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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 27 April 2021 | Classification For General Release | |
| Report of Director of Place Shaping and Town Planning | | Ward(s) involved West End | |
| Subject of Report | 80 New Bond Street, 325- 329 Oxford Street and 3-4 Dering Street London, W1S 1SB | | |
| Proposal | Demolition and rebuilding of 3-4 Dering Street to provide a four storey plus basement building with a plant enclosure above. Extensions and refurbishment of 325-329 Oxford Street and 80 New Bond Street to provide an eight storey plus basement building; re-alignment of the facade along the Oxford Street frontage above first floor level to match neighbouring building; creation of terraces at seventh and eighth floor levels; alterations to the facade on the Oxford Street and New Bond Street frontages including the provision of double height shopfronts, the provision of additional accesses and other associated external works, all in connection with the use of the building for retail and offices purposes (Class E). | | |
| Agent | Gerald Eve Plc | | |
| On behalf of | HEVF 2 New Bond Street S.a.r.l | | |
| Registered Number | 20/08230/FULL | Date amended/ completed | 22 December 2020 |
| Date Application Received | 22 December 2020 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Mayfair | | |

1. RECOMMENDATION

- 1 Grant conditional permission subject to the completion of a legal agreement to secure the following:
 - a. A financial contribution towards employment, training and skills of £55,648 (index linked) payable on commencement of development
 - b. A financial contribution towards Council's Carbon Off-set Fund of £162,165 (index linked) payable on commencement of development.
 - c. Undertaking of highways works in the vicinity of the site, to enable the replacement of pavement lights and the installation of columns. Highway works to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the building.
 - c. Costs of monitoring the S106 agreement.

- 2 If the S106 legal agreement has not been completed within eight weeks of the date of this resolution, then:
 - a. The Director of Place Shaping and Town 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 Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b. The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3 That Committee authorises the making of a draft order pursuant to s247 or s248 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway. That the Director of Place Shaping and Town Planning, Executive Director of City Management and Communities, 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.

2. SUMMARY

The application site is a prominent building located on the corner of Oxford Street and New Bond Street with an additional frontage to the rear facing Dering Street. Permission is sought to refurbish and extend the existing retail and office building provide an additional 1,717 m2 GIA of floorspace.

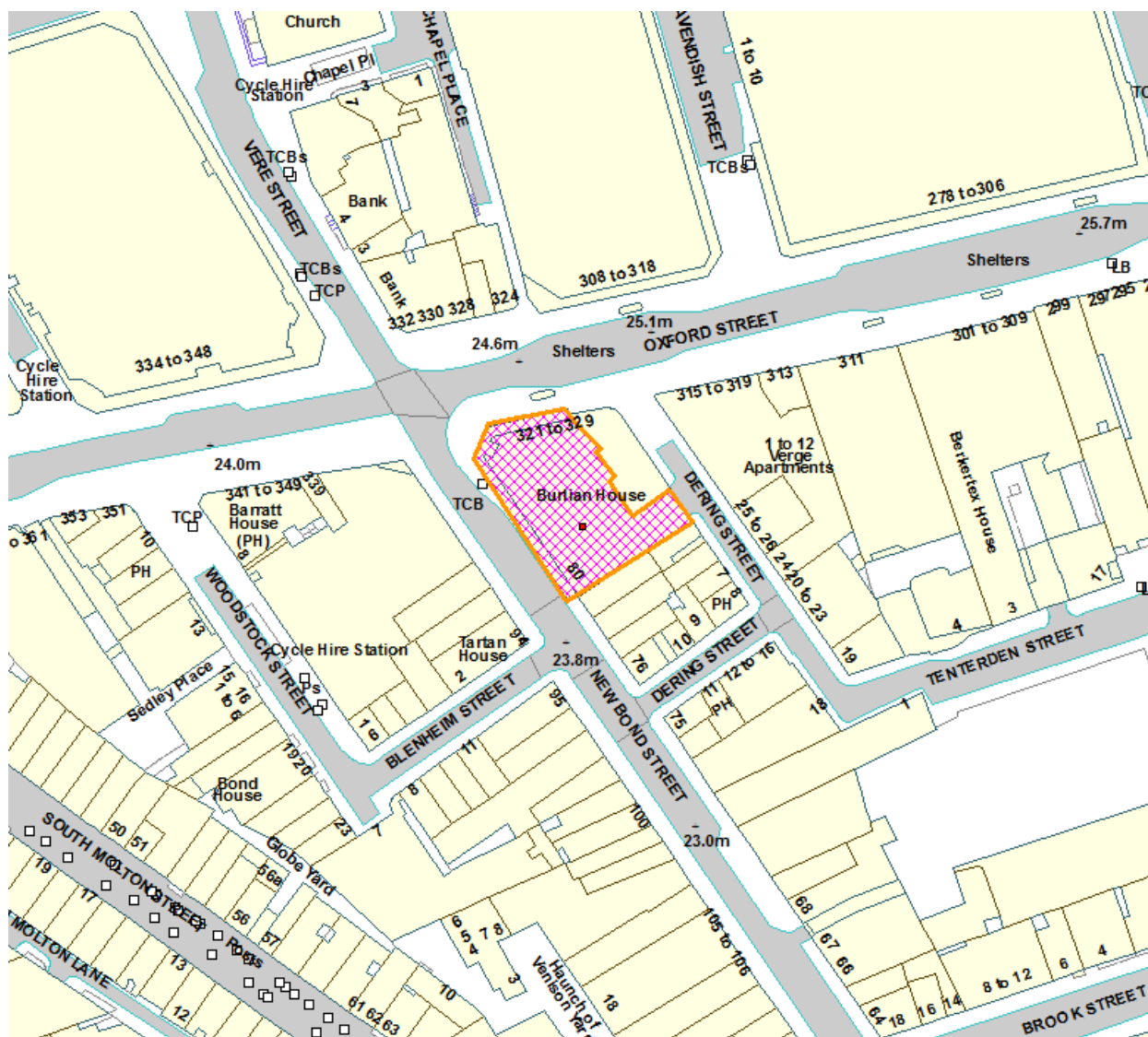
The proposal would result in an overall increase in office floorspace of 2,309 m2 GIA and a loss of 592 m2 GIA of retail floorspace.

The key issues for consideration are:

- the impact of the development upon the character and appearance of the Mayfair Conservation Area;
- the acceptability of the loss of retail floorspace and
- the impact of the completed development upon the amenities of neighbouring occupiers.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the London Plan, the City Plan 2019-2040 Intend to Adopt version, Unitary Development Plan (UDP), Westminster City Plan (City Plan) and the Mayfair Neighbourhood Plan. For these reasons it is recommended that conditional planning permission be granted subject to a legal agreement securing the items listed within Section 8.12 of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Oxford Street Frontage



New Bond Street Frontage



Dering Street Frontage



5. CONSULTATIONS

RESIDENTS SOCIETY OF MAYFAIR & ST JAMES'S

Any response to be reported verbally

MAYFAIR RESIDENCE GROUP

Any response to be reported verbally

THAMES WATER

No objection subject to condition

LONDON UNDERGROUND

Do not wish to comment

NEW WEST END COMPANY

- Delivery of a more attractive building and will revitalise the retail frontage
- The delivery of high quality retail and office accommodation will deliver economic benefits

WASTE PROJECT OFFICER

No objection subject to condition

HIGHWAYS PLANNING MANAGER

- Provision of cycle parking is welcome
- No objection to replacement pavement vault or internal works beneath
- Servicing Plan should be secured by condition.
- Concern is raised to the alignment of the protruding shopfronts bays on both the Oxford Street and New Bond Street frontages
- Stopping up required

ENVIRONMENTAL HEALTH

No objection to plant, air quality or principle of development.

BUILDING CONTROL

No objection. Strengthening work will need to be fully justified by a structural design and suitable site investigation prior to construction.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 80

Total No. of replies: 1

1 objection received on the following grounds:

- Applicant had no active engagement with the Freeholder of 321-323 Oxford Street.
- No information included within the submission with regard to construction process/length.
- Construction significantly impacts the ability to let the adjacent building.
- Window to the east at sixth floor level may compromise the redevelopment of the

- neighbouring building or overlook potential future development.
- Reduction of light to office accommodation to rear of 321-323 Oxford Street
- Overbearing and harmful to the character of the conservation area.
- Loss of retail/ essential for the retail health of Oxford Street that there is a retail provision at ground floor level.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

325-329 Oxford Street, 3-4 Dering Street and 80 New Bond Street are unlisted buildings located on the southern side of Oxford Street. The site wraps around the corner into New Bond Street and extends through to Dering Street at the rear.

The buildings comprises basement, ground and five upper storeys along the Oxford Street and New Bond Street frontages lowering to basement, ground and two upper floors along the Dering Street frontage.

The building was last occupied for retail purposes at part basement, part ground, part first floor levels and part second floor levels, with offices occupying the remainder of the site.

The site is within the West End Retail Special Policy Area, West End Retail and Leisure Special Policy Area, the International Centre, the Core CAZ and is within the Mayfair Conservation Area.

The surrounding area is commercial in character, comprising a mixture of retail and office uses and some isolated residential properties. These include the residential units within first to fourth floor of 92 and 93 New Bond Street, at second to fourth floors of 5 Dering Street and at fourth floor level of 313-319 Oxford Street.

6.2 Recent Relevant History

A basement, ground plus five storey building was permitted at the Site on 31 October 1970 (ref. A/TP/7722). This application proposed shop storage at basement, retail use at ground floor, a showroom at the first floor, offices at the second to fourth floors with residential flats at the fifth floor. It is also understood that 6,170 sq ft of basement car parking space was included as part of this application. This permission was implemented and relates to the current building on the site.

On 14 August 2001 (ref. 01/04640/CLEUD) a certificate application was permitted which confirmed that the lawful use of the fifth floor as Class B1 offices.

In mid-2009, three applications were submitted to the City Council in relation to upgrading the existing retail unit. On 27 August 2009, planning permission (ref. 09/05594/FULL) was granted for the retail shopfront which is currently in-situ on Oxford Street and New Bond Street. Then, on 11 September 2009, permission (ref. 09/05580/FULL) was granted to change the use of the disused basement car park to

ancillary retail (Class A1). Drawings submitted as part of this application also indicated that the second floor of 3-4 Dering Street was within the retail demise, providing storage space. Following this, on 16 February 2010 (ref. 09/09969/FULL) the City Council permitted the replacement of the concertina roller shutter doors at 3-4 Dering Street with blockwork and fire escape doors.

7. THE PROPOSAL

The principal elements of the application are summarised below:

- Installation of new facades on the Oxford Street and New Bond Street elevations;
- Reconfiguration of parts of the existing floor slabs and demolition of the existing structure above the fifth-floor level to enable a more efficient centralised core and enhanced floorplates;
- Construction of two additional storeys;
- Provision of external terraces at seventh and eighth floor levels to provide outdoor amenity space;
- Relocation of the office entrance to a new, replacement building on Dering Street comprising a double height reception lobby dedicated for office use;
- Partial infilling of the existing rear lightwell next to the boundary with 321-323 Oxford Street;
- Retention of the set-back at ground floor level on Oxford Street with the building oversailing at upper levels
- Provision of new long-stay cycle parking spaces to meet the London Plan requirements, and associated changing facilities, all of which would be available for use by all tenants at basement level, and accessed via a dedicated cycle entrance off Dering Street;
- Provision of a new consolidated waste / refuse store facility and associated back of house storage areas within the basement. A dedicated waste holding area would also be provided at the ground floor;
- Relocation of the majority of plant equipment within the building from the roof to each floor level, alongside the provision of plant enclosures at third and fourth floor level.;
- Rooftop landscaping including perennial planters, trees, and a green wall on the seventh and eighth floor level terraces;
- Provision of a number of energy efficiency and sustainability measures, including the use of new double-glazed units; and
- Provision of sustainable urban drainage methods, including permeable paving to the terrace, blue roof and urban greening.

It is proposed that the ground and first floors will be used for retail purposes whilst the remainder of the building will be used solely for office purposes.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The floorspace figures are set out in the land use table below.

| | Existing GIA (m2) | Proposed GIA (m2) | +/- |
|--------|-------------------|-------------------|---------|
| Retail | 2,165 | 1,573 | - 592 |
| Office | 2,347 | 4,656 | + 2,309 |
| Total | 4,512 | 6,229 | + 1,717 |

Procedural matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020 amending the Town and Country Planning (Use Classes) Order 1987, amending the system of use classes. The amendments include the creation of a new Commercial, Business and Service use class (Class E). The new Class E incorporates previous uses including retail, financial and professional services, restaurants, offices, medical and leisure and therefore both shops and offices would fall into a single 'business, commercial and services' use (Class E). As such, the change of use of retail to offices on site would not now require planning permission. This is because changes of use within a use class does not constitute development.

Loss of retail

The building comprises 2,165 m2 of retail floorspace over, basement, ground and first floors. The site is also within the West End Special Retail Policy Area, West End Retail and Leisure Special Policy Area, the International Centre, the Core CAZ.

City Plan Policy S7 requires the maintenance and enhancement of the unique status and offer of the West End Special Retail Policy Area. City Plan Policy S21 provides blanket protection of existing retail floorspace throughout the City except where the council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.

UDP Policy SS3 sets out more specific policy for the site. It protects A1 retail floorspace at basement, ground and first floor levels. Only in the most exceptional circumstances does the policy allow a departure from this in-principle objection

Policy 14 of the City Plan 2019-2040 Intend to Adopt version states that 'uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy. All development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed'. 'The International Centres of the West End and Knightsbridge will provide a focal point for large format comparison retail, supported by complementary town centre uses that increase customer dwell time, and new office floorspace'.

The proposal involves the loss of retail accommodation from basement to second floor, although a large retail presence would remain at ground and first floor level. An objection

has been received to the loss of retail. The new City Plan 2019-2040 no longer gives retail the same policy protection. Policy 14 seeks to ensure that uses at ground floor level in the retail hierarchy provide a service to visiting members of the public and providing an active frontage. In this case the although there is a loss of retail across the site, retail will be retained at ground floor level. Notwithstanding the changes to the Use Classes Order the applicant is agreeable to a condition which will require the retail floorspace in the development to be used for retail purposes only and not for other purposes within Class E. The proposal would retain a substantial retail offer (some 1,573 m²) which is superior to existing accommodation in terms of layout and improved frontages. This is welcomed and a public benefit that would be delivered.

Increase in Offices

Given the site's location within the Core CAZ and Central Mayfair, the increase of 2,309 m² of additional office floorspace is welcome, as set out within City Plan Policies City Plan Policies S6, S18 and S20, City Plan City Plan 2019-2040: Intend to Adopt version Policy 14 and Policy MC1 of the Mayfair Neighbourhood Plan.

The provision of modern, high quality office space is welcome and will make an important contribution to meeting Westminster's employment growth targets.

Mixed Use

There is a requirement under City Plan Policy S1(3)(B) to provide 363 m² (GIA) of residential floorspace either on-site, off-site, or as a payment in lieu (totalling £844,967) of residential floorspace (at the applicant's discretion).

The new City Plan City Plan 2019-2040: Intend to Adopt version no longer has a policy requiring the provision of residential to offset increases commercial office floorspace.

There is a conflict between the mixed use policy in the adopted City Plan 2016 and the emerging City Plan 2019-2040. Government advice is clear with regard to a conflict between existing and emerging policy documents. Given the advanced stage of the City Plan City Plan 2019-2040: Intend to Adopt version which is due to be adopted on the 21 April 2021, where there is conflict with soon-to-be adopted policy and currently adopted City Plan policy, the emerging policy should take precedence as the most important material consideration. As such, a payment in lieu to offset the shortfall of residential accommodation being provided as part of the proposal has not been secured.

Employment and skills

Policy S19 of the City Plan and Policy 18 of the City Plan 2019-2040 Intend to Adopt version requires major developments to contribute to improved employment prospects for local resident this will include financial contributions towards employment, education and skills initiatives.

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. In this case the commercial floorspace requires a contribution of £55,648.

8.2 Townscape and Design

80 New Bond Street and 325 -329 Oxford Street is a six-storey building of 1970-1972 by Fitzroy Robinson and Partners. It consists of a concrete frame, clad with dark stone panels. The building is not listed, and it is considered to make a neutral contribution to the Mayfair Conservation area.

The building, described in the Survey of London as 'ungainly' forms half of a street block with 321-323 Oxford Street, an Edwardian building of four storeys which makes a positive contribution to the character and appearance of the area.

There are no listed buildings immediately adjoining the application site; the closest is the grade II listed 4 Dering Street. The portion of the application site at 2 Dering Street is seen in views of no 4 and can therefore be considered to form part of its setting.

The building, along the Oxford Street frontage has a large canopy above ground floor level, and a façade which is stepped back from that of its neighbour at 321-323 Oxford Street.

The proposed design of the new building has evolved over the course of two pre-application enquiries. The upper storeys have been set further back than in the original preapplication scheme, the topmost pavilion storey has been removed, and the upper two storeys clad with a dark metal. Other changes have been made to the shopfronts on Oxford, New Bond and Dering Street.

The building, as now proposed, is a seven-storey building in white stone. Shopfronts to Oxford Street are double height, enclosed within strongly modelled frames. The frames project from the building at first floor to form a hood, receding to the ground floor building line. This arrangement supports additional bulk at the upper floors in order to accommodate additional wall insulation.

One objection has been received in relation to the design of the new building. The objector considers that the proposed building is out of scale with the existing, particularly in views from the east, and that it will have a poor relationship with its four-storey neighbour at 321-323 Oxford Street and the impact on the Mayfair Conservation Area. This is discussed below.

Bulk / Mass

The building occupies a prominent corner plot where a 'bookend' building of increased scale is acceptable in townscape terms.

The proposed building consists of sheer elevations of six storeys, with two set back roof storeys on top of this, and some additional rooftop structures (plant, roof access, lift motor) set back towards the centre of the site.

The sheer storeys are somewhat lower than the equivalent parapet of the opposing building on the other side of new bond street. The appearance of the bulk of this part of the building is therefore consistent with its broader context.

The two upper storeys, and rooftop structures, are sufficiently set back that they do not affect the appearance of bulk of the main part of the building.

The increased bulk of the building is somewhat greater than would ordinarily be allowed in this part of Oxford Street. However the benefits of the scheme - removal of the unsightly canopy, replacement of a poor 1970s building, improved sustainability, and contribution to the economic wellbeing of the district through the provision of high quality retail and office accommodation which are characteristic of the area, are considered to offset the less than substantial harm to this part of the conservation area caused by the increase in bulk.

Oxford Street

The double height shopfronts relate to the double height shop units behind. The principle of double height shop fronts has been accepted elsewhere on Oxford Street and is considered to be similarly acceptable in this prominent corner location.

The slight increase in the bulk of the building at second floor and above brings the building line into conformity with the adjacent building; this element is therefore also considered acceptable.

The proposed use of stone for the plinth surrounds is consistent with other similar schemes, and the detail of the shopfront surrounds provides additional interest. At higher levels the façade is of glass reinforced concrete in lieu of stone. Providing that the colour is carefully matched this is considered to be acceptable. A condition will require details of all the proposed materials.

The prominent canopy which forms a feature of the existing building, to the detriment of its appearance and the pedestrian experience of this part of Oxford Street is removed; this is considered to be a benefit of the scheme.

The upper two storeys are set back sufficiently that they will not appear as part of the main bulk of the building. The change in materials to a dark metal cladding has been a welcome improvement to the scheme, which further decreases the presence of the upper storeys in terms of the apparent bulk of the new building. The use of metal railings for the balustrades to the upper storeys in lieu of glass has been the final change to this elevation and should reduce the prominence of this element in longer public views.

New Bond Street

The double height frames continue onto New Bond Street, where they are much taller than the traditional single storey Victorian shopfronts which predominate elsewhere in the street. While there are still some shopfronts that incorporate a mezzanine or second storey, these are still of a smaller scale than the monumental size of the proposed surrounds.

The shopfronts are treated differently however, within the consistent surrounding frames. Within the southernmost bay, the ground floor shopfront is replaced by a secondary entrance to the upper storey accommodation, which is covered by a perforated metal screen. The presence of this screen at ground floor only, creates a difference between ground and upper floors. A stone spandrel panel further subdivides the double height shopfront, breaking up the bay.

In the third and subsequent bays, the ground and first floors are divided by a beam,

which is expressed externally as a spandrel panel, breaking up the shopfronts, though to a lesser extent than in the southernmost two bays. It is the intention of the developer that this panel will be used for the shopfront advertisements. Overall, and given that the building as a whole is an Oxford Street building and not a New Bond Street building, this approach is considered to be acceptable.

The metal screen to the New Bond Street entrance provides an opportunity for public art to enliven what would otherwise be a utilitarian screen. A condition is recommended to secure a public art for this element of the scheme.

Dering Street

The existing Dering Street elevation is of very poor quality and detracts from the appearance of this part of the Mayfair Conservation Area.

The proposed new office entrance at Dering Street consists of a new brick elevation with arched one and a half storey main office entrance, and a tripartite mullioned window above.

Subject to the careful selection of materials this elevation will represent an improvement to the streetscape of Dering Street, and is welcome in terms of its impact on the character and appearance of the Mayfair Conservation Area.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and it states that the City Council will resist proposals that would result in an unacceptable material loss of amenity and developments should aim to improve the residential environment.

Policy ENV 13 (E) of the UDP states that the City Council will normally resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. In cases where the resulting level is unacceptable, permission will be refused.

Policy 7 of the City Plan 2019-2040: Intend to Adopt version seeks to protect and where appropriate enhance amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Sunlight and Daylight

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by the neighbouring residential windows to 5 Dering Street, 93 New Bond Street, 92 New Bond Street and 313-319 Oxford Street. An objection has been received to loss of daylight on behalf of the freeholder of commercial accommodation at 321-323 Oxford Street, however no objections have been received from neighbouring residential occupants.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively

poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

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

In respect to daylight, whilst there would be some losses in VSC and NSL above that recommended in the BRE guidelines in 5 Dering Street, 92 New Bond Street, 93 New Bond Street, 313-319 Oxford Street, the impact is not considered to be so great that permission should be withheld. These breaches in BRE guidelines are discussed in turn below.

5 Dering Street

This building comprises a beauty salon at ground floor level with residential flats from first to fourth floor levels above and is situated to the south of the application site. The losses to the daylight in excess of the BRE guidance are discussed in turn below:

| Floor | Use | Vertical sky component | | | | No Skyline | | | |
|-----------------|----------|------------------------|-------|------|--------|------------|-------|----------|--------|
| | | Before | After | Loss | % loss | Before | After | Loss sqm | % loss |
| 5 Dering Street | | | | | | | | | |
| 2 nd | Bedroom | 4.8 | 3.4 | 1.4 | 29.2% | 10.6 | 10.1 | 0.1 | 4.5% |
| 3 rd | Kitchen* | 19.2 | 0.1 | 19.1 | 99.5% | 58.9 | 0 | 6.4 | 100% |
| 4 th | Study | 23.7 | 16.9 | 6.8 | 28.7% | 99.8 | 98.9 | 0.1 | 0.9% |
| 4 th | Study | 23.4 | 18.1 | 5.3 | 22.6% | 99.8 | 98.9 | 0.1 | 0.9% |

*Kitchen smaller than 13 sqm

The results confirm that a second-floor bedroom, a galley kitchen at third floor level and a fourth floor study are expected to see reductions in VSC and or NSL of more than 20%.

The second-floor window has extremely poor levels of daylight. Whilst there will be 29.2% reduction of VSC to the impacted window, this is exacerbated by the existing low value. The VSC of this window reduces from 4.8% to 3.4%. In such circumstances, even imperceptible absolute changes in VSC result in a technical failure when expressed as a percentage. In terms of NSL, there is a 4.5% loss which is well within BRE threshold and therefore it is not considered that occupants of the bedroom will experience a noticeable change in internal light levels.

A kitchen at third floor level experience a reduction of VSC and NSL of 99.5% and 100% respectively. Given the kitchen identified is less than 13sqm, it is unlikely that this room is utilised as a "sit-in" space and therefore it is not considered to be a habitable room

which affords protection in line with BRE guidance. Furthermore, it should be noted that the extension to the rear of this of 5 Dering Street (where this window is located) were originally built without planning permission. The third floor, north facing window (serving the kitchen) was permitted on 29 June 2015 (ref. 15/03803/FULL) on the basis that it was obscured and fixed shut. The Delegated Report also references that this window would be offered no protection in respect to daylight in the determination of any future application to extend the neighbouring site. Given the use of the non-habitable kitchen, the presence of windows on the southern flank wall and the planning history of 5 Dering Street, it is not considered it would be reasonable to resit this application due to the impacts of this application.

Two windows to a study at fourth floor level would experience a reduction of VSC of 28.7% and 22.6% respectively. This room is served by four windows, two of which (skylights) are not materially affected by this proposal. This room would also adhere to the NSL test with nearly a 100% of the room having a view of the sky at the working plane, therefore it is not considered that the proposal will result in a material reduction of daylight levels.

92 New Bond Street

This three-storey building is located to the west of the application site and is in retail use at ground floor level whilst the upper floors are in residential use. The losses to the daylight in excess of the BRE guidance are discussed in turn below:

| Floor | Use | Vertical sky component | | | | No Skyline | | | |
|--------------------|---------|------------------------|-------|------|--------|------------|-------|----------|--------|
| | | Before | After | Loss | % loss | Before | After | Loss sqm | % loss |
| 93 New Bond Street | | | | | | | | | |
| 1 st | Unknown | 16.4 | 13.1 | 3.3 | 20.1% | 76.1 | 72.4 | 0.9 | 4.9% |
| 2 nd | Unknown | 20.2 | 15.8 | 4.4 | 21.8% | 82.6 | 78.2 | 1.1 | 5.4% |
| 2 nd | Unknown | 20.4 | 16.3 | 4.1 | 20.1% | 82.6 | 78.2 | 1.1 | 5.4% |
| 3 rd | Unknown | 24.5 | 19.2 | 5.3 | 21.6% | 93.8 | 83.8 | 2.4 | 10.3% |
| 3 rd | Unknown | 24.8 | 19.7 | 5.1 | 20.6% | 93.8 | 83.8 | 2.4 | 10.3% |
| 4 th | Unknown | 29.8 | 23.7 | 6.1 | 20.5 | 88.9 | 74.9 | 4.9 | 15.8% |

The reception room located on the first floor is served by three windows. These windows will see a reduction in VSC of c.21-22% against the 20% as per the BRE. This is only a slight breach of the guide. Furthermore, when considering the NSL assessment the room will see less than a 20% change from the existing value and as such adhere to the BRE Guidelines for this test. As such, it is not considered there will be a material impact on daylight levels within this room.

The three windows that directly face the site serving the second-floor reception room will see a VSC reduction of c22-24%. The is served by seven windows, four of which are sky lights unaffected by the proposal. Due to the sky lights this room, 100% of the working plane will receive daylight and therefore it is not considered that this room will be materially impacted by the proposal.

93 New Bond Street

This five-storey building is located to the west of the application site and is in retail use at ground floor level whilst the upper floors are in residential use. The losses to the daylight in excess of the BRE guidance are discussed in turn below:

| Floor | Use | Vertical sky component | | | | No Skyline | | | |
|--------------------|-----------|------------------------|-------|------|--------|------------|-------|----------|--------|
| | | Before | After | Loss | % loss | Before | After | Loss sqm | % loss |
| 92 New Bond Street | | | | | | | | | |
| 1 st | Reception | 15.6 | 12.3 | 3.3 | 21.2% | 100 | 100 | 0 | 0% |
| 1 st | Reception | 15.6 | 12.1 | 3.5 | 22.4% | 100 | 100 | 0 | 0% |
| 1 st | Reception | 15.6 | 12.3 | 3.5 | 22.4% | 100 | 100 | 0 | 0% |
| 2 nd | Reception | 19.4 | 15 | 4.4 | 22.7% | 100 | 100 | 0 | 0% |
| 2 nd | Reception | 19.3 | 14.7 | 4.6 | 23.8% | 100 | 100 | 0 | 0% |
| 2 nd | Reception | 19.3 | 14.6 | 4.7 | 24.4% | 100 | 100 | 0 | 0% |

Whilst the use of the residential rooms served by each of the impacted windows is unknown, the daylight and sunlight consultants for this case are of the understanding that each of the floors contain three windows serving one room. This is based on their best assumptions in consideration of the information available to them at this time and external observations made. During the course of the application, when searching the internet, Officers found one of the apartments being let on a short-term basis online. Whilst the level which this apartment is located is unknown, the front room to the apartment was in use as a reception room served by three windows which further support the assumptions made. Given that there is no planning history for the impacted property to verify this, nor have objections been made to the contrary, this assessment has been carried out on the basis of the assumptions cited above.

The room located on the second floor will be served by one window that adheres to the BRE Guide in relation to the VSC assessment. One window would see a c.21% reduction in the VSC value and the other window a 20.1% reduction. This is against the 20% permissible change in VSC allowed within the BRE Guide. When looking at the NSL assessment the room will see less than a 20% change from the existing value. As such there will be no noticeable change in where the sky can and cannot be seen from within the room at working plane height. Having regard to the above, it is not considered that the room will experience a material reduction of daylight.

Two of the three windows serving the third-floor room will experience a breach of the BRE Guide in relation to the VSC analysis. The change to the VSC value is c.20.6-21.6%. This breach of the Guide is only marginally above the permissible 20% and in consideration of the urban locale, is not unusual. The proposed VSC levels are also considered to be good for this central London location. When looking at the NSL assessment, the room will see less than a 20% change from the existing value. As such, there will be no noticeable change in where the sky can and cannot be seen from within the room at working plane height. As such, it is not considered that the residential occupants will experience a material reduction of daylight as a result of the proposal.

Of the three windows serving the fourth floor, one will see a breach of the BRE Guide (in relation to the VSC assessment) of 20.5%. Given that two additional windows are not

materially impacted by the proposal and that there is no material breach in NSL, it is not considered that the residential occupants will be materially impacted by the proposal.

313-319 Oxford Street

This property is located to the east of the development site and accommodates a number of flats on the upper floors. Seven flats experience reductions in VSC and/or NSL in excess of the BRE guidance as discussed below:

| Floor | Use | Vertical sky component | | | | No Skyline | | | |
|-------------------------------|---------|------------------------|-------|------|--------|------------|-------|----------|--------|
| | | Before | After | Loss | % loss | Before | After | Loss sqm | % loss |
| Flat 1, 313-319 Oxford Street | | | | | | | | | |
| 2 nd | LKD | 27.5 | 21.6 | 5.9 | 21.5% | 98.1 | 98.6 | 0,1 | 0.3% |
| 2 nd | Bedroom | 27.4 | 21.2 | 6.2 | 22.6% | 97.1 | 80.4 | 2.4 | 17.2% |
| Flat 2, 313-319 Oxford Street | | | | | | | | | |
| 2 nd | LKD | 25.7 | 20.2 | 5.5 | 21.4% | 99 | 98.3 | 0.1 | 0.7% |
| 2 nd | LKD | 26.5 | 20.5 | 6 | 22.6% | 99 | 98.3 | 0.1 | 0.7% |
| Flat 3, 313-319 Oxford Street | | | | | | | | | |
| 2 nd | LKD | 27.2 | 21.2 | 6 | 22.1% | 98.6 | 92.1 | 17 | 6.6% |
| Flat 5, 313-319 Oxford Street | | | | | | | | | |
| 3 rd | LKD | 31 | 23.7 | 7.3 | 23.5% | 99.1 | 98.8 | 0.1 | 0.3% |
| 3 rd | LKD | 30 | 23.1 | 6.9 | 23.0% | 99.1 | 98.8 | 0.1 | 0.3% |
| Flat 6, 313-319 Oxford Street | | | | | | | | | |
| 3 rd | Bedroom | 31.1 | 23.4 | 7.7 | 24.8% | 98 | 76.9 | 3.1 | 21.5% |
| 3 rd | Bedroom | 31.3 | 23.3 | 8 | 25.6% | 98 | 76.9 | 3.1 | 21.5% |
| Flat 7, 313-319 Oxford Street | | | | | | | | | |
| 3 rd | LKD | 31.9 | 24.1 | 7.8 | 24.5% | 99 | 99 | 0 | 0% |
| 3 rd | LKD | 32.3 | 24.6 | 7.7 | 23.8% | 99 | 99 | 0 | 0% |
| Flat 8, 313-319 Oxford Street | | | | | | | | | |
| 3 rd | LKD | 32.7 | 25.4 | 7.3 | 22.3% | 99.3 | 94.7 | 1.2 | 4.7% |

As shown in the table above, there are a number of living/kitchens/dining rooms and bedrooms which experience reductions in daylight beyond the BRE Guidance. Given that all of the impacted windows serve rooms which are also served by additional windows and the retained VSC and NSL which are considered to be relatively good given the urban context, it is considered that the residential occupants will continue to receive good levels of daylight and will not be unduly impacted by the proposal.

321-323 Oxford Street

An objection has been made on the ground of loss of light to windows to the rear lightwell of the neighbouring commercial building at 321-323 Oxford Street. The BRE guidance does not require daylight to neighbouring commercial buildings to be assessed. Planning records for 321-323 Oxford Street show the existing layout of this property. There are no windows serving the retail accommodation facing the application site. From second to fourth floor level, the majority of the office accommodation receives benefits windows along all of the Oxford Street and Dering Street frontages. There are some small offices ranging from 11sqm to 39.5 sqm to the rear of the retail accommodation at first floor level and to the rear at second to fourth floor level; however,

due to the existing obstructions it is considered that these offices have to be artificially illuminated in the existing situation. Having regard to the above, it is not considered this proposal would compromise the long-term viability of the retail or office accommodation 321-323 Oxford Street.

Sunlight

With regard to sunlight, 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.

313-319 Oxford Street which contains flats has a number of windows which experience sunlight losses in excess of the BRE Guidance which are discussed in turn below.

| Floor | Use | Sunlight to Windows | | | | | |
|-------------------------------|---------|----------------------|-------|--------|-----------------------|-------|--------|
| | | Total Sunlight Hours | | | Winter Sunlight Hours | | |
| | | Before | After | % loss | Before | After | % loss |
| Flat 1, 313-319 Oxford Street | | | | | | | |
| 2 nd | LKD | 30 | 22 | 26.7% | 3 | 0 | 100.0% |
| Flat 2, 313-319 Oxford Street | | | | | | | |
| 2 nd | LKD | 35 | 24 | 31.4% | 8 | 5 | 37.5% |
| Flat 5, 313-319 Oxford Street | | | | | | | |
| 3 rd | LKD | 32 | 21 | 18.8% | 5 | 1 | 80.0% |
| 3 rd | LKD | 21 | 13 | 38.1% | 6 | 1 | 83.3% |
| Flat 6, 313-319 Oxford Street | | | | | | | |
| 3rd | Bedroom | 20 | 10 | 50.0% | 2 | 0 | 100.0% |

There are two windows that serve the living/kitchen/dining room in Flat 1 that require sunlight consideration. One of these windows would experience a breach of the BRE Guide with a reduction of 26.7% of total annual sunlight hours and 100% of winter sunlight hours as a result of the proposal. Given that the room is served by another window which would retain both annual and winter sunlight hours above the value recommended within the BRE guidance and the impacted window would retain 22 APSH, this room will still receive very good levels of sunlight.

There are two windows that serve the living/kitchen/dining room in Flat 2 that require sunlight consideration. One of these windows would experience a breach of the BRE Guide with a reduction of 31.4% of total annual sunlight hours as a result of the proposal. Given that the room is served by another window which would retain both annual and winter sunlight hours above the value recommended within the BRE guidance and the impacted window would retain 24% APSH, this room will still receive very good levels of sunlight.

Two of the three windows serving the living/kitchen/dining room within Flat 5 would experience material losses of sunlight in excess of the BRE Guidance. Whilst the losses to these windows are unfortunate, these windows serve large flats which has another window serving this room will retained an ASPH of 39% including of 7% of the total

winter sunlight hours. The impact of the proposed development would therefore not be materially harmful in this respect.

There are two windows that serve a bedroom room in Flat 6 that require sunlight consideration. One of these windows would experience a breach of the BRE Guide with a reduction of 50% of total annual sunlight hours and 100% of winter sunlight hours as a result of the proposal. Given that the room is served by another window which would retain both annual and winter sunlight hours above the value recommended within the BRE guidance this room will still receive very good levels of sunlight.

Sense of Enclosure, Privacy and Noise

Given the relationship and distance between the residential properties and the application site and the presence of obscured glazing to No.5 Dering Street on the northwest elevation and given the location of the access core and lift overrun at main roof level, it is not considered that the proposal, including the proposed roof terraces, would result in an increase sense of enclosure or reduction of privacy.

Due to the potential of the terraces being used for gatherings and the reduction of background noise levels in evening and night-time, a condition to control the hours of use of the terraces between 08:00 and 22:00 Monday to Friday is recommended. A condition is also recommended preventing amplified music being played on the terraces. With these restrictions in place it is not considered that neighbouring residents would be unduly impacted by the proposed terraces.

8.4 Transportation/Parking

Trip Generation

Other than servicing activity, the proposed development will not have a significantly impact on the highway network.

Servicing

S42 of the City Plan, TRANS20 of the UDP and Policy 29 of our City Plan 2019-2040 Intend to Adopt version require adequate off-street servicing provision. Where it is not possible to fully meet the servicing, collection and delivery needs within a development site they must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity.

The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. Deliveries and goods left on the highway create an obstruction to pedestrians and have an adverse impact on the any improvements to the public realm.

The applicant indicates that servicing would continue as existing, on-street, while the proposed changes to the internal layout will improve the existing situation. It is noted a ground floor holding area is provided.

While an SMP has been provided with the application - it is technical in nature and repeats information from the Transport Assessment. The SMP does have limited information for the end user, including a supplier instruction sheet.

The Highways Planning Manager advises that it is the impact on the highway network are limited and would be an improvement when compared to the existing situation.

Notwithstanding the to aim to restrict servicing to between 07:00 and 23:00 as detailed within MRU1 of the Mayfair Neighbourhood Plan, no restriction of serving is recommended given the predominantly commercial nature of the site and to ensure servicing can be carried out at a time which reduces impact on pedestrian environment in this extremely busy location.

An informative has been added to encourage the applicant to service the site by electric vehicles or other zero-carbon measure in line with MSD of the Mayfair Neighbourhood Plan.

Cycle Parking

The 74 cycle parking spaces proposed complies with the requirement of Policy T5 of the London Plan. This is welcomed and considered a benefit of the proposed scheme.

In terms of short stay cycle parking, the policy would require a minimum of 20 spaces. No additional provision within the scheme is provided for short stay cycle parking. However given the scheme is not a redevelopment scheme it is accepted that short stay parking cannot reasonably be provided.

Travel Plan

Given the sites proposed uses and location, a travel plan is not required for the office and retail and uses

Canopies/Development over the Highway

Canopies and structures over the highway need to maintain 2.6 metres vertical clearance to allow for pedestrian passage and 1 metre from the kerb edge to allow for sufficient clearance from vehicles; within 1 metre of the kerb edge and over carriageway 5.3 metres clearance must be provided. A condition is recommended to ensure that the development meets this.

The removal of the existing canopy does not raise any highway or transport concerns.

Doors Opening Over Highway

Doors opening outwards over the public highway cause an obstruction, contrary to S41 of our City Plan, TRANS3 of our UDP and Policy 25 of the City Plan 2019-2040 Intend to Adopt version and the Highways Act (s153). Notwithstanding the detail shown on the submitted drawings, a condition has been recommend requiring all door to open inwards only with the exception of the emergency exit doors which is only permitted to be opened outwards in the event of an emergency.

Development Under the Highway/Vaults/Pavement Lights

Policy TRANS19 of our UDP and Policy 45 (B) part 5 pf our City Plan 2019-2040 Intend to Adopt version restricts the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8 m under any part of the adjacent highway.

The submitted drawing indicate the removal of the existing pavement lights from the Oxford Street frontage, with the New Bond Street pavement lights are replaced. The reinstated surface would be expected to match the existing highway (footway) surface. Works to the highway to enable the development will need to be secured via legal agreement.

It should be noted that given all sites have multiple boundaries, level changes must be accommodated within the development site. The highway thresholds will not be able to be altered to accommodate any level changes. Any highway works will be at the full cost of the developer.

Stopping Up

Due to the proposed alterations to the building line so it is in line within the existing columns, an order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway is required. Given the remaining available width of the highway and building line of neighbouring properties, no objection is raised.

Building line

S41 of our City Plan, TRANS 3 our UDP and the City Plan 2019-2040 Intend to Adopt version Policy 25 requires that all developments will prioritise pedestrian movement and the creation of a convenient, attractive and safe pedestrian environment, with particular emphasis in areas with high pedestrian volumes or peaks.

Westminster Way strives to promote walking through design and use of suitable materials that aid rather than disadvantage pedestrians.

Given the existing demand for highway space in this location, any reduction in highway must be carefully considered.

The alignment of the chamfered corner, on balance, do not raise a significant highway concern.

The Dering Street façade alignment is consistent with and does not come forward of the adjoining building lines.

The Oxford Street frontage does maintain the existing building line at ground floor but is slightly reduced by fins on the shop front. This cannot be considered an improvement to the pedestrian environment however it is noted that they are within the shadow of the adjoining building. Given the very minor incursion and adjoining building line, in this instance, an objection is not raised to these fins.

Significant concern is raised to the alignment of the protruding shopfronts bays on both the Oxford Street and New Bond Street frontages. While only a minor, given the alignment of the existing building line and adjacent bays and on the New Bond Street frontage, the adjoining buildings, the protrusion is not considered acceptable when considered against S41, TRANS3 and Policy 25. Further, the design leaves a small gap between the base of the shopfront and the highway surface. This will create both a day to day and long-term maintenance issues. The projecting shopfronts have specifically

been designed so it will not interfere with the first-floor building slab. As the edge beams are also tied into the existing first floor slab with reinforcement extending to the outside face of the edge beam and to help reduce the overall horizontal deflections of the building. For these reasons the applicant was unable to accommodate cutting back the face of the existing concrete frame at first floor to provide flush shopfronts. Whilst this is unfortunate, given the other benefits of the proposal and the restraints of the existing building, it is accepted in this instance.

8.5 Economic Considerations

Any economic benefits generated by the proposed developments are welcome.

8.6 Access

The frontage on Dering Street is shared between reception entrance, cycle entrance, goods delivery and waste removal. There is an office reception entrance Dering Street. The lobby opens into a double height reception, with a reception desk positioned to one side. Two passenger lifts are located on the rear wall of the reception, aligned central to the lobby doors to provide visibility and a clear accessible route to the office floors. The secondary stair escapes through the reception which routes through to the New Bond Street frontage.

Level access will be provided to the retail accommodation by the provision of four access points, one on the Oxford Street frontage one on the Oxford Street/New Bond Street corner chamfer and a further two on the New Bond Street frontage. Alterations to the existing structure will be developed to allow a future retail tenant to install stairs or lifts in designated locations between ground and first floor as part of their tenant fit out.

8.7 Other UDP/Westminster Policy Considerations

Plant

The plant proposed consists of a range of heating and ventilation equipment to be located at level three and level four within enclosures. Subject to the imposition of suitable conditions the operation of plant is capable of complying with the Council's standard noise conditions and therefore this aspect of the application is acceptable.

Refuse /Recycling

Independent waste storage has been provided for the office and retail accommodation at basement level. At ground floor level access from the Dering Street service entrance there is a waste holding area which will allow waste to be collected in a timely manner thus minimising the impact on the pedestrian environment. The Waste project officer has reviewed the details submitted with the application and considers that they are in line with the council waste storage requirements.

Biodiversity

S38 of our City Plan, Policy 34 of the City Plan 2019-2040 Intend to Adopt version and MG1 of the Mayfair Neighbourhood Plan promote the provision of urban greening. London Plan Policy G5 state that developments should provide new green infrastructure that contributes to urban greening. The proposal seeks to provide planting of perennials and the implementation of tree pits to the seventh, and eighth floor terraces, as well as a green wall around the eighth-floor level terrace lobby. The biodiversity benefits of the proposal are welcome and will be secured by condition.

Energy and Sustainability

An Energy Statement has been submitted in support of the proposal. The energy and sustainable design principles of the building include:-

- The lower levels of the building are being retained in order to limit the embedded carbon associated with the building.
- Reuse of existing foundations and 75% of the existing structural frame to reduce embodied carbon.
- Improved performance of building with high performance façade and glazing fabric, with low U values (retains heat), air permeability and solar transmission, reduction in solar gain.
- Air source heat pumps (ASHP) to provide heating, cooling, ventilation and hot water (low carbon technology for heating).
- Mixed mode air condition (natural/mechanical)
- Water and light efficiencies (SUDS strategy, blue roofs for attenuation, energy efficient lighting).
- All electric hot water, heating and cooling.
- Improved energy efficient building services reducing emissions.
- Promotion of comfortable working environment (thermal, visual, air, water)
- Cycle facilities to promote sustainable travel.
- Planting to increase biodiversity and ecological value of site.
- Lean construction (waste reduction during demolition due to retention of foundations and structure)
- Blue roofs are proposed to the propose roof terrace.

The Regulated carbon dioxide saving combined (savings from energy demand reduction, saving from renewable energy) for the proposal (assessed against the new build criteria) is 36% beyond the Building Regulations Part L 2013 requirements.

During the course of the application the Policy 36 of our City Plan 2019-2040: Intend to Adopt version has become a material consideration. This requires that all development to reduce on-site energy demand and maximise the use of low carbon energy sources and for major development to be net zero carbon, following the London Plans' energy hierarchy (Lean, Clean, Green, Offset). Due to the sensitive location of the proposal in heritage terms and given that all of the substructure and the majority of the superstructure is being retained other carbon saving measures such as ground source heating pumps, wind turbines or photovoltaics are not suitable in this location when balancing the design impacts, the requirement for ventilated plant and the provision of meaningful amenity space for office occupants. As the applicant is not able to fully meet this requirement and as allowed for under the policy, a carbon off-set payment of £162,165 is proposed.

Flooding

City Pan 2019 – 2040 Policy S30 and London Plan Policy SI13 requires that developments to utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed in line with the drainage hierarchy.

The existing site is located within Flood Zone 1 and is considered to be a low risk of

flooding from fluvial and tidal sources. The development site area is less than 1 hectare in plan area, and not located in an area identified by the Lead Local Flood Authority as having critical drainage issues.

In order to reduce surface water run-off, the proposal includes the provision of blue roofs for part of the roof area at the proposed development which is totals approximately 300 sqm. The discharge rate from the blue roof will be restricted, thus providing a betterment than the existing case and has been maximised as far as practically possible. A condition is recommended to ensure the blue roof is installed.

Air Quality

City Plan 2019-2040 Policy 31 requires major developments to be at least Air Quality Neutral. The Air Quality assessment submitted with the application considers the impact of potential dust generation during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. Environmental Health are satisfied that the Air Quality assessment has demonstrated that the proposal development is air quality neutral in terms of its on-going operational impact.

Construction impact

Objections have been received on the basis that no information included within the submission with regard to construction process/length and the impact the construction will have on the ability to let the adjacent building at 321-323 Oxford Street. A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and noisy building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible and complies with CM28.1 of our City Plan, Policy 33 (part f) of the City Plan 2019 - 2040: Intend to Adopt version (March 2021) and MRU4 of the Mayfair Neighbourhood Plan.

8.8 Westminster City Plan

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

8.9 Neighbourhood Plans

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

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

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

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

- City Council's Code of Construction Practice during the demolition and construction phases of the development.
- Updated Energy Calculations.

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

- a. A financial contribution towards employment, training and skills of £55,648 (index linked) payable on commencement of development
- b. A financial contribution towards Council's Carbon Off-set Fund of £162,165 (index linked) payable on commencement of development.
- c. Undertaking of highways works in the vicinity of the site, to enable the replacement of pavement lights and the installation of columns. Highway works to be agreed prior to commencement of development and highway works to be completed prior to occupation of any of the building.

- c. Costs of monitoring the S106 agreement.

The proposed development is expected to generate Community Infrastructure Levy (CIL)
The estimated CIL payment is :-

- Mayoral:-£317,645
- Westminster:- £343,400

8.13 Environmental Impact Assessment

These proposals are of insufficient scale as to trigger an environmental impact assessment.

8.14 Other Issues

Impact on development of adjacent property

Objection have been received to the insertion of windows to the east at sixth floor level on the grounds that it may compromise the redevelopment of the neighbouring building or overlook potential future development. Inserting windows almost on the boundary of a site is generally something that the City Council resists as it has the potential to prejudice the future development of a neighbouring site as any upwards extension or redevelopment could almost entirely block the light to this window. The occupier of this building could then attempt to block the development through a right to light claim. Given that this building is not relying on light solely on this elevation, subject to a condition requiring the window to be fitted with obscure glazing, for it to be fixed shut and an informative added advising the applicant that the light to this window will not be protected in the determination of any future application to extend or redevelop the neighbouring site, it is concluded that these windows are acceptable in this instance.

Statement of Community

A statement of Community Involvement by Kanda has been submitted. This states that the engagement has taken place with the local community, local residents, ward councillors, the New West End Company, the Residents' Society of Mayfair and St James's and the Mayfair Neighbourhood Forum. Meetings, briefings and virtual presentation including a questions/answer sessions.

An objection has been made on behalf of the Freeholder of 321-323 Oxford Street regarding the absence of active engagement prior to the submission of the application.

The Statement of Community involvement states that letters were dropped to the occupants of 321-323 Oxford Street. Whilst this does not necessarily mean that the letters were passed on to the freeholder of the property, it is considered that the applying engaged with the public in a reasonable manner.

The Council also sent neighbour consultation letters were sent which clearly requests that, if appropriate, the letter is passed on to the property owners.

In these circumstances, it is considered that adequate consultation has been

undertaken.

Building Control/Fire safety

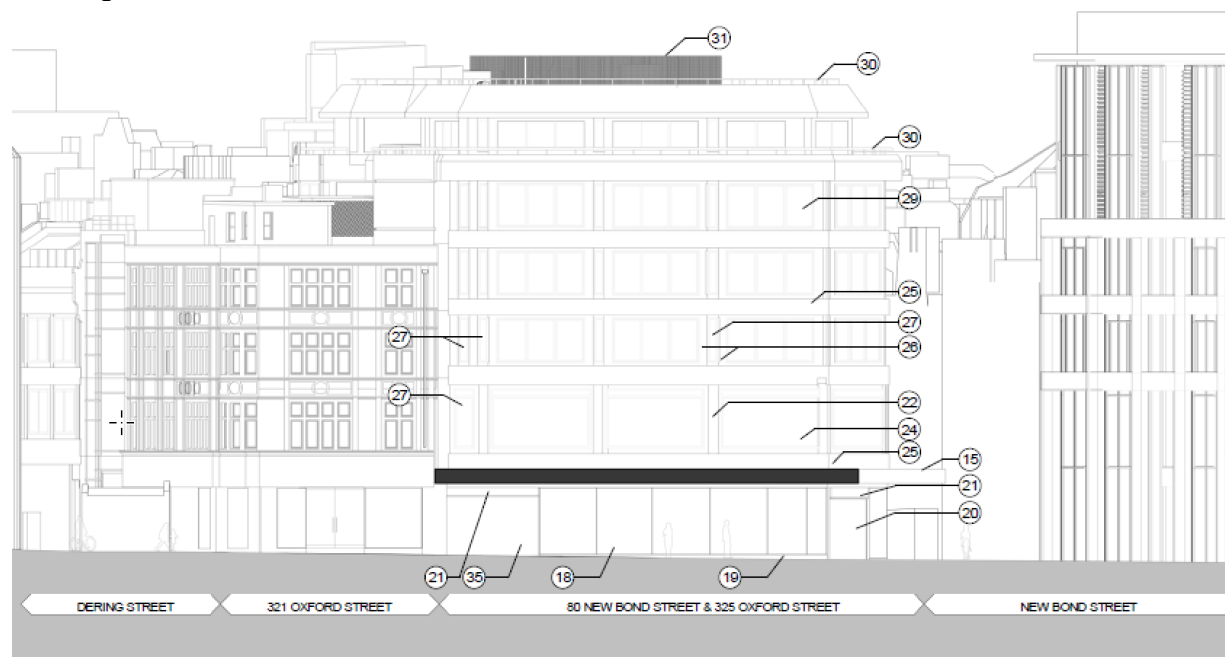
As the proposal is to utilise the existing structure and adding additional floors, the development would need to be fully justified by a structural design and suitable site investigation prior to construction as part of the building control process. A fire strategy has been submitted with the application. Building Control have reviewed this document and have raised no objection.

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

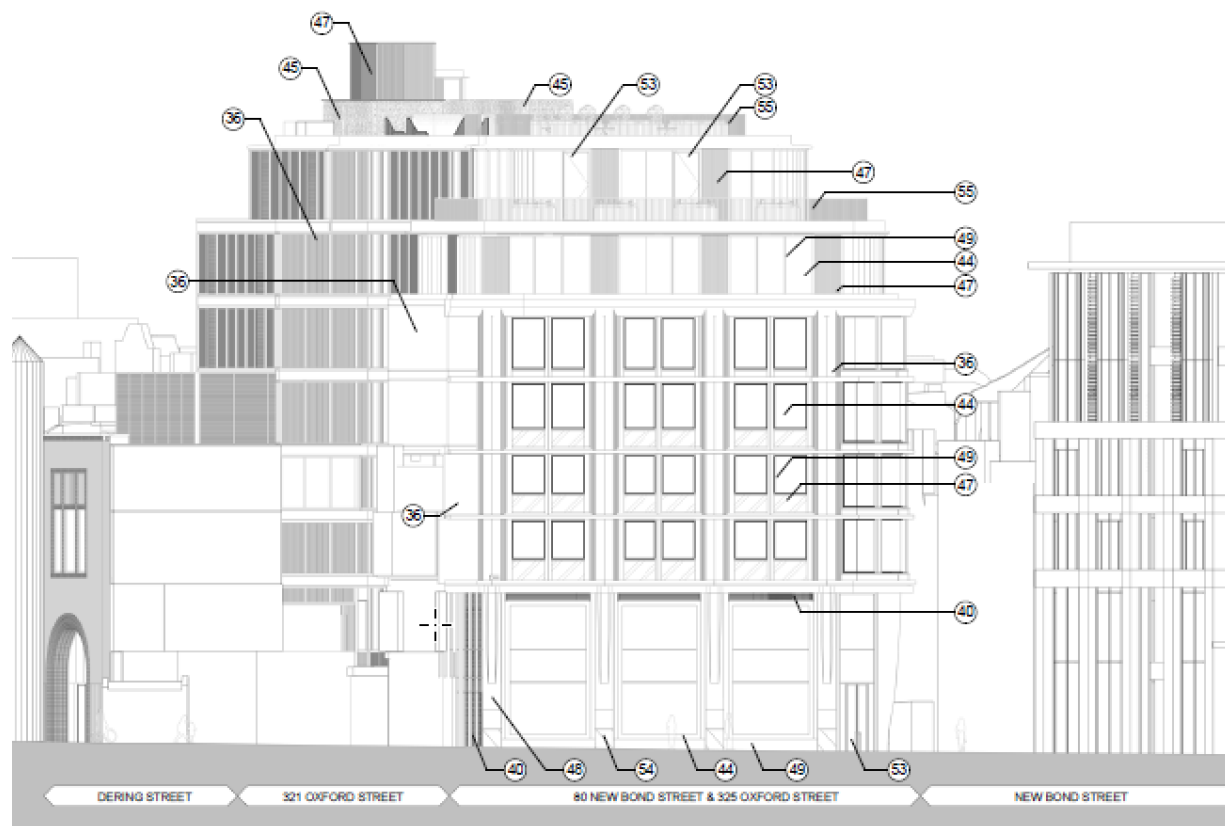
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT MWALTON@WESTMINSTER.GOV.UK

9. KEY DRAWINGS

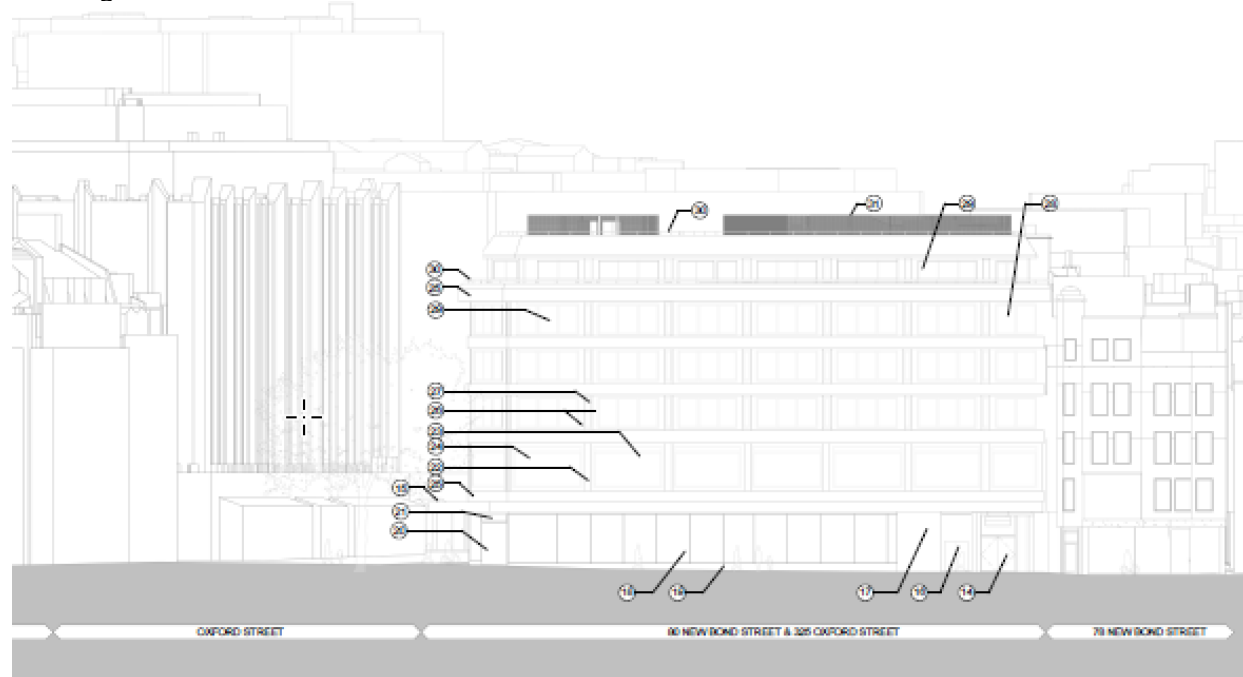
Existing Oxford Street Elevation



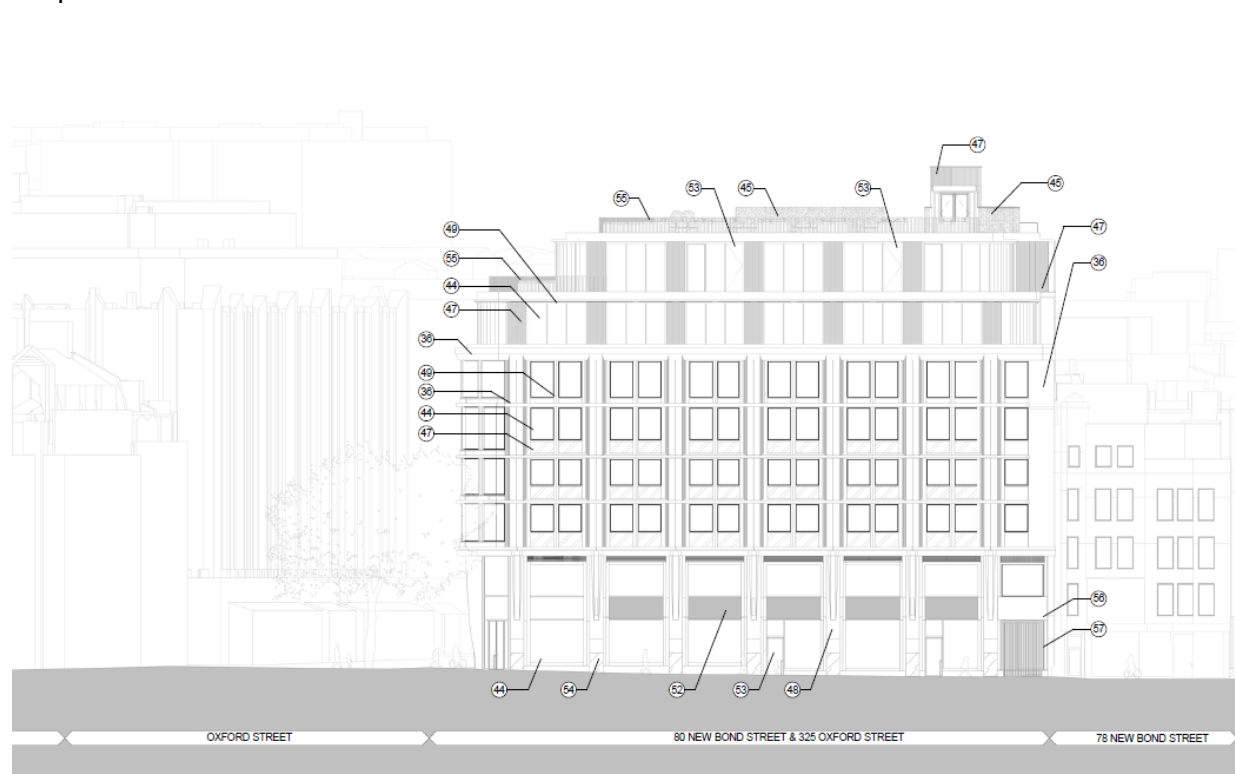
Proposed Oxford Street Elevation



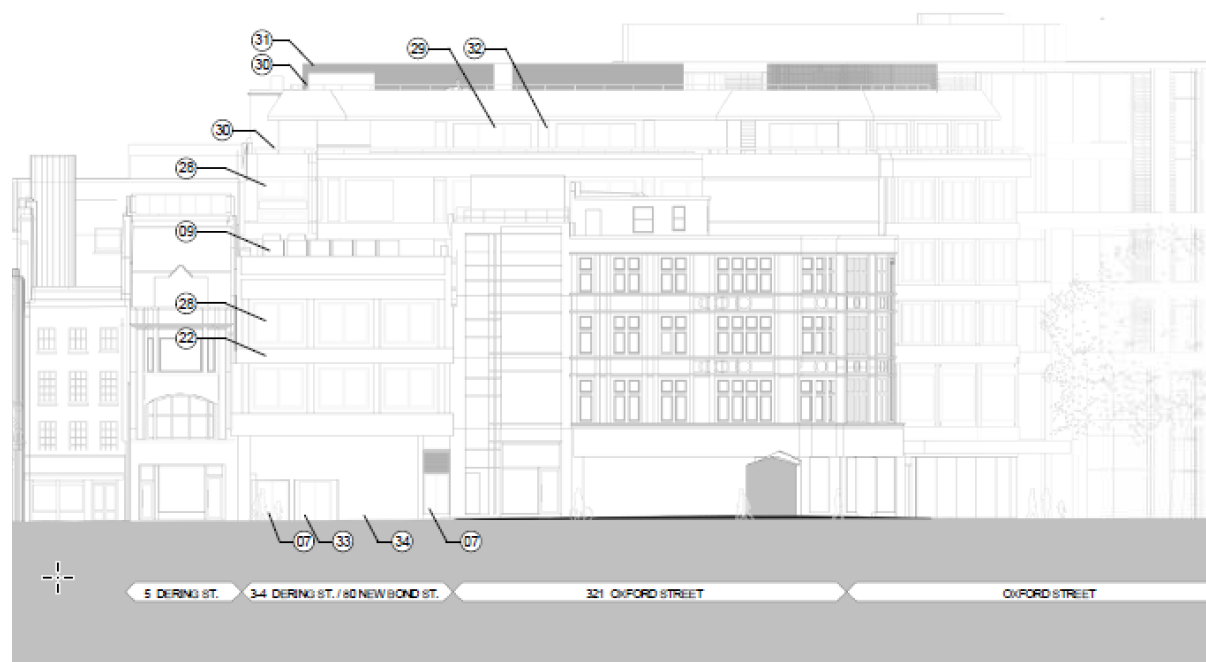
Existing New Bond Street Elevation



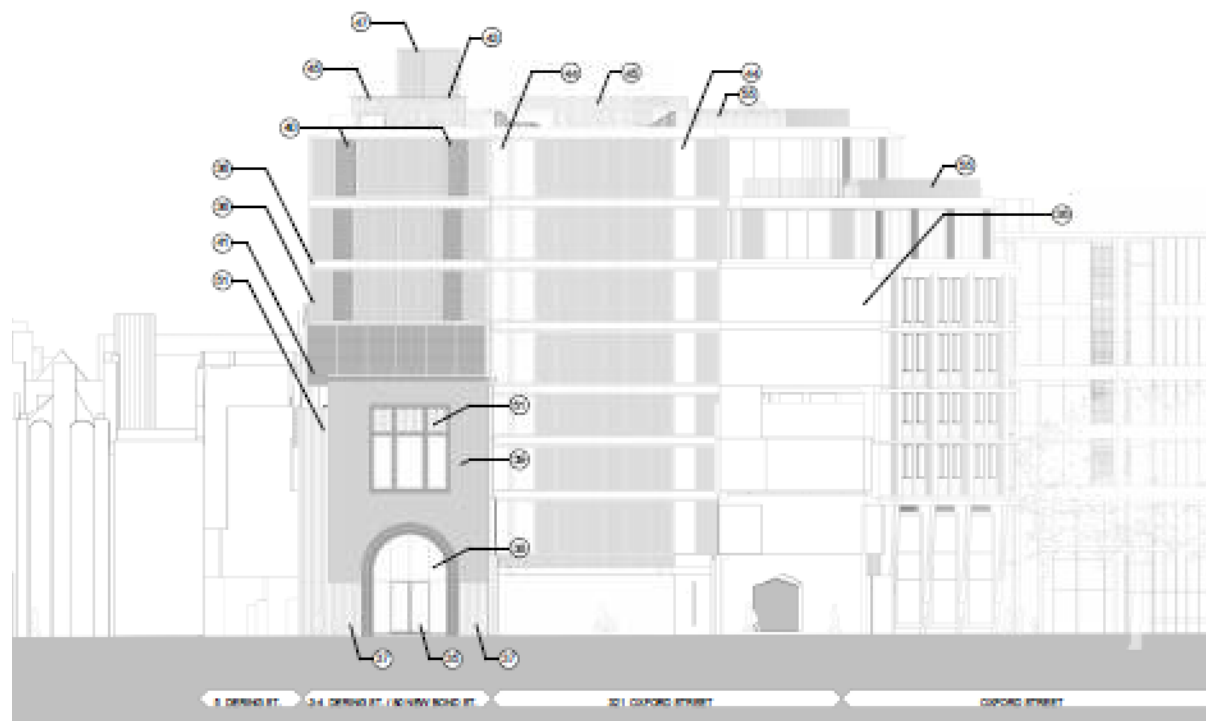
Proposed New Bond Street Elevation



Existing Dering Street Elevation



Proposed Dering Street Elevation



DECISION NOTICE

Address: 80 New Bond Street, London, W1S 1SB,

Proposal: Demolition and rebuilding of 3-4 Dering Street to provide a four storey plus basement building with a plant enclosure above. Extensions and refurbishment of 325-329 Oxford Street and 80 New Bond Street to provide an eight storey plus basement building; re-alignment of the facade along the Oxford Street frontage above first floor level to match neighbouring building; creation of terraces at seventh and eighth floor levels; alterations to the facade on the Oxford Street and New Bond Street frontages including the provision of a double height shopfronts, the provision of additional accesses and other associated external works, all in connection with the use of the building for retail and offices purposes (Class E).

Plan Nos: NBO ORM ZZ B1 DR A 12015 P02, NBO ORM ZZ 00 DR A 12008 P04, NBO ORM ZZ 01 DR A 12009 P02, NBO ORM ZZ 02 DR A 12010 P02, NBO ORM ZZ 03 DR A 12011 P02, NBO ORM ZZ 04 DR A 12012 P02, NBO ORM ZZ 05 DR A 12013 P02, NBO ORM ZZ RF DR A 12014 P02, NBO ORM ZZ AA DR A 12104 P02, NBO ORM ZZ BB DR A 12105 P04, NBO ORM ZZ CC DR A 12106 P02, NBO ORM ZZ DD DR A 12107 P04, NBO ORM ZZ EA DR A 12306 P02, NBO ORM ZZ NO DR A 12304 P02, NBO ORM ZZ SO DR A 12307 P02, NBO ORM ZZ WE DR A 12305 P02, NBO ORM ZZ EA DR A 12310 P04, NBO ORM ZZ WE DR A 12309 P06, NBO ORM ZZ NO DR A 12308 P04, NBO ORM ZZ NO DR A 12308 P04, NBO ORM ZZ B1 DR A 12026 P05, NBO ORM ZZ 00 DR A 12016 P08, NBO ORM ZZ 01 DR A 12017 P06, NBO ORM ZZ 02 DR A 12018 P03, NBO ORM ZZ 02 DR A 12018 P03, NBO ORM ZZ 03 DR A 12019 P03, NBO ORM ZZ 04 DR A 12020 P02, NBO ORM ZZ 05 DR A 12021 P02, NBO ORM ZZ 06 DR A 12022 P02, NBO ORM ZZ 07 DR A 12023 P03, NBO ORM ZZ 08 DR A 12024 P04, NBO ORM ZZ AA DR A 12108 P03, NBO ORM ZZ BB DR A 12109 P06, NBO ORM ZZ CC DR A 12110 P04, NBO ORM ZZ DD DR A 12111 P06, NBO ORM ZZ ZZ DR A 12403 P02, NBO ORM ZZ ZZ DR A 12401 P02, NBO ORM ZZ ZZ DR A 12402 P04, NBO ORM ZZ ZZ DR A 12400 P02, NBO ORM ZZ ZZ DR A 12404 P02, NBO ORM ZZ 08 DR A 40028 P02

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R11AC)

3 **Pre Commencement Condition.**

Prior to the commencement of any:

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R11AC)

- 4 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained, and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the

development in accordance with and Policy T5 (Table 10.2) of the London Plan and Policies 25 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021). (R22FA)

- 5 You must hang all doors or gates so that they do not open over or across the road or pavement unless in the event of an emergency and for means of escape. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016), TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007 and Policies 24 and 25 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R24AC)

- 6 You must submit a Servicing Management Plan for the City Council's approval prior to the occupation of the retail and office accommodation hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016), STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007 and Policy 29 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R23AC)

- 7 a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development other than works of demolition. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing that the development is expected to achieve an 'excellent' rating in respect to the office element of the development under BREEAM UK New Construction 2018. If you use another method, you must achieve an equally high standard.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that the office part of the development meets an "Excellent" rating under BREEAM UK New Construction 2018. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policies 36 and 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R44BC).

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the

building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration as set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007 and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R48AA)

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

- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016) and Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 10 You must not play live or recorded music on terraces hereby approved.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R13EC)

- 11 The terraces hereby approved shall only be used between 0800 and 2200 hours Monday to Friday only.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016), ENV 6 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R13EC)

- 12 You must apply to us for approval of details of a biodiversity management plan in relation to green walls and planters hereby approved. You must not start any work on this element until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016), ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policy 34 of the City Plan 2019-2040 Intend to Adopt version (March 2021). (R43AB)

- 13 You must apply to us for approval of details of the blue roofs hereby approved. You must not start any work on this element until we have approved in writing what you have sent us. You

must then construct the blue roofs according to the approved details before you start to use the building and retained thereafter. (C43CA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policies 36 and 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R44AC)

- 14 You must provide the waste store and temporary waste holding area shown on drawings NBO ORM ZZ B1 DR A 12026 P05 and PNBO ORM ZZ 00 DR A 12016 P08 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016), ENV 12 of our Unitary Development Plan that we adopted in January 2007 and Policies 7 and 37 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R14BD)

15 **Pre Commencement Condition.**

Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve at least a 36% reduction in regulated carbon dioxide emissions beyond Part L the 2013 Building Regulations. You must provide all the environmental sustainability features referred to in the review before you start to use any part of the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016) and Policies 36 and 38 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R44BC)

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016) and Policy 33 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 17 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 18 Notwithstanding the detail shown on the approved drawings, the windows at sixth floor level adjacent to No.321-323 Oxford Street must be obscured glazing and you shall retain this obscure glass in situ thereafter. The window shall also fit fixed permanently shut.

Reason:

To prevent this window prejudicing the future development potential of the neighbouring site.

- 19 With the exception of the projecting shopfronts hereby approved, any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, lighting, signage, awnings and canopies

Reason:

In the interests of public safety and to ensure that the banners are not hit by high sided vehicles in accordance with S41 of Westminster's City Plan (November 2016), TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007 and Policies 24 and 25 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R24CA)

- 20 i) With the exception north western room labelled 'Class E Retail', the basement accommodation as shown on drawing NBO ORM ZZ B1 DR A 12026 P05 must be used solely as ancillary accommodation to the office and retail accommodation in the remainder of the building and for no other, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

ii) The north western room labelled 'Class E Retail' at basement level, as shown on drawing NBO ORM ZZ B1 DR A 12026 P05, and the ground and first floor units with frontages along all of the Oxford Street frontage and New Bond Street front (excluding the New bond Street office entrance and corridor at ground floor level), shown on drawings NBO ORM ZZ 00 DR A 12016 P08 and NBO ORM ZZ 01 DR A 12017 P06, must not be used for any other purpose other than for non-food retail purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) or any equivalent class in any order that may replace it. The remainder of the ground and first floors accommodation and the accommodation from second to eight floor must not be used for any other purpose other than for office purposes, including any within Class E of the Town and Country Planning (Use

Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to secure the benefits of the proposal to balance harm to the conservation area in accordance with Policies S24, S25, S28 S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and DES 1, DES5, DESS 6, DES 9, ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007 and Policies 16, 17, 18, 24, 26, 28, 29 ,25, 32, 33, 34, 37, 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26DD)

- 22 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26DD)

- 23 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007 and Policy 43(E) of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R37AB)

- 24 You must apply to us for approval of detailed drawings (at scales 1:20 and 1:5) of the following parts of the development :

1. Typical facade details (at scales 1:20 and 1:5)
2. Office entrance
3. Shopfronts
4. Service bays including doors / gates.
5. Public art
6. Roof plant enclosure
7. Roof access pavilion

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings.
(C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26DD)

- 25 The glazing to the retail floorspace at upper ground floor level (Oxford Street) and first floor level (New Bond Street) shall remain unobstructed (with the exception of window dressings) to maintain the transparency of the facade and to allow views into the building, unless otherwise approved

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016), DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007 and Policies 38, 39 and 40 of the City Plan 2019 - 2040: Intend to Adopt version (March 2021). (R26DD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, the City Plan 2019 - 2040: Intend to Adopt version (March 2021), neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 The public art strategy should address, though need not be limited to, the metal panel to New Bond Street office entrance.
- 3 You are encouraged to service the building utilising electric vehicles or using other zero-carbon measures.
- 4 Please be advised that the sixth floor windows adjacent to 321-323 Oxford Street hereby approved will be offered no protection in respect to daylight and ventilation in the determination of any future application to extend or alter the neighbouring site to the east.
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

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