORM 00 02 DR A 12104 Rev. P06, WSH ORM 00 03 DR A 12105 Rev. P06, WSH ORM 00 04 DR A 12106 Rev. P06, WSH ORM 00 05 DR A 12107 Rev. P06, WSH ORM 00 06 DR A 12108 Rev. P06, WSH ORM 00 07 DR A 12109 Rev. P06, WSH ORM 00 08 DR A 12110 Rev. P06, WSH ORM 00 09 DR A 12111 Rev. P07, WSH ORM 00 RF DR A 12112 Rev. P07, WSH ORM 00 AA DR A 12200 Rev. P08, WSH ORM 00 DD DR A 12203 Rev. P08, WSH ORM 00 SO DR A 12300 Rev. P06, WSH ORM 00 EA DR A 12301 Rev. P07, WSH ORM 00 WE DR A 12302 Rev. P06, WSH ORM 00 SO DR A 12400 Rev. P04, WSH ORM 00 EA DR A 12401 Rev. P04, WSH ORM 00 ZZ DR A 12403 Rev. P03, WSH ORM 00 EA DR A 12404 Rev. P03 and Wells House Energy Strategy – Response to GLA and WCC comments (dated 25 July 2018).

Case Officer: Mark Hollington

Direct Tel. No. 020 7641 2523

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

3 **Pre Commencement Condition.**

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

Reason:

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

4 Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to the Greater London Historic Environment Record, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4Y 2YA.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

5 Pre Commencement Condition.

The development hereby permitted shall not be commenced until detailed design and method statements for each stage of the development (in consultation with London Underground) for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

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

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 of the London Plan (2016), Policy T3 of the draft London Plan (December 2017) and Land for Industry and Transport SPG (September 2012).

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

Item No.
2

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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development.
- a. Typical facade details at all levels
 - b. Shopfronts

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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 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)

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

- Works of public art to be used to improve the appearance of the ventilation louvres on the west facade.

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 before occupation of any part of the building.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 You must provide each cycle parking space, the bike repair zone, the changing / shower rooms, lockers and the drying room shown on the approved drawings prior to occupation of any part of the building. Thereafter these areas must be retained and the space used for no other purpose.

The cycle entrance door onto Adam and Eve Court shall be fitted with a mechanised door entry system and the doors between the goods lift and cycle storage area shall all be 'hold open' fire safety doors.

Reason:

To provide cycle parking spaces (including ready access) and associated facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 and Policy T5 (Table 10.2) of the draft London Plan (December 2017).

- 11 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)

- 12 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 13 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

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

- 14 You must provide a headroom of at least 3.6m (clear unobstructed height above the floor

surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, 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. (R23BB)

- 15 You must provide the waste stores shown on drawings WSH ORM 00 B2 DR A 12100 Rev. 07 and WSH ORM 00 00 DR A 12102 Rev. P11 before occupation of any part of the building. You must clearly mark them and make them available at all times to everyone using the nightclub, retail units and office floorspace. 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)

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

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

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

levels. (R51AB)

- 19 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 20 The design and structure of the development shall be of such a standard that it will not result in the transfer of ground borne noise from underground railway lines through the building structure and fabric of this development to adjoining residential properties so that they are exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

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

- 21 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 22 You must provide the following sustainability features as shown on the approved drawings and as set out within the approved Wells House Energy Strategy (dated 25 July 2018) before occupation of any part of the development:

- Rainfall attenuation tank (with a capacity of at least 60 cubic metres).

- Photovoltaic panels (with an area of at least 172 sq.m).
- Low-e double and solar control glazing, as specified within Table 2 of the Wells House Energy Strategy (dated 25 July 2018).
- A Ground Source Heat Pump system, as specified within Table 3 of the Wells House Energy Strategy (dated 25 July 2018).
- Allowance for connections to any future heat network in the vicinity of the site.

You must not remove any of these features

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)

- 23 You must submit a Delivery Servicing Plan for our approval. No parts of the building shall be occupied until we have approved what you have sent us. You must adhere to the approved Delivery Servicing Plan for the life of the development.

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)

- 24 Maximum noise levels generated by the proposed new development in terms of LAFmax shall not exceed the NR 15 curve inside the existing neighbouring premises. This includes noise from all sources (including amplified music from the nightclub and activities in the retail unit).

Reason:

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

- 25 **Pre Commencement Condition.**

You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating in respect to the office element of the development and a 'very good' rating in respect to the retail and nightclub element of the development. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in

S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

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 You have received advice from the Metropolitan Police in respect to crime and security issues in respect to this site. Please ensure that this advice is followed.
- 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. (I54AA)
- 4 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 5 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)
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 8 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:

Contaminated Land Officer
Environmental Health Consultation Team
Westminster City Council
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Phone: 020 7641 3153
(I73CA)

- 9 Conditions 16, 18 and 19 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 10 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into

the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked), payable in the event that the second floor is occupied as offices (Class B1).
 - b) A Carbon Offset Contribution of £140,790 (index linked), payable prior to commencement of development.
 - c) A Crossrail contribution of £478,140 (index linked) payable within 60 days of commencement of development and an additional Crossrail contribution of £75,750 (index linked) payable in the event that the second floor is occupied as offices (Class B1) (both minus any relevant Mayoral Community Infrastructure Levy paid).
 - d) Undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development.
 - e) An employment and training strategy.
 - f) Secure the re-provision of the nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
 - g) Costs of monitoring the S106 agreement.
- 12 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the second floor can change between the office (Class B1) and retail (Class A1) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 13 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL

charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.