

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 23 November 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	456 - 472 Oxford Street, London, W1C 1AP		
Proposal	Demolition of three existing buildings on site for the construction of a ground plus 9 storey mixed use development (Use Class E) comprising of retail, cafe/restaurant, office and gym as well as a new pedestrian arcade, public realm works and associated works.		
Agent	DP9		
On behalf of	Marks and Spencer PLC		
Registered Number	21/04502/FULL	Date amended/ completed	10 November 2021
Date Application Received	2 July 2021		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate (Northern side of Portman Mews South)		

1. RECOMMENDATION

Subject to the views of the Mayor of London, and subject to the Department for Digital, Culture, Media and Sport (DCMS) deciding not to add Orchard House to the statutory list of buildings of special architectural or historic interest pursuant to the outstanding request, grant conditional permission subject to the completion of a legal agreement to secure the following:

- i. A carbon offset payment of £1,198,134 (index linked) payable on commencement of the development.
- ii. Provision of and adherence with an Employment and Skills Plan for the construction and operational phases of the development.
- iii. Provision of a financial contribution of £816,278 towards the Westminster Employment Service, payable prior to commencement of development
- iv. Provision of highways works and works to the public realm necessary to facilitate the development.
- v. Provision of 'Be Seen' energy monitoring (details to be approved in consultation with the GLA).
- vi. The costs of monitoring the agreement

2. If the s106 agreement has not been completed within eight weeks 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 undertaking 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 the Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of a part of the public highway on That the Director of Place Shaping and Planning, Executive Director of Environment and City Management, Director of City Highways or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

2. SUMMARY

The site has been occupied by Marks and Spencer PLC since the 1930's and is one of their two department stores on Oxford Street. The accommodation has severe operational limitations, and with the exception of Orchard House the buildings on the site are unattractive. Permission is sought for a comprehensive redevelopment of this site to provide a modern building comprising 2x basements, ground and nine upper floors. The proposal would provide an office and retail led mixed use development.

The key issues for consideration are:

- The land use implications
- Townscape and design considerations, including the acceptability of the loss of Orchard House a 1930's building on the corner of Oxford Street and Orchard Street and the impact of the new replacement building on the streetscape and character and appearance of the area.
- Public realm works
- The sustainability credentials of the redevelopment scheme.

The severe shortcomings of the existing accommodation are recognised. Redevelopment would provide significantly improved accommodation and facilitate commercial growth on the West End International frontage which is welcomed.

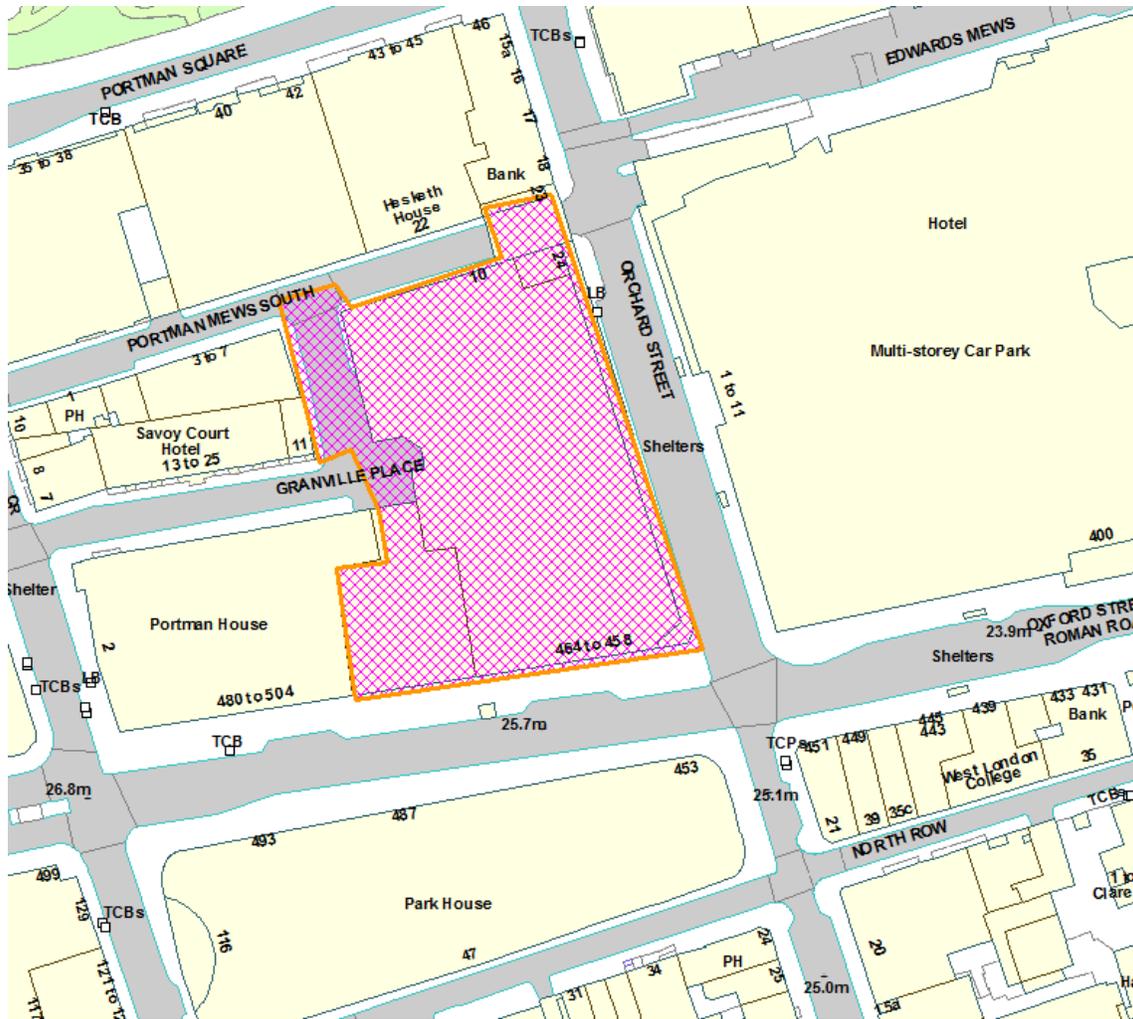
Objections have been received to the loss of Orchard House, a 1930's building on the corner of Oxford Street and Orchard Street. An application has been made to add Orchard House to the statutory list of buildings of special historic and architectural interest. This remains under consideration by the Department for Digital, Culture, Media and Sport (DCMS). In Officers' opinion the loss of Orchard House is fully justified in design and heritage terms. The new building is considered to be well resolved and of visual interest that is appropriate to its sensitive historic context.

Significant improvements to the public realm are welcomed and will transform the environment on both Granville Place on the western side of the site and Orchard Street to the east. The development is highly sustainable in accordance with the City Council's policies. The proposal includes significant urban greening, meaningful outdoor terraces and maximises on site renewable energy in line with the energy hierarchy.

The new building would activate this prominent site on Oxford Street by providing a landmark building which will aid the regeneration of Oxford Street. The development would make a significant contribution towards economic growth not only through the creation of jobs relating to the site but also supporting the sustainable recovery of Oxford Street as a leading retail destination.

The application accords with development plan policies and is accordingly recommended for approval as set out above in section 1 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

GREATER LONDON AUTHORITY:

Stage 1 response comments:

Land use: The office-led redevelopment of the site is strongly supported in accordance with London Plan Policies and Good Growth objective

Heritage and urban design: The approach to design is broadly supported, with a massing and height strategy that responds well to the surrounding context, improved public realm and the reintroduction of historic permeability across the site. No harm would be caused to designated heritage assets; any harm resulting from the demolition of the non-designated Orchard House would be outweighed by the scheme's public benefits.

Transport: The proposal accords with London Plan Policies

Sustainable development and Environment: Further information on PV, overheating and the heating strategy should be submitted, and a carbon off-set payment secured by legal obligation. The WLC assessment should also be resubmitted using the GLA WLC assessment template.

TRANSPORT FOR LONDON

The development meets London Plan policies with regard to healthy streets, car parking, delivery and servicing and construction logistics. Further information is requested regarding trip generation calculation methodology and the short-stay cycling parking.

HISTORIC ENGLAND

Concerns raised on heritage grounds. The proposed development would result in less than substantial harm to the setting of Selfridges, an iconic and highly graded building. It would also result in less than substantial harm to the setting of the Mayfair Conservation Area.

HISTORIC ENGLAND (ARCHAEOLOGY)

Advise that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

MARYLEBONE ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER

Public Realm

Welcome improvements to public realm including the new route through the development linking Orchard Street to Granville Place;

Servicing

Off street servicing accords with City Plan policy;

Cycle Parking

Long stay cycle parking exceeds policy requirements, which offsets the shortfall in short stay cycle parking;

Stopping Up

The development is reliant on the implementation of an Oxford Street District (OSD) scheme to reduce the number of traffic lanes on Orchard Street from four (two in each direction) to three (two southbound and one northbound) and to allow pedestrians to walk on what is currently a northbound traffic lane.

ENVIRONMENTAL HEALTH

Any response to be reported verbally

WASTE PROJECT OFFICER

No objection, waste provision is compliant with policy and should be secured by condition

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 338

Total No. of replies: 7

No. in support: 1

1 letter of support from New West End Company (NVEC)

Support the application welcoming the significant investment at the west end of Oxford Street as well as the reprovision of a full-line Marks & Spencer store on the site with accompanying flexible Grade A office space. Also strongly welcome the new pedestrian routes through the site and the opportunity to animate Granville Place, which is currently unwelcoming and improvements to traffic flows on Orchard Street.

7 objections received from 5 individual respondents raising some or all of the following issues:

Amenity

Loss of Sunlight to residential units in Portman Mews

Loss of privacy especially from roof top terraces

Noise disturbance from terraces

Design

Objection to the demolition of Orchard House, on the basis that the Art Deco style property compliments Selfridges (Grade II* listed), as well as many other buildings along Oxford Street. Orchard House should be retained, if the whole building cannot be retained the façade should be kept and integrated into the scheme.

The proposal replacement is of middling quality and bland design. It does not make a positive contribution to the character of the area.

The increase in height creates a bulky monolithic block radically disturbing the homogenous line of sight on the northern side of Oxford Street.

Any redevelopment should be within the height of the existing buildings. Additional storeys are not required to provide a retail environment that retains M&S' presence as an anchor tenant on site.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is at the western end of Oxford Street close to Marble Arch and has been occupied by Marks and Spencer PLC since 1930. It is one of Marks and Spencer's two department stores on Oxford Street, the second known as the Pantheon is located to the east of Oxford Circus.

The site is located on the northern side of Oxford Street at its junction with Orchard Street. It has secondary frontages at the rear on Portman Mews South and Granville Place. There are three separate buildings on the site none of which are listed and only a very small part of the northern edge of the site is in the Portman Estate Conservation Area.

The three buildings that occupy the site are:

- Orchard House, a basement plus 6-storey building built in 1929-32 located at the corner of Oxford Street and Orchard Street and occupied by Marks and Spencer. The building comprises retail and back of house floorspace on the lower levels and ancillary staff facilities, office, training, and meeting spaces at the upper levels.
- Neale House, a basement plus 6 storey building, also occupied by Marks and Spencer at upper floor levels and third-party retail stores at ground floor level. Neale House and Orchard House are internally and operationally linked, however external they are expressed as two separate buildings.
- Orchard Street Extensions (23 - 24 Orchard Street & 10 Portman Mews South) – a basement plus 7-storey extension constructed in 1970 to the north of Orchard House, including the later 1990s infill between the three buildings, comprising retail, BOH and ancillary staff facilities, including ancillary overnight accommodation for staff, in addition to a vacant nightclub unit at part ground and basement level and restaurant at first floor level. The building spans over Portman Mews South between the vacant nightclub and 23 Orchard Street.

There is currently no car parking or cycle parking facilities on the site, and no pedestrian or cycle routes through the site. The buildings are serviced on site from service bays accessed via Granville Place.

Nearby are several listed buildings including the Grade I listed Church of St Mark's, Selfridges Grade II*, 10 Portman Street Grade II, and Portman Square Grade II. The site is in the Oxford Street/ Bayswater Roman Road Archaeological Priority Area. The site lies within the Central Activities Zone (CAZ) the West End Retail and Leisure Special Policy Area (WERLSPA) and the West End International Centre.

The surrounding area is predominantly commercial although there is some residential at Park House on the southern side of Oxford Street opposite and at Portman Mews South to the north. Oxford Street is world renowned as a retail street. The challenges facing Oxford Street are well known, with competition from retail hubs like Westfield and online shopping which create a challenging trading environment for retailers and businesses.

6.2 Recent Relevant History

The site planning history is not directly relevant as it primarily relates to minor works and advertisement consents.

Planning permission was granted in May 2018 at 23 and 24 Orchard Street for 'Use of first, ground and basement floors of 23 and 24 Orchard Street as (Class A1) and amalgamation with the retail unit at 458 Oxford Street; external alterations at ground floor level on the Orchard Street frontage' (RN 18/02549/FULL). This permission permitted the amalgamation of 23 and 24 Orchard Street with the M and S store.

7. THE PROPOSAL

Background to application

The site has been the flagship London store of M&S since the 1930's. The decline of large department stores across the country due to a change in customer behaviour with a move away from physical premises to online sales and the decline of the high street is well documented.

The existing buildings on the site create real operational difficulties and the argument advanced by the applicant that the accommodation is poor and outdated is accepted. The site constraints include:

- Inefficient and outdated floorplates,
- No through routes across the site
- A colonnade along Orchard Street that is both a poor pedestrian environment and visually very poor that detracts from the townscape
- An austere uninviting environment at the north- eastern side of the site on Portman Mews/Granville Place
- Poor sustainability credentials
- A lack of any outdoor amenity space and greenery

Proposed development

The proposal is for demolition of all the buildings on the site and erection of a replacement building comprising 2 x basement levels, ground and nine upper floors. The scheme is wholly commercial and seeks to provide a mixed- use development of retail (Class E (a) at part ground, and part first floors fronting onto Oxford Street, café/ restaurant floorspace or and other service uses (Class E) at rear ground floor fronting onto a newly formed pocket park on Granville Place, a gymnasium at 2nd basement level and offices (Class E) in the remainder of the building. The exception of retail space on the Oxford Street frontage the application seeks some flexibility in both the quantum and location of the other commercial (Class E) uses. This is discussed further in section 8.1(Land Use) of this report. Cycle storage, plant and storage facilities are to be located at basement level.

The scheme involves significant improvements to the public realm on Granville Place, Portman Mews South and Orchard Street. A new east west pedestrian route is created linking Granville Place and Orchard Street. A ground floor arcade within the retail floorspace links Oxford Street to Granville Place in a north south route.

The application is submitted on behalf of Marks and Spencer. The retail floorspace has been designed to meet their specific requirements, it is envisaged that the development will secure their long- term future on Oxford Street.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service. The uses contained within the new Class E include, retail shops, restaurants, financial and professional services, offices, medical uses, gyms and other indoor sport uses, creches and nurseries. It is not now development to move between the respective uses. Regard should be had to the Government's objective in introducing Use Class E to provide additional flexibility in allowing changes of use within a range of uses without the need to seek an express grant of planning permission. However, this does not override the requirement to assess the proposal against the relevant policies in the development plan.

Permission is sought for a mixed- use development (Use Class E) comprising of retail, cafe/restaurant, office and gym.

The floorspace figures are set out in the table below

	Existing (GIA) m2	Proposed Indicative Scheme (GIA) m2
Retail (Class E)	34,837.7** The retail trading component of this area is circa 19,500 sqm with the remaining area used as ancillary facilities as set out below**]	13,653 (Minimum of 5,322 sqm to be protected as retail floorspace at ground and first floors fronting onto Oxford Street.
Nightclub (Sui Generis)	754	0
Office (Class E)	0	45,621
Gym (Class E)	0	1,216
Café/restaurant (Class E)	N/A	287 ground floor max 1500
Total	35,591.7	60,777

***Made up of the Marks and Spencer Department Store with associated back of house, staff facilities and training/meeting spaces, and third-party commercial units*

Offices

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040. Policy 1 and 13 of the adopted City Plan 2019-2040 are relevant. Policy 1 (Westminster's spatial strategy) states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. Policy 13 (Supporting economic growth) states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period. The West End, along with the Opportunity Areas at Paddington, Victoria and Tottenham Court Road will provide the main opportunities for significant office growth.

The new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The scheme could provide up to 45,621 m² of office floorspace. Based on English Partnership's 2010 Employment Density Guide the total office floorspace is estimated to create Circa 2,000 office jobs. The scheme would contribute towards 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. The provision of a central core means that the office floorspace of the upper floors could be used as headquarter floorspace with a single tenant occupying a whole floor or floors but equally the floorspace could be easily subdivided and occupied by multiple tenants. The subdivision can achieve without compromising the quality of the office space. The floorspace will have good natural light and the 5th to 9th floors have access to outdoor amenity space.

Retail

The site lies within the West End International Centre and the West End Retail and Leisure Special Policy Area and the Central Activities Zone. Oxford Street is a global retail destination.

London Plan policy E9 states that a successful, competitive, and diverse retail sector which promotes sustainable access to goods and services for all Londoners should be supported in line with the wider objectives of the Plan, particularly for town centres.

City Plan policy 14 is applicable. The policy supports the intensification of the CAZ to provide additional floorspace for main town centre uses in principle, subject to impact on townscape and heritage. The general aim being to enhance and diversify high streets as places to shop, work and spend leisure time.

Part C, 1. of Policy 14 sets out an overarching vision for the International Centres of the West End and Knightsbridge. It envisages that they will 'provide a focal point for large formal comparison retail, supported by complementary town centre uses that increase customer dwell time and new office floorspace'

Supporting text to City Plan Policy 14 highlights the objective of growth and diversification. It recognises that there may be a contraction of traditional retail and that to ensure the long-term sustainability it is important that centres can adapt to changing consumer demands and behaviours, and the challenges posed by online retail. The City Plan also envisages, alongside retail growth, a balanced mix of complementary leisure, entertainment, food and drink and cultural and employment offer to help the West End grow, not only as a global shopping destination, but also as an enhanced leisure and employment destination.

Paragraphs 14.12 and 14.13 of the City Plan deals with International Centres (including the West End International Shopping Centre). It states that due to the role of the international Centres retail provision should be predominantly for comparison shopping and maintain a strong

retail core at ground floor level and immediately above. It goes on to state that complementary town centre uses that enhance customer experience and increase dwell time are also supported alongside new and improved office floorspace on upper floors to support wider job growth and support customer spend.

Paragraph 14.15 of the City Plan deals directly with Oxford Street. It notes that as the UK's premier shopping street, the impact of changes to the retail sector will likely be most strongly felt in Oxford Street – particularly given the existing presence of large format stores and the presence of multiple stores by the same operators.

Oxford Street is facing a number of challenges including competition from retail hubs like Westfield, online shopping, creating a challenging trading environment for retailers and businesses. In light of this, the scheme seeks to introduce flexibility and repurpose retail space on the site to ensure that the offer remains sustainable in the long term and responds to market conditions by providing a mix of commercial uses.

Although the scheme is likely to result in a significant reduction in the existing retail floorspace (ref land use table above) the application is made on behalf of Marks and Spencer. Floorspace at ground and first floors fronting onto Oxford Street would be used for retail purposes only. Use of this floorspace for retail purpose is integral to the International Centre. The retail provision is significant and will hopefully secure the long-term future of Marks and Spencer on the site. This would add to the vitality and vibrancy along this important stretch of Oxford Street, providing animation and enhancing the important active street frontage of Oxford Street. This is welcomed and would accord with London Plan and City Plan policies.

Restaurant/ cafe

City Plan Policy 16 relates to food drink and entertainment uses. The policy requires food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented 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 town centre.

The intention is that a ground floor unit which fronts Granville Place at the western side of the development could be used as a café' restaurant. This would provide a service use with an active frontage which would accord with City Plan policy 14. The application seeks the flexibility of providing further restaurant/café' space within the development apart from at ground and first floor levels which would be secured for retail use only. The application seeks to potentially provide up to 1500 m² of restaurant/café' floorspace. On a large site of 60,777 m² this would amount to only 2.4% of the total development floorspace. This quantum of restaurant/ café floorspace is considered acceptable in principle. As however at this stage of the development process no restaurant operator has been identified it is recommended that permission is subject to a condition which requires the approval of a management plan prior to any restaurant/ café use commencing. The restaurant /café would thereafter need to operate in accordance with the approved management plan.

A condition is also recommended that full details of any ventilation system is approved prior ant There are a number of internal risers that could easily house ventilation ducts which would terminate at roof level. Subject to these conditions the provision of restaurant/ café floorspace is considered to be acceptable.

Gymnasium

The application also seeks to potentially use part of the building as a gymnasium. A gym is a town centre use. Use of part of the building as a gym also accords with City Plan Policy 14. Use of part of the ground floor as a gym (with the exception of the Oxford Street frontage) would accord with City Plan policy 14-part B which states that ‘uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy’.

Indicative floorplans have been submitted which indicate that a gymnasium could potentially occupy part of the 2nd basement level. This is an appropriate use for this part of the building.

The provision of food and drink / leisure uses on the site would accord with policy and will add to the vitality and mix of uses in the locality.

Loss of Nightclub

A nightclub occupied part of the basement at the northern end of the site accessed from Portman Mews South. London plan policies HC5 and HC6 protect uses which add to London’s night-time economy. The nightclub ceased trading in October 2018 prior to the pandemic and has not re-opened. The applicant highlights that the loss of the nightclub is not a result of the proposed development. The GLA raise no objection to this aspect of the application in their stage 1 response.

Conclusion on land use

The proposed retail, café/ restaurant, office and gym uses are considered wholly appropriate for the site which will add to the vitality of the area. The mix of uses are strongly supported in accordance with development plan policies.

8.2 **Townscape and Design**

Legislation

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 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

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.

Proposal

The application site contains three buildings forming a block at the corner of Oxford Street and Orchard Street. It has secondary frontages at the rear to Granville Place and Portman Mews South. None of the buildings are listed and none are in a conservation area. However, to the east is Selfridges which is a Grade II-Star listed building in the Stratford Place Conservation Area, to the south is the Mayfair Conservation Area, and to the north and west is the Portman Estate Conservation Area. There are also numerous listed buildings in surrounding streets as well as the grade II listed Portman Square Gardens. The site is also within the Tier 2 Oxford Street/Bayswater Roman Road Archaeological Priority Area. Redevelopment therefore has to be considered in the context of these heritage assets.

The proposed redevelopment of the site envisages demolition of all three buildings and some alterations to the rear façade of Hesketh House where that part of the existing building bridging the entrance Portman Mews South is to be removed.

The three buildings forming the site are architecturally distinct. Neale House, completed circa. 1986 by Seymour Harris Partnership, is a rather fierce red brick structure facing Oxford Street to which it makes a negative contribution, because of its conspicuous lack of architectural ambition and aesthetic merit. 23-24 Orchard Street and 10 Portman Mews South dates from circa 1968-70 and is of some visual and historic interest. The Orchard Street façade is simple and carefully detailed, and it typifies designs of its period. Nevertheless, it is unremarkable and the facades at the rear are dark and foreboding which detracts from the appearance of Portman Mews South and Granville Place. Comparatively speaking, of most historic and architectural interest is Orchard House at the corner of Oxford Street and Orchard Street, and there have been objections raised to its demolition.

An application to add it to the statutory list of buildings of special historic and architectural interest. Historic England has recently completed its formal consultation process and the decision is awaited. This does not preclude consideration of the proposed redevelopment scheme, however any resolution to grant permission would be subject to the Department for Digital, Culture, Media and Sport (DCMS) deciding not to add Orchard House to the statutory list of buildings of special architectural or historic interest.

Orchard House was constructed circa. 1930 to designs by Trehearne & Norman. While it is known as the flagship London store of M&S, it was not built for the company. Instead, it was a speculative block of shops and offices in which M&S took space at basement and part ground floor levels. The Survey of London notes that, "The design featured the orthodox stone-faced classicism common to major London buildings of its type and time. But a curiosity of the façades was a series of sculpted heads adorning keystones and balconies based on characters from Alice in Wonderland and Alice through the Looking Glass, carved by A. T. Bradford. Most have since been removed, but the White Knight remains above the first-floor window on the Orchard Street corner, just visible beneath the projecting clock." It was not until 1967 that M&S took over the whole building and extended their premises to the north. In 1973 Orchard Street was widened resulting in the creation of a colonnade. Various details have also been shorn-off the building such as balconies at second floor level and decorative details at roof level. Nevertheless, the building still makes a positive contribution to the street and surrounding area.

Historic England comments that Orchard House is a 'non-designated heritage asset which contributes positively to the setting of the Grade II* listed Selfridges' and gives it group value with Selfridges owing to the stylistic similarities of the two buildings. Furthermore, Historic England suggests this may be as a result of Thomas Tait's involvement in the design of Selfridges and it was, he who produced similar designs for Trehearne & Norman elsewhere, including at Africa House (Grade II listed) on Kingsway. The contribution that Orchard House makes to the setting of the Mayfair Conservation Area is also noted, and concerns are expressed about the impact of the development in views from North Audley Street Which Historic England believes would be harmed by 'the uncharacteristic scale and design of the new development [which] would terminate views out of the conservation area, undermining its consistent historic character and scale.'

The possibility of retaining the street facades of Orchard House has been explored and it is feasible. While this could address some of the objections, the resulting design would be less than satisfactory in several respects. The architectural quality of 23-24 Orchard Street and 10 Portman Mews South, and of Neale House, is poor and these buildings do not warrant retention in heritage asset terms. There are also technical and structural constraints imposed by a façade retention scheme that could complicate the development and diminish the overall quality of the end result.

The applicant points out that due to the misalignment between existing and required floor to floor heights, the façades of Orchard House do not easily integrate with a comprehensive redevelopment of the site. There would probably be a large void being behind the retained façades, to deal with the level differences between the new floors and the retained facades, which fails to optimise use of the site. Furthermore, the upgrades required to enhance the performance of the facade to modern day standards would be significant and would further impact the heritage value of the facade.

Notwithstanding the feasibility of keeping the facades, redevelopment is proposed and for the following reasons the architectural merit of the proposal is sufficient on its own to outweigh loss of Orchard House facades.

In terms of the impact on the setting of Selfridges, the facades of Orchard House are of more historic and architectural interest than the rest of the site, but they have been altered somewhat to their detriment which reduces any aesthetic benefit of their retention. They have only very limited significance in terms of their contribution to the setting of Selfridges which is primarily

due to their appearance. However, as the Survey of London notes they are an orthodox design, common-place in London at the time. They do not greatly aid the understating of how significant the design of Selfridges was at the time of its construction, nor do they represent a particularly good example of the type of commercial architecture it may have subsequently influenced. The design of the replacement building represents a tremendous improvement to the appearance of the site as a whole, with substantial public benefits that more than outweigh the less than substantial harm to the setting of Selfridges caused by loss of the Orchard House facades.

As regards the impact on the setting of the Mayfair Conservation Area and views to and from it, contrary to objections, the new building would not terminate views from North Audley Street or anywhere else in the Mayfair Conservation Area. While some of the upper floors are visible, stepping back, above the roofline of Park House (not in the Mayfair Conservation Area) when seen from North Audley Street, this is not an unusual scenario because the setting of the north side of the Mayfair Conservation Area is mainly defined by large-scale commercial buildings in Oxford Street. The proposed development is of an equivalent height and scale to other developments in Oxford Street and it does not harm the setting of the Mayfair Conservation Area. In fact, as regards Neale House which is visible in oblique views in from the Mayfair Conservation Area to the east and west, the redevelopment is an improvement.

With regard to the detailed design of the new building, it is brick-faced with stone details and bronze-finished window frames. The slightly angled frontages to Oxford Street and Orchard Street add interest and subtly emphasise new routes through the site. The facades are crowned by a strongly defined timber canopy above which the upper floors are tiered-back. The set-back levels of the building read as a series of planted living walls and garden terraces, providing an attractive feature. These garden elements are intended to be glimpsed in part above the canopy, providing visual interest and demonstrating some of the building's ecological benefits.

The effect of the massing arrangement ensures that the apparent height of the building when seen from Oxford Street is sympathetic to that of the grade II-Star listed Selfridges and the choice of materials is similarly sensitive. As set out above, in longer views from North Audley Street, Portman Square and the southern end of Baker Street, the height bulk and massing of the building is greater than existing, but it is in character with the surrounding area and other large buildings visible in the views. The high-level greenery adds further interest.

From Granville Place, Portman Mews South and other streets to the west of the site, the increased height and bulk of the building will be most obvious. However, as proposed, the change is not in itself harmful in heritage asset terms because it occurs in the context of other similarly large-scale developments so the setting of the nearby listed buildings and conservation areas is not harmed by the change. There will be a new route through the site from Orchard Street to Granville Place and the entrance to Portman Mews South from Oxford Street will also be enhanced. At the rear of the site, there will be substantial public realm improvements to the benefit of Granville Place and Portman Mews South where the currently grubby and underutilised servicing areas will be swept away in favour of a greatly improved streetscape with active frontages.

At street level the building will feature an internal arcade connecting Oxford Street to Granville Place, a modern interpretation of Marks & Spencer's beginnings at the 1894 Penny Bazaar in Leeds. Shopfronts are appropriately detailed and incorporate retractable canvas sun-shade awnings.

The one remaining original Alice in Wonderland inspired sculptural detail, the knight's head, will be carefully removed during demolition and re-displayed within the new East-West Arcade. Though not part of the original Orchard House design, the M&S Insignia on the facade will also be retained and displayed in the arcade to reflect M&S' long history as an anchor tenant on the site through the 20th Century. This forms part of the outline public art proposal, all of which may be secured by condition.

Excavation of the site is likely to remove any remaining traces of archaeology. Although the potential for finds is low, an archaeological watching brief is recommended.

Conclusion on townscape and design issues

The proposal is acceptable in design terms, and in heritage asset terms for the reasons set out above the proposals will maintain the setting of surrounding designated heritage assets. This accords with City Plan policies 38, 39, and 40. Therefore, a recommendation to grant conditional permission 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

Development that could result in a change to the amenity of neighbouring occupiers are assessed against Policy 7 of the City Plan 2019 – 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant, which seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise and construction impacts.

Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing SPG which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties

and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The applicant's consultant, Point 2 Surveyors, have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at:

- 447- 451 Oxford Street;
- Park House 453-493 Oxford Street;
- 39-42 Portman Square;
- 35-38 Portman Square

The study shows that impact in terms of both daylight and sunlight would be compliant with BRE guidelines with respect to 447- 451 Oxford Street and 35-38 Portman Square. There would be some technical breaches to the BRE guidelines at Park House 453-493 Oxford Street and 39-42 Portman Square, which are discussed further below.

Park House

Park House is a mixed use building on the southern side of Oxford Street. There are residential flats at 2nd to 5th floor levels with windows facing in a northerly direction towards the application site. The daylight and sunlight study assesses all the residential windows within Park House.

The study shows that there are 45 site facing rooms with 74 windows. Of these 74 windows, 63 would experience reductions in VSC levels less than 20% their existing value which BRE guidance concludes will be unnoticeable. 11 windows would experience reductions in VSC levels greater than 20%. 9 of the 11 windows serve bedrooms and 2 living room/ kitchens. Bedrooms are habitable rooms, but the guidelines advise that daylight levels are of less importance to bedrooms than the main living/ dining rooms. All the windows which would experience a reduction in VSC levels greater than 20% (which the BRE guidelines advise would be noticeable) are located at 4th and 5th floor levels set behind recesses. The windows in question receive relatively low existing VSC levels. The position is one in which the design of Park House itself compromises the daylight levels, furthermore the actual losses to VSC levels would be low but the percentage loss is greater than 20% (as shown in the table below).

			Daylight (VSC)			Daylight distribution (NSL)			
	Room usage	Window Ref.	Existing VSC	Proposed VSC	Change	Room area (sq ft)	Existing NSL	Proposed NSL	Change
4 th floor	Bed	W7/504	17.43	13.73	-21.2%	179.4	179.4	179.4	-0.1%
	Bed	W8/504	15.79	12.08	-23.5%	176.5	174.1	169.4	-2.7%
5 th floor	Bed	W1/505	11.97	7.43	-37.9%	203.6	203.2	176.0	-13.4%
	Bed	W2/505	13.54	8.76	-35.3%	154.6	154.6	149.8	-3.1%
	Bed	W3/505	12.27	7.59	-38.1%	148.5	148.2	140.7	-5.1%
	LKD	W4/505	11.47	6.27	-45.3%	364.3	331.2	134.7	-59.3%
	Bed	W5/505	13.14	7.84	-40.3%	151.8	151.8	140.4	-7.5%
	Bed	W6/505	11.9	6.66	-44%	146.8	146.8	125.1	-14.9%
	LKD	W7/505	10.88	5.79	-46.7%	288.7	264.3	116.8	-55.8
	Bed	W8/505	12.52	7.2	-42.4%	149.9	149.9	140.2	-6.5%
	Bed	W9/505	11.5	6.28	-45.3%	309.3	309.3	160.5	-48.1%

No objections have been received from the owner/occupiers of any of the flats at Park House. The impact the proposed scheme on the daylighting levels to Park House is considered acceptable and would not compromise the living conditions of any of the flats. All rooms are oriented due north thus a sunlight assessment is not required.

39-42 Portman Square

39-42 Portman Square is situated to the northwest of the site and is a mixed use building with residential accommodation on the top two floors.

Daylight

There are 22 windows serving 18 site facing rooms. 14 of the site facing windows experience proportional reductions in VSC less than 20% their existing value, which BRE Guidance concludes will be unnoticeable. The remaining 8 windows experience proportional reductions in VSC between 21% and 42.8% their existing value, which exceeds default BRE Guidance.

Importantly, however, each Living/Kitchen/Dining room that experiences a reduction in VSC that exceeds default BRE guidance has one main window that retains an absolute VSC with the proposed development in place above 19%, which is good for an urban area. Each bedroom which experiences a proportional reduction in VSC that exceeds BRE Guidance has a main window that retains an absolute VSC above 16.7%, which similarly is good for this type of room in an urban area

Due to the size of the windows, the proposed development causes no change in NSL/DD to all site facing rooms. Overall, the impact on daylighting to this property is considered to be of minor significance and is acceptable.

Sunlight

All rooms which have a window orientated within 90 degrees due south retain above 25% APSH and 5% WPSH, which complies with BRE guidelines and is very good for this locality.

An objection has been received on the basis that the increased height and bulk would result in a loss of sunlight to residential properties in Portman Mews. As already stated the daylight and sunlight study shows that there would be no breaches in BRE guidelines with regards to sunlight to any of the residential in Portman Mews. There would also be no material and adverse impact on daylighting levels to these and the other nearby properties. This aspect of the application is acceptable.

Sense of enclosure

Although the proposed development would result in a significant increase in bulk the building is recessed above 4th floor level. Given that the site covers a full street block and a full street width separates the site from all surrounding properties it is considered that the site can successfully accommodate the additional bulk and mass without resulting in material sense of enclosure to any of the surrounding properties.

Overlooking / loss of privacy

City plan policy seeks to protect the health and well- being of Westminster residents developments should not result in a significant increase in overlooking. The scheme includes the provision of set back terraces on the southern (Oxford Street) and eastern (Orchard Street) elevations. Given their location use of the terraces as outdoor amenity space would not result in overlooking issues.

8.4 **Transportation/Parking**

Car Parking

In respect of car parking provision, London plan policy T6 states that car-free development should be the starting point for all development proposals in places that are well connected by public transport. The site is car free and therefore would accord with London Plan policy T6.

Cycle parking

695 new long stay cycle parking spaces are to be provided at basement level along with changing rooms (showers/ lockers) and drying rooms. The London Plan requirements based on the floorspace within the development would require the provision of 581 long stay cycle spaces. There is a policy requirement for 117 short stay spaces. In total 26 short spaces will be provided at Portman Mews South on the corner with Granville Place and Portman Mews.

It is recognised that there are constraints and difficulties in providing the required short stay cycle parking. There is limited space on street without interfering with public realm or footway widths. The Highways Planning Manager advises that taking into account the over provision of long-stay spaces the overall cycle parking proposed is acceptable.

Servicing

The development will be serviced via Portman Mews South with all servicing taking place within

internally within the site. The proposed loading bay accommodates a range of different vehicles. The proposed off- street servicing is in line with City Plan Policy 29. The applicant has confirmed that all servicing will be carried out in accordance with a delivery and servicing management plan which it is recommended is secured by condition.

Highways & Stopping Up

Policy 28(A) of the City Plan seeks to resist proposals that require stopping up. Paragraph 28.2 of the reasoned justification to the policy acknowledges that “that there may be circumstances where a minor loss of highway land may be appropriate to deliver benefits

The ground floor of the existing building is set back on Orchard Street behind a colonnade. The new building follows a different building line on Orchard Street effectively infilling the existing colonnade. The footway will be widened on Orchard Street in line with the Oxford Street District scheme (OSD). This scheme involves reducing the number of traffic lanes on Orchard Street from four (two in each direction) to three (two southbound and one northbound) and to allow pedestrians to walk on what is currently a northbound traffic lane. The proposed footway will be wider than the existing footway. At present the usable footway space inside the column line is around 2.3m to 2.4 m (other than where there is a kiosk which further reduces the width to 2.1m). The development with the OSD scheme in place will provide a footway width between 3.6 and 6.4m.

The scheme would not be possible without the alterations to the carriageway width as it would leave practically no footway, particularly at the North East and South East corners of the new building on Orchard Street. The Highways Planning Manager refers to City Plan Policy 28 A states ‘Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways’ and raises concerns that an intended pedestrian widening scheme would not effectively materialise.

Whilst these concerns are understood there are clear townscape benefits in removing the dark and narrow colonnaded area that pedestrians currently use on Orchard Street. As already stated above the proposed footway will be wider than the existing footway under the colonnade. The development will result in the provision of a significantly improved pedestrian environment than presently exists. This includes the creation of a new east – west pedestrian arcade through the site from Orchard Street to Granville Place. When viewed in their totality the landscaping and public realm works are considered to be significant improvements.

The applicant will fund all the OSD scheme highways works required to necessitate the delivery of the development. This will be secured as part of the s106 legal agreement.

8.5 **Economic Considerations**

Oxford Street is an international retail destination facing a number of challenges highted by the Covid 19 global pandemic. The vision for Oxford Street seeks to restore one of London’s greatest streets by improving the district to residents, visitors and workers. This application seeks to align with this vision through the addition of improved retail, café’/restaurant and gymnasium floorspace and a significant increase in office floorspace to support the economic growth in the district.

The proposed development is estimated to be able to create of 450 jobs during the construction phase of the development and circa 2,000 full time jobs based on the employment density of the proposed office use. Support for the scheme has been received from New West End Company NWECC represents 600 businesses (including 200 property owner) and 150,000 employees across London's West End.

There is no longer the market for the department store retail provision. The mix of commercial uses proposed including retail on Oxford Street will hopefully safeguarding the long term retention of Marks and Spencer store on Oxford Street and will support the economic vibrancy of the West End.

8.6 Access

Policy D3 of the London Plan seeks to ensure that new development achieves the highest standards of accessible and inclusive design (not just the minimum). Proposals should therefore ensure that the development: can be entered and used safely, easily and with dignity by all; is convenient and welcoming (with no disabling barriers); and, provides independent access without additional undue effort, separation or special treatment. The entrances to the building are all designed with level access; and vertical and horizontal circulation embodies the principles of inclusive access. This approach is extended to the public realm, with safe and accessible routes to all parts of the development and paths using firm, slip-resistant and reasonably smooth surface treatments proposed

8.7 Other UDP/Westminster Policy Considerations

Public Realm

The public realm improvements already referred to in sections 8.2 (Townscape and Design) and 8.4 (Transportation/Parking) are a significant component of the scheme. The full landscaping and public realm proposals will be agreed and secured as part of the S106 agreement. The key elements comprise:

- New east-west pedestrian route through the site from Orchard Street to Granville Place;
- The provision of a pocket park at Granville Place with a service use with an active frontage facing onto the square which will feature seating and planting
- A north-south internal arcade running through the ground floor retail space, providing a connection to Oxford Street
- Widening the footway on Oxford Street and Orchard Street in accordance with the wider Oxford Street District proposals
- Removal of the overhanging link bridge on Orchard Street, transforming the setting and entrance to Portman Mews.

Sustainability

Policy 36(B) of the City Plan 2019-2040 states that all development proposals should follow the principles of the Mayor of London's energy hierarchy. The policy requires that major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved.

Policy 37 (Waste Management) of the City Plan 2019-2040 states that developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan (2021) targets and the council's Code of Construction Practice (CoCP).

Policy SI 2 (Minimising Greenhouse Emissions) of the London Plan (2021) states that development proposals referable to the Mayor should calculate whole lifecycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

The applicant has submitted a Circular Economy Statement, Sustainability and Energy Statements produced by Arup, setting out the development would provide a high standard of sustainable design and has sought to reduce carbon emissions.

The proposed office floorspace will aim to achieve BREEAM outstanding and WELL Platinum ratings in accordance with City Plan Policy 38.

Energy

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum requirement of on-site reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of at least 35 per cent beyond Building Regulations 2013 for major development (with at least 15 per cent for non-residential development achieved through energy efficiency measures). Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

City Plan Policy 36(B) requires major development to be zero carbon. City Plan Policy 36(C) adds, 'Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement'

The submitted Energy Statement sets out the approach adopted to heating and cooling, and that the measures taken are in accordance with the Mayor's Cooling hierarchy. An air source heat pump (ASHP) system is proposed to supply the majority of the space heating and cooling. In addition, photovoltaic (PV) system will be integrated onto the roof to provide some electricity for fans, pumps, lighting and small power.

The Energy Statement demonstrates that the on-site emissions would achieve a 41% reduction (non-domestic carbon emissions), above the 2013 Part L target and 420.4t of emissions per year will need to be offset by a financial contribution at £95/t, equating to £1,198,034, which will be secured as part of a legal agreement.

Whilst the development does not achieve net zero carbon and requires a carbon offset payment, the principles of the Mayor of London's energy hierarchy have been followed, starting with a focus on reducing the energy demand of the building by proposing a high-performance building envelope and energy efficient systems with lower energy consumption requirements,

such as passive chilled beams and LED lighting. In accordance with London plan and City Plan policies the Energy Statement sets out that a full review of low and zero carbon technologies has been undertaken. The conclusion drawn is that whilst air source heat pumps and photovoltaic panels can be provided but other low and zero carbon technologies (ground source heat pumps, solar thermal, biomass boilers, hydrogen boilers, hydrogen fuel cells) were considered technically and financially unviable.

The Energy Statement sets out there will be an opportunity for further detailed studies to optimise energy savings as the detailed design progresses through the design stages. Further system energy use efficiencies and reduction of carbon emissions will be expected. It is recommended that energy monitoring is secured as part of the legal agreement in accordance with the GLA's Energy Monitoring guidance.

Whole Life Carbon Assessment

The applicant has submitted a Whole Life-Cycle Carbon Assessment (WLCA) prepared by Arup, as required by Policy S12 of the London Plan and City Plan Policy 36.

The WLCA includes a comparative assessment of the whole life carbon emissions of a 'light touch' refurbishment versus new build development options. The report sets out that refurbishment option has the lowest embodied carbon impact initially because minimal works (and materials) are required. However, this increases over time due to the required maintenance and poor operational performance of the existing buildings.

The assessment concludes that the new build option is the most efficient scenario, especially through the implementation of the low-carbon opportunities recommended in the report. Whilst it has a higher initial embodied carbon than the refurbishment option as it needs to be built (with a high carbon expenditure) - over its operational lifetime it will require much less maintenance than the refurbishment option and be a more efficient building, providing a betterment from years 15/16.

The GLA in their stage 1 response requested the applicant to complete the GLA's WLCA assessment template. This has been submitted to the GLA and an update on this position with regard to London Plan policy S12 will be reported verbally at the Committee meeting.

Circular Economy

Policies S17 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. The statement demonstrates how the application will promote the circular economy outcomes and describes how resource conservation, waste reduction increase in material re-use/ recycling and reduction of waste going to landfill will be achieved. The GLA has requested a post completion report should be conditioned which will measure actual performance against targets set out in the Circular Economy statement. The applicant has agreed to this condition, which is welcomed.

Air Quality

The site lies within the GLA Air Quality Focus Area. City Plan Policy 32 outlines that the council is committed to improving air quality in the city and expects developments to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in

other areas.

Paragraph 32.1 of the reasoned justification advises that air quality is among the top environmental concerns for Westminster residents and improving it is a particular priority for the council. As such, the whole of the city has been declared an Air Quality Management Area (AQMA).

An Air Quality Assessment has been submitted which assesses both construction and operational impacts of the proposed development. The assessment concludes that the overall effect during the construction phase will not be significant. Furthermore, as the proposed development will not generate any significant additional road traffic or include any new combustion plant, the proposed development will have no significant effect on local air quality when in operation. Overall, the proposals meet the requirement to be air quality neutral.

Plant

Plant is proposed at basement and at main roof level in a purpose-built plant enclosure. An acoustic report has been submitted which details existing background noise levels. Conditions are recommended to be imposed ensuring that the plant selected will comply with City Plan Policy 33(C).

Refuse /Recycling

Policy S37 of the City Plan seeks to ensure appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

The applicant's delivery and servicing management plan (by Markides) sets out that refuse storage will be provided at basement level. The Waste Projects Officer advises that the refuse area would comply with the requirements of City Plan policy 37. A condition is recommended which requires the refuse storage area to be provided and retained for this purpose.

Urban Greening/ Biodiversity

Paragraph 150 of the NPPF states that new development should mitigate impacts of climate change through suitable adaptation measures including green infrastructure. Policy G1 (D) of the London Plan requires that development proposals include appropriate elements of green infrastructure, such as street trees, green roofs, and natural or semi-natural drainage features.

Policy 34 (part b) of the City Plan requires developments to 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.

Extensive urban greening is proposed with new tree planting in the public realm, green roofs, green walls. The development would result in an Urban Greening Factor (UGF) score of 0.41. This meets the target in the London Plan for commercial developments of 0.3. The provision of plant, PVs and rooftop access prevent further greening than proposed. The proposed planting will aim to be climate resilient and adaptable, avoid water-hungry species, and incorporate an automatic irrigation that will limit and control the water usage to avoid waste.

There is an aspiration to provide tree planting on Oxford Street and Orchard Street; this would

form part of the landscaping highways works to be agreed and secured as part of the legal agreement. Overall it is considered that the scheme maximises the green opportunities for the site in line with development plan policies.

Flood risk and water efficiency

The site is located in Flood Zone 1, with a low probability of flooding. The application is supported by a sustainable drainage strategy, which proposes green/blue roofs, surface water attenuation and rainwater harvesting; this approach is considered acceptable in line with London Plan Policy SI13. With respect to water efficiency, the Sustainable Statement submitted with the application indicates that efficient water use components in line with BREEAM Wat 1 requirements will be used. This complies with London Plan Policy SI5.

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**

Not applicable

8.10 **London Plan**

As noted above, this application is GLA referable. The GLA have advised in their Stage 1 response that whilst the proposal is supported in principle, the application does not currently comply with the London Plan. The GLA requested that further information on PV overheating and heating strategy should be submitted and a carbon offset payment should be secured by legal obligation. The Whole Life Carbon Assessment should also be submitted using the GLA WLC assessment template.

If Committee resolve to grant permission, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

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 2019 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.

The revised NPPF was adopted in July 2021. The proposals are consistent with this guidance. A number of pre-commencement conditions are recommended to be imposed. The applicant has agreed to the imposition of these conditions.

8.12 **Planning Obligations**

Regulation 122(2) of the CIL Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

All of the draft 'heads' of agreement set out in detail within Recommendations 1(i) to (iv) meet these tests.

8.13 **Environmental Impact Assessment**

On 7th May 2021 the City Council determined a request for a screening opinion pursuant to regulation of the Town and Country (Environmental Impact Assessment) Regulations 2017. It was confirmed that an Environmental Impact Assessment was not required (RN 21/01763/EIASCR)

8.14 **Other Issues**

Basement

The proposal includes excavation to create 2nd basement. It is intended that the basement would be used as a gymnasium and house plant. No objections have been received in relation to the proposed basement excavation.

Policy 45 of the City Plan relates to basement developments. Policy 45 A states that they should:

1. incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding;
2. be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area;
3. protect heritage assets, and in the case of listed buildings, not unbalance the building's original hierarchy of spaces where this contributes to its significance; and
4. conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

Policy 45 B goes onto state that basement developments will be supported where they:

- not comprise more than one storey beneath the lowest original floor level – exceptions may be made on large sites with high levels of accessibility for construction; and
- not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

Regarding 45 A, the applicant has provided a structural engineering report explaining the likely methodology of excavation, as well as the drainage, and groundwater regime and structural stability. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

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

It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

There will be no visible manifestation of the proposed basement excavation. The proposal is considered to comply with City Plan policy 45.

Construction impact

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible and complies with City Plan policy 45.

Fire Safety

A fire statement has been prepared by Bureau Vertis which details the range of fire safety measures in terms of fire detection and control, means of evacuation and escape and access. This is acceptable in line with London Plan Policy D12.

Employment and Skills

It is recommended that an Employment and Skills Plan and a contribution of £816,278 to support the Westminster Employment Service is secured by legal agreement in order to contribute to improvement employment prospects for local residents, in accordance with City Plan Policy 18(D).

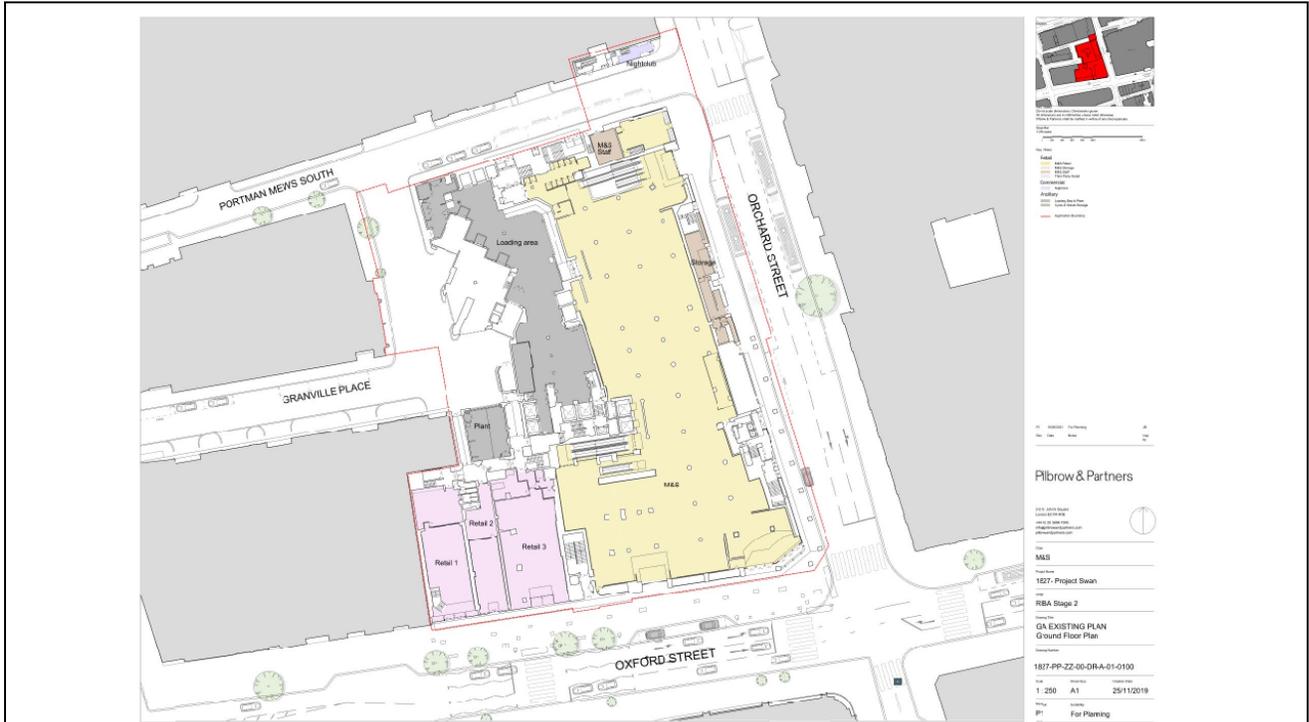
Public Consultation

A statement of Community Involvement (SCI) prepared by Kanda has been submitted which gives full details of public consultation undertaken by the applicant. Public meetings were held to present the proposals to local stakeholders over two phases before wider consultation on emerging proposals with residents, visitors and workers in the area. The community engagement included an online exhibition with feedback opportunities.

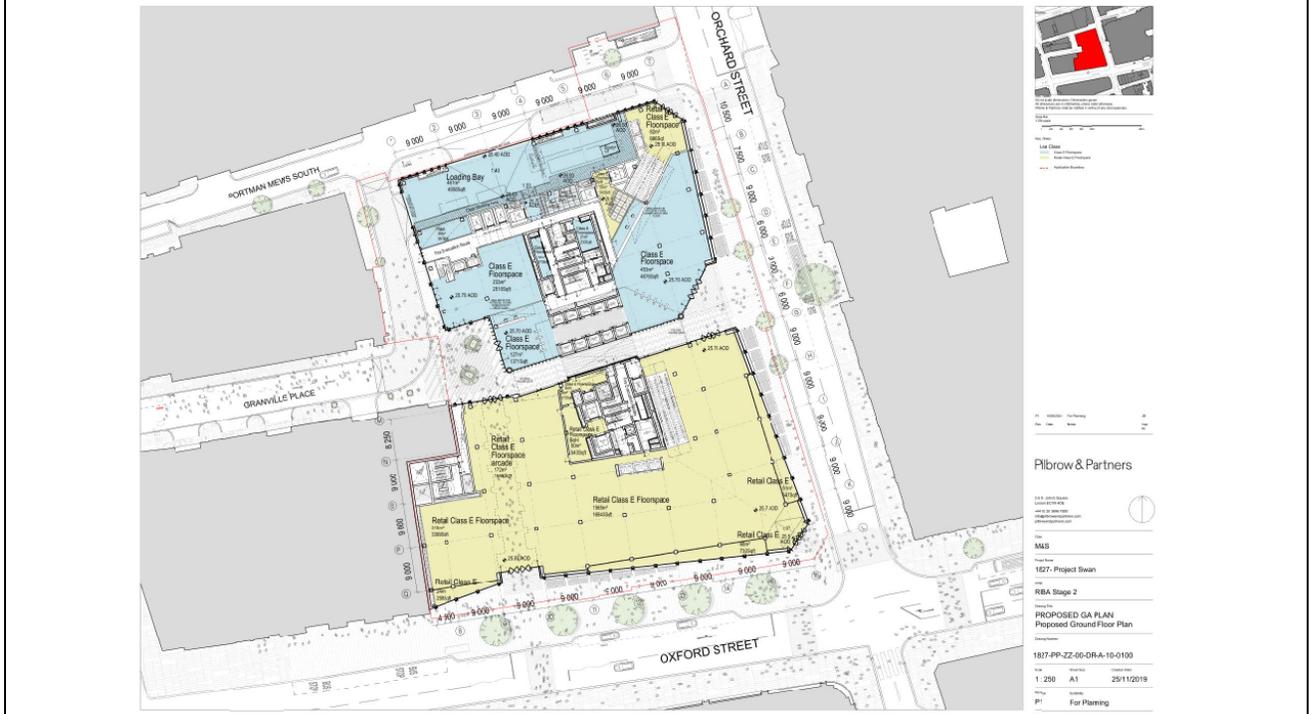
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

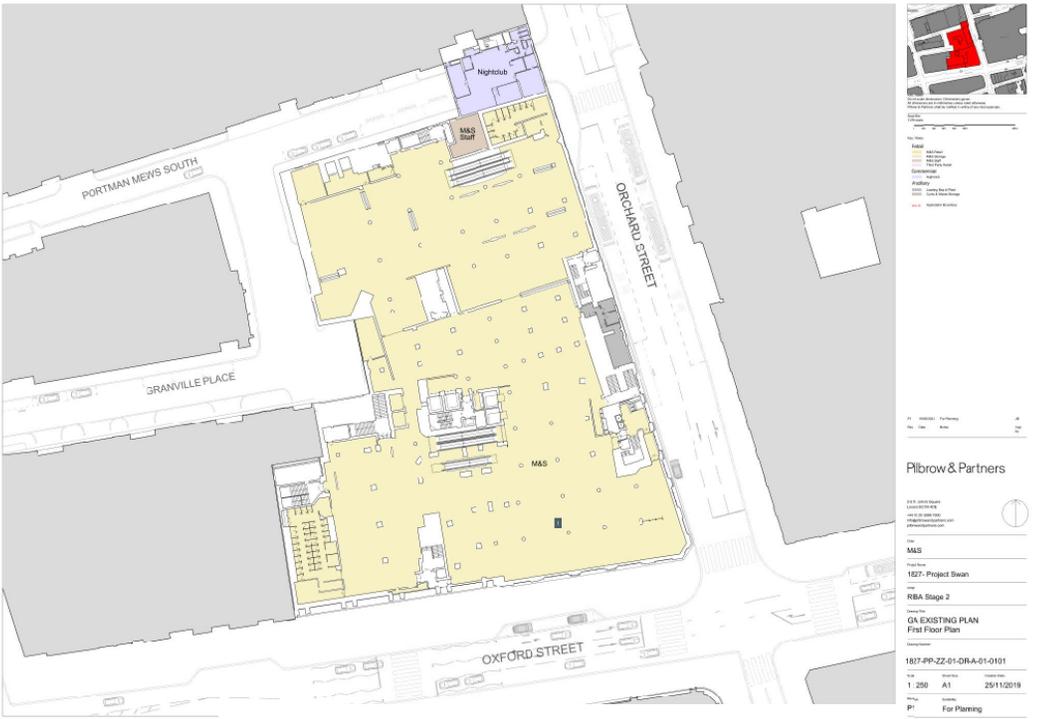
9. KEY DRAWINGS



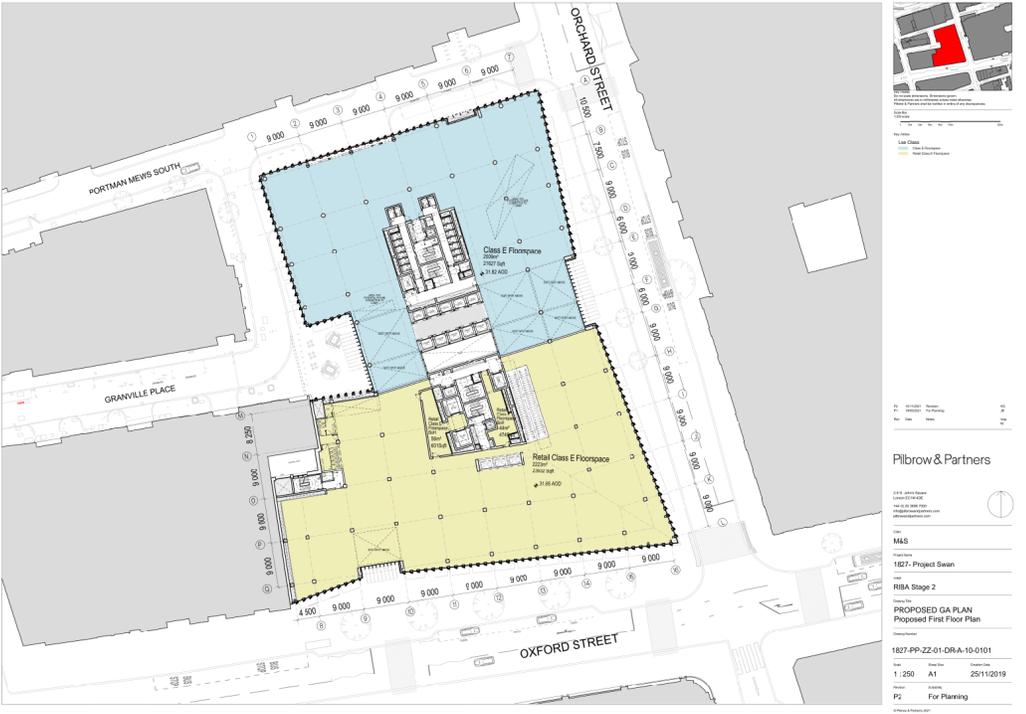
Existing Ground Floor Plan



Proposed Ground Floor Plan

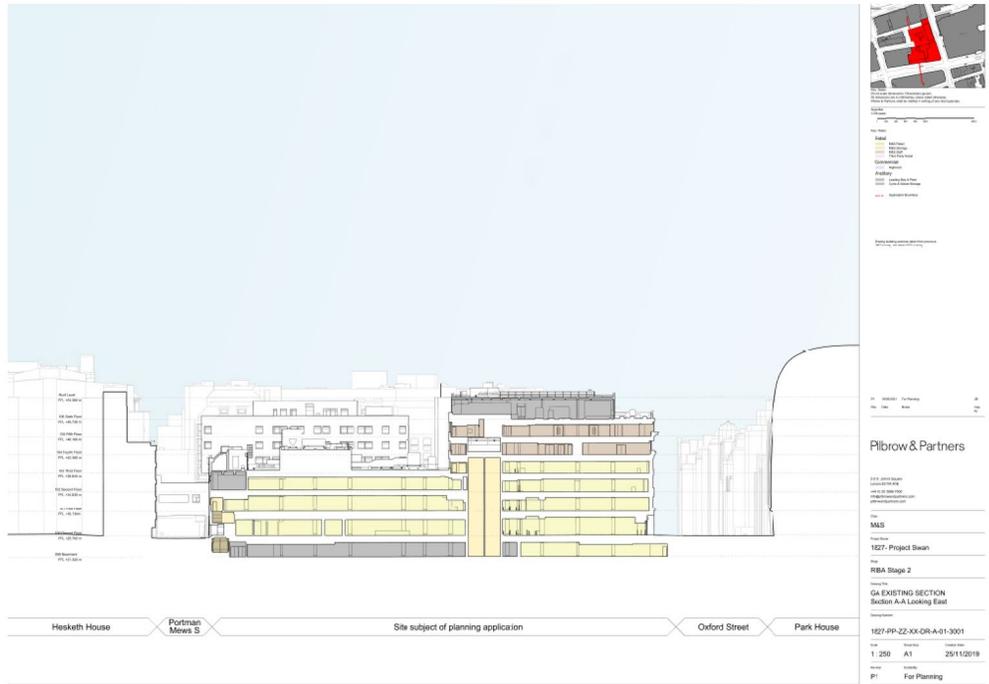


Existing First Floor Plan



Proposed GA Plan

Proposed First Floor Plan



Existing Section Looking East



Proposed Section Looking East





DRAFT DECISION LETTER

Address: 456 - 472 Oxford Street, London, W1C 1AP

Proposal: Demolition of three existing buildings on site for the construction of a ground plus 9 storey mixed use development (Use Class E) comprising of retail, cafe/restaurant, office and gym as well as a new pedestrian arcade, public realm works and associated works.

Reference: 21/04502/FULL

Plan Nos: Site Location Plans, 1827-PP-ZZ-00-DR-A-00-0001 Rev P1, 1827-PP-ZZ-00-DR-A-00-0003 Rev P1, 1827-PP-ZZ-00-DR-A-00-0004 Rev P1, Demolition, 1827-PP-ZZ-00-DR-A-02-0100 Rev P1, 1827-PP-ZZ-01-DR-A-02-0102 Rev P1, 1827-PP-ZZ-00-DR-A-02-0103 Rev P1, 1827-PP-ZZ-01-DR-A-02-0104 Rev P1, 1827-PP-ZZ-00-DR-A-02-0105 Rev P1, 1827-PP-ZZ-01-DR-A-02-0106 Rev P1, 1827-PP-ZZ-00-DR-A-02-0107 Rev P1, 1827-PP-ZZ-01-DR-A-02-0099 Rev P1, 1827-PP-ZZ-01-DR-A-02-2001 Rev P1,, GA Plans, 1827-PP-ZZ-00-DR-A-10-0100 Rev P2, 1827-PP-ZZ-0M-DR-A-10-0100M Rev P2, 1827-PP-ZZ-01-DR-A-10-0101 Rev P1, 1827-PP-ZZ-02-DR-A-10-0102 Rev P1, 1827-PP-ZZ-03-DR-A-10-0103 Rev P1, 1827-PP-ZZ-04-DR-A-10-0104 Rev P1, 1827-PP-ZZ-05-DR-A-10-0105 Rev P1, 1827-PP-ZZ-06-DR-A-10-0106 Rev P1, 1827-PP-ZZ-07-DR-A-10-0107 Rev P1, 1827-PP-ZZ-08-DR-A-10-0108 Rev P1, 1827-PP-ZZ-09-DR-A-10-0109 Rev P1, 1827-PP-ZZ-09-DR-A-10-1109 Rev P1, 1827-PP-ZZ-10-DR-A-10-0110 Rev P1, 1827-PP-ZZ-10-DR-A-10-1110 Rev P1, 1827-PP-ZZ-97-DR-A-10-0097 Rev P1, 1827-PP-ZZ-98-DR-A-10-0098 Rev P1, 1827-PP-ZZ-99-DR-A-10-0099 Rev P1, GA Elevations, 1827-PP-ZZ-XX-DR-A-11-0001 Rev P1, 1827-PP-ZZ-XX-DR-A-11-0002 Rev P1, 1827-PP-ZZ-XX-DR-A-11-0003 Rev P1, 1827-PP-ZZ-XX-DR-A-11-0004 Rev P1, 1827-PP-ZZ-XX-DR-A-11-0005 Rev P1, 1827-PP-ZZ-XX-DR-A-11-0006 Rev P1, 1827-PP-ZZ-XX-DR-A-11-0007 Rev P1, GA Sections, 1827-PP-ZZ-XX-DR-A-12-0001 Rev P1, 1827-PP-ZZ-XX-DR-A-12-0002 Rev P1, 1827-PP-ZZ-XX-DR-A-12-0003 Rev P1, 1827-PP-ZZ-XX-DR-A-12-0004 Rev P1, Assembly , 1827-PP-XX-DR-A-21-0050 Rev P1, 1827-PP-XX-DR-A-21-0051 Rev P1, 1827-PP-XX-DR-A-21-0052 Rev P1, 1827-PP-XX-DR-A-21-0053 Rev P1, 1827-PP-XX-DR-A-21-0054 Rev P1, 1827-PP-XX-DR-A-21-0055 Rev P1, 1827-PP-XX-DR-A-21-0056 Rev P1, 1827-PP-XX-DR-A-21-0057 Rev P1, 1827-PP-XX-DR-A-21-0058 Rev P1, ,

Case Officer: Mike Walton

Direct Tel. No. 020 7641
07866039922

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the environment of 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 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 5 (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)

6 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)

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1827-PP-ZZ-97-DR-A-10-0097 Revision P1 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)

- 8 No waste should be left or stored on the public highway.

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)

- 9 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 10 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 12 The development shall target a BREEAM rating of 'Outstanding' for the Office floorspace and rating of 'Excellent' for retail floorspace or any such national measure of sustainability that replaces that scheme of the same standard. A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval to the Local Planning Authority within 6 months of completion of the development on site.

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)

- 13 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA. , (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 14 **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 setting of the Portman Estate, Mayfair, and Stratford Place Conservation Areas, and the setting of the grade II-Star listed building at 400 Oxford Street (Selfridges)

- 15 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 setting of the Portman Estate, Mayfair, and Stratford Place Conservation Areas, and the setting of the grade II-Star listed building at 400 Oxford Street (Selfridges)

- 16 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 17 You must apply to us for approval of a detailed lighting strategy which includes details of all light fittings and lighting levels. You must not start any work on this part of the development until we have approved what you have sent us. You must not then install all lighting in accordance with the details approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021).

- 18 Prior to occupation of the development you shall submit and have approval in writing by the local planning authority of a detailed Servicing Management Plan (SMP). The plan should identify process, internal storage locations, scheduling of deliveries and staffing. In particular it should consider :-, Restricting deliveries to the size of vehicle that can fit within the delivery bays , Managing arrivals to the delivery bay so that not too many arrive at the same time. All servicing shall be undertaken in accordance with this strategy unless otherwise agreed in writing by the local planning authority.

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)

- 19 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof terraces, 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 protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 20 i)The area shaded in Green as shown on ground floor plan numbered 1827-PP-ZZ-00 PR-A-10-0100 Rev P2 shall only be used for retail Class E (a), restaurant/café' Class E(b) and/or indoor sport, recreation and fitness Class E (d) purposes only and shall be used for no other purposes including for other uses within Class E of the Use Classes Order (as amended September 2020), , ii) Prior to the occupation of the area shaded in Green as shown on ground floor plan numbered 1827-PP-ZZ-00 PR-A-10-0100 Rev P and any other area to be used as a restaurant/ café' (Class E (b) you must apply to us for approval of a management plan to show how you will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant café' use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant/ café' is in use. (C05JC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 21 The floorspace shaded yellow annotated as Class E (a) retail as shown on lower ground, ground and first floor plans numbered 1827-PP-ZZ-99-DR-A-10-0099[1] , 1827-PP-ZZ-00-DR-A-10-0100, and 1827-PP-ZZ-00-DR-A-10-0101 shall only be used for retail Class E (a) purposes only and shall be used for no other purposes including for other uses within Class E of the Use Classes Order (as amended September 2020).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 22 The development hereby approved shall only be used for retail (Class E(a); café/restaurant (Class E(b); commercial uses (Class E(c)(g);and indoor sport, recreation, or fitness (Class E(d)). A maximum of 1,500 sqm (GIA) of café/restaurant (Class E(b) can be provided. You must not use these parts of the development for any other purpose, including 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).

Reason:

To ensure that the development accords with policies 1 and 13 of the City Plan 2019 - 2040 (April 2021)

- 23 There shall be no primary cooking on site such that you must not cook raw or fresh food

on the premises prior to approval of details of the ventilation system to get rid of fumes, including details of how it will be built and how it will look. Thereafter the approved ventilation system shall remain in situ whilst primary cooking takes place.

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)

- 24 Prior to the occupation 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.

- 25 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: CircularEconomyLPG@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

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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 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 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.
- 8 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.
- 9 With reference to condition 4 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.

- 10 Conditions 5 +6 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)

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.