

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 November 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	7 - 8 Conduit Street, London, W1S 2XF		
Proposal	Demolition of existing building, excavation to provide an additional basement level and redevelopment to replacement building over sub-basement, basement, ground and six upper floors as use as offices (Class B1) over part ground and first to sixth floor levels, retail (Class A1) at basement and part ground floor levels and shared ancillary facilities at sub-basement level.		
Agent	Jones Lang LaSalle Limited		
On behalf of	Four Investments Holdings Ltd.		
Registered Number	19/09581/FULL	Date amended/ completed	17 December 2019
Date Application Received	9 December 2019		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) A contribution to the City Council's Affordable Housing Fund of £687,000 (index linked), payable prior to commencement of development. b) A Carbon Offset Contribution of £76,000 (index linked), payable prior to commencement of development. c) The costs of monitoring the S106 legal agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <ul style="list-style-type: none"> a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
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2. SUMMARY

The application site comprises an unlisted mid-20th century building located within the Mayfair Conservation Area, the Core Central Activities Zone (Core CAZ) and the West End Special Retail Policy Area. The site is adjacent to the Grade II* listed No. 9 Conduit Street. The building is currently in use as a retail unit over lower ground and ground floors, with offices above.

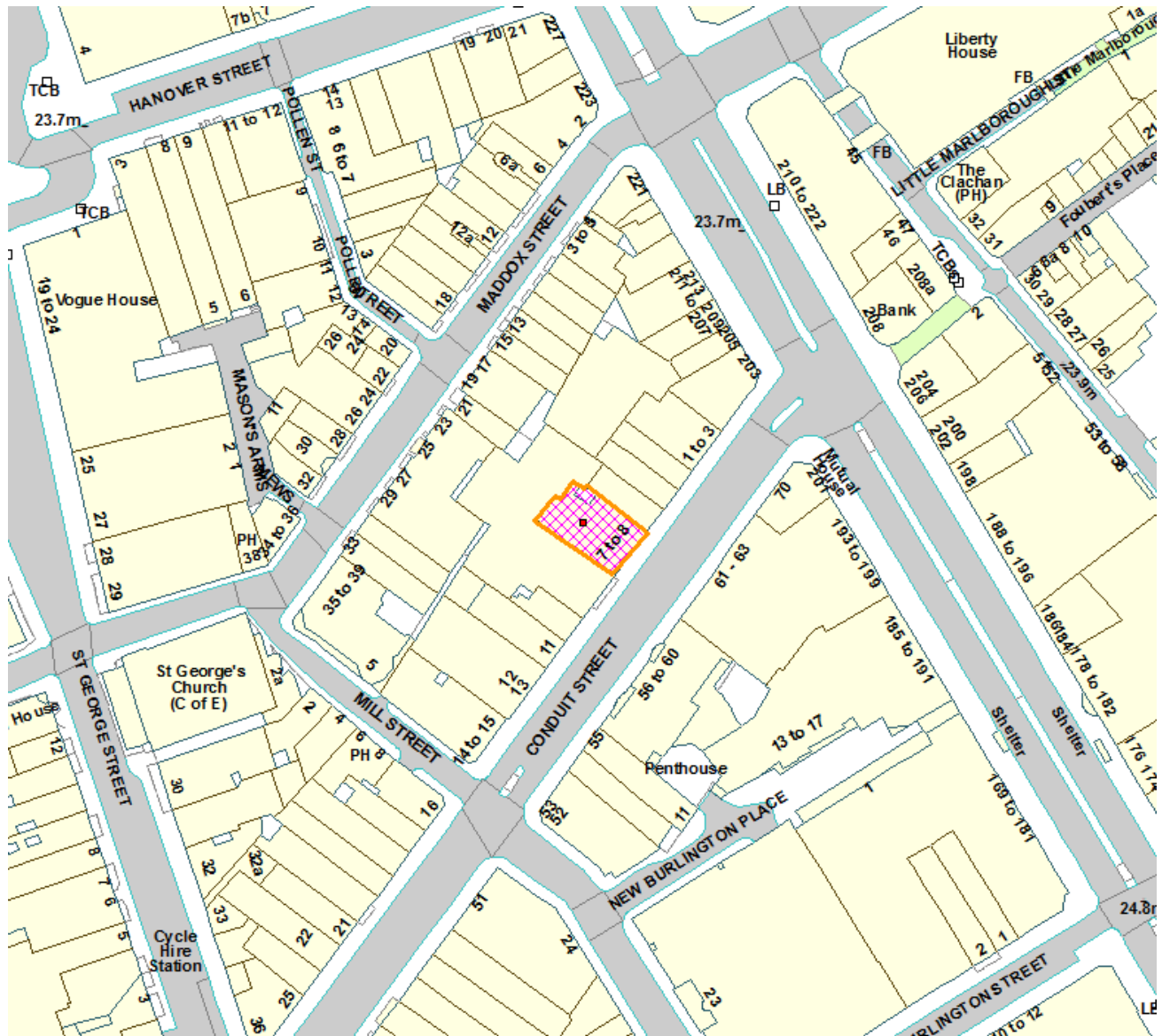
It is proposed to demolish the existing building, excavate a new basement storey beneath the entire footprint of the site and to erect a replacement building over basement, lower ground, ground and six upper floors. A retail unit is proposed to occupy the majority of the lower ground and ground floor levels, whilst offices are proposed to occupy the upper floors. The basement will provide ancillary facilities to serve these two planning units.

The key issues to consideration are:

- Whether the loss of the existing building and the quality of the replacement building preserves the character and appearance of the Mayfair Conservation Area and does not harm the setting of the adjacent Grade II* listed building;
- Whether the reduction of 41.5 sq.m (GIA) of retail floorspace will maintain the unique status and offer of the West End Special Retail Policy Area; and
- Whether the losses in sunlight to the occupants of three residential flats within No. 21 Maddox Street are acceptable given the modest nature of the losses and the highly urban nature of the site's context.

The proposal is considered acceptable in land use, amenity and transportation terms, complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan). Furthermore, the proposal will preserve the character and appearance of the Mayfair Conservation Area and not harm the setting of the adjacent Grade II* listed building. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the item listed within Section 8.12 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



5. CONSULTATIONS

MAYFAIR RESIDENTS GROUP:

Any response to be reported verbally.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Concern that the proposed basement cycle parking is not accessible.

WASTE PROJECT OFFICER:

Objection to: (i) Lack of information in respect to the food waste capacity; (ii) The excessive number of bins proposed which will result in the refuse vehicle spending more time at the site than necessary; (iii) Lack of information on how waste will be transported to the loading point at ground floor level; and (iv) A waste holding area should be provided at ground floor area where bins can be stored before and after collection.

BUILDING CONTROL:

Any response to be reported verbally.

HISTORIC ENGLAND:

No comment.

HISTORIC ENGLAND (ARCHAEOLOGY):

No objection.

ENVIRONMENTAL SCIENCES:

No objection to this application on environmental noise or nuisance grounds subject to conditions.

THAMES WATER:

- i. Request that a condition be imposed requesting that the development not be occupied (or only occupied in accordance with an agreed phasing plan) until: (i) Confirmation has been received that there is capacity for the increase in waste water and surface water generated from the site; or (ii) All wastewater network upgrades needed to accommodate the development have been completed.
- ii. Insufficient information has been provided in the submitted flood risk assessment in respect to the point of connection, discharge method and discharge rate for foul and surface water. The drainage hierarchy with London Plan Policy 5.13 should be adhered to.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 95

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objection from the owner of the adjoining building at No. 9 Conduit Street (occupied by a

restaurant) on the following grounds:

- i. Disturbance and disruption during the course of the demolition and construction phases through vibration, dust and noise which will impact on the attraction to and operation of the adjacent restaurant, as well as incur cost to the owner of the building through remedial and clean up works.
- ii. The scaffolding and hoardings needed for the construction phase will obstruct views of No. 9 Conduit Street from Regent Street, decreasing the visibility of the restaurant for customers and the associated loss of trade and will also create an unwelcome appearance to the public.
- iii. Dust emitted through the demolition and construction phases will necessitate more regular cleaning of the roof-top air conditioning units and air filters.
- iv. Potential harm to the integrity of the party wall and the potential impact upon the contents of a cellar that abuts the development site.
- v. The proposed additional floorspace will intensify the use of the application site, resulting in additional deliveries and additional vehicular movements which would create an unpleasant environment for customers of the restaurant.

PRESS ADVERTISEMENT / SITE NOTICE - Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises an unlisted building located within the Core CAZ, the Mayfair Conservation Area, the West End Special Retail Policy Area and the Great Estates Archaeological Priority Area. The site is currently occupied by a retail unit over lower ground and the majority of the ground floor level. The first to fifth floors are in use as offices accessed by a ground floor entrance from Conduit Street.

Immediately to the south-west is the Grade II* listed No. 9 Conduit Street which is in use as a restaurant. All floors of No. 21 Maddox Street (to the north-west of the site) are in residential use.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Permission is sought to demolish the existing building, excavate beneath the entirety of the site to provide a new single storey basement, excavate to lower the pavement vaults and erecting a replacement building over basement, lower ground, ground and six upper floors.

The ground and first to fourth floors are proposed to form the principle front elevation of the building, with the fifth and sixth floors forming a roof storey that slopes back from the front elevation of the building. Currently the upper floors of the building are set in from the rear boundary of this site. The replacement building is proposed to extend to the full depth of the site.

The basement is proposed to be used for ancillary plant, refuse storage and cycle parking and associated facilities. These facilities are proposed to be accessed via a separate ground floor service entrance on the south-west of the Conduit Street frontage that allows access to a suitably large-sized lift via a corridor that runs the length of the proposed building. The majority of the ground and lower ground floor are proposed to comprise a replacement shop, with a central entrance on Conduit Street flanked by display windows. The first to sixth floors are proposed to be used as offices accessed from a door on the north-east side of the ground floor frontage. The land use implications of the proposal are summarised in Table 1 below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail	497.89	456.37	-41.52 (8.3%)
Offices	876.77	1584.43	+707.66 (+80.7%)
Total	1,374.66	2040.80	+666.14 (+48.5%)

Table 1: Existing and proposed floorspace summary (shared floorspace attributed proportionately to the retail and office parts of the development).

A proposed open balcony at rear fifth floor level will accommodate six air source heat pumps housed within acoustic enclosures.

The majority of the curved roof is proposed to be made up of photovoltaic panels, with a section of flat roof to the north accommodating the lift overrun and the outlets for plant.

During the course of the application and partly in response to concerns raised by the Projects Officer (Waste) and the Highways Planning Manager, the following amendments have been made to the proposed development:

- i. Separate access arrangements have been secured for waste and bicycles via a suitably sized lift. The originally proposed shared access with the office occupants via stairs was not deemed to be appropriate or practicable.
- ii. A smaller number of larger refuse bins are now proposed.
- iii. The ground floor frontage has been realigned so that it now longer projects forward of No. 9 Conduit Street.
- iv. The projection of the first and second floor double height front windows has been reduced.
- v. The front sixth floor balcony has been omitted from the proposal.
- vi. The proposed 'metal mesh' frieze between the third and fourth floor levels has been replaced by an incised stone frieze artwork, details of which are recommended to be secured by condition.
- vii. The height of the building has been reduced by 671mm.
- viii. Clarity has been provided on the proposed material used to clad the flank elevations of the curved roof (i.e. zinc panels).
- ix. All of the windows on the rear boundary of the site have been replaced by blind windows. Furthermore, air intakes and extracts are now proposed to run via internal risers to roof level. The result is that the building no longer requires air and light from a neighbouring site to operate (which may have prejudiced the future development potential of this neighbouring site). The window and door at fifth and sixth floor levels are set in from the rear boundary of the site.

The owner of the adjacent property at No. 9 Conduit Street was notified of these amendments.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class. Of relevance to this application, former Class A1 (Shops) and former Class B1 (Business) are now included within Class E. Planning permission is not required to change the use of a building (or part of a building) between offices and shops. This is because changes of use within a use class does not constitute development.

There is currently a legal challenge to these Regulations that was heard on 14-15 October 2020. If a decision is made on this legal challenge by the time of this Sub-Committee, Members will be verbally updated.

Regardless of the outcome of this legal challenge, as the application was submitted before these Regulations came into force, the application has been assessed and must be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1) and offices (Class B1).

Increase in office floorspace

The proposed increase in 707.7 sq.m (GIA) of office floorspace within the Core CAZ is welcome, being compliant with City Plan Policies S18 and S20 and contributing to the jobs and office floorspace targets within these policies.

The proposal is liable under City Policy S1(3)(B) to provide either 295 sq.m of residential floorspace or a payment of £667,000 in lieu of such residential provision. It is at the applicant's discretion which option is chosen. The applicant has requested that a policy compliant payment in lieu towards the City Council's Affordable Housing Fund be made. This will be secured by legal agreement to be paid prior to the commencement of development and will be index linked from the date of the planning permission being issued.

To ensure that the development is carried out in accordance with the use sought and assessed and to ensure that the upper floors of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, it is recommended that a condition be imposed requiring the floorspace sought for use as offices to be used for this purpose only and for no other purpose within Class E.

Loss of retail floorspace

Whilst the loss of 41.5 sq.m (GIA) of retail floorspace is disappointing and contrary to City Plan Policy S21, this is partly an inevitable consequence of modern requirements for separate bicycle and refuse access which have eaten into the ground floor retail floorspace. Furthermore, a reasonably sized retail unit will remain at ground and lower ground floor level which will ensure that the unique statue and offer of the West End Special Retail Policy Area will be maintained, in accordance with City Plan Policy S7. As such, the application is considered to be acceptable in this respect.

To ensure that the development is carried out in accordance with the use sought and assessed, to maintain an active frontage on Conduit Street that contributes to this part of the West End Special Retail Policy Area, and to ensure that the ground and lower ground floor are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, it is recommended that a condition be imposed requiring the floorspace sought for use as retail to be used for this purpose only and for no other purpose within Class E.

8.2 Townscape and Design

Introductory Text

The key legislative requirements in respect to designated heritage assets for the assessment of this application are as follows:

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

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

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.

Existing building

Dating from the early 1950s, the existing six storey building (the uppermost of which is set back), is in concrete with cast concrete spandrel panels between first, second and third floors. A small staircase enclosure, set further back, is visible in some street views above the fifth floor. The ground floor is similar in height to the ground floor of the

adjacent No. 9 Conduit Street, with the cornice at third floor level continuing the cornice of this adjacent building.

The ground floor shopfront consists of narrow shop windows divided by broad pilasters. The rear of the building is a flat expanse of brick with a regular grid of windows. It is visible only in views from the buildings on Maddox Street, and makes no contribution to the character or appearance of the Mayfair Conservation Area.

While the building is consistent with its neighbour in terms of dimensions, it makes little contribution to the street scene beyond this. It is considered to neither detract from nor contribute to the character and appearance of the Mayfair Conservation Area.

The principle of its redevelopment is therefore not contentious in terms of the loss of the existing building.

Context

Adjacent to the property on the west side is No. 9 Conduit Street which is a Grade II* listed building. On the opposite side of Conduit Street, Nos. 61-63 is a fine Victorian building which makes a positive contribution to the character and appearance of the area. The remainder of the buildings in this stretch of Conduit Street are late twentieth or twenty-first century buildings.

Proposed building

Materials

The proposed building uses Portland stone in place of the existing concrete. This represents a considerable improvement both in terms of the quality of material and in terms of the relationship of the building to the adjacent Grade II* listed building. The proposed stone is a very clean white Portland stone at ground floor, and one with more fossil inclusions above, and is considered to be acceptable. The proposed curved roof consists of a novel material, comprising glazing with integrated photovoltaic panels. The glazing will have clear 'windows' in which the panels are absent. The rear elevation is in stock brick and lime mortar, a suitable material for the context.

The building design has evolved considerably during pre-application discussions with officers. The roof form in particular has changed from an angular roof with setbacks to the currently proposed curved glass roof containing two storeys of accommodation. The curved glass roof has been selected to minimise its appearance in street views. The only public view of the roof will be the oblique view from Conduit Street above the lower neighbouring building at No. 6 Conduit Street. Permission has previously been granted for the redevelopment of Nos. 5-6 which includes a replacement taller building which, if it had been implemented, would have entirely obscured this view of the roof. This permission has long since lapsed and there is no certainty that a similar scheme will come forward again and be built out. As such, this potential eventuality is recommended to be given very little weight. Even if this adjacent site is not redeveloped, the roof form in this particular view is considered to be acceptable in design and conservation terms.

The other main change over the course of the application is the degree of projection of the ground floor shopfront surround and the oriel windows above. Following discussion with the applicant, the projecting shopfront has now been brought back into line with the ground floor of the adjacent Grade II* listed building. Because the existing building has a projecting shopfront, this represents a slight improvement over the status quo, particularly in relation to the setting of the listed building.

The projection of the oriel windows, a concern at pre-application stage, has been reduced to the same degree as the shopfront. The proposed building would share a consistent parapet height with the adjacent listed building. Similarly, the shopfront height is consistent with the ground floor podium.

The design of the ground floor is acceptable. Whilst a rectilinear design would be more consistent with the ground floor of the listed building, the shallow arch is a historic form which is found elsewhere in Westminster. It is considered to be an improvement on the existing shopfront.

The windows on the front elevation align with those on the listed building. The projecting windows have been reduced in depth. The degree of projection is considered to be acceptable.

Artwork

The proposed drawings show an incised decorative frieze at cornice level and a decorative treatment to the shopfront glazing. This is intended as a contribution toward decorative interest of the façade, acknowledges Westminster's Public Art policy and relates to the cornice of the adjacent listed building. The principle of a contribution to public art in the fabric of the building is welcome and these parts of the elevation are considered to be a suitable location for it. However, it is considered that an artist will be best placed to propose a final treatment. To this end, a condition is proposed requiring submission of details of the final scheme of public art.

For the reasons, subject to appropriate conditions, the proposed building is considered to be an acceptable replacement for the existing building and one that will not harm the setting of the neighbouring Grade II* listed building and will preserve the character and appearance of the Mayfair Conservation Area. As such, the proposal is considered acceptable, mindful of UDP Policies DES 1, DES 4, DES 9 and DES 10, as well as City Plan Policy S25 and S28. For these reasons, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the above statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide).

The second edition of this guidance was published in September 2011.

Sunlight and Daylight

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential windows within 21 Maddox Street, located to the north-west of the application sites.

No objections from the occupants of these neighbouring properties have been made to the application. As such, it has not been possible to visit the affected rooms in order to assess their use or layout. Drawings submitted as part of planning applications made at 21 Maddox Street, however, have been used to give a good indication as to the layout and use of the rooms affected.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

In VSC terms, there is expected to be only one windows that will see a material loss of daylight. This is one of three windows serving a living / kitchen / diner at rear upper ground floor level. It is expected that the VSC at this window will reduce from 14.31% to 11.39% (a 20.4% loss – marginally above the 20% threshold when it would become noticeable for the occupants of the flat). As the three windows are of equal size and serve the same room, the BRE Guide (2011) allows the mean VSC of the three windows to be taken in order to give a better idea of the impact upon the light received by an affected room. The expected loss from the mean VSC of the three windows is 19% (from 15.69% to 12.73% VSC). This is less than the 20% required for the loss to be noticeable for the occupants of this flat. This non-material loss, combined with the lack of any material losses in NSL for any affected rooms, means that the loss of daylight for the occupants of the flats within 21 Maddox Street will not be noticeable. There is therefore no objection to the application from a daylight perspective.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably

sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values during either period, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

Three habitable rooms are expected to experience material losses in sunlight. These are summarised in the table below:

Room affected	Window Reference	Existing Winter APSH	Proposed Winter APSH	Loss %	Existing APSH	Proposed APSH	Loss %
Ground floor flat – living / dining	W1/49	0	0	0%	21	15	28.6%
Upper ground floor flat – living / kitchen / dining	W1/50	1	0	100%	25	15	40.0%
	W2/50	3	2	33.3%	35	25	28.6%
	W3/50	5	4	20.0%	36	29	19.4%
First floor flat – living / kitchen / dining	W1/51	6	4	33.3%	41	32	22.0%
	W2/51	6	4	33.3%	41	35	14.6%
	W3/51	7	5	28.6%	42	36	14.3%

The affected rooms at upper ground and first floor levels are not of concern as, although the majority of the windows will see material (i.e. above 20%, albeit small in absolute terms) losses in winter sunlight that will result in these windows receiving less than 5% APSH over the winter months, over the whole year all of these rooms will still retain excellent levels of sunlight that are well in excess of the 25% APSH threshold levels set out in the BRE Guide (2011). As such, these rooms will receive excellent levels of sunlight over the year as a whole, albeit heavily concentrate over the summer months (i.e. between 22 March and 20 September).

The 28.6% loss in APSH to the living / dining room at ground floor level is more significant. However, the losses are considered be acceptable given that a reasonable amount of sunlight will still be received over the whole year to this room and in the context of a centrally located flat within a dense urban environment.

The courtyard serving the lower ground floor flat currently receives no sunlight and therefore the proposal development will have no impact on its attractiveness as an outdoor amenity space.

Sense of Enclosure

The relationship between the proposed development and the affected residential units means that there is not considered to be any material increase in the sense of enclosure for neighbouring residential occupants.

Privacy

Whilst the elevation of the replacement building will be closer to the residential properties to the rear than existing, there is a significant reduction in the number of windows and therefore that will be no material loss of privacy.

8.4 Transportation/Parking

The Highways Planning Manager has no concern over the impact of the servicing requirements of the proposed development upon the function of the local highway network.

The provision of 24 x cycle parking spaces within the basement of the proposed building satisfies the quantum required by adopted policy. The inclusion within the replacement building of a dedicated waste, servicing and cycle parking route with associated large lift addresses the Highways Planning Manager's concerns in respect to the inaccessibility of the cycle parking.

No works are proposed to the pavement vaults that would undermine the City Council's role as Highways Authority, in accordance with UDP Policy TRANS 19.

8.5 Economic Considerations

The proposed increase in office floorspace is welcome through supporting economic growth in this part of the Core CAZ.

As the net increase in commercial floorspace is below 1,000 sq.m, there is no requirement to secure a financial contribution towards initiatives that provide employment, training and skills development for local residents in order to comply with City Policy S19.

8.6 Access

All entrances will provide level access and there will be lift access throughout the proposed replacement building.

8.7 Other UDP/Westminster Policy Considerations

Plant

Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective, agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

Refuse /Recycling

The application has been revised in order to address the concerns of the Projects Officer (Waste) through:

- (i) Reducing the number of refuse bins and increasing their size; and

- (ii) Providing a clear and unobstructed route for the refuse bins to be brought up to a holding area by the building management team prior to collection.

Subject to conditions securing the provision and retention of these facilities, the revised application is acceptable from a waste storage perspective.

Sustainability

The proposal includes roof mounted solar panels and air source heat pumps at rear fifth floor level.

The energy strategy expects that the development will achieve site-wide carbon savings of 18.9% for the office element of the development and 19.3% for the retail element compared to a 2013 Building Regulations Compliant scheme. This is considered to be the maximum achievable. This falls short of the 35% reduction in carbon dioxide emissions against Part L 2013 required by London Plan Policy 5.2. There is therefore a shortfall of 26.76 tonnes to be offset. Based on a carbon off-set price of £95 per tonne, the required contribution to off-site carbon savings is £76,000 for the notional 30-year life of the development. This contribution is recommended to be secured by legal agreement.

It is understood that there are no district wide heat networks in the vicinity of the site that it might connect with, nor plans for any in the immediate future.

Air quality

The site is within the city-wide Air Quality Management Area with declared exceedances for short and long term Nitrogen Dioxide NO₂ objectives. The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). This is acceptable.

Archaeology

There is no objection from Historic England (Archaeology) to the proposal excavation, with no conditions requested.

Wastewater and surface water run-off

London Plan Policy 5.13 aims to achieve greenfield run-off rates and to ensure that surface run-off is managed as close to its source as possible in line with the drainage hierarchy. Whilst reducing the discharge rate to greenfield flow rates may not be possible, adopted guidance states that the minimum expectation from development proposal is a 50% improvement over existing.

The applicant has demonstrated that this can be achieved on site by restricting the discharge flow rate of rainwater from the development to the public sewer by reducing the diameter of outlet pipework to 40mm. In extreme rainfall events, water held back by the flow restriction shall be held in the suspended rainwater pipework in the basement of the property. There is sufficient capacity in this suspended pipework to satisfactorily store the water without compromising the drainage system or causing flooding.

The result would be that the combined waste and foul water from the site will be less than 50% of the existing discharge rates.

Thames Water advises that there is an inability of the existing combined waste-water infrastructure to accommodate the needs of the development proposal. As such, they request that a condition be imposed that: (i) Prevents occupation of the development until all combined water network upgrades to accommodate the additional flows from the development have been completed; or (ii) Requires a phased occupation plan for the development to be agreed.

The condition requested by Thames Water is unreasonable as it could potentially result in a development that cannot be occupied until undefined upgrades are made off-site to the surface water and waste water network that are wholly outside of the control of the applicant. Furthermore, the condition is not required to make the development acceptable as, as set out above, with the mitigation measures in place the proposed replacement building will have a 50% lower discharge rate than existing.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019. On 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place in September and October 2020. Following the Examination, a letter from the Inspectors was received on 29 October 2020 stating that the draft City Plan was not sound but that a number of 'main modifications' could be made to make Plan sound. These main modifications will be subject to public consultation and, only once responses have been received and considered, will the Inspectors' report be drafted. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will generally continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

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

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

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

- The applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development (Condition 3);
- Measures to ensure that the redevelopment of the site will take place as a single operation (Condition 6); and
- The energy performance and sustainability of the proposed buildings (Conditions 21 and 22).

The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

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

- a) A contribution to the City Council's Affordable Housing Fund of £687,000 (index linked), payable prior to commencement of development.
- b) A Carbon Offset Contribution of £76,000 (index linked), payable prior to commencement of development.
- c) The costs of monitoring the S106 legal agreement.

The estimated CIL payment is:

- £123,606 (Mayoral CIL)
- £164,808 (Westminster CIL).

8.13 Environmental Impact Assessment

The proposal is of insufficient environmental impact to require assessment under the EIA Regulations (2017).

8.14 Other Issues

Basement

There is no objection to the proposed excavation of a new sub-basement, with the applicant demonstrating that site-specific ground conditions, drainage and water environment in the area of the development have been taken into account; that the structural stability of adjacent buildings will be safeguarded; and that the sub-basement basement will not increase flood risk on the site or beyond. The proposal is therefore compliant with City Plan Policy CM28.1.

Construction impact

Whilst the concerns from the owner of the adjacent building in respect to the disruption that the proposed building works may cause are noted, this does not constitute a sustainable reason for refusing permission. These impacts will be mitigated as much as possible through adherence to the Code of Construction Practice.

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

Existing ground floor plan

9 Conduitt Street - Sketch Building

7-8 Conduitt Street

A

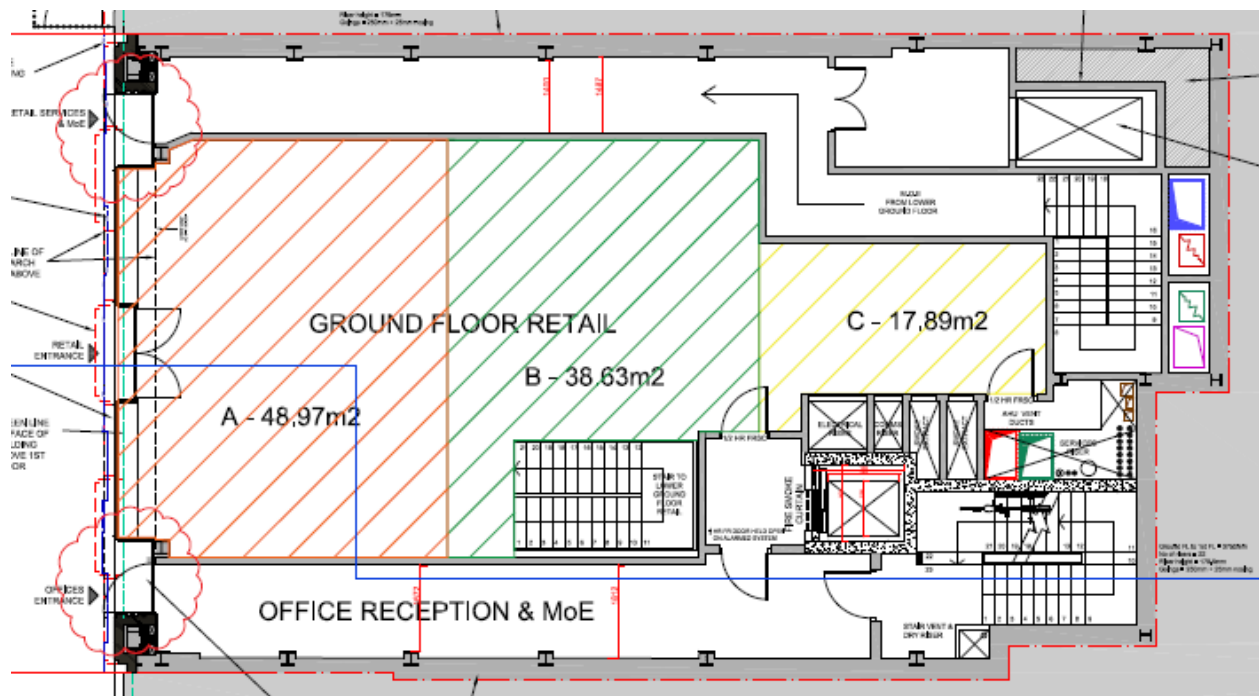
6 Conduitt Street

LIFT

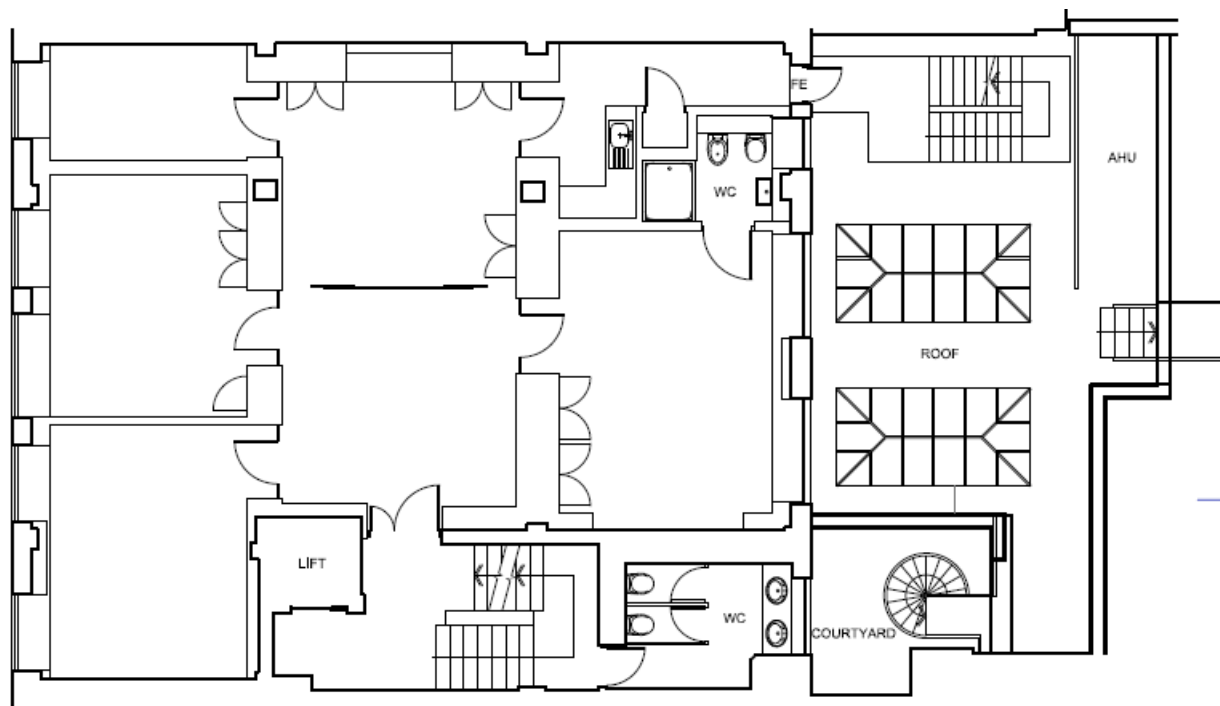
COURTYARD

A

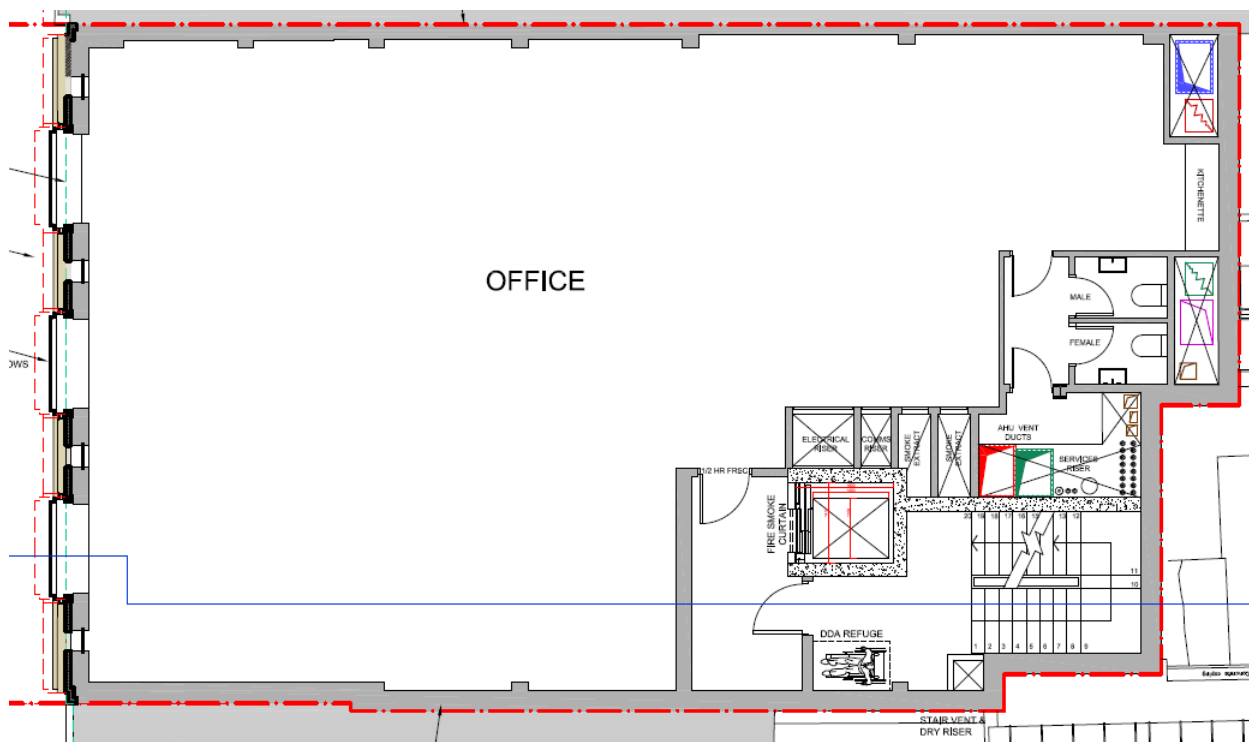
Proposed ground floor plan:



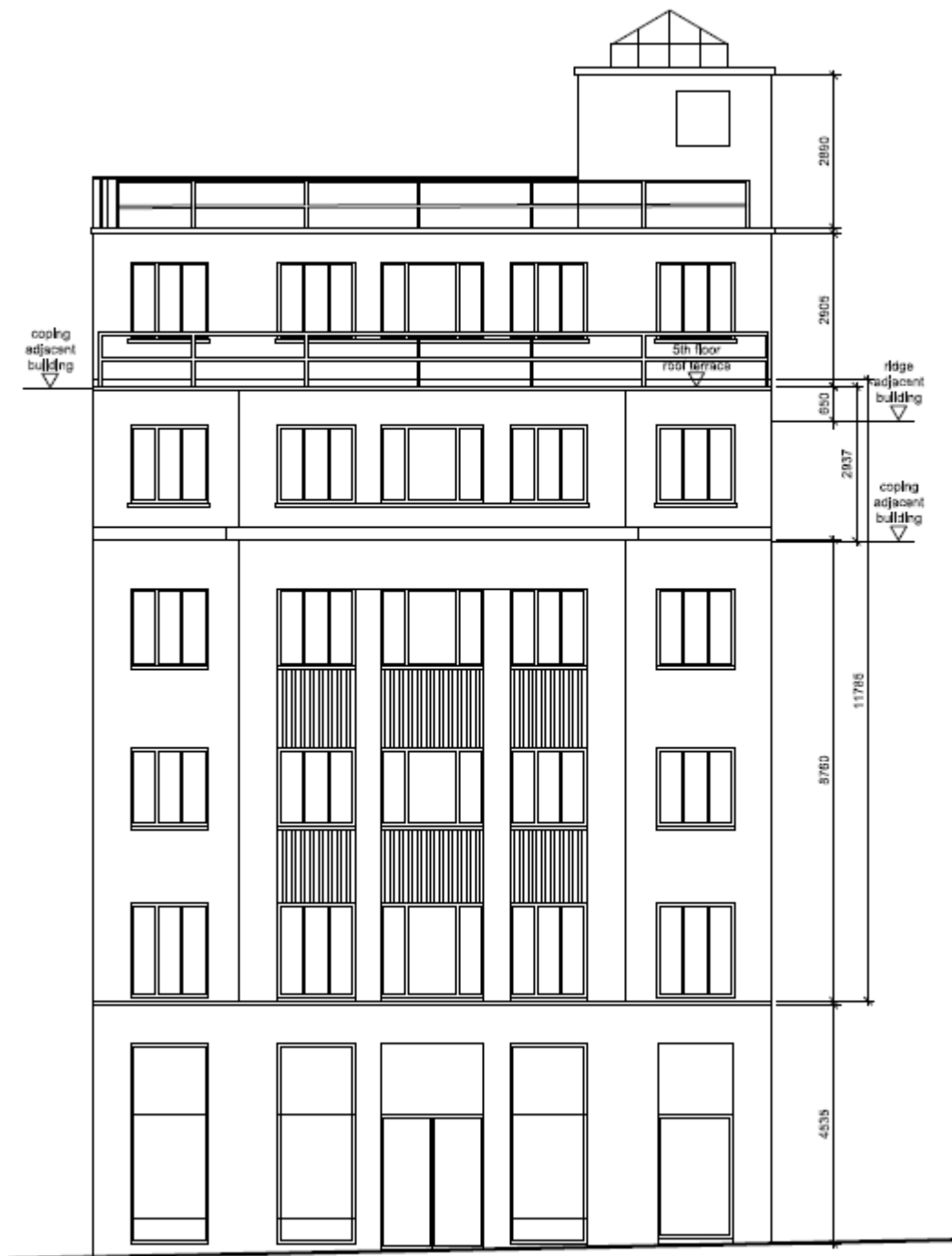
Existing first floor plan:



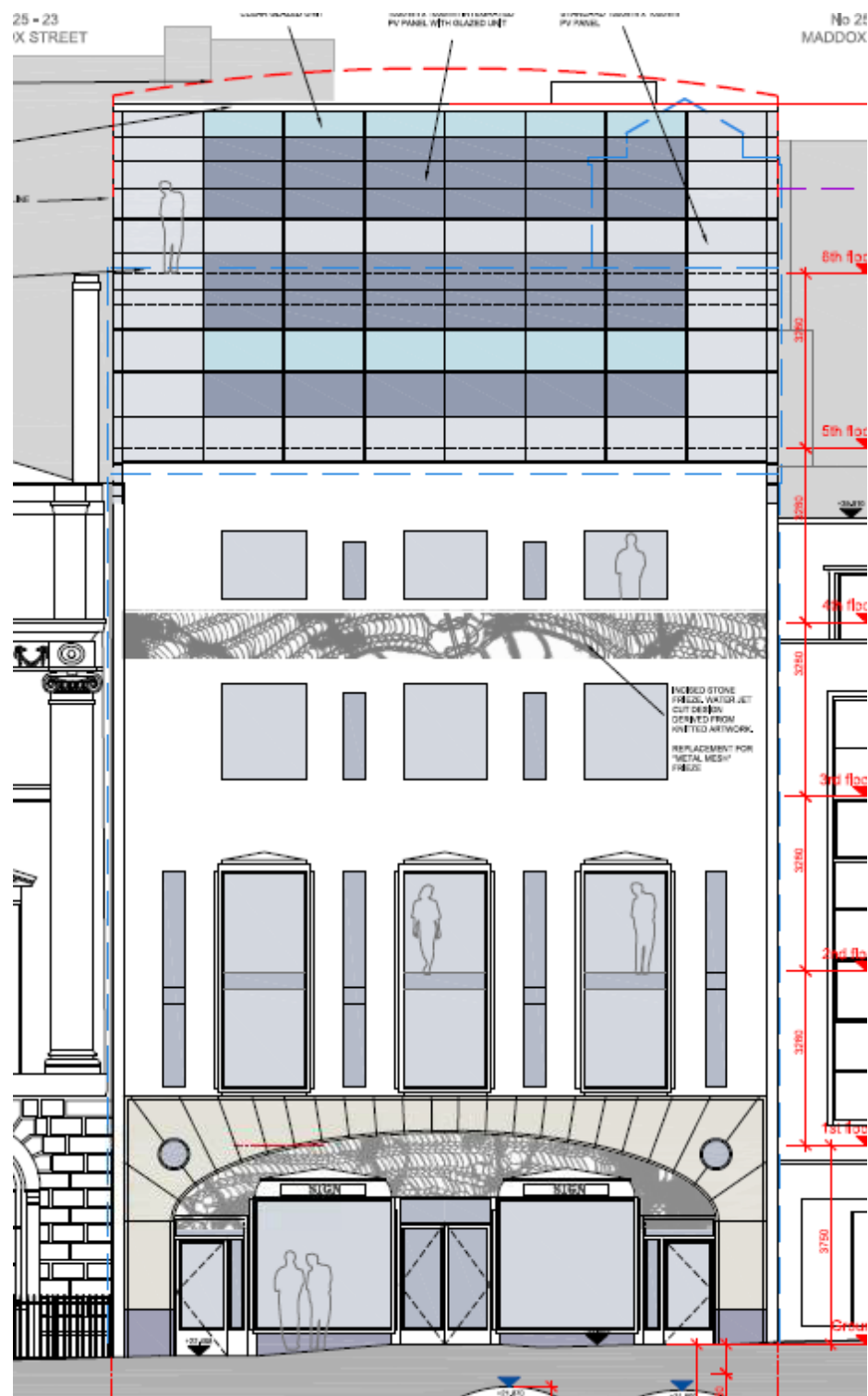
Proposed first floor plan:



Existing front elevation:



Proposed front elevation:



Architectural section drawing of a multi-story building, showing floors from Ground floor to 6th floor. The drawing includes structural details like stairs, elevators, and rooms such as a lobby, staff WCs, and a lower ground floor. Red dashed lines indicate structural elements and underpinning areas. Labels include:

- 6th floor
- 5th floor
- 4th floor
- 3rd floor
- 2nd floor
- 1st floor
- Ground floor
- Lower ground floor
- STAFF WCs & CHANGING ROOMS
- LOBBY
- ODA COMPLIANT WC
- UNDERPINNING TO EXISTING VAULT WALLS
- PILED FOUNDATIONS AND RC WALL
- UNDERPINNING TO EXISTING PARTY WALL SEE STRUCTURAL ENGINEER'S DETAILS
- OPEN BALCONY FOR 8 Nos. AIR SOURCE HEAT PUMPS
- UNDERPINNING TO EXISTING PARTY WALL SEE STRUCTURAL ENGINEER'S DETAILS

Existing and proposed visual looking north:



Existing and proposed visual looking west:



DRAFT DECISION LETTER

Address: 7 - 8 Conduit Street, London, W1S 2XF

Proposal: Demolition of existing building, excavation to provide an additional basement level and redevelopment of site to provide replacement building over sub-basement, basement, ground and six upper floors as use as offices (Class B1) over part ground and first to sixth floor levels, retail (Class A1) at basement and part ground floor levels and shared ancillary facilities at sub-basement level.

Plan Nos: Demolition drawings: D(2)01 and D(2)02.

Proposed drawings:

P(2)09 Rev. L, P(2)10 Rev. M, P(2)11 Rev. P, P(2)12 Rev. L, P(2)13 Rev. K, P(2)14 Rev. J, P(2)15 Rev. I, P(2)16 Rev. M, P(2)17 Rev. L, P(2)18 Rev. G, P(2)30 Rev. J, P(2)33 Rev. C, P(2)40 Rev. L, P(2)41 Rev. H, P(2)43 Rev. I
P(2)44 Rev. D, P(2)50 Rev. E, P(2)51 Rev. D, P(2)52 Rev. D and P(2)53 Rev. B.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of

Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 Pre Commencement Condition. Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

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

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

- (i) The incised decorative frieze at cornice level; and
- (ii) The decorative treatment to the shopfront glazing

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these approved detailed drawings prior to the occupation of any part of the replacement building hereby approved. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must use the areas annotated as 'ground floor retail' and 'lower ground floor retail' at ground and lower ground floor levels for the display or retail sale of goods, other than hot food, principally to visiting members of the public only. You must not use it for any other purpose, including any 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 is carried out in accordance with the use sought and assessed and to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, contrary to Policies S24, S29, S31, S32,

S41 and S42 of Westminster's City Plan (November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must use the area annotated as 'office reception and MoE' at ground floor level and the entirety of the first to sixth floor levels only as offices. You must not use it for any other purpose, including any 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 is carried out in accordance with the use sought and assessed and to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, contrary to Policies S24, S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must provide each cycle parking space, showers and lockers shown on the approved drawings prior to occupation of any part of the building. These facilities shall be made available to anyone employed within the building. Thereafter these facilities must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 11 Prior to occupation of any part of the building, you must provide the separate stores for waste and materials for recycling shown on drawing number P(12)09 Rev. L. You must clearly mark them and make them available at all times to everyone using the building.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 12 The lift between the basement and ground floor and the ground floor retail services access corridor shall both be provided in accordance with the approved drawings before occupation of any part of the building and shall be retained in accordance with the approved drawings for the life of the development.

Reason:

To allow access to the storage facilities for waste and recycling facilities and to allow access for bicycles to the cycle store, as set out in Policy 6.9 of the London Plan 2016 and as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007.

- 13 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing 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.

Reason:

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

set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 14 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 15 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 16 The plant/machinery hereby permitted shall not be operated except between:
- 08.00 and 23.00 daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at

hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R46CB)

- 17 Photographic evidence shall be submitted for the City Council's approval that demonstrates that the outlet pipework for the combined surface water and foul water discharge into the public sewer has a diameter of no more than 40mm.

The replacement building hereby approved shall not be occupied until we have approved what you have sent us. The combined surface water and foul water discharge shall thereafter be retained as approved for the life of the development.

Reason:

To ensure that the development does not contribute to off-site flooding, in accordance with Policy 5.13 of the London Plan (2016).

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

Reason:

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

- 19 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 You must provide the following sustainability features as shown on the approved drawings before occupation of any part of the development:

- Photovoltaic panels.
- Glazing with g-value of not exceeding 0.24 throughout.
- Air source heat pumps.

You must not remove any of these features.

Reason:

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

21 Pre Commencement Condition.

- a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment. This review must show that the development is expected to have achieved an 'excellent' rating for the office element and a 'very good' rating for the retail element, both under BREEAM UK New Construction 2014. If you use another method, you must achieve an equally high standard.
- b) You must apply to us for approval of details of a post construction stage report which demonstrates that the development meets an "Excellent" rating under BREEAM UK New Construction 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

22 Pre Commencement Condition.

Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve:

(i) At least a 18.9% reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations for the office element of the development; and (ii) At least a 19.3% reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations for the retail element of the development. You must provide all the environmental sustainability features referred to in the review before you start to use any part of the building. You must then not remove any of these features.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Conditions 13, 15 and 16 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)
- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

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

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at:
www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an Assumption of Liability Form immediately. On receipt of this notice a CIL Liability Notice setting out the

estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a Commencement Form

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

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

- 5 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - (a) A contribution to the City Council's Affordable Housing Fund of £687,000 (index linked), payable prior to commencement of development.
 - (b) A Carbon Offset Contribution of £76,000 (index linked), payable prior to commencement of development.
 - (c) The costs of monitoring the S106 legal agreement.