

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 April 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Underground Car Park, Cavendish Square, London, W1		
Proposal	Demolition and erection of above ground structures in conjunction with the use of an underground car park (Sui Generis) as a flexible mixed use commercial development comprising uses within the following use classes A1-A5, B1,B2, B8, C1, C2, D1, and D2 along with the excavation of a 4 th basement level, new entrances and associated landscaping and highways works to provide up to 25,953 sqm (GIA) of floorspace.		
Agent	DP9		
On behalf of	Reef Cavendish Ltd		
Registered Number	19/08460/FULL	Date amended/ completed	31 October 2019
Date Application Received	31 October 2019		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

- 1 Subject to the views of the Mayor of London, grant conditional permission subject to the completion of a legal agreement to secure the following:
- i) A financial contribution towards the City Council's Affordable Housing Fund (index linked) to be agreed dependent upon the total office floorspace implemented in excess of 4807m², payable prior to occupation of this office floorspace.
 - ii) A financial contribution towards employment, training and skills amount to be agreed dependent upon the final approved land use mix (index linked) payable on commencement of development.
 - iii) Undertaking of highways works and environmental improvements in the vicinity of the site, to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the building.
 - iv) Costs of monitoring the S106 agreement.

- 2) If the S106 legal agreement has not been completed within eight weeks of the date of this resolution, then:
- a. The Director of Place Shaping and Town Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b. The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3) That Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2. SUMMARY

Permission is sought to convert an existing 3 level public underground car park of 432 spaces, located beneath Cavendish Square Gardens, to a range of flexible, alternative commercial uses including healthcare, office, retail, entertainment and leisure. The scheme involves extending the 3rd basement and creation of a new 4th basement level, increasing the floorspace from 16,024m² (GIA) to a total development of 25,953 m² (GIA).

Above ground the existing car park structures (namely the vehicular entrance and exit ramps, exit stairs and plant enclosures) will be removed. The main access to the development will be via a new stepped entrance, flanked by glazed lanterns at the southern end of the square, with two new entrance pavilions at the north east and north western sides of the square. A service pavilion is proposed on the east side. The scheme includes alterations to the highway and environmental improvements.

The key issues for consideration are:

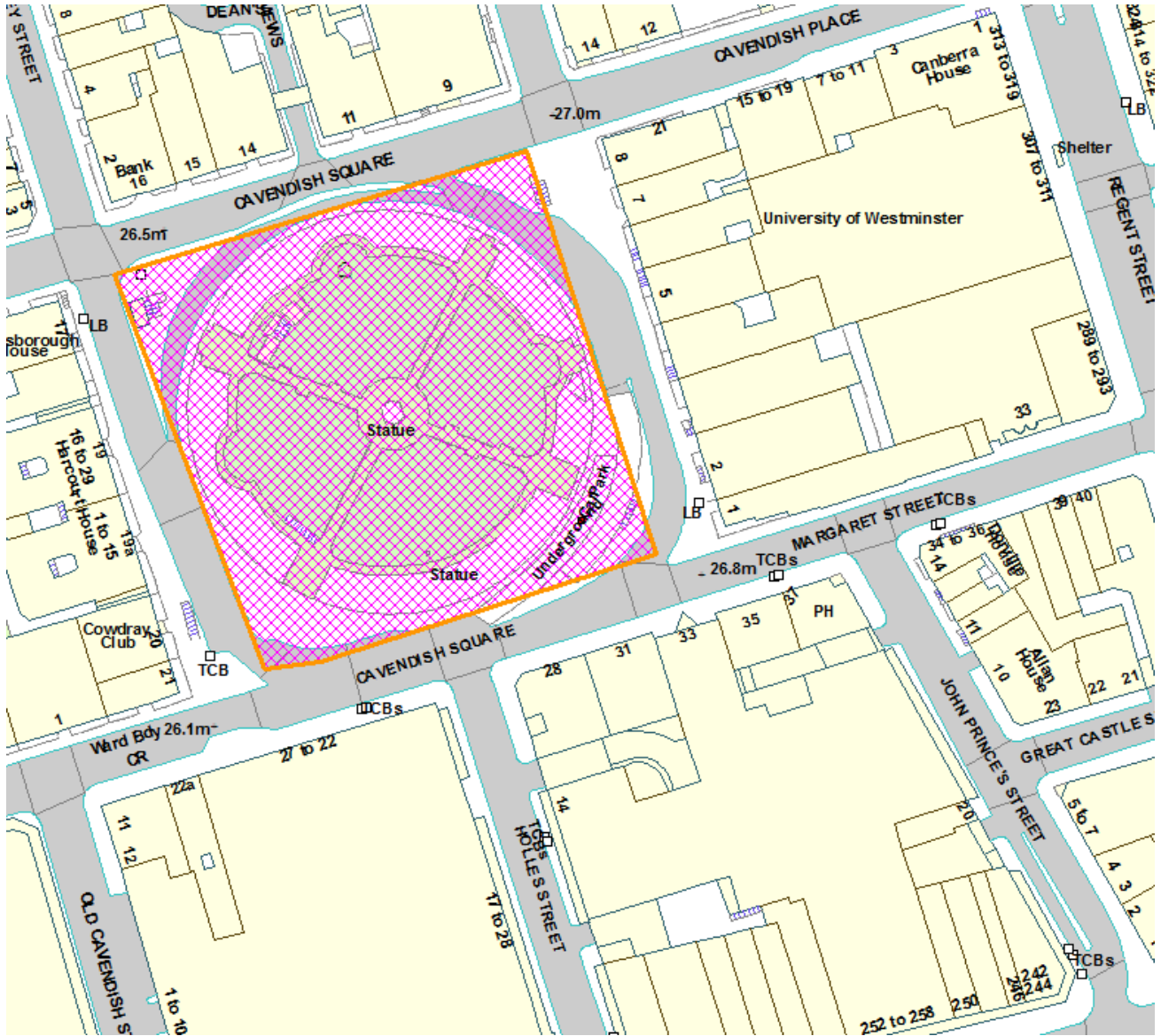
- The land use implications of the loss of car park,
- the acceptability of the broad range of replacement commercial uses,

- the impact in urban design and conservation terms. In particular, the impact on the setting of adjacent listed buildings and on the Harley Street Conservation Area, and
- the impact on the character and use of the square as public open space.

The existing car park is under used and its loss is considered acceptable, as the demand for car parking can be successfully accommodated elsewhere in the vicinity. The uses proposed are all considered to be in principle appropriate for this site in the heart of the West End within the Core Central Activities Zone. However, as the application is speculative the acceptability of the quantum of the various uses will be dependent upon their respective operational details. It is therefore recommended that operational management statements (OMS) for each proposed use are secured by conditions prior to any occupation of the development.

The addition of new above ground structures is controversial in urban design and conservation terms, but any harm caused is outweighed by the benefits of removing the existing structures and in creating a new use for the car park. As the majority of the works are below ground, the use of the square at surface level as public open space would be largely unaffected, and would actually be enhanced by improved accessibility. The works to the public realm would improve the pedestrian environment, and these works, alongside landscaping improvements, are welcomed. For these reasons it is recommended that conditional planning permission be granted subject to the views of the Mayor of London and subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's

4. PHOTOGRAPHS

ENTRY & EXIT RAMPS TO S-E OF SQUARE WITH RAISED PARAPET WALL AND ASSOCIATED HIGH LEVEL ENTRANCE SIGNAGE & STAIR



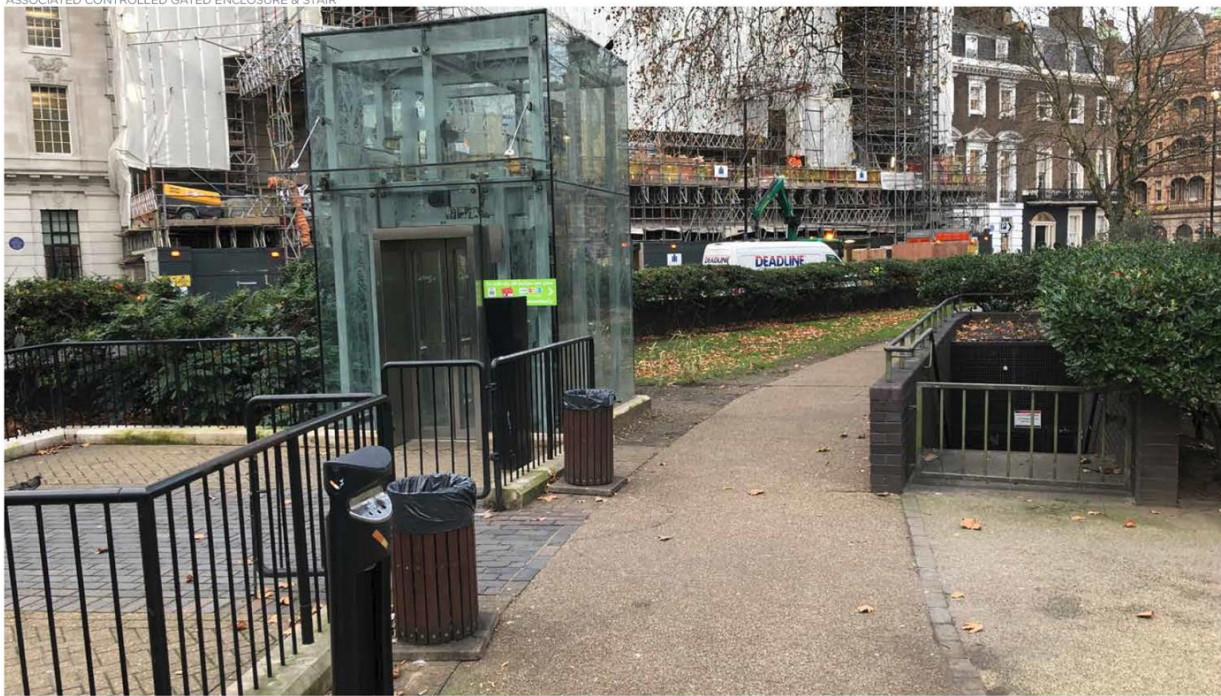
3M HIGH PLANT ENCLOSURE & STAIR- NORTH-EAST CORNER



EXIT STAIR - NORTH WEST CORNER



PUBLIC LIFT TO CAR PARK BELOW WITHIN GARDENS & ASSOCIATED CONTROLLED GATED ENCLOSURE & STAIR



5. CONSULTATIONS

GREATER LONDON AUTHORITY:

Principle of the development: The redevelopment to provide flexible multi-use commercial floorspace within the CAZ is strongly supported in strategic planning terms. The appropriateness of a residential use (Class C2: Residential Institutions) is queried.

Environment: The strategies for energy, flood risk, SUDs and water efficiency are generally supported in line with London Plan. The method for future proofing this plus opportunities for PVs and air source heat pumps is required.

Transport: Request that further work is carried out on the transport assessment and trip generation. Justification should be provided for the non- provision of blue badge parking and that cycle parking accords with London Plan standards. Options for the provision of transport infrastructure improvements at Oxford Circus underground station should be discussed further and transport- related plans secured through planning condition.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

No further Archaeological work is required.

THE GARDENS TRUST

Any response to be reported verbally

MARYLEBONE ASSOCIATION

Any response to be reported verbally

LONDON HISTORIC PARKS AND GARDENS

Any response to be reported verbally

METROPOLITAN POLICE: DESIGNING OUT CRIME

Any response to be reported verbally

ENVIRONMENTAL SCIENCES

Objection, due to the very wide nature of the use classes requested in the application description and the lack of specific information provided, it is not possible to reasonably assess this application for environmental health impacts such as noise and air quality.

Some of the information required could be provided by way of pre commencement conditions, this could lead to difficulty in approving details at a later stage if some of the elements are not technically feasible.

HIGHWAYS PLANNING TEAM

Loss of the car park is acceptable,
Servicing would need to be controlled through an SMP
Traffic levels should reduce

Cycle parking should meet London Plan standards.

WASTE PROJECT OFFICER

Both the proposed waste strategy and relocation of an existing recycling centre are not detailed enough and permission should be refused.

ARBORICULTURAL OFFICER

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 255

Total No. of replies: 3

No. of objections: 1

1 objection received on the following grounds;

The development should include a cycle hub for a significant number of cycle parking spaces. Cycle parking within the Oxford Street area is underprovided.

The development doesn't appear to comply with draft London Plan cycle parking standards.

1 Neutral comment

Supportive of the principle of redevelopment of the car park but request that appropriate conditions must be in place to ensure no harm to the Grade 2 listed buildings around the square. Due to the applicant seeking flexibility for the quantum of each use conditions should be imposed to require, delivery waste and MEP strategies to be re-appraised and reconsulted on and approved when the final amount for each use is known.

No. in support: 1

Letter of support from New West End Company (NVEC), Commenting that the proposals would transform Cavendish Square. The replacement of the under- utilised car park with high quality income generating uses is welcomed. The plans will improve access to the square and the associated environmental improvements are welcomed.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Cavendish Square is largely public open space comprising gardens and trees with walkways through, which lies one block north of Oxford Street and one block to the west of Regent Street within the heart of the West End. The Square links into Henrietta Place

and Margaret Street to the south west and south east, and Wigmore Street and Cavendish Place to the north west and north east. Oxford Circus Underground Station is situated approximately 200 metres to the south east of the site.

Beneath the gardens is a 3 level underground car park, accommodating 432 car parking spaces with car wash and toilet facilities totalling 17,443 m². The subterranean car park, which was constructed in 1969, is open on a 24 hour basis. Above ground it comprises ramp enclosures and stair accesses mostly constructed in dark brown brick. The entrance and exit ramps are located in the south west corner.

The site lies within Marylebone, within the Harley Street Conservation Area and the Core Central Activities Zone. Regent Street Conservation Area lies adjacent to the Harley Street Conservation Area to the east. Cavendish Square is surrounded by several Grade 2 and 2 * listed buildings. A grade 2 listed Statue of Lord George Bentinck is located at the southern end of the square.

The surrounding area is mainly commercial although Hardcourt House No 19a Cavendish Square is a building of 25 flats situated on the western side of the Square.

6.2 Recent Relevant History

There is very limited planning history.

On 18 February 2014 permission was granted for the following development 'Erection of lift and enclosure in south-west corner of Cavendish Square Gardens to provide access to underground car park and associated alterations to boundary wall and gates to gardens. Installation of railings and stone plinth to north-west and south-west stairwells to car park'. 13/10592/FULL

7. THE PROPOSAL

Permission is sought for demolition of structures above ground that are associated with the underground car park and replacement with entrances in connection with the change of use of the car park (Sui Generis) to provide a flexible mixed- use commercial development comprising the following use classes:

Retail (Classes A1-A5); Offices (Class B1);General Industrial (Class B2);Storage and Distribution (Class B8);Hotel (Class C1); Class C2:Residential institutions (which is wide-ranging incorporating residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres; D1: Non-residential institutions (which is also wide-ranging, comprising clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law courts, non-residential education and training centres; and D2 Assembly and leisure -cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area

for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

The scheme seeks to excavate to extend level 3 inwards towards the centre of the site beneath the gardens and to provide a 4th basement level underneath the footprint of the extended level 3. The extensions will provide approximately an additional 10,000 m² of floorspace, with a total floorspace of 25,593 m² (GIA).

The above ground square will undergo significant landscaping. The proposed development provides three principle entrances to the site. The main entrance is a stepped entrance located on the southern boundary flanked by 22 glazed lanterns with two further pavilion entrances to the north east and north west of the square. In addition to this the current step free lift access within the park is retained.

The development will be car free with 153 cycle parking spaces proposed. A goods lift is located on the eastern side of the Square, served by an off-carriage delivery and servicing facility. A second servicing access is also proposed in the north west corner of the square with the provision of a layby to allow for drop off and pick up. The proposal includes the relocation of an existing refuse recycling centre from the south east corner of the square to the north eastern and north western sides.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of existing Car park

The development would lead to the loss of 434 public off-street car parking spaces. UDP Policy does not protect commercial public car parks provided that it can be demonstrated that it would have no adverse impact on surrounding streets. TRANS 25 (C) states:-

The City Council will usually permit the loss of public off-street parking. In determining whether or not to permit such a loss, the City Council shall consider the following factors:

- the need to reduce traffic levels and encourage more sustainable modes of transport
2. the average and peak usage of the car park
3. the availability of alternative, nearby public car parks
4. the impact on local on-street parking facilities
5. the impact on traffic and local residential amenity
6. any other factors considered relevant.

A Transport Statement has been submitted in support of the application which demonstrates that whilst the car park provides 434 parking spaces, currently the maximum occupancy at any one time is 197 vehicles. This is sharp decline from 2017, when the maximum occupancy peak was 281 vehicles, which reflects the London-wide policy for discouraging journeys by car. There are currently 104 annual or monthly

permits on issue at the car park, but the Highways Planning Manager raises no objection to the loss of the car park as the permit-holders could be accommodated at other under-utilised local public car parks within 1km of Cavendish Square, all of which have the capacity.

Proposed Uses

The site lies within the Core CAZ where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses. The applicant advises that active discussions are on-going with various potential commercial occupants, but tenants cannot be secured in advance of obtaining planning permission. They advise that the primary occupant is likely to be in the medical/ healthcare sector but anticipate that the likelihood is that the development would also in part be occupied for retail (Class A uses) including within the food and drink sector, leisure and offices (Class B1), subject to obtaining the necessary consents.

It is common for planning applications to be speculative. However, this application is somewhat unusual as the quantum of the respective uses sought has not been firmly established and ultimately will be dependent upon continuing negotiations. With respect to the overall principle of the proposals, the GLA advise in their stage 1 response that 'redevelopment of the underground car park to provide flexible multi-use commercial floorspace within the CAZ is strongly supported in strategic planning terms'.

With the exception of General Industrial (Class B2) and most of the uses that are classified as Residential Institutions (Class C2), the broad range of commercial uses are all considered appropriate for the site. The acceptability of the quantum of all of these uses is however dependent upon the respective operational details of individual end occupiers as and when they are confirmed. The application is therefore in some respects akin to an outline planning permission which establishes the principle of the development. It is therefore recommended that a condition is imposed which requires full operational details to be submitted and approved prior to the development being occupied by any of the proposed uses. This will determine both the exact location and quantum of the respective uses. Thereafter all the uses would need to operate in accordance with the approved Operational Management Statements (OMS). The policy analysis for each of the classes sought is set out in the following paragraphs.

Offices (Class B1)

Commercial developments are directed to the Core CAZ, Paddington, Victoria and Tottenham Court Road Opportunity Areas, Named Streets and the North Westminster Economic Development Area. New office floorspace is encouraged within the Core CAZ to enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. The provision of increased

commercial offices accords with the City Council's strategic objectives and policies. An office scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The provision of office floorspace is supported in land use terms.

Mixed Use

Policy S1 is applicable for developments within the Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace. Residential is required where the increase in office floorspace is more than 30 % of the existing building (for all uses).

The existing building comprises 16,024 m² (GIA), the scheme will provide an additional 9,929 m² (GIA) increasing the total floorspace to 25,953 m² (GIA). This is a 61% increase in floorspace. If the scheme is occupied primarily as offices it could trigger a requirement to provide residential under the Council's mixed use land use policies (either on site, off site or a payment in lieu at the applicants discretion). The provision of over 4807m² (30% of the existing building) would require the provision of residential or a payment towards the City Council's affordable housing fund. As a subterranean site, it is considered unsuitable for the provision of residential, and it is therefore recommended that the legal agreement includes provision for a policy compliant financial contribution towards affordable housing, should the office provision exceed 4807m² and trigger the Council's adopted mixed- use policy.

General Industrial (Class B2)

This class includes use for industrial process other than one falling within Class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste). Environmental Sciences have objected to this use forming part of the application as insufficient information is available to be able any meaningful assessment of the impact of the use. A condition is therefore recommended which would prevent any part of the development being used for General Industrial (Class B2) purposes.

Storage and Distribution (Class B8)

Whilst use of the development for storage and distribution purposes would potentially result in the creation of fewer jobs than other uses proposed, use of part of the site for this purpose would be acceptable. Final consideration of the quantum of floorspace that could acceptably be used as a storage facility would largely be dependent upon servicing considerations and the impact upon the highway network.

Retail (Class A1)

The site is within the Core CAZ outside the West End Special Policy Area (WERSPA). As already set out above City Plan policy S6 states the Core CAZ is an appropriate location for a range of commercial uses. The policy also states that retail floorspace will be encouraged throughout the area with 'large scale' retail directed to the West End

International Shopping Centre's primary shopping frontages'. Major (large scale retail developments are defined as comprising over 10,000 m² (GEA).

City Plan policy S7 seeks to support the West End Special Retail Policy Area through recognising the unique status and offer of the West End through improving retail space and accommodating for appropriate retail growth. As such permission will only be granted where the proposal would not be detrimental to the character and function of the area of the vitality and viability of a shopping frontage or locality.

City Plan Policy S21 states that new retail floorspace will be directed to the designated shopping centres. The reasoned justification states that 'larger retail developments should be directed towards the larger shopping centres that have the capacity to support them. Westminster's primary frontages of the International Shopping Centres are especially suitable for large scale retail growth. These larger developments may also be appropriate within, inter alia, the Core CAZ.

The International centre is at the highest level in the hierarchy, and is the preferred location for retail development which increases consumer choice and an enhanced offer. However, adopted policy allows for the provision of large retail within the Core CAZ provided that there will be no adverse impact on the character and function and vitality and viability of the West End Retail Policy Area.

A Retail Impact Assessment (RIA) has been submitted in support of the application. This states that the starting point for the assessment is the identified need for significant additional A1 in Westminster and the intention that this should be focussed towards the International Centre, in the extended WERLSPA (in the draft City Plan), and in locations throughout the CAZ.

The applicant's RIA sets out a need is for between 229,944-322,286 m² m net additional floorspace. Given the current primary frontages, already comprise primarily A1 retail floorspace, the opportunity to accommodate such a substantial requirement within existing primary frontages is very limited. To put this in context, even assuming up to 10,000 m² GIA of the proposed development comprised A1 floorspace, this would equate to only circa 3-4 % of the identified need.

The total floorspace of the West End is estimated by the GLA at over 1.5m². As such, the proposed development would constitute a negligible increase, in the context of the policy objective to focus new development in this location. The forecast turnover of the development would amount to 0.005% of the 10 billion of the International Centre (Oxford Street/ Regent Street/ Bond Street). The impact on the International Centre would be negligible.

The retail element of the proposed development accord with national and strategic policies for town centre uses, and with Westminster's current and emerging policies. The site which is located one block to the north Oxford Street and west of Regent Street

is in effect already part of the International centre, and will function as such when the development is completed.

Professional and Financial Services (Class A2)

This uses class includes financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It doesn't include betting offices or pay day loan shops. Such uses are acknowledged as 'town centre uses' which are appropriate for this site within the Core CAZ. Like the other uses sought the amount Class A2 floorspace deemed to acceptable in the development will be dependent upon consideration of any OMS submitted.

Restaurants (Class A3)

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m²) is applicable only in exceptional circumstances. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The proposal states that new large- scale entertainment uses of over 500 m² floorspace will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The applicant advises there will be a central kitchen extract system provided which will utilize the existing builders work car park subterranean extract ducts. The Garden Pavilion in the NW of the gardens will be the location of the primary kitchen extract shaft terminating at a height of 4.0m above pavement level, 200mm below roof level, so as not to be visible from ground level. A secondary extract is proposed within a vertical shaft within the Eastern Entrance Pavilion terminating at a height of 5.3m above pavement level, 200mm below roof level, so as not to be visible from street level. Environmental Services advise that the locations of the proposed duct termination points below roof level suggest they will not comply with the City Council guidance on the location of extraction systems and therefore this proposal is unacceptable and should be revised.

There is no scope to provide alternative ductwork within the development proposed. Any cooking would need to be dealt with via a recirculation system where cooking fumes will not be discharged externally. This will place significant restrictions on the

degree and type of cooking permissible. All equipment within the premises is required to operate by electricity only and not by gas or solid fuels. It is recommended that the details are secured by conditions.

The provision of a restaurant or restaurants within the development would result in the provision of a service use which is considered acceptable in principle. It is likely that hours of opening would be restricted to normal core hours for licensed premises with evening opening rather than night time use. Any OMS would need to be significantly robust to ensure that any restaurants are properly run to safeguarding amenity and minimise their environmental impact, and ensuring that they are appropriate for their context.

Drinking Establishments (Class A4)

The same policies are applicable to assessing drinking establishments (public houses, wine bars and other drinking establishments) as set out above for restaurants (Class A3). It is however recognised that drinking establishments in which alcohol is the main offer can have a much greater impact on residential amenity than restaurants. This is therefore likely to be reflected in the amount of floorspace that is ultimately permitted to be used for Class A4 purposes. The broad principle of the use is however considered to be appropriate for the site.

Hot food takeaway (Class A5)

Hot food takeaways by their nature, can result in increased disturbance as a result of motor vehicles, mopeds and motorbikes taking deliveries of food to customers. Takeaways can cause additional litter, traffic and parking problems and can generate late-night pedestrian and vehicle activity. Prior to granting approval for an OMS which permits part of the development being used as a hot food takeaway the onus will be on the applicant to successfully demonstrate the benefits that the local community will gain from the provision of a hot food takeaway.

Conclusion on Class A3-A5 uses

The type of entertainment use, its size and customer capacity, its proposed location, and its opening hours are the major factors in determining the extent of adverse effect a proposed entertainment use can have on residential amenity, other commercial uses, local environmental quality and the established character and function of areas. To ensure that the Class A3-A5 uses will not have an adverse impact on the environment it is considered reasonable to limit these uses to not more than 10% of the total development. A condition is recommended that the Class A3-A5 floorspace does not exceed 2600 m². It will also be a requirement that all OMS's for the respective uses set out operational controls to ensure that the uses are acceptable and would not have adverse environmental impacts.

Hotels, boarding and guest houses (where no significant element of care is provided) Class C1

London Plan Policy 4.5 notes that the Mayor will support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors

and seeking to improve the range and quality of provision. The policy also goes on to note that the Mayor will seek to achieve 40,000 net additional hotel bedrooms by 2036.

City Plan Policy S23 states that new hotels will be directed to the Core CAZ (and other named areas). Hotels should also be directed to those streets which do not have a predominantly residential character. Subject to the operational details new hotel floorspace could be seen as a benefit welcomed in land use terms in accordance with London Plan and City Plan policy S23 and UDP Policy TACE 1 and 2.

Residential Institutions – (Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing home Class C2)

The GLA have in their stage 1 consultation response have queried the appropriateness of including Class C2 uses within the scheme. Environmental Services have also objected to this aspect of the application advising that there is insufficient information to be able to properly assess these uses from a noise or air quality perspective and other factors such as adequate lighting and ventilation. The applicant states that it is not the intention to use the development as any form of residential accommodation but have requested the option to use the building for medical purposes with overnight stays. Use for hospital purposes is considered acceptable, but not other uses that fall within Class C2 as these are types of permanent residential accommodation. It is therefore recommended that a condition prevents use of the building for purposes within Class C2, with the notable exception of use as a hospital.

(Non-residential Institutions) Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court.

(Class D1)

The applicant advise that the primary use is likely to be medical and health facilities. Cavendish Square lies outside be immediately adjacent to the Harley Street Special Policy Area (SPA). Within the Harley Street SPA policies aim to support and enhance its role as an international centre of medical excellence, and new medical facilities will be encouraged. The provision of medical consulting rooms and diagnostic facilities on site would complement the character of the SPA. A significant quantum of medical and health facilities within the development would be appropriate for the site, given the character of the surrounding area.

Other uses falling within the Class D1 may also be acceptable, but as is the case with many of the other uses proposed the operational details will determine their acceptability.

Assembly and leisure Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used Class D2).

Some of the uses listed above would not be appropriate to the site due to the sites configuration and its constraints. The uses are however all commercial uses appropriate

to the core CAZ. As has been set out with the other uses sought the key determining factor with regards to their acceptability are the operational details. As already stated this will be secured by condition.

Land Use Conclusion

It is unusual for an application to be made for such a broad range of uses. Whilst the subterranean development is not considered to be an appropriate site for residential and residential institutions (except hospital use) and general industrial (Class B2), the other uses may be appropriate. Conversion and extension of the existing underused car park for a flexible range of commercial uses accords with the City Council's strategic aim to accommodate sustainable growth and change that will contribute to Westminster's role as the heart of a pre-eminent world class city, building on its internationally renowned business, retail, cultural, tourism and entertainment functions within the Central Activities Zone.

8.2 Townscape and Design

Cavendish Square was laid out as a garden by Charles Bridgeman in 1717 as an early part of the Cavendish-Harley Estate. It lies within the Harley Street Conservation Area and makes an important contribution to its significance, character and appearance. It is enclosed by listed buildings on all sides except the south, which is defined by the John Lewis department store to the west (a good modern building but unlisted) and the tall, undistinguished 1960's redevelopment known as 33 Cavendish Square. This building is harmful to the setting of the Square, the adjacent listed buildings and the Harley Street Conservation Area.

Cavendish Square is a sensitive historic environment of high significance. On the east side of Cavendish Square are four grade 2 listed buildings and one grade 2 star. On the north side are two grade 2 star listed buildings and two grade 2 listed buildings. On the west side are three grade 2 and one grade 2 star listed buildings. The gardens are not included on the Historic England register of historic parks and gardens but they are included in the list of squares and gardens protected by the London Squares Preservation Act 1931.

The primary negative feature of the Square is the underground car park which was created in 1970, along with new walls and railings erected around the garden. The access ramps to the car park were created on the east side of the Square. There are other structures associated with the car park, most notably in the north west corner of the Square. These have all had a harmful impact on the townscape quality and integrity of the Square, the character and appearance of the conservation area and the settings of the adjacent listed buildings.

Legislation and policy

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. The NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The proposals

The proposals for above ground development include:

1. Main entrance in southern part, flanked by two sloping glass roof lights, outside the gardens.
2. Entrance pavilions – one each on the northwest and north east area, outside the gardens
3. Service access pavilion in the south east corner
4. New pavilion within the gardens
5. New railings around the perimeter of the garden
6. New paving around the outside of the gardens
7. Pavement lights around the gardens, with seating and low level vent shafts
8. Pavement lights (frosted) on the path within the gardens

The most controversial elements of the scheme in urban design and conservation terms are the above ground structures. It is very unusual for there to be structures within an historic square in the West End. However, Cavendish Square is an atypical square as it has a car park beneath the gardens and associated structures above ground. The impact of the proposed structures should be considered in the context of the existing, harmful, structures.

The main entrance to the development will be from the south. Here a large entrance eight metres wide is created on axis with Holles Street. It is flanked by two glazed enclosures which light the floors beneath, and also signal the entrance. These are 1.5 metres high adjacent to the entrance and then slope upwards to east and west, to a total height of 2.5 metres. The submitted images suggest that they are frameless glass

structures but they may not be quite as transparent in reality and the visual impact shown may not be achievable. The detailed design of these structures would need to be reserved by condition if planning permission is to be granted.

The glazed enclosures have narrow planted strips and a water feature and fountains around them. The steps which lead down to the development will be closed off at night with glazed gates and roller shutters below ground level. These proposals have a significant visual impact on the Square and the setting of the gardens, especially when viewed from the south. They have a lesser impact on the sitings of the listed buildings which lie to the east and west.

In the north west and north east corners of the Square there will be pavilions providing access below ground level. In the north west corner the pavilion will replace existing, unsightly structures associated with the car park. In the north east corner there are no such existing structures. The proposed pavilions have fully glazed sides, oval in plan, and house a lift and staircase to the lower levels. They are 4.75 metres high, to the top of the canopy. The total height is 5.3 metres.

The proposed pavilions will have a harmful impact on the settings of listed buildings on the north, west and east sides of the square, and on the setting of the gardens. However, the one proposed in the north west corner is considered an improvement on the existing structures, and less harmful to the heritage assets.

Also on the east side of the square will be a service bay, within a three metres high enclosure. This is designed with green walls, metal entrance gates and a glazed wall on the south side enclosing the access to the underground bike store. It too will have a harmful impact on the settings of the listed buildings, especially those on the east side of the square. Its impact needs to be compared to that of the existing structures in the south east side of the square.

The area around the perimeter of the garden will be transformed, with new railings, pavement lights, seating and vent shafts. These works are considered generally acceptable in principle. However, it is considered that the new railings around the gardens should be based on historic designs, rather than modern ones, in order to enhance the appearance of the gardens and relate architecturally to the historic, mainly Georgian, buildings which enclose the square. This would be a planning benefit which would outweigh some of the harm identified. If planning permission is granted then a condition requiring a revised railing design is recommended.

Within the gardens it is proposed to retain the existing glazed lift shaft in the south west corner and the existing structure towards the northern end of the garden. There are also a large number of frosted glass panels in the paths, to light the floors below. The extent of these lights is considered excessive and a condition requiring their reduction is recommended.

Signs

There is clearly a need to advertise the presence of this large commercial building but this has to be balanced against the need to protect the historic environment. The current proposals are to have signs at the southern entrance, in the concrete panel above the entrance, and in the new pavilions. As proposed this is discreet and acceptable. However, it is considered that any future proposals for more extensive advertising are unlikely to be considered acceptable because of their potential impact on heritage assets.

Harm and benefits

The proposals have the major benefit of bringing a new use to the underground car park. There are also negative impacts on the historic character of the Square through the introduction of above ground structures. However, these have to be seen in the context of the harm caused by the existing above ground structures, especially those on the north west and south east corners.

It is considered that overall the proposals are an improvement on the existing structures and that if there is harm to the heritage assets then that harm is outweighed by the public benefit of bringing new life to the Square and the car park, and also the introduction of traditional railings around the gardens. Overall the proposal is considered acceptable in terms of its impact on the designated heritage asset(s).

It is considered to comply with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and policies DES1, DES5, DES7, DES9, DES 10, DES12 of the Unitary Development Plan. It is also compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The proposed above ground structures would have no material impact on residential amenity.

8.4 Transportation/Parking

Loss of the car park

The loss of the existing car park is discussed in section 6.1 (Land use) of this report and as already stated is considered acceptable in principle.

Servicing

The creation of a large mixed-use development at this location will require significantly more servicing than the car park. The development will be serviced from ground level via 2 x on street loading bays on the south eastern side of the square and a single loading bay at the north western side. A goods lift will be located on the south eastern side. The applicants Transport Statement (TS) indicates that 80 % of deliveries will

occur to the east of Cavendish Square with the remaining 20% to the west. Vehicles will be able to access and egress the laybys in a forward gear.

City Plan policy S42 and UDP Policy Trans 20 require that servicing should be off-street except where it is accepted that this is not feasible. The Highways Planning Manager recognises that the constraints of the site preclude off street servicing. The goods lift structure will not have the necessary headroom and providing the servicing loading bays off street would eat into the gardens.

The potential servicing requirements within the applicants TS are based on an assumption that the occupancy is 25 % medical wellness (Class D2), 25% food and beverage (Class A3/A4), 20% non- food retail (Class A1), 20% office (Class B1) and 10% ancillary space.

The TS calculates that there would be some 111 servicing vehicles per day, with an average dwell time of just under 15 minutes which equates to approximately 9 and ½ hours. The Highways Planning Manager advises that the proposed 3 servicing bays could satisfactorily accommodate the proposed development. These comments are however based on the estimated occupancy split referred to above. Uses which are more intensive in servicing terms could result in a greater requirement. The Highways Planning Manager advises that a Servicing Management Plan should be approved to ensure that not too many vehicles arrive together and do not therefore have to queue around the Square. It is recommended that this is secured by condition should permission be granted.

Cycle Parking

The applicant states that cycle parking is intended to be provided for both long-stay and short stay in line with draft London Plan standards. On the basis of the anticipated quantum of uses this would be 153 long stay spaces and 84 short stay spaces. The actual number of cycle parking spaces required would however change according to the split of land uses. It is recommended that details of cycle parking is secured by condition. The cycle parking provided should meet draft London Plan standards.

An objection has been made on the basis that the development does not include a cycle parking hub to serve Oxford Street and the wider area. The objection is made on the basis that if cycling is to be actively promoted as a sustainable mode of travel there needs to be adequate safe and secure cycle parking within the West End, which is currently lacking. Whist the basis for the objection is understood, provided that the cycle parking provision within the development accords with the required standards permission could not reasonably be withheld for this reason.

8.5 Economic Considerations

The economic benefits derived from the provision of a significant amount of commercial floorspace within the Central Activities Zone, are welcomed. This accords with the strategic aim to provide sustainable economic growth.

8.6 Access

Pedestrian Traffic

Policy S41 of the City Plan deals with pedestrian movement and sustainable transport and the need to prioritise pedestrian movement.

The proposed development offers both stepped and stepped free access as part of the development. Pedestrian access is located to the south, north east and north west of the square along with the retention of the passenger lift currently within the square to the south west.

The car park only generates pedestrian traffic in the form of drivers going to and from the car park. A mixed- use development as proposed is likely to generate significantly more pedestrian movements. It is therefore likely that there will be many more pedestrian trips to and from Oxford Street, which will need to cross Margaret Street / Henrietta Place to access the development.

The TS identifies a need for a new pedestrian crossing at the main southern entrance to the development and changes signal timings. The Highways Planning Manager advises that this will be needed to ameliorate the additional pedestrian activity. These works will require approval under the Highways Act and will be secured as part of the S106 legal agreement.

8.7 Other UDP/Westminster Policy Considerations

Noise/plant

UDP policy ENV6 Noise Pollution and ENV7 Controlling Noise from Plant Machinery and Internal Activity seek to ensure that development proposals do not have an adverse impact on the noise environment, including any noise generated from plant, machinery and internal activity. City Plan Policy S32: Noise, states that the Council will work to reduce noise pollution by ensuring development provides an acceptable noise and vibration level for occupants.

As part of the application an Environmental noise and vibration survey report has been submitted. This report by Sandy Brown established the lowest background noise levels of 45 db(La90) for a 24 hour period, which exceeds WHO Guidelines. The design noise level criteria to comply with policy will be 10 dB below the background noise reading. The nearest residential property is at Harcourt House and there are noise sensitive clinics located at Harley Street.

The specific ductwork and plant is unknown at this stage of the development process, although the applicant states that air source heat pumps will be installed. Environmental Services advise that as the detailed information regarding plant is not available a supplementary acoustic report with acoustic specifications for the plant/ducting and details of noise/vibration attenuation measures should be submitted. It is recommended that this is secured by condition.

Environmental Sciences also recommend conditions regarding internal activity noise in addition to hours of use. They advise that steps should also be taken to ensure there is adequate separation of more noise intensive uses from more noise sensitive uses (such as medical centres).

No assessment of construction and demolition noise/vibration has been made and this should therefore be provided within the SEMP, which will be required in compliance with the Code of Construction Practice.

Refuse /Recycling

UDP Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments.

A waste management strategy has been submitted which assumes the following 70% of storage will be allocated to recycling, space will be allocated for 2 days refuse storage but collection will be daily, all clinical waste will be separate from non-clinical waste, a full waste operative will be employed to ensure proper segregation of different waste streams. All bins and a compactor will be located within bays within the development. At collection bins will be transferred via a goods lift in the eastern side of the development

The Waste Project Officer has objected to the scheme because the final split of the uses is unknown and refuse storage requirements are unknown. There is however sufficient space within the development to ensure that bin capacities comply with standards. It is considered that permission could not reasonably be withheld for this reason. It is recommended that the waste management strategy is secured by condition and approved prior to the development being occupied.

The Square currently accommodates nearly 20 Eurobins providing a public micro recycling centre, street sweepers containers, and park refuse containers. The recycling centre and the street containers will be relocated to the north western side adjacent to the vehicular bay the park refuse containers will be relocated to the eastern side delivery bay. An objection has been received from the freeholder and occupier of 18 Cavendish Square that the relocation will bring the refuse centre closer to Listed Buildings and residential at Harcourt House on the western side of the Square. It is requested that this aspect of the scheme is revised. Whilst It is acknowledged that the refuse centre is a negative feature of the Square, it is functional. Its relocation as proposed is not considered to be a significant change.

Air Quality

An air quality assessment has been submitted in support of the application. Emerging London Plan Policy SI1 requires development proposals to be at least air quality neutral and use design solutions to prevent or minimise increased exposure to existing air

pollution.

Operational Phase

As the proposal includes the removal of a car park, the report states this is expected to be beneficial to local air quality. The report states the new uses are expected to lead to a decrease in the overall annual average daily traffic but lead to an increase in daily traffic flows by 230 vehicles along Cavendish Place. Environmental Services advise that this is above the screening threshold and therefore a detailed assessment is required.

The impact on future users of the development takes into account emissions from the local road network and this predicts that the relevant objectives will be met. The assessment concludes that no mitigation is recommended as the development will not generate any exceedance's of air quality objectives in the area.

Environmental Sciences advise that the assessment does not account for emissions which may arise from the development itself such as from the proposed Class B2 use. As the detail of the specific uses is not known the assessment cannot be precise. It is recommended that an updated air quality assessment is provided prior to the commencement of the uses within the development and that this assessment should be based upon more accurate available information based upon specific detail of the proposed uses.

Construction Phase

The applicant has agreed to pay for the re-siting of the air quality monitoring station on Cavendish Square and this is welcomed, so as to ensure that the data collection at this site remains suitable for its intended purpose and that it is not adversely affected by the demolition and construction phases of this project. This equipment should be re sited prior to the commencement of any works. The development will be required to submit a site environmental management plan (SEMP) as part of their compliance with the Code of Construction Practice and mitigation measures will be agreed as part of this.

Sustainability

The London Plan states that developments should minimise carbon dioxide emissions and that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

London Plan Policy 5.1 and 5.2 expects an overall reduction in carbon dioxide emissions by 60% by 2025, and it is expected that under guidance from the GLA, London boroughs will take measures to meet this target. Policy 5.2 requires development to follow an energy hierarchy and seek to reduce carbon dioxide emissions, with a current target for non-domestic Development to minimise emissions by 35% against Part L of the Building Regulations 2013.

The applicant has submitted an energy statement by this states that the building will be a high performance building which is predicted to achieve a 52% carbon dioxide emissions against Part L2A.

The development is targeting a BREEAM rating of excellent and will use best endeavours to achieve 'outstanding depending on the final end user mix. Some of the key features which will be incorporated are: Reuse of car park footprint and existing retained walls, grey water harvesting reused in the gardens; water from AHU reused for vegetation irrigation; Air Source Heat pumps provide low carbon heating and cooling.

The proposed development is considered to provide a sustainable and energy efficient building in accordance with the Development Plan.

Trees within the Square garden

Although extensive works are proposed to the gardens perimeter, the lawns, trees, benches and sculpture within the space will be unaltered. The inward extension of the existing 3rd basement level is over 8m below the gardens, below the tree roots and soil beds necessary to retain the gardens above. No change is proposed to the landscaping within the gardens. A condition is recommended to ensure that all trees are adequately protected during construction and the landscaping is maintained to its present position post construction.

Lighting

A perimeter of circular pavement lights set in concrete will run around the outer perimeter of the gardens. There will be lighting from the interiors of the new glazed lanterns. The lux levels around the square will be important. It is recommended that a lighting strategy is secured by condition to prevent light pollution and ensure the optimum illuminance levels.

Biodiversity

The scheme includes re landscaping and soft planting around the perimeter of the gardens in conjunction with new 2m high railings and gates. This will extend the gardens incorporating soft planting and fountains around the perimeter of the new glazed lanterns to the south. The increased areas of planting will increase biodiversity of plant species and encourage animal species within the gardens. This is welcomed.

Archaeology

An archaeological desk top has been carried out to clarify the archaeological potential of the site and assess the level of impact of the development may have on any archaeology present. The assessment concludes the site does not contain any designated heritage assets of archaeological interest. The majority of the site has been the subject to significant disturbance through the construction of the below ground car park in the 1970's. It is considered that excavations associated with the proposed development will be either too deep to impact on any potential archaeological deposits or will be in areas disturbed by previous development.

Flood risk management sustainable drainage and water efficiency.

Policy S30 of Westminster City Plan states that 'All development proposals should take flood risk into account and new development should reduce the risk of flooding. London Plan Policy 5.13 and the draft London Plan Policy S113 requires that developments to utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed in line with the drainage hierarchy.

The site is in Flood Zone 1 and greater than 1 hectare in area. A flood risk assessment has been submitted as required by the NPPF. The FRA considers the risk of flooding from a range of sources and the residual flood risk to the site is generally low. A sustainable urban drainage strategy has been submitted which concludes that the development meets the requirements of all relevant policy.

Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service by:

- Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

- Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

- The note sets out how contributions will be calculated according to the type of development proposed. The applicant has agreed to make contributions in accordance with the guidance note. The level of contribution will be dependent upon the final land use mix and will be secured as part of the S106 agreement.

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

There is no adopted neighbourhood plan for Marylebone Area

8.10 London Plan

The application is referable to the Mayor of London under Category 1B(b) of the Mayor of London Order 2008 as the development comprises the erection of a building in Central London with a total floorspace of more than 20,000 m².

The GLA Stage 1 response is summarised in section 5 (consultation) of this report. The development is broadly acceptable in strategic planning terms, on balance it does not fully comply with the London Plan. The application will be referred back to the Mayor once the Council has resolved to determine the application.

Oxford Circus Station

In their stage 1 response the GLA comment that ‘the development site is located approximately 200 metres from Oxford Circus LU station. TfL’s forecasts predict continued growth in demand at Oxford Circus station, which will require increased regular station control interventions. Also, Oxford Circus does not have step-free access (SFA) from street level to platforms or ticket hall, only step-free interchange between certain lines. As such, TfL has been looking at high level options for solutions for the station in the short, medium and long term. In the long term an additional station entrance is likely to be required to cater for demand and increased SFA on the tube network is a key priority in the Mayor’s Transport Strategy.

The major redevelopment of this basement site presents a rare opportunity to facilitate these key improvements at Oxford Circus station via provision of the civil infrastructure for a new station box and tunnel through to the existing station. This site offers a clear route through to existing platforms. Space constraints and land acquisition costs in Central London mean that major station improvements are difficult and expensive to deliver outside third party opportunities such as this. Therefore, options for provision of this important transport infrastructure improvement through this development should be explored by the applicant in line with London Plan – intend to publish version Policies T1, T3 and T9, and MTS Policy 14 and Proposal 55’.

The Highways Planning Manager comments that any relief on the pressure on the existing Oxford Circus Station entrances would be welcomed.

In response the applicant advise that they have reviewed the development proposals in the context of TfL’s interest in safeguarding a potential future entrance/exit to the underground associated with Oxford Circus.

They advise that the TA indicates that the impact of the proposed development on the network is negligible. They argue that it is not considered that any substantial form of mitigation is necessary to make the proposal acceptable in planning terms and that the development will contribute the proportional amount of funding towards infrastructure

through the associated Mayoral CIL contribution in accordance with policies T1 and T9.

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 a pre-commencement condition 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.
- A Design Stage Interim BREEAM rating certificate of assessment
- Updated Energy Calculations
- A Biodiversity Management Plan in relation to the landscaping at the perimeter of the gardens.
- Contaminated land site investigations and remediation strategy

The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be confirmed as part of Committee presentation.

In addition, for reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- A financial contribution towards the City Council's Affordable Housing Fund (index linked) if the total office floorspace exceeds 4807 m² of offices (Class B1)
- A financial contribution towards employment, training and skills payable on commencement of development.
- Highways works and environmental improvements in the area including part of the Oxford Street District Proposals.
- Costs of monitoring the S106 agreement.

8.13 Environmental Impact Assessment

The application is of insufficient scale to require an Environmental Impact Assessment.

8.14 Other Issues

Oxford Street District Proposals

The Council's Oxford Street District (OSD) place strategy and delivery plan has identified 94 projects across 85 different streets in 9 zones including major improvements at Oxford Circus, Marble Arch and Cavendish Square.

The scheme has been designed so that it can be implemented in the current context maintaining the current highway arrangement but with kerb realignments which are possible due to the closure of the car park and its feeder ramps. An additional pedestrian crossing is proposed at the south side of the square to provide better access to and through the space.

The proposed design can also be delivered concurrently with the OSD proposals for Cavendish Square. The OSD proposals will result in additional footway, less north south traffic and the opportunity to an enhanced pedestrian prioritised space. The OSD will result in additional crossings on Wigmore Street in the north east and north west corners of the site. Given the scale of the development and its impact on pedestrian movements it is considered appropriate that the development contributes to these proposals. This will be secured as part of the highways works under the S106 agreement.

Basement

The application involves the excavation of existing basement level 3 further under the gardens and a new basement level 4 beneath the footprint of the enlarged basement level 3. City Plan Policy CM28.1 is applicable. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development

during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

Construction impact

A condition is recommended which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible and complies with policy CM28.1 of the City Plan.

Crime and security

The applicant refers to their discussions that they have had with the Metropolitan Police who have advised the following;

Gardens

Securing the gardens overnight is positive in preventing anti-social use and risk to vulnerable users. The 2m railings needs to be supported by corresponding pedestrian gates which can be locked. A defensive planting strip adjacent to the boundary railing is strategically important to thwart trespassers. The railing and corresponding gates need to be designed to deter climbing. The landscaping plan for the park being planting and furniture needs careful consideration to promote use whilst deterring Anti-social behaviour which is currently an issue.

Entrance Pavilions

Any access control strategy needs to be reviewed alongside the proposed fire exit strategy to ascertain if what is being proposed is suitable.

South Entrance

Query how the shutters in front of doors alongside a rising glazed balustrade at the top of the steps which will be operational out of hours will work for tenants that require 24/7 access for their respective customers e.g. hotel customers. The applicant advise that it is anticipated that 24/7 access will only be via the NE or NW pavilions and the existing lift (currently 24/7) within the gardens. The south entrance can therefore be closed at times to be agreed within an OMP without preventing secure access to the development

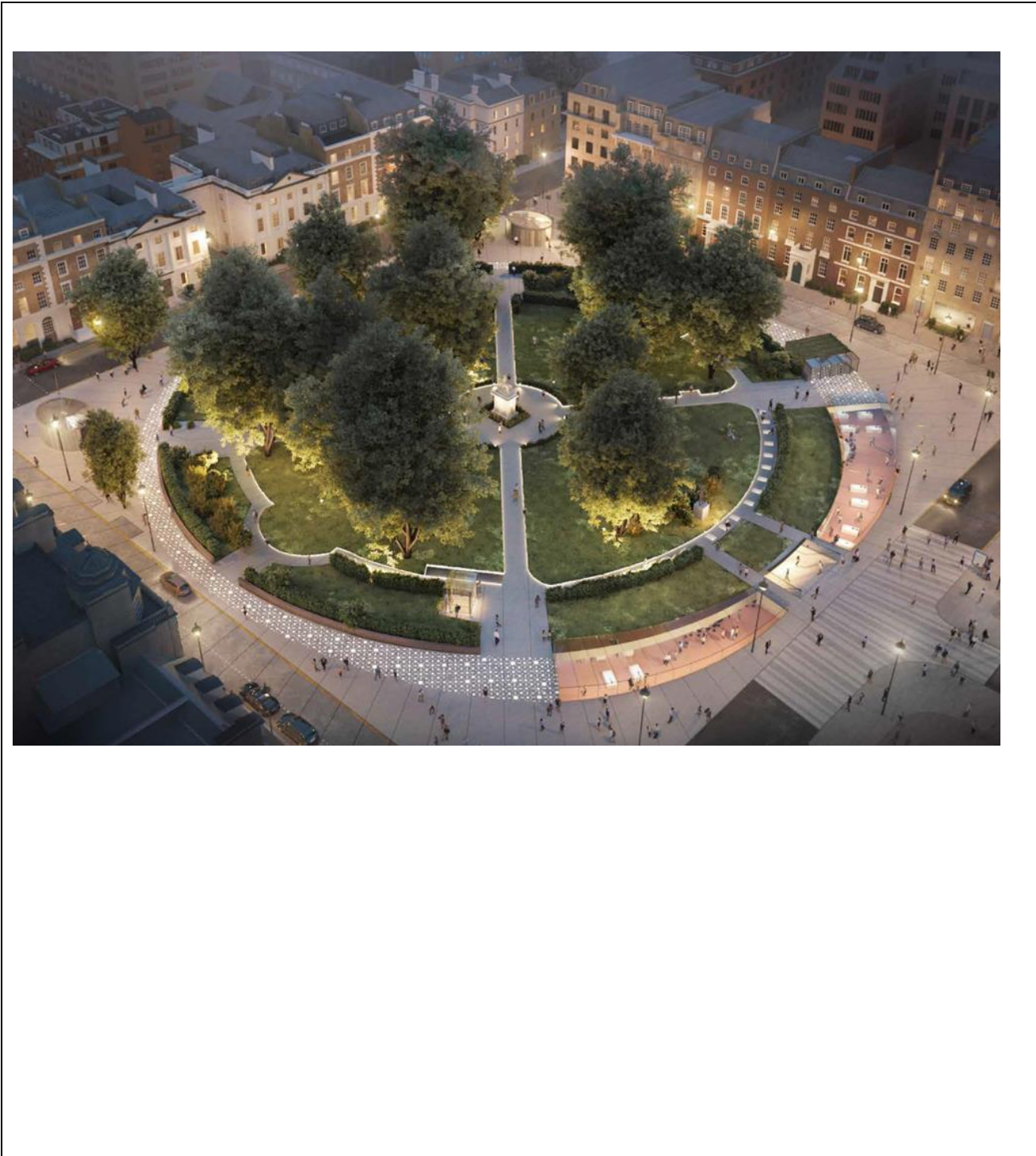
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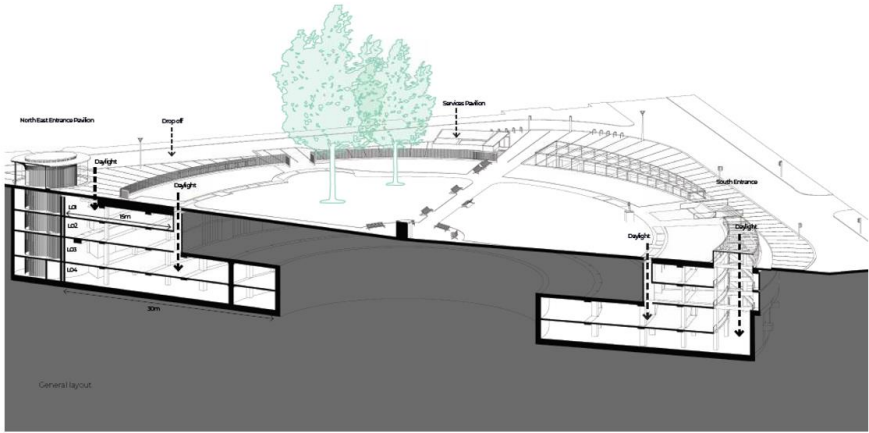
It is recommended that the security issues are dealt with through the imposition of a secure by design condition to be approved in conjunction with advise from the Metropolitan Police.

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

9 KEY DRAWINGS







DRAFT DECISION LETTER

Address: **Underground Car Park, Cavendish Square, London, W1G 0PG**

Proposal: Demolition and erection of above ground structures in conjunction with the use of an underground car park (Sui Generis) as a flexible mixed use commercial development comprising uses within the following use classes A1-A5, B1,B2, B8, C1, C2, D1, and D2 along with the excavation of a 4th basement level, new entrances and associated landscaping and highways works to provide up to 25,953 sqm (GIA) of floorspace.

Plan Nos: 2010 rev B, 2011rev B, 2012 rev B, 2013 rev B, 2014 rev B, 2020 rev A, 010 OSD rev A, 2100 rev A, 2101 rev A, 2102 rev A, 2103 rev A, 2200 rev A, 201 rev A, 2300 rev A, 2301 rev A, 2310 rev B, 2311 rev B, 2320 rev B, 2321 rev B, 2330 rev A, 2331 rev A, 2340 rev A.

Case Officer: Mike Walton

Direct Tel. No. 07866039922

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of 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.** 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 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)

- 4 You must apply to us for approval of details of secure cycle storage for the building ensuring that the facility is in line with the London Cycle Design Standards. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to any occupation of the building. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces (including ready access) and associated facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 and Policy T5 (Table 10.2) of the draft London Plan (2019).

- 5 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 6 You must provide the following sustainability features as shown on the approved drawings and as set out within the approved Sustainability and energy statement

before occupation of any part of the development:

- Air source heat pump system.

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

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

Reason:

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

8 Pre Commencement Condition.

a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing that the development is expected to achieve an 'excellent' rating in respect to the office element of the development and a 'very good' rating in respect to the retail element of the development under BREEAM UK New Construction 2018. If you use another method, you must achieve an equally high standard.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that the office part of the development meets an "Excellent" rating and the retail meets a "Very Good" rating" under BREEAM UK New Construction 2018. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

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)

- 9 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)

- 10 (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)

- 11 (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 exceed a value of 5 dB below the minimum external background noise between the hours of 0700 and 2300 and shall not exceed a value of 10 dB below the minimum external background noise between the hours of 2300 and 0700, 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 exceed a value of 10 dB below the minimum external background noise between the hours of 0700 and 2300 and shall not exceed a value of 15 dB below the minimum external background noise between the hours of 2300 and 0700, 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)

- 12 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) 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

reducing excessive ambient noise levels. (R51AB)

- 13 **Pre Commencement Condition.** You must apply to us for approval of details of a biodiversity management plan in relation to landscaping at the perimeter of the gardens. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

To reduce the effect the development has on 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. (R43AB)

- 14 **Pre Commencement Condition.**

Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve at least a reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations. You must provide all the environmental sustainability features referred to in the review before you start to use any part of the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible and minimises carbon dioxide emissions, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policy 5.2 of the London Plan (2016).

- 15 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 16 You use the premises for any purpose within Class B2 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).

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Harley Street Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan

that we adopted in January 2007. (R05FC)

- 17 The combined total floorspace within the development falling within use classes A3, A4 and A5 Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) shall not exceed 2600m².

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Harley Street Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007. (R05FC)

- 18 All cooking and reheating equipment must be operated by electricity only with no equipment utilising combustible fuels (e.g gas, coal, wood etc).

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 19 The re-circulation system hereby approved must have no external discharge.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 20 Before the re-circulation system brought into operation you are required to submit a supplementary report for our approval. You must thereafter maintain the recirculation plant and equipment as approved. The supplementary report must include:

- (a) A schedule of all plant and equipment installed in association with the re-circulation system.
- (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.
- (c) In the working environment the breakout noise not exceeding 55 dB (A) in the kitchen
- (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating
- (e) Details of service / filter replacement and maintenance arrangements.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 21 You must only use the premises or part of the premises as a hospital, you must not use it for any other purposes within Class C2 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). (C05BB)

Reason:

We cannot grant planning permission for unrestricted use within Class C2 because it would not meet ENV13 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 22 You must apply to us for approval of the internal layout and floorspace of each of the uses hereby approved including an Operational Management Statement detailing how each use will operate, including the hours of opening. You must not use any part of the building until we have approved what you have sent us. You must then carry out the measures included in the Operational Management Statement at all times that the building is occupied. (C05JB)

Reason:

To prevent a use that would be unacceptable because of the character and function of this part of the Harley Street Conservation Area. This is in line with S25 of Westminster's City Plan (November 2016) and DES 9 of our Unitary Development Plan that we adopted in January 2007

- 23 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Harley Street 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)

- 24 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development:

1. Southern entrance including glazed structures and security measures
2. Pavilions in north west and north east corners of the square
3. Service access structure on east side
4. Pavilion at northern end of the garden

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed

drawings. (C26DB)

Reason:

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

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

1. Traditional railings and plinth around the gardens, based on historic precedent
2. Reduction in the number and size of glazed panels in the paths within the gardens

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

Reason:

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

- 26 Detailed measures to design out crime shall be submitted to the City Council and approved in conjunction with the Metropolitan Police Designing Out Crime Officers prior to occupation of the development. The measures approved shall thereafter be retained for the lifetime of the development.

Reason:

To reduce crime in accordance with policy S29 of Westminster's City Plan (November 2016).

- 27 **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)

- 28 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 landscaping according to these approved drawings within 6 months of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Harley 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)

- 29 You must apply to us for approval of a lighting strategy. All lighting must thereafter be installed and retained in accordance with the approved strategy

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 Harley Street 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)

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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 4 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 6 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 email AskHighways@westminster.gov.uk. 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).

- 7 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 8 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 9 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 10 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 11 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 12 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 13 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 14 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

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

- 15 Conditions 9-11 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 16 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)