

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 January 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Fenwick, 5 - 17 Brook Street and 53-63 New Bond Street, London, W1S 1RQ,		
Proposal	Extension at fifth-ninth floor levels to the existing retail department store and offices to deliver additional (Class B1) office floorspace with access from Brook Street, change of use of part retail Class A1 floorspace to Class B1 floorspace, new plant on the roof, new roof terraces on Brook Street and New Bond Street frontages, and other associated works.		
Agent	Gerald Eve		
On behalf of	Fenwick Limited		
Registered Number	19/07746/FULL	Date amended/ completed	7 October 2019
Date Application Received	7 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Grant conditional permission subject to a legal agreement to secure a financial contribution of £ 118,653.01 to support the Westminster Inclusive Local Economy and Employment Service (index linked and payable on commencement of development).
2. If the Deed of Variation has not been completed within 3 months from the date of the Committee's resolution then:
 - a) The Executive Director for Growth Planning and Housing 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 Executive Director for Growth Planning and Housing is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Executive Director for Growth Planning and Housing shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Executive Director for Growth Planning and Housing is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application relates to the well known department store Fenwick, which occupies a prominent location on the corner of New Bond Street and Brook Street. The applicant, the family company that own the store, have stated that as with many retailers, they are facing a number of challenges which potentially threatens the future of the store. The current proposal seeks permission for a significant increase in office accommodation, also owned by the applicant, to generate an additional income stream that should help ensure the store continues to trade at this location. The New West End Company has written to express its support for the application.

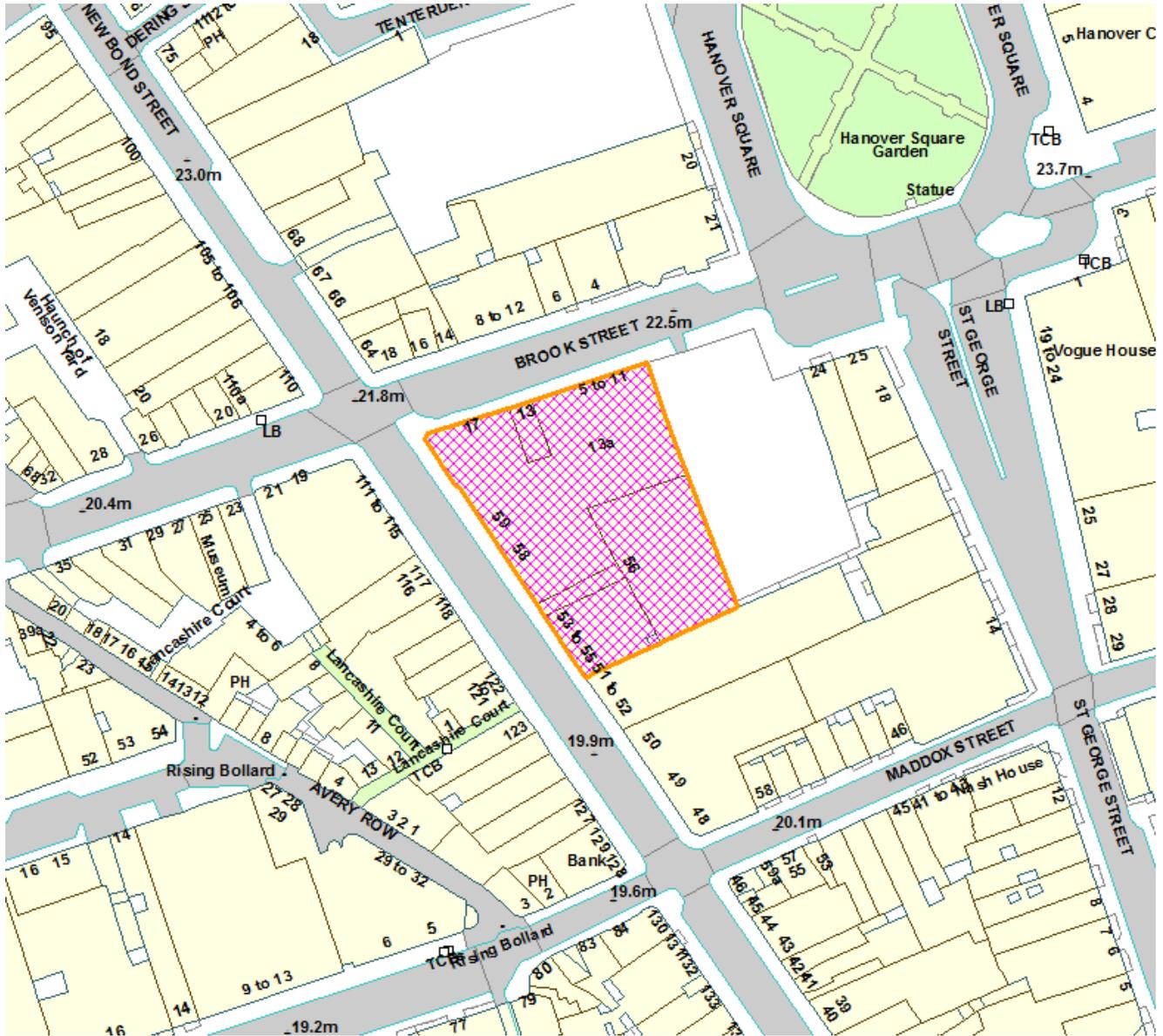
The key issues are considered to be:

- The loss of some retail floorspace on the Primary Shopping Frontage;
- The impact of the extension on the new residential accommodation being built at 22 Hanover Square;
- The design and appearance of the extensions and their impact on the townscape in this part of the Mayfair Conservation Area.

There have been no objections from any neighbours; the developer of 22 Hanover Square, which is affected by the scheme, has confirmed that it has no objection to the proposals.

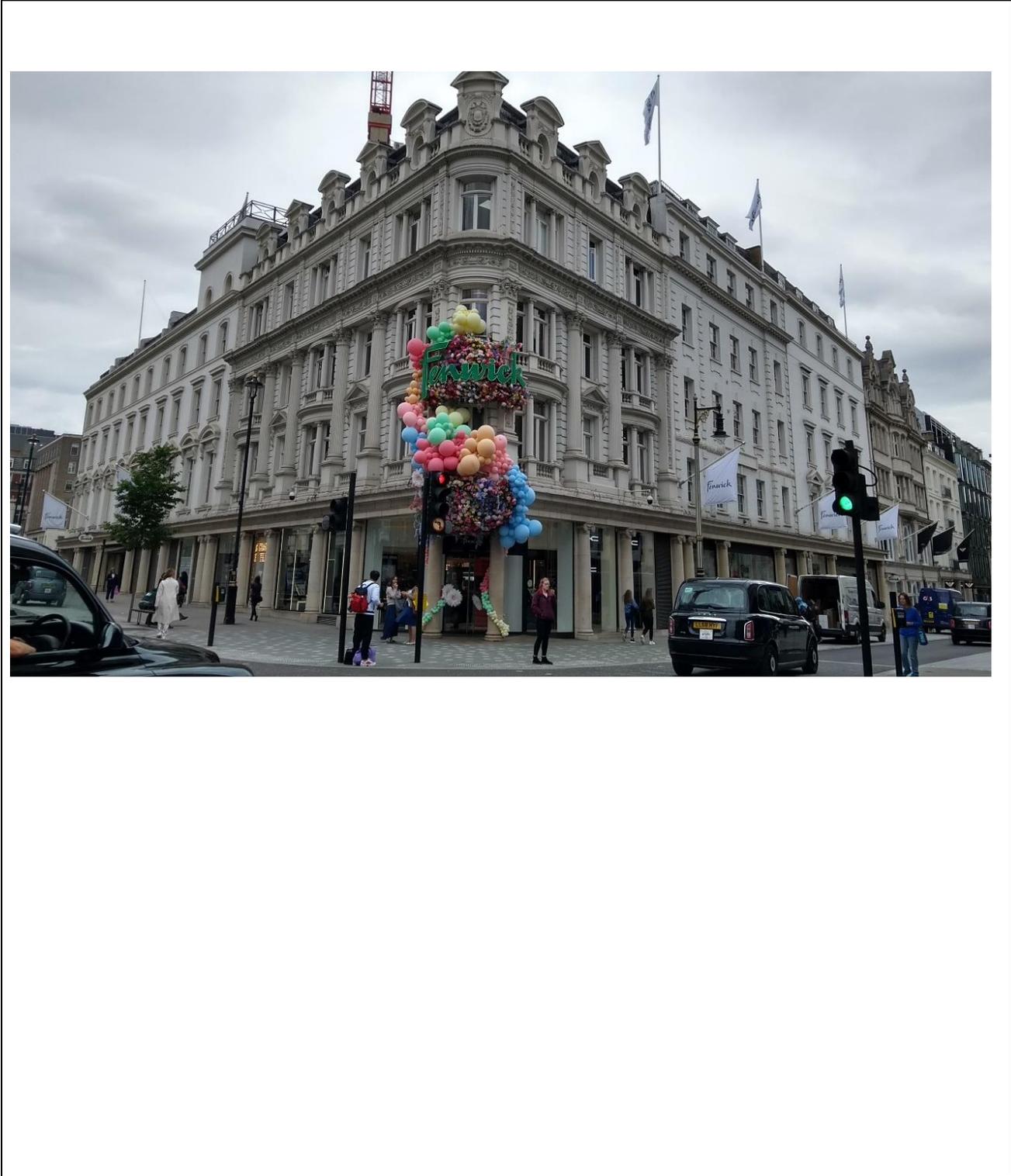
For the reasons set out in the main report, the proposal is considered to be acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

MAYFAIR RESIDENTS GROUP - Any response to be reported verbally

NEW WEST END COMPANY - Support the proposals.

DESIGNING OUT CRIME

Any response to be reported verbally

CROSSRAIL - No objection subject to conditions.

CROSSRAIL 2 - Have no comments.

PROJECT MANAGER (WASTE)

Objection – inadequate details submitted about waste storage; objection maintained despite the submission of additional information, in particular inadequate proposals to deal with food waste and temporary storage of waste prior to its collection.

HIGHWAYS PLANNING MANAGER

Generally no objection but comments about servicing and cycle parking.

ENVIRONMENTAL HEALTH

- Initial objection on the grounds of absence of an air quality assessment and air quality neutral assessment [subsequently provided];
- No objection to the proposed plant subject to conditions;
- No objection to the restaurant use subject to their being no changes to the existing kitchen extraction system – recommend conditions restricting hours of use and an operational management plan;
- Recommends restrictions on hours of use of the proposed terraces to reduce the risk of noise nuisance to residential accommodation.

WESTMINSTER EMPLOYMENT SERVICE

Request that the applicant signs up to an Employment & Skills Plan and makes a Financial Contribution of £ 118,653.01 towards the local economy and employment (subsequently confirmed that an Employment and Skills Plan is not required as the size of the development is below the relevant trigger).

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 196; Total No. of replies: 1

One response from the developer of the adjoining site, 22 Hanover Street – advise that they have been consulted by Fenwick in relation to their planning application, and have held a dialogue in relation to the plans, and they have no objections to the planning application.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application concerns the well-known department store Fenwick, location near the northern end of New Bond Street, on the corner with Brook Street. Fenwick is a family owned business, which began in 1882 and now operates nine stores across the UK. The New Bond Street department store began trading in 1891 and is one of the flagship department stores within the wider West End retail area, and the only department store on Bond Street. As such, Fenwick is an integral part of the New Bond Street shopping district and the store's retail display provides an important active frontage in this area, contributing to the character of the surrounding West End retail environment.

The existing building comprises a number of composite buildings - 62-63 New Bond Street and 15-17 Brook Street; 60-61 New Bond Street (Rover House); 9- 13 Brook Street; 57-59 New Bond Street (Salisbury House); and 53-56 New Bond Street (Apollo House). All of the buildings were acquired throughout the period 1887 to 1961 and, in the 1980's, all of the composite buildings were unified to appear as one store on the Bond Street and Brook Street elevation. The existing building comprises basement, ground plus four upper storeys, and a small fifth storey facing onto the Bond Street frontage.

Fenwick department store is Class A1 retail with ancillary uses including two cafes/restaurants for public use. There is also existing Class B1 office space at 53-56 New Bond Street, owned by Fenwick and is leased to a commercial occupier. The main entrance to the store is located on the corner of Brook Street and New Bond Street. There are two additional public entrances into the store located on Brook Street and New Bond Street. There is a continuous retail frontage along New Bond Street and Brook Street, except for a section of the ground floor on Brook Street, which is used for staff access and access for deliveries and servicing.

This application lies in the Core Central Activities Zone (CAZ), the West End Special Policy Retail Policy (WESPRA) and is on a Primary Shopping Frontage. The building is not listed but is within the Mayfair Conservation Area.

The surrounding area is predominantly commercial. Retail uses are located on the lower levels and a mix of retail, office and some residential uses are located on the upper levels of the buildings along New Bond Street and Brook Street. The surrounding area is medium rise, with existing buildings ranging from 5-7 storeys. Recently permitted developments exceed these heights, and most relevant to the current application is the adjacent development at 22 Hanover Square (on the Brook Street frontage), which is under construction (ref. 16/07404/FULL) - the approved development comprises a part 9, part 11 storey building, to provide a hotel, up to 81 residential units and flexible restaurant, ancillary hotel, retail accommodation. The development site located at 18-20 Hanover Square opposite the application site is also under construction. Planning permission (ref. 14/12787/FULL) was granted on 22 October 2015 for a nine-storey building for a mixed-use development comprising a mix of office, retail, restaurant/café and residential uses.

6.2 Recent Relevant History

On 6 September 2005, planning permission (ref. 04/09999/FULL) was granted for

“Demolition of Apollo House to rear of 53-55 New Bond Street and redevelopment to provide replacement office building with plant enclosure and screened plant at roof level; infill extensions to rear of 57- 58 New Bond Street (Salisbury House) and 59 New Bond Street (Rover House) to provide additional retail floor space for the existing Fenwick store”.

On 4 February 2009, an amendment application (ref. 08/05907/FULL) was permitted for

“Alterations during the course of construction to a permission dated 6 September 2005 for the demolition of Apollo House to rear of Nos. 53-55 New Bond Street and redevelopment to provide replacement office building with plant enclosure and screened plant at roof level; infill extensions to rear of Nos. 57-58 New Bond Street (Salisbury House) and No. 59 New Bond Street (Rover House) to provide additional retail floorspace for the existing Fenwick store; namely, replacement windows to Nos. 53-55 New Bond Street at second to fourth floor levels, a fourth floor extension to provide additional retail (Class A1) accommodation, re alignment of part of rear wall to eastern elevation at ground to 3rd floors minor alterations to atrium roof, extension of lift overrun, new louvres to plant enclosure and new roof level window cleaning cradle location and housing”.

7. THE PROPOSAL

The applicant advises that due to the changing retail environment in recent years, Fenwick’s trade has become more challenging due to the structural shift of retail sales from physical stores to online platforms. Fenwick is therefore seeking to secure an additional revenue stream that will support the longevity of the department store.

This application proposes a five-storey rooftop extension to accommodate new high-quality Class B1 office floorspace in this central commercial location. The revenue from the new office floorspace would be used to support and invest in the department store, demonstrating the applicant’s commitment to its New Bond Street location. In addition to the proposed roof extension, internal reconfiguration of the existing department store is required to create a separate access and core for the new Class B1 office space. This would result in some loss of retail Class A1 floorspace, though the larger part of this is back of house areas.

In summary the proposals contain three main elements:

- a. A new roof extension to accommodate Class B1 office floorspace;
- b. A series of reconfiguration works at ground floor level and upper levels to allow separate access to the Class B1 office space above; and
- c. A series of internal refurbishment works to modernise the existing Class A1 floorspace and provide a new publicly accessible restaurant, ancillary to the Class A1 retail use, at fourth floor level.

The existing and proposed floor areas are set out in the table below:

Use	Existing GIA (sqm)	Proposed GIA (sqm)	Net GIA (sqm)
Retail (Class A1) Public Areas	7,347	7,027	-320*
Retail (Class A1) Back-of- house	5,004	4,129	-875*
Office (Class B1)	2,605	7,513	+4,908
Total	14,956	18,669	+3,713

*Change of use from retail (Class A1) to bicycle facilities (Class B1) is 81.9 sqm.

The applicant considers that the primary benefits of the proposal are:

- a. Provision of a new revenue stream to ensure the long-term sustainable use of the existing building as Fenwick department store to maintain the character of the New Bond Street shopping destination;
- b. Delivery of a new publicly accessible restaurant at fourth floor level to enhance the existing retail floorspace;
- c. Overall improvement of existing Class A1 retail floorspace;
- d. Delivery of new office floorspace in a Core CAZ location by a new high quality five storey roof extension;
- e. Delivery of a scheme which seeks to preserve and enhance the character of the building and surrounding Mayfair Conservation Area;
- f. Introduction of cycle parking spaces and facilities to encourage use of sustainable transport measures; and
- g. Installation of new building services to improve the buildings overall energy and sustainability performance.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail floorspace

The proposal would result in the total loss of 1,195 sqm of retail floorspace (9.68%). However, the applicant emphasises that the majority of this is back of house floorspace (875 sqm) as opposed to publicly accessible shop floor (320 sqm).

By virtue of being on New Bond Street, the site is on a designated Primary Shopping Frontage. The site is also within the West End Special Retail Policy Area (WESRPA). The planning policy presumption, as set out in policy SS 3 of the City of Westminster Unitary Development Plan (2007) and S7 and S21 of the City Plan (2016), is to protect A1 uses in general, particularly in the WESRPA, and specifically at ground, basement and first floor levels for units on the Primary Shopping Frontages.

The site also falls within the Mayfair Neighbourhood Plan (See paragraph 8.9 below). Policy MR1.1 'Retail Encouragement and Direction', generally reflects the Council's policies, in that it seeks to protect retail uses except in specified circumstances, such as demonstration that the unit is no longer viable. Change of use to other uses such as restaurant-type uses may be acceptable if appropriate in terms of scale, character, location, impact on residential amenity, etc

As part of the proposals, the applicant considers that it is necessary to secure a separate entrance for the new office floorspace at ground floor level, in addition to two cores, which would provide access from the separate office entrance. Brook Street is the more appropriate office location, rather than New Bond Street, as Brook Street allows for a much wider entrance which is required to accommodate the additional office floorspace, it is located in close proximity to Hanover Square and the Eastern Ticket Hall of the Elizabeth Line and it retains more retail frontage on the Primary Shopping Frontage of New Bond Street.

The loss of retail floorspace is largely due to the creation of the new office entrance and cores. Existing Class A1 retail is protected throughout Westminster. The reasoned justification states that "this approach will ensure that the needs of customers and retailers across the city are met through retention of shops and overall amount of retail floorspace." Whilst the loss of just under 10% of the retail floorspace on a Primary Shopping Frontage is unfortunate, there are considered to be special circumstances in this case that justify an exception to UDP policy SS 3: the proposals seek to provide a means to secure the long-term use of the building as a department store, allowing it to continue to meet the needs of the Core CAZ and WESRPA shopping destination. The proposals are therefore considered to meet the objective of City Plan Policy S21, which is to ensure that the needs of customers and retailers across the city continue to be met. Given the special circumstances, the proposals are also considered to meet the broad aims of the Mayfair Neighbourhood Plan. The New West End Company has written in to support the proposals.

Ancillary restaurant

A new ancillary restaurant on the fourth floor is proposed as part of the development scheme. This would provide an improved food and beverage offer for visiting members of the public, to encourage customers to spend a longer time in the store. The applicant argues that situating a food and beverage offer on the fourth floor would also drive footfall through the full height of the store in addition to complementing the existing restaurants at lower ground and second floor levels. It is proposed that the fourth floor restaurant will have approximately 100 covers.

The two existing restaurants, one at lower ground - 'Brook Street Café and Wine Room' - and one at second floor level - 'Bond Street Kitchen' – will be retained. There are approximately 75 covers for each of the existing restaurants (150 covers in total for the two existing restaurants). There are two kitchens which serve the existing food and beverage outlets, and these kitchens would also serve the new restaurant at fourth floor level. Thus there are no changes to the kitchen extraction system

It is proposed that the new restaurant will close at 12pm, which would be later than the closing time of the store itself, which will remain at 8pm, and later than the existing

ancillary restaurants, one of which closes at 18:00 hours (19:00 hours on Thursday) and the other at the same time as the store. The later closing time is intended to support the shop floor sales by allowing customers time to enjoy the new food and beverage offer without reducing the time that they have to browse the shop floor and purchase goods. Given the location of the site within a key shopping destination and the surrounding commercial uses, the applicant considers that a later closing time is appropriate to the surrounding environment.

Access to the new fourth floor restaurant would be through the main store - there will be no separate access. Once the shop floor has closed for the sale of goods, customers would continue to use the main store's Brook Street entrance and a lift would take customers straight from ground floor to the fourth floor. Tensile barriers would be put in place on the shop floors, and a security guard would be present so that customers are not able to access the shop floor at ground floor and fourth floor levels. The use of tensile barriers and security guards are currently in place to allow customers pre-store opening hours access to beauty services whilst preventing access to the shop floor. Customers are currently able to enter the store at 7:45am to use the beauty services, although the shop floor trading for the sale of goods does not begin until 9:30am. Therefore, there is already an established procedure in place to manage the later closing time of the fourth floor food and beverage offer.

The main purpose of the restaurant space is to support and improve the existing retail store by provision of a complementary use in line with WCC City Plan Policy S7. On this basis and given that access would remain shared for the shop floor and the food and beverage use, it is considered that the restaurant is ancillary Class A1 floorspace. Subject to these functions being ancillary to the department store's primary function for retail shopping, there is strictly no planning grounds for restricting their activity – a new restaurant could theoretically open in the existing store without the need for planning permission.

Increase in office use and mixed use considerations

The site is located within the Core Central Activities Zone and under the terms of policy S1 and S20 of the City Plan an increase in office floorspace is acceptable in principle. The applicant's advice that the provision of modern floorspace will help contribute to the area's economic function is noted.

Policy S1 also states:

“For development within Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace:

A) Where the net additional floorspace (of all uses) is

- i. less than 30% of the existing building floorspace, or
- ii. less than 400sqm; (whichever is the greater),

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

In this case the net additional floorspace (of all uses) is 24.83% of the total floorspace of the existing site, therefore the proposal does not trigger a requirement for residential floorspace.

With regard to the recently adopted Mayfair Neighbourhood Plan, policy MC1 states that “New office floorspace will be particularly encouraged in Central and East Mayfair” and therefore the proposal complies with the Plan.

8.2 Townscape and Design

The Fenwick store occupies six unlisted traditional buildings, mostly 19th century, which make a positive contribution to the character and appearance of the Mayfair Conservation Area. There is a strong presumption to retain these buildings.

The proposals retain the street facades with only minor alterations to the shopfronts. The proposed scheme comprises significant extensions above the street facades. The main urban design and conservation issues raised relate to the impact of the extensions on the retained facades, street views and the character and appearance of the conservation area. Officers have had extensive pre-application negotiations, focused on the height and bulk of the proposed extensions and seeking to minimise the impact on the Mayfair Conservation Area.

The roof level extensions comprise five storeys above the existing roof level, stepping back progressively from the street frontages in order to reduce their visual impact from street level. The aim has been to create the appearance of a new building behind the existing buildings, without creating an unacceptably harmful impact on the street views.

Such an approach would normally be considered highly contentious and unacceptable in most conservation area locations. However, the proposal has to be seen in the emerging context of this part of the Mayfair Conservation Area. Immediately adjacent, to the east, is the new development at 22 Hanover Square which is 12 storeys high and rises to a height of almost 62 metres above ordnance datum (AOD). The current proposal rises to just over 59 m AOD. If the proposals for 22 Hanover Square had not been approved then these current proposals would be likely to be considered unacceptable in urban design and conservation terms.

The extensions are of modern design, with large glazed bays within a framework of black aluminium and concrete. The terraces are bordered by planting boxes, also of black aluminium. On the New Bond Street frontage there is a central fully glazed section set between lead clad ‘towers’. The roof level plant enclosure is clad in photo voltaic panels.

The extensions will be visible in some views from street level, primarily on New Bond Street just north of the junction with Brook Street, and on Brook Street just west of New Bond Street. In these views the proposal does cause some harm to the appearance of the existing building. However, these views are limited to relatively short lengths of the streets. As one moves closer or further away the extensions become much less visible. Whilst there is some harm, this has to be considered against the benefits of the proposals and the City Council's emerging policy on commercial extensions.

On the Brook Street frontage (nos. 5-11) it is proposed to add a fully glazed conservatory like storey, to house a new restaurant. This is set back behind the stucco facade, which will have its original bottle balustrade reinstated on top of the parapet. Such a modern treatment would normally be considered contrary to policy on a traditional building, but in the context of the proposed roof extensions, and given its limited visibility from street level it is considered acceptable in this particular case.

It is considered that this is a high quality scheme which will preserve and enhance the character and appearance of the Mayfair Conservation Area. There are planning benefits that can be considered to outweigh the relatively small amount of harm caused by the new building. It is considered that the proposals comply with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and pols DES1, DES4 and DES9 of the Unitary Development Plan.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of residential amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

The application is supported by a daylight and sunlight report based on the guidance published by the Building Research Establishment (BRE). Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

A second commonly used measure is the daylight distribution test: this plots the 'no sky line', points on a working plane (in residential accommodation this is the horizontal 0.85m high) in a room which can and cannot see the sky. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

The BRE guidelines do advise that they should be applied sensibly and flexibly.

A Daylight and Sunlight Assessment has been submitted as part of this application, which identifies two residential properties in the vicinity of the site. There is a maisonette on the fourth and fifth floors of 111-115 New Bond Street, accessed from 21 Brook Street: the assessment shows that there will be some loss of daylight and sunlight but that it complies with the BRE guidelines.

More significantly is the adjacent residential accommodation as part of a mixed use hotel and residential development located at 22 Hanover Square, approved in July 2017 (ref. 16/07404/FULL):

“Demolition and redevelopment to provide a new building on three basement levels, lower ground and part first to ninth floor/ part first to eleventh floor to provide a hotel with ancillary bars/ restaurants/ leisure facilities and private dining/ meeting rooms (Class C1), up to 81 residential units (Class C3), flexible/ alternative restaurant (Class A3)/ hot restaurant (Class C1) / retail (Class A1) use on part ground part lower ground floors, basement car and cycle parking, plant at basement and roof levels, alteration to existing access on Brook Street and associated works”.

The development, which is currently being constructed, comprises two linked blocks – the front block facing Brook Street, has flats at first-ninth floor; the rear block has hotel bedrooms at first to fourth floor level and flats at fifth to 11th floor. The flats will have access to the hotel facilities. There are a number of residential habitable windows, including single aspect flats, which directly face across the existing Fenwick store. These future residential properties are located close to Fenwick’s site boundary, arguably placing a significant unfair burden over the Fenwick site. It should be noted that there was a previous permission for 41 flats, where less of the principle habitable rooms were orientated towards the Fenwick site.

The developer of this site advise that they have been consulted by Fenwick in relation to their planning application, and have held a dialogue in relation to the plans, and they have no objections to the planning application.

It is noted that as part of the application submission for 22 Hanover Square, no regard appears to have been given to the potential development of Fenwick. The current proposal refers to the BRE Guidelines with regard to these unique circumstances, which states that “...a higher degree of obstruction may be unavoidable if new development are to match the height and proportions of existing buildings”. Appendix F5 states “...in cases where an existing building has windows that are unusually close to the site boundary... To ensure new development matches the height and proportions of existing buildings, the VSC and APSH targets could be set to those for a ‘mirror-image’ building of the same height and size, an equal distance away on the other side of the boundary”.

When assessed against ‘a mirror image’ of 22 Hanover Square, the proposed development in some instances achieves better VSC levels than the mirror image. With regards to sunlight the majority of rooms tested received better levels of APSH than the mirror image of 22 Hanover Square.

The Assessment concludes that in the context of the 22 Hanover Square and urban streetscape surrounding Fenwick, *“it is appropriate to consider setting the alternate daylight targets as per appendix F of the BRE Guidelines.”* In using appendix F and assessing the daylight sunlight levels against the mirror of 22 Hanover Square, the Report further concludes that *“the proposed Fenwick site demonstrates compliance with the intended flexibility of the BRE Guidelines.”* It is considered that the particular set of circumstances should be applied with regards to London Plan Policy 7.6 and Westminster UDP Policy ENV 13.

The actual losses of daylight and sunlight for the flats being built would be significant – a few windows would lose up to 92% of their VSC, and a number of others lose varying amounts between the recommended 20% up to 90%. There are comparable losses of sunlight. This is unfortunate, but has largely arisen due to the fact that any heightening of the application site would have a material impact on the neighbouring windows since they have been built so close to the application site. This has the effect of prejudicing any upward extension of the Fenwick site, as any such extension would lead to light reductions to below the BRE recommendations. The proposals will bring the building up to, but less than, the same level as the affected neighbour under construction, and to refuse this because of the impact it would have on windows to be built close to the shared boundary would not in the circumstances be reasonable or equitable. It is also necessary to balance the impact on future residential amenity against the benefits the proposal will bring in line with other local planning policies, namely securing the future of a department store at a prime retail location within the West End and the increase of office floorspace within the Core CAZ. Therefore, given that the BRE guidelines are to be interpreted flexibly in appropriate circumstances, the proposals are considered acceptable in daylight and sunlight terms in this case.

Sense of Enclosure

The application site and the residential accommodation under construction are in very close proximity and any increases to the Fenwick building will increase enclosure to the future residential windows in 22 Hanover Square. For the reasons outlined above, this is considered acceptable in this special case.

Roof Terraces - privacy and noise nuisance

There is clear glazing at first to fourth floor levels of the existing offices which face the new development at 22 Hanover Square. The applicant wishes to replicate this for the new fifth to eighth floors, referring to the need to provide good amenity for the new offices. However, this would create loss of privacy through overlooking of the flats under construction, as well as potential light pollution. In this case it is considered appropriate to require the new office windows to be treated in some way to prevent overlooking – this can be done by condition, and the applicant has agreed to this. The new offices will still benefit from unrestricted glazing on the south elevation of the extension.

The scheme includes a number of terraces: most of these are set back on the New Bond Street frontage and are not considered to pose a potential nuisance. However, a terrace for the new ancillary restaurant is proposed at fourth floor level, part of which is very close to the new flats in No. 22 – the approved plans for No. 22 show that the closest room would be a bedroom. The applicant would like to use this terrace until midnight (when the restaurant is due to close). However, this is not considered to be acceptable, as it would result in noise nuisance, and 23:00 hours is considered to be more

appropriate. It would also be necessary to provide some screening to prevent overlooking into the flat, set away from the bedroom windows. These matters can be dealt with by condition.

There is a terrace at fifth floor level for the offices that could cause potential loss of amenity for the existing flat at 21 Brook Street/111-115 New Bond Street. This is set back from the street frontage and it is considered that there is little risk of loss of privacy through overlooking, but there could still be noise nuisance, and it is therefore proposed to restrict the use of this part of the terrace to between 07:00 and 21:00 hours.

8.4 Transportation/Servicing

The site has a Public Transport Accessibility ('PTAL') Level 6b on a scale where 0 is low and 6b high. Oxford Street Underground station, Bond Street underground station and Tottenham Court Road Underground station are located within a fifteen-minute walk from the site. There are also a number of bus stops located along Oxford Street and Regent Street, which provide routes across London. Crossrail development to deliver the Elizabeth line is also undergoing. Once complete, there will be two ticket halls to the new line located at 65 Davies Street and 18 and 19 Hanover Square, which are a 3-4-minute walk from the site.

The Highways Planning Manager has no objection to the proposals but has raised several queries as follows.

Servicing

No off-street servicing is provided. The site is located within a Controlled Parking Zone, which means that locations with single and double (without double kerb markers) yellow lines allow loading and unloading to occur. There is a loading bay on-street on the south side of Brook Street directly outside the site. The proposal is likely to generate an increase in service trips associated with the site although the number is unlikely to be significant given the floor area and proposed use. The largest regular service vehicle expected to be associated with the proposed development in this location is the refuse collection or laundry vehicle.

The Highways Planning Manager recommended that an updated Service Management Plan (SMP) is submitted for the site to help ensure that the increase in trips can be accommodated and limit the adverse impact on the public highway. The plan should identify process, storage locations, scheduling of deliveries (to avoid multiple vehicles arriving simultaneously), staffing arrangements during deliveries (staff should be allocated to aid in the movement of goods to minimise dwell times of deliver vehicles and the impact on the public highway) and how delivery vehicle size will be managed. This would help ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

The applicant subsequently submitted a revised SMP which is considered to be acceptable and will be secured by condition.

Cycle Parking

Class B1 office accommodation requires 1 space per 75m² under the draft London Plan. A total of 101 new long stay cycle parking spaces are proposed to be provided at ground

level within two separate cycle stores. Of the proposed cycle parking spaces, 5% would be accessible. As existing, no cycle parking spaces are provided for the offices. (There is some existing cycle parking provision for staff of the department store.)

Two areas at ground floor are indicated for the B1 use and two areas at lower ground floor for the retail. This provision is sufficient to meet the needs of the proposal, however no specific details have been included and further information is secured by condition along with the inclusion of changing facilities and showers.

The applicant has referred to the provision of a further 12 short stay spaces to be provided within the public realm for the office use. However, this would be subject to separate highways approval.

Car Parking

No off-street car parking is indicated to be available at the site. The site is within a Controlled Parking Zone and has a good level of public transport accessibility. Residential Bays are restricted 24 hours a day 7 days a week (Single Yellows, Pay and Shared Use bays are restricted from 08:30 to 18:30 Monday to Saturday). Given the hours of control and the public transport options in the area it is considered that the proposal is highly unlikely to have a significant impact on on-street car parking in the area.

Awnings

The Highways Planning Manager queried proposed awnings included in the submission, advising that they should maintain a minimum of 2.3 metres vertical clearance from the footway and not extend horizontally within 1 metre of the kerb edge/vehicular carriageway. The applicant has confirmed that the awnings will comply with highways requirements, and this will be conditioned.

Waste

The Projects Officer (Waste) has raised a number of detailed queries about the proposed waste storage and management arrangements, for both the reconfigured retail accommodation and the enlarged offices. Particular concern revolves around the treatment of food waste and temporary storage of waste prior to collection, with concern that it would be left on the Brook Street pavement.

Discussions have been ongoing and it is considered that this matter can be resolved and therefore a condition is proposed requiring the submission of details for final approval.

8.5 Economic Considerations

The general economic benefits of securing the future of this retail department store and the creation of modern office accommodation within the West End and Core Central Activities Zone are welcomed. The scale of the proposal means that it triggers a requirement for a financial contribution of £118,653.01 towards Local Economy and Employment – this will be secure with a legal agreement.

8.6 Access

There is level access from the pavement into the store at the main corner and Bond Street entrances (although stepped access at the Brook Street entrance), and lift access within the store. The office entrances will also have level access.

8.7 Other UDP/Westminster Policy Considerations

Mechanical Plant

There is a certain amount of plant on the roof of the existing buildings. The retail plant is to be relocated to a new enclosure at seventh floor level. The plant for the offices is located at ninth floor level. An acoustic support was submitted in support of the application which was assessed by Environmental Sciences: they confirm that the proposed plant will operate in accordance with Council guidelines and is capable of complying with the relevant criterion within UDP Policy ENV 7, subject to standard conditions.

Energy, Sustainability and Biodiversity

An Energy and Sustainability Statement has been submitted as part of this application. The Statement assesses the energy and sustainability of the Class B1 office floorspace and associated plant at the proposed new 5th – 9th floor levels. The scope does not include the existing lower levels of the building. The Statement sets out the energy measures that have been assessed in accordance with London Plan Policy 5.1 – Be Lean, Be Clean and Be Green.

The proposed development, through the use of an Air Source Heat Pump ('ASHP') and photovoltaic panels ('PVs') would achieve a carbon reduction of 50%, which exceeds the London Plan Policy 5.1 requirement of a carbon reduction of at least 35% below the target emissions and is in line with WCC City Plan Policy S40. An area of 122.5 sqm of PV panels is proposed.

The Energy and Sustainability Statement also sets out those measures incorporated within the proposed development to mitigate against climate change in line with London Plan Policies 5.1 and 5.3 and WCC's City Plan Policy S40 and also meet Mayfair Neighbourhood Plan Policies MES3 and MES4. The key measures as follows:

- a. Planned programme to ensure routine maintenance of plant to maximise efficiency of plant;
- b. Maximisation of daylight within the building to reduce need for artificial lighting;
- c. introduction of energy efficient LED lighting with daylight/ occupancy controls to minimise emissions;
- d. New ASHP to provide heating and cooling used clean electricity from the grid;
- e. Introduction of a green and brown roof at levels 8 and 9 to assist in attenuation, improve thermal comfort of the building and increase biodiversity;
- f. Agreement to submit to WCC for approval a Site Environmental Management Plan ahead of the commencement of development to ensure that all possible environmental impacts from the construction process are minimised;
- g. Introduction of 122.5 sqm of vertically positioned PV panels to reduce carbon emissions;

- h. A commitment to use materials that are sustainable, resourced locally and recycled where it is feasible to do so; and
- i. Incorporation of metering and monitoring facilities, so that overall resource and energy usage can be monitored, benchmarked and improved upon throughout the lifetime of the development.

The proposed energy and sustainability measures are welcomed and will be secured by condition.

The extension includes an area of green roof at eighth floor level and brown roof at ninth floor level. Although these areas are small, any inclusion of biodiversity measures are welcome.

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 Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

8.10 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

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 to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and conditions requested by Crossrail requiring details of foundation design, settlement, transmitted groundbourne noise and vibration. The applicant has agreed to the imposition of these conditions, although they are seeking confirmation from Crossrail that their conditions are not required.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to secure a financial contribution of £118,653.01 towards Local Economy and Employment, payable on commencement of development.

The estimated CIL payments are as follows:

- i. **Westminster CIL** - £764,800 unindexed, and based on the latest published BCIS figures on indexation, indexed up to Q4 2019 - £931,306
- ii. **Mayoral CIL** - £708,594 unindexed, and based on the latest published BCIS figures on indexation, indexed up to Q4 2019 - £695,991.

8.13 Environmental Impact Assessment (EIA)

The proposals are not of a sufficient scale to require an EIA.

8.14 Other Issues

Construction impact

The applicant has indicated its commitment to sign up to the Council's Code of Construction Practice, which is welcomed.

Crime and security

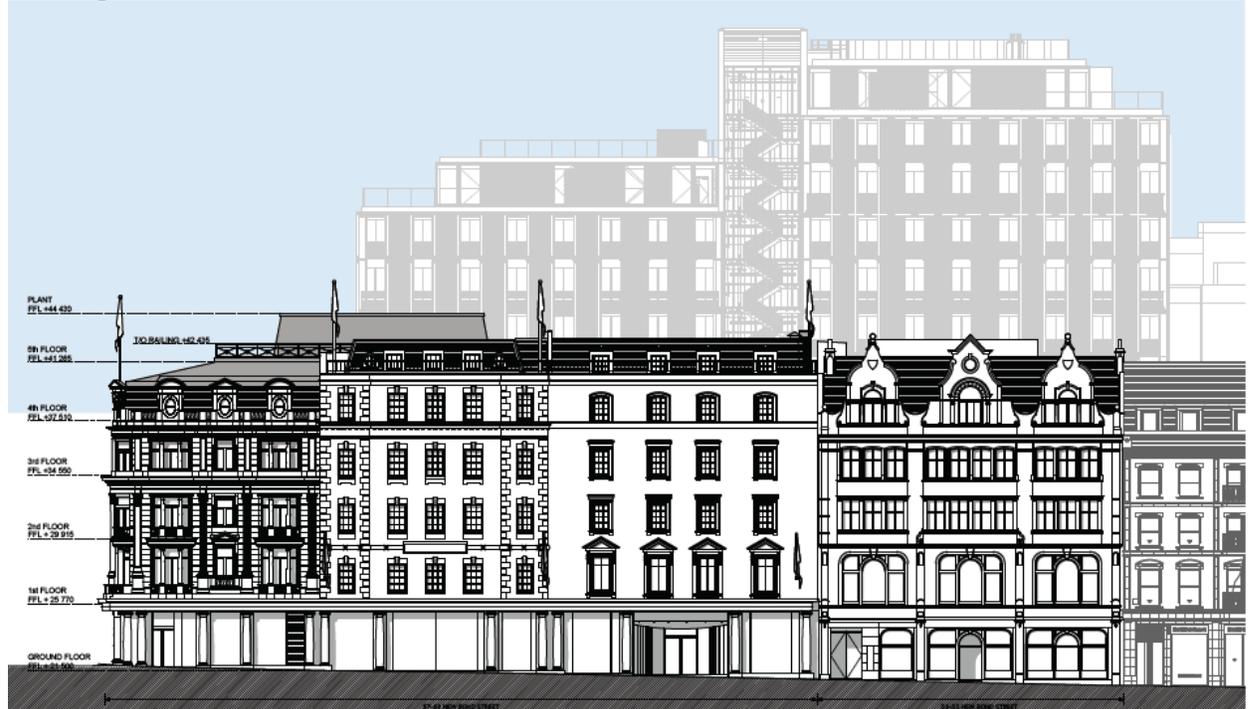
The existing department store will largely function as existing and there are not considered to be any particular issues about crime and security arising from the current proposals. The submission includes an assessment of strategies/procedures dealing with these issues, which is welcomed and noted.

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

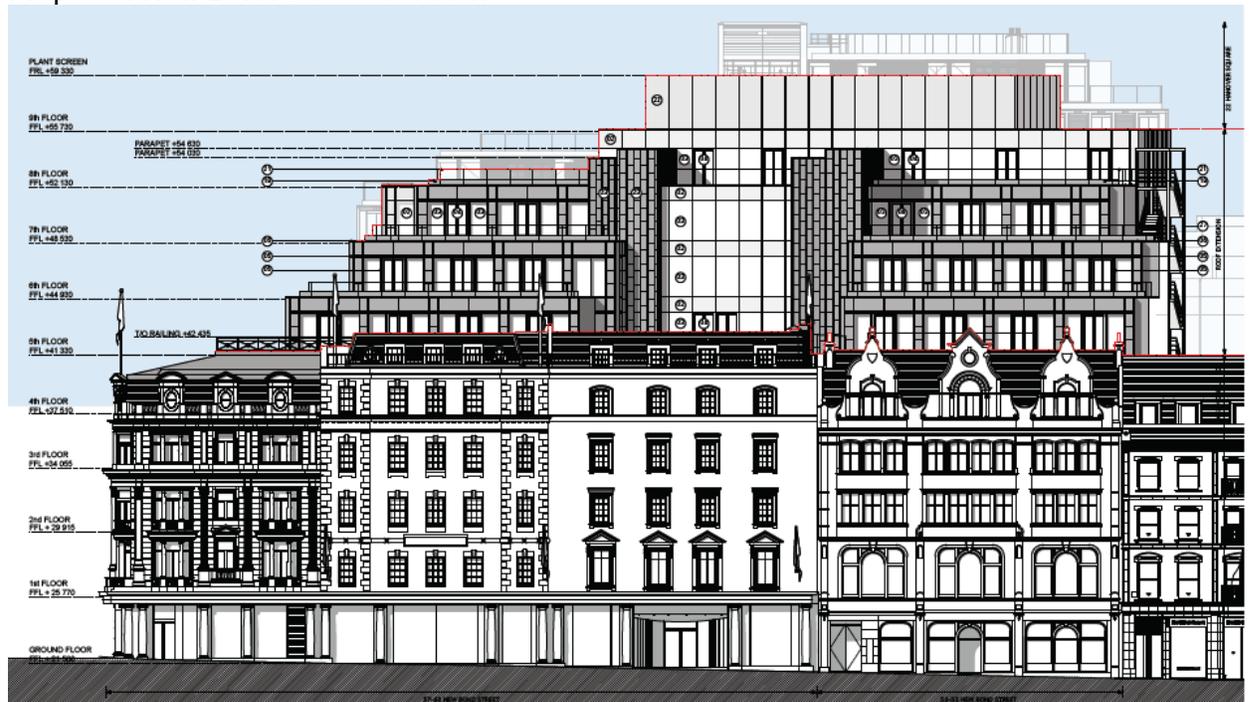
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

Existing New Bond Street elevation



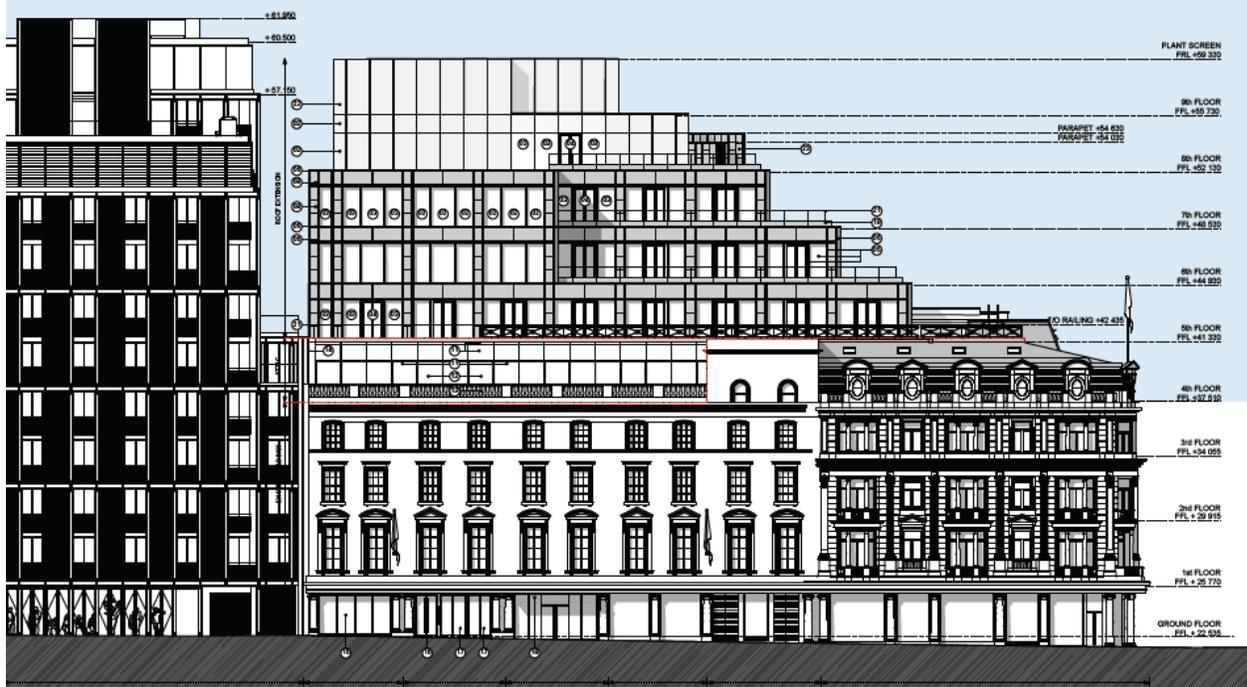
Proposed New Bond Street elevation



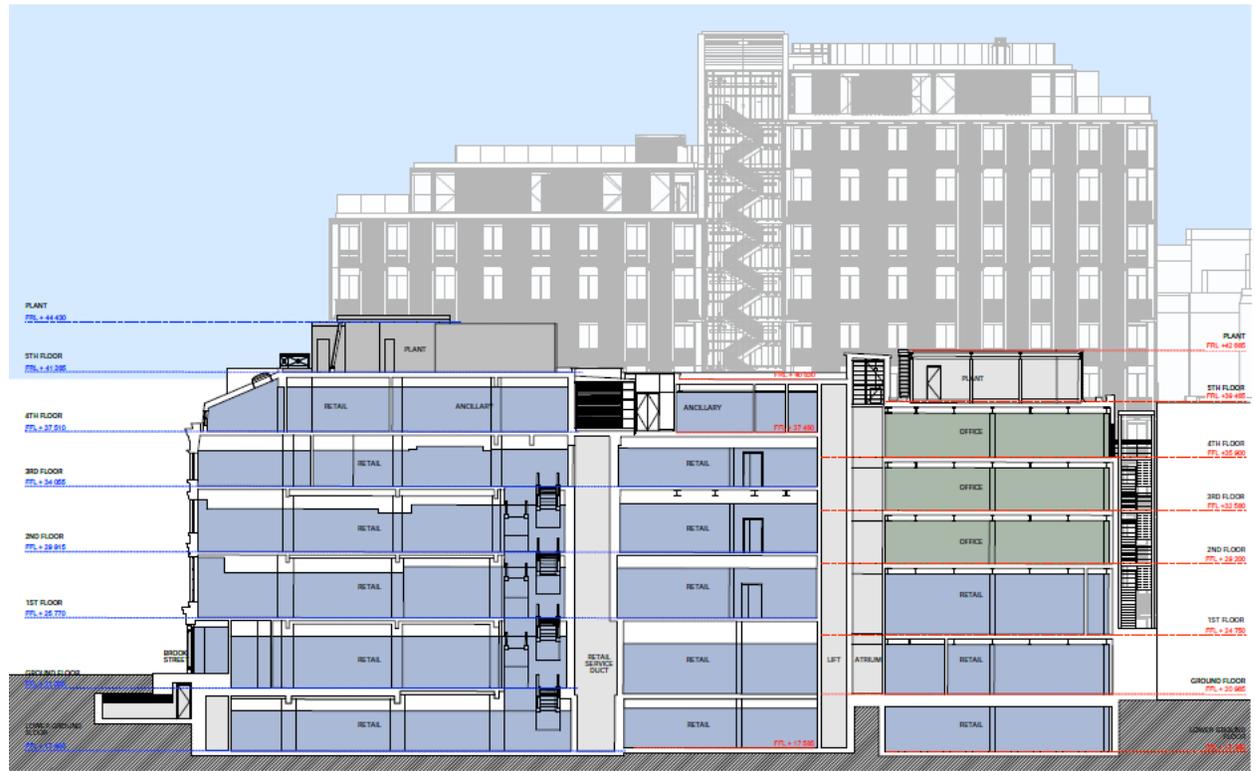
Existing Brook Street elevation



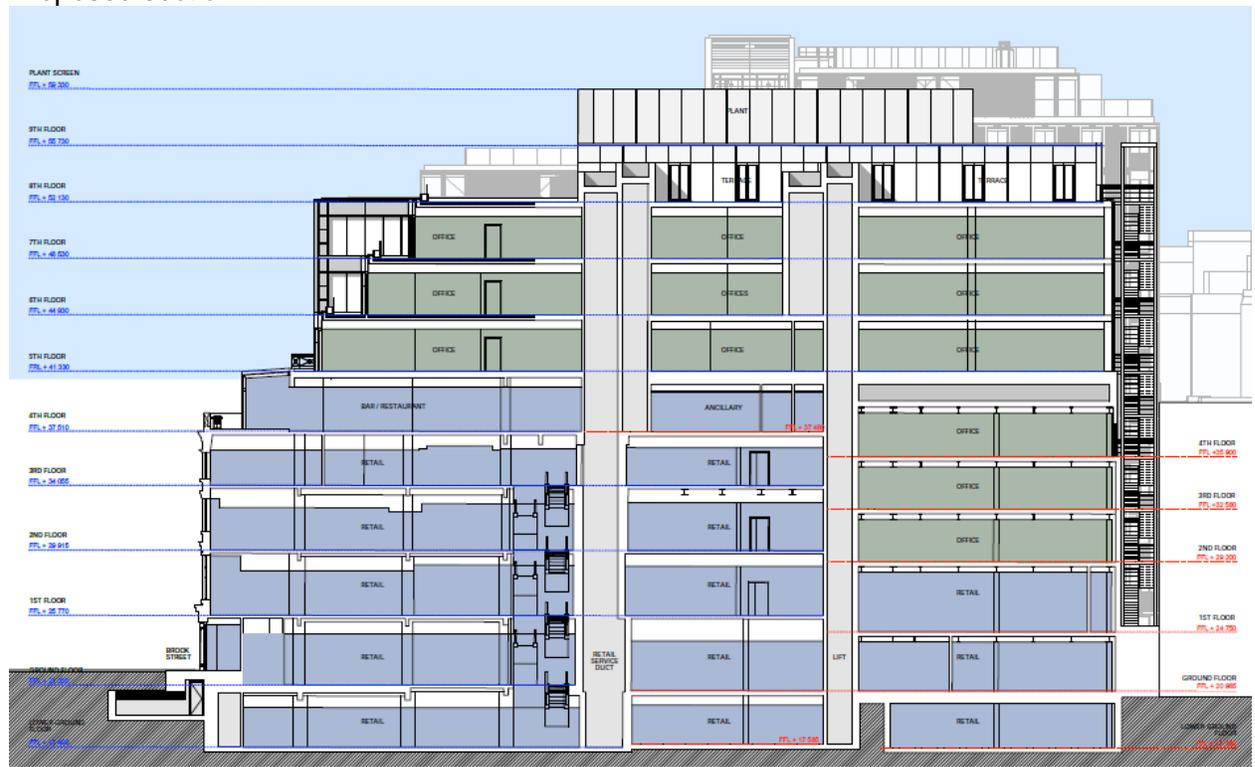
Proposed Brook Street elevation



Existing section AA



Proposed section AA



Item No.
2

DRAFT DECISION LETTER

Address: Fenwick, 5 - 17 Brook Street, Mayfair, London, W1S 1RQ,

Proposal: DEVELOPMENT SITE INCL. 53-63 NEW BOND STREET: Extension to the existing retail department store and offices to deliver additional (Class B1) office floorspace with access from Brook Street, change of use of part retail Class A1 floorspace to Class B1 floorspace, new plant on the roof, new roof terraces on Brook Street and New Bond Street frontages, and other associated works.

Reference: 19/07746/FULL

Plan Nos: [TO BE ADDED]

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

[TO BE ADDED]

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.