

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 December 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Application 1 Site of St James's Market Phase 2 (57-60, 62 - 65 Haymarket and 71 -99 Haymarket, 6 St Alban's Street and 13-16 Charles II Street, SW1) Application 2 Former Carlton Cinema, 62 - 65 Haymarket, SW1		
Proposal	Application 1 Complete demolition of St Albans House and Samuel House and demolition behind remodelled facades of Greener House and 13-16 Charles II Street to enable the comprehensive redevelopment of the site to provide a single new building comprising basements, ground and mezzanine floors and 7 upper floors, retained and remodelled facades at Greener House and 13-16 Charles II Street for use for Class A1 and/or A3 and/or A4, Class D2 and Class B1 office. Basement tunnel link to 11-12 Charles II Street, associated public realm and highway works and other associated works. Alterations to the facade of the Carlton Cinema [Site includes 57-60, 62 - 65 Haymarket and 71 -99 Haymarket, 6 St Alban's Street and 13-16 Charles II Street] Application 2 Cleaning of the facade, removal of the advertising hoarding, removal of ground floor canopy and re-instatement of replica of original canopy, ground floor alterations, removal of existing roof level plant and installation of new plant and set back extension, taking down and rebuilding of the parapet, and other associated works.		
Agent	Gerald Eve		
On behalf of	St James's Market No.2 Limited		
Registered Number	Application 1 - 19/04480/FULL Application 2 - 19/04247/LBC	Date amended/ completed	4 June 2019
Date Application Received	4 June 2019		
Historic Building Grade	62 - 65 Haymarket is Grade II listed		
Conservation Area	Application 1 - Within Haymarket and Regent Street Conservation Areas Application 2 - Within Haymarket Conservation Area		

1. RECOMMENDATION

Application 1

1. Grant conditional permission subject to the views of the Mayor and subject to a S106 legal agreement to secure the following:

- i. Not to commence development at St James's Market Phase 2 prior to commencement of the planning application at 33 Vauxhall Bridge Road (RN/19/04881/FULL)
- ii. Not to occupy more than 14,044sqm (GIA) B1 office accommodation at St James's Market Phase 2 until the residential units at 33 Vauxhall Bridge Road have been constructed to practical completion and made ready for occupation.
- iii. A financial contribution towards the Westminster Employment Service of £224,860.58 (index linked) payable on commencement of development.
- iv. A financial contribution of £60,000 (index linked) payable on commencement of development to enable the relocation of the existing cycle hire docking station on Charles II Street and to enable the provision of 10 additional docking points.
- v. All highway works immediately surrounding the site required for the development to occur, including any necessary changes to foot way levels, on-street restrictions, (legal, administrative and physical).
- vi. A financial contribution of (sum to be confirmed) towards updating Legible London signage payable on commencement.
- vii. Wayleave for street lighting.
- viii. Monitoring costs of £500 for each of the above clauses.

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

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

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

Application 2

1. Grant conditional listed building consent
2. Agree the reasons for granting listed building consent as set out in Informative 1 on the draft decision letter.

2. SUMMARY

The application site comprises the second phase in the regeneration of St James's Market and forms part of the Crown Estate's core Central London holdings.. The first phase of the regeneration of St James's Market is directly north and north-west of the application site and was completed in 2016. The site is 0.45ha and comprises St Alban's House, the Carlton Cinema, Samuel House, Greener House (66-68 Haymarket), 14-16 Charles II Street/70 Haymarket and 13 Charles II Street. The former Carlton Cinema (now under the Empire brand) is Grade II listed. The surrounding area is commercial in character and to the south of the site, on the opposite side of Charles II Street is Her Majesty's Theatre (Grade II*) whilst the Haymarket Theatre (Grade I) is located in the vicinity on Haymarket.

The application site is located within the Core Central Activities Zone (CAZ) and within the London View Management Framework view 4A.2 of the Palace of Westminster from Primrose Hill. The footprint of the proposed new building is located within the Haymarket Conservation Area however the public realm proposals and the site boundary extend into the Regent Street Conservation Area. The footprint of the proposed building falls within the West End Stress Area. The site is also identified within the safeguarded area for the potential Crossrail 2 running tunnels.

Permission is sought for the comprehensive demolition and redevelopment of Samuel House and St Alban's House and for the demolition behind retained and remodelled facades of Greener House (66-68 Haymarket), 14-16 Charles II Street/70 Haymarket and 13 Charles II Street. The application proposes to retain the cinema building at the centre of the site with a limited number of works to the cinema itself. These are the removal of advertising board and cleaning and repairing the front façade, replacement of entrance doors and canopy. A separate listed building consent has been submitted for works to the cinema. The most significant works are proposed at roof level where part of the new offices would sit on a superstructure which bridges across the cinema roof and would incorporate a storey of plant and three office floors which would be largely glazed.

The scheme is office led and will deliver new Grade A office floorspace (Class B1) together with a mix of retail, restaurant and drinking establishments within Classes A1, A3 and A4 and leisure (Class D2) at basement, ground and potentially at mezzanine and seventh floor level. There will be a significant commercial uplift and the proposal is required to provide residential floorspace in line with Policy S1 of the City Plan. The applicant has elected to provide this residential floorspace off site as part of a land use package with the residential-led redevelopment of 33 Vauxhall Bridge Road. A separate planning application in respect of 33 Vauxhall Bridge Road, which is seeking permission for change of use from B1 offices to 30 residential units, is considered as Item 3 on this agenda.

The key issues with this application are:

- * The acceptability of demolition of existing unlisted buildings; the proposed design of replacement buildings and spaces, and impacts on the local townscape and character and appearance of the Haymarket and Regent's Street Conservation Areas;
- * The impact of proposals on the special interest of the Grade II listed Carlton cinema and on its setting;
- * Any impacts on the setting of St James's Conservation Area and settings of listed buildings in the vicinity including the Grade I listed Theatre Royal Haymarket, Grade II listed Her Majesty's Theatre and Grade I listed Royal Opera Arcade;
- * The proposal to provide the residential floorspace required by Policy S1 of the City Plan off site at 33 Vauxhall Bridge Road and the mechanism to secure that residential floorspace;

- * The servicing implications of the new development;
- * The impact of the development (including from construction works) on the operation of Her Majesty's Theatre and The Theatre Royal.

Concerns have been expressed by consultees about the impact the proposed development will have on the setting of the Carlton Cinema and that certain new elements of construction could potentially compromise the cinema use. Concerns have been expressed by Her Majesty's Theatre about the impact of the development (including from construction works) on the operation of Her Majesty's Theatre. A letter of support has been received from the St James's Trust.

The scheme will deliver significant benefits in terms of providing new office floorspace in the Core CAZ, enhanced public realm and the provision of enhanced retail units. This will deliver wider regeneration benefits to this part of Haymarket. The architecture is high quality and will enhance the character and appearance of the Haymarket and Regent Street Conservation Areas. Concerns about the impact of the proposal on the setting of the Carlton Cinema are noted. While the height of the new buildings immediately adjacent to the cinema will cause some (less than substantial harm) to its setting, proposals will also secure the retention of and bring some enhancement to the listed building, fully restoring its front façade, reinstating a more appropriate canopy and overall the scheme will bring many wider public benefits. Taken as a whole, the proposed development will result in a new group of buildings of exceptionally high quality which is sympathetic to surrounding townscape and will deliver high quality new public realm which will be an enhancement to the character and appearance of the conservation area. It will not cause harm to the settings of the adjoining listed buildings or conservation area. The proposal responds well to the St James's Market Phase I development which was delivered successfully in 2016.

The submission of the proposal as part of a land use package with the residential led development at 33 Vauxhall Bridge Road is supported for the reasons set out in the main report. A key benefit delivered by the overall land use package is the early delivery of up to 30 affordable housing units. can be secured through a legal agreement. Furthermore The Crown Estate is providing an additional 622sqm (GIA) as affordable housing above the policy requirement within 33 Vauxhall Bridge Road and re-providing the existing residential floorspace that exists on the application site within Samuel House as affordable housing.

It is considered that the construction impacts of the scheme, including measures to protect the operational requirements of Her Majesty's Theatre, can be managed through the council's Code of Construction Practice and the submission of additional measures to secure arrangements for the monitoring and control of construction noise as experienced at Her Majesty's Theatre, arrangements for the monitoring and control of dust and air quality as experienced at Her Majesty's Theatre and measures to manage access to the loading bay on the southern side of Charles II Street. Other than potentially through construction works, it is not considered that the proposed scheme will have any significant impact on the long-term operation of Her Majesty's Theatre.

The application is considered to comply with relevant policies in our adopted City Plan and Unitary Development Plan in terms of land use, design, conservation and heritage, highways, amenity and environmental considerations.

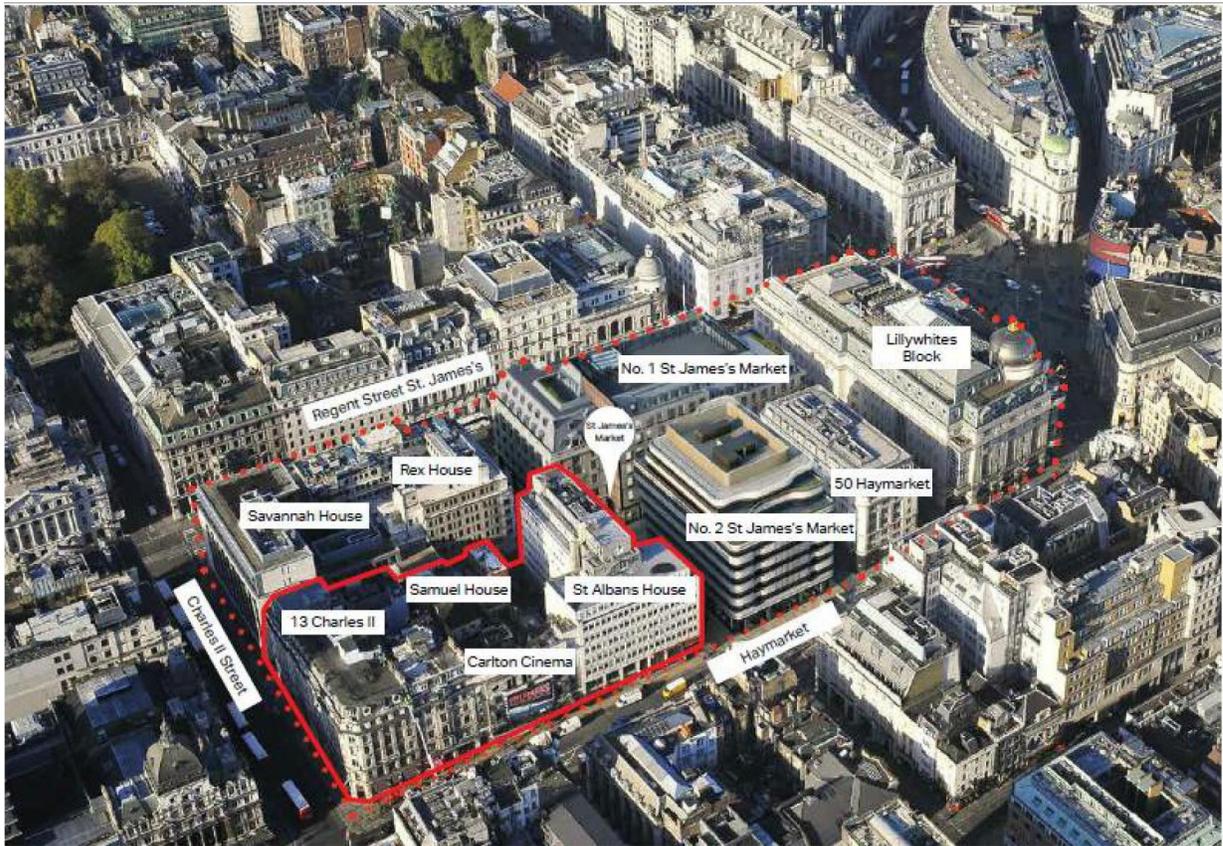
3. LOCATION PLAN



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4. PHOTOGRAPHS



View of St James's Market 2 site comprising St Alban's House, former Carlton Cinema, 13 Charles II Street and Samuel House. The image also shows the St James Market Phase I site comprising Nos. 1 and 2 St James's Market.

5. CONSULTATIONS

Environmental Health

No objections to the scheme in noise terms. In terms of air quality the details of the kitchen extraction termination for the restaurant /bar units and air quality neutral assessment for the generators is acceptable. The only outstanding issues are the PM10 modelling for the diesel generators and information about the methodology for the short term concentrations of NO2 emissions from the generators.

Building Control

The structural method statement is acceptable.

Thames Water Utilities Ltd

No objection in terms of either foul water sewerage network infrastructure capacity or surface water network infrastructure capacity.

Transport For London

No objections in principle. A financial contribution of £60,000 is required to cover the costs of the relocation of the existing cycle hire docking station on Charles II Street and to provide an extra 10 docking points to accommodate additional demand from the proposal. A Delivery and Servicing Management Plan, Construction Logistics Plan and infrastructure protection for London Underground should be secured by condition. A contribution is required to update Legible London signage near to the site.

Historic England (Listed Builds/Con Areas)

Do not wish to offer any comments.

Historic England (Archaeology)

The development could cause harm to archaeological remains. However, the significance of the asset and scale of harm to it is such that the effect can be managed using a planning condition.

Designing Out Crime

No objections to the proposal but recommend that conditions are used to secure a 'Secured by Design' accreditation and to secure a security standard to the satisfaction of the Metropolitan Police in relation to counter terrorism.

St. James's Conservation Trust

The current proposed applications are outside the St James's Conservation Trust's comments on applications. In this case the Trust have agreed a formal letter of support for the proposed applications is appropriate including the new architecture, restored, repaired and adapted buildings of interest and historic character and the generally high quality of the mix of uses and public realm improvements. The quality set by the Phase 1 completed proposals has given confidence to the Trust that the Crown Estate understands the importance and development opportunities that the overall masterplan zone offers.

Greater London Authority

No strategic concerns are raised to the principle of development or design issues. The scheme accords with heritage policies as the public benefits outweigh the less than substantial harm on the Grade II Listed Carlton Cinema and the conservation areas. Revised information has been submitted to satisfy the energy concerns and issues relating to sustainable drainage. Further consideration should be given to water harvesting and reuse to reduce consumption of water across the development and urban greening should be embedded as a fundamental element of site and building design and the Urban Greening Factor should be calculated. The Applicant is be required to satisfactorily address issues such as Healthy Streets/Vision Zero analysis..

Cross London Rail 2 Links Ltd

No objection subject to a condition.

Highways Planning Team - City Highways

The proposed access to the servicing bay is acceptable in principle but this will require alterations to the existing Cycle Hire Docking Station. Limited details have been provided. Planning permission, detailed highway design and traffic orders would need to be in place prior to commencement of development. It should be confirmed whether the proposed awning have sufficient vertical clearance over the highway. All work shown to the public highways around the site will be subject to detailed highways design and will be required to meet the principles of the Westminster Way SPD. The management of the public highway around the site will be subject to a separate Management Agreement. The external tables and chairs should be removed from the submitted plans.

Waste Project Officer

No objection.

Save Britain's Heritage

The total loss of the existing buildings on the site seems unfortunate. Save welcomes the protection of the historic Empire Cinema but considers the proposed new elements could potentially compromise the historic building's use as a viable cinema, namely the proposed reorganisation of the exit routes is not fully compliant with current regulations, an inclusive vertical circulation strategy for the building should be developed that makes the cinema accessible for everyone (using floorspace in the adjoining building parts could perhaps be a solution) and the applicant is encouraged to develop a design for the canopy and signage that fully reflects the use of the building.

The Cinema Theatre Association (CTA)

The general concept for the St James's Market block is acceptable The CTA welcome I that the listed historic cinema should be left as a free-standing block and that the mansard roofs of the blocks to the north and south will be moulded and 'turned back' to respect the block of the cinema. The CTA is reassured that the historic and structural integrity of the cinema is not threatened by the very large and deep re-development of the rest of the block. Concerns raised that the block overall is too high and overbearing, that the imposition of three storeys above the cinema will be detrimental to its appearance and that part of the historic façade will be demolished. Joint solutions must be found to ensure effective means of escape, effective lift access for people with disabilities and other customers must be provided, joint solutions must be agreed for the cinema's roof plant, the laylight in the auditorium must be preserved, the canopy

restored to its 1957 configuration and the Haymarket door openings and doors restored close to the 1927 design.

Theatres Trust

Overall the Trust is supportive of the principle of this project. Ultimately the improved public realm, leisure, retail and commercial floorspace will benefit not just the Carlton Cinema but also other surrounding businesses including Her Majesty's Theatre and Theatre Royal Haymarket. The replacement St Alban's House does not necessarily compromise the character and setting of the Carlton in terms of its appearance and materials but the additional height proposed (together with Greener House) makes it incongruous with the much lower Carlton in between.

Object to the development above the Carlton as it will constrain the cinema or any future alternative cultural use within the current envelope thus removing scope for any future development of facilities or offer. This could be considered to conflict with emerging Policy HC6.B of the emerging London Plan (2019) which protects and supports evening and night time cultural venues which includes cinemas and theatres.

Noisy works would cause greatest risk to productions and the audience experience at Her Majesty's and Theatre Royal Haymarket. We welcome the commitment within the Construction Logistics Plan which commits to making contact with neighbours and coming to agreement on works at specific times. The Trust suggests the need for such engagement and agreement is formalised by condition. The Trust is supportive of the refurbishment works to the Carlton including removing the current large advertising hoarding and modern entrance canopy and cleaning the façade. It will be necessary to ensure that altered escape corridors do not impact the operational viability and capacity of the Carlton. Conditions should be used to secure the detail of the front façade of the Carlton and the acoustic criteria between the Carlton and the plant/terraces above.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 303

Total No. of replies: 2

No. of objections: 1

No. in support: 0

LW Theatres

- The proposal will have direct and indirect impacts upon Her Majesty's Theatre in the form of noise and vibration, dust, pollution and traffic congestion, pedestrian safety and operational impacts brought about by demolition and construction work, the widening of the public footway on Charles II Street and the location of a proposed loading and waste facility at ground and basement levels with access from Charles II Street.
- The submitted Construction Logistics Plan has not provided the appropriate and necessary assessment of the proposed development's potential impact on the Theatre's operational capacities.
- The introduction of vehicular access to a loading and waste facility directly opposite the Theatre in conjunction with the proposed narrowing of Charles II

Street will not only have a significant detrimental impact on the Theatres operations but will significantly impact the setting of the Theatre and the experience offered by patrons.

- The Noise and Vibration Assessment submitted fails to recognise the Theatre as a noise sensitive property/receptor.
- The construction activities could potentially have a significant detrimental impact on the Charles II Street elevation of the Theatre (which houses the dressing rooms) and in summer months it is essential that these windows remain open to provide adequate ventilation)

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises the second phase in the regeneration of St James's Market and forms part of the Crown Estate's core Central London holdings. The first phase of the regeneration of St James's Market is directly north and north-west of the application site and was completed in 2016. It comprises new buildings in office and retail use and new areas of high quality public realm including the creation of new public square at the junction of St Alban's Street, Norris Street and Carlton Street. This second phase proposes the comprehensive redevelopment of the south-eastern part of the wider St James's Market site including behind partially retained, remodelled and new facades.

The site comprises six buildings dating from the early twentieth century and post-war periods in use as offices (Class B1), shop and restaurant uses (Class A1 and A3) and cinema (Class D2) uses. They are St Alban's House, the Carlton Cinema, Samuel House, Greener House (66-68 Haymarket), 14-16 Charles II Street/70 Haymarket and 13 Charles II Street. These are described in more detail below.

St Alban's House

Located on the western side of Haymarket and comprises seven storeys plus basement of post-war, modernist design. There are two commercial units operating at the ground and first floor and mezzanine levels under café/restaurant (Class A3) use. The upper floors are operated as office space (Class B1) use.

Former Carlton Cinema

Located on the western side of Haymarket. The building is operated as a three-screen cinema. The building was originally built in 1927, with a classically-proportioned Italianate 'palazzo' principal façade. Since then, the façade has been altered including a modern canopy at ground floor level and advertising hoarding that obscures much of the first to third floors. The building underwent substantial alterations between 1977 and 1979. This included the truncation of the main auditorium at the dress circle level, with the stalls being converted to provide two additional smaller screening rooms accessed at lower ground floor level. At the same time, former back of house areas behind the main

screening room backing onto St Alban's Street were redeveloped as offices (Samuel House). The building was damaged by fire in 1985 and subsequently repaired. The Carlton Cinema was Grade II listed in 2018.

Samuel House

Located on the northern side of St Alban's Street to the rear of the Carlton Cinema and currently used for offices (Class B1). However, the fourth floor has lawful residential use (226sqm). (see planning history)

Greener House

Located at numbers 66-68 on the western side of Haymarket. The terraced building is seven storeys in height. Two commercial units operate at the ground floor under restaurant (Class A3) use. The upper floors are in office use (Class B1).

70 Haymarket

A seven story building and comprises several planning units including 71 Haymarket which occupies the corner plot at the junction of Haymarket and Charles II Street. The remaining units are located between numbers 14-16 on the northern side of Charles II Street. The ground floor and basement are in use within Class A1 (retail) use and Class A3 (restaurant) use. The upper floors are operated as office space (Class B1 use).

13 Charles II Street

A seven storey building located on the northern side of Charles II Street. The building is operated as offices (Class B1).

The site is within the Haymarket Conservation Area and extends into the Regent Street Conservation Area and is adjacent to the St James's Conservation Area. It is also in close proximity and within the setting of a number of listed buildings including Grade I-listed Theatre Royal Haymarket and Grade I Listed Royal Opera Arcade, Grade II* listed Her Majesty's Theatre, Grade II listed New Zealand House, Grade II-listed 30-33 and 35 Haymarket, 22 Coventry Street and Burberry's at 18-22 Haymarket, Grade II Listed Guards Crimean War Memorial and Grade I Listed Duke of York Column. It is also within the Primrose Hill to Westminster protected view (LVMF 4A.2) and is located within a Tier two Area of Archaeological Priority (Great Estates).

In addition to the above, the site is located within the Core Central Activities Zone (CAZ), the West End Stress Area. The site is also identified within the safeguarded area for the potential Crossrail 2 running tunnels.

6.2 Recent Relevant History

The recent relevant history for each building that forms part of the application site is set out below:

St Alban's House

Permission was granted on 24 August 1995 for: "change of use from class A2 banking to predominantly class A3 restaurant use with a small element of class A1 retail use and erection of extract duct at rear".

Permission was granted on the 16 July 2009 for: "removal of Conditions A1 and B1 of planning permission dated 9 January 1979 (A/TP/5153) to allow general office use (Class B1) at second and third floor level".

Permission was granted on the 18 December 2015 for "erection of open pavilion at ground floor level on the junction of Norris Street and St James's Market (formerly St Alban's Street)".

Carlton Cinema

Permission granted for temporary use of Auditorium 1 and ancillary space of cinema (Class D2) to use as a theatre (sui generis) from 2 March 2018 to 30 November 2018. There is no relevant history to the application site.

Samuel House

Permission granted 26 January 1995 for "use of second floor for offices or foreign business centre or offices and foreign business centre". Permission was granted in 1984 for the use of the fourth floor from Penthouse flat (177sqm) to offices (in connection with the third floor of the building), made personal to the Brazilian Embassy and with a condition stating that in the event of the Brazilian Embassy vacating the premises the use shall revert to residential.

Permission was granted 4 November 2008 for "use of fourth floor as offices for a temporary period until December 2011". In June 2011 permission was granted for "continued use of fourth floor as offices for a temporary period of 3 years". Permission was then granted on 5 October 2015 for "use of the fourth floor of Samuel House for office purposes (Class B1) for a temporary period until March 2020".

Greener House

Permission was granted on the 13 November 1997 for: "change of use from bank to restaurant on ground floor & basement levels with associated external alterations including duct & escape stairs in rear lightwell".

Planning permission was granted on the 03 August 1993 for: "change of use from offices to restaurant (class a3) at basement and ground floor levels".

70 Haymarket / 14-16 Charles II Street

A Certificate of Existing Lawful Use or Development was granted on 23 May 2001 for "use of part basement and ground floor as offices (Class B1)".

Planning permission was granted on 10 August 2004 for "use of part basement and entire ground floor and first floor for either Class B1 (office) or Class A1 (retail) use".

Planning permission was granted on 25 May 2007 for "use of part of existing retail (Class A1) unit at No. 15 as an extension to the office reception area" (Class B1) to No. 16. Associated alterations to shopfronts at Nos. 15 and 16".

Planning permission was granted on 10 October 2007 for "use of part of existing retail (Class A1) unit at No. 15 as an extension to the office reception area (Class B1) to No.

16, associated alterations to shopfronts at Nos. 15 and 16 and installation of replacement roof top condenser units servicing the fifth floor”.

Planning permission was granted on 15 January 2014 for “change of use from (Class A1) retail to marketing suite (sui generis) at basement and ground floor reserved 2019 for a temporary period of 5 years. Replacement of plant in rear lightwell at ground floor level”.

13 Charles II Street

Permission was granted on 10 January 1986 for “reconstruction of office accommodation behind retained facades & erection of extension for office purposes at 4th & 5th floor levels at rear of premises”.

Permission was granted on 13 April 1987 for “redevelopment by the erection of a building comprising basement & part five & seven storeys, for use as offices”.

Permission was granted on 21 April 2006 for “erection of infill extension at roof level to create seventh floor office accommodation and relocation of existing plant at roof level. Replacement of windows and modifications to ground floor entrance”.

St James Market Phase 1

St James’s Market Phase 1 is directly north and north-west of the application site. On 15 May 2013 permission and consent were granted for a new eight storey office building bounded by Haymarket, Norris Street and St James’s Market and the construction of a new eight storey building behind retained facades principally along on Regent Street. The proposal included an internal loading bay on Jermyn Street and a basement tunnel link to Regent Street block. The ground floor comprises a mix of retail and restaurant uses facing onto a new area of public realm including the creation of new a public square at the junction of St Alban’s Street, Norris Street and Carlton Street. Development work on St James Market Phase 1 was completed in 2016.

7. THE PROPOSAL

Application 1

Permission is sought for the comprehensive redevelopment of the site. The scheme involves the complete demolition of St Alban’s House and Samuel House and the demolition behind retained and remodelled facades of nos. 13 and 14-16 Charles II Street/70 Haymarket and 66-68 Haymarket (Greener House). The application states that the remodelling will entail the reconstruction on site with original stone work and new insertions. The new insertions will match the existing historic façade and will allow the floor to ceiling height behind the remodelled façade to increase from 2440mm existing to 3400mm proposed. The former Carlton Cinema building is to be retained.

The proposal will comprise a single new building which in part will comprise of new elevations and in part will be constructed behind the restored and extended facades of 13 and 14-16 Charles II Street/70 Haymarket and 66-68 Haymarket (Greener House). Part of the new building will oversail the roof the former Carlton Cinema.

The new building will have two basement levels, ground and mezzanine floors and seven upper floors and will largely provide office floorspace within Class B1 on large

floorplates. At ground, mezzanine and first basement level there will be commercial uses within Classes A1 (retail), A3 (restaurant) A4 (bars) and D2 (Leisure and Assembly). At seventh floor level permission is sought for either Class B1 office use and/or Class A3 restaurant use with access to a roof terrace. An internal loading bay will be provided on Charles II Street with a turntable. The first basement level will provide cycle parking and showers, plant and a substation whilst the second basement level will provide waste storage, plant and the tunnel connection.

The application proposes public realm improvements to St James's Market, St Albans Street, Carlton Street and Norris Street including new paving, tree planting, planters, public seating, feature lighting and public art. Due to site constraints, the delivery of the public realm may have to be phased. This is set out in more detail in paragraph 8.2. The scheme also proposes highway works including a widened footway along Haymarket and Charles II Street.

The scheme includes the provision of a basement servicing link from the site to Savannah House to the west (which may be redeveloped as a future St James's Market Phase 3).

The cinema will be retained but permission is sought for alterations to the facade of the cinema including removal and replacement of entrance canopy, replacement of entrance doors and vent grilles at ground floor, demolition and replacement of the front parapet and removal of the roof top plant room.

The application for St James's market Phase 2 has been submitted as part of a land use package with 33 Vauxhall Bridge Road. A separate planning application in respect of 33 Vauxhall Bridge Road, which is seeking permission for change of use from B1 offices to 30 residential units, is considered as Item 3 on this agenda.

Application 2

Listed building consent is sought for works to the former Carlton Cinema including the cleaning of the facade, removal of the advertising hoarding, removal of ground floor canopy and re-instatement of replica of original canopy, ground floor alterations, removal of existing roof level plant and installation of new plant and set back extension, taking down and rebuilding of the parapet, and other associated works.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	Net Change GIA (sqm)
Office (Class B1)	14,044	19,466	5,422
Office/Retail/Restaurant/Leisure (Class A1/A3/B1/ D2)	0	2,682	2,682
Residential (Class C3)	226	0	-226
Retail (Class A1)	447	0	-447
Retail (Class A1/ A3)	2,593	1,437	-1,156
Retail (Class A3/A4)	0	662	662
Cinema (Class D2)	2,571	2,761	190
Overall Commercial	19,655	27,008	7,353
TOTAL	19,880	27,008	7,128

Table 8.1: Existing and proposed land uses measured in terms of Gross Internal Area (GIA). Figures provided by applicant.

Office use

The scheme will provide 19,466sqm (GIA) of Grade A office floorspace in the Core Central Activities Zone (Core CAZ). The West End is an established centre for offices within Westminster and the proposed improvements to office provision are welcome in terms of Policies S18 and S20 of the City Plan. The floorplates have been designed to ensure flexibility over lettings to suit the potentially different needs of occupiers. The scheme will follow the strategy established at St James's Market Phase 1 whereby the office entrances will face onto the public realm within St James's Market. This will allow the remaining perimeter around the site to maximise retail activity.

Loss of residential use

There is a lawful residential flat within the site located in Samuel House (226sqm GIA). Whilst it hasn't been used for residential purposes for approximately 30 years, there is a condition on the latest temporary permission from October 2015 requiring the use to revert to residential. In these circumstance the loss of the residential from the site is considered acceptable subject to its replacement. The applicant has advised that the residential floorspace will be re-provided within 33 Vauxhall Bridge Road as affordable housing floorspace (this is discussed later on in this section). This is considered acceptable.

Mixed Use Policy

Policy S1 [Mixed Use In The Central Activities Zone] sets out the City's Council's aim to promote Westminster's World City functions and provide a mix of uses consistent with

supporting the vitality, function and character of the Central Activities Zone (CAZ) and to encourage development which promotes, manages its heritage and environment and supports its living, working and visiting populations.

The proposal would lead to an overall increase in the size of the building of 7,128sqm (GIA). This is equivalent to 35.85% of the existing building floorspace of all uses (19,881sqm GIA). This means that Part 3 (B) of Policy S1 of the City Plan applies. The maximum net additional office floorspace proposed is 8,104sqm (GIA) (this assumes that the mezzanine level and seventh floor level are used for B1 purposes). When the 30% allowance for the existing building floorspace is taken into account, the applicant is required to provide 1,914sqm of residential floorspace. This reflected in the table below.

A) Existing Building	19,880sqm
B) Proposed maximum office uplift	8,104sqm
C) Deduct 226sqm to reflect use swap Conservation Areas	226sqm
D) Deduct 30% of existing building floorspace	5,964sqm
E) Net additional B1 office floorspace subject to mixed use policy S1 (B)	1,914sqm

Table 8.2 Mixed use policy calculation.

Policy S1 states that the residential floorspace can be provided:

- i. on-site,
- ii. off-site,
- iii. by mixed use credits (Policy CM47.2), or
- iv. as a payment in lieu of the residential floorspace.

The policy states that it is at the applicant's discretion which of i to iv. above they wish to apply. The applicant has considered in turn on-site provision, off-site provision and provision by payment in lieu.

On-site provision

The applicant considers that the introduction of new residential accommodation onto this site would not be appropriate. The main reasons being that this part of the City has a clearly established, central London, commercial character and on-site residential would detract from St James's Market as a first class prestigious commercial location. The applicant also considers that the residential accommodation would have little access to playspace or green space and that on site provision would be likely to provide expensive residential units. Whilst officers do not fully support the arguments put forward by the applicant it is the applicant's discretion under Policy S1 as to whether they provide the required residential floorspace on site.

Payment in lieu

A payment in lieu of approximately £4.5m to the council's affordable housing fund would satisfy Policy S1 of the City Plan. However, the applicant advises that they have considered the payment in lieu option but that their strong preference would be to provide the required residential floorspace off site.

Off-site provision

Having looked at both on site and the payment in lieu options, the applicant proposes to provide the required residential floorspace off site at 33 Vauxhall Bridge Road. This building is currently in B1 office use and it is proposed that the required residential floorspace is provided as part of a land use swap between the two sites. A planning application for the use of this building to provide up to 30 residential units has been submitted by the applicant and is considered as Item 3 on this agenda. The principle of providing the required residential floorspace off-site is acceptable in terms of Policy S1 of the City Plan.

Land Use Swap

The proposal to provide the required residential floorspace offsite at 33 Vauxhall Bridge Road will involve a land use swap. Land use swaps are assessed under Policy CM47.1 of the City Plan. This policy states that permission for the swapping of uses between sites...which are located in the Central Activities Zone will be appropriate where:

1. the sites are in the vicinity of each other;
2. the mixed use character of the immediate area is secured at a fine grain;
3. there is no net loss of floorspace which is protected by other policies in the plan across the sites taken as a whole;
4. the uses are appropriate within each area and there is no loss of amenity resulting from the introduction or intensification of a use into an area;
5. any residential accommodation is of a higher quality than could have been achieved without the land use swap or package;
6. the applications for all sites are submitted at the same time and all elements of the scheme are completed within a time frame agreed by the City Council.

Both sites are located within the CAZ and whilst not within the immediate vicinity of each other, they are within approximately 2km of one another. It is considered that the mixed use character of the immediate area is secured at a fine grain. In addition, there is no net loss of floorspace which is protected by other policies in the plan, the uses are appropriate within each area and there is no loss of amenity from either proposal. Although the applicant has not provided details of how residential accommodation could be provided at St James's Market 2, it is accepted that the residential accommodation at 33 Vauxhall Bridge Road will be of a higher quality than could be provided at St James's Market Phase 2 given the provision of private gardens. On this basis officers consider that the proposed land use swap with 33 Vauxhall Bridge Road is acceptable in principle.

As the proposal involves a land use swap, the loss of the office floorspace at 33 Vauxhall Bridge Road associated with the off-site residential provision needs to be taken into account. This reduces the overall commercial increase at St James's Market Phase 2 by 957sqm. To satisfy Policy S1 Part 3 (B) of the City Plan the applicant will need to provide 957sqm of residential floorspace off-site at 33 Vauxhall Bridge Road.

In order to ensure that the off-site residential accommodation is provided in a timely manner, it is recommended that the S106 Agreement secures the following; the applicant not to commence development at St James's Market Phase 2 prior to commencement of the planning application at 33 Vauxhall Bridge Road (RN/19/04881/FULL) and the applicant not to occupy more than 14,044sqm (GIA) B1

office accommodation at St James's Market Phase 2 until the residential units at 33 Vauxhall Bridge Road have been constructed to practical completion and made ready for occupation. The 14,044sqm (GIA) represents the existing B1 office floorspace currently on site.

Development scheme at 33 Vauxhall Bridge Road

The development scheme at 33 Vauxhall Bridge Road involves the change of use of 3397sqm (GIA) B1 office to C3 residential. The land use swap with St James's Market requires the provision of 957sqm of residential floorspace and the re-provision of the 226sqm (GIA) residential accommodation within Samuel House. The applicant is seeking to secure the remaining 2,217sqm (GIA) floorspace as a residential credit to use as part of mixed use requirements for other Crown Estate schemes in the future. In recognition that the direction of travel in planning policy for Westminster is such that affordable housing is likely to be required as part of commercial development in the future, the applicant will provide the 2,217sqm of residential floorspace as affordable housing.

The 957sqm residential floorspace apportioned to St James's Market 2 to be provided within the development scheme at 33 Vauxhall Bridge Road would trigger an affordable housing requirement. Taking the council's emerging 35% affordable housing policy as its target, the applicant advises that the 957sqm would deliver approximately five market units and four affordable housing units. However, as part of the overall land use package offered for St James's Market Phase 2, the applicant advises that the entire 957sqm (GIA) residential accommodation is to be provided as affordable housing (approximately 8 units). Furthermore, the 226sqm re-provision from Samuel House will also be provided within 33 Vauxhall Bridge Road as affordable housing. This is reflected in the table below which is taken from the applicant's planning statement.

	Floorspace Linked to St James's Market 2 (Mixed Use)		C3 Reprovision from Samuel House	Affordable Housing Credit (To be linked to future TCE schemes)	Total
	Market Housing (which the applicant will switch to affordable)	Affordable (baseline requirement under emerging policy)	Affordable	Affordable	
Sqm	622	335	226	2,217	3,400
Units (approx)	5	3	2	20	30

Table 8.3: Resultant approximate split of floorspace/units at 33 Vauxhall Bridge Road – Link to future The Crown Estate schemes.

Assessment of Land Use Package

The proposed land use package with 33 Vauxhall Bridge Road would therefore enable the early delivery of 3,400 sqm (GIA) residential accommodation to be used for affordable housing. In addition to this, The Crown Estate is providing the entire off-site residential accommodation and the reprovision of residential floorspace from Samuel House as affordable housing within 33 Vauxhall Bridge Road. The land use package will also allow for the second phase regeneration of St James's Market providing high quality office floorspace in the Core CAZ. Taken together the land use package offers significant planning benefits and it is welcomed in policy terms. In order to secure early delivery of 33 Vauxhall Bridge Road, it is recommended that the S106 Agreement has the following restrictions; the applicant not to commence development at St James's Market Phase 2 prior to commencement of the planning application at 33 Vauxhall Bridge Road (RN/19/04881/FULL) and the applicant not to occupy more than 14,044sqm (GIA) B1 office accommodation at St James's Market Phase 2 until the residential units at 33 Vauxhall Bridge Road have been constructed to practical completion and made ready for occupation.

Class A uses

There will be an overall reduction in Class A type floorspace across the site from 3,040sqm to 2,099sqm. This reduction is regrettable, however, it is acknowledged that the replacement Class A type floorspace will be provided to a higher standard than currently exists in terms of the layout of individual units and their location. The submitted plans show that there will be an increase in the amount of Class A floorspace provided at ground floor. This is illustrated by the proposed ground floor plan which shows six large units that wrap around almost the whole perimeter of the site.

The applicant is seeking flexibility to determine the use of these Class A units and has therefore applied for retail (A1) and/or restaurant(A3) and/or bar (A4) uses at ground and basement level. This is now common place in largescale redevelopment schemes given the changing nature of the retail environment. Officers recognise that this flexibility can enhance the regeneration benefits of the scheme and for the reasons set out below, other than for the mezzanine level, conditions to restrict the amount of A3 restaurant and/or A4 bar floorspace are not considered necessary.

At ground and basement levels the applicant is seeking to provide 1,437sqm of floorspace as either A1 retail and/or A3 restaurant uses and up to 662sqm of either A3 restaurant and/or A4 bar use. This means there could potentially be a reduction of up to 447sqm A1 retail floorspace. There is currently 2,593sqm of A3 restaurant uses on site and the applicant is seeking to provide up 1,437sqm in A1 and/or A3 and 662sqm in A3 and/or A4 which means a potential total entertainment provision (at ground and basement) of 2,099sqm. The final mix if uses on the site will however depend on how the applicant implements the proposal.

The applicant advises that they do not anticipate that all of the A3 units will be used for A3 uses despite the flexibility sought. And at this stage the applicant is unable to identify the exact location and requirements of specific operators. The applicant does state that proposed retail unit 06, on the south east corner of the site, has been specifically designed to potentially accommodate a convenience retailer, with ground floor access connecting to a larger store unit at basement 1 level. This unit has a floorspace just over 500sqm and the applicant is seeking permission to also use it for A3 purposes.

Other A1/A3/ floorspace

In addition to the shop type units at ground and basement floors, the applicant is seeking permission for up to 2,700sqm of flexible A1 / A3 / B1 / D2 space. This is composed of the following elements: part of the office entrance lobbies at ground floor level; the mezzanine level within the southern building and the seventh floor.

A flexible Class A1 and / or A3 and / or B1 use is sought for part of the office entrance lobbies. The applicant advises that this is in anticipation of, and to facilitate, an office tenant potentially wishing to accommodate a café, coffee shop, or similar to enliven the office entrance and provide an amenity facility both for staff and visiting members of the public that could, potentially, go beyond being ancillary to the principal Class B1 office use. Officer agree that this would add further activity and interest at street level and support the office functions within the building.

At mezzanine level, applicant is seeking permission for use as offices, as a gym / health club, or as a further Class A1 / A3 unit. (848sqm GIA) Should it be used for D2 / A1 / A3 purposes it would be accessed from street level via a small unit, with a connection to mezzanine floor. The applicant advises that should it be used for Class A3, no more than half the mezzanine floor would be used for restaurant purposes.

At seventh floor level, the applicant is seeking permission for use as B1 offices and/or Class A3 restaurant that could be accessed from the principal cores (481sqm GIA). The applicant advises that the necessary ventilation and servicing facilities have been included to facilitate this, should there be potential tenant and occupier demand. The unit at this level would have access to a roof terrace.

Assessment of land uses within Class A and Class D2

Policy S21 of the City Plan protects existing A1 retail.

The London Plan (2016) encourages a supportive approach to planning diverse night time activities in appropriate locations. Policy 4.6 states that the Mayor and LPAs should 'support the continued success of London's art, culture, sport and entertainment uses.' And that 'Local Authorities should manage night time activities to minimise impact on other land uses taking account of the cumulative effects of night time uses and saturation levels beyond which they have unacceptable impacts on the environmental standards befitting a World City and quality of life for local residents.' The Draft New London Plan is also a material consideration. Policy HCB6 B states that boroughs should promote the night-time economy where appropriate and address their impacts.

Policy S24 of the City Plan requires proposals for entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, the scale of activity, the relationship to any concentrations to entertainment uses including cumulative impacts, and demonstrate that they do not have any adverse impact on amenity, health and safety, local environmental quality and the character and function of the area.

UPD Policy TACE 8 states that permission will generally be granted for proposals where the City Council is satisfied that the proposed development has no adverse effect (nor, taking into account the number and distribution of entertainment uses in the vicinity, any

cumulatively adverse effect) upon residential amenity or local environmental quality as a result of a) Noise; b) Vibration; c) Smells; d) Increased late night activity; or e) Increased parking and traffic; and ii. no adverse effect on the character or function of its area.

UDP policy TACE10 [Entertainment uses which will be permissible only in exceptional circumstances] is applicable as the proposals include the creation of more than 500sqm of entertainment uses. It should be noted that although TACE10 still holds weight as a saved policy, the NPPF (2018) and its presumption of sustainable development also applies which requires the planning authority to identify the specific harm caused by the proposals which would make the application contrary to sustainable development objectives. The main consideration therefore is whether there is any demonstrable harm caused by the provision of a Class A3 or A4 (restaurant or bar) use, both individually and cumulatively with other entertainment uses, which could not be controlled or mitigated by planning conditions.

The provision of Class A units within the perimeter of this development is welcome. They will activate the street frontages and enhance the character and function of this part of the CAZ. The potential loss of up to 447sqm A1 floorspace is regretted. However, given the overall benefits of the scheme and the qualitative improvements to the retail function of the site, the potential loss is considered acceptable.

The site is located in the Core CAZ and the area is mixed in character with a strong commercial bias. There are in fact very few residential uses nearby. There are other entertainment uses nearby, most notably the restaurants and bars that form part of St James's Market Phase 1, and Tiger Tiger on Haymarket. Part of the aspiration of the current scheme is to emphasise that St James's Market is a destination in its own right, somewhere to visit and somewhere to spend leisure time. The public realm will be designed to encourage this however having vibrant and active land uses is considered equally important. The proposed restaurant and/or bar uses along Norris Street and St Alban's Street will draw people into the heart of the scheme and is welcomed.

It is recognised that the other floorspace that could be used for A3 restaurant purposes at mezzanine and seventh floor level will contribute less to the vitality of the development but nonetheless there are no objections in policy terms. It is considered that any impact from the proposed entertainment uses on residential amenity or local environmental quality could be mitigated through appropriate conditions. This will include a requirement for each individual A3 or A4 use to submit an Operational Management Plan which will set out how each unit will be managed and will include operational hours. The applicant has also advised that only half of the 848sqm space at mezzanine level will be used for A3 purposes (which will ensure that it will not be a large entertainment use in terms of Policy TACE 10 of the UDP) which will be secured by condition. There is also a condition on the management of the roof terrace. It is worth stressing that the applicant, the Crown Estate, has a good track record of managing occupiers within their developments, which is demonstrated at Phase 1.

Given the above, it is considered that the proposed entertainment floorspace within the development, both individually and cumulatively (taking into account other entertainment uses in the area), is acceptable in terms of its impact on the character and function of the area and local environmental quality. In these circumstances the proposal is

considered to be an exceptional circumstance in terms of TACE 10 of the UDP and a sustainable form of development in terms of the NPPF.

Policy S34 provides that social and community uses, which are defined by the Glossary to the City Plan as including gyms and health clubs, are acceptable in principle throughout the City. It is recommended that should the unit at mezzanine level be used for Class D2 use, a planning condition restricts its use to gym / health club use only.

Former Carlton Cinema

The existing cinema on the site is to be retained as part of these proposals. This is welcome in terms of S22 of the City Plan and TACE 5 of the UDP. However, the proposed development will partly oversail the cinema roof, necessitates alterations to the existing fire exit arrangements and proposes removal of plant at roof level. In addition, it is proposed to carry out other works to the façade, entrance canopy and the parapet. These other works and an assessment of how the development affects the setting of the cinema building are considered in more detail in section 8.2.

SAVE object to the proposed oversailing. They consider that it will constrain the cinema or any future alternative cultural use within the current envelope. These concerns are noted, however, the cinema is a listed building, it is a completed composition and the applicant controls the freehold title. It seems unlikely that any realistic proposal to extend the cinema upwards would be brought forward. For these reasons a refusal on this basis would not be sustainable.

Concerns have been raised by the CTA and SAVE about changes to the existing cinema fire escapes. The current cinema layout has two fire exits from the main auditorium that connect to fire escapes running across the ground floor of Samuel House, discharging onto St Albans Street. As part of this scheme it is proposed to divert the Samuel House fire escapes to wrap around the north and south party wall of the cinema and then discharge onto Haymarket. The fire escapes would connect to the same fire exits within the western wall of the cinema as at present, serving the proposed new office accommodation. To ensure clarity in relation to escape routes, a pre-commencement condition is also recommended to ensure escape routes have been fully discussed and agreed with Building Control prior to commencement of works.

It is proposed to remove the existing roof plant and reprovide within a new concealed plant enclosure. The new plant enclosure will be constructed in part of the new building that oversails the cinema roof. A condition is recommended to ensure that the proposed plant room is provided and that adequate space is made available for the cinema's future plant.

The proposed scheme will change the servicing arrangements for the cinema which will now be serviced from the proposed new loading bay.

It is considered that for the reasons set out above, the proposed development will not constrain the cinema or affect its operation to an extent that would harm its viability as a cinema. The proposal is therefore considered to comply with S22 of the City Plan and TACE 5 of the UDP.

8.2 Townscape and Design

As set out above, the application site is within a highly sensitive townscape location. Proposals would involve comprehensive redevelopment across the site affecting a number of designated and non-designated heritage assets and their settings.

The application site includes the Carlton Cinema which is listed Grade II. It is within the Haymarket Conservation Area and extends into the Regent Street Conservation Area and is adjacent to the St James's Conservation Area. It is also in close proximity and within the setting of a number of listed buildings including Grade I-listed Theatre Royal Haymarket and Grade I Listed Royal Opera Arcade, Grade II* listed Her Majesty's Theatre, Grade II listed New Zealand House, Grade II-listed 30-33 and 35 Haymarket, 22 Coventry Street and Burberry's at 18-22 Haymarket, Grade II Listed Guards Crimean War Memorial and Grade I Listed Duke of York Column. It is also within the Primrose Hill to Westminster protected view (LVMF 4A.2) and is located within a Tier two Area of Archaeological Priority (Great Estates).

The main design and townscape issues are therefore:

- i. The impact of proposals on the special interest of the Grade II listed Carlton cinema and on its setting;
- ii. The acceptability of demolition of existing unlisted buildings; the proposed design of replacement buildings and spaces, and impacts on the local townscape and character and appearance of the Haymarket and Regent's Street conservation area
- iii. Any impacts on the setting of St James's Conservation Area and settings of listed buildings in the vicinity including the Grade I listed Theatre Royal Haymarket, Grade II listed Her Majesty's Theatre and Grade I listed Royal Opera Arcade;
- iv. Impact of the proposed development on the protected vista from Primrose Hill.
- v. Any potential impacts of proposals on archaeological remains

In assessing the above, key considerations are the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires decision makers to pay special attention to the desirability of preserving any listed building or its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

National guidance in the NPPF notes the importance of good design in Chapter 12 achieving well-designed places and Chapter 16 at paragraphs 194-197 requires great weight to be given to the conservation of heritage assets and addresses the issues of balancing harm and benefits in relation to heritage assets. Issues are considered further below.

It is noted that objections have been received in relation to design and heritage issues notably from SAVE Britain's Heritage, the Theatre's Trust and the Cinema Theatre Association. Issues raised are considered where relevant below.

(i) Impact of proposals on the special interest of the cinema and its setting

Dating from 1927, the Carlton Theatre by noted cinema architects Frank Verity and Sam Beverley, was originally built to house both stage and screen performances. Its special architectural and historic interest derives from its fine Portland stone palazzo-style exterior, elements of its internal layout and surviving fabric and decorative detail, as well as its continuing cinema use. It has been significantly altered internally, the auditorium subdivided into three and back of house facilities demolished.

This application proposes to retain the cinema building at the centre of the site with a limited number of works to the cinema itself. These are:

Removal of advertising board and cleaning and repairing the front façade

The cinema's front façade is currently largely obscured by a large advertising board, which it is proposed to remove. Subject to conditions to ensure the careful repair/reinstatement of any missing architectural detail beneath this, this will be a significant heritage benefit and enhancement both to the listed building and character and appearance of the conservation area. Its removal and the careful repair and reinstatement will be conditioned including a requirement that the works to the façade (including the works to the canopy below) are carried out prior to occupation of the office use. This is to ensure that the works are carried out and secured as a benefit of the scheme.

Replacement of entrance doors and canopy

It is also proposed to remove and replace the existing canopy, which does not appear to be original and to replace the entrance doors. The doors and the canopy are not fully detailed within this application and the applicants have indicated that elements of the original canopy may remain underneath this. Some objections have been raised with regards to these details. However, in principle, their replacement is an opportunity for enhancement to the building and reinstatement of the original arrangement. Conditions are recommended to ensure works take place but reserve detail to ensure that this is appropriate and that if the original canopy remains, this is retained.

Works at roof level associated with the wider development

The most significant works are proposed at roof level where part of the new offices would sit on a superstructure which bridges across the cinema roof and would incorporate a storey of plant and three office floors which would be largely glazed.

This would be significantly set back from the front and designed so as to be structurally independent of the cinema. However, a number of works would be required to the cinema building itself as part of this. These involve removal of a secondary lantern above the decorative lantern in the auditorium, removal of the cinema plant to the roof and dismantling and re-erection of the front parapet.

Some objections have expressed concern that these proposals will result in loss of the existing decorative lantern light over the auditorium but the applicant has confirmed this will be retained. The secondary lantern itself is not of special interest, and further detail will be required by condition to ensure the decorative laylight will be fully protected and require submission of details of what will be reinstated above this, which the applicants

have advised could include an artificial source of light, allowing its appearance to be fully maintained when viewed from within the cinema.

With regards to works to the parapet, all fabric will be retained and a method statement for its dismantling and reinstatement has been provided. This is acceptable, subject to conditions to secure further details. Overall it is considered that the proposals will have minimal impacts on the fabric of listed building and will not result in loss of or harm to any significant fabric.

In terms of the visual impact of roof structure itself, this is a significant structure above the cinema, and some concerns have been expressed with regards to its impact on the cinema. However, as proposed it is significantly set back from the front of the cinema and has been stepped to further minimise its impact. Views analysis provided in the Townscape Visual Impact Assessment demonstrates that in the majority of views toward the cinema and views from Haymarket, the glazed roof is sufficiently set back and will not be visible. When viewed from Orange Street (TVIA View 5), the new development above the cinema is prominent and this will cause some harm. However, this is a less sensitive view from a small side street and the set-back nature of the new building and its markedly different architectural character will make it appear as part of a neighbouring plot behind the cinema in this view, rather than as an extension of the cinema building.

The proposed basement works will extend under the cinema building. A structural method statement has been submitted which has been assessed by Building Control. They conclude that the structural method statement is considered to be acceptable. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible, surface water details appear to be ongoing with Thames Water. The basement is to be constructed using piles and underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction has not been fully investigated as of yet as the building is still in use and dependant on the results of the site investigation which is outstanding also, will determine whether a detailed ground movement assessment is required. In the interests of the security of the listed cinema building it is recommended that a condition securing an updated structural method statement is secured by condition.

Impact of proposals on the viable use of cinema

Although supportive of aspects of the proposals, comments received from the Theatre's Trust, SAVE and Cinema Theatre Association, have been received expressing concern about the overall impact of works on the future viable use of the cinema, including the lack of provision for plant and servicing for the cinema, lack of clarity on emergency escape routes and the need for consideration to be given to accessibility within the cinema as part of the wider scheme, including potential for lifts for the cinema being provided within the new buildings. The cinema use contributes to its special interest and it is recognised that maintaining the building in viable use is also of key importance to its conservation. The applicant has provided some further information to address this and has confirmed that an allocated plant area for the cinema will be provided within the plant area for the wider development and its provision will be conditioned along with details of servicing and pipe work routes within the cinema. To ensure clarity in relation to escape routes, a pre-commencement condition is also recommended to ensure

escape routes have been fully discussed and agreed with Building Control prior to commencement of works. Proposals for refurbishment and improved access within the cinema are under discussion with the applicant and it is proposed that these will come forward separately. Initial discussions suggest that a way to provide lift access within the cinema can be achieved but full final details or works within the cinema will need to be agreed with cinema operator and do not form part of this application.

Overall the proposals will allow for retention and enhancement of the cinema at the centre of the scheme, will have limited impact on historic or significant fabric and as such, subject to conditions to secure detail, it is not considered works will cause harm to the special interest of the building but will cause some limited (less than substantial harm) to its setting. The impacts on the setting of the listed building from the wider development are considered further below.

(ii) The acceptability of demolition of existing unlisted buildings, the proposed design of replacement buildings, and impact on the character and appearance of the Haymarket and Regent's Street Conservation Area and impact on the setting of St James Conservation Area

The site is partially within Haymarket and partially within Regent Street Conservation Areas and is also visible in certain views from St James's Conservation Area. The Haymarket Conservation Area is characterised by relatively large-scale buildings with a significant number dating from the early 20th century but has a mixed architectural character with variations in heights and roofscape. Regent Street has a more homogenous character and has a greater degree of uniformity.

The unlisted buildings across the application site are of mixed quality and proposals would see the complete demolition of St Albans House and Samuel House and demolition and rebuilding of re-modelled retained facades of Greener House 66-71 Haymarket, 13-16 Charles II Street and 2 St Alban's Street.

St Alban's house is a simply detailed eight storey 1960s office block and Samuel House a simple brick building fronting St James's Market. Neither is considered to contribute positively to the character and appearance of the conservation area and their demolition and replacement provides an opportunity for enhancement. With regards to the group of 66-71 Haymarket, 13-16 Charles II Street and 2 St Alban's Street, these are attractive early 20th century classically detailed Portland stone buildings of six storeys with mansard roof storey. They are typical of buildings within the wider area and contribute positively to the character of the conservation area.

The redevelopment would demolish and completely replace St Alban's and Samuel House and 66-71 Haymarket, 13-16 Charles II Street and 2 St Alban's Street would also be demolished but their street-facing elevations to Haymarket, Charles II Street and St Alban's Street would be retained, rebuilt but will be 'stretched' resulting in slightly different proportions above first floor level.

The proposed replacement buildings across the site are designed with two cores and integrated plant for the whole development but are subdivided into different parts with different architectural expression which breaks up the overall massing and responds with differing character to different parts of the site.

To the south, the retained fabric of the historic facades would define the new block. This will allow the new office floors behind the retained facades to meet modern expectations of office floor to ceiling heights while allowing their character and detail to be maintained. The original Portland stone would be cleaned and reinstated, with additional courses to increase the floor-to-ceiling height and there would be a traditionally detailed slate-clad double mansard with dormer windows. Subject to conditions to secure detail, this approach is appropriate and will maintain the contribution of this group to the townscape and character and appearance of the conservation area on this important corner.

Across the rest of the site, the demolition of Samuel House and St Alban's House offers an opportunity for enhancement. To the north, addressing the Haymarket frontage, the new building replacing Samuel House would reflect predominant materials and more formal character in the Haymarket Conservation Area. It is clad in Portland stone and metal, forming a 'weave' pattern. To St James's Market, the buildings currently present fairly bland and unwelcoming facades. Here the new elevations would be principally of glass with coloured-metal 'fins', which would form a curvilinear lattice pattern at ground floor and a regular orthogonal pattern above. The materials and detailing will provide more open and animated frontages to the new public realm. The public realm itself with new trees, planting and lighting will be a significant enhancement to this area.

Views analysis has been provided which demonstrates the impacts in views from Haymarket and from St James's Conservation Area. While the additional height of the new roofscape will be apparent, across the site the upper floors and plant would be set back so as to maintain the scale of the surrounding townscape in views from the street and overall, due to the varied skyline which characterises Haymarket and the quality of the materials and detailing to the roofscape, the impacts are acceptable.

The development will affect the setting of the listed cinema to some degree. In addition to the impacts in the view from Orange Street discussed above, the cinema will be immediately adjacent to two much taller buildings - the rebuilt Greener House and the replacement St Albans House and this does result in some harm. However, detail of proposals has been amended through pre-application to reduce and mitigate this impact, with the mansard to Greener Houser and roof to St Alban's House carefully detailed to continue around the return walls and, on balance, this impact is now considered acceptable given the high quality design and wider benefits of the scheme as a whole.

Overall, the design, materials and detailing of new buildings across the site are of very high quality, respond successfully to local character and will contribute positively to the character of Haymarket and Regent Street Conservation Areas and will not cause harm to the wider townscape, settings of adjoining listed buildings and setting of the St James's Conservation Area.

(iii) Impact on the protected vista from Primrose Hill

The development breaches the threshold height of the protected viewing corridor of London View Management Framework View to the Palace of Westminster (LVMF 4A.2). However, visual analysis has been provided that shows it will be obscured by larger buildings within the foreground. As such the development will not affect the ability to appreciate the Palace of Westminster in this view and breaching the threshold plane of

the viewing corridor in this location is therefore acceptable and the GLA have not objected.

(iv) Potential Impacts on Archaeology

The site is within a Tier 2 Area of Archaeological priority and the Greater London Archaeological Advisory Service have been consulted. They have advised that the site may have archaeological potential and have requested the imposition of pre-commencement conditions to ensure this is fully investigated.

Conclusions

While the height of the new buildings immediately adjacent to the cinema will cause some (less than substantial harm) to its setting, proposals will also secure the retention of and bring some enhancement to the listed building, fully restoring its front façade, reinstating a more appropriate canopy and overall the scheme will bring many wider public benefits. Taken as a whole, the proposed development will result in a new group of buildings of exceptionally high quality which is sympathetic to surrounding townscape and will deliver high quality new public realm which will be an enhancement to the character and appearance of the conservation area. It will not cause harm to the settings of the adjoining listed buildings or conservation area. As such, proposals comply with local and national policy on design and heritage and our statutory duties in relation to heritage assets.

Public Realm

As part of the works for Phase 1, significant improvements were made to the public realm within St James's Market. This included the pedestrianisation of Norris Street and the part pedestrianisation of St James's Market to create high quality public open space. The public realm is managed and maintained by The Crown Estate through a legal agreement with the council.

One of the key benefits of the current scheme is the proposal to further enhance the connectivity and permeability of the area for pedestrians. The public realm proposals seek the full pedestrianisation of Carlton Street and St James's Market. The applicant advises that whilst the aspiration of the current scheme is to deliver this vision from day one it may not be possible due to the need to maintain an access to the basement car park within Rex/Savannah House via Carlton Street and St Albans Street. If it is not possible to extinguish the requirement for this access or to deliver an alternative, then a phased approach would be adopted to the delivery of the landscape design within the application site as follows:.

Phase 1 - This would deliver the majority of the public realm proposals but would include a shared pedestrian/vehicle surface that supports restricted access to the basement ramp in Rex/Savannah House. This would require the omission of one of the proposed planters, and the provision of a means of vehicle management apparatus to preserve pedestrian priority.

Phase 2 - When access to the basement car park is no longer required this would allow for the completion of the public realm proposals, including the provision of additional planting and the installation of a permanent vehicle restriction on Carlton Street.

The aspiration to extend the area of pedestrianisation to include Carlton Street and St Albans Street, to remove vehicular traffic from the area and introduce further improvement in the environment within the total St James's Market development is welcome in public realm terms. An enhanced public square will be at the heart of the public realm which will be faced with food and beverage outlets and outdoor seating. The details that have been provided as part of the application show a attractively designed public space with tree planting, planters, feature lighting and public art. The overshadowing report provided with the application shows that on 21st March , 19% of the main area of public realm will receive two or more hours of direct sunlight. When considering the 21st June assessment, 83% of the area will receive direct sunlight for over 75 minutes. This study demonstrates that for a central London context the public realm will appear attractively sunlight for part of the day.

Carlton Street, St Albans Street and Norris Street are adopted public highway. For this reason, the public realm proposals can only be considered as indicative only as they will require full Highways approval from the council. An informative is recommended that the works shown on the submitted plans are indicative at this stage, that the final design of the works will require the agreement of the Highways team in City Management and Communities and they will need to be secured as part of any future S278 agreement. It is likely that as was agreed for Phase 1, the Crown Estate will the manage and maintain the public realm through an agreement with the council. It is recommended that full details of the public realm are secured by condition to include hard and soft landscaping and lighting.

The public realm proposals will require nearby Legible London signage to be updated. The applicant has agreed to make a financial contribution to enable this and full details of the contribution will be reported verbally to committee. This contribution can be secured through the S106 Agreement.

8.3 Residential Amenity (Sunlight and Daylight, Sense of Enclosure & Privacy)

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

There is no residential in the vicinity of the site. The nearest residential property to the application site is located at 3 Orange Street which is located approximately 35m to the east but does not face onto the application site. As such the proposal would not affect daylight or sunlight or create overlooking or overshadowing to any residential properties. The proposal is therefore considered to comply with Policy S29 of our City Plan and Policy ENV 13 of the UDP.

8.4 Transportation/Parking

The site has excellent links to public transport with a PTAL rating of 6B which the highest rating. The proposed redevelopment is designed without any off street car parking, therefore the only vehicle access will be for servicing and delivery purposes. This is consistent with Policy TRANS22 of the UDP [Off-street parking: non-residential development]. The site is also within a Controlled Parking Zone. The site has a good level of public transport accessibility. Given the sites location and proposed land uses, the lack of car parking will not have any adverse impact on the surrounding road network.

A loading bay and servicing area is proposed within the site with access to the provided via Charles II Street. The provision of a 9m turntable within the loading bay will allow servicing vehicles to enter and exit the site in forward gear (including refuse vehicles). The servicing facilities proposed comply with Policy S42 [Servicing and Deliveries] of the City Plan and TRANS20 [Off-street servicing, deliveries and collection] of the UDP. A condition is recommended to secure an updated Servicing Management Plan prior to occupation. This will include information on how the facilities management for the development will consider working with neighbours to minimise vehicle trips.

In order to future proof the loading bay and to support the move towards electric freight and delivery vehicles (whether these are vans or larger goods vehicles) a condition is recommended to secure details of a fast electric vehicle charging point to be provided within the loading bay.

Cycle parking at the development will be provided in accordance with Draft London Plan (2018) standards. Based on the floorspace schedules provided with the application the scheme requires 344 long stay and 108 short stay cycle parking spaces. It is proposed to provide a policy compliant 344 long stay cycle parking spaces and a further 14 short stay spaces (for office use only) in the first basement level. The long stay cycle spaces will be accessed from a dedicated bicycle entrance and lobby off Charles II Street (shared as a UKPN access) with a stepped ramp and lift access to take bicycles down to the basement. All associated shower and locker facilities will be provided in close proximity to long-stay cycle parking locations for employees and retail staff use. This is welcome in policy terms.

The applicant envisages that the short-stay cycle parking spaces for the retail uses will be provided as Sheffield stands within the public realm. Details of the number and location of these Sheffield stands has not been provided so it is recommended that full details are secured by condition.

Given the sites location, level of car parking, level of cycle parking and associated facilities and proposed use, a formal travel plan is not considered a requirement for the proposed development.

Highway Works

The applicant advises that the following highway works are required as part of the scheme:

- the proposed loading bay on Charles II Street will require a build out of the footway and the existing cycle hire docking station will need to be relocated within the widened footway.
- other kerbside activities on the north east section of Charles II Street will be displaced (but the applicant advises that the overall quantity of parking bays is retained).
- the existing diplomatic parking bay on Charles II Street will be removed, as the consulate residence on-site has been relocated.
- the loading bay currently provided on Haymarket to the north of the SJM2 site is proposed to be removed as the applicant advises this is no longer required due to the provision of the “off street” loading facility within the development.

As set out in section 8.2, as part of the current proposal there is an aspiration to extend the area of pedestrianisation to include Carlton Street, to remove vehicular traffic from the area and introduce a further step change in the environment within the total St James’s Market development. This will involve the road closure and removal of vehicles from Carlton Street and St James’s Market. The applicant considers that because of the provision of a shared loading facility this will not significantly affect the operations of local businesses and will not create any significant inconvenience to general road users.

The applicant advises that the highway proposals for Carlton Street will result in the closure of the junction between Regent Street and Carlton Street. This will allow for a renewed footway along this boundary to the site. There are no changes proposed to the kerb side activities on Regent Street. Overall the proposals seek to retain a parking neutral scheme for kerbside activity. These works can be secured through the S106. An informative is recommended that the works shown on the submitted plans are indicative at this stage, that the final design of the works will require the agreement of the Highways team in City Management and Communities and they will need to be secured as part of any future S278 agreement.

8.5 Economic Considerations

The economic benefits arising from the additional B1 office space in the Core CAZ, in terms of job creation and an increase in local spend, are welcome.

8.6 Access

An Access Strategy has been submitted with the application which explains the design of the proposed scheme in the context of the disability-related aspects of the Equality Act 2010 and sets out how the development will meet Building Regulations, Approved Document M through the design of the new building and public realm.

There is a significant level change of around 3 metres between the north and south ends of the site which results in gradients along pedestrian routes. Wherever practicably possible the applicant advises that routes through the public realm have been made level or with a shallow gradient of up to 1:60. However, due to the existing levels and the need to gain access to the buildings at set points, some areas of the landscaping have unavoidable gradients greater than 1:20. It is recommended that full details of the level changes within the public realm and measures to ensure full accessibility are secured by condition.

All retail units along St Albans Street have level entry. However due to site levels, the corner retail unit on Charles II Street and Haymarket has one entrance that is stepped. It has been ensured however, that a suitable alternative level entrance to the unit is provided.

The cinema does not currently have full accessibility and it is not proposed to make any changes as part of the current scheme. Whilst this is regrettable, it is not something that adopted policies can insist upon. However, the applicant has met with officers to look at options for improving accessibility within the building which include the installation of an internal lift to allow for full wheelchair access. The points raised by SAVE and the Cinema Theatre Association about using part of the application site to provide lifts that could link into the cinema are noted. The applicant has considered this option as part of its feasibility however due to the internal layout of the cinema which has been designed with half landings, this option is not feasible. The current scheme will therefore maintain current access arrangements other than alterations to means of escape routes from the cinema.

8.7 Other UDP/Westminster Policy Considerations

Plant

The acoustic report submitted sets out the plant to be installed, namely 29 condensing units, 4 air source heat pumps, 2 generators and 2 smoke extract fans. In order to achieve the relevant design noise criteria the louvered section of the screen around the northern plant area will need to be acoustically rated, the air handling and extract plant due to be sited at 4th floor level will require silencers and duct borne noise from the smoke extracts will require attenuation to ensure they meet the required. As this specific information is not provided a condition requiring the submission of a supplementary acoustic report is recommended. With this condition in place the proposal would comply with Policy ENV 7 of the UDP.

Refuse and Recycling

The waste and recycling details submitted are considered acceptable. It is proposed that all waste and recycling will be collected from the internal loading bay. The applicant has confirmed that it is their intention to provide a 9m diameter turntable with a clear zone up to 11m in length. This can accommodate a refuse vehicle up to 10m in length.

Biodiversity

London Plan Policy 5.10 states that the Mayor's aim is to increase the quantum of greened surface area within the CAZ by at least 5% by 2030 and a further 5% by 2050. The Mayor's Stage 1 Report considers that Urban greening should be embedded as a fundamental element of the site and building design. Features such as street trees, green roofs, green walls, rain gardens, wild flower meadows, woodland and hedgerows should all be considered for inclusion, and opportunities should be explored to create green links to the local green network surrounding the site.

The applicant has calculated that its Urban Greening Factor (UGF) is 0.053. This will be provided in the form of high level planters and climbing plants on levels 5, 6 and 7 (west elevation), a living roof within the PV panels at main roof level together with planting within the public realm. This falls below the draft London Plan Policy G5 target for a UGF

of 0.3 but exceeds the current UGF of 0.01. The application proposes the removal of three recently planted street trees on Norris Street. These will be replaced with four street trees and three specimen trees identified as London Plane and Pin Oak.(although the final species selection may be determined by the council of the trees fall within public highway).

Although the proposal does not meet the Mayor's target for UGF, the scheme does propose to enhance biodiversity on the site. The further greening of the scheme such as living walls and planted terraces onto Haymarket may not be suitable given heritage considerations.

Sustainability

The site is within Flood Zone 1 and is below 1ha in size so therefore a Flood Risk Assessment is not required for the site. The approach to flood risk management for the proposed development complies with London Plan policy 5.12 and draft New London Plan policy SI.12.

The surface water drainage strategy provides an assessment of existing runoff rates, and attenuation storage required to restrict the 100 year (plus 40% climate change) post development discharge rate to 4.37 l/s. The strategy notes that rainwater harvesting and green roofs would be possible options, and that infiltration is not feasible due to the building's footprint and site geology. An attenuation tank is proposed as the main Sustainable Urban Drainage Strategy measure, and this approach generally satisfies the requirements of London Plan policy 5.13 and draft London Plan SI.13. Furthermore, rainwater and greywater harvesting are proposed.

The achievable BREEAM score for New Construction 2018 Offices is 76.31% which equates to a BREEAM rating of Excellent. The BREEAM pre-assessments for these components show a greater than 40% reduction in water consumption and scores of 3 on water measures. This is in accordance with policy SI.5 of the draft new London Plan.

The achievable BREEAM score for New Construction 2018 Retail assessment is 60.90% which equates to a BREEAM rating of Very Good.

Energy

London Plan (Consolidated with Alterations since 2011) 2016 Policy 5.2 sets out that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- (i) Be lean: use less energy
- (ii) Be clean: supply energy efficiently
- (iii) Be green: use renewable energy

The London Plan (2016) is supported by various supplementary planning guidance (SPG) that includes "Sustainable Design and Construction" dated April 2014 that relates specifically to sustainability issues.

The Sustainable Design and Construction SPG sets out that the new building element (which includes the roof extension) of the current development is required to meet a

carbon emission reduction target of 35% against a Building Regulations Part L2A:2013 Baseline.

The draft version of the updated London Plan was issued in December 2017 with a supplementary energy strategy guidance update issued in October 2018. Adoption is expected in 2019. Policy SI2 sets out that major developments should be net zero carbon. However, the draft London Plan policy SI2 requiring zero carbon for all major developments is yet to be adopted, so officers consider the 35% improvement target should still apply.

The energy strategy for the proposed scheme is on CO2 reduction by using a highly efficient building envelope with high efficiency mechanical and electrical services, along with air source heat pumps with heat recovery. The demand for cooling and the overheating risk will be minimised through low g-value glazing and thermal mass and renewable energy (the glazing ratio of the façade is 31.5%). will be provided through photovoltaic (PV) cell renewable technology (92sqm). Officers are satisfied that the amount of PV's has been maximised and that the heating infrastructure will have the provision to connect to a district heating network in future. The carbon dioxide emission and savings values from the proposed development are 39.63% over Part L 2013.. Overall the scheme is in accordance with Policy 5.2 of the current adopted London Plan (2016).

The applicant has confirmed that the heating infrastructure, through the provision of future connection points, a future plant area will be provided within the energy centre plant room for a district heating substation and associated ancillaries and a suitable safe guarded pipework route will be provided from the plant room.

The applicant has also given consideration to the emerging London Plan whereby the target will be a 100% reduction in carbon dioxide emissions with a 15% reduction met by energy efficiency measures alone. The energy strategy regulated annual carbon emission shortfall when compared to the 100% saving target is 165.27 tonnes CO2 so allowing an assumed 30 year duration for the development services this equates to a cumulative shortfall of 4,958.15 tonnes CO2. The applicant advises that this shortfall will however be offset by various measures to be implemented by The Crown Estate reducing annual carbon emissions across their central London portfolio within Westminster. Given that this relates to emerging policy this is not something that can be secured but is welcome in environmental terms.

The scheme is targeting a BREEAM 'Excellent' rating with a predicted score of 76.87%. This is welcome, and it is recommended that this target 'Excellent' rating is secured by condition with a requirement to provided certification within three months of occupation.

Flood Risk

The surface water drainage strategy addresses the London Plan Drainage Hierarchy by identifying appropriate site-specific measures to minimise the quantity of water discharged from the site and therefore reduce the risk of flooding. The scheme proposes to provide a 244 cubic metre attenuation tank as the main Sustainable Urban Drainage (SuDS) measure. Whilst the provision of permeable paving is not feasible the applicant has agreed to the addition of tree pits. It is recommended these SuDS measures are secured by condition to ensure their provision and retention within the scheme.

Air Quality

The council has declared an Air Quality Management Area (AQMA) for the entire Borough for exceedances of the annual mean nitrogen dioxide (NO₂) and 24-hour mean particulate matter (as PM₁₀) Air Quality Strategy (AQS) Objectives. The applicant has submitted an Air Quality Assessment (AQA) with their application.

The development has the potential to effect local air quality during construction and once the development is complete and operating. The most significant pollutant during construction relates to the creation of nuisance dust and emissions from construction vehicles and construction plant. However, the applicant has advised that in line with best practice on construction sites a range of environmental management controls would be implemented. These would form part of any Site Environmental Management Plan secured through the council's Code of Construction Practice (see 8.14).

In terms of air quality from the operational phase, the details of the kitchen extraction termination for the restaurant /bar units and air quality neutral assessment for the generators is acceptable. The only outstanding issues are the PM₁₀ modelling for the diesel generators and information about the methodology for the short term concentrations of NO₂ emissions from the generators. The applicant is aware of this and details of the information received and Environmental Health's updated comments will be reported verbally to committee.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019, the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

The site is not located in an area where there is a Neighbourhood Plan in place.

8.10 London Plan

The scheme would provide an enhanced retail and office floorspace offer within the Central Activities Zone and is supported by London Plan Policy 2.11. Paragraph 4.6 of the London Plan clarifies that employment in the CAZ is expected to grow substantially over the lifetime of the plan and it will be important to ensure an adequate supply of office accommodation and other workspaces in the CAZ.

The proposal to re-provide a cinema on the site, and increasing the floor area of the site by 190 sqm is supported by London Plan Policies 2.11(E) and 4.6 and draft London Plan Policies SD4(E) and HC5 .

No strategic design concerns are raised. The Stage 1 report advises that the design responds successfully to the surrounding built context in terms of acknowledging the existing built character of heritage assets and in creating new pedestrian routes and spaces across the site.

In terms of heritage, the Stage 1 report states that the proposed development will result in less than substantial harm on the Grade II listed Carlton Cinema and the conservation areas, however the public benefits, including economic, leisure and public realm benefits, arising from the scheme outweigh the less than substantial harm. Therefore, the scheme aligns with Policy 7.8 of the London Plan and Policy HC1 of the draft London Plan.

The design and access statement sets out that the detailed design will satisfy the requirements of Part M of the Building Regulations and complies with London Plan Policy 7.2 and draft London Plan Policy D3.

Following the receipt of additional information the energy strategy in accordance with Policy 5.2 of the current adopted London Plan (2016).

The approach to flood risk management for the proposed development complies with London Plan policy 5.12 and draft New London Plan policy SI.12.

In accordance with London Plan policy 5.13 and Policy SI13, consideration should be given to the use of blue roofs along with the green roofs, for improved attenuation.

Cycle parking and showers/changing facilities are provided in accordance to London Plan Policy 6.9 and draft London Plan policy T5 and the London Cycle Design Standards, noting that at least 5% of spaces should be for larger bikes.

The proposal would require that the existing cycle hire docking station on Charles II Street to be relocated to the new part of the footway to be created outside the development's frontage. A financial contribution of £60,000 is required to cover the costs of this relocation and to provide an extra 10 docking points to accommodate additional demand from the proposal in line with London Plan policies 6.3 and draft London Plan policies D1 and T4.

The submitted Framework Delivery and Servicing Plan is acceptable however a detailed delivery and servicing plan should be secured by condition in line with London Plan policies 6.3 and 6.14 and draft London Plan policy T7.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

Application 1 - The draft 'Heads' of agreement are proposed to cover the following issues:

- i. Not to commence development at St James's Market Phase 2 prior to commencement of the planning application at 33 Vauxhall Bridge Road (RN/19/04881/FULL)
- ii. Not to occupy more than 14,044sqm (GIA) B1 office accommodation at St James's Market Phase 2 until the residential units at 33 Vauxhall Bridge Road have been constructed to practical completion and made ready for occupation.
- iii. A financial contribution towards the Westminster Employment Service of £224,860.58 (index linked) payable on commencement of development.
- iv. A financial contribution of £60,000 (index linked) payable on commencement of development to enable the relocation of the existing cycle hire docking station on Charles II Street and to enable the provision of 10 additional docking points.
- v. All highway works immediately surrounding the site required for the development to occur, including any necessary changes to foot way levels, on-street restrictions, (legal, administrative and physical).
- vi. A financial contribution of (sum to be confirmed) towards updating Legible London signage payable on commencement.
- vii. Wayleave for street lighting.
- viii. Monitoring costs of £500 for each of the above clauses.

The estimated Westminster CIL payment (Pre-Indexation) is £1,757,428.

The estimated MCIL2 payment (Pre-Indexation) is £1466,833.52

8.13 Environmental Impact Assessment

An Environmental Impact Assessment has not been submitted with the application.

8.14 Other Issues

Public consultation

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

The SCI advises that engagement with residents, businesses, amenity societies and

ward councillors has comprised a series of meetings and public exhibitions. The invitation to the St James's Market occupier briefings and public exhibition, which was held over three and two days respectively, was posted to 617 local residents and businesses. A total of 50 people attended the briefings and 61 people attended the public exhibition. Exhibition attendees were given the opportunity to make comments using the feedback forms provided. A copy of the feedback form has been provided in the SCI and 11 responses were received. A summary of comments raised during the stakeholder meetings are also provided in the SCI.

Construction impact

The council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the council's Code of Construction Practice Team
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel
- pay the charges arising from site inspections and monitoring
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP) which will need to be approved by the council's Environment Inspectorate team. The applicant has provided a copy of their draft Framework for Demolition and Construction Environmental Management Plan (DCEMP) to the Environment Inspectorate team for informal discussion. The document identifies that it will cover matters relating to site logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison.

Impact on theatres

Concerns have been expressed by the owner of Her Majesty's Theatre on Haymarket about the impact from demolition and construction works, namely from noise and vibration, dust, traffic congestion, pedestrian safety and impact on the Charles II Street elevation of the theatre which houses the dressing rooms and in summer months it is essential that these windows remain open to provide adequate ventilation. These concerns are understood and apply equally to The Theatre Royal which is also in close proximity to the proposed development site. For a theatre the impact from construction works can be more impactful due to the nature of the use and that matinee performances and sound checks take place during the day.

It is inevitable that there will be some impact from a development this size. There is a possibility of adverse impact due to noise and vibration during the demolition phase when works to basement slab at 13-16 Charles II Street will be carried out, although officers consider that adverse impacts can be dealt with through a range of mitigation measures.

Theatres are classed as sensitive receptors for purposes of the CoCP and would be offered a degree of protection from noise and vibration impact through the SEMP and Control of Pollution Act Section 61 consent. The SEMP will include a requirement for the developer to submit a Section 61 prior consent application and agree to fixed noise and vibration limits. The site would be required to continuously monitor noise and vibration levels and air quality and report these to the council on a monthly basis. Noise and vibration trigger levels are set based on the sensitivity of nearby premises and the activity being undertaken. These limits are normally measured at the site boundary although previous successful mitigation schemes involving theatres have involved setting noise and vibration limits inside the performance and rehearsal spaces of theatres.

The CoCP also provides an opportunity for the Council to set bespoke mitigation so that times of demolition can be programmed so as not to interfere directly with local stakeholders' needs. For example, the applicant would agree to stop any potentially noisy work during performances and rehearsals. Where appropriate, and particularly where there are significant concerns, the council can impose a condition requiring specific mitigating measures within the SEMP/CMP. In such circumstances the permission cannot be implemented unless those mitigation measures have been agreed within the SEMP/CMP. In addition to our standard to ensure that the developer and contractors of the current scheme sign up to the council's CoCP, it is recommended that an additional condition is used to require the following specific mitigating measures within the SEMP:

- to secure arrangements for the monitoring and control of construction noise as experienced at Her Majesty's Theatre,
- To agree to stop any potentially noisy work during performances which may exceed the trigger levels.
- to secure arrangements for the monitoring and control of dust and air quality as experienced at Her Majesty's Theatre
- to secure measures to manage access to the loading bay on the southern side of Charles II Street.

As part of the CoCP / SEMP process the Highways team will set also agree measures to minimise the impact of congestion and operational impacts as well as ensuring pedestrian safety is maintained. This is also continually monitored through unannounced inspections and site visits.

Impact on former Carlton cinema

The applicant has advised that the cinema that forms part of the site will be vacated during the building works.

As well as the above, it is recommended that our standard condition is attached to the decision notice to protect the general amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974.

Crime and security

The architect for the scheme has met with the Designing Out Crime Office to discuss crime prevention and Secured by Design. The comments from the Designing Out Crime Officer advise that whilst they have no objections to the scheme, they recommend attaching conditions relating to Secured by Design and measures relating to Counter Terrorism. It is recommended that an informative is used to advise the applicant to secure full Secured by Design accreditation and a condition is used to secure details of anti-terrorism measures.

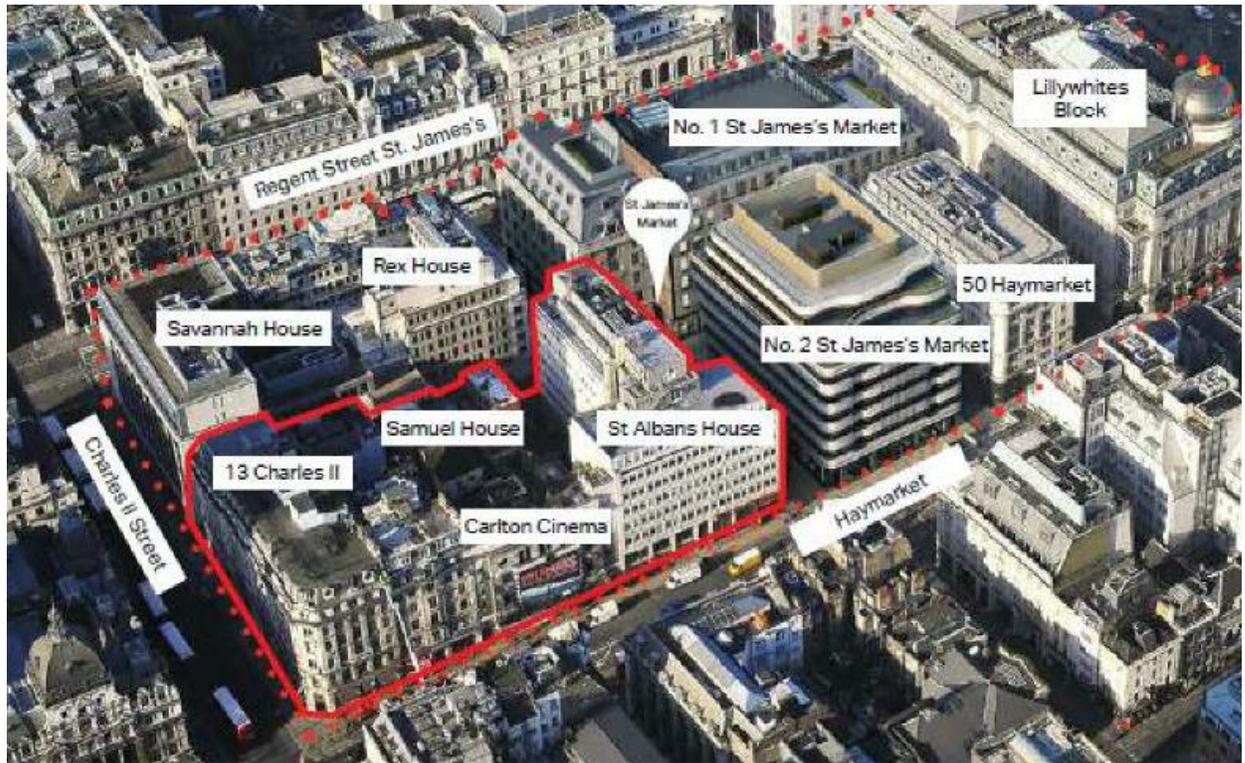
London Underground

The Mayor of London's Stage 1 Report advise that the London Underground Bakerloo Line runs close to the site and an infrastructure protection condition is therefore required in accordance with London Plan policy 6.2 and draft London Plan policy T3. It is therefore recommended that this condition is attached to the draft decision notice.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

9. KEY DRAWINGS



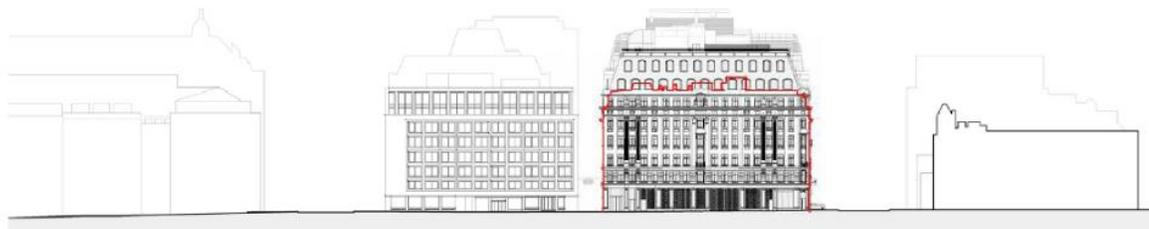
Aerial view of existing site



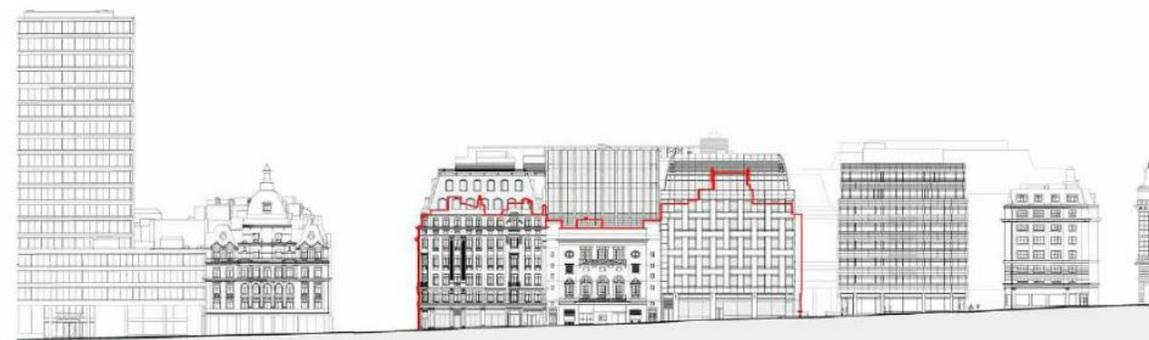
Aerial view of proposed new development

Elevation comparisons

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Red line denotes the existing buildings



Proposed elevation of Charles II Street



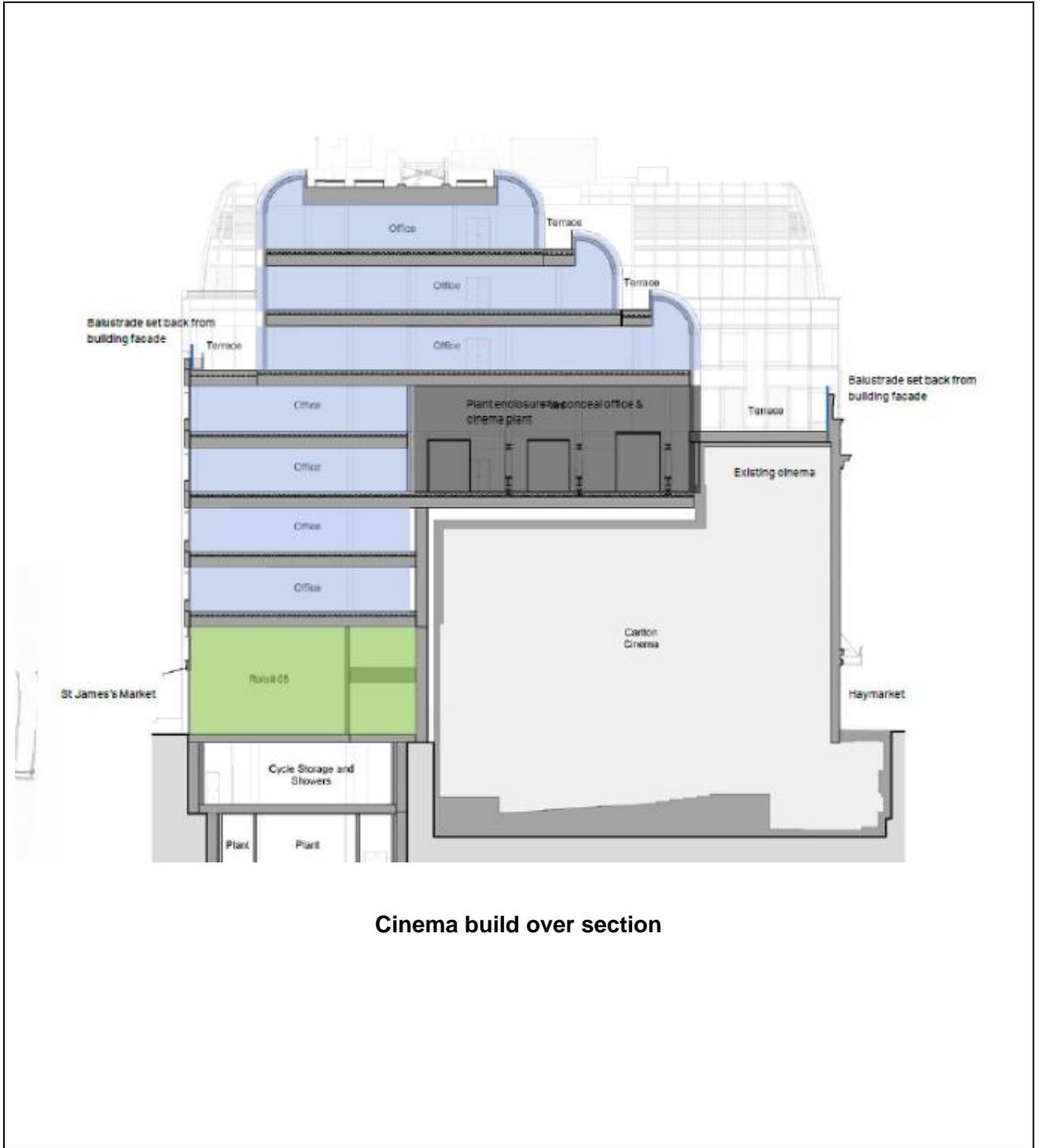
Proposed elevation of Haymarket

104

Elevation comparisons. Charles II Street (top) and Haymarket (bottom)



Proposed ground floor plan





Proposed Haymarket view looking south



View from Carlton Street



View from Charles II Street



Proposed view from Haymarket looking north



View from St James's Market looking north

View from St James's Market looking north showing new public realm.

DRAFT DECISION LETTER

- Address:** St Albans House, 57-60 Haymarket, London, SW1Y 4QX,
- Proposal:** Complete demolition of St Albans House and Samuel House and demolition behind remodelled facades of Greener House and 13-16 Charles II Street to enable the comprehensive redevelopment of the site to provide a single new building comprising basements, ground and mezzanine floors and 7 upper floors, retained and remodelled facades at Greener House and 13-16 Charles II Street for use for Class A1 and/or A3 and/or A4, Class D2 and Class B1 office. Basement tunnel link to 11-12 Charles II Street, associated public realm and highway works and other associated works. Alterations to the facade of the Carlton Cinema. [Site includes 57-60 and 71 -99 Haymarket, 6 St Alban's Street and 13-16 Charles II Street]
- Reference:** 19/04480/FULL
- Plan Nos:** Site location plan - JM-MAK-XX-XX-PL-A-PA0200 P02
Existing site plan SJM-MAK-XX-XX-PL-A-PA0201 P01
Proposed site plan - SJM-MAK-XX-XX-PL-A-PA1900 P02

Existing Drawings

SJM-MAK-XX-B2-PL-A-PA0990 P01, SJM-MAK-XX-BM-PL-A-PA0991 P01,
SJM-MAK-XX-BM-PL-A-PA0992 P01, SJM-MAK-XX-XX-PL-A-PA0993 P01,
SJM-MAK-XX-XX-PL-A-PA0994 P01, SJM-MAK-XX-XX-PL-A-PA0995 P01,
SJM-MAK-XX-02-PL-A-PA0996 P01, SJM-MAK-XX-03-PL-A-PA0997 P01,
SJM-MAK-XX-XX-PL-A-PA0998 P01, SJM-MAK-XX-XX-PL-A-PA0999 P01,
SJM-MAK-XX-06-PL-A-PA1000 P01,, SJM-MAK-XX-06-PL-A-PA1001 P01,
SJM-MAK-XX-XX-EL-A-PA1200 P01, SJM-MAK-XX-XX-EL-A-PA1201 P01,
SJM-MAK-XX-XX-EL-A-PA1202 P01, SJM-MAK-XX-XX-EL-A-PA1203 P01,
SJM-MAK-XX-XX-EL-A-PA1210 P01, SJM-MAK-XX-XX-EL-A-PA1211 P01,
SJM-MAK-XX-XX-EL-A-PA1212 P01, SJM-MAK-XX-XX-EL-A-PA1213 P01,
SJM-MAK-XX-XX-SE-A-PA1250 P01, JM-MAK-XX-XX-SE-A-PA1251 P01, ,
SJM-MAK-XX-XX-SE-A-PA1252 P01, SJM-MAK-XX-XX-SE-A-PA1253 P01,
SJM-MAK-XX-XX-SE-A-PA1254 P01, HED.1309.P2.103 P01.

Demolition Drawings

SJM-MAK-XX-B2-PL-A-PA1405 P01, SJM-MAK-XX-B1-PL-A-PA1406 P01,
SJM-MAK-XX-BM-PL-A-PA1407 P01, SJM-MAK-XX-00-PL-A-PA1408 P01,
SJM-MAK-XX-0M-PL-A-PA1409 P01, SJM-MAK-XX-01-PL-A-PA1410 P01,
SJM-MAK-XX-02-PL-A-PA1411 P01, SJM-MAK-XX-03-PL-A-PA1412 P01,
SJM-MAK-XX-04-PL-A-PA1413 P01, SJM-MAK-XX-05-PL-A-PA1414 P01,
SJM-MAK-XX-06-PL-A-PA1415 P01, SJM-MAK-XX-07-PL-A-PA1416 P01,
SJM-MAK-XX-RF-PL-A-PA1417 P01,, SJM-MAK-XX-XX-EL-A-PA1450 P01,
SJM-MAK-XX-XX-EL-A-PA1451 P01, SJM-MAK-XX-XX-EL-A-PA1452 P01,
SJM-MAK-XX-XX-EL-A-PA1453 P01, SJM-MAK-XX-XX-EL-A-PA1454 P01.,

Proposed Drawings

SJM-MAK-XX-B2-PL-A-PA1997 P01; SJM-MAK-XX-00-PL-A-PA1998 P01;
SJM-MAK-XX-00-PL-A-PA1999 P03; SJM-MAK-XX-0M-PL-A-PA2000 P01;
SJM-MAK-XX-01-PL-A-PA2001 P01; SJM-MAK-XX-02-PL-A-PA2002 P01;

SJM-MAK-XX-03-PL-A-PA2003 P01; SJM-MAK-XX-04-PL-A-PA2004 P01;
 SJM-MAK-XX-05-PL-A-PA2005 P01; SJM-MAK-XX-06-PL-A-PA2006 P01;
 SJM-MAK-XX-07-PL-A-PA2007 P01; , SJM-MAK-XX-RF-PL-A-PA2008 P01;
 SJM-MAK-XX-RF-PL-A-PA2009, SJM-MAK-XX-XX-EL-A-PA2200 P02;
 SJM-MAK-XX-XX-EL-A-PA2201 P02, SJM-MAK-XX-XX-EL-A-PA2202 P02;
 SJM-MAK-XX-XX-EL-A-PA2203 P02, SJM-MAK-XX-XX-EL-A-PA2210 P02;
 SJM-MAK-XX-XX-EL-A-PA2211 P02; SJM-MAK-XX-XX-EL-A-PA2212 P02;
 SJM-MAK-XX-XX-EL-A-PA2213 P02; SJM-MAK-XX-XX-SE-A-PA2250 P01,
 SJM-MAK-XX-XX-SE-A-PA2251 P01; SJM-MAK-XX-XX-SE-A-PA2252 P01; ,
 SJM-MAK-XX-XX-SE-A-PA2253 P01; SJM-MAK-XX-XX-SE-A-PA2254 P02,
 SJM-MAK-XX-XX-SE-A-PA2255., SJM-MAK-A6102, 3962CSK005 P2,
 23048305-STR-HGN-100-SK-90201 (Turntable operation sketch),
 HED.1309.P2.100 P05, HED.1309.P2.400 P05.,

Documents

Air Quality Assessment, Heritage Statement (October 2019), , Servicing Management Plan, Noise and Vibration Assessment AS9813.190507.PCR v2.3 (20 August 2019), GLA Energy Memo: Stage 1 Consultation Response - Issue 1, GLA - Carbon emission reporting spreadsheet 05/10/2018, Water & Green Infrastructure Memo: Stage 1 consultation comments 16.08.2019, Steer Response to TfL/GLA dated 21 August 2019, Healthy Streets Note, Design and Access Statement (May 2019 and 25 July 2019), Planning Statement (November 2019 May 2019), BREEAM Pre-Assessment Report May 2019, Desk Based Archaeological Assessment May 2019, Façade Retention Study May 2019, Daylight, Sunlight and Overshadowing Report May 2019, Noise and Vibration Assessment May 2019, Energy Statement May 2019, Framework Travel Plan May 2019, Socio-Economic Report May 2019,, Supplementary Geo-hydrology Reports May 2019, Sustainability Appraisal, Townscape and Visual Impact Assessment May 2019, Structural Method Statement May 2019, Transport Assessment (May 2019),.

For information purposes only:, Construction Logistics Plan, Statement of Community Involvement (May 2019),

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to

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

Reason:

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

- 3 **Pre Commencement Condition.** None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which: , (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,, (ii) Accommodate ground movement arising from the construction thereof,, (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail 2 railway within the tunnels and other structures,, The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i), (ii) and (iii) and of this condition shall be completed, in their entirety, before any part of the building[s] [is] [are] occupied. ,

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

- 4 **Pre Commencement Condition.** Prior to the commencement of any:, (a) Demolition, and/or, (b) Earthworks/piling and/or , (c) Construction , On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 5 You are required to include specific provisions for securing the following additional measures as part of the site environmental management plan required to comply with the Council's Code of Construction Practice referred to in condition 4:; i) A construction logistics plan (as required by TfL);; ii) To secure arrangements for the monitoring and control of construction noise as experienced at Her Majesty's Theatre and Theatre Royal; ; iii) To agree to stop any potentially noisy work during performances which may exceed the trigger levels;; iv) To secure arrangements for the monitoring and control of dust and air quality as experienced at Her Majesty's Theatre and Theatre Royal; ; v) To secure measures to manage access to the loading bay on the southern side of Charles II Street;.

Reason:

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

- 6 **Pre Commencement Condition.** No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and, A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 7 **Pre Commencement Condition.** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each stage of the development all of the demolition, 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;; - provide details on the use of tall plant/scaffolding;; - accommodate the location of the existing London Underground structures;; - demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken;; without recourse to entering our land;; - demonstrate that there will at no time be any potential security risk to our railway, property or structures;; -

accommodate ground movement arising from the construction thereof; and, - mitigate the effects of noise and vibration arising from the adjoining operations within the structures., 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 London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 8 You must provide the waste and recycling store shown on drawing prior to occupation. Thereafter you must retain the waste and recycling store and you must not use it for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 9 You must provide a minimum of 344 long stay cycle parking spaces prior to occupation. Thereafter the cycle spaces must be retained, made available to all occupiers of the building and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 10 Prior to occupation you must provide a minimum of 14 short stay cycle parking spaces for the office use as set out within your application. Thereafter the short stay cycle spaces must be retained, made available to visitors to office use within the building and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 11 Prior to occupation of any retail unit, you must apply to us for approval of details of short stay cycle parking for the retail uses within the development. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle parking in line with the approved details prior to occupation.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 12 Notwithstanding the approved documents, you must apply to us for approval of an updated Delivery and Servicing Management Plan for the approved development. You must not occupy any part of the development until we have approved what you have sent us. Thereafter you must manage the development in accordance with the approved details.

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 You must use the access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes.

Reason:

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

- 14 You must apply to us for approval of details of a fast electric vehicle charging point within the loading bay. You must not occupy any part of the development until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the approved details and retain the electric vehicle charging point.

Reason:

To allow for the provision of electric freight vehicles as set out in Policy 6.13 of the London Plan 2016

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

Reason:

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

- 16 You must provide a headroom of at least 4.5m (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)

- 17 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (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)

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

- 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 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) 17 and 18 of this permission. You must not install the plant equipment 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)

- 21 You must apply to us for approval of details of the following biodiversity features for the development:-, , - bird and bat boxes., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details prior to occupation. Thereafter the bird and bat boxes must be retained as approved.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 22 You must provide, maintain and retain the following energy and sustainability measures before you occupy any part of the development, as set out in your application., , - Air source heat pumps; , - A minimum of 92 sqm of photovoltaic panels;; - Rainwater harvesting features; and , - A minimum 244 cubic metre attenuation tank., , Following their installation 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)

- 23 Within 6 months of first occupation of the offices you must submit a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that the development has achieved a BREEAM New Construction 2018 Offices Excellent rating for our approval.

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)

- 24 Within 6 months of the first occupation of any retail unit you must submit a copy of a Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that the development has achieved a BREEAM New Construction 2018 Retail assessment Very Good rating for our approval.

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)

- 25 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living roof / brown roof at main roof level to include construction method, layout, species and maintenance regime. , , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To 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)

- 26 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the surfacing of any part of the site not covered by buildings. The scheme shall include the number, size, species and position of trees and plants. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the soft landscaping and planting within one planting season of completing the development., , If you remove any trees or find that they are dying, severely damaged or diseased within ten years of planting them, you must replace them with trees of a similar size and species. (C30CB) (see informative 3)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Haymarket and Regent Street Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 27 You must not occupy more than 14,044sqm (GIA) of the B1 office accommodation hereby approved until you have carried out the works to improve the facade of the Carlton cinema, namely the removal of advertising board and cleaning and repairing the front façade and replacement of entrance doors and canopy.

Reason:

In order to ensure that the works to enhance the cinema facade are carried out as this is considered to be a benefit of the scheme.

- 28 You must apply to us for approval of full details and detailed drawings where appropriate of the following parts of the development for each of the Class A3 and/or Class A4 units before the use of each of these units commences:, , i) opening hours (times during which customers will be on the premises) for each unit in Class A3 and Class A4 use., ii) means for getting rid of cooking smells for each unit in Class A3 and Class A4 use., iii) opening hours for the terrace at seventh floor level (if it is used for Class A3 purposes.) , , You must not begin the use of each unit allowed by this permission until we have approved what you have sent us. Thereafter the use shall subsequently be carried out in accordance with the approved details.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8, 9 and 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 29 You must apply to us for approval of details of an operational management plan for each unit in Class A3 and Class A4 use. For the avoidance of doubt this includes the management of the terrace in the event that the seventh floor unit is used for Class A3 purposes. You must not occupy any unit for Class A3 and/or Class A4 restaurant and bar use until we have approved what you have sent us., , The plan should include numbers of covers, servicing, smoking, and taxis., , You must then carry out the Class A3 and Class A4 uses in accordance with the

approved strategy.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8,9 and 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 30 After the occupation of all of the Class B1 and/or Class A1 and/or Class A3 accommodation within the ground floor office lobbies, the Class B1 and/or Class A1 and/or Class A3 and/or Class D2 accommodation at mezzanine level and the Class A3 and/or B1 accommodation allowed by this permission, a plan identifying the planning use of each unit shall be provided to the Local Planning Authority, and the deposited plan shall be updated as and when any changes in planning uses occur until the time stated in Condition 31.

Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved.

- 31 The flexible use and occupation of the Class B1 and/or Class A1 and/or Class A3 accommodation within the ground floor office lobbies, the Class B1 and/or Class A1 and/or Class A3 and/or Class D2 accommodation at mezzanine level and the Class A3 and/or Class B1 accommodation allowed by this permission can continue until 10 years from the date of first occupation of the accommodation at which time the use occupying the accommodation shall become fixed unless planning permission is granted for any change.

Reason:

As set out in Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995 (as amended).

- 32 You must not amalgamate any of the shop type units at ground and basement levels in use for Class A3 and/or Class A4 purposes.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 33 In the event that the mezzanine floor is used for Class A3 purposes, no more than 50% of the floorspace comprises in the first-floor mezzanine floor shall be used for that purpose.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 34 In the event that the mezzanine is used for Class D2 purposes, you must only use it for gym

and/or health club uses. You must not use it for any other purpose, including within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the City. This is in line with S29 and S32 of Westminster's City Plan (November 2016). (R05FC)

- 35 Notwithstanding the approved drawings, you must apply to us for approval of detailed drawings of the public realm within Norris Street, Carlton Street and St Albans Street to show how level changes will be managed across the site. You must not commence works on this part of the development until we have approved what you have sent us. You must carry out this work according to the approved details. (see informative 3)

Reason:

To make sure that there is reasonable access for people with disabilities within the public realm 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)

- 36 Other than for testing purposes, the two emergency generators approved as part of this scheme shall only be used for emergency purposes only when power from the national grid fails or where there is a power failure within the building.

Reason:

The use of the generators for general operational needs would be harmful to air quality. This would be contrary to S31 of Westminster's City Plan (November 2016).

- 37 You must apply to us for approval of details of the mitigation measures needed in order to protect the future inhabitants and employees of the proposed building from poor air quality as set out in paragraph 7.2 of the Air Quality Assessment. You must not occupy the development until we have approved what you have sent us and the mitigation measures have been carried out. Thereafter these mitigation measures must be retained for the life of the development.

Reason:

To ensure that the future occupiers of the building are protected from poor air quality as set out in S29 and S31 of Westminster's City Plan (November 2016).

- 38 The development shall achieve a security standard to the satisfaction of the Metropolitan Police and or relevant government authority in relation to counter terrorism. You must provide evidence in writing to the Local Planning Authority prior to occupation of any part of the development.

Reason:

In order to minimise the opportunities for crime as set out in S29 of Westminster's City Plan (November 2016).

- 39 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

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

- 40 **Pre Commencement Condition.** Notwithstanding the approved drawings, you must apply to us for approval of details of a fire exit strategy for the retained cinema. You must not start any work until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved. ,

Reason:

In order to ensure that the alterations to the cinema fire exits proposed do not undermine or prejudice the continued use of the building as a cinema. This is to ensure compliance with S22 and S25 of Westminster's City Plan (November 2016) and TACE 5 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 41 You must apply to us for approval of details of the location of the mechanical plant for the cinema. You must not occupy the office use until we have approved what you have sent us and the space for the cinema plant has been provided in accordance with the approved details. Thereafter you must not use the space for the cinema plant for any other purpose.

Reason:

In order to ensure that the alterations to the cinema plant do not undermine or prejudice the continued use of the building as a cinema. This is to ensure compliance with S22 and S25 of Westminster's City Plan (November 2016) and TACE 5 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 42 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

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

- 43 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the approved roof terraces. (C26NA)

Reason:

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

- 44 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details., , You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure that public art is provided for the public within the scheme. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 45 Notwithstanding the information already submitted within the façade retention study, prior to its removal the you must apply to us for approval of a separate specific methodology for the careful recording, dismantling, storage, repair and reassembly of the cinema parapet. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out these works in accordance with these details and prior to the occupation of any part of the development.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Haymarket Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 46 You must apply to us for approval of full details of the proposed repair works and methodology for cleaning of the front façade of the cinema following removal of the advertising board. You must not start any work on these parts of the development until we have approved what you have sent us. You must then remove the advertisement board and carry out the works set out above in accordance with these approved details and prior to the occupation of any part of the development.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Haymarket Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 47 You must apply to us for approval of full detailed drawings of the proposed new canopy. Prior to agreement of the design, investigative work shall be undertaken to establish whether the original canopy remains and if it does, this should be retained or incorporated within the new canopy design. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out these works in accordance with approved details prior to the occupation of any part of the development.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 48 All new work to the outside of the cinema building and nos. 71 -99 Haymarket and 13-16 Charles II Street must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 49 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

- 50 You must apply to us for approval of details of the following parts of the development: , (i) New doors to the cinema (1:20);, (ii) The lightbox above the auditorium laylight to the cinema; , (iii) New shopfronts (Typical shopfront at 1:20), (iv) Signage strategy , (v) Loading bay and cycle storage gates (1:20), (vi) External lighting to the building, (vii) Feature lighting within the public

realm, , You must not start any work on these parts of the development until we have approved what you have sent us. Thereafter you must carry out the work in accordance with the details approved.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Haymarket Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 51 Notwithstanding the information already submitted, you must apply to use for approval of details of an updated facade retention study. You must not start any demolition work to nos. 71 -99 Haymarket and 13-16 Charles II Street until we have approved what you have sent us. Thereafter you must carry out the demolition and reconstruction works in accordance with the details approved.

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 Haymarket 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)

- 52 **Pre Commencement Condition.** No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place, other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and, A. The programme and methodology of historic building investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works, B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI., (see informative 10),

Reason:

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF, and publication of results, in accordance with Section 12 of the NPPF.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have

made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Transport for London is prepared to provide to information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements. In addition, the latest project developments can be found on the Crossrail 2 website www.crossrail2.co.uk , which is updated on a regular basis.
- 3 You are advised that the details of the public realm shown on the submitted drawings are indicative only. This is because the works are shown on public highway and will require approval from our Highways team and may require a S278 Agreement. Following agreement with our Highways team the final hard and soft landscaping design and details of levels should be submitted for our approval under conditions 26 and 35.
- 4 You are strongly encouraged to secure full Secured by Design accreditation for your scheme.
- 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 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 7 This permission is governed by a legal agreement between the applicant and us under Section

106 of the Town and Country Planning Act 1990. The agreement relates to: i. Not to commence development at St James's Market Phase 2 prior to commencement of the planning application at 33 Vauxhall Bridge Road (RN/19/04881/FULL), ii. Not to occupy more than 14,044sqm (GIA) B1 office accommodation at St James's Market Phase 2 until the residential units at 33 Vauxhall Bridge Road have been constructed to practical completion and made ready for occupation. , iii. A financial contribution towards the Westminster Employment Service of £224,860.58 (index linked) payable on commencement of development., iv. A financial contribution of £60,000 (index linked) payable on commencement of development to enable the relocation of the existing cycle hire docking station on Charles II Street and to enable the provision of 10 additional docking points., v. All highway works immediately surrounding the site required for the development to occur, including any necessary changes to foot way levels, on-street restrictions, (legal, administrative and physical)., vi. A financial contribution of (sum to be confirmed) towards updating Legible London signage payable on commencement., vii. Wayleave for street lighting, viii. Monitoring costs of £500 for each of the above clauses,

- 8 You cannot put out tables and chairs on the footway unless you have planning permission and a street trading licence.,
- 9 The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 10 The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in, accordance with Historic England's Guidelines for Archaeological Projects in Greater London.
- 11 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your, workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/> , Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

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

DRAFT DECISION LETTER

Address: 62 - 65 Haymarket, London, SW1Y 4RL,

Proposal: Cleaning of the facade, removal of the advertising hoarding, removal of ground floor canopy and re-instatement of replica of original canopy, ground floor alterations, removal of existing roof level plant and installation of new plant and set back extension, taking down and rebuilding of the parapet, and other associated works (Linked to 19/04480/FULL)

Reference: 19/04247/LBC

Plan Nos: Site location plan - - JM-MAK-XX-XX-PL-A-PA0200 P02
Existing site plan SJM-MAK-XX-XX-PL-A-PA0201 P01
Proposed site plan - SJM-MAK-XX-XX-PL-A-PA1900 P02

Existing Drawings

SJM-MAK-XX-B2-PL-A-PA0990 P01, SJM-MAK-XX-BM-PL-A-PA0991 P01,
SJM-MAK-XX-BM-PL-A-PA0992 P01, SJM-MAK-XX-XX-PL-A-PA0993 P01,
SJM-MAK-XX-XX-PL-A-PA0994 P01, SJM-MAK-XX-XX-PL-A-PA0995 P01,
SJM-MAK-XX-02-PL-A-PA0996 P01, SJM-MAK-XX-03-PL-A-PA0997 P01,
SJM-MAK-XX-XX-PL-A-PA0998 P01, SJM-MAK-XX-XX-PL-A-PA0999 P01,
SJM-MAK-XX-06-PL-A-PA1000 P01,, SJM-MAK-XX-06-PL-A-PA1001 P01,
SJM-MAK-XX-XX-EL-A-PA1200 P01, SJM-MAK-XX-XX-EL-A-PA1201 P01,
SJM-MAK-XX-XX-EL-A-PA1202 P01, SJM-MAK-XX-XX-EL-A-PA1203 P01,
SJM-MAK-XX-XX-EL-A-PA1210 P01, SJM-MAK-XX-XX-EL-A-PA1211 P01,
SJM-MAK-XX-XX-EL-A-PA1212 P01, SJM-MAK-XX-XX-EL-A-PA1213 P01,
SJM-MAK-XX-XX-SE-A-PA1250 P01, JM-MAK-XX-XX-SE-A-PA1251 P01, ,
SJM-MAK-XX-XX-SE-A-PA1252 P01, SJM-MAK-XX-XX-SE-A-PA1253 P01,
SJM-MAK-XX-XX-SE-A-PA1254 P01, HED.1309.P2.103 P01.

Demolition Drawings

SJM-MAK-XX-B2-PL-A-PA1405 P01, SJM-MAK-XX-B1-PL-A-PA1406 P01,
SJM-MAK-XX-BM-PL-A-PA1407 P01, SJM-MAK-XX-00-PL-A-PA1408 P01,
SJM-MAK-XX-0M-PL-A-PA1409 P01, SJM-MAK-XX-01-PL-A-PA1410 P01,
SJM-MAK-XX-02-PL-A-PA1411 P01, SJM-MAK-XX-03-PL-A-PA1412 P01,
SJM-MAK-XX-04-PL-A-PA1413 P01, SJM-MAK-XX-05-PL-A-PA1414 P01,
SJM-MAK-XX-06-PL-A-PA1415 P01, SJM-MAK-XX-07-PL-A-PA1416 P01,
SJM-MAK-XX-RF-PL-A-PA1417 P01,, SJM-MAK-XX-XX-EL-A-PA1450 P01,
SJM-MAK-XX-XX-EL-A-PA1451 P01, SJM-MAK-XX-XX-EL-A-PA1452 P01,
SJM-MAK-XX-XX-EL-A-PA1453 P01, SJM-MAK-XX-XX-EL-A-PA1454 P01.

Proposed Drawings

SJM-MAK-XX-B2-PL-A-PA1997 P01; SJM-MAK-XX-00-PL-A-PA1998 P01;
SJM-MAK-XX-00-PL-A-PA1999 P03; SJM-MAK-XX-0M-PL-A-PA2000 P01;
SJM-MAK-XX-01-PL-A-PA2001 P01; SJM-MAK-XX-02-PL-A-PA2002 P01;
SJM-MAK-XX-03-PL-A-PA2003 P01; SJM-MAK-XX-04-PL-A-PA2004 P01;
SJM-MAK-XX-05-PL-A-PA2005 P01; SJM-MAK-XX-06-PL-A-PA2006 P01;

SJM-MAK-XX-07-PL-A-PA2007 P01; , SJM-MAK-XX-RF-PL-A-PA2008 P01;
 SJM-MAK-XX-RF-PL-A-PA2009, SJM-MAK-XX-XX-EL-A-PA2200 P02;
 SJM-MAK-XX-XX-EL-A-PA2201 P02, SJM-MAK-XX-XX-EL-A-PA2202 P02;
 SJM-MAK-XX-XX-EL-A-PA2203 P02, SJM-MAK-XX-XX-EL-A-PA2210 P02;
 SJM-MAK-XX-XX-EL-A-PA2211 P02; SJM-MAK-XX-XX-EL-A-PA2212 P02;
 SJM-MAK-XX-XX-EL-A-PA2213 P02; SJM-MAK-XX-XX-SE-A-PA2250 P01,
 SJM-MAK-XX-XX-SE-A-PA2251 P01; SJM-MAK-XX-XX-SE-A-PA2252 P01; ,
 SJM-MAK-XX-XX-SE-A-PA2253 P01; SJM-MAK-XX-XX-SE-A-PA2254 P02,
 SJM-MAK-XX-XX-SE-A-PA2255., SJM-MAK-A6102, 3962CSK005 P2,
 23048305-STR-HGN-100-SK-90201 (Turntable operation sketch),
 HED.1309.P2.100 P05, HED.1309.P2.400 P05.

Documents

Heritage Statement (October 2019). , Design and Access Statement (May 2019 and 25 July 2019)., Planning Statement (November 2019 May 2019)., Townscape and Visual Impact Assessment May 2019., Structural Method Statement May 2019.

Case Officer: Matthew Mason

Direct Tel. No. 020 7641 2926

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

- 5 Notwithstanding the information already submitted within the façade retention study, prior to its removal the you must provide us with apply to us for approval of a separate specific methodology for the careful recording, dismantling, storage, repair (where appropriate) and re-assembly of the cinema parapet. You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out these works in accordance with these details and prior to the occupation of any part of the development.

Reason:

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

- 6 You must apply to us for approval of full details of the proposed repair works and methodology for cleaning of the front façade of the cinema following removal of the advertising board. You must not start any work on these parts of the development until we have approved what you have sent us. You must then remove the advertisement board and carry out the works set out above in accordance with these approved details and prior to the occupation of any part of the development.

Reason:

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

- 7 You must apply to us for approval of full detailed drawings of the proposed new canopy. Prior to agreement of the design, investigative work shall be undertaken to establish whether the original canopy remains and if it does, this should be retained or incorporated within the new canopy design.

Reason:

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

- 8 You must apply to us for approval of full details of the following parts of the development: (i) New doors to the cinema; (ii) Proposals for protection of the auditorium laylight during the course of works and works to reinstate a lightbox above this. You must not start any work on these parts of the development until we have approved what you have sent us.

Reason:

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

- 9 You must provide details of any new pipework required to connect to the dedicated new plant for the cinema.

Reason:

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

- 10 **Pre Commencement Condition.** Notwithstanding the information submitted, you must apply to us for approval of details of a fire exit strategy for the retained cinema. You must not carry out any work to the existing fire exits until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

Reason:

In order to ensure that the alterations to the cinema fire exits proposed do not undermine or prejudice the continued use of the building as a cinema. This is to ensure compliance with S22 and S25 of Westminster's City Plan (November 2016) and TACE 5 and DES 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

Informative(s):

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

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

BACKGROUND PAPERS

Application 1 - Site of St James's Market Phase 2 (57-60, 62 - 65 Haymarket and 71 -99 Haymarket, 6 St Alban's Street and 13-16 Charles II Street, SW1)

Application 2 - Former Carlton Cinema, 62 - 65 Haymarket, SW1

1. Application form
2. Response from Environmental Health dated 4 December and 12 September 2019.
3. Response from Projects Officer (Waste) dated 20 November 2019.
4. Response from Highways Planning Manager dated 8 October 2019.
5. Response from Building Control dated 4 December 2019.
6. Response from Historic England (Archaeology) dated 12 July 2019
7. Response from Historic England dated 9 July 2019.
8. Response from Greater London Authority dated 5 August 2019.
9. Response from Designing Out Crime, dated 31 July 2019
10. Response from Thames Water Utilities Ltd, dated 20 November 2019.
11. Response from Transport for London dated 23 July 2019.
12. Response from Transport for London (Crossrail 2) dated 28 June 2019.
13. Response from the Cinema Theatre Association dated 8 August 2019.
14. Response from SAVE Britain's Heritage dated 7 August 2019.
15. Response from Theatres Trust dated 18 July 2019.
16. Response from St. James's Conservation Trust, dated 9 October 2019.
17. Response on behalf of LW Theatres dated 3 December 2019 22 July 2019.