

Item
1

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 22 December 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Development Site Bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and 10, 15-25, 27 and 42 South Molton Street, London, W1.		
Proposal	Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Class D1 (Non-Residential Institutions) and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works.		
Agent	Gerald Eve LLP		
On behalf of	Grosvenor Properties		
Registered Number	20/03987/FULL 20/03901/LBC – 50-54 Davies Street 20/03902/LBC – 40-46 Brook Street and 40 South Molton Lane 20/03903/LBC – 1-7 Davies Mews and 28-30 South Molton	Date amended/ completed	25 June 2020

Item
1

	Lane 20/03907/LBC – 10 South Molton Street 20/03909/LBC - 15-21 South Molton Street 20/03910/LBC – 24 and 25 South Molton Street		
Date Application Received	25 June 2020		
Historic Building Grade	Grade II – 1-7 Davies Mews and 28-30 South Molton Lane, 50-54 Davies Street, 40-46 Brook Street and 40 South Molton Lane and 10, 15, 16, 18, 19, 20, 21, 24 and 25 South Molton Street. Grade II* - 17 South Molton Street		
Conservation Area	Mayfair		

1. RECOMMENDATION

<p>1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the South Block not to be occupied until all 11 x affordable housing units are ready for occupation.</p> <p>b) The office floorspace within the North Block not to be occupied in advance of first occupation of the office floorspace within the South Block.</p> <p>c) Provision of an Early Stage Viability Review if substantial implementation (i.e. completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab) for the South Block has not been completed within three years of the date of the planning permission.</p> <p>d) The office floorspace within the North Block not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.</p> <p>e) The office floorspace within the South Block not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Mews pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the South Block to be ready for occupation within 8 years of these residential units being made ready for occupation.</p> <p>f) Undertaking of highways works and public realm works on Davies Mews, South Molton Lane, Davies Street, Brook Street, South Molton Passage, South Molton Street and the new passageway beneath 10 Molton Street, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management and public realm works to have been agreed and alterations to</p>

- traffic orders to have been confirmed prior to commencement of development. Highway works and public realm works to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 10 South Molton Lane as a hotel and highway management arrangements secured for the life of the development.
- g) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
 - h) An Employment and Skills Plan and a contribution of £346,000 to support the Westminster Employment Service (submitted and payable, respectively, prior to the commencement of development).
 - i) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
 - j) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
 - k) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Adherence to the approved management strategy for the life of the development.
 - l) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
 - m) The provision of at least 1,205 sq.m of replacement social and community floorspace within the basement of the North Building or an alternative location within Mayfair (to be ready for tenant fit out within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street).
 - n) Not to occupy any of the office floorspace within the North Block until 40-46 Brook Street and 10 South Molton Lane cease to be occupied as offices and shall not be used as offices thereafter.
 - o) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:
- 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.
3. That the Sub-Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of a part of the public highway on the south-west side of Davies Mews. That the Director of Place Shaping and Planning, Executive

Director of Environment and City, 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. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

4. Grant conditional listed building consent for all six applications.
5. Agree the reasons for granting the six applications for listed building consents as set out in Informative 1 of the draft decision letters.

2. SUMMARY

The application site is located within the Mayfair Conservation Area and the Core Central Activities Zone (Core CAZ). The site is bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and also includes 10, 22-25, 27 and 42 South Molton Street. Within the application site are a number of listed buildings – 50-54 Davies Street (Grade II), 1-7 Davies Mews and 28-30 South Molton Lane (Grade II), 40-46 Brook Street and 10 South Molton Lane (Grade II), 10, 15, 16, 18-21, 24 and 25 South Molton Street (Grade II) and 17 South Molton Street (Grade II*).

The site can be split into four parts: (i) The South Block; (ii) The North Block; (iii) 40-46 South Molton Lane and 10 South Molton Street; and (iv) The South Molton Street Properties.

Planning permission and listed building consent are sought to:

- South Block - Demolish 60 Brook Street, Brookfield House (62-64 Brook Street and 44-48 Davies Street), 48-58 Brook Street behind retained Brook Street facades and the mews buildings on the south side of Davies Mews. In their place, it is proposed to erect a replacement building of up to eight storeys (plus plant) that steps up from a taller and larger Brookfield House, a new four storey Davies Mews frontage and the retained and extended Brook Street facades of 48-58 Brook Street. This building is mainly proposed to be used as either shops or restaurants / cafes at ground and basement floors and offices on the upper floors.
- North Block – Demolish 56 Davies Street, 1-7 Davies Mews and 28-30 South Molton Lane behind retained front facades and front roofslope and the second and third floors of 52-54 Davies Street behind the retained front facades. In their place, it is proposed to erect a replacement building of up to eight storeys (plus plant) that steps in from a taller replacement stone-faced frontage at 56 Davies Street, a five storey frontage to South Molton Lane, the retained front elevation and front roofslope of 1-7 Davies Mews and 28-30 Davies Mews and set behind 50-54 Davies Street. Again, this building is mainly proposed to be used as either shops or restaurants / cafes at ground and basement floors and offices on the upper floors.
- 40-46 South Molton Lane and 10 South Molton Street – These buildings are proposed to be extended, altered and converted into a hotel.
- South Molton Street Properties – The upper floors of all buildings are proposed to be converted into 33 x dwellings, 11 of which are proposed to be affordable housing over the upper floors of 23-25 and 27 South Molton Street. The existing commercial units are

proposed to be refurbished and new frontages created onto South Molton Lane. A new passageway linking South Molton Street and South Molton Lane is proposed within 10 South Molton Lane. The commercial units beneath the proposed affordable housing are proposed to be used as retail only, whilst flexible retail or restaurant / café uses are sought in respect to the commercial units beneath the market housing. This is with the exception of the basement of 15-16 South Molton Street that is proposed to be used as bar.

Extensive highway works and public realm improvements are sought on South Molton Lane, Davies Mews, South Molton Street, Brook Street, Davies Street and to the South Molton Passage. The applicant's aspiration is to make changes to the traffic orders so that South Molton Lane becomes single direction (south to north), Davies Mews is only open to servicing traffic between 07.00 and 12.00 (Monday to Saturday) and the existing on-street parking within Davies Mews is relocated. This is subject to agreement with the City Council in its capacity as Highways Authority.

In land use terms, the application is acceptable. The mixed-use requirement generated by the increase in office floorspace is provided on site, as is the affordable housing requirement generated the proposed residential units. Subject to securing the replacement of seven of the nine existing residential units on site at Claridge House, 32 Davies Street (already granted planning permission), the proposed will result in a net increase of 31 x residential units. The flexibility sought in respect to most of the ground and basement floor non-office commercial units is considered to be acceptable despite the potential loss in retail floorspace. This is because it will give the applicant flexibility to create a new destination that could complement the predominantly retail focussed International Shopping Frontages of Oxford Street, Bond Street and Regent Street.

The extent of demolition proposed, the height and bulk of the North and South Block and some of the alterations proposed will cause harm to the special interest of a number of listed buildings, harm to the setting of a number of listed buildings (including those outside of the application site) and harm the significance of the Mayfair Conservation Area. In all respects, this harm is considered to be less than substantial harm.

The main issues for consideration are:

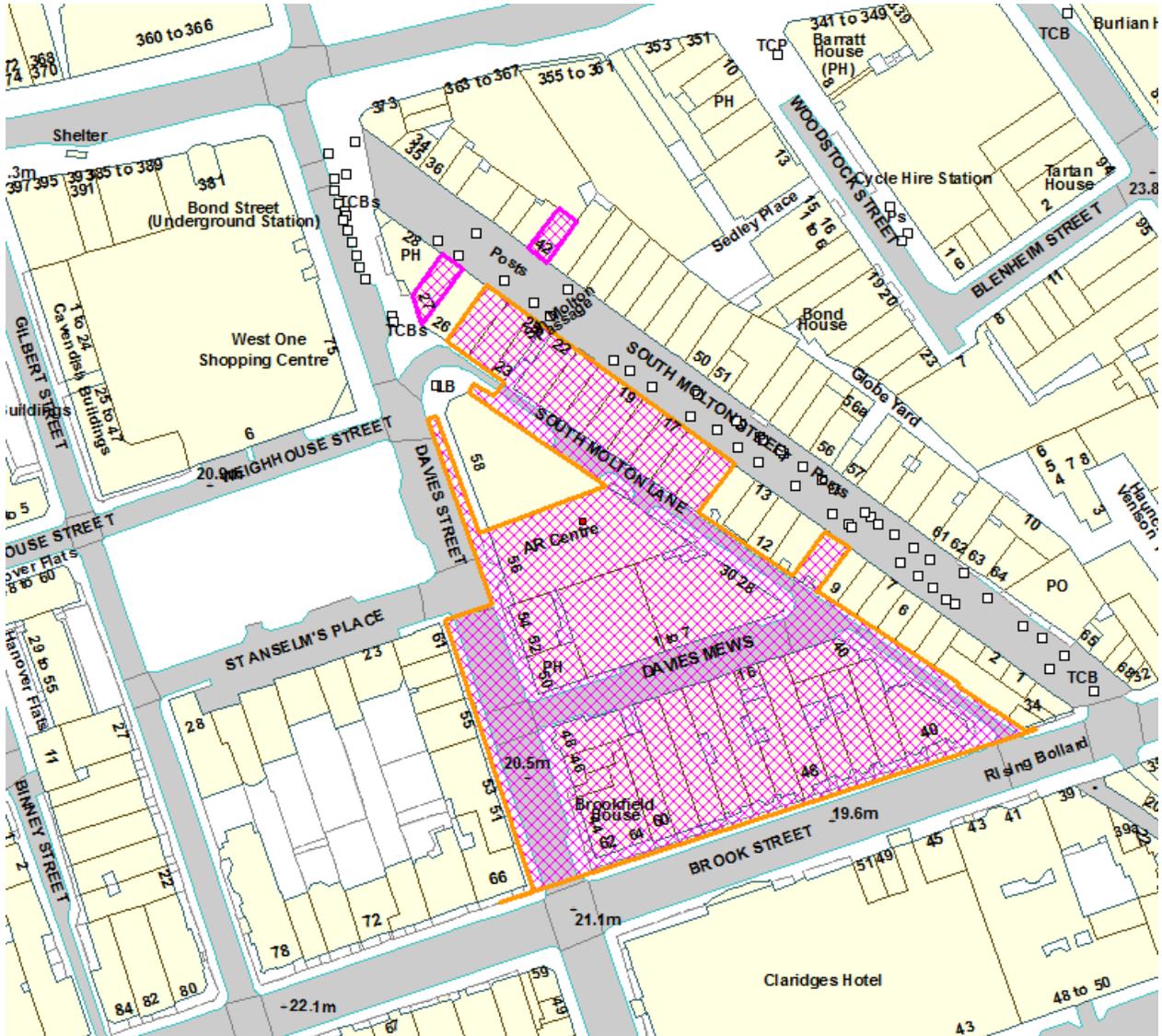
- Whether there is clear and convincing justification for the heritage harm and whether the public benefits derived from the development – including the economic benefits, the 33 x additional residential units (including 11 x genuinely affordable units), the transformative effects to South Molton Lane and Davies Mews, the public realm improvements and the heritage benefits – are sufficient to outweigh this less than substantial heritage harm.
- Whether the loss of daylight to the residential units within 13 South Molton Street is acceptable.
- Whether the addition of gates (to be locked at night) to the proposed new passageway within 10 South Molton Street is sufficient to address the concerns expressed by the Metropolitan Police Service.
- Whether the potential loss of retail floorspace and the potential significant increase in entertainment floorspace is acceptable in land use and amenity terms.

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), the Westminster City Plan (City Plan) and the Mayfair Neighbourhood Plan in these respects. Whilst the proposals do not fully comply with all the urban design and conservation policies and will cause less than substantial harm

to the significance of a number of designated heritage assets, it is considered that there is clear and convincing justification for this harm and that the public benefits derived from the proposed development outweigh this less than substantial heritage harm.

For these reasons it is recommended that conditional planning permission and listed building consent (x 6) be granted subject to a legal agreement securing the items listed within Section 8.12 of this report. It is further recommended that the Sub-Committee authorises the making of a draft order for the 'stopping up' of a part of the public highway to the south-west of Davies Mews required to enable the development to take place.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Brook Street – looking west:



Davies Street – looking north-east:



Davies Mews – looking west:



South Molton Lane – looking north:



South Molton Lane – looking north-west:



5. CONSULTATIONS

GREATER LONDON AUTHORITY:

- The Mayor considers that, whilst the proposed scheme is generally supported in strategic planning terms, the application does not fully comply with the London Plan and Intend to Publish London Plan for the following reasons:
 - o Affordability levels for the affordable housing and an Early Stage Review Mechanism should be secured by legal agreement should an agreed level of progress on implementation of the scheme not be made within two years of permission being granted.
 - o A contribution towards 127 sq.m of off-site play space provision secured by legal agreement.
 - o Clarification is required regarding the provision of on-street disabled car parking within 50m of the site.
 - o A financial contribution of £25,000 should be secured by legal agreement to fund an extension to a nearby Cycle Hire docking station that are currently small and over-used.
 - o A delivery and servicing plan, construction logistics plan and travel plan should be secured by condition.

MAYFAIR NEIGHBOURHOOD FORUM:

- Support for the buildings that front onto South Molton Lane and Davies Mews that, together with the enhanced public realm, it believes will provide a much improved pedestrian experience.
- Very supportive of the proposed increase in residential on the site, both market and affordable.
- Believes that it is not clear or certain that this development will take advantage of the benefit afforded by Neighbourhood Plan's Tyburn Opportunity Frontage proposal and policies, and we would like to see that opportunity fully embraced.
- The greater food and drink amenities are welcome, subject to suitable management to protect residential amenity and minimise crime.
- Does not believe that enough information has been provided in respect to the elevations and roofscapes of the upper storeys of the North and South Buildings. These details are needed so that the impact of these extensions on the neighbouring designated assets (that include the Mayfair Conservation Area, the listed buildings on site and the nearby grade I and grade II* listed buildings), can be assessed.
- Request that provision is made for publicly accessible toilets or, failing that, a condition requiring retail and restaurant units to have toilets that are publicly accessible.
- Request that the implementation of a scheme wide servicing, operational and deliveries management plan and the production of a detailed plan that guarantees the scheme achieves the zero-carbon footprint promised in the application.
- Overall, whilst the proposal will inevitably cause some harm to designated heritage assets within and potential around the site, the proposals will result in considerable benefits to the area. This, together with the general conformity of the development with the policies set out in the Neighbourhood Plan, the application should be approved.

Item
1

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

NEW WEST AND COMPANY:

- The development aligns with its vision to deliver a new West End that is fit to meet the future challenges of the district as part of our post COVID recovery and re-purposing of the West End's International Centre.
- The provision of new and additional office and retail floorspace is welcome.
- The placemaking approach to South Molton Lane and Davies Mews is supported.
- The proposed buildings' design and increase in height is welcome and in line with the wider vision for more density in the International Centre.

HISTORIC ENGLAND:

Planning application:

- The development proposed will result in harm to the significance of the Mayfair Conservation Area and some [unspecified] listed buildings.
- To grant permission, the City Council should be confident that the harm has been clearly and convincingly justified and then this harm should be weighed against the public benefits derived from the development, including the heritage benefits in the form of the repair and enhancement of the building on South Molton Street and South Molton Lane and the reinstatement of the corner tower at 40-46 Brook Street.

Application for listed building consent at 52-54 Davies Street:

- No comment. Authorisation provided for the City Council to determine the application as it sees fit.

Application for listed building consent at 40-46 Brook Street and 40 South Molton Lane:

- No comment. Authorisation provided for the City Council to determine the application as it sees fit.

Application for listed building consent at 1-7 Davies Mews and 28-30 South Molton Lane:

- No comment. Authorisation provided for the City Council to determine the application as it sees fit.

Application for listed building consent at 10 South Molton Street:

- The removal of structural walls would cause harm (at the low end of less than substantial harm) through the removal of historic fabric and the loss of integrity of the surviving plan forms.
- The proposed passage between South Molton Street and South Molton Lane would result in the removal of most of the ground floor, causing harm through the removal of historic fabric and the loss of integrity of the surviving plan form.
- Acknowledges the potential for a range of public benefits arising from the development overall, including enhancements to the special interest of listed buildings through repairs and improvements and the insertion of more appropriate shopfronts.
- The City Council must be confident that the less than substantial harm has been clearly and convincingly justified before weighing that harm against the public

benefits of the scheme.

Application for listed building consent at 15-21 South Molton Street:

- The removal of structural walls would cause harm (at the low end of less than substantial harm) through the removal of historic fabric and the loss of integrity of the surviving plan forms.
- The 18th century staircase at 19 South Molton Street survives from first floor level upwards. Its proposed removal would cause appreciable harm (a higher level of less than substantial harm) to the significance of the listed building through the loss of an important and original architectural element.
- In order to mitigate the harm, advises the City Council to consider whether the staircase could be dismantled and re-used in one of the buildings without an historic staircase.
- Acknowledges the potential for a range of public benefits arising from the development overall, including enhancements to the special interest of listed buildings through repairs and improvements and the insertion of more appropriate shopfronts.
- The City Council must be confident that the less than substantial harm has been clearly and convincingly justified before weighing that harm against the public benefits of the scheme.

Application for listed building consent at 24 and 25 South Molton Street:

- The removal of structural walls would cause harm (at the low end of less than substantial harm) through the removal of historic fabric and the loss of integrity of the surviving plan forms.
- Acknowledges the potential for a range of public benefits arising from the development overall, including enhancements to the special interest of listed buildings through repairs and improvements and the insertion of more appropriate shopfronts.
- The City Council must be confident that the less than substantial harm has been clearly and convincingly justified before weighing that harm against the public benefits of the scheme.

HISTORIC ENGLAND (ARCHAEOLOGY):

- The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.
- Requests the imposition of conditions securing: (i) A two-stage process of archaeological investigation; and (ii) A written scheme of historic building investigation.

ENVIRONMENTAL SCIENCES:

- Although the Environmental Statement predicts that during the operation of the development, a slight adverse in air quality to an existing receptor is expected, this assessment assumes that all combustion plant is operational continually. This is a very conservative approach and it is requested that a realistic scenario is modelled.
- Requests that further in-situ testing is done in order to ensure that a suitable noise standard is accepted for the transfer of noise between entertainment uses and noise sensitive uses within the same building.

WASTE PROJECT OFFICER:

- Objection and recommends refusal on the following grounds:
 - o The lack of a communal waste store for the proposed 33 x flats on South Molton Street is contrary to the City Council's guidance and will result in these residential units leaving bagged waste on South Molton Street. He believes that the scheme could have been redesigned to include a communal waste store.
 - o The failure of the application to identify an area close to the application site for a Micro Recycling Centre (provided as the applicant's cost) is contrary to the City Council's guidance that major or large development should make such provision.

HIGHWAYS PLANNING TEAM:

- Whilst the provision of on-street servicing in contrary to UDP Policy TRANS 20 which seeks servicing to take place off-street, studies undertaken by the applicant demonstrate that the service provision on-street, not just in Davies Mews but elsewhere around the site too, should be sufficient to service the development and to allow for vehicles to serve adjacent properties. This is subject to some goods being consolidated off-site to reduce the number of vehicles visiting the site. This can be secured by securing a Servicing Management Plan.
- No objection to extending the building line to the south-west of Davies Mews and the stopping up that this will require.
- Welcomes the new passageway within 10 South Molton Street.
- No objection to the potential for increased on-street parking stress as a result of the new residential units as this can be accommodated on street.
- Would prefer some of the short-term cycle parking to be on-site rather than wholly on the public highway.
- Concern over number of doors opening over the public highway.

OXFORD STREET DISTRICT TEAM:

- Advises that there are a number of conflicts between the highway and public realm works set out within the application documents and the City Council's emerging detailed designs within its Oxford Street District Place Strategy.

BUILDING CONTROL:

- Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER:

- Confirms that the affordable housing proposed represents 35% of the total gross housing proposed by both floor area and habitable rooms.
- Supports the provision of 11 x affordable housing units (made up of seven social housing units where rents charged will be at London Affordable Rents and four let as intermediate rented unit where rents are set at London Living Rent levels, confirming that both products supported by the Mayor of London.
- Conditions of support set out, including: (i) The rate at which rents may increase; (ii) Eligibility criteria; and (iii) That the units be transferred into the legal ownership of a Registered Provider that will then provide management services to these units.

ARBORICULTURAL SECTION:

- No objections but recommend conditions to secure details of tree protection, landscaping (including size and species of trees and other planting), of hard surfacing, and to secure appropriate maintenance of the climbing plants.

WESTMINSTER EMPLOYMENT SERVICE:

- Request that an Employment & Skills Plan and a financial contribution of £346,000 be secured.

METROPOLITAN POLICE SERVICE:

- Concern in respect to any recesses to be created on the building line.
- Careful consideration must be given to designing out the opportunities for anti-social behaviour around the Running Horse Public House at 50 Davies Street.
- The only one entrance to the hotel for client use be proposed (served off a primary route).
- Concern about the consolidated fire exit routes, bicycle store location and refuse strategies. Requests that each tenure remains independent of each other.
- Concern that the proposed access to the residential units on the upper floors of 10 South Molton Street is located within the proposed passageway that would connect South Molton Street and South Molton Lane. This is on the basis that natural surveillance here is poor and there may be conflict between residents and members of the public sitting within this stepped passageway. Recommends that the passageway be omitted from the scheme. If the passageway is a requirement of the scheme, recommends that the residential entrance is relocated to be accessed directly off a street and that the passageway is gated at both ends and locked at night. Only if neither of these options is possible, reluctantly recommends that the passageway be gated and locked at night. Detailed recommendations given on the design of the gates and related functionality.

THAMES WATER UTILITIES LTD:

- Water supply, waste-water and surface water - requests that a condition be imposed that prevents occupation of the development until: (i) Confirmation has been provided that capacity existing off-site to serve the waste water and surface water drainage needs of the development and to provide the required water supply to the development; or (ii) A phasing plan for the occupation of the development has been agreed; or (ii) All waste water and water supply network upgrades required to accommodate the development have been completed.
- Advises that the proposed development is within 15m of both a strategic sewer and a strategic water main and requests that a condition be imposed requiring a piling method statement to be submitted to the City Council for approval that secures the protection of this infrastructure.
- Further information is requested – a foul drainage strategy and the actual proposed surface water discharge rates.

CROSS LONDON RAIL LINKS LTD:

- No objection subject to the imposition of conditions to protect Crossrail infrastructure beneath the application site.

NATURAL ENGLAND:

- No comment.

ENVIRONMENT AGENCY:

- Confirms that there are no environmental constraints that fall within its remit at this site. As such, no comment is made.

TRANSPORT FOR LONDON:

- No objection but requests the following:
 - o A condition to ensure that the hotel and employment and training centre cycle storage is policy compliant.
 - o A financial contribution of £25,000 to be secured by legal agreement to provide an extension to a nearby Cycle Hire docking station.
 - o Whilst accepts that the provision of blue badge car parking is a matter for the City Council as Highways Authority, expects that sufficient spaces are or could be provided within 50m of the site.
 - o A strict Servicing and Management Plan be secured by condition.
 - o A Construction Management Plan be secured by condition.
 - o A Travel Plan should seek to increase active travel levels and be secured by legal agreement.

THE LONDON AND MIDDLESEX ARCHAEOLOGICAL SOCIETY:

- Objects on the following grounds and recommends refusal:
 - o 52-54 Davies Street – the partial demolition of the upper floors, retaining just the façade, will result in the loss of internal fabric and the loss of context for these building. This will have a knock-on harm to the setting of 60 Davies Street as it will lose its street context.
 - o The redevelopment behind the retained facades of 48-58 Brook Street will result in a loss of street context.
 - o The loss of Brookfield House (at the corner of Brook Street, Davies Street and Davies Mews) and the replacement building extending out the facades will extinguish the appearance of the Brook Street elevation as a private residence.
 - o The demolition of 40-46 Brook Street and 40 South Molton Lane behind retained facades will eliminate all context of the original buildings.
 - o The demolition of 1-7 Davies Mews and 28-30 South Molton Lane behind retained facades will remove all context of the Georgian stable block as originally designed.
 - o The setting of 58 Davies Street and 26 South Molton Lane will be harmed by the proposal.
 - o The height and bulk of the proposed North and South Buildings will dominate the local area and eliminate the traditional diverse and heterogenous character of the area, causing significant harm and loss of significance to the Mayfair Conservation Area

THE GEORGIAN GROUP:

- Objects on the following grounds:
 - o Considers that the scale and massing of the North and South Buildings is far too big and would overwhelm the small-scale of the buildings within South Molton Street and South Molton Mews. This small-scale nature represents a well-preserved element to the Georgian landscape of Mayfair; an important component to the Mayfair Conservation Area. Questions the need to develop the North and South Blocks so extensively and argues that the blocks will not enhance or better reveal the significance of either the listed buildings or the Mayfair Conservation Area due to their scale and massing (contrary to NPPF Para. 200).
 - o Regrets the loss of 60 Brook Street. Whilst heavily altered, this building still

retains the plan form and proportions of the original Georgian building and therefore it contributes to the character and appearance of the Mayfair Conservation Area. Losing this important fragment of the Georgian townscape is harmful.

- The proposed passageway through 10 South Molton Street to link through to South Molton Lane would result in the removal of the staircase and its relocation to the other side of the building. This will result in the loss of large amounts of original fabric. The justification for locating the passageway on this side of the building's footprint in order to provide a better visual connection between South Molton Street and South Molton Lane / Davies Mews is poor and fails to provide clear and convincing justification for these harmful works (contrary to NPPF Para. 194).
- The removal of the staircase to 19 South Molton Lane is harmful to the building's plan form. The justification that it is to provide a better plan form for an apartment is weak and fails to provide clear and convincing justification for these harmful works (contrary to PPF Para. 194).

THE VICTORIAN SOCIETY:

- Objects on the following grounds:
 - Concern in respect to the loss of fabric to 52 and 54 Davies Street and by linking the upper floors to the North Block.
 - The degree of facadism is of concern due to the standardisation of floor and ceiling heights behind retain facades undermines the otherwise varied streetscape of the area. This, combined with the regularisation of the facades heights on Brook Street and the imposition of an excessively large roof extension above these retained facade, will harm the character and appearance of the Mayfair Conservation Area.
 - The suggested height and bulk of the proposed infill buildings and roof extensions is also of major concern. The imposing roof structures of the North Block, set behind the otherwise delicate facades of 1-7 Davies Mews and 28-30 South Molton Lane, would appear incongruous and dominating. Remains convinced that both the North and South Blocks need to be reduced by two storeys, if not three. Furthermore, the unification of roofscapes would once again contribute towards the homogenisation of the area and the imposition of a corporate identity on the buildings.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

Item
1

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Consulted: 1,100
Total of replies: 4
of objections: 2
in support: 2

Support

- Welcomes the considerable improvement to the retail and restaurant proposed which will improve the offer to visitors and local residents.
- The proposal will improve pedestrian flow through the city blocks.
- The proposal will be developed to the highest possible standard and will be a serious enhancement to the area.

Objections

- Strongly object to the redevelopment of 48 Brook Street on heritage grounds.
- Disruption during the course of construction.

Comments

- Questions whether the future occupants of the development will be able to overlook existing premises. Request that obscure glazing be fitted to all windows of all upper floors on the eastern side of South Molton Lane.
- Questions whether financial mitigation will be available to mitigate the disruption to neighbouring businesses during the construction phase of the development.

PRESS ADVERTISEMENT / SITE NOTICE x 7: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site and Surroundings

The application site comprises a triangular site bound by Brook Street, Davies Street and South Molton Lane (excluding Grays Antique Dealers at 58 Davies Street) and includes a number of buildings on the west side of South Molton Street (i.e. 10, 15-25 and 27 South Molton Street) and one building on the east side of South Molton Street (i.e. 42 South Molton Street). Davies Mews runs through the centre of the site, linking Davies Street and South Molton Lane. The application site is known as the South Molton Triangle (SMT).

The site is located within the Core CAZ but located outside of a stress area. With the exception of the South Molton Street buildings which are located within 'East Mayfair', the majority of the site is located within 'Central Mayfair', as defined within the Mayfair Neighbourhood Plan (2019). Whilst South Molton Lane is located within the West End Special Retail Policy Area, the remainder of the site is not.

The site is located in the Mayfair Conservation Area and includes numerous listed buildings, of which 1-7 Davies Mews and 28-30 South Molton Lane; 50-54 Davies Street; 40-46 Brook Street and 40 South Molton Lane; and 10, 15,16, 18-21, 24 and 25 South Molton Street are Grade II listed and 17 South Molton Street is Grade II*.

The proposed development would affect the setting of the Grade I listed Grosvenor Estate Office (66 Brook Street and 53 Davies Street) which is to the west at the corner of Brook Street and Davies Street; 58 Davies Street (Grade II) to the north; Claridges Hotel (Grade II), 41-43 Brook Street (Grade II) and 39 and 39a Brook Street and 22 Avery Row (Grade II*) which are to the south; and 11, 12, 14, 26, 41, 50 and 63 South Molton Street (Grade II) to the east. The Stratford Place Conservation Area is to the north of Oxford Street.

The following buildings within the site are considered to be unlisted building of merit which contribute positively to the character and appearance of the Mayfair Conservation Area:

- The Army Reserve Centre, 56 Davies Street (North Block)
- 60 Brook Street (South Block)
- 48 and 50 Brook Street (South Block)
- 52 and 54 Brook Street (South Block)
- 56 and 58 Brook Street (South Block)
- Davies Mews, South Side (South Block)
- 64 Davies Street (Brookfield House) (South Block)
- 22, 23, 27 and 42 South Molton Street

Records indicate that the nearest residential properties to the site are 11x flats within 59 Davies Street, a number of residential properties on St. Anslem's Place and on the upper floors of a number of properties on South Molton Street (i.e. Nos. 8, 13, 26, 28, 37, 40a, 46, 52 and 55).

Once complete, to the west of the application site will be Bond Street West Elizabeth Line Station with over-station development that will provide office floorspace. To the north-west of the site is Bond Street Underground Station. 56 Davies Street is located within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008), with the remainder of the site being within the Safeguarding Limits. The platform tunnels linking Bond Street West Elizabeth Line Station and Bond Street East Elizabeth Line Station (located at the north-west corner of Hanover Square) run below the northern part of the site.

The site is located within the Great Estates Archaeological Priority Area (Tier 2).

The site can be split into four area of development: (i) The South Block; (ii) The North Block; (ii) 40-46 Brook Street and 10 South Molton Lane; and The South Molton Street Properties.

North Block

On the north side of Davies Mews, the North Block comprises three Grade II listed early Victorian townhouses at 52-56 Davies, the Grade II listed early twentieth century 1-7 Davies Mews and 28-30 South Molton Lane that makes up the northern frontage to Davies Mews and part of the South Molton Lane frontage, and the unlisted mid-twentieth century stone fronted 56 Davies Street with stock brick garage elevation making up the remainder of the South Molton Lane frontage.

52-56 Davies Street make up the former Territorial Army Reserve Centre and Rifles Club

Item
1

(*sui generis*) that occupied the site between c.1890 and March 2018. The three buildings became vacant when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly. Pursuant to permissions granted in July and November 2019, the three buildings are currently in use as an immersive theatre space and ancillary uses (*sui generis*), albeit for a temporary period until 2 July 2022. At the end of this period, the lawful use of the three buildings will revert to their former use as an army reserve centre (*sui generis*).

50 Davies Street is in use as a public house (The Running Horse).

1-7 Davies Mews and 28-30 South Molton Lane was most recently occupied by Grays antiques as an indoor antiques market until it was vacated on 31 May 2018. This part of the building benefits from a temporary permission (until 2 July 2022) to be used as an immersive performance and event space (*sui generis*). With the exception of a flat at the corner of Davies Mews and South Molton Lane, the first floor of the application site is in office use. The second floor is in use as four flats.

South Block

Three pairs of unlisted townhouses (48-58 Brook Street) front onto Brook Street. They are of varying design, materials, heights and building lines. All are topped with mansard roofs. 60 Brook Street comprises a much-altered unlisted early Georgian townhouse. All these townhouses are accompanied by two and three storey mews buildings fronting onto Davies Mews. Terminating the western end of the South Block is Brookfield House (44-48 Davies Street and 62-64 Brook Street), a taller stone-faced unlisted building dating from the early twentieth century.

The lawful use of the 48 Brook Street and 14-15 Davies Mews and the basement, rear ground, ground floor mezzanine and rear first floor level of 56 Brook Street are as educational training facilities for hairdressing, being occupied as a training school for Vidal Sassoon until it vacated on 30 June 2017 and the operation relocated to 58 Buckingham Gate. Whilst temporary permission has been granted to use these buildings as an art studios and workshops (*sui generis*) for temporary period until 30 June 2023 and 30 September 2023, respectively, the lawful use of these building reverts to an educational training facility for hairdressing at the end of these temporary periods.

50, 52 and 54 Brook Street are in office use.

The front first, second, third and fourth floors of 56 Brook Street are in office use.

The basement and ground floor of 58 Brook Street are in retail use, the first to third floors are in office use, whilst the fourth floor is in use as a flat.

The lower floors of 60 Brook Street are in retail use and the third floor is in use as a flat.

Brookfield House is in use as retail over ground and part-basement and as offices as part-basement and the upper floors.

Item
1

South Molton Street Properties

This part of the development is made up of 14 buildings. With the exception of 42 South Molton Street, all are located on the western side of South Molton Lane. The South Molton Street buildings are all four storey Georgian terraced houses (built in the mid-18th century) except for No.18 which is Victorian. Most of these buildings are Grade II listed, with the exception of No.17 which is Grade II* listed (because of its association with the artist William Blake) and Nos. 22, 23, 27 and 42 which are not listed.

With the exception of 17 South Molton Street which is in use as a waxing salon (*sui generis*) over basement and ground floors, these buildings are all in retail use over the entirety of the basement and ground floors, with some retailing taking place over first floors levels (Nos. 23, 24, 25 and 27). With the exception of two flats at third floor levels of 21 and 24 South Molton Street, the remainder of the floorspace over the upper floors is in office use.

40-46 Brook Street and 40 South Molton Lane

These comprise four Grade II listed former dwellinghouses and associated mews building dating from the late-19th century.

The buildings are connected internally and are entirely in office use.

6.2 Recent Relevant History

48 Brook Street

19/03485/FULL

Use of the ground, ground floor mezzanine, first, second, second floor mezzanine, third and fourth floors as offices (Class B1). [SITE INCLUDES 15-16 DAVIES MEWS] (Land use swap with 38 Grosvenor Square).

Permitted - 13.11.2020

20/02324/FULL

Use as art studios and workshops (*sui generis*) for a temporary period until 30 June 2023.

Permitted - 09.06.2020

56 Brook Street

20/04673/FULL

Use of basement, part ground, ground floor mezzanine and part (rear) first floor as art studio, workshop and exhibition and events space (*Sui Generis*) for a temporary period until 30 September 2023.

Permitted - 25.09.2020

19/03266/FULL

Use of basement, part ground (rear), ground floor mezzanine and part first (rear) floors as offices (Class B1). (Land use swap with 38 Grosvenor Square).

Permitted - 13.11.2020

Item
1

58 Brook Street

20/02577/FULL

Use of 4th floor as offices (Class B1) [Land use swap with Claridge House, 32 Davies Street Ref: 20/02661/FULL].

Permitted - 07.09.2020

60 Brook Street

20/02578/FULL

Use of 2nd and 3rd floor as offices (Class B1). [Land use swap with Claridge House, 32 Davies Street Ref: 20/02661/FULL].

Permitted – 07.09.2020

52-56 Davies Street

20/01547/FULL

Use of 52-56 Davies Street as an office (Class B1) and associated external alterations including the installation platform lift to front entrance steps and increase in lift shaft width to the rear at 56 Davies Street.

Permitted - 10.06.2020

19/07004/FULL

Use of 52-54 Davies Street for a temporary period until 2 July 2022 as ancillary back-of-house theatre space (sui generis) in connection with immersive theatre space and ancillary uses (sui generis) at 56 Davies Street.

Permitted - 12.11.2019

19/02978/FULL

Use of 56 Davies Street as immersive theatre space and ancillary uses (sui generis) for a period of 36 months.

Permitted - 02.07.2019

1-7 Davies Mews and 28-30 South Molton Lane

20/04174/FULL

Use of ground floor and basement as immersive performance and event space (Sui Generis) for a temporary period until 2 July 2022. Installation of external light fittings and CCTV, and associated works.

Permitted - 14.09.2020

20/02575/FULL

Use of part first and second floor as offices (Class B1). [Land use swap with Claridge House, 32 Davies Street Ref: 20/02661/FULL].

Permitted - 07.09.2020

Item
1

Other sites approved as land use swaps with sites within the application site:

Claridge House, 32 Davies Street

20/02661/FULL

Use of part first floor and second floor as 8 x flats (Class C3). [Land use swap with 58 Brook Street (Ref: 20/02577/FULL), 60 Brook Street (Ref: 20/02578/FULL) and 1-7 Davies Mews and 28-30 South Molton Lane (Ref: 20/02575/FULL)].
Permitted - 07.09.2020

38 Grosvenor Square

19/03130/FULL

Use as a mixed-use higher education academy, restaurant, members' club, cafe, library, gallery, co-working space, retail and events use (Sui Generis), together with external alterations including to the rear facade fronting Adam's Row and at roof level. (Land use swap with 56 Brook Street and 48 Brook Street).
Permitted - 13.11.2020

7. THE PROPOSAL

An application for planning permission and six applications listed building consents have been submitted to broadly transform what is a relatively quiet 'backwater' centred on South Molton Lane and Davies Mews. This transformation involves the development of two large office buildings to the north and south of Davies Mews (i.e. the North Block and the South Block), introducing active retail / restaurant frontages on all frontages and highway works and public realm improvements to the north side of Brook Street, Davies Street (south and east of the new Bond Street Elizabeth Line Station), Davies Mews, South Molton Lane, South Molton Street and South Molton Passage. This includes repaving, tree planting, lighting, cycle parking, wayleaving of existing street lighting and the introduction of a new passageway within 10 South Molton Lane to link South Molton Street and South Molton Lane / Davies Mews.

The physical works to affect this transformation, by development block, are as follows.

South Block

48-58 Brook Street and their associated mews buildings are proposed to be demolished behind their retained Brook Street facades. These retained front elevations are proposed to be extended upwards, by one sheer storey in the cases of Nos. 48-50 and 56-58, and in the form of a mansard roof in respect to Nos. 52-54.

60 Brook Street and Brookfield House are proposed to be demolished in their entirety and replaced by a taller replacement building that extends its footprint outwards on all sides to unify the building line on Brook Street, extend into the area currently occupied by 60 Brook Street, extend over a narrow section of public highway on Davies Mews and align the building line with the buildings on the north.

The two and three storey Davies Mews buildings are proposed to be replaced with a four-storey building (including the top floor as gables roofs) and a four-storey terminating

Item
1

tower adjacent to 10 South Molton Lane.

Stepping in from the retained façades on Brook Street and the lower Davies Mews building is an up to eight-storey (plus plant) building.

A new sub-basement is proposed to be excavated and the existing basement extended beneath Davies Mews to link with the basement of the North Building. Linking these basements enables the consolidation of servicing and waste collection

North Block

56 Davies Street is proposed to be demolished, as is all but the Davies Mews and South Molton Lane facades and outward facing roofslopes of 1-7 Davies Mews and 28-30 South Molton Lane.

Stepping in from the retained façades of 1-7 Davies Mews and 28-30 South Molton Lane, the retained second and third floor front façades of 52-54 Davies Street, and the replacement stone façade at 56 Davies Street (similar to existing but one-storey taller and with the building line pushed out), is proposed to be the up to eight-storey (plus plant) North Block. This is proposed to have a four-bay, five-storey façade fronting South Molton Lane in the location of the existing rear garage to 56 Davies Street.

Again, a new sub-basement is proposed to be excavated beneath part of the North Block.

The second and third floors of the public house at 50 Brook Street are proposed to be converted to six rooms for overnight accommodation.

South Molton Properties

The South Molton Street buildings are proposed to be refurbished, with façade improvements including replacement shopfronts and windows. The rear ground and basement levels are proposed to be opened up to the South Molton Lane frontage, some with micro-retail units and some existing retail units being refurbished to span between South Molton Street and South Molton Lane. The basement and ground of 17 South Molton Street is proposed to be converted from a waxing salon (*sui generis*) to either a shop or a restaurant, whilst the basement of 15 and 16 South Molton Street is proposed to be converted to a bar accessed from South Molton Lane. The upper floors of all the buildings on South Molton Street within the application site are proposed to be converted to 33 x residential units.

40-46 Brook Street and 40 South Molton Lane

The listed buildings at 40-46 Brook Street will be refurbished, altered and extended at roof level and converted into a hotel.

In addition, extensive highway works and public realm improvements are sought on South Molton Lane, Davies Mews, South Molton Street, Brook Street, Davies Street and to the South Molton Passage. The applicant's aspiration is to make changes to the traffic

orders so that South Molton Lane becomes single direction (south to north), Davies Mews is only open to servicing traffic between 07.00 and 12.00 (Monday to Saturday) and the existing on-street parking within Davies Mews is relocated. This is subject to agreement with the City Council in its capacity as Highways Authority.

As set out within Section 6.2 of this report, a number of parts of the site benefit from temporary permissions to ensure that these buildings are occupied by ‘meanwhile’ uses pending the determination of this application. Some of these have been implemented and other have not. As these are temporary permissions, they have been ignored in the assessment of this application. The same is true of the land use package between 38 Grosvenor Square, 48 Brook Street and 56 Brook Street. There is no certainty that this package of sites will come forward and the determination of this application is not contingent upon the completion of this land use package.

Table 1 below summarises the existing and proposed land uses:

Land Use	Existing floorspace (sq.m GIA)	Proposed floorspace (sq.m GIA)	Net
Retail	5,372	At least 3,136 sq.m and up to 6,272 sq.m	Between -2,236 sq.m and +900 sq.m
Café and restaurant	0	Between 0 sq.m and 3,136 sq.m	Between 0 and +3,136 sq.m
Public House / Bar	425	506	+81
Office	9,556	18,947	+9,391
Hotel	0	3,168	+3,168
Residential	940 (9 x units)	2,923 (33 x units)	+1,983 (+24 x units)
Education and Training	1,205	1,208	+3
Overnight guest accommodation above the Running Horse Public House (<i>sui generis</i>)	0	150	+150
Army Reserve Centre (<i>Sui Generis</i>)	2,930	0	-2,930
Waxing Salon (<i>sui generis</i>)	165	0	-165
UKPN sub-station	19	99	+80
TOTAL	20,613	33,273	+12,660 (+61.4%)

Table 1: Existing and proposed floorspace totals ignoring temporary uses.

For the purposes of managing the discharge of conditions and planning applications and for payments towards the CIL, the applicant has requested that the development be ‘phased’. The applicant requests that the submission of a phasing plan for the City Council’s approval be secured by condition.

Item
1

8. DETAILED CONSIDERATIONS

Policy Context

The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the London Plan (adopted March 2016), Westminster's City Plan (adopted November 2016), the remaining 'saved' and not superseded policies within the City of Westminster UDP (adopted January 2007) and the Mayfair Neighbourhood Plan (adopted December 2019).

For the reasons set out within in Section 8.8 of this report, whilst the draft replacement 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 Inspectors' report.

The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. For the reasons set out in Section 8.10 of this report, policies contained in the Intend to Publish London Plan (December 2019) that are not subject to a direction by the Secretary of State carry significant weight.

The NPPF is also a material consideration in the determination of this application.

8.1 Land Use

8.1.1 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 and the creation of a new Class F1 (Learning and Non-Residential Institutions).

Of relevance to this application, former Class A1 (Shops), former Class A3 (Restaurants and Cafes) and former Class B1 (Business) are now included within Class E, whilst former education and training centres (Class D1) would now fall within Class F1. Former Class A4 (Drinking Establishments) are now removed from any of the classes and are now a *sui generis* use. The other uses relevant to the assessment of this application (i.e. dwellinghouses (Class C3) and hotels (Class C1) are unaffected by these changes.

If permission is granted and the development built out and occupied, the use of the buildings (or part of a building) will transition into the relevant classes of the amended Order (1987) (or, in the case of the drinking establishment, to a *sui generis* use). Thereafter, planning permission is not required to change the use within a use class. This is because changes of use within a use class do not constitute development.

As the application was submitted before these Regulations came into force, the application has been assessed and is required to be determined by reference to the use

Item
1

classes as they were specified on 31 August 2020 – in this case retail (Class A1), restaurants and cafes (Class A3), drinking establishment (Class A4), offices (Class B1) and non-residential institutions (Class D1).

8.1.2 Loss of Army Reserve Centre at 52-46 Davies Street

This military-related use (*sui generis*) is not considered to be of international and / or national importance and therefore the longstanding lawful use of the building is not protected by City Plan Policy S27. There is therefore no objection to the loss of the military-related use. As set out within Section 6.2, its conversion to offices has already been accepted through permission being granted on 10 June 2020 (Ref: 20/01547/FULL).

8.1.3 Increase in Office Floorspace.

The proposed development would provide 18,947 sq.m of high-quality office floorspace (+9,391 sq.m) in the Core CAZ and in Central and East Mayfair. This is in full compliance with London Plan Policies 2.10, 2.11 and 4.1, Policies SD4, SD5 and E1 of the Intend to Public London Plan, City Plan Policies S6, S18 and S20 and Policies MC1 and MSG2(e) of the Mayfair Neighbourhood Plan.

The proposed office floorspace could potentially be subdivided to provide a proportion of flexible workspace suitable for small and medium sized enterprises (SMEs) either by floor or within each floor, in line with Policy E2 of the Intend to Publish London Plan.

8.1.4 Mixed use within the Core CAZ

Permission has been granted to convert the army reserve centre at 52-56 Davies Street to offices. This permission has not been implemented. The assessment of this application in respect to the calculating the mixed-use requirements under City Plan Policy S1 does not take into account the potential implementation of this planning permission. This is because this represents phasing of the wider development. The applicant accepts this position.

There are nine existing residential units on site (940 sq.m GIA). However, permissions have been granted to replace the five flats within 1-7 Davies Mews and 28-30 South Molton Lane, the flat within 58 Brook Street and the flat within 60 Brook Street with office accommodation and to re-provide these seven flats and residential floorspace on part first and the entire second floors of Claridge House, 32 Davies Street (currently in office use).

Table 2 below sets out the land use implications if all four permissions are built out in their entirety:

Item
1

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	871.03	833.28	-37.75
Residential (Class C3)	833.28 (7 x flats)	866.7 (8 x flats)	+33.45 (+1 x flat)
Total	1,704.31	1,699.98	-4.33

Table 2: Land use summary of SMT / Claridge House, 32 Davies Street land use package.

The slight decrease in the total floor area of the four sites is as a result of some increases in wall thickness within Claridge House, 32 Davies Street.

A comparison between the residential unit types and the overall number of flats is summarised in Table 3 below.

Residential unit types	As existing	As proposed	+/-
Three-bed	2	2	0
Two-bed	3	2	-1
One-bed	2	4	+3
Total	7	8	+1

Table 3: Residential units summary of SMT / Claridge House, 32 Davies Street land use package.

During the assessment of these applications, officers agreed that the baseline for assessing the current application would be based, not on the current uses on the site, but as if this approved land use package had been implemented in full. The revised baseline for the assessment of the application is therefore that seven of the nine residential units on site have been relocated off-site. This leaves only the flats within 21 and 24 South Molton Street (107 sq.m). The additional 833 sq.m of office floorspace secured by the land use package within the SMT site is added to the office baseline (i.e. increasing from 9,556 sq.m GIA to 10,389 sq.m). This reduces the net increase in office floorspace as a result of the development proposal to 8,558 sq.m.

As the proposed net increase in floorspace of all uses exceeds 50% of the existing floorspace and the net additional office floorspace is more than 30% of the existing building floorspace, the development is required to be assessed under City Plan Policy S1(3)(C). The proposal generates a mixed-use residential requirement of 2,374 sq.m to be provided, in the first instance, on-site or in the immediate vicinity of the site.

Furthermore, in accordance with Policy S14 of the City Plan which prevents the loss of residential units and floorspace, the two residential units within 21 and 24 South Molton Street that are to remain on site but be incorporated into the new residential units on the upper floors of the South Molton Street buildings need to be added to this mixed-use residential requirement. This gives a total mixed-use residential requirement of 2,481 sq.m.

The provision of 2,923 sq.m GIA of residential floorspace on site on the upper floors of the South Molton Street buildings exceeds the requirement within City Plan Policy S1 and in this respect is fully policy compliant.

Excluding the seven residential units relocated to Claridge House, 32 Davies Street as part of the approved land use package, the provision of a net increase of 31 additional

Item
1

residential units will contribute to the City Council meeting its housing targets, as required by City Plan Policy S14, London Plan Policy 3.3 and Policy H1 of the Mayor's Intend to Publish London Plan.

City Plan Policy S15, London Plan Policy 3.8 and Policy H10 of the Intend to Publish London Plan all state that new development should generally consist of a range of unit sizes to contribute towards meeting Westminster's housing needs. The normal requirement with UDP Policy H5 is that one-third of proposed dwellings are 'family sized' (i.e. containing three or more bedrooms).

As shown in Table 4 below, the housing size mix is predominantly weighted towards one and two-bedroom units, with only 9% of the units being 'family sized'. This is acceptable taking into account the site's location within the Core CAZ and given the constraints associated with converting existing buildings, many of which are listed.

None of the proposed residential units are wheelchair adaptable, contrary to the 10% requirement within the Mayor's Housing SPG. The constraints of the existing buildings, however, mean that this is not possible.

The minimum space standards set out at London Plan Policy 3.5 are exceeded for all the proposed housing units. All are dual aspect, will be well lit and design measures are capable of ensuring that future residents are protected from external noise levels. Overall, it is considered that the proposed residential units will be of good quality.

In order to secure the delivery of the proposed housing, it is recommended that the legal agreement secure that the market residential units at 10, 15-22 and 42 South Molton Street be ready for occupation before the occupation of any of the office floorspace within the North Block. As set out in more detail below, the delivery of the affordable housing is recommended to be linked by legal agreement to the occupation of the office floors within the South Block.

8.1.5 Affordable Housing

London Plan Policies 3.11, 3.12 and 3.13 and Policies H4 and H5 of the Mayor's Intend to Publish London Plan seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H5 identifies a minimum threshold of 35% of the gross residential development affordable housing (by habitable room). City Plan Policy S16 sets out the City Council's aim to exceed 30% of new homes to be affordable homes and requires proposals for housing developments of either 10 or more additional units or over 1,000 sqm additional residential floorspace to provide a proportion of the floorspace as affordable housing on-site. Following the Cabinet Member for Place Shaping and Planning's statement dated 1 May 2019, affordable housing requirements under City Plan Policy S16 are now based on the gross residential provision. The requirement within the City Council's Interim Guidance Note: Affordable Housing Policy (April 2015) for residential schemes in the Core CAZ to provide 25% of residential floorspace as affordable housing has now been superseded, first by the Mayor of London's Affordable Housing and Viability SPG (2017) and then by the Intend to Publish London Plan (December 2019).

For completeness, the affordable housing provision as a proportion of the total residential proposed is set out below both by floorspace and by habitable room.

Of the 33 x flats proposed, 11 are proposed to be affordable and are proposed to be located on the upper floors of Nos. 23-25 and 27 South Molton Street. In total 1,028 sq.m GIA of affordable housing is proposed. This is made up of 29 x habitable rooms. The total residential provision proposed is 2,923 sq.m GIA (gross), made up of 76 x habitable rooms. This affordable housing provision is therefore 35% of the total habitable rooms and 35% by floorspace. This is fully compliant with Policy H6 of the Intend to Publish London Plan.

The split between the market and affordable housing proposed by the number of bedrooms and the number of habitable rooms is set out in Table 4 below:

	Market		Affordable	
	No. of units	Habitable rooms	No. of units	Habitable rooms
1-bed	9	14	4	6
2-bed	12	36	5	15
3-bed	1	4	2	8
Total	22	54	11	29
% of total	66%	65%	33%	35%
Location	10, 15-22 and 42 South Molton Street		23-25 and 27 South Molton Street	

Table 4: Split of market and affordable homes.

In terms of tenure split of affordable housing units, Policy H6 of the Intend to Publish London Plan sets out the Mayor's preference for at least 30% low cost rent (as either Social Rent or London Affordable Rent) and at least 30% as intermediate housing products (including London Living Rent and London Shared ownership), with the remaining 40% to be determined by the City Council as low cost rented homes or intermediate based on identified need.

The affordable homes proposed are as seven social housing units where rents charged will be at London Affordable Rents (LAR) and four units let as intermediate rented housing where rents are set at London Living Rent (LLR) levels. The split between LAR and LLR is 75:25 by habitable room, 72:28 by floorspace and 64:36: by units.

Table 5 below summarises the location and size of the 11 affordable homes proposed:

Address	Floor	Floor areas m2 GIA	Beds	Persons	Duplex	Terrace	Affordable Tenure
23 South Molton St	1	72	2	4	No	No	LAR
23 South Molton St	2	63	1	2	No	Yes	LAR
23 South Molton St	3&4	111	3	5	Yes	Yes	LAR
24 South Molton St	1	70	2	4	No	No	LAR
24 South Molton St	2&3	84	2	3	Yes	Yes	LAR
25 South Molton St	1	72	2	4	No	No	LAR
25 South Molton St	2&3	113	3	5	Yes	Yes	LAR
27 South Molton St	1	50	1	2	No	No	LLR
27 South Molton St	2	45	1	1	No	No	LLR
27 South Molton St	3	42	1	1	No	No	LLR
27 South Molton St	4&5	87	2	4	Yes	No	LLR

Table 5: Size, location, nature and tenure of the proposed affordable residential units.

Six of the seven social housing units will be 2 or 3-bed homes. The Head of Affordable Housing and Partnerships confirms that this addresses the primary need for social housing in Westminster.

Table 6 below shows the weekly London Affordable Rents and London Living Rents that apply to this location in 2020/2021. These rent levels are subject to change and will be adjusted annually in line with CPI+1% for tenanted properties, or by the GLA for new lettings. LAR rents are exclusive of service charges while LLR is inclusive of service charges.

Dwelling Size/Rent Type	Weekly Rents by Tenure	
	LAR	LLR
1bed	£159.32	£310.94
2bed	£168.67	£345.49
3bed	£178.05	N/A

Table 6: Current rent levels for the two affordable housing products.

Those four homes to be provided at LLRs will be restricted to households eligible for intermediate housing whose income does not exceed £60,000 per annum.

The applicant has indicated that service charges will be around £16 per sq.m which is between £19-35 per week depending on the size of the property. These charges will be recoverable for Housing Benefit eligible households.

These homes will be provided with access to cycle and buggy storage within the basement of 23 and 24 South Molton Street via a platform lift

The Head of Affordable Housing and Partnerships supports the provision of 11 affordable homes. The quantum, quality and tenure mix are all fully policy compliant and therefore acceptable.

The Head of Affordable Housing and Partnerships' support is however conditional upon:

Item
1

- The rent levels described above for the 11 units being set out in the legal agreement and where increases to these rents from the date of the planning consent are conditioned by CPI+1% or according to those rents that currently apply at 1st letting in line with that published by the GLA.
- The seven London Affordable Rent being let to household eligible for social housing in line with Council's allocations scheme.
- The four LLR units being made available initially to Westminster intermediate eligible households only during the first 3 months of marketing following practical completion and transfer to a Registered Provider.
- The completed affordable homes being transferred into the legal ownership of a Registered Provider that will then provide management services to these units

The delivery of these conditions and the delivery of the proposed affordable housing is recommended to be secured by legal agreement so that these homes are ready for occupation prior to the occupation of the office floorspace within the South Block. In order to ensure that the North Block does not come forward alone and therefore no affordable housing delivered, the legal agreement will also secure that the office floorspace within the North Block will not be occupied in advance of the occupation of the office floorspace within the South Block.

In accordance with the Mayor's Affordable Housing and Viability SPG (2017) and to incentivise delivery, the Mayor of London has requested that an Early Stage Review Mechanism be secured by legal agreement should an agreed level of progress on implementation of the scheme not be made within two years of permission being granted. If the agreed level of progress has been made, the review will not be triggered. 'Substantial implementation' is defined within the guidance as the SPG as all ground preparation works, the foundations for the core of the development, and construction of the ground floor.

Given the complexities of this site, it is considered that three years is more appropriate than the standard two years suggested within the SPG. In addition and as set out above, in light of the recommendation that the affordable homes are ready for occupation prior to the occupation of the office accommodation within the South Block, it is recommended that the legal agreement requires the completion of an Early Stage Review Mechanism if 'substantial implementation' is not completed on the South Block within three years of permission being granted. If the viability of the scheme allows, this Early Stage Review Mechanism will require additional on-site affordable housing to be delivered.

8.1.5 Children's Place Space

Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation. This is based on the expected child population generated by the scheme and an assessment of future needs. Policy S4 of the Intend to Publish London Plan states residential developments should incorporate high quality, accessible play provision for all ages, of at least 10 sq.m per child. Play space provision should normally be provided on-site. Off-site provision, however, is considered acceptable in this instance given the constraints of the development site.

The applicant has agreed to make provision for at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location

Item
1

within Mayfair (to be agreed with the City Council). This off-site provision and its delivery prior to any of the residential units being occupied is recommended to be secured by legal agreement.

8.1.6 Retail, Restaurants / Cafes and Drinking Establishments

8.1.6.1 Running Horse Public House

It is proposed that the existing office floorspace and kitchens at second and third floors of 50 Davies Street be converted into overnight guest accommodation. The kitchens are proposed to be relocated to basement level. There is no objection to the proposed overnight accommodation in this highly accessible location within the Core CAZ. Furthermore, given that the bars and dining room over ground and first floor levels will remain, these parts of the building will still provide the same public house offer, albeit that the building will change to a composite use comprising mixed public house and overnight accommodation (*sui generis*). In order to ensure that the public house offer is not diminished, a condition is recommended limiting the overnight guest accommodation to the second and third floor levels.

8.1.6.2 Non-office Commercial Units on South Molton Lane, South Molton Street, North Block and South Block

The commercial units on the west side of South Molton Lane currently turn their back onto South Molton Street, providing no animation or frontage. New micro-retail units are proposed within the rear ground floors of Nos. 10 and 17-22 South Molton Street and will create a range of commercial unit sizes within this part of the development site. The creation of these micro-retail units and the opening up of the rear of the other South Molton Street properties through inserting shopfronts and removing redundant services and security bars, will animate South Molton Lane so that it engages with this frontage and significantly improve its appearance.

With the exception of the commercial units within the ground and basement floors of 17 South Molton Street that are in use as a waxing salon (*sui generis*), prior to 1 September 2020, the lawful use of all of the existing commercial units with the South Molton Street properties were shops (former Class A1). Following the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 coming into force, the lawful use of these commercial units transitioned to fall within Class E (Commercial, Business and Service). This wide-ranging use class allows much greater flexibility in how these commercial units are used without planning permission being required.

In order to deliver the public benefits of enlivening South Molton Lane, whilst providing an acceptable environment for the occupants of the proposed flats on the upper floors of these buildings, the applicant has agreed that the commercial units within Nos. 23-25 and 27 South Molton Street (totalling 444 sq.m) will continue to be used as retail units and for no other use within Class E. Flexibility, however, is sought in respect to the use of the commercial units at basement and ground floor of the remainder of the South Molton Street properties (excluding the basement of Nos. 15-16 that is proposed to be used as a bar) so that they be permitted to be used as either retail or as restaurants / cafes. The floorspace of these commercial units is 1,165 sq.m.

Item
1

The same flexibility is sought in respect to the non-office commercial units within the North and South Blocks (excluding the public house at 50 Davies Street). The floorspace of these units is 4,364 sq.m.

The applicant has requested that this flexibility be limited by condition so that the primary use of at least half of the total non-office commercial units in the development scheme must be as shops. The remaining half of the total non-office commercial floorspace in the development may be used as shops, restaurants or cafes (or a combination of these uses).

The result is that the development proposal will result in a loss of retail floorspace of up to 2,236 sq.m (although there could be a gain of 900 sq.m). This potential loss is contrary to City Plan Policy S21. The proposal could also result in the provision of an additional 3,136 sq.m of entertainment floorspace in the form of additional cafes and restaurants. Given the proposed limitations on the use of the commercial units within 23-25 and 27 South Molton Street, up to 54% of the non-office commercial floorspace within the remainder of the development could be restaurant and cafes. If all of the commercial units within 10 and 15-22 South Molton Street (excluding the basement of 15-16 South Molton Street) are used as retail units, up to 67% of the non-office commercial floorspace with the North and South Blocks could be used as restaurants or cafes.

The potential loss of up to 2,236 sq.m of retail floorspace and the provision of a significant proportion of restaurants and cafes is considered to be acceptable and appropriate despite the conflict with City Plan Policy S21. Some of the potential loss of retail floorspace is at first floor levels of Nos. 23-25 and 27 South Molton Street. This is necessary in order to deliver the affordable housing units. In addition, even if the flexibility is maximised, it will allow both an acceptable mix of retail and dining uses and will allow the development to complement the predominantly retail character of Oxford Street, Bond Street and Regent Street. In this respect, whilst the character and function of the area will clearly change significantly, it is considered that this change is acceptable.

Only one of the non-office commercial units will exceed 500 sq.m (located within the South Block at the corner of Davies Mews and Davies Street (530 sq.m) and therefore the vast majority of the units require assessment under UDP Policy TACE 8 (i.e. entertainment uses which will generally be permission). The potential restaurant unit that exceeds 500 sq.m requires assessment under UDP Policy TACE 10 (i.e. entertainment uses which will be permissible only in exceptional circumstances), whilst the 299 sq. bar proposed within the basement of 15-16 South Molton Street requires assessment under UDP Policy TACE 9 (i.e. entertainment uses which may be permissible). All the proposed entertainment uses also require assessment under City Plan Policy S24 that requires proposals for entertainment uses to demonstrate that they would not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

All of the commercial units with the North and South Block are capable of having kitchen odours extracted to high level through internal risers. This will be secured by condition. As such, there is no concern from an odour perspective in respect to these units. In terms of refuse collection, the retail units located in the proposed North and South Blocks will transport their waste (mostly via an internal route) to the main storage area

Item
1

on the basement level with no waste being left, or collected, on the streets surrounding the blocks. Conditions are recommended requiring the windows and doors within the South Molton Lane elevation of the commercial units to be shut after 22.00 daily and for customers accessing or existing the unit at the corner of Davies Mews and South Molton Lane to use the doors on Davies Mews after this time. A terminal hour of midnight (23.30 on Sundays and bank holidays) is recommended to be imposed for all restaurant / café units within the North and South Block.

Given the likely limitations on appropriate kitchen extract arrangements in respect to the South Molton Street properties, it is recommended that a condition be imposed preventing any restaurants operating within these units undertaking primary cooking. Furthermore, conditions are recommended preventing an unacceptable transfer of noise from these units to the proposed flats on the upper floors and limiting the terminal hour for these potential restaurants to 23.00 daily (22.30 on Sundays and bank holidays). This earlier closing time is considered to be required given the close proximity of bedroom windows of the proposed residential units on the upper floors of the South Molton Street Properties.

A new bar (299 sq.m) is proposed within the basements of 15 and 16 South Molton Street, accessed via an entrance on South Molton Lane. Whilst the entrance / exit to this bar will be directly above the first floors bedrooms of one of the proposed market flats within 15 South Molton Street, given that the future occupiers of this flat will be aware of this when choosing to live in this location and subject to conditions limiting the terminal hour to midnight (23.30 on Sundays and bank holidays), preventing any primary cooking and securing a management plan encouraging the dispersal of customers, this new bar is considered to be acceptable.

Overall, in a highly managed development, the proposed use of the non-office commercial units for restaurant / cafes and bar uses is considered to be unlikely to cause any unacceptable amenity impacts, harm local environmental quality and be appropriate for its context. For these reasons, these elements of the proposal are acceptable through being fully compliant with UDP Policies TACE 8 and TACE 9 (as relevant) and City Plan Policy S24. The lack of any demonstrable harm is considered to be constitute exceptional circumstances for the potential 530 sq.m restaurant with the South Block at the corner of Davies Mews and Davies Street for the purpose of UDP Policy TACE 10.

8.1.7 Hotel

Given the site's location within the Core CAZ and not within a predominantly residential area, the proposed conversion of the office floorspace in 40-46 Brook Street and 40 South Molton Lane into a 31-bedroom hotel is supported by London Plan Policy 4.5, Intend to Publish London Plan Policy SD6 and City Plan Policy S23. The rear ground floor restaurant will assist in animating Davies Mews and South Molton Lane.

The hotel will contain a bar and restaurant at ground and basement floors levels that is open to visiting members of the public not staying at the hotel. It is proposed that the restaurant is open between 07.00 and 01.00 daily and the bar between 10.00 and 01.00 daily. These opening hours are considered to be acceptable subject to the retractable doors on Davies Mews being fixed shut after 22.00 and for customers to access and

Item
1

leave the restaurant and bar via Brook Street (a busier street with fewer residential units) after this time.

A full-height kitchen internally routed extract duct forms part of the proposal which will ensure that cooking odours are adequately dispersed.

A servicing bay would be provided immediately adjacent to the hotel on South Molton Lane, which would be used for all delivery and refuse collection vehicles. The majority of deliveries will be timed to take place on South Molton Lane during the Davies Mews servicing window of 7am-midday.

Subject to appropriate conditions, the operation of this proposed hotel is not considered to cause any unacceptable amenity impacts.

In order to ensure that the requisite office floorspace is lost from the site so that the mixed use residential requirement under City Plan Policy S1 remains unchanged, it is recommended that the legal agreement secures that the office floorspace within the North Block is not be occupied until 40-46 Brook Street and 10 South Molton Lane ceases to be occupied as offices and shall not be used as offices thereafter.

8.1.9 Social and Community Floorspace

The proposal will result in the loss of the social and community floorspace within 48 and 56 Brook Street, contrary to City Plan Policy S34. Replacement social and community floorspace is proposed within the basement of the North Block. The intention is for the proposed space to be an employment and training centre, but no further detail has been provided. The applicant has stated that the nature of the use for this facility will be cognisant of the previous Vidal Sassoon hairdressing training centre at 48 Brook Street or 56 Brook Street. It is recommended that conditions be imposed requiring the nature of the operation to be submitted for the City Council's approval and for its retention with this use (unless an alternative use is agreed with the City Council). Subject to such a condition, the proposed replacement social and community floorspace is compliant with City Plan Policy S34.

In order to ensure that this replacement social and community floorspace is provided, it is recommended that the legal agreement secured the provision of at least 1,205 sq.m of replacement social and community floorspace within the basement of the North Building or an alternative location within Mayfair (to be ready for tenant fit out within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street).

8.2 Townscape and Design

8.2.1 Introductory Text

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*

Item
1

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.”*

Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of ‘sustainable development’ where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at Paragraph 190 that local authorities, when considering proposals that affect a heritage asset, should seek to avoid or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal.

Paragraph 193 states that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give ‘great weight’ to preserving the asset’s significance. Any harm to, or loss of, the significant of a designated heritage asset should require clear and convincing justification and substantial harm or total loss should be exceptional. In the case of Grade II* or Grade I listed or registered assets or World Heritage Sites, substantial harm or loss should be wholly exceptional (paragraph 194).

Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, Paragraph 196 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

In considering these proposals the key urban design and conservation policies relate to the protection of conservation areas, listed buildings, views, and the quality of new design, and alterations to existing buildings. These include S25, S26 and S28 of the City Plan and DES 1, DES 4, DES 5, DES 6, DES 9, DES 10 and DES 14 of the Unitary Development Plan. The City Council's supplementary planning guidance 'Repairs and Alterations to Listed Buildings', 'Development and Demolition in Conservation Areas', 'Roofs' and 'Design Matters' is also relevant.

8.2.2 The Proposals

The applicant has had lengthy pre-application discussions with officers for many months. As a consequence of these negotiations the scheme has been through many changes, especially with respect to the proposed height and bulk, the design of new buildings, and the alterations to the listed buildings. The degree of harm to heritage assets in the

current proposals is significantly less than that which would have been caused by the original proposals.

It is considered that aspects of the proposals will cause varying levels of less than substantial harm to a number of heritage assets, including the Mayfair Conservation Area and the listed buildings both on the site and adjacent to it. These harmful impacts need to be weighed against the public benefits of the proposals in order to decide whether or not planning permission and listed building consent should be granted.

A. Demolition

The following list summarises the degree of retention and demolition. The extent of demolition is extensive, particularly of the unlisted buildings.

Listed buildings - Retained

- a) Running Horse Public House (50 Davies Street) (North Block)
- b) 40-46 Brook Street and 40 South Molton Lane (South Block)
- c) 10, 15-21, 24 and 25 South Molton Street

These listed buildings make a strong positive contribution to the character and appearance of the Mayfair Conservation Area and the retention of these important buildings is highly desirable. The proposals for their refurbishment and alterations are set out below.

Listed buildings – Partial demolition - Street facades

- a) 1-7 Davies Mews (North Block)
- d) 52-54 Davies Street (North Block)

At 1-7 Davies Mews the street facades and the front part of the roof is retained but behind this all is to be demolished. With respect to 52-54 Davies Street the front facade and lower rooms are retained but the upper levels are demolished and replaced with new structure (behind the retained facade). These buildings will become part of the North office block.

Unlisted buildings of merit – Partial demolition - Street facades to be retained

- a) 48 and 50 Brook Street (South Block)
- b) 52 and 54 Brook Street (South Block)
- c) 56 and 58 Brook Street (South Block)
- d) 22, 23, 27 and 42 South Molton Street

The redevelopment behind the retained Brook Street facades of these unlisted buildings could be acceptable if the proposals are considered to preserve or enhance the character and appearance of the conservation area. (As unlisted buildings their internal features are not protected, but planning permission is required for the demolition of their rear facades and internal structures).

Unlisted buildings of merit – Total demolition and redevelopment

- a) The TA Building, 56 Davies Street (North Block)
- b) Brookfield House 64 Davies Street: (South Block)
- c) Davies Mews, South Side (South Block)
- d) 60 Brook Street (South Block)

The TA Building and Brookfield House make positive contributions to the character and appearance of the Mayfair Conservation Area and there is a strong presumption to retain them. The buildings on Davies Mews make lesser contributions to the conservation area, although they have townscape merit as a mixed group of small scale mews buildings. The acceptability of the demolition of these buildings depends on the merits of the proposed replacement buildings and whether these will preserve or enhance the character and appearance of the Mayfair Conservation Area, and whether the public benefits of the scheme as a whole outweigh the harm.

B. Proposed new development – The North Block

The proposals for the north block involve the development of an 8 storey office block (with roof level plant area) which is set back from the street frontages, and sets back progressively in order to reduce its visual impact from street level. The total height of the new building is 53.1 m AOD which is approximately 33 metres above street level in Davies Street. The new building is set back behind the retained listed buildings on Davies Street and the retained front part of the listed 1-7 Davies Mews. The new building has a new facade on South Molton Lane and its main entrance is through the new facade which replaces the TA building, 56 Davies Street.

The consultation responses from some of the National Amenity Societies raise objections to the height and massing of the proposed North and South Blocks and state that the proposals cause harm to the conservation area and setting of listed buildings.

The Victorian Society object to the proposed height and bulk. They state: The imposing roof structures of the north block, set behind the otherwise delicate facades of 1-7 Davies Mews would appear incongruous and dominating, and we remain convinced that both the north and south block extensions need to be reduced by two storeys, if not three. Furthermore, the unification of roofscapes would once again contribute towards the homogenisation of the area and the imposition of a corporate identity on the buildings.

The Georgian Group state: The creation of offices in the ‘north block’ and ‘south block’ are overwhelming to this small scale roofscape and creates a monolithic effect that will dominate the small buildings and their interesting and irregular roof pattern. The roof extensions will also dwarf both South Molton Mews [*sic*] and Davies Mews with a scale that does not work in the Conservation Area.

London and Middlesex Archaeological Society (‘LAMAS’) have stated that the development will cause significant harm and loss of significance to the Mayfair Conservation Area, with the harm to Davies Street and Davies Mews caused by the proposed infill building. The height and bulk of the proposed seven and eight storey infill buildings will also have a significant, detrimental impact, dominating what is a typical Victorian area and eliminating the traditional diverse and heterogeneous aspect of this area.

Historic England considers that although the height and bulk have been reduced, ‘there remains a contrast in scale between the proposed new and the existing old that will, in our view, cause some harm to the significance of listed buildings and that of the conservation area’. They considers that this harm is at the low end of less than

Item
1

substantial in the language of the NPPF.

1. Height and bulk

The height and bulk of the new building are highly controversial in heritage assets terms. This constitutes a very large increase in height in an area of low buildings. Most of the buildings in the north block are less than 15 metres high. The tallest is no. 58 which is approximately 20 metres. However, the location of the Over Site Development (OSD) immediately to the east, above the Elizabeth Line station (Bond Street West) on the west side of Davies Street provides a rationale for increased building height in this part of the conservation area. The approved office building above the station will be approximately 2 metres higher than the proposed building.

The proposals have been modified significantly through negotiations, in order to set the massing back and to reduce the visual impact from street level. The application documents include a series of street level views which demonstrate that the proposed office building will not have a seriously harmful impact on many local street views.

From the north the bulk is largely hidden behind no. 58 Davies Street. In views from the south it is largely hidden by the proposed replacement building at Brookfield House. The upper floors of the office building are visible to a degree from the junction of Davies Street and Davies Mews and from the southern end of South Molton Lane and its junctions with Davies Mews and Brook Street. The new building would appear above the listed building at 1-7 Davies Mews, so that its mansard roof would no longer be seen against the sky. This causes a moderate level of less than substantial harm to the setting of the retained parts of the listed building.

There is only one view where the full height and bulk of the building are clearly visible and that is from St Anselm's Place in the west. However, here it would be seen in the context of the Elizabeth Line OSD which would be on the left hand side of this view.

While the proposals have been designed to reduce the visual impact of the new office building from street level, the proposed height and bulk will be readily visible from the upper floors of surrounding buildings. In these views the full scale of the new buildings, and their architectural relationship to the conservation area, will be apparent.

It is considered that overall the proposed height and bulk would cause a moderate level of less than substantial harm to the character and appearance of the Mayfair Conservation Area and the settings of listed buildings.

2. 56 Davies Street

The new facade at 56 Davies Street is based on the design of the existing façade. The main change is that one floor is added (third floor). The existing building facade is of a similar height to the facades of the buildings either side. However, no 58 to the north has a large roof and prominent gables. The proposed facade would be slightly lower than the tops of these gables. It is considered that the proposed replacement of the existing facade is acceptable because it is closely based on the existing, and the height is similar to no.58.

The facade of the new building is brought forward (westwards) to line up with the listed buildings to the south, instead of aligning with the listed building to the north as the

Item
1

existing building does. Therefore the existing balustrade at street level is not reproduced. The realignment is considered acceptable as it follows the buildings to the south. The loss of the balustrade causes a small degree of harm to the streetscape, this is considered justified in order to remove the set back adjacent to the listed buildings to the south, and also provide suitable access to the entrances of the new office building.

3. 1-7 Davies Mews

Earlier proposals had sought to build the office block directly on top of the existing facade. This proposal would have caused substantial harm to the special interest of the listed building, and as a result the office building has been set back (approximately 6 metres) behind the front part of the pitched roof, which is demolished and rebuilt. While this is still be harmful to the special interest of the listed building, it does retain a meaningful part of the roofscape, and the new building rises behind it. The upper floors will be visible from Davies Mews (see below).

4. South Molton Lane frontage

The rear of 56 Davies Street faces on to South Molton Lane and is utilitarian and not considered to be of interest and it does not make a positive contribution to the character and appearance of the conservation area. The new replacement building will have a four bay façade on South Molton Lane, between the retained facade of 1-7 Davies Mews and 58 Davies Street (to the north). The facade is five storeys high, and is a similar height to the top of the roof of no.58. The design of the facade is inspired by the facade of 1-7 Davies Mews. It is clad in hand-set brickwork in Flemish bond, with decorative brick spandrel panels below the windows. The bays are topped with a semi-circular brick arches. This is considered to be a high quality design, appropriate to its location.

5. The design of the upper floors

The Mayfair Neighbourhood Forum raised reservations about the lack of detail submitted for the elevations and roofscapes of the upper storeys of the North and South Blocks. Additional drawings have been provided to give additional detail on the upper floors of the North and South Blocks.

Above the 1-7 Davies Mews facade the first two floors of the new building are the same as those of the new South Molton Lane façade, clad in red brick with large semi-circular arched bays. The floors above this are relatively neutral in design and impact. They are clad in a pale coloured faience (glazed ceramic) with a simple fenestration pattern of tripartite windows. The precise colour of the faience is to be controlled by condition if planning permission is to be granted. There are terraces with simple glass balustrades. The top floor is used largely for plant and features louvred openings. It sits comfortably with the new and retained facades below, and the proposed massing means that its visual impact from street level is relatively small, given how tall the building is.

6. The listed buildings – 50, 52-54 Davies Street and 1-7 Davies Mews

LAMAS have objected to the extent of demolition of 1-7 Davies Mews and 52-54 Davies Street. Victorian Society are less concerned with respect to 1-7 Davies Mews but object to the proposals for 52 and 54 Davies Street.

50, 52-54 Davies Street

These three houses were built in 1839-40. No. 50 is the Running Horse pub, and this has an interior of special interest, especially at ground floor and first floor. Nos. 52-54

Item
1

have been significantly altered internally and their interiors are of lesser special interest. For example, no.54 has been linked to no.52 and its staircase has been removed. The rooms contain very few original features.

The proposals for the exterior of the buildings is limited, with the reinstatement of the portico on no. 54. This will restore the building to its original design which is a welcome heritage benefit. At roof level the dormers are replaced and the external fire escape removed. The latter is also a benefit which improve the appearance of the buildings.

The small light well at the rear of nos. 52 and 54 will become part of the new office building behind. The rear wall and rear room of no. 54 will be demolished and become part of the interior of the new building. At second and third floor levels both buildings would be demolished except for the front facade. This is significant demolition, involving loss of plan form and fabric, and would cause a low to moderate level of less than substantial harm, to the special interest of the two listed buildings.

1-7 Davies Mews

The building was built in 1903 and designed by Sir Reginald Bloomfield. Its special interest lies largely in its external appearance as the interior has been much altered over the years and is considered to be of limited interest. Although the demolition of the interior and the rear part of the building would cause some harm to the listed building, it is considered that in this case it is a moderate level of less than substantial harm.

The proposals involve the installation of new shopfronts and windows at ground floor level. The broken pediments above the existing shopfronts are also removed. These are a striking feature but they are modern and the proposals restore the building to its former appearance. The shopfronts are considered acceptable in principle but the detailed design and degree of opening should be reserved by condition if planning permission is to be granted. The front roof which is to be rebuilt and be restored to its original appearance with the removal of later alterations. These proposals to the retained and rebuilt parts are considered acceptable.

C. Proposed new development – The South Block

As with the North block, the proposals for the south block involve the development of an 8 storey office block (with roof level plant area) which sets back progressively in order to reduce its visual impact from street level. The total height of the new building is approximately 31 metres above street level in Davies Street. Brookfield House at the junction of Davies Street and Brook Street is demolished and replaced with a new building which is then set back behind the retained facades on Brook Street (which are extended by one floor). No. 60 Brook Street is demolished and replaced by the new Brookfield House. Nos. 40-46 Brook Street (listed grade 2) are retained and refurbished. On the north side of Davies Mews, at the rear of the Brook Street buildings, all of the existing unlisted mews buildings are demolished and replaced with a new building.

As stated above with respect to the North block, the Victorian Society, Georgian Group, and London and Middlesex Archaeological Society ('LAMAS') also raise objections to the height and massing of the proposed South Blocks and state that the proposals cause harm to the conservation area and setting of listed buildings.

As with the North block, Historic England considers that the contrast in scale between

Item
1

the proposed new and the existing old will cause some harm to the significance of listed buildings and the conservation area. They consider that this harm is at the low end of less than substantial.

1. Height and bulk

The existing buildings in the block are approximately between 17 and 20 m high. Brookfield House is the tallest. In Davies Mews the buildings are lower, less than 12 metres high. The proposed building is approximately 29 m high, with a small plant area on top of the roof, taking the building up to approximately 32 m above street level. The south side of Brook Street opposite the site is Claridges Hotel, which is significantly taller, 35 metres (plus) above street level.

On Brook Street the existing facades are retained, except for no. 60. The retained and extended facades help hide the bulk of the proposed building above in views from street level. Looking westwards along Brook Street the upper floors are not readily visible above the retained and extended facades. Looking eastwards the increased height of Brookfield House is more apparent, although this sits reasonably well with the bulk of Claridges on the opposite side of the street, on the right hand side in the view. This additional bulk is seen in the backdrop of the listed buildings on the north side of Brook Street, west of Davies Street, (nos. 66-76; No. 66 is listed grade 1), causing a low level of less than substantial harm to their setting.

In the mews the existing buildings, which are 2, 3 and 4 storeys high, are replaced with a new building of four storeys. This also helps conceal the bulk of the building behind it in views from the mews. However, the additional bulk is visible to a degree from the junction of Davies Mews and South Molton Lane to the east. There is a large increase in the height at the western end of the retained listed building 40 South Molton Lane. The bulk will cause a low level of less than substantial harm to the setting of this listed building.

While the proposals have been designed to reduce the visual impact of the new office building from street level, the proposed height and bulk will be readily visible from the upper floors of surrounding buildings. In these views the full scale of the new buildings, and their architectural relationship to the conservation area, will be apparent.

It is considered that overall the proposed height and bulk would cause a moderate level of less than substantial harm to the character and appearance of the Mayfair Conservation Area and the settings of adjacent listed buildings.

2. Brookfield House

The proposed replacement for Brookfield House is based closely on the existing building. Both have a facade six storeys high but the proposed facade is 2.4 metres taller due to the greater floor-floor heights of the new building. Above the main façade are two more floors, designed to echo the design of the existing building, in terms of their detailing and materials, and roof top plant room. These are set back to reduce their visibility from street level. The existing facades on Davies Street and Brook Street are set back slightly from the historic building lines. The proposed facades will align with the historic building lines to the north on Davies Street and to the east on Brook Street.

The loss of the existing building is considered to cause a moderate level of less than

Item
1

substantial harm to the character and appearance of the conservation area. The London And Middlesex Archaeological Society (LAMAS) consider that the 'adjustments' to the street facades of Brookfield House will 'extinguish' its residential appearance. However, it is not considered that the existing building has a 'residential' appearance as it was built as a neo-Georgian office block. While the proposed building is of slightly greater scale than the existing, it is not considered that this would harm the character and appearance of the conservation area; the proposed building is considered to be a suitable replacement for the existing.

3. The facades on Brook Street

The existing Brook Street frontage is a very attractive mix of buildings of different ages and architectural styles. The oldest of these is no.60 (early Georgian) but this has been much altered over the years and is now of limited architectural and historic interest. This building would be replaced by the new Brookfield House. The other facades are all retained and extended by one floor in a style to match the existing facades. The addition of one storey to the facades is considered acceptable, given the large scale of the south side of the street opposite which is dominated by Claridges Hotel, and given that the extended facades will not be higher than the top of the gables on 40-46 Brook Street immediately to the east.

LAMAS and the Victorian Society object to the demolition of 48-58 Brook Street behind the retained facades. The Victorian Society considers that façade retention of this kind on a range of buildings will create a standardised effect through the insertion of consistent floor and ceiling heights behind the retained facades, and have a harmful impact on the conservation area.

Creating large open plan floors behind several facades can reduce the facades to 'stage sets' if not designed carefully. In this case it is considered that the varied nature of the facades and their relatively small, domestic fenestration, will mean that the open plan nature of the new building behind the facades will not be readily apparent, especially during the day. It may be slightly more obvious at night when the interior is lit, but it is considered that this in itself would only cause a low level of less than substantial harm to the appearance of the conservation area.

Historic England and the Georgian Group are concerned about the loss of 60 Brook Street. They consider that its undecorated and much altered facade may appear neutral in the townscape, but the scale and proportions of the building are important remnants of the Georgian origins and grain of Brook Street and positive elements of the conservation area. The loss of only original Georgian building in the street block is harmful to the character and appearance of the streetscene and this part of the conservation area. It is of some historic and architectural interest, and it contributes to the architectural variety of the terrace. However, given the degree of alteration that has taken place both externally and internally it is considered that this is a moderate level of less than substantial harm.

At the eastern end of the terrace is the grade 2 listed building 40-46 Brook Street which is retained and not extended (see below). The proposed additional height to the retained Brook Street facades alters their original proportions but is considered acceptable given the proposed height would be similar to the height of the gables at no. 40-46.

Item
1

4. The mews buildings (South side of Davies Mews)

The existing mews buildings are diverse in character too. They are modest buildings but collectively they form an attractive mixed group. They would be replaced by a four storey terrace of five bays, four of which have gables. The eastern most bay has a square roof line, with recessed terrace set within a semi-circular opening. The proposed facades are a modern interpretation of more traditional mews buildings found elsewhere on the Grosvenor Estate, such as in Bourdon Place. The facades are of hand set red bricks in Flemish bond. The ground and first floors are integrated to create a base, similar to that of the listed mews building opposite (1-7 Davies Mews). Behind the gables is a pitched slate roof. The loss of the existing mews buildings will cause a moderate level of less than substantial harm to the conservation area but it is considered that the proposed replacement facades are an acceptable and appropriate replacement, which responds to positively the context.

5. The design of the upper floors

The upper floors are modern in design with a simple fenestration pattern. The facades are clad in natural Portland stone, to match that of the existing Brookfield House. There are glazed balustrades to the terraces. Like the North Block, the facades are relatively neutral in design and impact. It is considered that this modern design approach is appropriate. It sits comfortably with the new and retained facades below, and the proposed massing means that its visual impact from street level is relatively small, given how tall the building is.

6. The listed buildings – 40-46 Brook Street and 40 South Molton Lane

The list description states that this is a carefully-detailed and inventive composition by the distinguished architectural practice Balfour and Turner; the associated mews building, in a simplified domestic Arts and Crafts style, is a good example of this building type. It is part of the late-19th century development of this part of Mayfair for the Grosvenor Estate, and the houses are good examples of luxurious yet restrained turn-of-the-century town houses in an Arts and Crafts idiom. The mews building (40 South Molton Lane) was built immediately after the terrace by the same architects and has a strong historical and functional association with the houses it was designed to serve. The exterior of the terrace survives essentially unchanged; the interior retains some opulent rooms, and good stairs; the outward appearance of the mews building, with its original openings, together with the relatively good survival of the ground-floor former coach-house and stable areas, makes this a good example of its type.

The proposal is to create a boutique hotel across all the listed buildings. This use is considered acceptable in principle in listed building terms. The issue is the degree of change proposed to the buildings internally and externally. LAMAS object to the works to 40-46 Brook Street, which they have thought will be demolished behind their facades. This is not the case.

Internally the buildings have been changed over the years. The buildings were converted to offices in the 1930s and no.42 was converted to a shop at ground floor level. Internal changes include in the installation of lifts (42), openings in all party walls, and various partitions. Despite these changes important original features survive, including staircases and decorative elements. The main rooms of the Brook Street buildings will be retained and restored. In some hotel rooms it is proposed to install freestanding bathroom pods, which have been designed to minimise their impact on the

special interest of the rooms. This is considered acceptable in principle.

The proposals involve some demolition works but these are chiefly in the rear wings behind the Brook Street buildings (the former billiards rooms), and in the mews building (40 South Molton Lane). The ground floor and basement levels in the rear rooms and the mews will be demolished to create new kitchens and back of house space at basement level, and a large restaurant at ground floor level. The party wall between the rear rooms and the mews building will be opened up to create open plan space. The existing ceilings and decorative coloured glass in the billiards rooms will be retained. The first floor structure in the mews building will also be replaced. These parts of the buildings are of some significance, but lesser significance than the principal rooms of the Brook Street buildings. These aspects of the proposals will cause a low level of less than substantial harm to the special interest of the listed buildings. This harm is outweighed by the public benefits of the proposals to the interiors of the main Brook Street buildings.

Externally the main change is the demolition of the original roof at the eastern end of the Brook Street buildings. It is proposed to replace this with a turret and gables on the South Molton Lane. There is some evidence that this was the original intention of the architects, although there are no drawings to show this, so to an extent this is a speculative design. The proposed design is based on other buildings by the same architects. While the loss of the original roof would cause a low level of less than substantial harm the listed building, the proposed turret and gables are considered to improve the appearance of the building and not harm its special interest. Historic England support this proposal.

In the mews the garage doors will be removed and replaced with folding glazed doors. This is considered acceptable in principle but the design and degree of opening should be reserved for further consideration if planning permission is to be granted. Other external changes are minor and beneficial, including the removal of security bars on the ground floor windows and modern railings at first floor level, both on South Molton Lane. The addition of ramped acceptable at the front of 42 Brook Street has been designed to have minimal impact. The opening up of the lightwell on South Molton Lane to create a garden at basement level is beneficial, although the relocation of the railing westwards to widen the road surface will cause a low level of less than substantial harm to the building's special interest.

It is proposed to add plant to the roof of the Brook Street buildings. This is set towards the middle of the roof and its visual impact from street level will be limited. This is considered acceptable.

D. South Molton Street and South Molton Lane

The site also includes the following 14 buildings in South Molton Street. All buildings have frontages onto the east side of South Molton Lane, except no. 42.

- 10 South Molton Street
- 15-22 South Molton Street
- 23-25 South Molton Street
- 27 South Molton Street
- 42 South Molton Street

The South Molton Street buildings are all four storey Georgian terraced houses (built in

the mid-18th century) except for no.18 which is Victorian. They were built on the eastern bank of the River Tyburn which forms the boundary between the Grosvenor Estate and the Conduit Mead Estate, now owned by the City of London Corporation. The buildings in South Molton Lane are later additions built in the rear gardens of the Georgian houses from the 19th century onwards. The South Molton Lane buildings form an attractive, picturesque terrace, of mixed architectural character and heights.

Most of these buildings are listed grade 2, with the exception of no.17 which is listed Grade 2 Star (because of its association with the artist William Blake) and nos. 22, 23, 27 and 42 which are not listed. The South Molton Lane frontages of the South Molton Street listed buildings form part of the listings. The list descriptions for numbers 10, 15, 16, 18, 19 and 20 says they are listed for 'Group value' only. Although this may imply that their interiors are not of special interest, the interiors are still protected and consideration should be given to the impact of the proposals on the significance of the buildings as a whole, not just their exteriors.

The South Molton Street buildings generally retain their Georgian character, although they have later shopfronts and windows. The rear of the buildings have been more altered with the rear extensions which front South Molton Lane, with some closet wing extensions above these. Most of the South Molton Street buildings retain historic roofs.

The proposals involve alterations to the South Molton Street shopfronts, creation of new shopfronts in South Molton Lane, some extensions at the rear, above the South Molton Lane buildings, some extensions and alterations at roof level, and internal alterations, to provide residential flats above the shops. A new passageway is proposed to link South Molton Street and South Molton Lane through 10 South Molton Street.

a. South Molton Street

Externally there are improvements to the South Molton Street facades, including new shopfronts and Georgian style windows. (These are not currently proposed to be double glazed but this would be likely to be acceptable in principle in these circumstances and Grosvenor may apply later if planning permission and listed building consent are granted for this scheme). Modern pavement lights and entrance thresholds will be replaced by traditional ones. Existing clutter on the facades will be removed, including alarm boxes and cabling. These are all beneficial works.

The proposals for the shopfronts are varied. In cases where the existing shopfront is modern and not of interest the entire shopfront will be replaced by a new traditional shopfront (Nos. 15, 22 and 25). Where elements of an historic frontage survive these will be retained and the shopfront improved (Nos.10, 17, 18 and 20). Where the existing shopfront is of significance this will be retained (No.16). The shopfronts will be painted traditional dark colours. These proposals are high quality and will preserve and enhance the character and appearance of the Mayfair Conservation Area.

At no.23 the large first floor window will be replaced and the Georgian fenestration pattern will be restored. This will improve the appearance of the building and the terrace and considered beneficial.

The most significant change in South Molton Street is the alteration of no.10 to provide a new pedestrian route through to South Molton Lane and Davies Mews. The Georgian Group have objected to the new passageway and associated internal works. This work

involves demolition of part of the ground floor and the demolition of a modern rear wing at the rear on South Molton Lane. The removal of this rear wing is beneficial and appearance of the rear façade will be improved with the use of traditional windows. This new route will improve east-west connectivity, giving pedestrians greater choice of routes through the area, and bringing activity to both South Molton Street and South Molton Lane/ Davies Mews. Although there is a low level of less than substantial harm to the significance of the listed building, much of the fabric to be demolished is not historic and there are public benefits in terms of the new route created.

b. Roof level alterations

Plant is proposed at roof level, including photovoltaic panels, air source heat pumps (on the roof of no. 20) and fan coil units (for the shop units). The existing historic roofs will be retained and the plant will have little visual impact, being concealed behind parapets and the valley roof slopes. The plant on no. 20 is the most significant installation, which will be installed on the flat roof, and then screened in a roof like form. This work will cause a low level of less than substantial harm to the heritage assets, and this is outweighed by the public benefits of providing renewable energy for the buildings which will reduce carbon emissions and improve air quality.

A traditional mansard roof extension is proposed on the unlisted no.23. This is considered acceptable in townscape terms as it is adjacent to the roof at no.22. The existing mansard roof at 22 will be improved by reducing the steep pitch to 70 degrees. This is beneficial.

c. Alterations at the rear including South Molton Lane

The proposals seek to retain the light industrial character of the South Molton Lane frontage and these are almost all beneficial in heritage terms. A single storey extension is proposed at no. 15 to bring it to the same height as no.16. Nos. 20 and 21 will also have one additional storey, set back from the street facade to reduce the visual impact. These extensions will alter the plan form of these listed buildings and cause a low level of less than substantial harm to their special interest. At no. 22 the existing top floor will be rebuilt and at no. 25 the first floor facade will be rebuilt slightly higher but to match the appearance of the existing. These parts of the buildings are later additions, and have been altered, so they considered to be of limited interest and the works are considered uncontentious.

Roof terraces are proposed on top of the rear extensions of nos. 15, 16, 18, 20, 21, 22, 23, 24, 25 and 27. These are acceptable in listed building and conservation area terms.

There are also minor alterations to the existing passageway between South Molton Street and South Molton Lane at nos. 22 and 23. These include the addition of new windows. Existing historic fabric such as the weatherboarding will be retained. This work will not harm the special interest of the buildings.

d. Interiors of the listed buildings

The interiors of the listed buildings have been altered significantly over the years and contain relatively few decorative features of interest. They do retain their staircases and their plan forms. Conversion to flats will necessarily involve internal alterations and these have been the subject of negotiations in order to reduce these changes to a minimum. The principal front rooms at first floor and second floor are generally retained and

Item
1

respected, and used as living rooms. Some of the rear rooms will be altered and sub-divided in order to create bathrooms or kitchens.

The staircases are retained, except for that at no. 19. The Georgian Group have objected to its loss. This staircase is modern below first floor level but the original Georgian staircase survives from first floor upwards and its loss is harmful to the interior. However its removal is necessary to provide the mix of units required. Historic England have suggested that it could be moved to another house in South Molton Street. Officers have explored the potential for reuse of the stair elsewhere within the development but there are no opportunities and reuse is not a practical option. Even if a new location could be found the stair would need to be upgraded to meet the current building regulations, which would then destroy much of its historic character.

Where original features survive, such as window shutters, these will be retained. The proposals for the interiors include a number of significant benefits, such as the reinstatement of appropriate cornices, dado panels, doors and chimneypieces, which will enhance the interiors. Full details should be required by condition to ensure that the design of these elements is closely based on Georgian precedents.

There will be some excavation at basement level, in order to increase the floor to ceiling height. This is proposed in nos. 15 and 16. It is considered that this will not harm the special interest of these listed buildings.

E. Public art

Whilst Grosvenor are committed to providing public art within the development there are no concrete proposals at this stage. Public art could be integrated into the facades of the new buildings and/or it could be part of the public realm proposals. If planning permission is to be granted then the issue of public art provision can be a reserved matter for later negotiation and agreement.

Conclusions – heritage asset matters

These are comprehensive, large scale proposals affecting a part of North Mayfair which is characterised by relatively small, domestic scale buildings. Many aspects of the proposals are considered to comply with the City Council's urban design and conservation policies as set out in S25 and S28 of the City Plan and policies DES 1, DES 4, DES 5, DES 6, DES 9, DES 10, DES12 of the Unitary Development Plan. Similarly, aspects of the proposals are considered to comply with the design policies of the Mayfair Neighbourhood Plan, MD1 to 4. Other aspects are more controversial and not in accordance with these policies.

As identified above, aspects of the proposals will cause varying levels of less than substantial harm to the character and appearance of the Mayfair Conservation Area and to the listed buildings and their settings. The higher levels of less than substantial harm are caused by the height and bulk of the new office buildings. This view is shared by Historic England, although they see this as a low level of less than substantial harm and officers consider that it is moderate. For planning permission and listed building consent to be granted, the harm to heritage assets should be considered to be outweighed by the public benefits of the proposals.

Some of these benefits are heritage benefits, for example, the restoration of the facades

Item
1

and parts of the interiors of the South Molton Street buildings, the refurbishment of the South Molton Lane buildings and the restoration of the interiors of 40-46 Brook Street. The demolition of unlisted buildings of merit such as Brookfield House and 56 Davies Street cause a moderate level of less than substantial harm to the conservation area, but this harm is largely offset by the acceptability of the proposed replacement facades. Other benefits are planning, rather than heritage, related. The overall balancing exercise is carried out below.

8.2.3 Assessment of Public Benefits against Heritage Harm

As set out within Section 8.2.2 of this report, the proposal is considered to cause less than substantial harm to varying levels of less than substantial harm to the character and appearance of the Mayfair Conservation Area and to the listed buildings and their settings. The higher levels of less than substantial harm are caused by the height and bulk of the new office buildings.

Para. 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

When undertaking this weighing exercise, the Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 8.2.1 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

Housing and Affordable Housing

The provision of a net addition of 31 good quality dwellings, of which eleven will be genuinely affordable, is a public benefit of the proposed development.

Public Realm

The transformation of South Molton Lane and Davies Mews from poor quality backstreets with narrow pavements that are unattractive to pedestrians into an engaging, animated and well thought out public realm using good quality materials, intelligent lighting and greater greening (including potentially 11 x new trees) that will attract visitors, better integrate with the surrounding streetscape through the inclusion of the new passageway within 10 South Molton Lane and create a destination, represents a public benefit.

Public realm and highways improvements are also proposed to Davies Street, Brook Street (north side) and to the forecourts in front of the South Molton Street properties. All of this will create a significantly improved public realm which, again, represents a public

Item
1

benefit. Given that the works to the public highway need to be agreed separately by the Director of City Highways (or the Cabinet Member for Environment and Highways) and the Oxford Street District Team, it is likely that the details of the works may change. It is clear, however, that the applicant is committed to producing the highest quality public realm that will greatly enhance this part of Mayfair.

Heritage Benefits

The opportunity to make improvements to the buildings on site has been taken, with a number of improvements proposed to restore historic features lost over time (e.g. the portico and front entrance door to 54 Davies Street), restore the appearance of the buildings (e.g. replacement shopfronts, reinstatement of traditional windows, reinstatement of internal features, removal of harmful modern accretions), or replace unsuitable modern railings with traditionally designed replicas. These are of public benefit.

Economic

The provision of greater quality and quantum of office floorspace accommodation in this highly accessible location immediately adjacent to the Bond Street West Elizabeth Line station represents a public benefit by contributing to the job and growth targets set out within City Plan Policies S18 and S20. The growth in office and commercial floorspace from this one development proposal represents 24.3% and 22.5% of the annual target of additional office and commercial floorspace set out within City Plan Policies S18 and S20, respectively.

The applicant estimates that the development would:

- Support 960 net additional jobs.
- Generate £1.1m additional worker expenditure in the local area each year.
- Generate £5m total visitor expenditure outside of the proposed hotel each year.

These public benefits are considered to outweigh the less than substantial heritage harm, in compliance with NPPF Para. 196. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with NPPF Para. 194. Furthermore, the recommendation to grant conditional permission and consent (x 6) is compliant with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The delivery of these public benefits is secured by legal agreement or condition.

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.

8.3.1 Sunlight and Daylight

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.

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, 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, 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.

The applicant has submitted an assessment of the impact of the increase in height and bulk of the proposed development upon the amount of sunlight (the Annual Probable Sunlight Hours), daylight (VSC) and the distribution of that daylight within affected rooms (NSL) to residential properties within the vicinity of the site. The buildings that have been assessed are as follows:

- 8 South Molton Street
- 13 South Molton Street
- 26 South Molton Street
- 28 South Molton Street
- 45-46 South Molton Street
- 48 South Molton Street
- 52 South Molton Street
- 55 South Molton Street
- 64 South Molton Street
- 23-28 St Anselm's Place
- 55 & 57 Davies Street
- 59 Davies Street
- 61 Davies Street

In respect to daylight, the analysis finds that there are expected to be material losses to the rear facing residential windows within 13 South Molton Street. These are summarised in Table 7 below:

13 South Molton Street									
Room reference	Room usage	Window ref	Daylight (VSC)			Daylight distribution (NSL)			
			Existing VSC	Proposed VSC	Change	Room area (sq.m)	Existing lit area (sq.m)	Proposed lit area (sq.m)	Change
2 nd floor	Bedroom	W1	32.21	10.77	-67%	17.89	17.79	7.63	-57%
3 rd floor	Unknown	W1	34.27	15.28	-55%	11.65	10.75	1.58	-85%
	Unknown	W2	34.34	14.42	-58%	11.42	11.16	2.53	-77%
4 th floor	Unknown	W1	35.51	20.28	-43%	11.72	11.42	3.45	-70%
	Unknown	W2	35.60	19.41	-45%	11.49	11.48	3.74	-67%

Table 7: Existing and proposed daylight and daylight distribution levels for 13 South Molton Street.

Whilst the material loss of daylight and the material degradation in the distribution of this daylight to the rear bedroom of the second floor flat to 13 South Molton Street is regrettable, the fact that it is a bedroom and still retains a reasonable levels of light means that the impact upon the amenity of the occupants of this flat is considered to be acceptable.

Whilst the expected losses in daylight and daylight distribution at third and fourth floor levels will be noticeable for the occupants of this residential unit, the retained levels are considered to be reasonably good for this location within a highly urban environment. For this reason, the impact upon the amenity of the occupants of this flat is considered to be acceptable.

There are some very minor technical breach in both daylight and daylight distribution to a number of other properties but in all but one cases the impact upon the amenity of neighbouring residents is negligible given that the losses are only just above the 20% thresholds and the retained levels of daylight are in all cases very good. The only exception is to a basement bedroom window to 55 Davies Mews that will see all its daylight lost. However, the existing VSC value is 0.02% and therefore the actual loss is negligible. This bedroom is also served by another window that is not materially affected. This is borne out by the daylight distribution not being materially affected by the proposed development.

In respect to sunlight, the impact is very similar (i.e. the only materially affected residential properties are within 13 South Molton Street) and is summarised in Table 8 below:

13 South Molton Street								
Room reference	Room usage	Window ref	APSH			APSH during the winter		
			Existing	Proposed	Change	Existing	Proposed	Change
2 nd floor	Bedroom	W1	56%	11%	-80%	19%	3%	-84%
3 rd floor	Unknown	W1	41%	9%	-78%	15%	0%	-100%
	Unknown	W2	51%	13%	-75%	19%	2%	-91%
4 th floor	Unknown	W1	40%	17%	-57%	16%	3%	-81%
	Unknown	W2	49%	23%	-53%	21%	6%	N/A

Table 8: Existing and proposed sunlight, both annual and during the winter months for 13 South Molton Street.

Again, the losses in sunlight to the habitable rooms within 13 South Molton Street are regrettable. However, the retained APSH will be reasonably good for this location within a highly urban environment. As such, the impact upon the amenity of the occupants of this flat are considered to be acceptable.

8.3.2 Privacy and Noise

Whilst there are proposed to be windows within the eastern elevation of the upper floors of the proposed South Block, these will be a considerable distance from the occupier of a nearby property objecting to the proposal on this ground. There is no justifiable reason for these windows to be fitted with obscure glazing.

8.4 Transportation/Parking

8.4.1 Servicing

The proposals are that the development should largely be serviced from on-street within Davies Mews, from four on-street bays in the Mews during a 5-hour window from 07.00 to 12.00, six days a week.

There are also bays proposed in South Molton Lane, primarily to serve the hotel, but also further north. The applicant is aware that any servicing bays on the public highway will be for any servicing vehicle to use and not just for vehicles servicing this development.

The bays in Davies Mews would be on-street which is not in line with UDP Policy TRANS 20, which seeks servicing to take place off-street. However, studies undertaken have shown to the Highway Planning Manager's satisfaction that the on-street provision, not just in Davies Mews but elsewhere around the site too, should be sufficient to service the development and to allow for vehicles to serve adjacent properties.

The bays in South Molton Lane are proposed to be on what is currently private land, albeit this will only be indicated by studs on the ground. The Highway Planning Manager was initially concerned that this area should be adopted so that the City Council could enforce who used it but, after discussing this issue further, he is content that it can be adequately controlled, while not becoming highway.

However, the servicing regime does depend in part on some goods being consolidated away from the site to reduce the number of vehicles that need to visit. A Servicing

Item
1

Management Plan should be required to enforce this servicing regime and to ensure that it is managed such that deliveries are successfully spread over the envisaged 5-hour period and that not too many vehicles arrive at once.

8.4.2 Public Realm and Highway Works

The Oxford Street District Team has raised concern about the detailed design of the public realm and highway works. In particular, detailed comments have been provided in respect to the relationship with the City Council's public realm improvements on Davies Street. What is eventually built on the public highway will, however, be for the relevant Cabinet Member or Members to make a decision on when the time comes. Discussions are ongoing between the applicant and the Oxford Street District Team in order to ensure that the public realm and highway works secured by this development proposal complement those taking place by the City Council.

8.4.3 Cycle parking

Separate cycle parking and changing facilities are provided for both the office and commercial occupants of the North and South Block at basement levels, with access via South Molton Lane and Davies Mews. In total, 304 cycle parking spaces are proposed. The cycle lifts and cycle stores all comply with the relevant guidance.

A small quantum of cycle parking is provided for staff working within the proposed hotel.

62 x cycle parking spaces for the proposed 33 x flats are to be located within the basement of 23-24 South Molton Street, accessed via a suitably sized lift from South Molton Passageway.

This cycle parking is acceptable and will be secured by condition.

Whilst the Highways Planning Manager would prefer the short-term cycle parking to be within the building itself, this is not considered to be practicable from a building management perspective or attractive for users stopping for a short time at the development. As such, although it might not be possible to accommodate all the required 50 x short-term cycle parking spaces within the new public realm, as many as possible will be accommodated whilst balancing the competing demands for space on the public highway.

8.4.4 Stopping up

An area of public highway measuring ~11.0m x ~0.4m on the south side of Davies Mews is required to be stopped up in order to accommodate the enlarged footprint of the building to replace Brookfield House. The Highways Planning Manager has no objection in principle, although there is a separate legal process for achieving this stopping up. The Committee's authorisation to make a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of this part of the public highway is sought.

Item
1

8.4.5 Cycle Hire

The Mayor of London has requested a financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station as the development will generate new demand for cycle hire in an area where existing docking stations are small and over used, in accordance with Policies 6.4 and 6.9 of the London Plan and Policies T4 and T5 of the Intend to Publish London Plan. This is recommended to be secured by legal agreement.

8.4.6 Impact on On-Street Car Parking

The proposals would lead to the loss of four on-street residents' parking spaces while at the same time providing an increase of 24 residential units (from nine to 33) (albeit seven will be re-provided at Claridge House, 32 Davies Street).

The evidence of the Council's most recent daytime parking survey in 2018 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200m radius of the development site is 54.2%. Overnight the pressure on Residents' and Shared Use Bays reduces to 45.8%.

The introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels. An extra 19 vehicles would have to be parked in the area for the 80% threshold to be breached during the day and more than that overnight. In the Highway Planning Manager's view, it is unlikely that the proposed additional dwellings in the development would led to even close to 19 more vehicles needing to park. As such, the proposal is compliant with UDP Policy TRANS 23.

8.4.7 Doors Opening over the Public Highways

A condition is recommended to be imposed securing details of the door opening arrangements prior to the commencement of development of each phase of the proposal.

8.4.8 Blue Badge Parking

The Mayor of London requests that it be confirmed that sufficient spaces are or could be provided within 50 metres of the site, in line with Policy T6.4 of the Intend to Publish London Plan. The development proposal provides no car parking and therefore there is no requirement for parking for disabled persons. On-street parking provision for disabled persons is a matter for the City Council as the Highways Authority.

8.5 Economic Considerations

The economic benefits of the development proposal are set out within Section 8.2.3 of this report. These are welcome and comprise a public benefit.

8.6 Access

London Plan Policy 7.2 and Policy D5 of the Mayor's Intend to Publish London Plan require that all new development achieves the highest standards of accessibility and

Item
1

inclusive design. All new self-contained homes should meet the Building Regulations M4(2) standard for 'accessible and adaptable dwellings', with at least 10% of homes designed to meet the M4(3) standard for 'wheelchair user dwellings', as set out in London Plan Policy 3.8 and Policy D7 of the Mayor's Intend to Publish London Plan. The latter should generally be distributed across tenures and unit sizes and floors to provide housing choice.

The applicant has stated that the proposals have been designed as much as possible in order to meet these inclusive design standards. A degree of flexibility is required in this particular instance given that residential accommodation is being provided within designated heritage assets and existing buildings, which are subject to certain design limitations imposed by the existing building fabric.

The overall design approach to the commercial new build office floorspace and public realm would strongly accord with the inclusive design principles set out above. The proposed bar within the basement of 15 and 16 South Molton Street is fully accessible, with an internal platform lift providing access for customers will mobility difficulties.

The level difference between South Molton Lane and South Molton Street in the location of the proposed new passageway beneath 10 South Molton Street is 1.84m. This level change is not able to be ramped as the length of the passageway is insufficient to comply with the maximum gradient permitted. The provision of platform lifts within the passageway has not been proposed given the presence of a retail unit at basement level beneath the passageway, management issues and the presence of alternative nearby level access routes. This is regrettable but considered acceptable given these constraints.

Level access to the commercial buildings within the North and South Block is secured. This is with the exception of 50-56 Davies Street where listed building constraints mean that this is not possible.

A level access entrance is proposed to be included to the hotel. Two fully accessible bedrooms within the hotel are proposed (i.e. 6%). This falls short of the 10% normal requirement but is acceptable given the heritage constraints of this listed building.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise

In terms of the internal transfer of noise from the proposed bar within the basement of 15-16 South Molton Street and potential restaurants beneath the market housing, it has been suggested by the applicant that, due to heritage constraints, the sound level reductions required by adopted policy may not be possible. The applicant has suggested that alternative standards be imposed. The advice from Environmental Sciences, however, is that the standard noise levels be secured by condition and that the actual maximum achievable mitigation should be further investigated in due course. Such an approach is accepted and standard noise conditions are recommended to be imposed.

Item
1

8.7.2 Plant

Conditions are recommended to be imposed ensuring that the plant selected will meet the relevant criterion within UDP Policy ENV 7.

8.7.3 Refuse / Recycling

All North and South Block related refuse collections will be from South Molton Lane via a consolidate waste store within the North Block. Waste is able to be transferred to the waste store from the North Block via a service corridor at basement levels that run beneath Davies Mews.

Refuse collections for the proposed hotel will take place from a loading bay to be created immediately to the east of the hotel.

Refuse collection from the commercial units and flats on South Molton Lane will be via the existing arrangements for this street whereby waste is presented for collection at allocated times.

The Projects Officer (Waste) has strongly objected to the lack of a communal waste store for the proposed 33 x flats on South Molton Street, pointing out that this is contrary to the City Council's guidance and will result in these residential units leaving bagged waste on South Molton Street. Whilst a communal waste store would normally be a requirement, there are practical difficulties in providing it in this instance. The flats are located within 14 x separate buildings, along a long stretch of South Molton Street. The result is that any communal bin store would be a significant distance from some of the residential units. Furthermore, incorporating a refuse stores would negatively impact upon the the retail provision on South Molton Street and South Molton Lane through either breaking up the fontage or reducing the size of already small retail units. These reasons, combined with the extremely regular residential rubbish collections (twice daily) and the fairly regular recycling collections (weekly) on South Molton Lane, means that a departure from the normal policy requirement for dedicated refuse storage spaces is justified in this instance. Conditions will secure refuse storage within the individual flats.

The Projects Officer (Waste) has also strongly objected to the application to identify an area close to the application site for a Micro Recycling Centre (provided as the applicant's cost), arguing that this is contrary to the City Council's guidance that major or large development should make such provision. It is not considered suitable to provide a micro recycling centre within the scheme as this would undermine the public benefits of the enhanced public realm.

8.7.4 Trees

The details relating to the proposed new street trees will be secured by legal agreement.

8.7.5 Biodiversity

Urban greening would be accommodated through the provision of street trees and planting on roof terraces of new build elements within the scheme. An Urban Greening

Item
1

Factor (UGF) assessment has been undertaken of the various elements within the scheme which are set out below:

- North Block – 0.12
- South Block – 0.13
- South Molton Street – 0.08

This compares to the existing site's UGF score of 0. Whilst the UGF score falls short of the 0.3 target for predominantly commercial sites, there are considered to be justified reasons for this shortfall in this particular case due to the limited scope for urban greening to be accommodated within the existing historic fabric and the intensively utilised and narrow pedestrian areas within the site. The potential for the scheme to accommodate urban greening has been maximised taking into account the site circumstances and development constraints in this instance and the development would provide net gains in terms of urban greening compared to the existing site circumstances. As such, the application accords with the London Plan Policy 5.10 and Policy G5 of the Intend to Public London Plan.

8.7.6 Sustainable Urban Drainage

The site is in Flood Zone 1 and generally has a low risk of surface water flooding apart from areas of medium and high risk of surface water flooding along Brook Street at the junction with Davies Street.

The drainage strategy comprises rainwater harvesting and below ground attenuation tanks (340 cubic metre capacity at basement level 2 of the South Block). Green roofs, permeable paving and other above ground SuDs methods are not proposed due to the nature of the development and heritage constraints. This is acceptable in this particular instance.

Given the significant reduction in surface water runoff and foul water discharge rates as a result of the proposed development, the objections from Thames Water are unfounded.

8.7.7 Sustainability

Policy SI 2 of the Intend to Public London Plan requires major development should be net zero-carbon. A minimum on-site reduction of at least 35 per cent beyond Building Regulations 2013 is required for major development. Policy MES4 of the Mayfair Neighbourhood Plan requires all new non-domestic development to be zero carbon.

The applicant's energy strategy states that the non-domestic new build element would achieve a 37% reduction in carbon dioxide emissions over and above Building Regulations 2013, with the non-domestic refurbishment and change of use element achieving a 66% reduction and domestic change of use element achieving a 49% reduction, with the majority of the saving achieved through energy efficiency measures. This is supported and complies with the minimum on-site targets set out in the London Plan and Intend to Publish London Plan.

The heating strategy for the north and south blocks comprises communal heating systems served by roof mounted Air Source Heat Pumps which will serve commercial

Item
1

and office floorspace. Air Source Heat Pumps are also proposed for 15 to 25 South Molton Street, with separate independent gas-fired communal heating systems proposed for 10, 27 and 42 South Molton Street and 40-46 Brook Street and 10 South Molton Lane, rather than a combined site wide heat network. This is acceptable in this particular instance given the spatially distinct nature of the individual development parcels and heritage constraints.

Solar photovoltaic panels are proposed on the new build elements and a number of roof elevations along South Molton Street and South Molton Lane. The potential for solar panels has been maximised, taking into account the limited potential for this technology to be incorporated due to the significant heritage constraints. There is no district heat network at present, however, the scheme should be future proofed to allow for a connection should one be delivered in the future. The overall energy strategy for the site is supported.

In terms of water usage, the proposal seeks to minimise water consumption through seeking to reduce demand, and accommodate rainwater harvesting where possible. Measures to reduce water usage in the buildings includes the installation of dual-flush toilets, and water efficient wash basin taps, baths/showers, and kitchen appliances. These proposed strategies assist in meeting a target of 55% and 45% improvements over BRE's baseline building for offices, and retail/hotel, respectively. Furthermore, the residential target of 105 litres per person per day will also be achieved.

The proposed development is targeting the following BREEAM ratings:

North and South Blocks – Offices

- Minimum Requirement: Excellent
- Project Ambition: Outstanding

North and South Blocks – Non-office commercial

- Minimum Requirement: Very Good
- Project Ambition: Excellent

40-46 Brook Street and 10 South Molton Lane

- Minimum Requirement: Very Good
- Project Ambition: Excellent

South Molton Street Properties

- Minimum Requirement: Very Good
- Project Ambition: Excellent

8.7.8 Air Quality

Environmental Sciences has expressed concern that the Air Quality Assessment that forms part of the submitted Environmental Statement predicts that due to the operation of the development a slight adverse impact would arise to an existing receptor at 28 South Molton Street. This slight adverse effect, however, is based on the worst-case scenario that the combustion plant would be on a continuous operation. In practice, it is expected that the proposed boilers and calorifiers would only run for between two to six

Item
1

hours a day, meaning that the impact of the development on air quality would be negligible.

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 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council is currently consulting until 18 January 2021 on the main modifications recommended by the Inspectors. 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 continue to attract limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan was adopted in December 2019 includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It 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

As set out above, the application is referable to the Mayor of London under Category 1B and 1D of Schedule Part 1, of the Town and Country Planning (Mayor of London) Order 2008. The Mayor is generally supportive of the proposal but has requested that the City Council secure an Early Stage Review Mechanism, off-site play provision, a contribution towards extending a nearby Cycle Hire docking station, and a delivery and servicing plan / construction logistics plan / travel plan by condition. Clarification is also requested in respect to the provision of on-street disabled car parking within 50m of the site. These issues are discussed within Sections 8.1, 8.4 and 8.12 of this report.

The Examination in Public for the draft new London Plan took place between 15 January 2019 and 22 May 2019. Following this examination, the Mayor notified the Secretary of State on 9 December 2019 of his intention to publish the new London Plan and published a revised version of the London Plan that accommodated the majority of the Inspector's recommendations. This latest version of the draft London Plan is known as the Intend to Publish London Plan (December 2019). The Secretary of State directed on 13 March 2020 that the Mayor cannot publish the London Plan until a number of modifications have incorporated into the Plan.

The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker.

Item
1

The closer the document is to adoption, the greater the weight that should be given to it. Policies contained in the Intend to Publish London Plan (December 2019) that are not subject to a direction by the Secretary of State carry significant weight.

Should the City Council resolve to grant permission, the application will have to be referred back to the Mayor of London for his final decision. Following receipt all the required information (including the draft legal agreement), the Mayor has 14 days to make a decision to allow the local planning authority decision to stand, to direct refusal, or to take over the application, thus becoming the local planning authority.

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.

A number of pre-commencement conditions are recommended to be imposed. Officers are seeking the applicant's agreement for the imposition of these conditions and the Sub-Committee will be updated on this matter in due course.

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 (a) to (o) meet these tests.

The estimated CIL payment is:

- £3.5m WCC CIL
- £2.2m Mayoral CIL

8.13 Environmental Impact Assessment

The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

Following a scoping request under Regulation 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Ref: 20/02080/EIASCO), the City Council (following independent advice being given by Waterman Infrastructure & Environment Ltd) adopted a scoping opinion on 1 May 2020 that the following topics / chapters should be scoped into the Environmental Statement:

Item
1

- Air quality.
- Archaeology.
- Built heritage, townscape and visual.
- Climate change.
- Daylight and sunlight.
- Noise and vibration.
- Socio-economics.
- Ecology and biodiversity.
- Ground conditions and contamination.

An Environment Statement (ES) covering all of these topics accompanies the planning application. All the publicity has been undertaken in compliance with the above Regulations in order to ensure that the public were given early and effective opportunities to participate in the decision-making procedures.

The City Council sought independent advice from Waterman Infrastructure & Environment Ltd on the adequacy of the ES. Following responses to a number of requests for clarification, Waterman Infrastructure & Environment Ltd has advised that the ES is a suitably robust document which satisfactorily supports the planning application.

The key conclusions of the ES are as follows:

Air quality

Once in operation, there will be emissions from operational traffic and proposed boilers. However, effects on local air quality from these are predicted to be not significant.

Kitchen extracts are proposed. The potential for odour impacts has been assessed and it has been found that the effect would not be significant.

Archaeology

Subject to a programme of mitigation reviewed and agreed by Westminster City Council and the Greater London Archaeological Advisory Service (part of Historic England) will be put in place to mitigate any effects. It is therefore anticipated that the effect of the proposed development on buried remains would not be significant.

Built heritage, townscape, and visual

Whilst the proposed development will result in the permanent loss of some historic fabric, the completed development will result in beneficial effects on the built heritage assets within the site through retention and enhancements, including improvements to the façades and roofs, and setting of assets. Combined with the design quality of new architecture and public realm, these enhancements will significantly benefit the Mayfair Conservation Area and improve upon the setting of the historic buildings on and surrounding the Site.

The new public realm, retail uses and pedestrian passageway from South Molton Lane through to South Molton Street will reinvigorate the existing area and will result in a significant beneficial effect on the immediate townscape character, which would also be benefitted by the addition of high quality new architecture and building repairs. The

Item
1

redevelopment of the site with improved historic elevations, new buildings of exceptional architectural quality and a significantly enhanced public realm will enhance the visual amenity around the site with significant beneficial effects on views close to the site.

As set out within Section 6.2 of this report, officers consider that the proposal will cause less than substantial harm to the Mayfair Conservation Area, and to listed buildings within and adjacent to the site. Historic England agree with this assessment, although they rate the level of harm as low, when officers consider it to be moderate. Objections have also been received on heritage harm grounds from the Victorian Society, the Georgian Group and the London and Middlesex Archaeological Society. Officers agree with the National Amenity Societies that harm will be caused to heritage assets. However, in assessing the proposals as a whole, it is concluded that the less than substantial harm is outweighed by the various public benefits, including heritage benefits.

Climate change

Greenhouse gas emissions associated with the proposed development will account for approximately 32,611 tonnes of carbon dioxide (equivalent) over its 50-year design life. 37% of these emissions will be related to the construction phase and the remaining 63% related to the operational phase. The proposed development will therefore result in significant adverse effects in relation to greenhouse gas emissions.

Daylight and sunlight

Once completed, the daylight and sunlight received by the majority of nearby sensitive properties would not be materially affected by the proposed development and would not be significant.

The one exception is 13 South Molton Street, where the proposed development would result in major adverse effects in terms of both daylight and sunlight availability. This is discussed in detail within Section 6.3 of this report.

Ecology and biodiversity

No significant impacts are predicted as a result of the construction, existence, and operation of the proposed development. Minor adverse effects on ecology and biodiversity resulting from construction lighting and demolition could potentially impact on local species such as bats and nesting birds.

Following completion, the local area is expected to benefit from the creation of ground and terrace-level habitat creation, and the inclusion of bird and bat roosting features within the building fabric.

Ground conditions and contamination

Excavation and removal of potentially contaminated soils during the construction phase, would improve local ground conditions, especially if the soils are sent to a recycling or recovery facility rather than landfill. Providing that the embedded and good practice measures are included, no significant effects are anticipated for the proposed development of the Site.

Item
1

Noise and vibration

It is expected that there will be temporary significant effects from construction noise on some nearby properties.

Socio-economics

The proposed development will increase employment in the local area, resulting in beneficial and significant effects. The proposed development will provide access to private and affordable housing, supporting a diverse community and contributing significantly to meeting housing need in the local area.

8.14 Other Issues

8.14.1 Publicly Accessible Toilets

The Mayfair Neighbourhood Forum has requested that provision is made for publicly accessible toilets or, failing that, a condition requiring retail and restaurant units to have toilets that are publicly accessible. Policy MR4.1 of the Mayfair Neighbourhood Plan states, *'New Large-Scale Retail uses in the West End Retail Frontages should provide safe, secure and publicly accessible toilets, unless it can be demonstrated to the Council's satisfaction that this would be impracticable'*. The application site is not on a 'West End Frontage' (defined in the Plan as Oxford Street, Regent Street and Bond Street) nor are the small to modestly sized proposed retail units considered to be 'Large-Scale Retail' uses, defined in the Plan as, *'... often occupied by international retailers which are primarily located on Oxford Street, Regent Street and Bond Street'*.

For these reasons, there is no policy basis for requesting that publicly accessible toilets be provided within the development.

8.14.2 Staff Accessible Toilet in the Basement of 24 South Molton Street

Given the small size of the micro-retail units, a dedicated staff WC is proposed within the basement of 24 South Molton Street (accessed via a lift off South Molton Passage). Access to this WC for all staff working within these commercial units is recommended to be secured by condition.

8.14.3 Crime and Security

In respect to concerns expressed by the Metropolitan Police Service:

- A review of the building lines was undertaken in order to ascertain whether the proposal would create a material increase in opportunities for anti-social behaviour and crime to take place. In response, a recessed pair of doors within the South Building on the Davies Mews was redesigned to omit this recessed area.
- It is not considered that it would be appropriate for a hotel of this size to have only one entrance / exit which would be overwhelmed by the visitor flow and would not be satisfactory to operators or visitors. Furthermore, one of the public benefits of the proposal is opening up the Davies Mews and South Molton Lane frontages to transform it into a destination that provides interest and activity. These benefits would be diluted if access to the hotel was via a single entrance /

exit on Brook Street.

- The consolidation of fire exit routes, bicycle store location and refuse strategies is required for the North and South Buildings to function efficiently whilst minimising 'dead frontages' that would dilute the public benefits of opening the Davies Mews and South Molton Lane frontages to activity. Furthermore, the buildings will be highly controlled environments, being centrally managed. For the reasons, it is not considered to be suitable for separate facilities to be provided for the different uses within the buildings.

There has been discussions with the Metropolitan Police Service about the proposed passageway linking South Molton Lane and South Molton Street. In particular, concern has been expressed that the passageway would contain steps to deal with the level difference between the two streets. These steps, it is argued, may be inviting for members of the public to sit and this could create conflict, crime or fear of crime for residents of the proposed flats on the upper floor of 10 South Molton Street given that the access door to these flats is also located within the passageway. As such, the Metropolitan Police Service recommends that the passageway be omitted from the scheme. If the passageway is a requirement of the scheme, it recommends that the residential entrance is relocated to be accessed directly off a street and that the passageway is gated at both ends and locked at night. Only if neither of these options is possible, the Metropolitan Police Service reluctantly recommends that the passageway be gated and locked at night.

In respect to the removal of the passageway from the scheme, this is not considered to be desirable as it does generate public benefits through improving pedestrian permeability this part of Mayfair and could draw visitors to the SMT development down South Molton Street, potentially improving this shopping street's vitality and thereby enhancing the unique status and offer of the West End Special Retail Policy Area in accordance with City Plan Policy S7. These public benefits would be lost if the passageway was omitted from the development proposal.

Whilst the entrance to the residential units on the upper floors of 10 South Molton Lane could be relocated to South Molton Street or South Molton Lane, this creates disbenefits by breaking up the retail frontage on South Molton Street or diluting the additional activity on South Molton Lane that is a public benefit of the development.

Weighing up all factors, it is considered that the most appropriate way to mitigate the concerns raised by the Metropolitan Police Service is to gate the passageway at night. This is considered to strike the right balance between improving the permeability of the streetscape and protecting the residents of 10 South Molton Street from crime, fear of crime and anti-social behaviour.

To this end, the applicant has provided amended drawings reconfiguring the arrangement of steps with the proposed passageway to allow the inclusion of gates at either end that will fold back into reveals created within the wall linings on either side of the passageway. This will ensure that they are not visually intrusive when open and will not pose a trip hazard for pedestrians. On the South Molton Lane frontage, the gates are would be full-height and set in from the building line by 0.3m which is considered to strike the right balance between not creating a deep recess that could allow anti-social behaviour to take place and ensuring that the gates satisfactorily relate as much as

Item
1

possible with the street scene and this listed building. Full height gates on the South Molton Lane frontage would need to be 4.3m tall which would dwarf the smaller scale of this part of the application site. The applicant is proposing 3.0m tall gates which is considered to be sufficient. The applicant has requested that these gates be closed between either 21.00 or 22.00 and 07.00 daily. This is later than between 19.00 and 20.00 suggested by the Metropolitan Police Service. Given the proposed restaurant uses within Davies Mews and South Molton Lane, as well as the ancillary restaurant and bar for the hotel proposed at 40-46 Brook Street and 10 South Molton Lane, it is likely that the area will be busy into the evenings with sufficient pedestrian traffic to discourage anti-social behaviour in the passageway and to reduce the fear of crime for residents. As such, it is considered that requiring the gates to be closed between 22.00 and 07.00 is acceptable.

The passageway will not be public highway and therefore adherence to a management strategy detailing cleaning, lighting, general maintenance and opening and closing the gates is recommended to be secured by legal agreement.

8.14.4 Basement Excavation

Subject to conditions, the proposed two levels of basement development would safeguard the structural stability of the existing buildings, nearby buildings and other infrastructure including any highway and railway lines/tunnels, including Crossrail and the King's Pond Sewer. The proposed basement would not increase or otherwise exacerbate flood risk on the site or beyond. Furthermore, the proposed two levels of basement development has been designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses, the amenity of those living and working in the area, users of the highway, and other traffic and highways functions.

As such, the proposed basement excavation is considered to be compliant with City Plan Policy CM28.1.

8.14.5 Construction Impact

It is recommended that adherence to the City Council's Code of Construction Practice be secured by condition.

A neighbouring resident has questioned whether financial mitigation will be available to mitigate the disruption to neighbouring businesses during the construction phase of the development. This is a private rather than a planning matter.

8.14.6 Fire Safety

A fire statement has been prepared by a third party suitably qualified assessor 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 Policy D12 of the Intend to Publish London Plan.

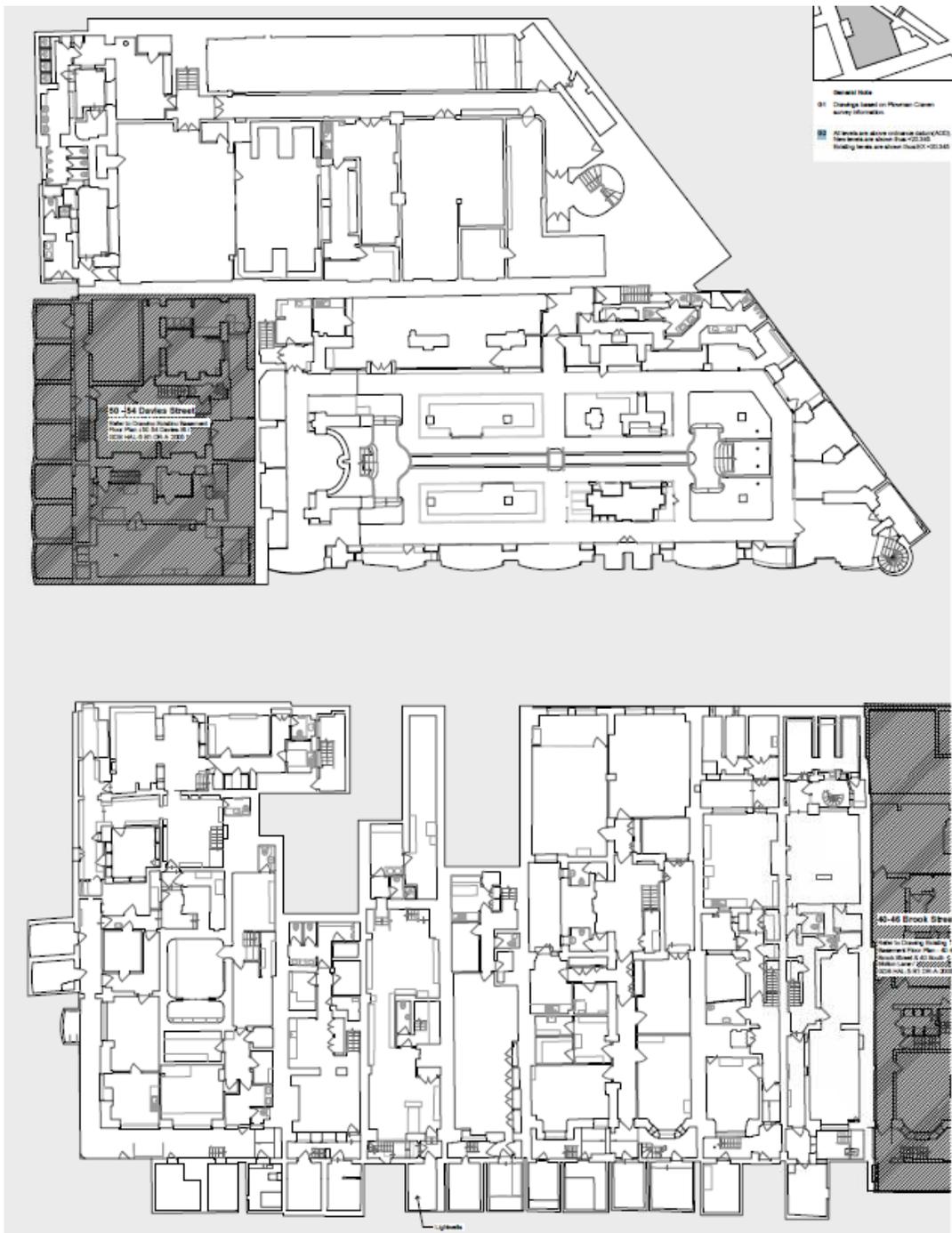
Item
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(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

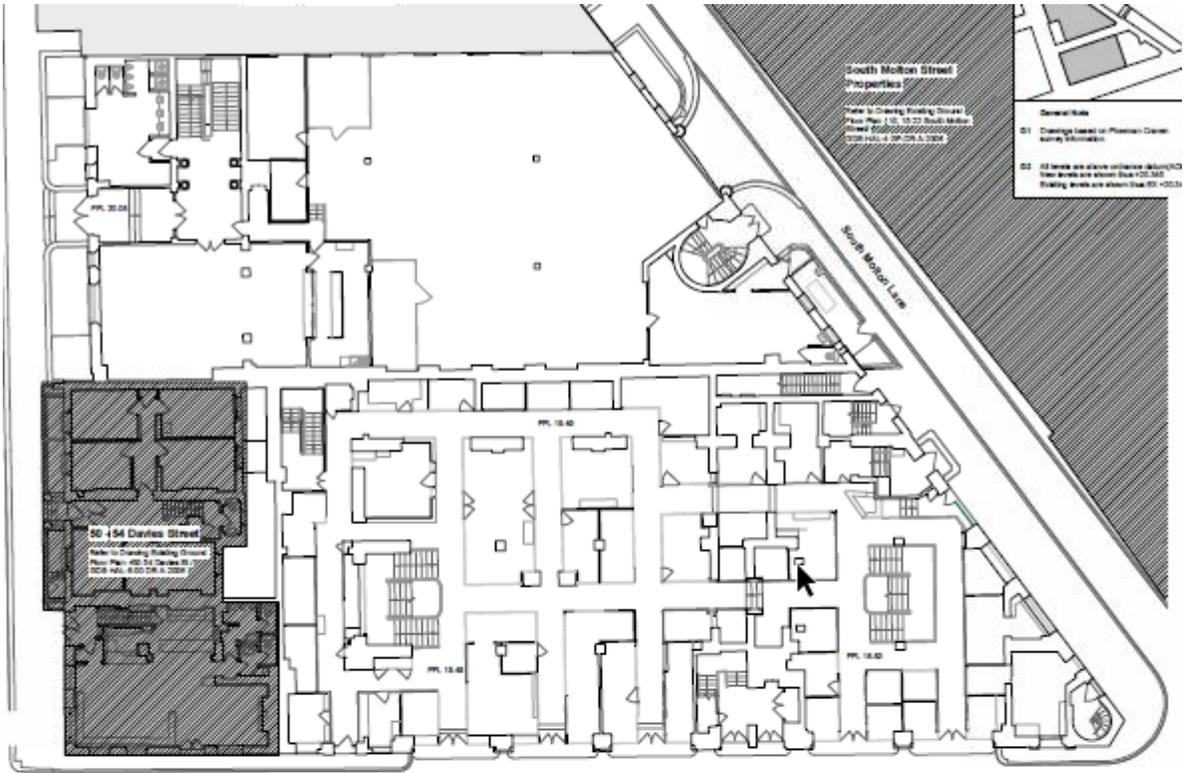
Existing basement plan – North and South Block



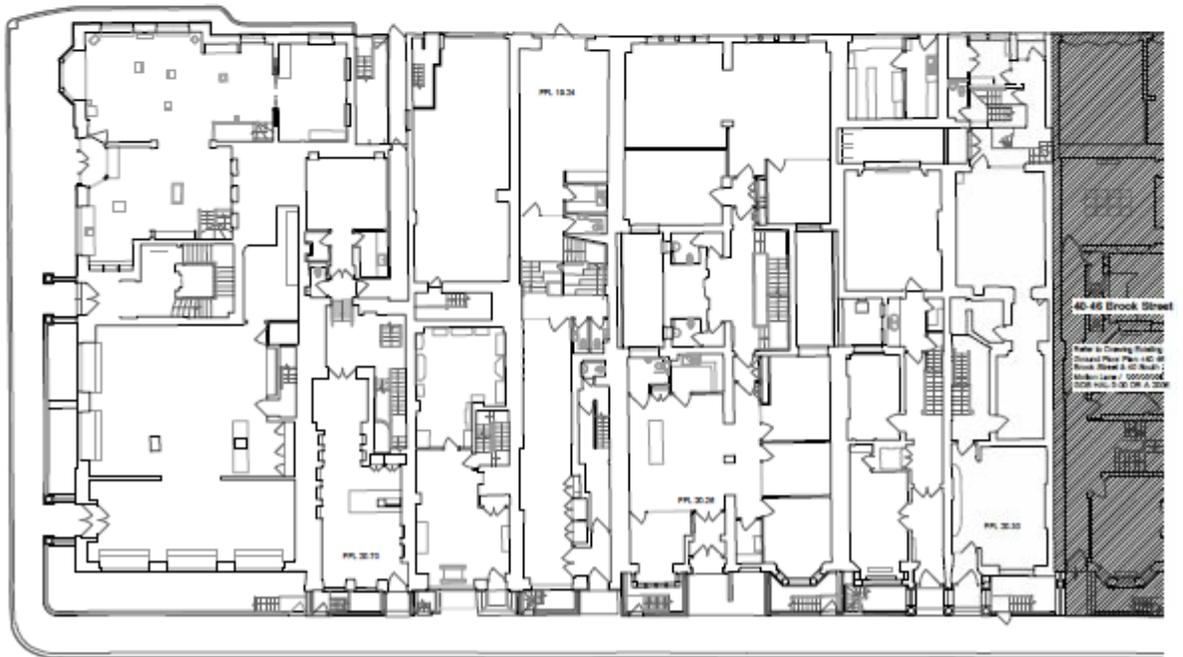
Proposed basement plan – North and South Block



Existing ground floor plan – North and South Block



Davies Mews



Existing Davies Mews elevation (south side)



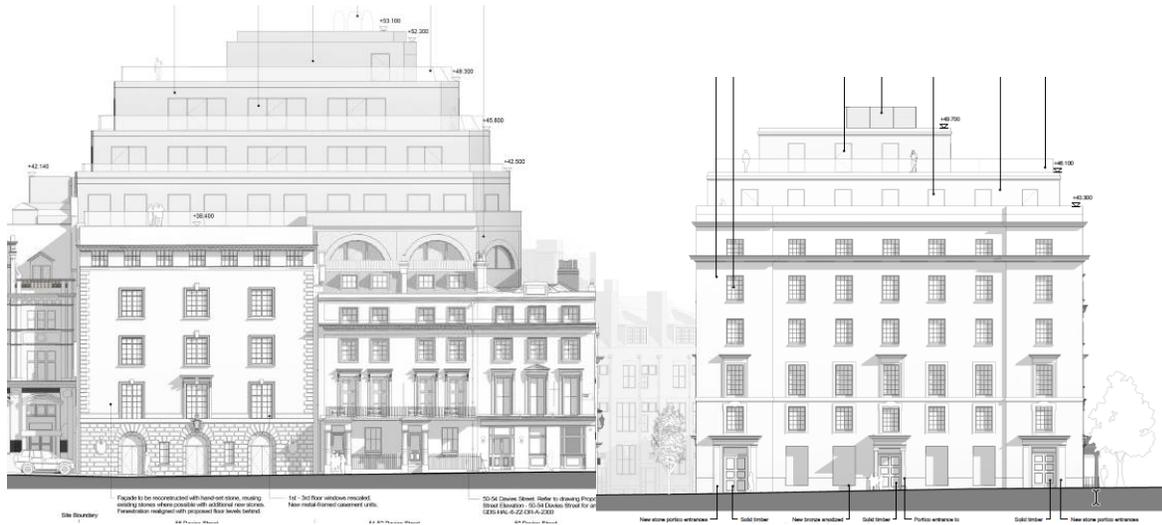
Proposed Davies Mews elevation (south side)



Existing Davies Street elevation (east side)



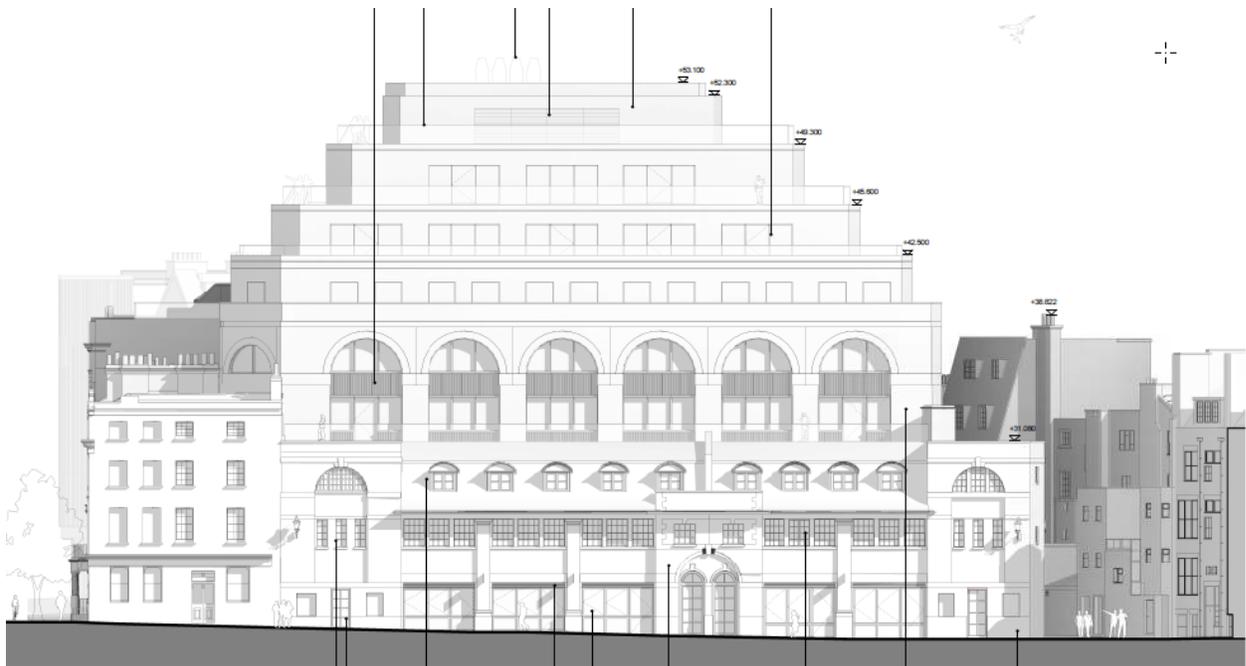
Proposed Davies Street elevation (east side)



Existing Davies Mews elevation (north side)



Proposed Davies Mews north elevation (north side)



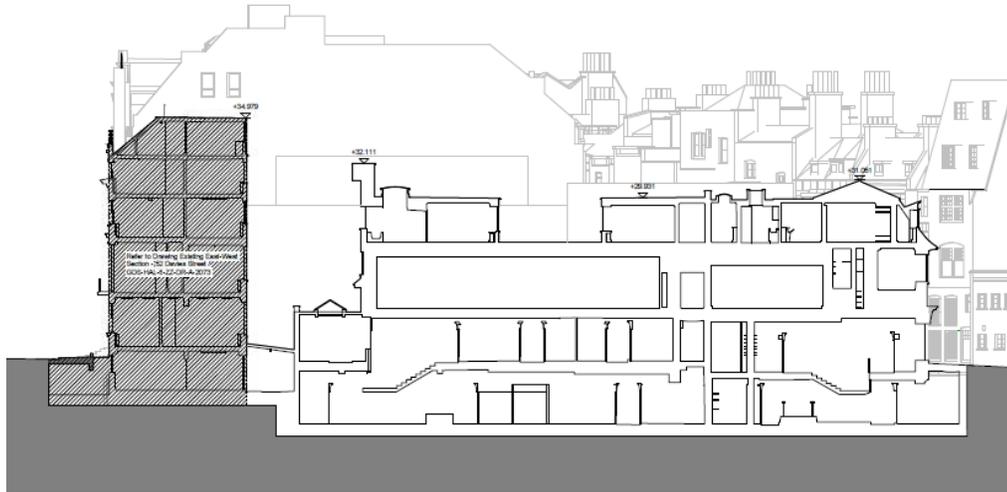
Existing South Molton Lane elevation (west side)



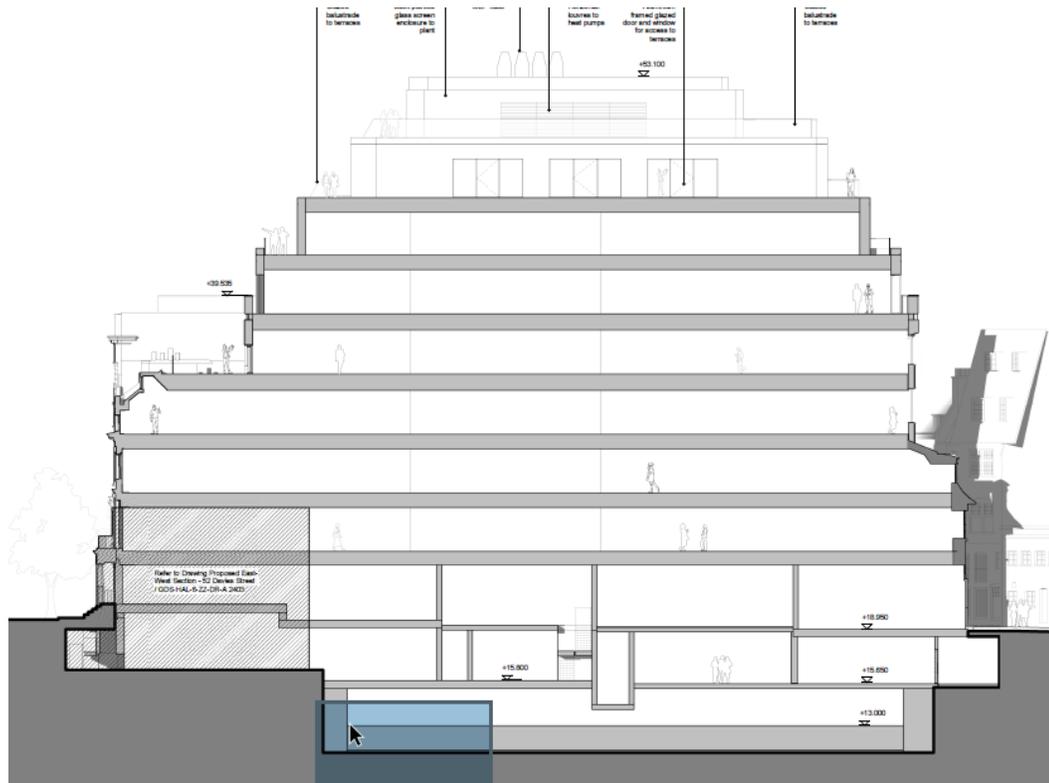
Proposed South Molton Lane elevation (west side)



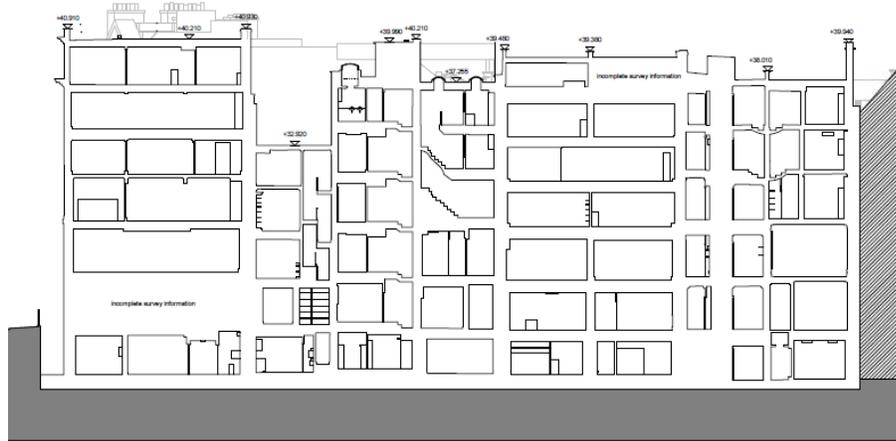
Existing east-west section – North Block



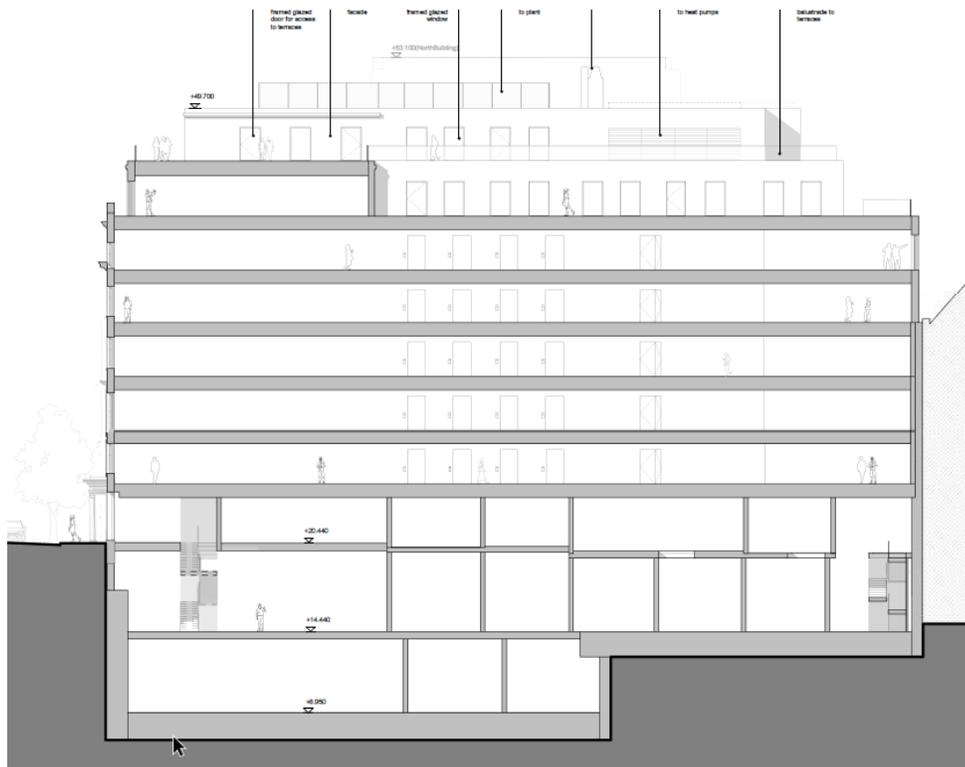
Proposed east-west section – North Block



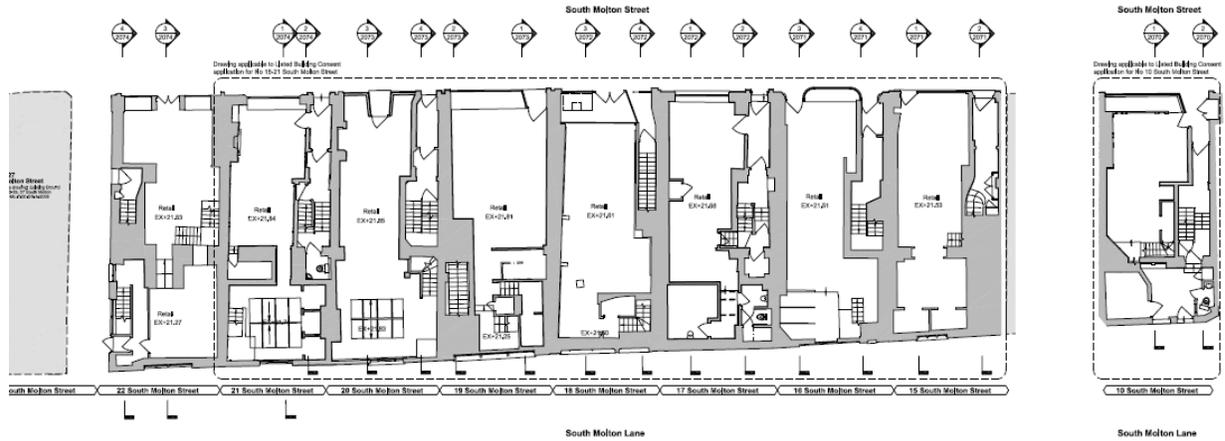
Existing east-west section – South Block



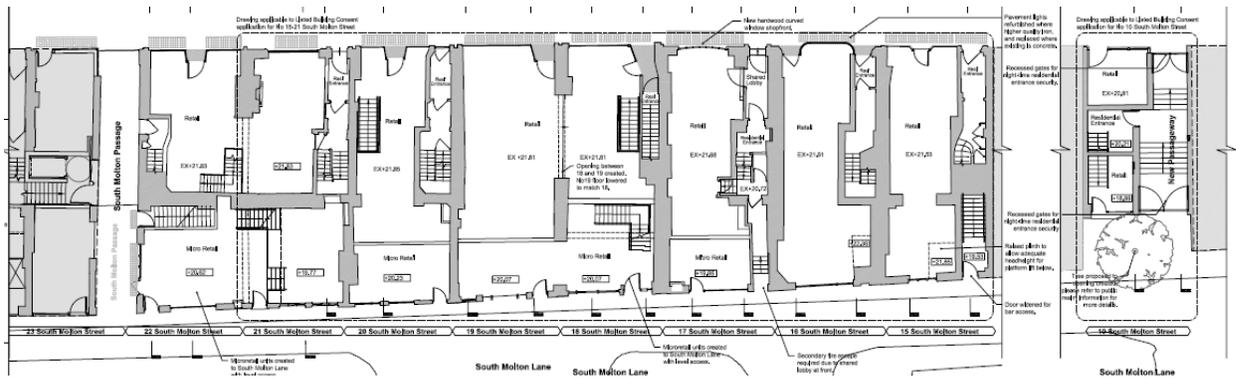
Proposed east-west section – South Block



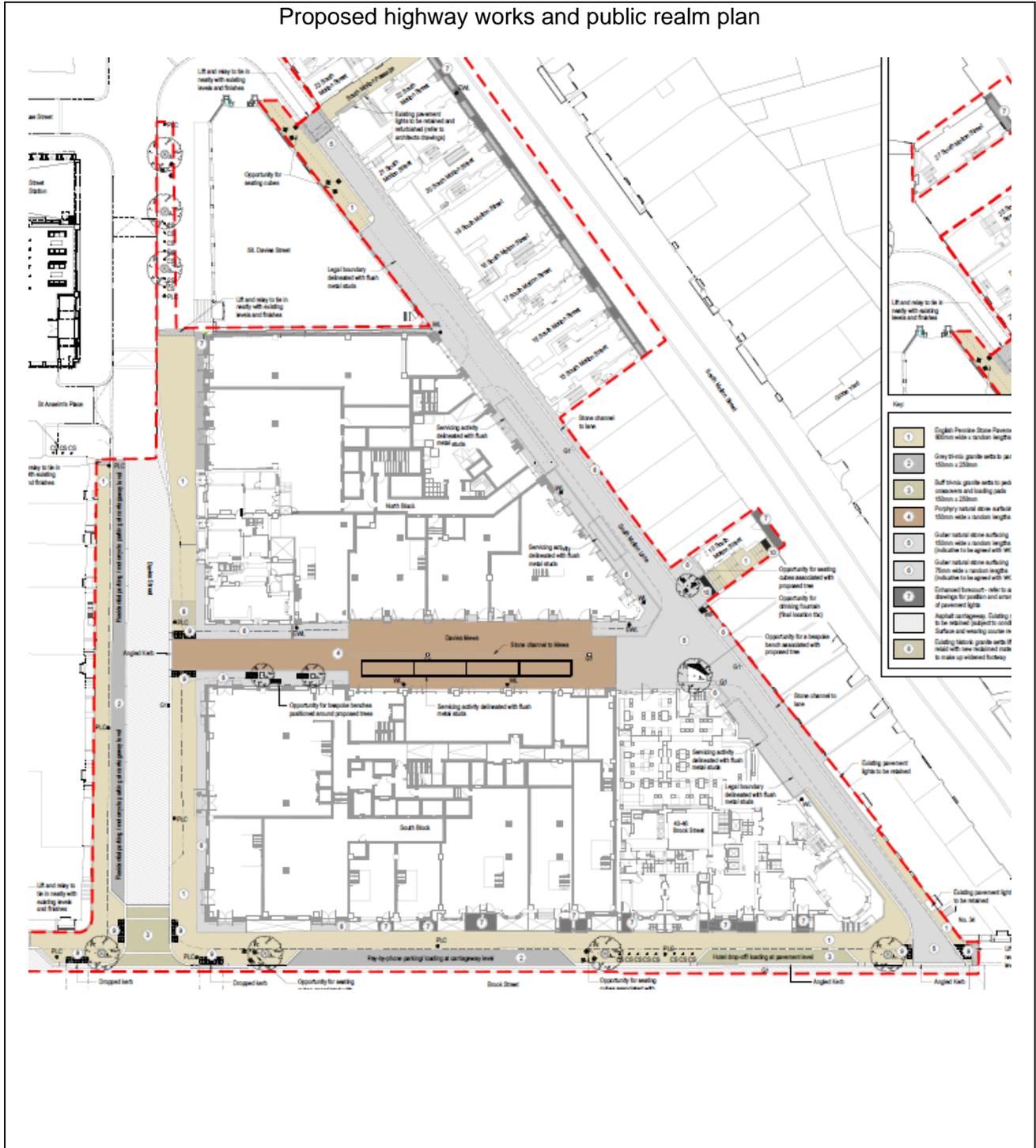
Existing ground floor plan – 10 and 15-22 South Molton Street



Proposed ground floor plan – 10 and 15-22 South Molton Street



Proposed highway works and public realm plan



Item
1

DRAFT DECISION LETTERS TO FOLLOW

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.