

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	180 Piccadilly And 48-50 Jermyn Street, London, W1J 9BA		
Proposal	Application 1 (Planning): Demolition of existing buildings and redevelopment of the site to create a Class E use building, including basement plant and cycle parking facilities, installation of roof top plant and all other works incidental to the proposals. Application 2 (Listed Building): Alterations and supporting works to the Piccadilly Arcade party wall, in order to facilitate the planning application.		
Agent	DP9 - Mr Mike Moon		
On behalf of	Pontsarn Investments Limited		
Registered Number	Application 1 (Planning): 21/01138/FULL Application 2 (Listed Building): 21/01521/LBC	Date amended/ completed	7 July 2021
Date Application Received	Planning Application: 24 February 2021 Listed Building Application: 11 March 2021		
Historic Building Grade	180 Piccadilly and 48-50 Jermyn Street: Unlisted Piccadilly Arcade (adjacent): Grade II		
Conservation Area	St James's		

1. RECOMMENDATION

Application 1

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:
 - a) Undertaking of all highways works immediately surrounding the site required for the development to occur, to the City Council's specification and at the full cost to the developer. Highway works to have been agreed prior to commencement of the development;
 - b) The areas where the proposed building line is to be set back from existing, namely at

the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street, are to be dedicated as public highway prior to the occupation of the development and at no cost to the City Council;

- c) A financial contribution of £154,500 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
 - d) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
 - e) A financial contribution of £86,178 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); and
 - a) The costs of monitoring the S106 agreement.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers
3. That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, 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 dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.

Application 2

- 1. Grant conditional listed building consent
- 2. Agree the reasons for granting listed building consent as set out in Informative 1.

2. SUMMARY

The application site comprises 177-180 Piccadilly (French Railways House) and 48- 50 Jermyn Street. The application buildings contain offices on the upper floors and retail units on parts of the ground and basement floors (all within Use Class E).

In 2008, the City Council granted permission for the demolition of the existing buildings and redevelopment of the site to provide a larger building comprising a mix of office, retail and residential – the owner did not implement that permission, however.

The current application proposes demolition of the existing buildings and a redevelopment to provide a new building similar in scale to that approved in 2008. The new building would comprise basement, eight upper storeys and a roof top plant enclosure. It would be for office and two ground floor retail/restaurant units. The building would include roof terraces, basement plant, cycle parking facilities, roof level green wall, roof top plant, roof top photovoltaic panels and other associated features.

The application buildings are within the St James's Conservation Area. Both are unlisted, 48-50 Jermyn Street is identified as an unlisted building of merit in the St James's Conservation Area Audit. The site is adjacent to the grade II listed Piccadilly Arcade. Opposite the site is the grade II* listed Burlington House (home to the Royal Academy) and the grade II listed Burlington Arcade, which are within the Mayfair Conservation Area. The site is within the Central Activities Zone, the West End Retail and Leisure Special Policy Area, the Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area.

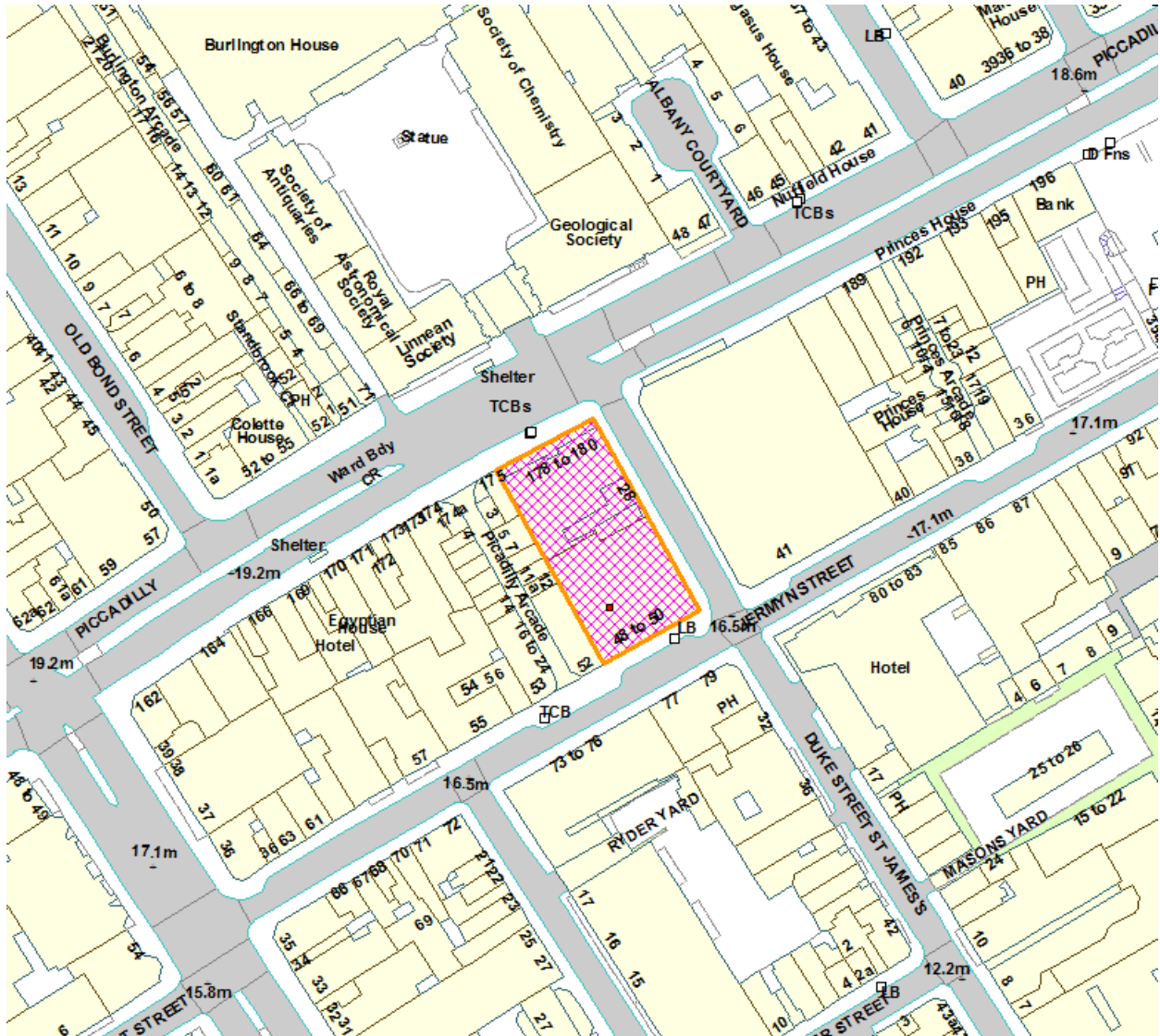
Objectors have raised concern regarding the loss of retail, the impact the building would have on townscape/ heritage, the impact on residential amenity and the impact on the highway network, amongst other issues.

The key issues in this case are:

- The acceptability of the proposal in land use terms;
- The impact of the demolition and new replacement building on the townscape, the character and appearance of the St James's Conservation Area and the setting of other adjacent heritage assets;
- The impact of the proposal on residential amenity;
- The impact of the development on the highway network; and
- The sustainability of the development.

The proposed development is considered against the policies in the adopted City Plan 2019-2040 and London Plan. Commercial floorspace is appropriate in this part of the CAZ and the overall benefits of the proposed scheme, including the greater design quality of the replacement building, result in an acceptable scheme which accords with the Development Plan when read as a whole. While there would be some impact on neighbouring residential amenity in terms of light, the resultant light levels are not unusual for an urban context and are considered acceptable in this instance. The development is therefore recommended for approval subject to the conditions set out on the draft decision letters and the completion of a S106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



180 Piccadilly, French Railways House (above) and 48-50 Jermyn Street (below)





Wider Context on Piccadilly (above) and Jermyn Street (below)



5. CONSULTATIONS

WESTMINSTER SOCIETY:

Disappointment regarding the loss of 48-50 Jermyn Street, but acknowledge that the replacement building is of sufficient quality to replace both buildings. However, there is still scope to make a few improvements to further enrich the elevations with the introduction of projecting cornices at parapet level; more distinctive shopfronts; bolder friezes at fifth floor level and better resolution of the corner on Jermyn Street. Overall, we find the proposals acceptable and an improvement on the previous Consented Scheme.

ST. JAMES'S CONSERVATION TRUST:

In view of the Trust's principles set out in "Architecture Suitable for St. James's" and this site's past case study, as well as the detail and summary of material planning grounds, based on Westminster's past and City Plan policies and justifications, the St. James's Conservation asks for the application to be refused. The Trust is reluctantly objecting for the second occasion since the 2008 proposed development over this site, that the height, scale, grain, balance of ground level uses and character of the development does not meet the challenges of the varied and lower heights, plot width scale variations grain of Jermyn Street to the grand scales of Piccadilly and the needs of high quality retail complementing the streets animation, rather than high density office uses.

In the event of consent granted to the application, The Trust would advise that an extra condition should be added to the other normal conditions, related to planning obligations, that seeks to define in partnership and in conjunction with the St. James's Conservation Trust and local stakeholders, most notably for highways and St. James's Church's regeneration plans for local employment, training and skills, without prejudice and subject to further discussions.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

Any response to be reported verbally.

GREATER LONDON AUTHORITY:

Principle of development: The proposed mixed-use development to provide high-quality office and flexible commercial floorspace within the CAZ is supported. The Council should consider restricting the proposed flexible commercial floorspace to retail-type functions. The Council should further consider securing floorspace for small to medium sized companies as well as provision of affordable workspace within the development.

Urban design and heritage: The proposed height, massing, architecture and layout is broadly supported. The proposed development would not have a harmful impact on the significance of designated heritage assets and is considered to preserve the significance of St James's Conservation Area. The proposal would result in the demolition of a non-designated heritage asset which could be justified having regard to the low significance of the asset weighed against the high quality replacement building and the benefits of the redevelopment. Key details relating to architecture, materials and inclusive design should be secured. Further information in relation to the fire strategy is required.

Transport: Further information on blue badge parking is required. Further justification on

the proposed quantum of short stay cycle parking is required. A Construction Logistics Plan, a Delivery and Servicing Plan and a Travel Plan should be secured.

Sustainable development: Further information on energy strategy, WLC assessment, urban greening, and circular economy strategy is required.

TRANSPORT for LONDON:

The proposed development complies with Policy T2 and Policy T7 of the London Plan. In order to be fully policy compliant, further information is provided regarding the cycle parking layout. Short-stay cycle parking location and blue badge parking. Planning conditions should be included in the grant of planning permission with respect to; delivery and servicing, construction and a travel plan.

TRANSPORT for LONDON (LONDON UNDERGROUND Ltd):

No objection in principle to the planning application, however there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. A condition is requested requiring details of an acceptable detailed design, method statements and load calculations (in consultation with London Underground) are submitted to and approved by the City Council to ensure these assets are protected.

HISTORIC ENGLAND:

The site contains two modern buildings which contribute positively to the character and appearance of the St James's Conservation Area ('the CA'), one identified in the City of Westminster Council's 2002 Conservation Area Audit as an unlisted building of merit. The proposal would demolish both buildings for replacement with a single building of between 5 and 8 storeys, including two within a mansard roof and with basement and rooftop plant enclosure, with facades in a contextual Portland stone and articulated by tall arched window recesses to each bay. The loss of the existing buildings by demolition would entail the loss of their positive contribution to the character and appearance of the CA, but refinements made to the proposal's composition, articulation and handling of its height make it sufficiently contextually sensitive for its architectural interest to preserve the character and appearance of the CA. The proposal would not result in residual harm to the two affected conservation areas nor to the settings of nearby listed buildings.

HISTORIC ENGLAND (GREATER LONDON ARCHAEOLOGY ADVISORY SERVICE):

Although the site lies within an archaeological priority area, the proposed works are unlikely to result in a significant archaeological impact. No further assessment or conditions are therefore necessary.

METROPOLITAN POLICE:

Requests consideration is given to suggested changes to ensure the building is more secure, including the provision of a 'airlock lobby', appropriate internal management of the building and suitable materials for windows and doors.

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds provided conditions and informatives are attached to ensure compliance with the City Council's noise criteria and that a supplementary acoustic report is submitted to and approved by the City Council. The applicant has provided a statement confirming that the development is air quality

neutral for building and transport emissions.

HIGHWAY PLANNING MANAGER:

Proposal involves creation of chamfered corners which is welcomed as it will aid pedestrians, highway works and dedication must to be secured through legal agreement. No off street car parking is proposed which is acceptable. Further long stay cycle parking spaces should be provided and there is no short term cycle parking provided which is disappointing. The proposed on-street servicing would be contrary to policy, however there is a ground floor holding area proposed (although the layout is not ideal) and the applicant has submitted a Servicing Management Plan. This Plan would need to be updated to include further details on how servicing would be delivered to ensure no significant impact on the highway.

PROJECT OFFICER for WASTE:

No objection to waste and recycling storage provisions, subject to a condition to ensure it is provided.

WESTMINSTER EMPLOYMENT SERVICE:

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2019), this scheme should provide a Financial Contribution of £86,178 (index linked).

BUILDING CONTROL:

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using a combination of RC Raft for the new foundation and mass concrete underpins for the Party wall. This are considered to be appropriate for this site. The proposals to safeguard adjacent Piccadilly Arcade property during construction is considered to be adequate though it is in outline form. The Structural Methodology Statement gives the outline method by which the basement will be excavated and the existing structures supported during the process.

The means of escape from the basement is acceptable subject to the provision of more detailed plans for the Building Control submission.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 549

No. of objections: 14 (from 13 individuals/ interested parties)

No. in support: 0

Ten neighbouring residents, three neighbouring businesses and one group of businesses object on the following summarised grounds:

Land use:

- Entertainment venues (including restaurants) should not be permitted on the ground floor facing Jermyn Street;
- There would be a harmful reduction in the retail offer of Jermyn Street, particularly in combination with the new Class E;

Design, Townscape and Heritage:

- The proposed building is out-of-scale with the existing buildings in its surroundings, resulting in a dominating affect;
- The proposed building is monolithic and the materials/ design is not appropriate in this context;

Amenity:

- Loss of light and increased overshadowing to neighbouring residential properties and the street;
- Loss of privacy and increased overlooking to neighbouring residential properties;
- Loss of outlook and increased overbearing to neighbouring residential properties;
- Noise levels in the acoustic report are based on pre-pandemic levels and the 'new normal' may be quieter than this and so should be based on lower noise levels;
- Roof terraces would generate harmful noise through social activity;

Transportation/ Highway Impacts:

- Increased traffic, pollution and noise from servicing;

Construction Impact:

- Increased noise, disturbance, pollution and impact on traffic within the area;

Other:

- Loss of views from neighbouring residential properties.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises 177-180 Piccadilly (French Railways House) and 48- 50 Jermyn Street. The site is bound by Jermyn Street to the south, Duke Street to the east and Piccadilly to the north. The application buildings contain offices on the upper floors and retail units on parts of the ground and basement floors (all within Use Class E).

While the buildings abut the streets that bound the site, they are arranged as opposing 'L' shapes (on the upper floors) which creates a large open lightwell which is not visible from the public realm. French Railways House comprises a small sub-basement, basement, ground and 7 upper storeys. 48-50 Jermyn Street comprises basement, ground and 4 upper storeys. The site slopes downwards from Piccadilly to Jermyn Street.

French Railways House was designed by Shaw and Lloyd with Erno Goldfinger and Charlotte Perriand, dating to c1960, whilst 48-50 Jermyn is a TP Bennett building dating to the 1950s. The buildings are within the St James's Conservation Area. Both are unlisted, 48-50 Jermyn Street is identified as an unlisted building of merit in the St James's Conservation Area Audit.

The site is located immediately adjacent to the grade II listed Piccadilly Arcade, and the grade II listed buildings on the south side of Piccadilly numbered 162- 175 beyond that. Opposite the site is the grade II* listed Burlington House (home to the Royal Academy) and the grade II listed Burlington Arcade, which are within the Mayfair Conservation Area. To the east sits Fortnum & Mason which is an unlisted building of merit. In addition, both Piccadilly and Jermyn Street contain other listed buildings and the site is therefore located in a highly sensitive location in heritage asset terms.

The City Plan 2019-2040 identifies the site as being within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA), the Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area. The site is within a Tier 2 Archaeological Area.

6.2 Recent Relevant History

On 23 May 2008, the City Council granted permission for the demolition of existing buildings at 177-179 Piccadilly and 48-50 Jermyn Street and redevelopment to provide a building of sub-basement, basement, ground and seven upper floors comprising retail (Class A1), office (Class B1), eight residential units (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) and car parking for 10 cars and associated works. The site owner did not implement this development.

On 28 May 2013, the City Council granted permission for the infill of the existing colonnade at ground floor level on Piccadilly to create additional retail (Class A1) and office (Class B1) floorspace; use of the existing servicing bay on Duke Street St James's to allow for the creation of a new retail (Class A1) unit at ground floor and basement; external alterations to the Piccadilly and Duke Street St James's facades at ground floor; the creation of new glazed roof at rear first floor level.

7. THE PROPOSAL

The applicant seeks planning permission for the demolition of existing buildings and redevelopment of the site to create a new building comprising basement, eight upper storeys and a roof top plant enclosure for office (Class E) and two ground floor retail/restaurant/café units (Class E); and including roof terraces, basement plant and cycle parking facilities, roof level green wall, roof top plant, roof top photovoltaic panels, and other associated works.

The existing foundations and walls of the basement (and sub-basement) to the buildings would be reused, with some additional excavation to level the differences between the two buildings' existing basements. This repurposed basement would contain cycle and waste storage facilities and plant equipment. The ground floor would contain two flexible commercial units (retail/ restaurant/ café), an office reception and other ancillary entrances/ exits. From the first to the seventh floor the building would contain offices around a core set against the western elevation, and would include roof terraces on the fifth, sixth and seventh floors to the Jermyn Street elevation. An additional roof terrace, as well as a plant enclosure and photovoltaic panels, would be located at roof level. Table 1 summarises the floorspace figures.

The building's facades would be Portland Stone, with arches created from first to the fifth

floor on the Piccadilly and Duke Street elevations, and up to the fourth floor on the Jermyn Street elevation. Within the arch reveals would be stone spandrels. At ground floor, the shopfronts/ office reception would also be framed with stone but with metal detailing. The top of the building would comprise a double mansard roof.

During the course of the planning application, the applicant made several minor changes to their proposal/ submission and provided additional information in light of comments received, including from the Greater London Authority, and after advice from officers. These include:

- relocation of the proposed new office entrance from the corner of Jermyn Street and Duke Street to Duke Street only, allowing an increase in the size of the commercial unit (retail or restaurant) facing Jermyn Street;
- associated external alterations, including alternative treatment to the ground floor facade including a canopy to office entrance, and associated internal alterations including to the cycle and goods entrance;
- an updated Circular Economy Statement;
- an updated Daylight and Sunlight Report;
- minor amendment to the layout and number of cycle parking spaces;
- clarifications regarding fire strategy for the building; and
- clarifications regarding urban greening.

Table 1: Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	4,602	9,290	4,658
Retail (Class E)	2,554	0	-2,554
Retail/ Restaurant/ Café (Class E)	0	540	540
Total	7,156	9,830	2,674

The planning application is submitted concurrently with a listed building application because the aforementioned works require alterations and supporting works to the Piccadilly Arcade party wall, and the Piccadilly Arcade is a grade II listed building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office Use

Westminster's City Plan 2019-2040 (City Plan) Policies 1, 2, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs, alongside other forms of commercial growth. Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character, including within the West End Retail and Leisure Special Policy Area (WERLSPA).

London Plan Policies SD4 and E1 support growth of office floorspace in the CAZ and the provision of new and refurbished office space and mixed-use development which would

improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies while Policy E3 supports provision of affordable workspace at rents maintained below the market rate for that space.

The new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The site is within a commercial area which is appropriate for commercial growth. It would deliver 9,290sqm of office floorspace, representing an uplift of 4,658sqm, thereby contributing toward the City Plan target in office-based jobs growth within the City. The proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards (particularly in French Railways House where the floor to ceiling height is low).

The GLA considers the Council should consider securing floorspace within the building for small to medium sized companies, in line with London Plan Policy E2. The Applicant has confirmed they would seek to provide an element of the proposed floorspace as flexible office space and the building's layout is such that it would be capable of providing space for small to medium size companies. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

The GLA also encourages the City Council to consider securing affordable workspace, as set out in London Plan Policy E3. The policy requires consideration for this to be given in the following circumstances: where there already is affordable workspace on site; where the site is within an area where affordable workspace is at risk (as identified in the City Plan); or an area where affordable workspace is necessary/ desirable to sustain a mix of business or cultural uses which contribute to the character of an area (as identified in the City Plan).

In this case, there is no existing affordable workspace on site. City Plan Policy 13 states proposals involving the provision of affordable workspace will generally be supported throughout the commercial areas of the city, but the justification goes on to identify two areas in the north of the borough where this will be encouraged. While it also states such provision elsewhere in Westminster could be welcomed, the City Plan does not identify St James as an area where existing affordable workspace is at risk from cost pressures or where affordable workspace is required to ensure the character of the area is maintained. Therefore, while affordable workspace would have been welcomed had the applicant proposed it, given the policy context it is not considered reasonable to require the applicant provide it in this instance.

An unrestricted Class E use would not accord with the City Plan because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that supports the vitality, function and character of the CAZ and the WERLSPA. Further, because Class E contains a wide variety of uses (including restaurants and indoor recreation) and given the amount of office floorspace proposed, conversion to other Class E uses could result in harmful impacts to amenity, local environmental quality and/ or the highway network. Therefore, it is recommended that a condition be attached to ensure the use of the upper floors is maintained as offices, and not changed to other Class E uses.

Retail/ Restaurant/ Café Uses

The application site is located within the WERLSPA, a CAZ Retail Cluster and the St James Special Policy Area. City Plan Policies 2, 14, 16 and 21 supports the provision of retail uses within these locations. Policy 2 supports a range of commercial uses, including retail, in the WERLSPA and policy 14 states CAZ Retail Clusters will provide further large format retail and complementary town centre uses to meet the needs of residents, workers, and visitors. Policy 16 states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. Policy 21 states that developments should enhance the character and function of St James's as a centre for the art trade and luxury retail, through the provision of additional floorspace for use as art galleries, antique trading or luxury retail, which is encouraged.

London Plan Policies SD4 and SD8 also support growth of retail use in this area. London Plan Policy E9 promotes a successful, competitive and diverse retail sector and supports sustainable access to goods and services for all Londoners.

The proposed reduction in retail floorspace and units on the site is regrettable considering the aforementioned policies which envisage/ encourage the provision of additional retail floorspace in this part of the City. Although of course these policies are within a context where the introduction of Use Class E by central government means planning permission is no longer required to change the use of retail premises to other commercial uses within Class E. Indeed, the applicant could change the use of the existing retail units here to offices without permission.

The application proposes to provide two ground floor units (a reduction by two units over the existing) as flexible commercial spaces for retail, restaurant or café uses. These units comprise 540sqm in total. This still is a loss of retail floorspace equating to 2,014sqm. This loss occurs for two reasons: first the basement will no longer form part of the retail units (as is currently the case) to allow improved facilities for the entire building and to locate plant there; and second, additional ground floor space is given to the office entrance and other ancillary areas to improve the quality of the building. St James's Conservation Area Trust, Fortum and Mason and a group of St James businesses have objected to the balance of ground floor uses and the reduction in retail. Some of the objectors were also concerned about the proposed flexible commercial units potentially being used as a gym, but the applicant has since explained this is no longer proposed following advice from officers.

In response to concerns, the applicant increased the amount of retail floorspace but a significant loss remains. Officers consider that the loss of retail floorspace at basement level is required to realise the improvement in quality of the building's facilities. Moreover, the aforementioned policies while encouraging retail provision, do not protect it at basement level. Under City Plan Policy 14, uses that provide active frontages and serve visiting members of the public are required at ground floor – which this proposal would provide given two commercial units at ground floor is proposed. While the office reception would reduce the opportunity for retail floorspace, it would still provide an active frontage on Duke Street. While the loss of the retail floorspace at ground floor is regrettable, given it occurs to support the offices and the proposal would accord with the aim of the City Plan to provide significant jobs growth through commercial-led development, it is not considered sustainable to refuse permission on these grounds.

In terms of providing uses that would compliment the prestigious nature of St James, the proposed units would be capable of providing space for luxury, bespoke or niche retailers or art galleries. The option for restaurant or café uses instead of retail could also complement the character and function of the area, rather than harm it, because such uses contribute to the vibrancy and vitality of an area – which in turn would support the existing niche retailers and art galleries elsewhere in the area.

Some objectors refer to entertainment uses such as a nightclub being proposed, but this is not the case. Others raise concern about the impact a restaurant/ café use could have on residential amenity. City Plan Policy 16 notes that the over concentration of food and drink premises will be resisted where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the area. In this case however, both Jermyn Street and Piccadilly maintain a high number of retail premises. On the block bounded by St James's Street, Piccadilly, Jermyn Street and Duke Street there are two restaurant uses each on Jermyn Street and Piccadilly. There is also a café attached to Fortum and Mason as well a small number of other restaurant/ café uses elsewhere on Piccadilly and Jermyn Street. Given their relatively low number in the area, the potential for additional restaurant/ café uses on the application site would not give rise to an over-concentration of this type use. It is acknowledged that there are other entertainment uses, such as nightclubs, elsewhere on Jermyn Street and the wider area, but it is not considered that a restaurant/ café use here would significantly worsen the impacts associated with these given they would largely operate at differing times. Further still, the proposed new units here are not of a size that would allow significant numbers of patrons to visit. Nonetheless, in order to protect the amenity of nearby residents from harmful impacts a restaurant or café might cause, conditions are recommended to control the use, including opening hours and an Operational Management Plan.

The building has been designed to allow for ventilation and extraction to enable these restaurant or café uses, and the applicant has submitted a ventilation and extraction statement as well as an acoustic report. These have been considered by the City Council's Environmental Health Officers who state the development would not harm neighbours in terms of noise, vibration or odours subject to recommended conditions to control these aspects of the development and these are included on the draft decision notice appended to this report.

Given the above, unrestricted Class E use for the ground floor units would not accord with the City Plan. This is because uses which do not serve visiting members in this location would undermine St James's historic shopping streets which would be harmful to the vitality, function and character of the CAZ, the WERLSPA, the Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area. Therefore, it is recommended that a condition be attached to ensure the ground floor commercial units are maintained for retail/ restaurant/ cafe uses and not changed to other Class E uses.

8.2 Townscape and Design

The site is located within the St James's Conservation Area and is also located in very close proximity to the boundary of the Mayfair Conservation Area to the north from which it is highly visible, forming part of its setting. The application site is also located

immediately adjacent to the grade II listed Piccadilly Arcade along with the remaining buildings on the south side of Piccadilly numbered 162- 175 and it is opposite the grade II* listed Burlington House (the Royal Academy). The site is therefore located in a highly sensitive location in heritage asset terms.

Legislative and Policy Framework

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *'In considering whether to grant listed building consent for any works the local planning authority or 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 66 of the same Act 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.'*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040 requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

In terms of the National Planning Policy Framework, 20 July 2021 Central Government published the latest National Planning Policy Framework (NPPF) and this is a material consideration determining planning applications. This application has been reviewed in the light of this new guidance. The key sections of relevance in assessing this development are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and Enhancing the Historic Environment). In the latter chapter, paragraph 199 makes clear:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 200 states:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....'

Finally, with regards to non- designated heritage assets, paragraph 203 states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policies 38, 39 and 40 of the adopted City Plan 2019- 2040 are of relevance to this proposal. Policy 38 (Design Principles) requires new development to incorporate *'exemplary standards of high quality, sustainable and inclusive urban design and architecture'* which must *'positively contribute to Westminster's townscape and streetscape'*. Policy 39 (Westminster's Heritage) highlights the importance of Westminster's unique historic environment and requires development to ensure that heritage assets and their settings are conserved and enhanced. Policy 40 (Townscape and Architecture) requires development to be sensitively designed, *'... having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.'*

Demolition of Existing Buildings

The application site comprises two unlisted buildings at 177-180 Piccadilly (French Railways House) and 48- 50 Jermyn Street, with frontages on to Piccadilly to the north, Duke Street to the east and Jermyn Street to the south. 177- 180 Piccadilly was designed by Shaw and Lloyd with Erno Goldfinger and Charlotte Perriand, dating to c1960, whilst 48-50 Jermyn Street is a TP Bennett building dating to the 1950s. The Piccadilly building is eight storeys in height above a basement, with the uppermost plant storey recessed back from the principal facades. It is a framed structure with a flat gridded facade, clad in Portland stone and metal framed windows, with a mosaic band above fourth floor level emulating the impression of a cornice detail. The Piccadilly building is not considered to be of significant design merit and makes a neutral contribution to the character and appearance of this part of the conservation area, as identified in the adopted conservation area audit. The principle of its demolition is therefore considered acceptable in design terms, providing the new replacement building makes an equal or better contribution to the character and appearance of the conservation area and the setting of nearby heritage assets.

48 – 50 Jermyn Street is a five storey building, above a basement, with a marble clad shopfront at ground floor level. The Jermyn Street frontage incorporates a slightly projecting bay to the first- third floor levels set within horizontal bands, whilst the uppermost level is set within a frame behind the façade plane. It is identified as an unlisted building of merit in the adopted St James's Conservation Area Audit and is considered to make a positive contribution to the character and appearance of the conservation area. Policy 39 of the adopted City Plan 2019- 2040 states that *'non-designated heritage assets (including local buildings of merit, archaeology and open spaces of interest within and outside conservation areas) will be conserved. When assessing proposals affecting non-designated heritage assets, a balanced judgement will be made regarding the scale of any harm or loss of the asset and the benefit of the proposed development.'*

The proposed development involves the demolition of this unlisted building of merit, which requires a balanced judgement to be made regarding the scale of harm and the

wider benefits of the proposed development. Whilst the existing mid- 20th century building is well mannered and of its time, it is considered to make a positive contribution but only at the lower end of the scale. The character and appearance of this part of the conservation area is much derived from the eclectic mix of building typologies and styles. The architectural merit and aesthetic value of 48- 50 Jermyn Street is not remarkable and its architectural interest is considered lower than most of the surrounding buildings. Given that diversity in built form and typologies is an inherent characteristic of this part of the St James Conservation Area, the degree of harm caused by the demolition and replacement of this mid 20th- century building is considered minor, providing the new building is of higher design quality than the existing and makes a better contribution to the character and appearance of the conservation area and the setting of nearby designated heritage assets. The principle of demolition is therefore considered acceptable subject to applying the tests set out in City Plan, which requires the benefits of the proposed development to be weighed against the degree of harm caused by the loss of this non- designated heritage asset.

Permission was previously granted for the demolition and redevelopment of the buildings on this site on 23 May 2008 (07/04261/FULL). In that instance, it was considered that the proposed replacement building would enhance the character and appearance of the conservation area, the setting of the adjacent Mayfair Conservation Area and the setting of nearby listed buildings. The officer's report at that time stated that 48- 50 Jermyn Street *'is considered to be at the lower end of the scale of significance, making at best only a minor contribution to the special interest of the Conservation Area.'* This previous assessment of the building's contribution is maintained in its current context. The City Council's previous decision to approve the demolition of the existing unlisted building of merit should be afforded some weight, subject to assessing the proposals against the current policy framework and the benefits of the current scheme.

Proposed Replacement Building

The proposed single replacement building consists of six storeys to the principal facades, the parapet of which slightly exceeds the adjacent Piccadilly Arcade to the north elevation, as well as two pitched roof storeys and a roof level plant/lift overrun enclosure above. A chamfered corner is proposed to the Duke Street and Piccadilly junction, which echoes similar treatment to the adjacent Fortnum and Mason building directly opposite (albeit this treatment is not extended upwards from the principal façade in the manner proposed). To the south Jermyn Street frontage, the three uppermost storeys are set back from those below, incorporating terraces in the spaces made available at fifth, sixth and seventh floor levels, set behind parapets with glazed balustrades. The double height pitched roof storey incorporates a curved corner to the Piccadilly/ Duke Street corner. A double row of arched dormer window openings are proposed on all sides, with expressed mullions maintaining the vertical expression of the facades below. A roof plant and lift overrun enclosure is proposed above which is chamfered to the corners in order to minimise visibility from street level.

The applicant is intending on reusing some of the existing Portland stone from the site within the face of the arches, with new, textured natural stone forming the window reveals and spandrels. The principal facades are expressed through the use of tall arched bays within deep reveals and the use of spandrel panels seek to balance the verticality of these arched bays with a horizontal layering. To the Piccadilly frontage, the

detailed design involves the use of dark coloured, metal finned spandrels within the window reveals, with a fluted stone spandrel at fifth floor level echoing the attic storey treatment of adjacent buildings. The treatment to the Duke Street and Jermyn Street frontages are subtly more understated in detailed design terms. The south facing Jermyn Street elevation incorporates rippled stone spandrels with a decorative frieze at cornice level, whilst the Duke Street frontage transitions between the two north and south facing facades by continuing the spandrels from Piccadilly, layered over the vertical detailing of the Jermyn Street frontage. The ground floor bronze coloured shopfronts are set on granite plinths to all sides and are set within stone frames, giving the building a greater sense of base level grounding and solidity than the existing buildings, the stone treatment of which does not extend to base level.

Height and Bulk Of Replacement Building

Whilst the proposed development represents a significant increase in height and bulk, the verified views provided in the submission demonstrate that this increase can be accommodated comfortably, given the substantial scale of commercial buildings which characterises the primary route on Piccadilly. Longest views of the proposal are available from the eastern approach on Piccadilly and the verified view 3 demonstrates that the increase in height is resolved neatly given the taller (compared to existing) context of the surrounding buildings. The treatment of the roof level plant enclosure has been heavily negotiated, and is now pitched and curved to the corners, ensuring it now has very limited visibility which will barely be appreciable in long views from the east. There is a broad impression of consistency in building height in this part of Piccadilly, particularly in the group to the west, which the proposed development respects. The roofscape in this group is busy and characterised by double mansard storeys with dormers. The appearance of the proposed double height pitched roof storey, which also incorporates dormer openings, is therefore appropriate in the context of this roofscape. View 1 in the applicant's submission, taken from the western approach on Piccadilly, demonstrates that the development relates well to the grade II listed group within which it is located, respecting the group's height, massing and roof treatment. Whilst the proposed development is taller than the adjacent grade II listed Piccadilly Arcade, its corner location enables the site to read as a 'book end' termination to the slightly lower grade II listed buildings to the west.

To the south side of the site, longer views of the development are less available given the denser and narrower layout of these more intimate, secondary streets. The supporting verified views demonstrate that the increased height of the building on this side is barely appreciable given the narrower viewpoints available and the set backs that have been incorporated into the design of the upper levels. When viewed from the east (see verified view 4), the proposed building is set back from the fifth floor storey upwards, ensuring the significant increase in height on this side is barely appreciable from street level. The use of these set back areas as terraces could result in unattractive visual clutter, which should be controlled via condition. The parapet line on the Jermyn Street frontage relates comfortably to the adjacent group and the verticality of the composition is more sensitive to its context than the horizontal bands of glazing on the existing building. The overall building height of the proposed development is similar to the approved development immediately to the south. However, given the sloping ground level the current proposal will be higher, with the uppermost roof storeys pitched rather than recessed unlike the neighbouring development.

Likewise, the uppermost roof storeys have very limited visibility in views from the west given their set back from the principal south facing façade and the proposed building relates comfortably to typical building heights when viewed from this angle (see verified view 8). The proposed increase in height and massing is more visibly apparent in long views northwards from the south on Duke Street, where the roof storey becomes visible in the foreground with Burlington House visible in the backdrop (see verified view 6). However, the proposed increase in height can be accommodated comfortably in this viewpoint and does not obscure or detract from views of Burlington House beyond, blending more sensitively with its traditional palette and grand, Classical character than the existing 20th century buildings. The asymmetrical arrangement of roof level dormers is not apparent from street level given the oblique views available.

The existing and proposed east facing street elevations demonstrate that the proposed increase in height will exceed that of the tallest central element of grade II* listed Burlington House to the north. The significance of the Burlington House façade fronting on to Piccadilly is high and the height of its central bays contributes to its prominence within the streetscape. Whilst the proposed development will exceed the height of Burlington House overall, it is acknowledged that Piccadilly is a very wide, primary route and the two buildings are not easily appreciable in a single vantage point. Whilst they are in close proximity to each other, the two sites do not have a strong visual connection, other than when viewed northwards from Duke Street as described above. The proposed height increase will have no impact on the prominence of Burlington House on the north side of Piccadilly and, as demonstrated by the verified views, will not unbalance the appearance of each side of the streetscape to a harmful degree. The height and massing of the proposed development is not, therefore, considered harmful to the setting of Burlington House.

Overall, for the reasons set out above, the height and bulk of the proposed development relates sensitively to the typical scale of buildings in the nearby vicinity. The slightly taller building height proposed compared to the adjacent listed buildings on Piccadilly gives the impression of a 'book end' in this corner location and does not appear unacceptably dominant in local views. The recessed treatment of the uppermost levels to the south facing frontage ensures the building appears proportionate to the scale of buildings on Jermyn Street. The height and bulk of the proposed development is therefore not considered harmful to the character and appearance of the conservation area, the setting of the Mayfair Conservation Area and the setting of nearby listed buildings.

Detailed Design

The detailed design of the proposed new building has been heavily negotiated by officers through pre- application discussions. The proposed palette represents high quality materiality and the more extensive use of Portland stone will appear more coherent with the existing surrounding streetscape on both sides of Piccadilly, including those on the north side within the Mayfair Conservation Area, compared to the existing largely glazed Piccadilly building. The richly textured, high quality palette proposed is appropriate to the grandeur of the Edwardian buildings that characterise Piccadilly and the use of dark coloured metal spandrels echoes the ornate painted metalwork and railings of the historic facades, also adding depth and expression to the façade.

The busy horizontal bands of glazing to the existing French Railways House building clash awkwardly with the verticality of building frontages which characterise the south side of Piccadilly (best demonstrated by verified views 2 and 3). In contrast, the strong verticality of the arched bays to the proposed replacement north facing façade will relate more successfully to the streetscape, emphasised by the fluted, dark coloured metalwork. Likewise, the proposed decorative spandrel detail between the fourth and fifth floor levels on the north facade provides some contrast to the otherwise vertical expression of the façade, emulating a horizontal band which echoes the consistent articulation of attic storeys that is characteristic of the adjacent listed group of Edwardian buildings.

The single height ground floor on the Piccadilly frontage enables the double height frontage into Piccadilly Arcade to remain prominent at street level, which is respectful of its setting. The corner of the new building at the junction between Duke Street and Piccadilly is extended upwards from the façade, resulting in a prominent curved dormer set at a chamfered angle, which softens the transition between the facades and terminates the 'book end' of the group, as well as adding architectural interest and animation to this corner. Initial designs for larger, more prominent corner treatments have been negotiated by officers and the resulting proposal is considered more appropriate and less assertive than initial proposals. Earlier proposals for terraces in this position were considered visually jarring in this prominent position and were strongly resisted in design terms.

The vertical bays of the south façade of the proposed building are reflective of those to the adjacent group of historic buildings and relate well to the typical solid to void ratios when viewed from both directions. Given the differential floor levels, this south facing frontage incorporates double height shopfronts. Following negotiations with officers, a strong horizontal band is included as an integral element to the shopfront design in order to divide up this double height frontage. The surrounding stone band also remains slightly lower than the adjacent Piccadilly Arcade, seeking to ensure that it remains the more prominent opening at ground floor level in order to preserve its setting. The decorative metal friezes incorporated into the shopfront design relate well to the grandeur of nearby historic facades.

The ground floor frontages facing on to Duke Street to the east are largely visually impermeable at present and have a deadening visual impact on this narrow street. The proposal development seeks to activate these frontages more successfully with better quality, more transparent retail shopfronts as well as entrance doors leading to the office levels above. The ground floor frontage proposed to this east elevation will make a more positive contribution to the character and appearance of the conservation area compared to the existing arrangement.

Views of the flat, gridded façade at French Railways House are currently available from the Burlington House courtyard which is within the Mayfair Conservation Area, which do little to enhance the outlook from this highly significant building and provide stark contrast to the richly decorated south arch from the Burlington House courtyard. The proposed replacement building will enhance the outlook from the courtyard, with the proposed palette blending more sensitively from this viewpoint than the existing building.

Works to Listed Building

Listed building consent is sought for alterations and supporting works to the adjacent grade II Piccadilly Arcade party wall, in association with the proposed development. The proposals involve underpinning and supporting the party wall.

The significance of this listed building is largely derived from the architectural interest of its street facing elevations and arcade as well as its historic interest as being one of a series of retail arcades constructed on Piccadilly during the early 20th century. The proposals involve underpinning the existing foundations. Details have been submitted of the proposed method, to be undertaken at maximum 1m sequences. The principle of underpinning the existing foundations to the this listed building is not considered harmful to its significance and is considered acceptable.

Consent is also sought to support the party wall, for which two options have been submitted. The more intrusive option, which is preferred by the applicant, involves tying the party wall back to the floor plates, involving the installation of resin anchors at regular intervals. Whilst this proposal would result in a considerable degree of intervention into the fabric of the listed building, the flank wall affected, which would be fully concealed by the adjacent development, is not considered to be of high significance. Supporting the building in the manner proposed would not therefore be considered harmful to its special interest. The second less intrusive option involves supporting the party wall using walling beams and temporary towers, which is considered uncontentious in listed building terms and would cause no harm. Given that the applicant has not applied for a single option, the imposition of a pre commencement condition requiring clarity as to which option is to be pursued, including a justification based on a site investigation, is recommended.

Conclusion

Overall, the proposed development will better reflect the grain and building composition of the existing streetscene than the starkly horizontal, largely glazed 20th century buildings currently in situ. The use of high quality materials together with layering of stonework and greater façade articulation and depth will result in a building of significant design merit which is more appropriate to its sensitive context than the existing buildings. Given the scale of surrounding buildings and the treatment of the proposed high level massing to the south end of the site, it is considered that the proposed increase in height and bulk can be accommodated without causing harm to the character and appearance of the conservation area, the setting of the adjacent Mayfair Conservation Area and the setting of nearby listed buildings. Views from Burlington House outwards towards the proposal site through the south facing arch will also be enhanced. In addition, the proposed development will enable a more flexible internal layout which maximises the space available more efficiently than the existing layout which incorporates a very large central lightwell void. The better activated frontage on to Duke Street is also a significant design benefit.

Overall, whilst the demolition of the unlisted building of merit at 48- 50 Jermyn Street will cause a minor degree of less than substantial harm to the character and appearance of the conservation area if considered in isolation, the overall benefits of the proposed scheme as a whole and the greater design quality of the replacement building results in no net harm being caused to the affected designated heritage assets. The application is therefore compliant with the requirements of Policy 39 of the adopted City Plan 2019-

2040, which requires a balanced judgement to be made, as well as the requirements of the NPPF. The proposed development will result in a high quality contemporary new building that will make a positive contribution to the appearance of the townscape, which is also compliant with the requirements of Policies 38 and 40 of the City Plan 2019-2040.

The proposed works to underpin and support the party wall of the adjacent listed building at Piccadilly Arcade will also cause no harm to the significance of the listed building, in compliance with Policy 39 of the City Plan 2019- 2040.

Therefore, a recommendation to grant conditional permission and listed building consent would be 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

The majority of the buildings within the immediate vicinity of the site are non-residential. Residents do reside to the south within 76 Jermyn Street, which contains over 20 residential flats, and there is also a residential penthouse at 52 Jermyn Street, immediately adjacent to the site to the west (above Piccadilly Arcade). Also opposing the site is the Cavendish Hotel located at 81 Jermyn Street – although no guest is understood to reside there permanently.

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

Neighbouring residents have objected on the grounds the proposal would harm their amenity in terms of loss of light, an increased sense of enclosure and loss of privacy. Fortum and Mason and another business have also raised concern about the impact loss of light and increased overbearing would have on the quality of their premises.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide “Site Layout Planning for Daylight and Sunlight: a guide to good practice”. The applicant updated this assessment during the course of the application because officers advised the applicant that the actual layout of the affected flats differed from the assessment’s initial assumptions.

The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms (i.e. living rooms), and it accepts that bedrooms are of less importance.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss would be noticeable.

There are six breaches of the VSC measure and four breaches of the NSL measure at 76 Jermyn Street (there are no breaches at 52 Jermyn Street – while in closest proximity, the windows to this flat do not face toward the application site). The breaches are summarised below:

Table 2: VSC Breaches at 76 Jermyn Street

Floor	Window	Existing VSC	Proposed VSC	Loss	% Loss
Second	W22/F02	16.3	12.7	3.6	22.1%
Third	W21/F03	20.1	15.9	4.2	20.9%
Third	W22/F03	20.8	15.8	5	24%
Fourth	W21/F04	25	19.6	5.4	21.6%
Fourth	W22/F04	25.7	19.4	6.3	24.5%
Fifth	W22/F05	29.9	23.4	6.5	21.7%

Table 3: NSL Breaches at 76 Jermyn Street

Floor	Room	Existing NSL	Proposed NSL	Loss (sqm)	%Loss
First	R14	22.1	15.2	2.1	31.3
Second	R14	42.6	27.4	4.6	35.8
Third	R14	64.7	38.8	7.9	40.1
Fourth	R14	88.4	53.5	10.6	39.5

In terms of VSC, the six breaches affect windows serving four living rooms in four separate flats. These living rooms are located on the second, third, fourth and fifth floor to the most easterly side of the building. Each of these living rooms are served by three windows: two of the living rooms would have two windows breaching the BRE criteria and the other two would have one window breaching the BRE criteria. Therefore, these rooms all retain at least one window which would accord with the criteria.

The breaches are modestly in excess of the BRE criteria, with no window losing more than 25% of their former value. The BRE indicates a 20% loss is the minimum required for the loss to be noticeable, therefore a loss between 20 and 25% is likely to only be slightly noticeable (i.e. a minor adverse effect). Further, the proposed VSC values would not be uncommon in a dense built up area such as this. While the BRE indicate a VSC value of 27% indicates a well-lit window, levels this high are uncommon in dense urban

contexts and values within the mid-teens are generally found instead – and this level of daylight would be maintained here.

The same four flats and same four living rooms are also affected in terms of breaches of the NSL measure. The breaches range from losses of 31% to 40%, which would indicate a moderate adverse effect on the daylighting of these rooms.

The four affected flats currently benefit from 48-50 Jermyn Street part of the application site being lower in height compared to the adjacent building, the Piccadilly Arcade. This means the existing daylighting in the affected rooms is superior to the existing daylighting to similar rooms/ windows further west within 76 Jermyn Street (i.e. parts of the building which do not oppose the application site). As the BRE guide notes, daylighting figures should be interpreted flexibly, and in a dense urban environment like this one, obstruction in excess of the BRE guide may be unavoidable if new developments are to be in line within the prevailing building height/ context. While it is acknowledged that the new building would be slightly higher than its immediate neighbours, it is would not be unreasonably tall within its context (see section 8.2 of this report). The proposed building has also been designed to set away from the 76 Jermyn Street residential properties such that the impact of any additional height would be mitigated. This means that the affected flats would still maintain a level of daylighting similar to the existing situation in the unaffected flats to the west.

Overall, while the breaches of VSC and NSL criteria are regrettable, they are not considered detrimental for the reasons set out above. Therefore, it is not considered that the application could reasonably be refused on the grounds of loss of daylight.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The applicant's assessment found no breaches of the sunlight criteria. This is primarily because the main residential property affected, 76 Jermyn Street, is south of the site (and therefore the windows with a view toward the property are facing in a northerly direction).

Overshadowing

The penthouse flat at 52 Jermyn Street includes a roof terrace, which is formed because the top floor of the building containing the penthouse flat is set back from the Jermyn Street elevation. The applicant's Daylight and Sunlight Report includes an assessment of overshadowing. The BRE guidelines have methodologies to assess overshadowing of

amenity space which involves reference to the sun-on-ground on the spring equinox. This is used to determine the areas which receive direct sunlight and those which do not. This method applies to both new and existing areas of amenity space. The BRE Guidelines suggest that the Spring Equinox (21 March) is a suitable date for the assessment as this is the midpoint of the sun's position throughout the year. It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March.

The applicant assessed amenity space at 52 Jermyn Street and found it would comply with the BRE guidelines and therefore would not be unduly overshadowed.

Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment.

The proposed building is both higher than the existing buildings on the site, and slightly higher than those immediately adjacent. The main impact could be to those to the south within 76 Jermyn Street. The impact of the additional height and bulk of the building on the residents within that building would be mitigated by the progressive setbacks on each floor starting at the fifth, with additional set back at each floor up to the roof level. The existing 48-50 Jermyn Street building reaches a height of approximately 21.1 metres above street level currently (excluding roof structures), and the parapet to the new fifth floor roof terrace would reach a similar height of approximately 22.5 metres above street level before the setbacks.

Given the setbacks and given the distance between opposing properties on Jermyn Street is approximately 14 metres, it is not considered that there would be a significant impact in terms of an increase in sense of enclosure on those within 76 Jermyn Street.

Given the penthouse at 52 Jermyn does not contain windows which look directly toward the application site, and the front facing windows are set away from the boundary with the application site, the residents there would not experience undue enclosure within the property. There would be some enclosure of the roof terrace there, but it would still maintain significant openness given the open aspect onto Jermyn Street would remain unchanged.

Overlooking and Noise from Roof Terraces

The proposal includes multiple roof terraces to the Jermyn Street elevation, and the new building would contain additional windows. For most of the north facing flats within 76 Jermyn Street the views would be at an oblique angle, however the views would be more direct for the flats on the most easterly side of 76 Jermyn Street. This would create additional opportunities for the workers at the application building to overlook the residential neighbours within the flats there. However, the distance between the building and these new roof terraces / windows would, at a minimum, be 14 metres – it would increase to approximately 22 metres for the roof level roof terrace. The roof terraces would also be no closer to these residents than the existing windows at fourth floor to the building. Given this, given that roof terraces used in connection with offices are not generally used at anti-social times and given the roof terraces are only approximately 2

metres deep (thereby limiting the numbers of workers who could use it at once) it is not considered likely that these roof terraces would result in determinantal harm to neighbours in terms of overlooking and privacy. In order to ensure that this is the case, conditions are recommended in order to ensure the roof terraces not used at in appropriate times.

Impact on Commercial Premises

The proposal involves building right up to the site boundary with the Piccadilly Arcade, infilling the existing open lightwell area. This would result in the blocking of two existing windows on the flank elevation of the building above the Piccadilly Arcade, which look over the open lightwell. These windows have obscure glazing and serve office toilets. It is not considered that the blocking up of these windows would unduly harm this office premises (which is also in the applicant's ownership). In addition, there are other commercial windows in and above the Piccadilly Arcade which will be affected in terms of light loss and sense of enclosure, but again it is not considered that the impact would be unduly harmful given these windows are to commercial premises.

The other commercial properties that could be affected on Duke Street and Jeremy Street (where the commercial objectors are situated) are further from the application site than the Piccadilly Arcade is because they are on the opposing side of the street. Nonetheless, these would still suffer impacts in terms of light and some increased in a sense of enclosure given the new building is larger than the existing. However again, these impacts are not considered so harmful as to unacceptably worsen the environment for workers and/ or patrons of these neighbouring businesses. While 'rights to light' have been raised by one of these neighbouring businesses, this would be civil matter between the relevant building owners.

In terms of the Cavendish Hotel, the applicant's Daylight and Sunlight Report assessed the impact on this premise and found one breach of the VSC measure, two of the NSL measure and none of the APSH measure. Given the building is non-residential and the breaches are relatively minor and few in number, it is not considered that this would unacceptably harm the internal environment of the hotel. Nor would the proposal give rise to any unacceptable level of enclosure or privacy for the same reasons expressed above in relation to 76 Jermyn Street.

8.4 Transportation/Parking

All bounding roads are managed by the City Council as the highway authority. However Piccadilly forms part of the Strategic Road Network for which Transport for London (TfL) have some management responsibilities. TfL and the City Council's Highway Planning Manager have commented on the proposals.

Building Line

The proposal includes chamfered corners on the Piccadilly/ Duke Street corner and Jermyn Street/ Duke Street corner. The Highway Planning Manager notes that this introduction is a positive benefit for pedestrian and other highway users and is consistent with City Plan Policy 25, given it would aid pedestrian flow around the corners of the building and create a more natural desire line. In order to ensure that this benefit is

realised and maintained, the legal agreement will ensure that these new areas are dedicated as public highway.

Cycle Parking

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. During the course of the application, the applicant increased the number of long-stay cycle parking spaces within the basement to 134 and reconfigured the layout to better meet the design standards as required by the Highway Planning Manager and TfL respectively. In this form, the long-stay cycling parking provision is acceptable.

In terms of short-stay cycle parking spaces, the application does not propose any provision contrary to the London Plan and TfL and the Highway Planning Manager raise concern about this. There is limited scope to provide short stay spaces that are accessible to patrons of the commercial units and guests to the offices because the site does not include public realm areas which could accommodate such storage.

Car Parking

The proposal does not include any off-street car parking provision. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1 – the Highway Planning Manager and TfL raise no objections.

London Plan Policy T6.5 states that developments should provide access to at least one on or off-street disabled persons parking bay. The applicant does not propose any off-street car parking. TfL advise at least one 'blue badge' space should be provided / identified on street within 50m of the site and that the City Council should work with the applicant to ensure this is provided if one is not identified. In this case, there is an existing bay for blue badge holders near 36 Jermyn Street (approximately 97 metres away). The City Council's Highway Planning Manager notes that disabled individuals who meet certain criteria are eligible for a Westminster City Council 'White Badge' which provides various dispensations to park in a wider range of locations on-street (including in resident bays, any paid for parking bay and any disabled bay) for free and there are several spaces which meet this criteria within 50m of the site. Further, the City Council monitors demand for on-street disabled parking and allocates space according. If there was increased demand in the area from specific disabled users then existing highway space may need to be reallocated from a current highway uses to meet that demand, and the City Council would accommodate that, but it is considered unlikely that this development would result in this being required. In these circumstances, the development is considered to comply with London Plan Policy T6.5.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. The proposal relies on on-street servicing, including waste collection, however. While relying on on-street servicing, a ground floor holding area is proposed and this will assist in minimising the time goods and associated vehicles spend

on the highway and enable a more controlled and managed servicing environment for the benefit of pedestrians and other highway users. The Highway Planning Manager raised concern that the amended layout (to allow for increased retail floorspace) may make it more difficult to manoeuvre at the goods entrance because it is narrower. However, because the overall space is larger and there are still areas for goods to be kept upon delivery, this is not considered determinantal. The detail and operation of this would need to be clear for future occupants within the Servicing Management Plan, and it is recommended that this is secured by condition.

Trip Generation

The Highway Planning Manager and TfL agree the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling), and no objections are raised.

Travel Plan

TfL have requested that the applicant's Travel Plan should be secured as part of the legal agreement, however Westminster's Highway Planning Manager does not consider such plans are required for developments involving commercial uses such as those proposed here. Given Westminster City Council is the Highway Authority for the surrounding roads, it is not considered necessary to secure through a legal agreement a Travel Plan.

8.5 Economic Considerations

Once completed, the development would result in economic benefits to the local economy associated with an increased number of office-based jobs on site. There would also be a short-term economic benefit by way of jobs generated as a result of the construction works. These economic benefits are welcomed.

8.6 Access

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. The submitted Design and Access Statement includes an Access and Inclusion Statement within it. This advises that the proposed development has been designed with inclusive access in mind and has taken into account relevant policy, regulations and good practice. Step free access is proposed into each of the uses with lift access to the basement and upper floors.

8.7 Other Westminster/ London Plan Policy Considerations

Energy Strategy/ Sustainability

City Plan Policy 36 and London Plan Policy SI 2 require major development to be net zero-carbon, and follow the energy hierarchy, as set out in the London Plan. Where it is clearly demonstrated that zero-carbon targets cannot be fully achieved on-site, any shortfall can be provided for by a payment in lieu contribution to Westminster's carbon offset fund or off-site. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

The GLA's stage 1 response requested the applicant further model additional energy efficiency measures to meet the zero-carbon target and that the applicant confirm if a Water Source Heat Pump was considered, which the applicant provided and the GLA have raised no objections.

In relation to the 'Be Lean' element of the energy hierarchy, the applicant has provided an Energy Strategy which confirms the development would achieve an 18% reduction in regulated CO2 emissions compared to a 2013 Building Regulations compliance scheme, against a target of a 35% reduction. The applicant demonstrated the target cannot be fully achieved on site and has confirmed the shortfall will be made up through a payment in lieu contribution to Westminster's carbon offset fund, which is recommended to be secured by a legal agreement (see section 8.12 of this report), to allow offsetting of this shortfall off-site.

In relation to 'Be Clean', there are no existing or planned district heating systems in the area which the development could connect to. However, the building is to be designed in a manner to ensure future connection is possible should a district heating system be developed in the area, and this is recommended to be ensured by condition. This would ensure local energy resources could be supplied to the building in future.

In relation to 'Be Green', the applicant has confirmed photovoltaic panels would be installed to generate electricity and a centralised Air Source Heat Pump and electric hybrid system would be used. These features are recommended to be secured through a condition. The GLA requested further details to demonstrate that more Air Source Heat Pump plant can not be put on the roof (to maximise renewables). During pre-application discussions, it was apparent a larger plant enclosure (which this would require) would be harmful and significant work was undertaken to design the enclosure to minimise its size. The renewables on site is considered the maximum that the plant area can successfully accommodate therefore.

In relation to 'Be Seen', the legal agreement (see section 8.12 of this report) is recommended to include an obligation to ensure the operational energy performance of the building is monitored in accordance with the London Plan.

Whole Life-Cycle Carbon Assessment

London Plan Policy SI 2 requires developers to calculate and reduce Whole Life-Cycle Carbon (WLC) emissions, and developments should calculate WLC emissions through a nationally recognised WLC Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. WLC emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A WLC assessment provides a true picture of a building's carbon impact on the environment.

The applicant has submitted a WLC assessment. The assessment is split into four 'life-cycle modules' dealing with various stages over the life of the development, including for product sourcing and construction, the use stage and the end of life stage. For the product sourcing and construction stage, the assessment indicates the development would fall within the GLA's draft guidance benchmark. For the use stage and end of life stage, the assessment indicates the development would be within the benchmark. The applicant has also considered within the WLC assessment and the Circular Economy Statement (see section below) what could happen to the building after it has been dismantled or demolished, which demonstrates the development could facilitate future reuse, recovery and recycling. The GLA requested further regarding the assessment and the applicant provided this during the application. While the GLA is broadly satisfied with the additional information, they seek further clarifications and updates from the applicant, and a revised statement is recommended to be ensured by condition therefore.

A post-construction assessment is also recommended to be ensured by condition. This assessment would report on the development's actual WLC emissions. In addition, City Plan Policy 38 states non-domestic developments should achieve a Building Research Establishment's Environmental Assessment Method (BREEAM) rating of 'excellent'. The applicant confirms in their submission that this is their minimum aspiration for this site. A condition is recommended to ensure that this 'excellent' rating is achieved.

Circular Economy

City Plan Policy 37 and London Plan Policy SI 7 promotes a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible, and contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026.

The application is supported by a Circular Economy Statement, which the applicant updated during the course of the application to address comments from the GLA. The updated statement is welcomed. It sets out a strategic approach and key commitments, which is appropriate, and provides further details for how the applicant will be meeting their targets and commitments. The approach and commitments include:

- priority given to renewable construction materials such as timber;
- diversion of construction waste from landfill;
- maximising the use of recycled or secondary aggregates giving preference to solutions available closer to the site;
- construction resource efficiency;
- "Smart" material choices (prioritisation of durable, biodegradable, recycled / recyclable materials and materials that can be reused or re-purposed, where possible);
- Incorporation of modular elements for higher levels of design flexibility and adaptability;
- Procurement of products as a service – leasing access to a solution instead of buying it;
- Product life extension through improved maintenance, remanufacturing, repairing and upgrading / upcycling; and

- Closed loop / Take back – working with manufacturers who take back used products to recover the value by using them to make new products.

While the Circular Economy Statement is broadly acceptable to the GLA, further information regarding site waste, resource management, a pre-demolition audit amongst other issues is required, and it is recommended that a revised statement be secured by condition, therefore.

As also requested by the GLA, a condition is recommended to ensure the applicant submits a post completion report regarding the Circular Economy setting out the predicted and actual performance against all numerical targets, and provides updated versions of Tables 1 and 2 (which set out the approach and commitments), the recycling and waste reporting form and bill of materials.

Biodiversity/ Urban Greening

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

The applicant proposes green elements, including a green wall and a biodiverse roof around much of the perimeter of the roof where the Building Maintenance Unit tracks are also located. This would increase the Urban Greening Factor from 0 for the existing building to 0.09. While an improvement, this remains below the Mayor's target score.

The applicant considers it is not feasible to achieve the target score, pointing to the fact there is no ground level associated with the building (existing or proposed) where planting could be located, the proposed roof terraces are narrow and much of the roof is required for rooftop plant and photovoltaic panels.

While regrettable further greening could not be achieved here, officers acknowledge that the site is constrained meaning all greening must be located on the building's roofs. Therefore, a balance between the competing elements required to be located at roof level, including on-site renewables and elements for building maintenance, must be reached. Given this, the level of greening proposed in this case is considered acceptable. Conditions are recommended to ensure that it is provided.

Air Quality

City Plan Policy 32 commits the City Council to improving air quality in the city, it expects development to reduce exposure to poor air quality, it expects development to improve local air quality and it expects this to be explained within an Air Quality Assessment.

The applicant's Air Quality Assessment assesses the construction and operational phases of the development. While the construction phases would result in increased dust pollution, through proposed mitigation this would be minimised – the air quality impact of the traffic generated through construction is not considered significant. In

terms of the operational phase, because there would be no combustion emissions on site (except for an emergency generator), local air quality would not worsen to accordance with Policy 32.

Noise/ Plant

The application includes plant to be located in in parts of the basement and at roof level. Environmental Health raises no objection to the proposal but notes that the acoustic report submitted to support the application does not provided information on the specific plant that would be installed, and therefore a supplementary acoustic report is required which is recommended to be secured by condition, in addition to standard noise conditions.

Refuse /Recycling

Waste and recycling storage areas are proposed at basement level, with segregated food waste storage. There would be service lift to allow access from street level and it is proposed that waste collection takes place from Duke Street, outside the service entrance. The Waste Project Officer raises no objection to this arrangement, subject to a condition to ensure it is provided.

Archaeology

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible. The site is within the Tier 2 Great Estates Archaeological Area. This area's archaeological importance relates to the large houses and associated gardens that here. Although the site lies within this archaeological priority area, Historic England Greater London Archaeological Advisory Service (GLAAS) have considered the applicant's assessment and confirmed that the proposed works are unlikely to result in a significant archaeological impact. GLAAS have therefore advised that no further assessment or conditions are therefore necessary.

Education and Skills

City Plan Policy 18 states major developments will contribute to improved employment prospects for local residents, and this will include through financial contributions toward employment, education and skills initiatives. A contribution, in line with the Council's Inclusive Economy and Employment guidance, is recommended to be secured by legal agreement (see section 8.12 of this report).

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined

in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

None are relevant.

8.10 London Plan

On 04 March 2021, Westminster Council notified the Mayor of London of this planning application because of it constituted a development of potential strategic importance and was referable under Category 1C: "Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London" as set out in The Town & Country Planning (Mayor of London) Order 2008.

As required under the provisions of the Order 2008, the Mayor has provided the Council with a report setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view (this response is summarised in section 5 of this report). The Mayor considered the following as relevant strategic issues:

- Good Growth;
- World City role;
- Central Activities Zone;
- Urban design;
- Heritage;
- Inclusive access;
- Sustainable development; and
- Transport and parking.

A summary of the report is provided in section 5. Where relevant, the London Plan Policies relating to these issues are addressed within this report.

8.11 National Policy/Guidance Considerations

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 conditions to secure:

- the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- appropriate arrangements for the demolition and rebuilding;
- details of the development, including method statements and load calculations, to ensure the development does not harm London Underground infrastructure;
- the submission of a report outlining the results of an inspection of the Piccadilly

- Arcade party wall, the submission of detailed drawings showing the wall will be supported/ protected and the submission of a justification for the chosen method that is commensurate with the results of the inspection;
- revised Circular Economy Statement; and
 - revised Whole Life Carbon Assessment.

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

- a) Undertaking of all highways works immediately surrounding the site required for the development to occur, to the City Council's specification and at the full cost to the developer. Highway works to have been agreed prior to commencement of the development;
- b) The areas where the proposed building line is to be set back from existing, namely at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street, are to be dedicated as public highway prior to the occupation of the development and at no cost to the City Council;
- c) A financial contribution of £154,500 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- d) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- e) A financial contribution of £86,178 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); and
- b) The costs of monitoring the S106 agreement.

The estimated CIL payment is:

Mayor CIL: £1,818,550

Westminster CIL: £1,966,000

8.13 Environmental Impact Assessment

The proposals are not of a large that trigger a requirement for an environmental impact assessment.

8.14 Other Issues

Basement

While the development does not involve excavation to create a new basement, it does involve some excavation to alter parts of the existing basement level floor level. The works accord with City Plan Policy 45 and the submission provides a structural statement which demonstrates the works could be undertaken without harm to adjoining properties. 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. Therefore, we are 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 professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Construction impact

The applicant has submitted a Framework Construction Logistics Plan (CLP). TfL have stated that the final plan should meet TfL's best practice CLP guidance and be secured by condition and signed off by WCC in consultation with TfL. This is required in order to mitigate and manage any impacts to public transport during site construction, particularly to the public transport network. The applicant has also submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would be willing to comply with the code. The CoCP recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts. The CoCP requires approval for all aspects of the demolition and construction, including construction logistics. Given this and given the surrounding roads are maintained by the City Council, a pre-commencement condition requiring evidence be submitted to show the applicant will be bound by the CoCP is appropriate and a CLP would not be required as it would be a duplication of this.

Crime and security

During the course of the application, the applicant discussed their proposals with the Designing Out Crime Officer of the Metropolitan Police Service. The Designing Out Crime Officer made several recommendations to ensure the opportunities for crime is limited.

Fire strategy

The applicant has provided a Fire Statement, which has been produced by a suitably qualified third party assessor. It details how the development is to be built, how adequate means of escape is managed and what features and equipment will reduce fire risk/mitigate fire. A condition is recommended to ensure the measures are implemented.

London Underground

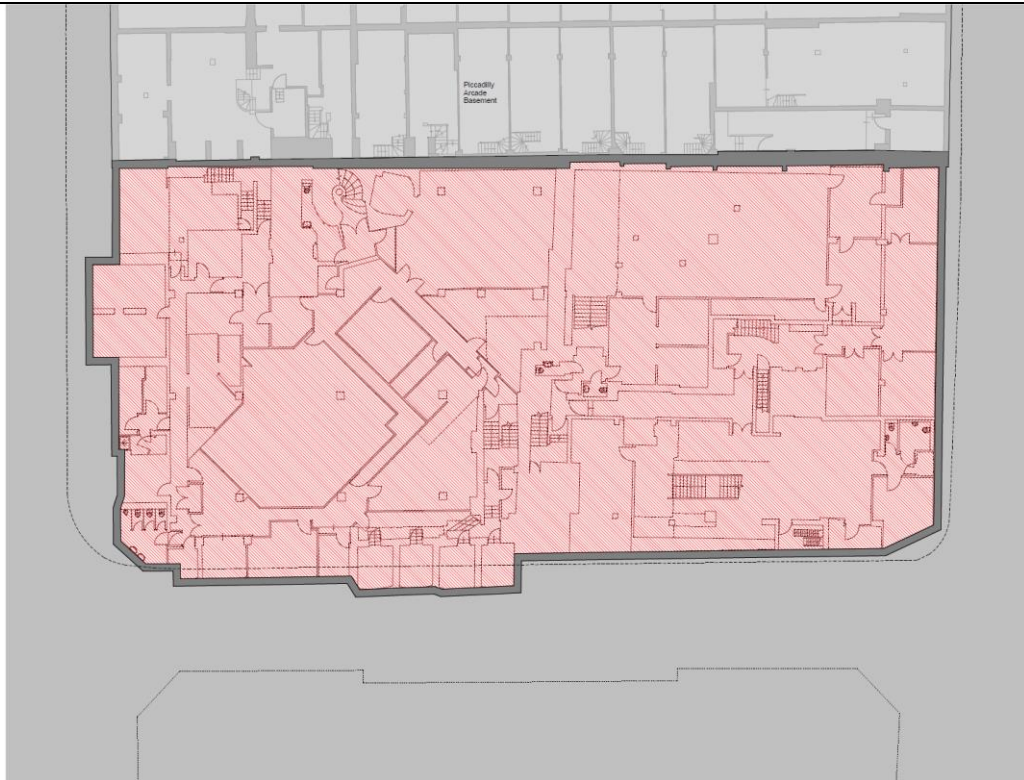
London Underground Limited have assets underneath part of the site as the Piccadilly Line runs underneath Piccadilly. To ensure that the underground line is protected, London Underground Limited have requested a pre-commencement be attached to ensure that structural details of the works are approved by them – and the condition is recommended.

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

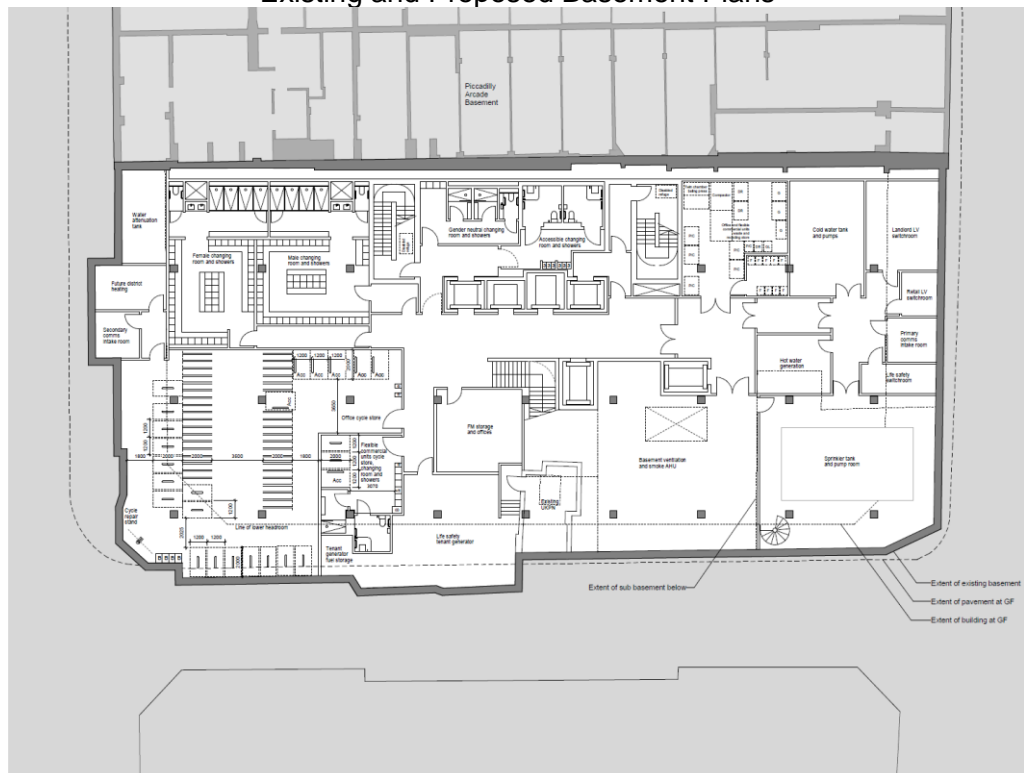
Item No.

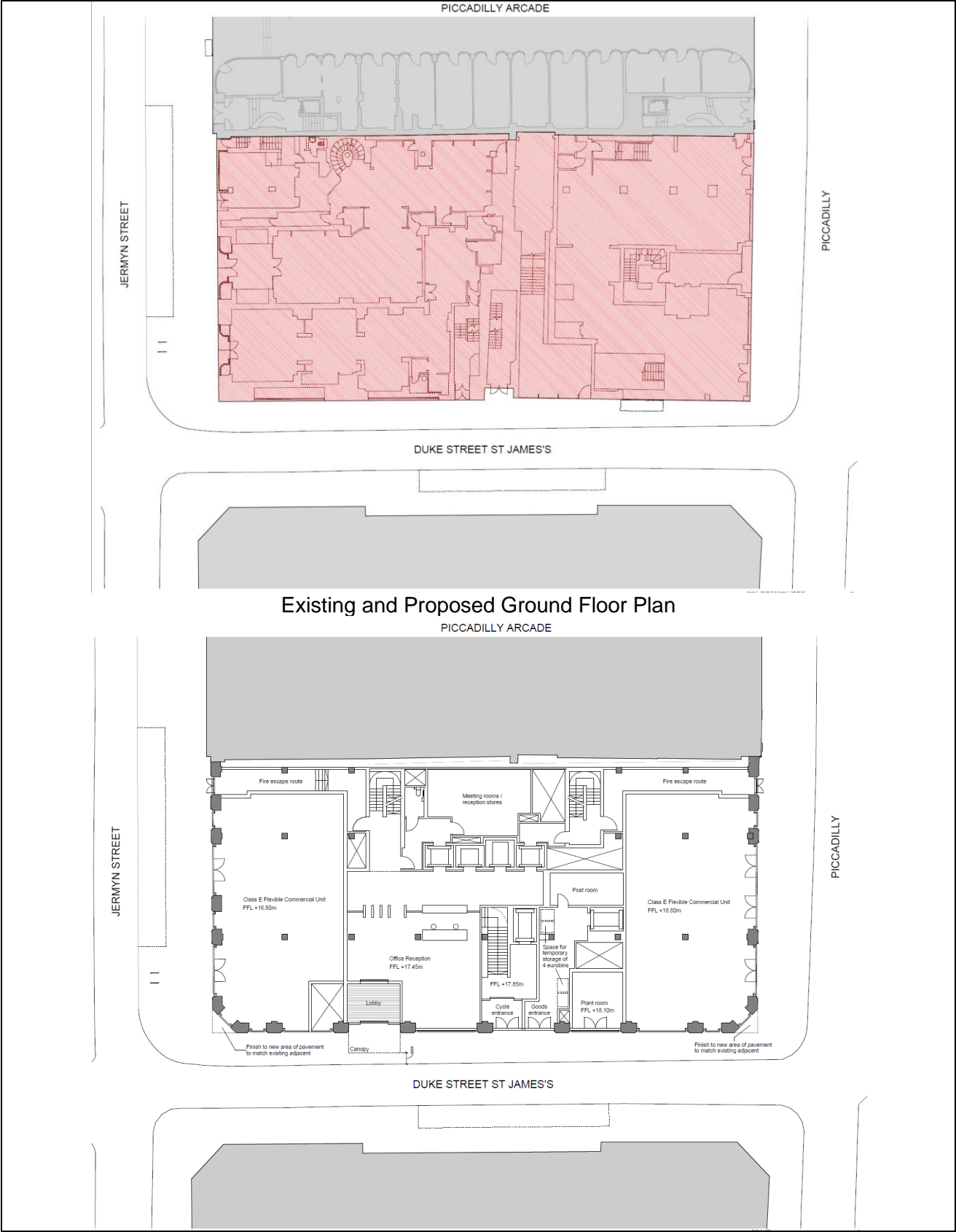
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk
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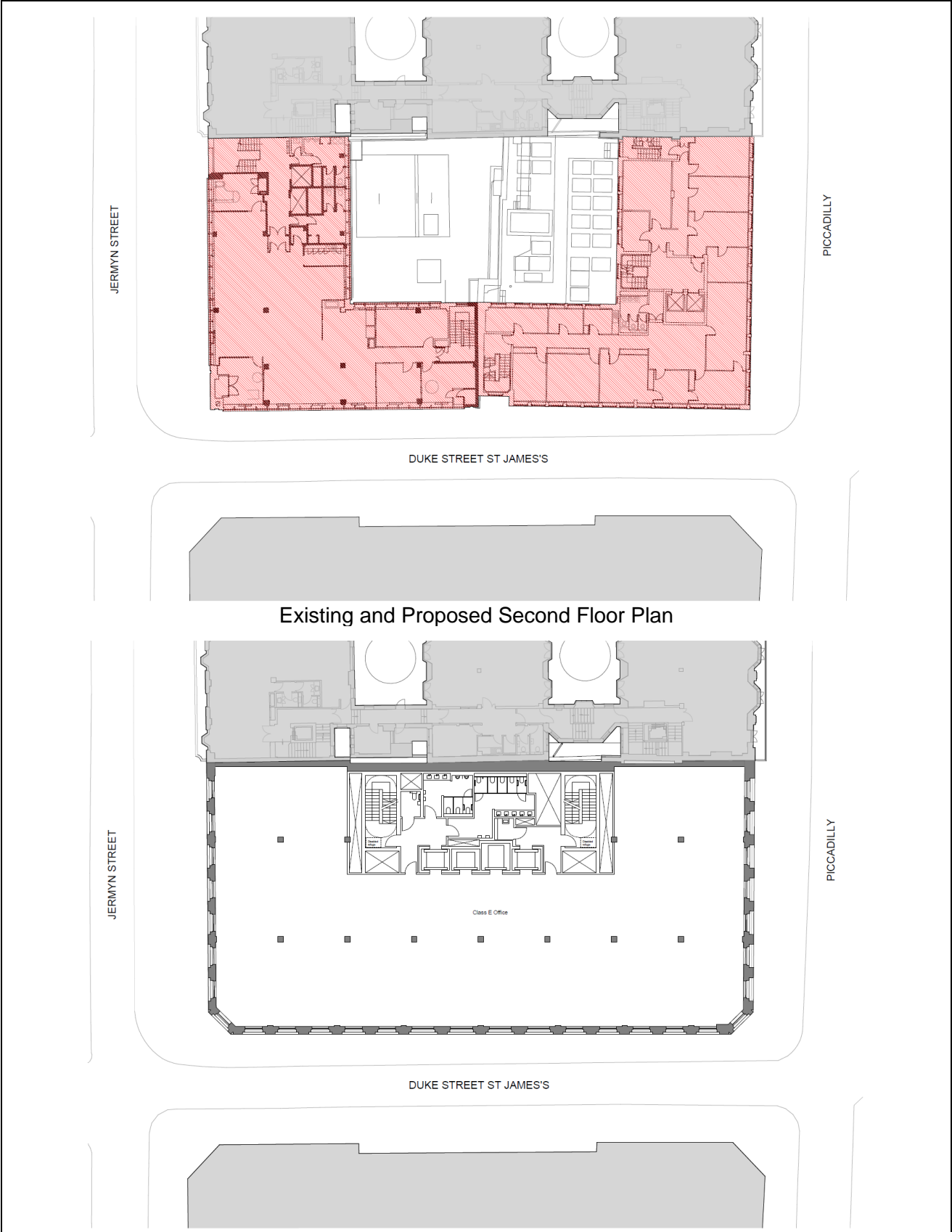
9. KEY DRAWINGS

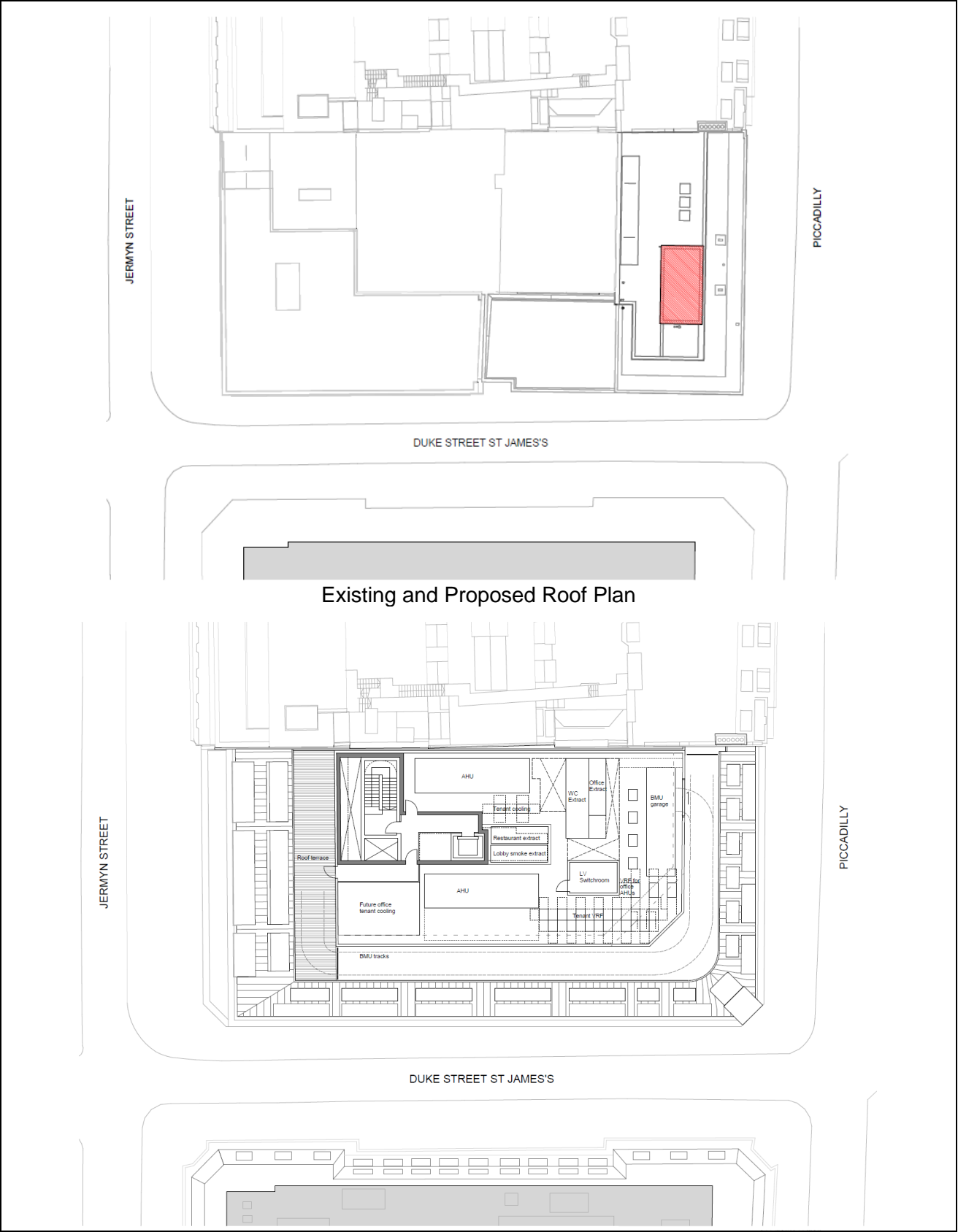


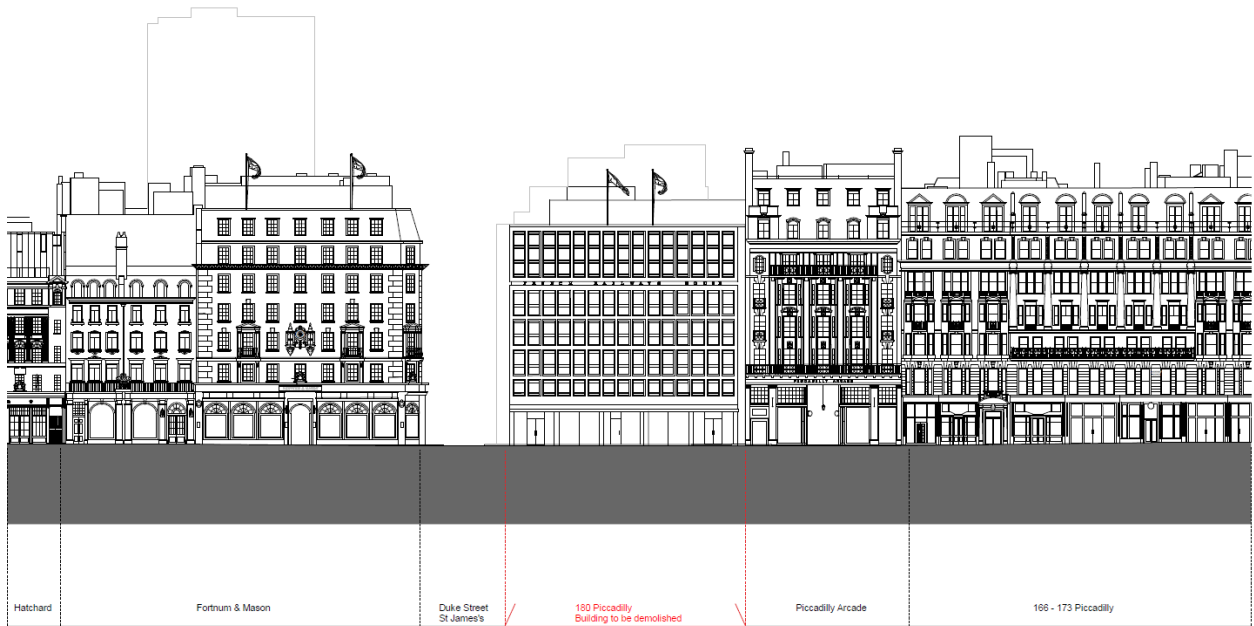
Existing and Proposed Basement Plans





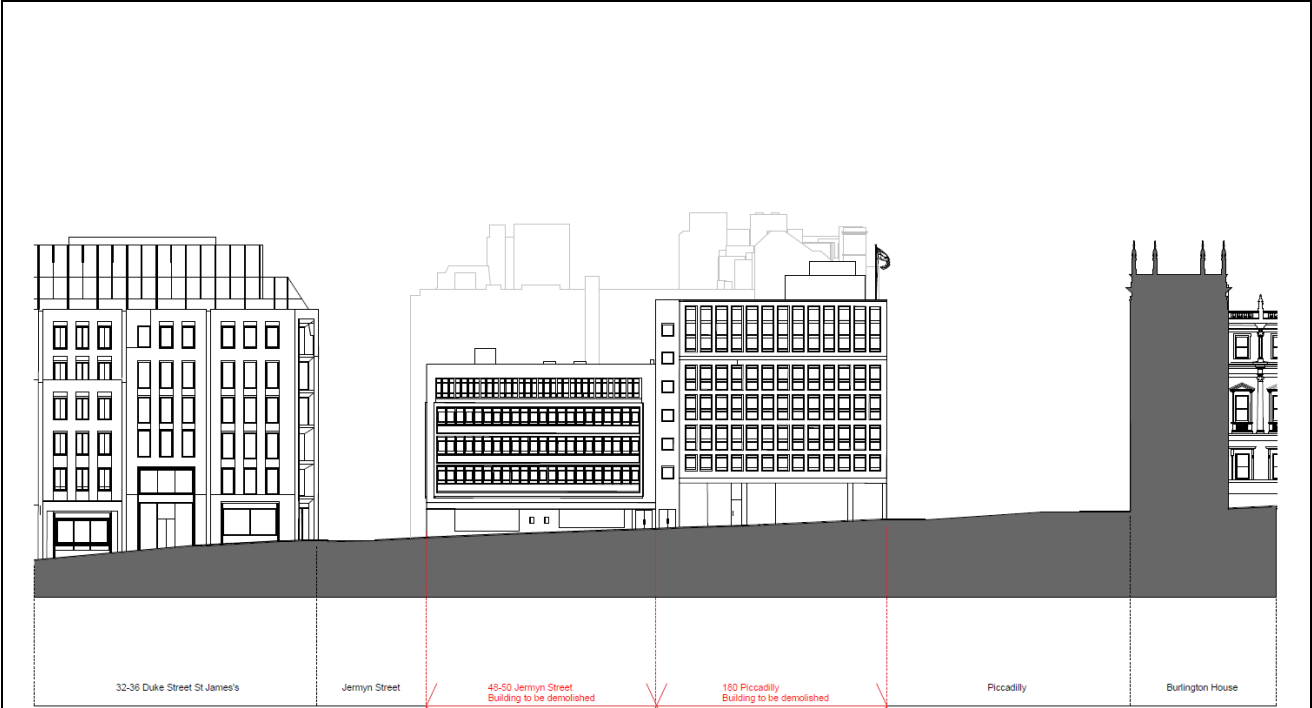




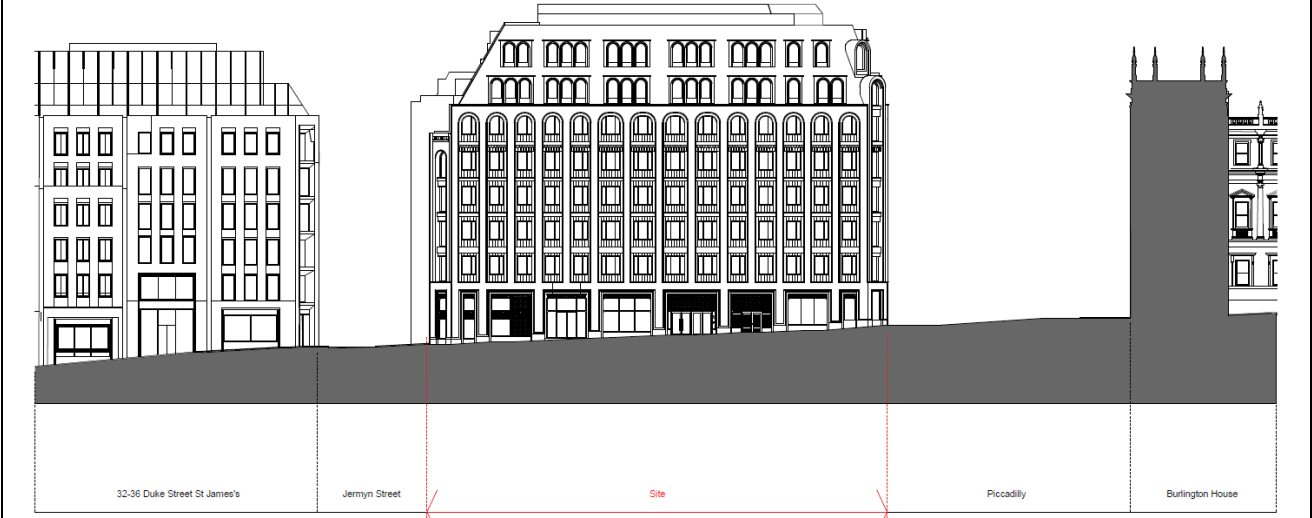


Existing and Proposed Piccadilly Elevation





Existing and Proposed Duke Street Elevation





Existing and Proposed Jermyn Street Elevation



Computer Generated Images





DRAFT DECISION LETTER – Planning (Application 1)

Address: 180 Piccadilly And 48-50 Jermyn Street, London, W1J 9BA

Proposal: Demolition of existing buildings and redevelopment of the site to create a Class E use building, including basement plant and cycle parking facilities, installation of roof top plant and all other works incidental to the proposals.

Reference: 21/01138/FULL

Plan Nos: Existing Drawings:
 1061-MAK-XX-RF-PL-A-P0500; 1061-MAK-XX-B2-PL-A-P0998; 1061-MAK-XX-B1-PL-A-P0999; 1061-MAK-XX-00-PL-A-P1000-M; 1061-MAK-XX-00-PL-A-P1000;
 1061-MAK-XX-01-PL-A-P1001; 1061-MAK-XX-02-PL-A-P1002; 1061-MAK-XX-03-PL-A-P1003; 1061-MAK-XX-04-PL-A-P1004; 1061-MAK-XX-05-PL-A-P1005; 1061-MAK-XX-06-PL-A-P1006; 1061-MAK-XX-07-PL-A-P1007; 1061-MAK-XX-08-PL-A-P1008; 1061-MAK-XX-ZZ-EL-A-P1110; 1061-MAK-XX-ZZ-EL-A-P1111; 1061-MAK-XX-00-EL-A-P1112; 1061-MAK-XX-00-EL-A-P1113; 1061-MAK-XX-ZZ-SE-A-P1200;

Proposed Drawings:
 1061-MAK-XX-B2-PL-A-P1998; 1061-MAK-XX-00-PL-A-P1999 rev 02; 1061-MAK-XX-00-PL-A-P2000 rev 02; 1061-MAK-XX-01-PL-A-P2001 rev 01; 1061-MAK-XX-02-PL-A-P2002; 1061-MAK-XX-03-PL-A-P2003; 1061-MAK-XX-04-PL-A-P2004; 1061-MAK-XX-05-PL-A-P2005; 1061-MAK-XX-06-PL-A-P2006; 1061-MAK-XX-07-PL-A-P2007; 1061-MAK-XX-08-PL-A-P2008; 1061-MAK-XX-09-PL-A-P2009; 1061-MAK-XX-00-EL-A-P2100 rev 02; 1061-MAK-XX-00-EL-A-P2101 rev 01; 1061-MAK-XX-00-EL-A-P2102 rev 02; 1061-MAK-XX-00-EL-A-P2103; 1061-MAK-XX-ZZ-EL-A-P2110 rev 01; 1061-MAK-XX-ZZ-EL-A-P2111 rev 01; 1061-MAK-XX-00-EL-A-P2112 rev 01; 1061-MAK-XX-00-EL-A-P2113; 1061-MAK-XX-00-SE-A-P2200 rev 01; 1061-MAK-XX-00-SE-A-P2201 rev 01.

Documents:
 Cover Letter (19 Feb 2021); Planning Statement (Feb 2021); Design and Access Statement (Feb 2021); Daylight and Sunlight Report dated (May 2021); Heritage, Townscape and Visual Impact Assessment (Feb 2021); Archaeological desk based assessment (Feb 2021); Ventilation and Extraction Statement (Feb 2021); Air Quality Report (Feb 2021); Acoustic Report (Feb 2021); Fire Statement (Feb 2021); Sustainability Strategy (Feb 2021); Whole Life Carbon Assessment (Feb 2021); Circular Economy Assessment (May 2021); Energy Strategy (Feb 2021); Sustainable Urban Drainage Report (Feb 2021).

For Information Only:
 Statement of Community Involvement (Feb 2021); Appendix A Checklist of CoCP; Phase 1 Desk Study and Screening Assessment (October 2020); Utilities Statement (Feb 2021); Structural Method Statement (Feb 2021); Construction Logistics Plan (Feb 2021); Delivery and Servicing Plan (Feb 2021); Framework Travel Plan (Feb 2021); Healthy Street Transport Assessment and Servicing Strategy (Feb 2021).

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the St James's Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 5 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the St James's Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 6 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as

set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must not put structures such as canopies, fences, loggias or trellises on the roof terraces hereby approved. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development:

1. Typical bay details (1:20)
2. External windows and doors including spandrel panels (1:10 and 1:5)
3. Balustrades (1:10)
4. Decorative metalwork (1:10)
5. Shopfronts (1:20)
6. Plant and overrun enclosure (1:20)
7. Dormers (1:10)
8. Cornice and frieze details (1:10)
9. PV panels including section showing relationship to finished height of plant enclosure (1:20)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (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 St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must apply to us for approval of a sample panel of a typical bay showing all stone types proposed, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 11 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- reduction in the size of the office entrance canopy.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.
(C26UC)

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 St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You can use the first floor level and above of the property for any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) except as:

E(a) retail;
E(b) restaurant/ café;
E(d) indoor recreation;
E(e) medical/ health services; or
E(f) Creche/ nursery.

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone and the West End Retail and Leisure Special Policy Area. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 7, 13, 16, 28, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13 You can use the ground floor commercial units for any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) except as:

E(c) financial/ professional services;
E(d) indoor recreation;
E(e) medical/ health services;
E(f) Creche/ nursery; or
E(g) Office/ research and development/ light industry.

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would harm the character and function of the Central Actives Zone, West End Retail and Leisure Special Policy Area, Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area. This would not meet Policies 1, 2, 14, 16 and 21 of the City Plan 2019 - 2040 (April 2021).

- 14 Customers shall not be permitted within the ground floor commercial premises before 07:00 hours or after 00:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 15 No music shall be played within the building such as to be audible outside the premises. No music shall be played on the roof terraces.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 16 The terraces hereby approved shall only be used between 08:00 and 21:00 hours Monday to Friday only.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

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

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing 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 written 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 LA90, 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.
- (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 18 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 19 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 16 and 17 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 20 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set

out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 21 In the event you use a ground floor commercial unit as a restaurant/ cafe, you must apply to us for approval of details of the ventilation system to get rid of cooking smells for that unit, including details of how it will be built and how it will look. You must not begin the restaurant/ café use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 22 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 23 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1061-MAK-XX-B1-PL-A-P1999 rev 00 and 1061-MAK-XX-00-PL-A-P2000 rev 00 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 24 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 25 In the event you use a ground floor commercial unit as a restaurant/ cafe, you must apply to us for approval of an Operational Management Plan for that unit to show how you will prevent customers who are leaving the restaurant/ cafe unit from causing nuisance for people in the area, including people who live in nearby buildings, and how you will prevent any delivery service from causing nuisance in the area. You must not start the restaurant/ cafe use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the ground floor restaurant/ cafe unit(s) are in use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 26 All areas for servicing within the building, including holding areas, access corridors and the service lift in the loading area, must be retained for this purpose for the life of the development and used for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 27 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated Feb 2021 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 28 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Variable Refrigerant Flow system and electric hybrid system; and
Photovoltaic panels.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 29 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 30 **Pre Commencement Condition.** No development shall take place until a revised Circular Economy Statement has been submitted to and approved in writing by the Local Planning Authority, in consultation with the GLA. The development shall not be implemented other than in accordance with the approved details, and thereafter be maintained.

Reason:

In the interests of sustainable waste management and in order to maximise the re-use of materials, as set out in Policy SI 7 of the London Plan (March 2021) and Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 31 Prior to the occupation of the building, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Reason:

In the interests of sustainable waste management and in order to maximise the re-use of materials, as set out in Policy SI 7 of the London Plan (March 2021) and Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 32 **Pre Commencement Condition.** No development shall take place until a revised Whole Life Carbon assessment has been submitted to and approved in writing by the Local Planning Authority, in consultation with the GLA. The development shall not be implemented other than in accordance with the approved details, and thereafter be maintained.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings, as set out in Policy SI 2 of the London Plan (March 2021).

- 33 Prior to the occupation of the building the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the relevant building.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings, as set out in Policy SI 2 of the London Plan (March 2021).

- 34 The building shall be designed to allow future connection to a district heating network and you must provide the intake room shown on drawing 1061-MAK-XX-00-PL-A-P1999 rev 02 prior to the occupation of the building. In the event that connection is made to the district heating network, you must not use the intake room for any other purpose.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 35 Prior to the occupation of the building, you must provide sufficient ducting space for full fibre connectivity infrastructure within the development.

Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness, as set out in Policy SI 6 of the London Plan (March 2021).

- 36 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application:

green wall at roof level and biodiverse roof.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 37 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green wall and biodiverse roof to include construction method,

layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 38 You must carry out the measures included in your Fire Statement dated February 2021 before anyone uses the building, and you must ensure the fire safety features are installed and adequately maintained.

Reason:

In the interest of fire safety, as set out in Policy D12 of the London Plan (March 2021).

- 39 **Pre Commencement Condition.** Prior to the commencement of the development the detailed design, method statements and load calculations (in consultation with London Underground) must be submitted to and approved in writing by the local planning authority, and this must:

- provide details on all structures, information on the existing foundations and their adequacy for the proposed building;
- accommodate the location of the existing London Underground structures and tunnels impact of the demolition and the subsequent reloading by the new superstructure on the surrounding ground;
- accommodate ground movement arising from the construction thereof load transfer changes to the Piccadilly Line running tunnels; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan (March 2021).

- 40 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and back-up power function. The emergency plant and generators shall be operated at all times in accordance with the following criteria:

(1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) 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 in an emergency situation.

(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. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 With reference to condition 3 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 Inspectorate (cocp@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 Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

- 3 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.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please 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).
- 5 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/planning-building-and-environmental-regulations/building-control.
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 7 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.
- 8 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.

- 9 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.
- 10 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 11 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 12 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 13 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 14 Conditions 17, 18 and 19 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 15 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 16 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 17 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Undertaking of all highways works immediately surrounding the site required for the development to occur, to the City Council's specification and at the full cost to the developer. Highway works to have been agreed prior to commencement of the development;
 - b) The areas where the proposed building line is to be set back from existing, namely at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street, are to be dedicated as public highway prior to the occupation of the development and at no cost to the City Council;

- c) A financial contribution of £154,500 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- d) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- e) A financial contribution of £86,178 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); and
- f) The costs of monitoring the S106 agreement.

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

DRAFT DECISION LETTER – Listed Building Consent (Application 2)

Address: 180 Piccadilly And 48-50 Jermyn Street, London, W1J 9BA

Proposal: Alterations and supporting works to the Piccadilly Arcade party wall, in order to facilitate planning application 21/01138/FULL, for: Demolition of existing buildings and redevelopment of the site to create a Class E use building, including basement plant and cycle parking facilities, installation of roof top plant.

Reference: 21/01521/LBC

Plan Nos: 1061-MAK-XX-RF-PL-A-P0505; 2200302 EWP ZZ B2 DR S 0800 rev P1; 2200302 EWP ZZ B1 DR S 0900 rev P1; 2200302 EWP ZZ 00 DR S 1000 rev P1; 2200302 EWP ZZ 01 DR S 1010 rev P1; 2200302 EWP ZZ 02 DR S 1020 rev P1; 2200302 EWP ZZ 03 DR S 1030 rev P1; 2200302 EWP ZZ 04 DR S 1040 rev P1; 2200302 EWP ZZ 05 DR S 1050 rev P1; 2200302 EWP ZZ 06 DR S 1060 rev P1; 2200302 EWP ZZ 07 DR S 1070 rev P1; 2200302 EWP ZZ 08 DR S 1080 rev P1; 2200302 EWP ZZ 09 DR S 1090 rev P1; 2200302 EWP ZZ XX DR S 2100 rev P1; 2200302 EWP ZZ XX DR S 2101 rev P1; 2200302 EWP ZZ XX DR S 2102 rev P1; 2200302 EWP ZZ XX DR S 2103 rev P1; 2200302 EWP ZZ XX DR S 2104 rev P1; 2200302 EWP ZZ XX DR S 2500 rev P1; 2200302 EWP ZZ XX DR S 2501 rev P1; 2200302 EWP ZZ XX DR S 2502 rev P1; 2200302 EWP ZZ XX SK S 0007 rev P1; 2200302 EWP ZZ XX SK S 0010 rev P2; 2200302 EWP ZZ XX SK S 0011 rev P2; Historic Plans; Cover Letter (10 March 2021); Proposed Alterations to Party Wall Doc (March 2021); Structural Method Statement (March 2021); Heritage Report (March 2021).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641
07866038007

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 **Pre-Commencement Condition** You must submit to us a report outlining the results of an inspection of the Piccadilly Arcade party wall, and you must apply to us for approval of detailed drawings showing how you will support and protect the wall with a justification for the chosen method that is commensurate with the results of the inspection. You must not start work until we have approved in writing what you have sent us. You must then carry out the work according to these drawings. (C28BC)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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