

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 31 August 2021	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>64 - 65 St James's Street, London, SW1A 1NF</b>		
<b>Proposal</b>	Demolition of the existing mansard roof and removal of plant and escape stair; erection of new double mansard roof extension and rear extension for additional commercial floorspace (Use Class E); and installation of new escape stair, rear balconies, roof terrace and associated works.		
<b>Agent</b>	H Planning Ltd - Mr Matthew Humphreys		
<b>On behalf of</b>	Sunny City Limited		
<b>Registered Number</b>	21/02158/FULL	<b>Date amended/ completed</b>	9 July 2021
<b>Date Application Received</b>	1 April 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is 64 - 65 St James's Street, which is an unlisted building located in the St James's Conservation Area. The building comprises basement, ground and six upper floors, all of which are in office use (Use Class E).

The applicant seeks planning permission for the demolition of the existing mansard roof and removal of the existing roof top plant and rear escape staircase, and the erection of a new double mansard roof extension with a roof terrace and plant on top, erection of new rear extension from ground to seventh floor level with the provision of balconies at third to seventh floors, a new rear escape staircase and alterations to the facades including to the shopfront.

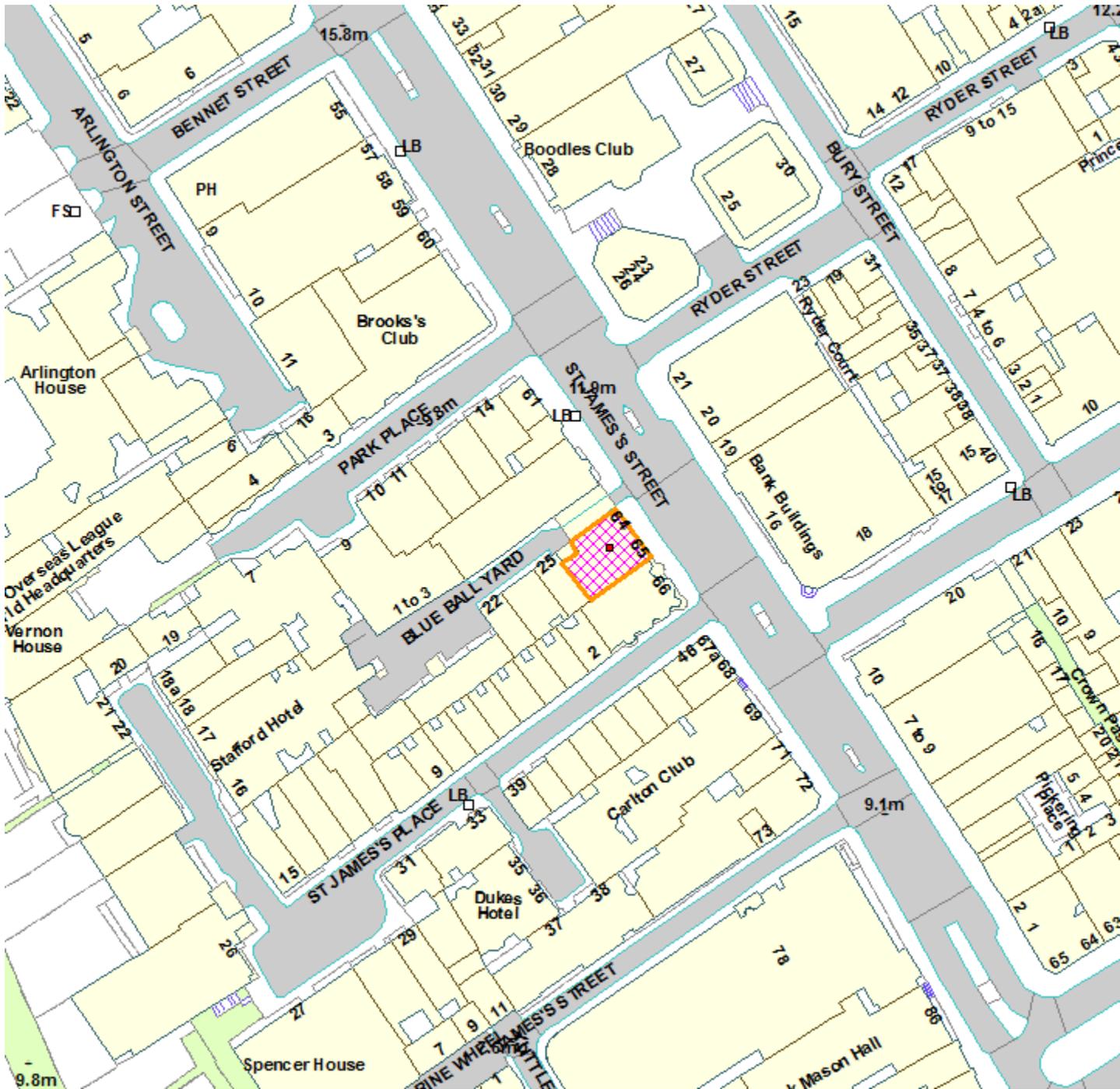
Objectors have raised concern mainly regarding the impact the building would have on the appearance of the building and conservation area, and the impact on the amenity of neighbouring residential and commercial properties.

The key issues in this case are:

- The acceptability of the proposal in land use terms;
- The impact of the proposals on the appearance of the building, on the character and appearance of the conservation area and the setting of nearby listed buildings; and
- The impact of the proposals on residential amenity.

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 Central Activities Zone and results in an acceptable scheme which accords with the Development Plan when read as a whole. While there would be a slight impact on neighbouring residential amenity in terms of light, this would not be detrimental. The development is therefore recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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<b>2</b>

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4. PHOTOGRAPHS



Front Elevation



Rear Elevation

## 5. CONSULTATIONS

### FIRST CONSULTATION:

#### HISTORIC ENGLAND:

Objection. The additional visible massing and elements of the detailed design of the roof extension, such as its top-heavy appearance, large areas of exposed flank walls and roof terrace, are not in keeping with the character and appearance of the conservation area. Consequently, there would be harm to its significance.

Consider there to be a very limited opportunity to introduce additional accommodation on this site without disrupting the roofline, which makes an important contribution to the character and appearance of the conservation area. St James's Street is well known and has a rich architectural heritage; it is consequently particularly sensitive to unsympathetic change. Whilst double mansard roofs are found in the conservation area, they are generally hosted by much grander buildings. These tend to be characterised by shallower roof pitches and deferential fenestration which gives them a more recessive character than the application proposals. The visibility of the proposed set back top floor, steep pitch of the mansard and its proportionally dominant fenestration all contribute to the harm arising. A revised proposal could potentially overcome these concerns if the extension was reduced in scale and designed to better respond to its context.

#### LONDON UNDERGROUND LIMITED:

No objection, subject to a condition to ensure that the development is designed and implemented in a manner which does not harm London Underground infrastructure assets.

#### ST. JAMES'S CONSERVATION TRUST:

Objection. The proposed bulky form and height increases to the rooftop negatively impacts on the setting of the St. James's Conservation and Special Policy Areas and the quality of the local historic townscape importance of St. James's Street. The significant increase in height and bulk of the two-level mansard roof and set back additional storey, on the St. James's Street frontage and the "top-heavy" scale demonstrated in the applicants' visuals, dominates the whole street façade of the original building. The upper additional storey, although set back, the rear extension and relocated external escape stair are also increasing the bulk as well as perceived height, in sharp contrast in scale to the historic two storey scale at Blue Ball Yard, forming part of the historic Stafford Hotel modest scale of conserved and adapted, carriage house buildings and spaces.

The Trust is also concerned by the impact on all the immediate neighbour properties, of the increases in height (most obvious at the boundary of 66 St. James's Street, when looking up the street from east side and also west side locations from St. James's Palace northwards) and upper level new windows and outdoor terraces. These features will have negative impacts from upper levels of the office accommodation and terraces on adjacent commercial, hotel facilities and bedrooms and residential neighbouring properties, resulting from multiple, new high-level viewpoints.

#### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

Any response to be reported verbally.

**ENVIRONMENTAL HEALTH:**

Unclear whether plant equipment is proposed and what impact it would have in terms of noise. If plant equipment is proposed, assessment should be made regarding its impact, and conditions should be attached to ensure it complies with the City Council's noise criteria.

**HIGHWAY PLANNING MANAGER:**

No objections.

**WASTE PROJECT OFFICER:**

A condition is required to ensure acceptable waste and recycling storage is submitted to and approved by the City Council.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 119

No. of objections: 4

In summary neighbouring commercial and residential building owners/ tenants object on the following grounds:

**Design**

- Roof extension would be above the established building line and is discordant with the prevailing height in the area and would be overly dominant.
- Would have an adverse impact on the setting of the nearby listed building and character and appearance of the St James Conservation Area.
- The standard of design is not high enough.

**Amenity**

- Loss of light to nearby residential flat.
- Loss of privacy to adjacent commercial property.
- Impact of noise, including from plant.
- Adverse impact on the function of an adjacent hotel and its amenity space, including overshadowing of the space.

**Other**

- Impact of construction work on the Stafford Hotel. A Construction Management Plan formulated in close consultation with the hotel should be secured if permission is granted to minimise disruption.

**SECOND CONSULTATION (FOLLOWING REVISIONS):****HISTORIC ENGLAND:**

The massing of the proposed roof extension has been reduced in scale, with the top floor removed and the steep pitch of the mansard roof reduced. As a consequence, the roof extension would have a lesser visual impact on the conservation area and we therefore welcome these amendments.

Some concern remains regarding detailed design, including fenestration and exposed flank walls. Roof terrace balustrade should be pushed back. Further consideration should be given to a reduction in height of the mansard.

**ST. JAMES'S CONSERVATION TRUST:**

Any response to be reported verbally.

**RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S :**

Any response to be reported verbally.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 119

No. of objections: 1

Neighbouring business retains original objection:

**Design**

- Adverse impact on the setting of the listed building and character and appearance of the St James Conservation Area, in particular the impact of the darkening of the rear façade brickwork.
- Roof extension above the established building line. Whilst reducing the roof height to the established building line have been taken on board and the top floor has been removed, the proposed accessible roof terrace still exceeds the building line and also contradicts the setting of the conservation area.

**Amenity**

- Adverse impact on functioning of hotel and amenity space – whilst the reduction in height of the revised proposal mitigates the daylight / overshadowing impact, the proposals will still negatively impact the functioning of the hotel and amenity space thus this argument still remains.

**Other**

- Should consider requiring a construction management plan as part of the planning approval.

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

The application site is 64 - 65 St James's Street, which is an unlisted building located in the St James's Conservation Area. The building comprises basement, ground and six upper floors, all of which are in office use (Use Class E).

The buildings adjacent to the application site are primarily commercial buildings. 63 St James Street is an office building. 66 St James Street is mixture of retail, office and residential uses. Directly to the rear on Blue Ball Yard is a transport services building

(which includes a London Underground air vent). Facing onto Blue Ball Yard is the Stafford Hotel, including its' grade II listed stable buildings.

St James's Street is primarily a commercial street and is of high heritage significance, being the main thoroughfare to the grade I listed St James's Palace. The street contains numerous other listed buildings including the grade I listed Brook's Club, Boodle's Club and White's Club, the grade II\* listed Carlton Club, Lock's of St James's, Economist group of buildings, 1, 2, 3, 49, 74, 87 and 88 St James Street as well as other grade II listed buildings.

The site is in the Central Actives Zone (CAZ) and the St James Special Policy Area.

## 6.2 Recent Relevant History

None relevant.

## 7. THE PROPOSAL

The application proposes the demolition of the existing mansard roof and removal of the existing roof top plant and rear escape staircase, and the erection of a new double mansard roof extension with a roof terrace and plant on top, erection of new rear extension from ground to seventh floor level with the provision of balconies at third to seventh floors, new rear escape staircase, and alterations to the facades including to the shopfront.

This is all in connection with increasing the commercial floorspace on the site (class E) for office use on the upper floors and a retail unit over part ground and part lower ground floor level. The proposal would involve the provision of improved facilities, including for cycle parking.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	1,805	1,911	106
Retail ( Class E)	0	215	215
Total	1,805	2,126	321

N.B. figures include ancillary areas.

During the course of the application, the applicant revised the proposal to remove the contemporary top/eighth floor office extension pavilion, to alter the slope of the double mansard, and other associated facade alterations. The applicant revised the scheme in this manner following advice from officers, and in light of comments from Historic England and other interested parties.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Provision of additional office floorspace

Westminster's City Plan 2019-2040 (City Plan) Policies 1 and 13 support office growth and modernisation to provide at least 63,000 new office-based jobs, alongside other forms of commercial growth. City Plan Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ where there is a commercial or mixed use character. St James's Street has a commercial character comprising primarily office, private members clubs and retail uses and this indicates that commercial growth is appropriate in principle in this area.

The increase of 106sqm (GIA) of office floorspace, and the improved facilities and accommodation throughout the building, would allow an increase in office-based jobs and would provide higher quality commercial space – and this is a public benefit of the proposal.

### **Provision of a retail unit**

As well as being within the CAZ, the application site is located within the St James Special Policy Area. City Plan Policies 1, 14 and 21 support the provision of retail in this area of the City. While not within a designated town centre or CAZ retail cluster, St James's Street is appropriate for retail units, and this is part of its character where retail units primarily specialise in niche/ luxury goods and art. City Plan Policy 21 states that developments in the St James Special Policy Area 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.

The proposals would provide a relatively large retail unit, and this would provide the opportunity for a niche/ luxury retailer or retail art gallery to occupy the ground and lower ground of this building. This would contribute to the character and function of the Special Policy Area and is supported.

An unrestricted Class E retail use for the ground/ lower ground floor retail unit would not accord with the City Plan. This is because some class E uses could harm the character and function of St James's Street which would be harmful to the vitality, function and character of the CAZ and Special Policy Area in turn. Therefore, it is recommended that a condition be attached to ensure the ground floor commercial unit is maintained for retail use or office use (as is currently the case) only and not changed to other uses within Class E.

## **8.2 Townscape and Design**

### **Legislation, NPPF and Development Plan Policies**

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

*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.”*

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

Also of relevance are policies 38, 39 and 40 within Westminster’s City Plan (2020-2040).

Policy 40 Townscape And Architecture (A) explains that Development will be sensitively designed, having regard to the prevailing scale, heights, character, building line and plot widths, materials architectural quality and degree of uniformity in the surrounding townscape.

Part (E) Roof Extensions, goes on to state that roof extensions will be supported in principle where they do not impact adversely on heritage assets and should: (1) Where part of a terrace or group already characterised by roof additions or alterations, be of appropriate design which follows an established form and would help unify the architectural character of the existing terrace or a group. (3).....be of appropriate design sympathetic to the architectural character of the existing building.

Policy 39 Westminster’s Heritage (part K) states that development will preserve and enhance the character and appearance of Westminster conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Policy 38 Design Principles (A) states that, new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

## **Considerations**

The application building is unlisted building located within the St James’s Conservation Area. The building’s simple, 1930s, classical Portland stone façade contributes positively to the character and appearance of the conservation area. It is identified as an unlisted building of merit within the St James’s Conservation Area Audit.

St James’s Street is lined by many buildings of significant quality, including a number of listed buildings. To the rear the application site backs onto Blue Ball Yard which is also an attractive and historic space, important to the character and appearance of the conservation area and lined with small scale stable buildings which are listed Grade II. The building was rebuilt behind a retained façade in the 1980s and its rear elevation

does not contribute positively to this space.

#### Roof:

There is some variety in height and roof forms along St James's Street, though the application site is set between two buildings of comparable height. The building itself and the adjacent building, 63 St James's Street, both feature set back substantial roof top enclosures.

Following officer concerns with the proposed height and bulk of the mansard with a contemporary pavilion on top the applicant initially proposed, the scheme has been scaled back to create a double mansard, with roof terrace above. Modifications to the rear extension were also proposed.

In terms of height the proposals would exceed the height of Target House (66 St James's Street) to the south but would be only marginally taller than the mansard of 63 St James's Street. The height is however comparable to the existing roof top enclosure on the building and overall a double mansard is considered more consolidated and an architecturally appropriate termination to the building than the current configuration.

Following negotiations, the form of the roof has been re-modelled to address concerns raised with regard to the bulk and assertiveness of the double mansard roof extension. As a result, the angle of the seventh floor has been reduced, which to some extent eases the perceived bulk of the top storey, however a lack of diminishing scale in the fenestration is still uncomfortable. Historic England have raised a connected concern regarding the height of the mansard, and also the prominence of the balustrading for the roof terrace on top. The applicant has explained the internal floor to ceiling heights are the minimum modern, high quality offices should provide. Nonetheless, to address the perceived bulk at roof level, an amending condition is recommended to secure a reduction in the size of the top level dormer windows to the double mansard to create a diminishing scale; and to set back the balustrade of the roof terrace.

The submitted townscape views analysis indicates that the roof extension will appear more prominent from views attained from the south, particularly against the roof of Target House, which has a distinct architectural form and shallower pitch. From the north the roof will be more prominent than the current arrangement, but the silhouette of 63 St James's Street would remain perceptible and not significantly diminished – particularly when considering the amendments that are recommended to be secured by condition.

Whilst some reservations regarding the prominence of the seventh floor remain, the overall impact of the roof extension on the townscape and the character and appearance of the conservation area is modest, and is therefore considered to cause a modest level of less than substantial harm.

#### Rear Extension:

The 1980s rear façade of the building contributes negatively to the character and appearance of the conservation area, paying very little regard for the host building or the architectural scale and character of Blue Bell Yard.

The proposals intend to modify the rear extension, including fenestration changes, the inclusion of balconies., the repositioning of the external fire escape stair and staining of the brickwork. The scheme has been amended during the application and has resulted in the omission of a number of undesirable changes, including an increase in height and the introduction of extensive high-level glazing. The current proposals are more restrained, with no additional height and bulk and a quieter fenestration arrangement. The staining of the brick work is not opposed, subject to a condition seeking a sample panel to ensure an appropriate tone is achieved. The repositioning of the bulky escape stair is unfortunate but unavoidable, and no more harmful than the current arrangement.

Front elevation:

The elevation alterations to the front of the building are modest and include a new entrance within the existing window aperture. Also proposed is the introduction of a display window on the returning flank of the ground floor within the passage. The proportions and positions of the window is felt visually appropriate and in keeping with the existing ground floor arrangement.

### **Conclusion**

As such, whilst being mindful of City Plan policies 38, 39 and 40, given the public benefits that would be delivered, which comprises new and upgraded commercial floorspace, the proposal is considered acceptable in terms of its impact on the designated heritage assets. Therefore, the recommendation to grant conditional permission is 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**

A residential property can be found on the top two floors of 66 St James's Street. Beyond 66 St James's Street, on the opposite side of St James's Place, is 67, 67A, 69 St James's Street and 44 to 46 St James's Place which contain residential properties, although these are over 20 metres from the application site. On the north side of St James's Place, residential properties can be found within 9, 10 and 11, although these are over 45 metres from the application site. 12 Park Place is also a residential property, although is beyond 63 St James's Street and over 20 metres from the application site.

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.

Objections have been received on the grounds that the proposal would harm amenity in terms of loss of light, loss of privacy and increased overshadowing, to commercial and residential properties.

### **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 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.

The applicant’s daylight and sunlight report indicates there would be two breaches of the VSC measure, but no breaches of the NSL.

The VSC breaches would be to two windows within a lightwell at 66 St James Street that serve the residential floors of 66 St James Street which are the fifth and sixth floors of the building. These are summarised below:

*Table 2: VSC Breaches at 66 St James Street*

Floor	Room Use	Window	Existing VSC	Proposed VSC	Loss	% Loss
Fifth	Bedroom	W1	0.61	0.27	0.34	66%
Sixth	Bedroom	W1	2.21	0.67	1.54	70%

The breaches are large in terms of percentage losses. However, in absolute terms the losses are modest (0.34 and 1.54). This is the case because the existing daylight reaching these windows is very low at 0.61 and 2.21 (compared to 27 for a well-lit room). Indeed, the daylighting is so low that the NSL measure indicates there would be no part of these rooms that currently receive light. This is because the windows are in a lightwell and face the flank wall of the application site, which already rises higher than the windows within that lightwell. The applicant’s daylight and sunlight assessment reports the affected windows serve bedrooms. While this is an assumption, these windows would not serve the principal habitable space of that flat because the flat would be arranged such that the main spaces could benefit from the many other windows the property enjoys which do not face into the lightwell.

Because the absolute losses in VSC are low, the existing light levels are very low and the impacted windows would not serve a principal habitable space, the impact on the

residents at 66 St James's Street would not be so significant as to warrant refusal on that basis. The residential objector who has raised concern regarding light loss would not experience losses in excess of BRE guidelines.

The applicant's daylight and sunlight report relates to the original proposal which included the eighth floor contemporary pavilion. This means that the figures should be slightly improved over those in the daylight and sunlight report – but, because the figures in the report do not indicate a detrimental impact, the revised scheme is also self-evidently acceptable in terms of daylight impact.

### **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.

### **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 nearest affected residential property, the upper floor flat at 66 St James's Street, does contain two windows which look toward the application site. However, these windows are already highly enclosed by virtue of being within a lightwell – they already look directly onto a wall. The proposal would not unacceptably worsen this existing situation.

Given all other residential properties are over 20 metres from the application site, there would not be a detrimental impact in terms of enclosure.

### **Privacy and Noise from Roof Terrace and Balconies**

There would be new windows, balconies and a top floor roof terrace and these would allow for additional opportunities to overlook neighbouring buildings. However, those affected would not be residential properties. This is because of the distance to neighbouring residential windows in line of sight of these new roof terraces is large enough to prevent a loss of privacy. In relation to 66 St James Street, while the top floor residential flat abuts the application site, the principal windows there do not face toward the site except for those within the lightwell (described above). However, because of the position within that lightwell, there would not be a direct line of sight from the roof terrace.

In relation to noise and disturbance, the balconies and roof terrace could harm neighbouring residents if they are used at anti-social times and music is played on them, therefore conditions are recommended to prevent music being played and to restrict their use to between 07.30 and 21.00 Monday to Friday only.

### **Impact on Commercial Properties**

Neighbouring commercial occupiers, including owners of an adjacent office building and neighbouring hotel, have raised concern regarding the impact on the standard of their internal and external spaces through increased enclosure, overshadowing and loss of privacy.

The City Plan's focus in relation to light, enclosure and privacy is on residential properties and protecting the living environments of residents. Nonetheless, the amendment to omit the top floor pavilion as originally proposed has had the affect of improving the overshadowing affect that would occur in Blue Ball Yard and this would lessen the impact on the hotel.

While the rear extension and balconies would impact on the flank wall office windows at 63 St James's Street, these elements would be set back the width of the yard (approximately 6 metres at this point) would be a similar bulk and height to the existing escape staircase and the extension would rise to a similar height as 63 St James's Street. Therefore, the office building would not be unduly harmed in terms of enclosure, nor would the lighting be significantly different as it is already impeded by the existing escape staircase. There would be additional overlooking, but given it is to another commercial building this is not considered a reason to refuse planning permission.

## **8.4 Transportation/Parking**

### **Cycle Parking**

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards, and one space per 75sqm is required for office floorspace and 1 space per 250sqm for retail long stay and 1 space per 60sqm for short stay. Given this is an existing building, this requirement should only apply to the uplift in office and retail floorspace (321sqm GIA). The proposed 22 standard cycle spaces and 15 foldable bike lockers accord with that requirement, and a condition is recommended to ensure its provision.

### **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.

### **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, given this is the existing situation and that the relatively modest uplift in floorspace would not worsen it, the lack of off-street servicing is acceptable in this instance.

#### 8.5 **Economic Considerations**

Upon completion, 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 because 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. An impetus and benefit of the proposals is to improve access into the building, and this is done through the provision of lifts to allow level access. The office entrance would incorporate level access with lifts to all floors. The retail unit would also include level access.

#### 8.7 **Other UDP/Westminster Policy Considerations**

##### **Noise/ Plant**

The application includes plant to be located at roof level and basement level. Environmental Health raises concern that the impact in terms of noise has not been assessed. While the plant equipment would be within the envelope of the building, an acoustic report is still required to assess its impact on neighbouring buildings. Therefore, a condition is recommended to ensure this is provided before any equipment is installed. Conditions are also recommended to ensure that this equipment meets the City Council's noise standards. A condition is also recommended in relation to internal noise levels to ensure it does not disturb the residents in the adjacent building.

##### **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.

#### 8.8 **Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. 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 relevant.

#### 8.10 **London Plan**

This application raises no strategic issues.

#### 8.11 **National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure:

- details of the development, including method statements and load calculations, to ensure the development does not harm London Underground infrastructure.

The applicant has agreed to the imposition of the condition.

#### 8.12 **Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment is:

Mayor of London CIL: £ 83,805  
Westminster CIL: £90,600

#### 8.13 **Environmental Impact Assessment**

The development is not of a scale that requires an Environmental Impact Assessment.

#### 8.14 **Other Issues**

## **London Underground**

London Underground Limited have assets underneath the site and to the rear of the site. To ensure that the underground line and its associated infrastructure 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.

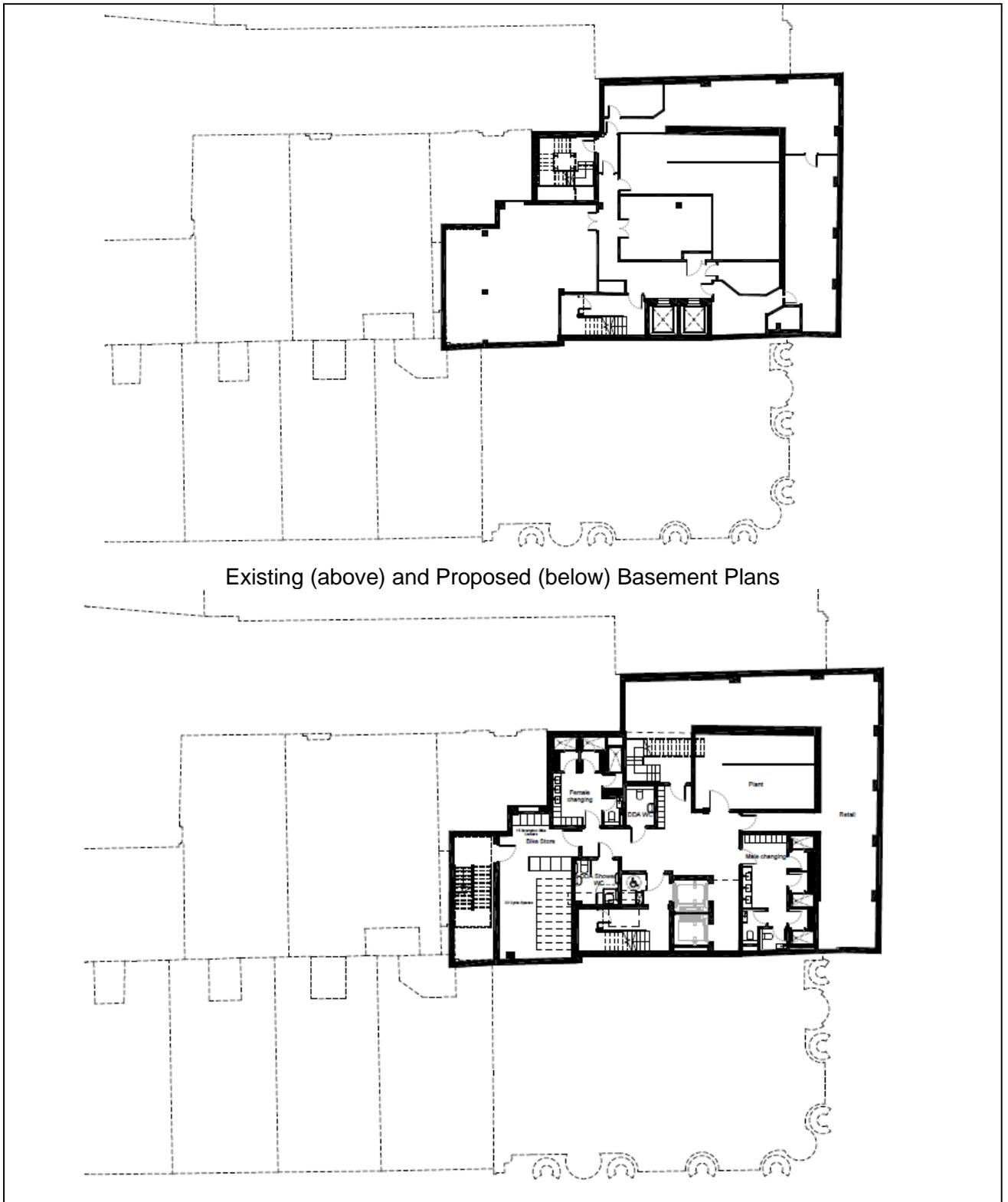
## **Construction impact**

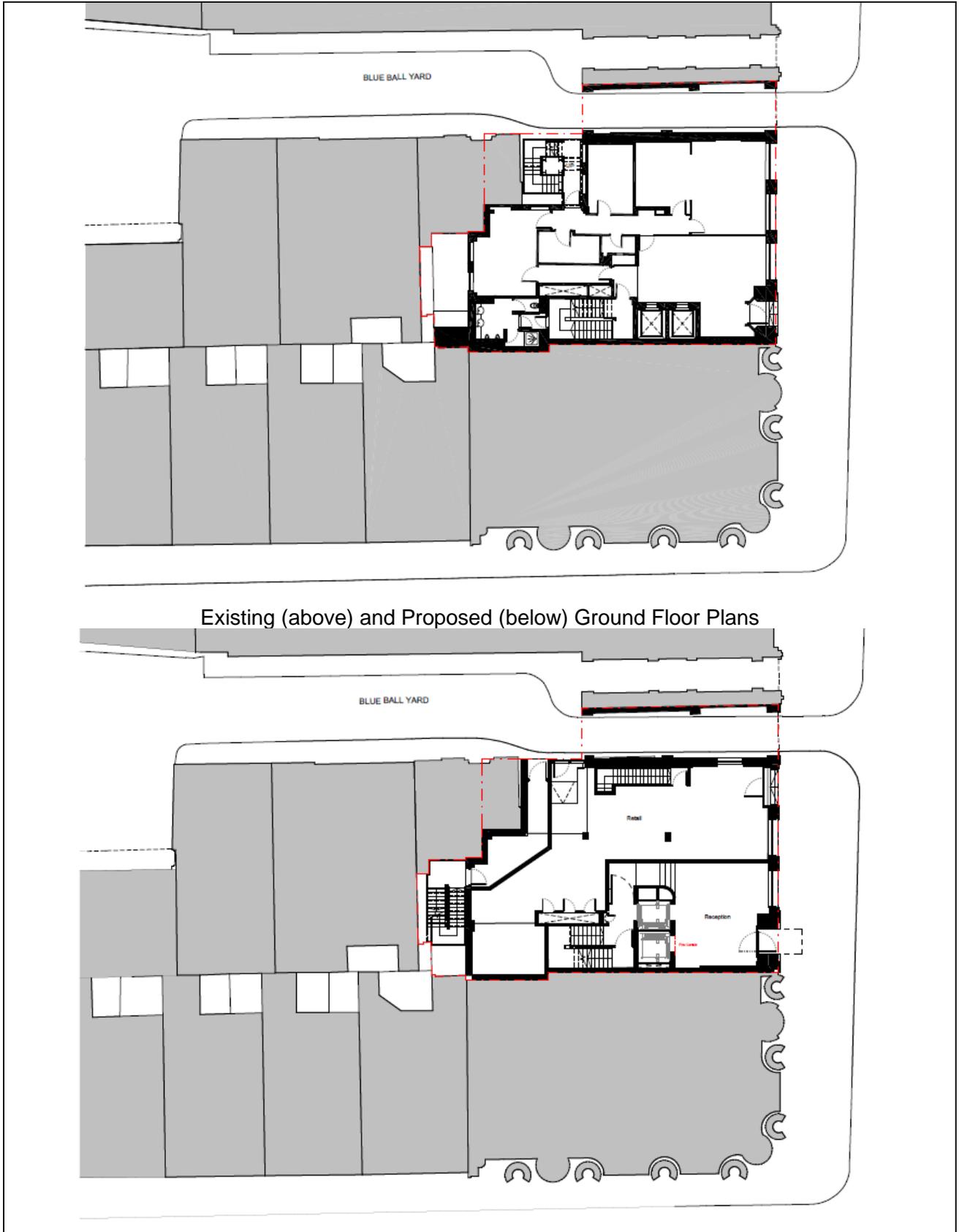
An objector raises concern regarding the impact of the construction works, and states a management plan should be secured by condition. Disruption is an unfortunate consequence of allowing development in the city. This will include noise from buildings works and traffic from construction vehicles. To ensure this is minimised the hours of building works are recommended to be ensured by condition. The level of construction traffic for a development of this scale would not require special control through the planning system however.

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

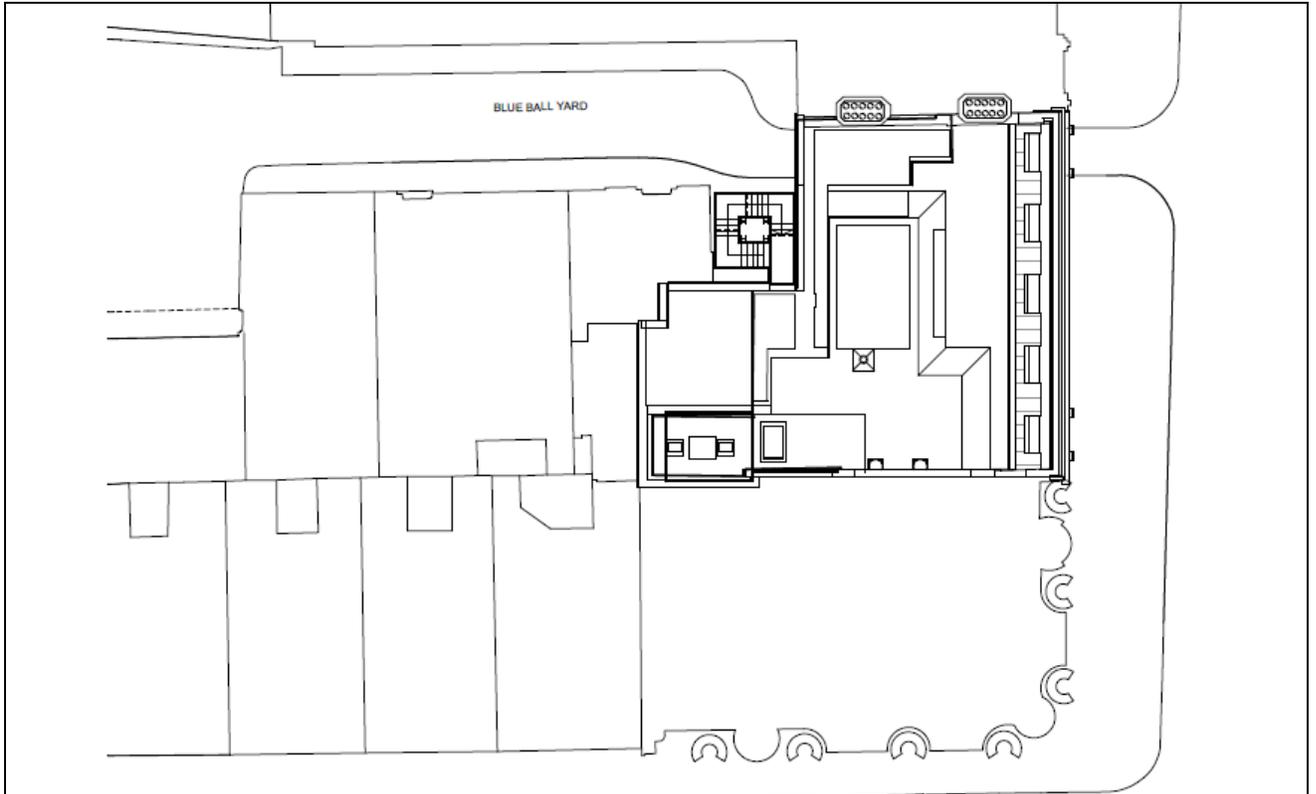
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

9. KEY DRAWINGS

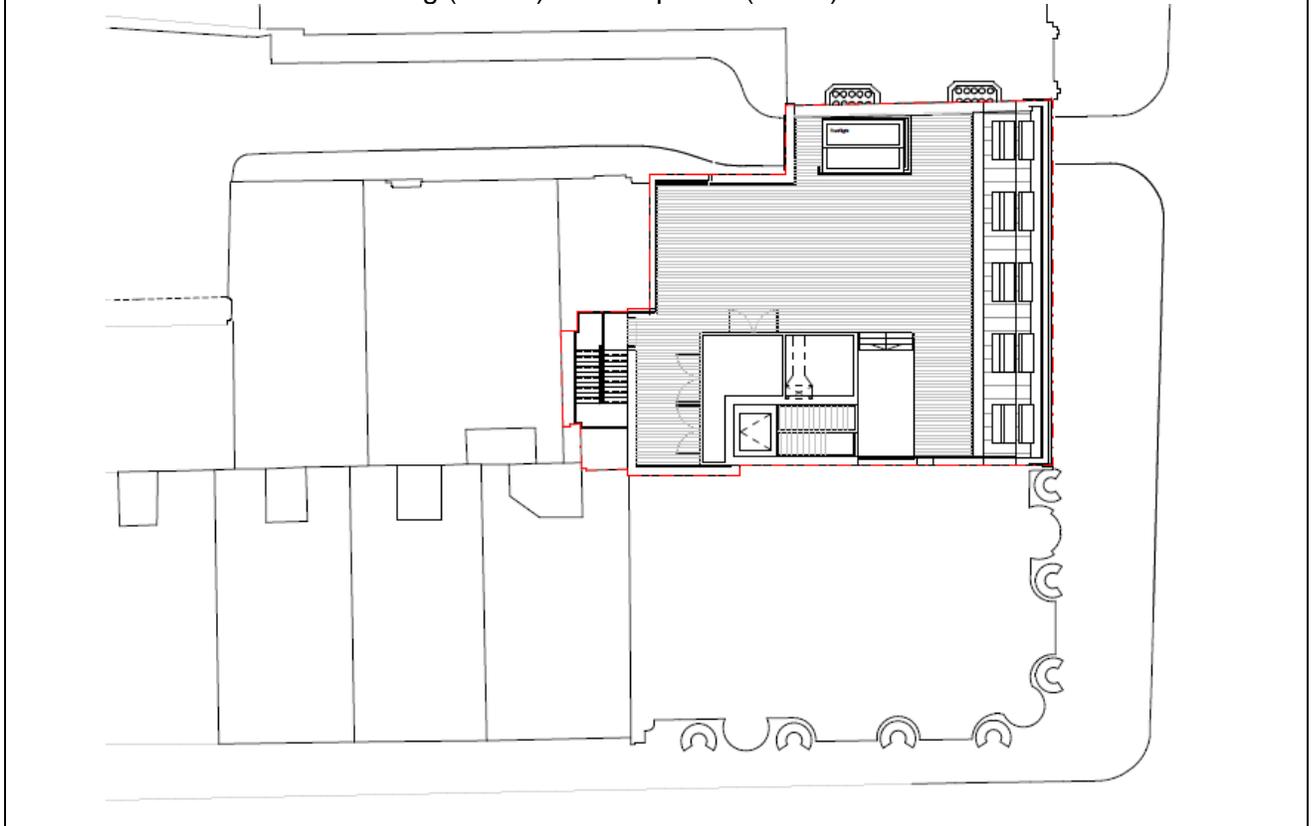








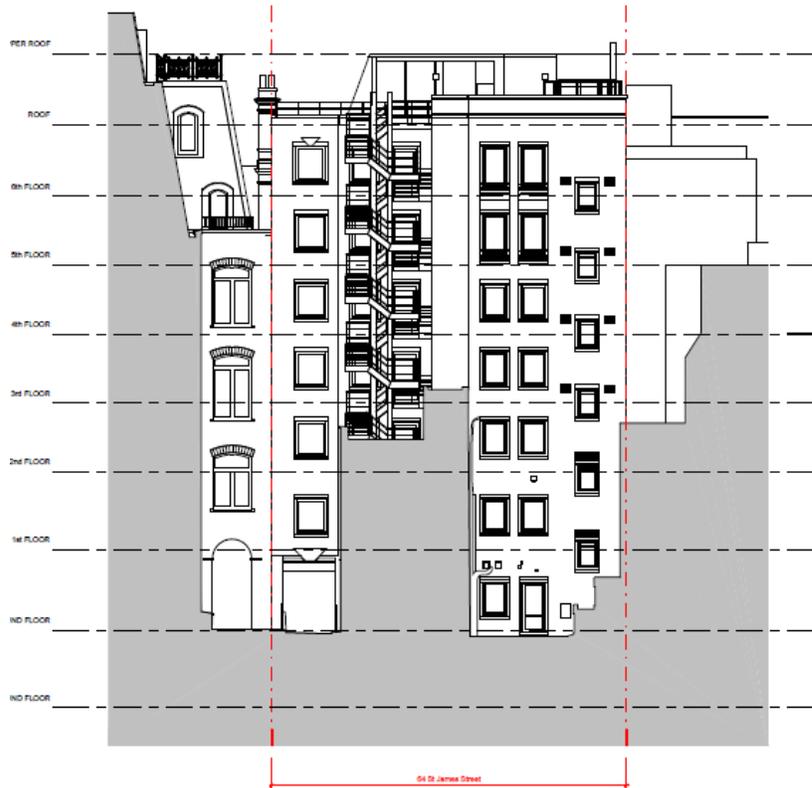
Existing (above) and Proposed (below) Roof Plan



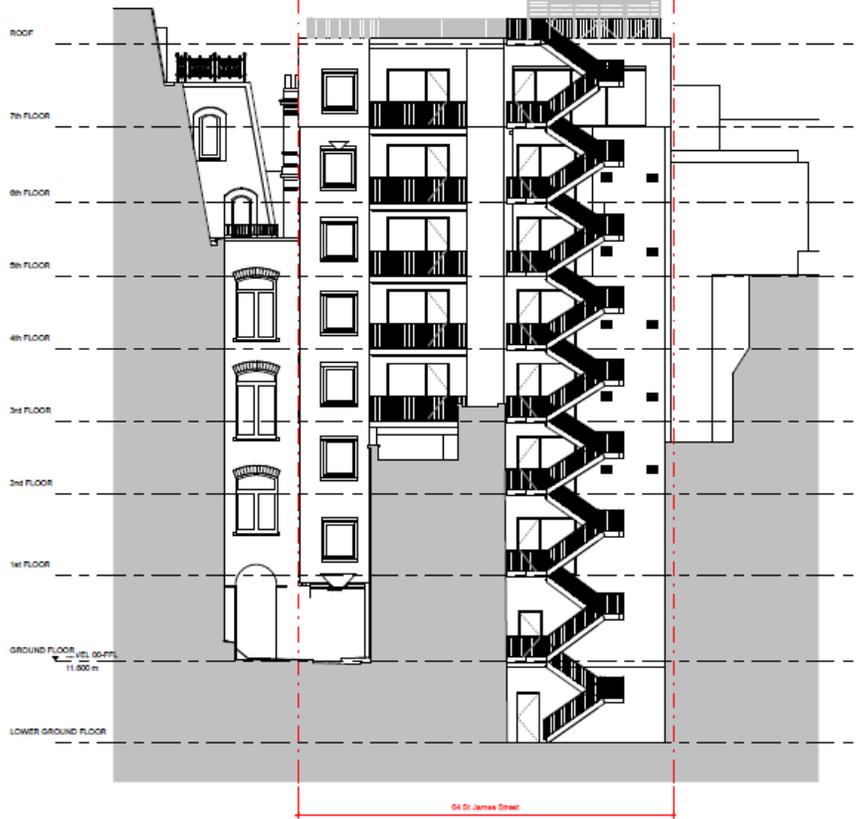


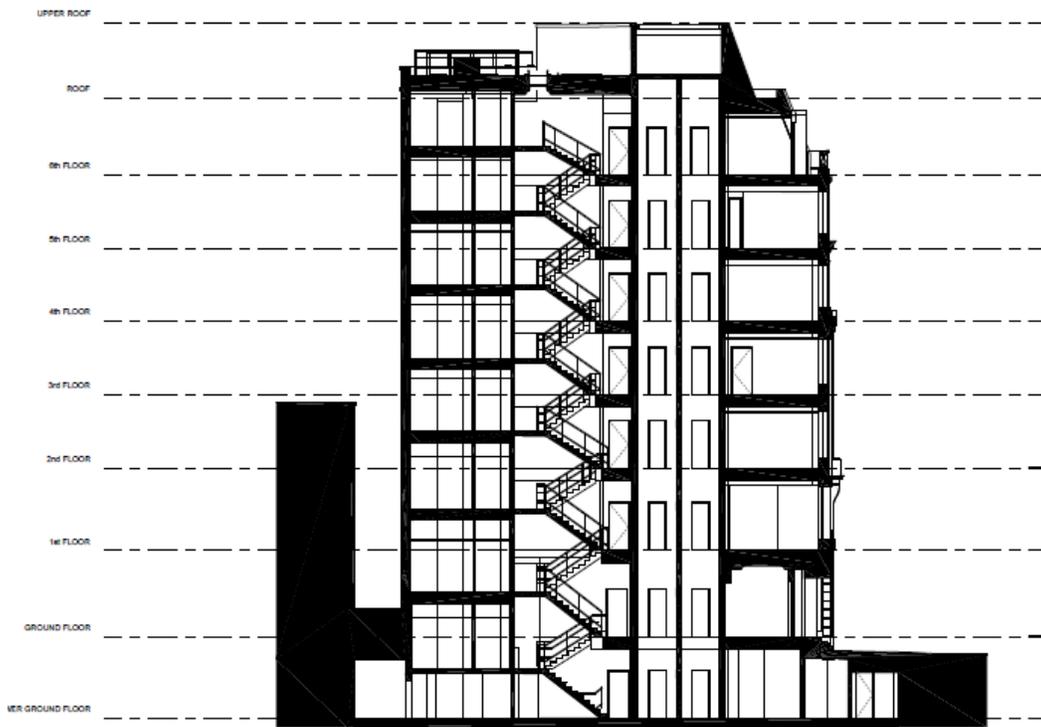
Existing (above) and Proposed (below) St James's Street Elevation



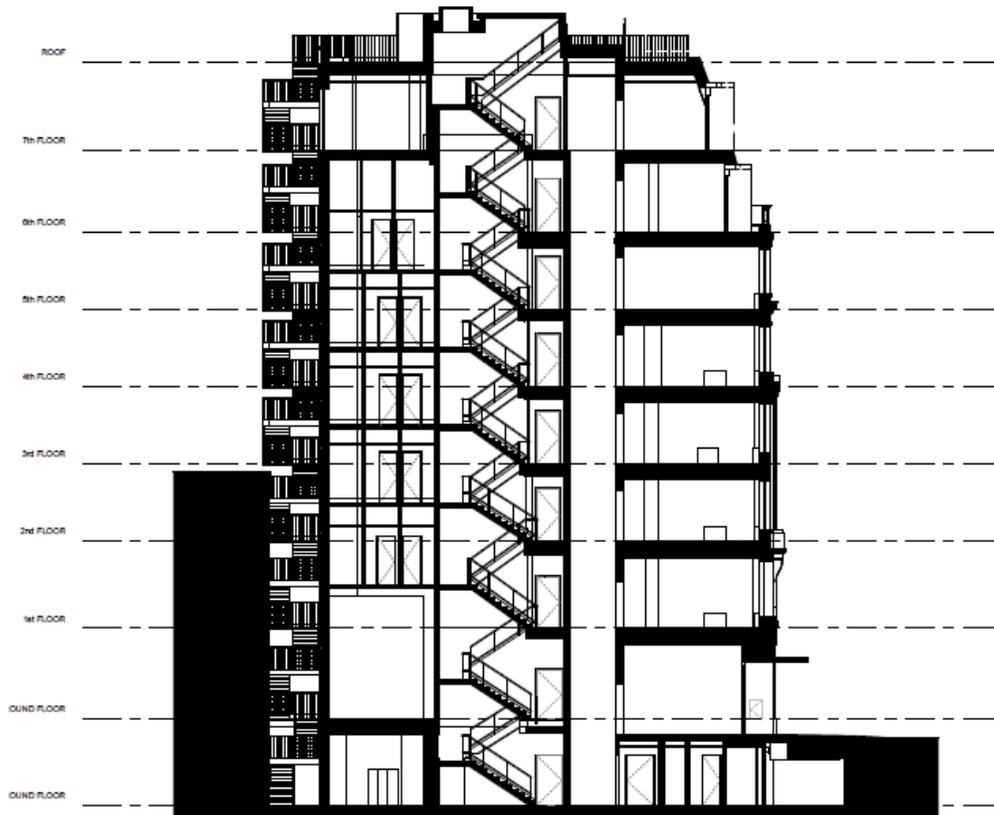


Existing (above) and Proposed (below) Blue Bell Yard Elevation





Existing (above) and Proposed (below) Section





Existing (above) and Proposed (below) Computer Generated Image of St James's Street Elevation





Existing (above) and Proposed (below) Computer Generated Image long view





Existing (above) and Proposed (below) Computer Generated Image of Blue Bell Yard Elevation



**DRAFT DECISION LETTER**

**Address:** 64 - 65 St James's Street, London, SW1A 1NF

**Proposal:** Demolition of the existing mansard roof and removal of plant and escape stair; erection of new double mansard roof extension and rear extension for additional commercial floorspace (Use Class E); and installation of new escape stair, rear balconies, roof terrace and associated works.

**Reference:** 21/02158/FULL

**Plan Nos:** Existing Drawings:  
Site Plan; Location Plan; 20092-SQP-01-LG-DR-A-PL007 rev C1; 20092-SQP-01-00-DR-A-PL001 rev C1; 20092-SQP-01-TY1-DR-A-PL002 rev C1; 20092-SQP-01-TY2-DR-A-PL003 rev C1; 20092-SQP-01-05-DR-A-PL004 rev C1; 20092-SQP-01-06-DR-A-PL005 rev C1; 20092-SQP-01-RF-DR-A-PL006 rev C1; 20092-SQP-01-ZZ-DR-A-PL008 rev C1; 20092-SQP-01-ZZ-DR-A-PL009 rev C1; 20092-SQP-01-ZZ-DR-A-PL010 rev C1; 20092-SQP-01-ZZ-DR-A-PL011 rev C1; 20092-SQP-01-ZZ-DR-A-PL012 rev C1; 20092-SQP-01-ZZ-DR-A-PL013 rev C1;

Demolition Drawings:  
20092-SQP-01-LG-DR-A-PL107 rev C1; 20092-SQP-01-00-DR-A-PL101 rev C2; 20092-SQP-01-01-DR-A-PL102 rev C1; 20092-SQP-01-03-DR-A-PL103 rev C1; 20092-SQP-01-05-DR-A-PL104 rev C1; 20092-SQP-01-06-DR-A-PL105 rev C1; 20092-SQP-01-07-DR-A-PL106 rev C1; 20092-SQP-01-ZZ-DR-A-PL108 rev C1;

Proposed Drawings:  
20092-SQP-01-LG-DR-A-PL209 rev C1; 20092-SQP-01-00-DR-A-PL201 rev C2; 20092-SQP-01-01-DR-A-PL202 rev C2; 20092-SQP-01-03-DR-A-PL203 rev C1; 20092-SQP-01-05-DR-A-PL204 rev C1; 20092-SQP-01-06-DR-A-PL205 rev C2; 20092-SQP-01-07-DR-A-PL206 rev C2; 20092-SQP-01-08-DR-A-PL207 rev C2; 20092-SQP-01-RF-DR-A-PL208 rev C2; 20092-SQP-01-ZZ-DR-A-PL210 rev C2; 20092-SQP-01-ZZ-DR-A-PL211 rev C2; 20092-SQP-01-ZZ-DR-A-PL212 rev C2; 20092-SQP-01-ZZ-DR-A-PL213 rev C2; 20092-SQP-01-ZZ-DR-A-PL214 rev C2; 20092-SQP-01-ZZ-DR-A-PL215 rev C2;

Documents for Information  
Street Views Revision (July 2021); Supporting Planning Statement (March 2021); Design and Access Statement (March 2021); Site Photographs; Heritage Note (March 2021); Daylight and Sunlight Report (March 2021); Transport Statement (March 2021); Plant Noise Impact Assessment (March 2021); Draft Construction Management Plan (March 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 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 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)

- 4 You must apply to us for approval of a sample area of the brick staining (1m<sup>2</sup>) in a discreet (but accessible) position on the rear of the building, your submission should include photographs of the sample area. You must not start work on this part of the development until we have approved the details in writing. You must then carry out the work according to the approved brick staining sample. (C27DC)

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)

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

- a. new dormer windows, sections and elevations showing windows and surrounds;
- b. new windows on the rear;
- c. balconies; and
- d. new shopfront framing details and entrance doors.

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)

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

- a. set back of the roof top terrace railings; and
- b. reduction in size of the top row of dormers.

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)

7 You must not put structures such as canopies, fences, loggias or trellises on the roof terrace and balconies. (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)

8 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)

- 9 You can use the ground and lower ground floor commercial unit 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(d) indoor recreation;  
E(e) medical/ health services; or  
E(f) Creche/ nursery.

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 and the St. James's Special Policy Area. This would not meet Policies 1, 14 and 21 of the City Plan 2019 - 2040 (April 2021).

- 10 Customers shall not be permitted within the ground and lower 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)

- 11 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 or balconies.

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)

- 12 The roof terrace and balconies hereby approved shall only be used between 07:30 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)

- 13 (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)

14 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)

- 15 You must apply to us for approval of details of an acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 13 and 14 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)

- 16 (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 commercial (Class E) 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 Commercial (Class E) 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)

- 17 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).

- 18 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the building. (C14ED)

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)

- 19 **Pre Commencement Condition.** The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) have been submitted to and approved in writing by the City Council which:
- \* provide details on all works applicant to continue liaising with TfL to agree the necessary approvals to undertake the demolition, extension and oversail works
  - \* provide technical documentation to support the proposals, including but not limited to; construction drawings, works programme, design concepts & checks (temporary and permanent), safe systems of work for activities adjacent to LU property, risk assessments, surveys (topographical, condition and services)
  - \* engage with TfL in relation to licences, leases and development agreements where appropriate and enter into relevant property agreements including adhering to conditions and fee requirements
  - \* TfL and its subsidiaries reserve the right to require a supporting development agreement and charge a commercial premium (based on TfL's Best Value obligations) for any land rights transferred, interfered with or altered as a result of the scheme.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

#### **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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons

Item No.
<b>2</b>

& Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.