

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 September 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	334 - 348 Oxford Street, London, W1C 1JG		
Proposal	Alterations and extensions to, and partial demolition of, existing building to provide partly extended and refurbished, and partly new, building comprising deepened basement, ground, and nine upper floors (including ninth floor Class E space and plant enclosure) to provide commercial, business and service (Class E) use, replacement facades and shopfronts, installation of new plant, provision of cycle parking and other associated works.		
Agent	Gerald Eve LLP		
On behalf of	334 Ramsbury Oxford Limited		
Registered Number	21/05110/FULL	Date amended/ completed	2 September 2021
Date Application Received	26 July 2021		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

## 1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission subject to the completion of a legal agreement to secure the following:

- i. A carbon offset payment of £1,053,523 (index linked) payable on commencement of the development
- ii. Submit an Employment and Skills Plan and a financial contribution of £304,913 towards the Westminster Employment Service prior to commencement of development
- iii. Highways works associated with the development
- iv. The provision of on-site Public Art
- v. The costs of monitoring the agreement.

2. If the s106 agreement has not been completed within eight weeks of the committee resolution, then:

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and

appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. That the Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of a part of the public highway on all sides of the development on Oxford Street, Vere Street, Henrietta Place and Marylebone Lane. That the Director of Place Shaping and Planning, Executive Director of Environment and City Management, Director of City Highways or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

## 2. SUMMARY

The existing building on the site was Debenhams's flagship store from the 1970's to February 2021, when they vacated the site. It is accepted that the existing purpose-built department store could not be used for alternative uses in its current form. Permission is sought for a scheme which would retain as much of the existing structure as possible whilst comprehensively refurbishing and extending the building. The refurbishment scheme includes new facades on all frontages. The extended building comprises basement, ground and nine upper floors for a mix of commercial uses, with retail at part basement, ground and first floors fronting onto Oxford Street, café/ restaurant and leisure uses on the remainder of the ground floor and offices (Class E) on the upper floors.

The key issues for consideration in this case are:

- The land use implications
- Townscape and design consideration
- The sustainability credentials/

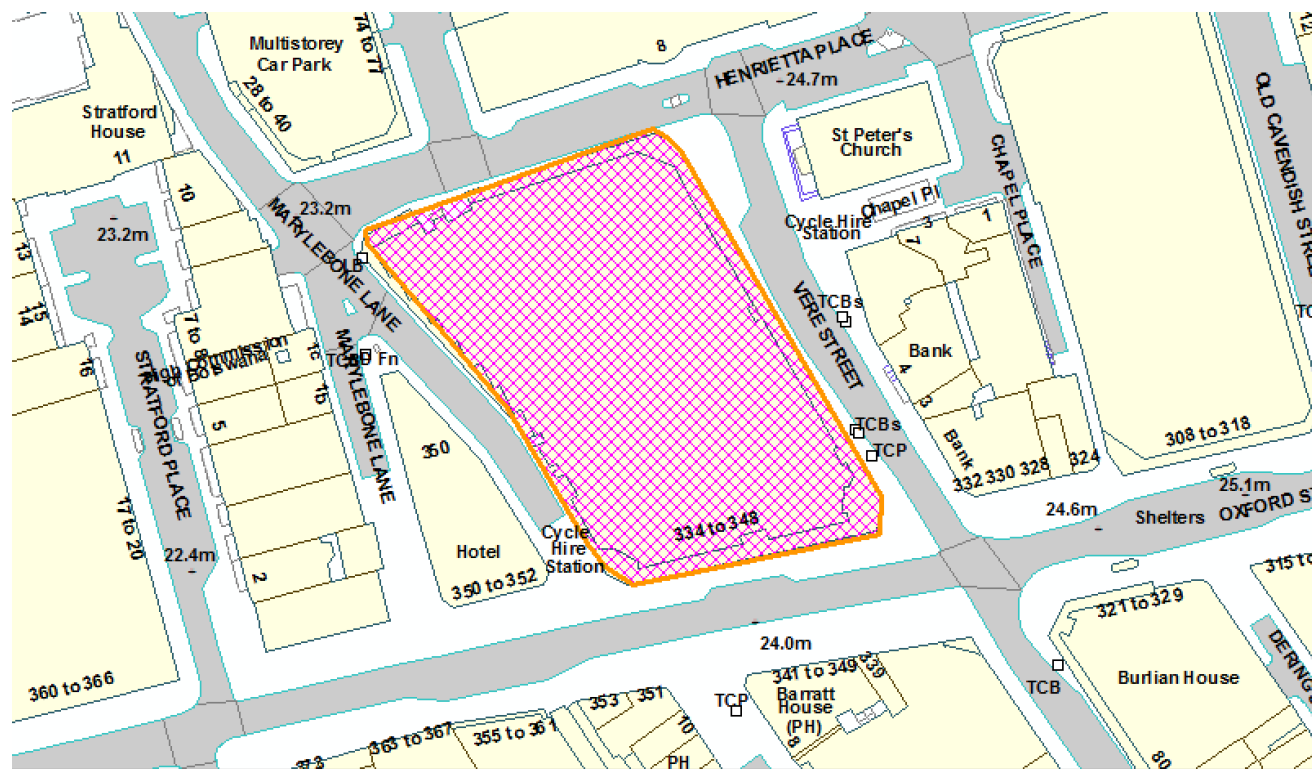
The principle of a new retail and office led development with active frontages is supported in land use terms. The provision of additional employment space would support the vitality of the Central Activities Zone and the West End International retail centre.

The refurbished and refaced building is appropriate to its context, the increase in height and bulk is successfully accommodated on this island site. By retaining as much of the original structure as possible, maximising on site renewable energy and reducing the buildings carbon operational emissions it will be a highly sustainable development. The inclusion of significant urban greening into the design is welcomed.

Unusually for a development of this scale there have been no objections in response to neighbour consultations. The application accords with development plan policies and is accordingly recommended for approval as set out above in section 1 of this report.

Item No.
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### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



View 01



View 02



View 03



View 04

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY:

Response to be reported verbally

### TRANSPORT for LONDON

Any response to be reported verbally

### CROSS LONDON RAIL LINKS LTD (1)

No Comments

### CROSS LONDON RAIL 2 LINKS LTD

No Comments

### MARYLEBONE ASSOCIATION

No response received

### ENVIRONMENTAL HEALTH

Any response to be reported verbally

### WASTE PROJECT OFFICER

Request drawing showing basement refuse storage be secured by condition

### HIGHWAYS PLANNING MANAGER

Cycle parking welcomed,

Servicing arrangements for retail and office uses are acceptable,

Other uses within Class E, could have increased servicing demands, further information is required prior to permitting a range of Class E uses

Concerns raised to proposed stopping up, which would only be acceptable on Marylebone Lane if the footway is widened

### BUILDING CONTROL

Any response to be reported verbally

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 668

Total No. of replies: 0

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a former Debenhams department store which stands on the north side of Oxford Street and comprises an island block bounded by Oxford Street, Marylebone Lane,

Henrietta Place, and Vere Street. It is not in a conservation area but faces the Mayfair Conservation Area to the south, the Harley Street Conservation Area to the east, and the Stratford Place Conservation Area to the west.

The building which comprises basement ground and six upper floors was purpose built for Debenhams and was completed in 1979. The 1970' building constructed with a concrete and masonry facade with minimal window openings has a heavy and austere appearance. In 2014 a new kinetic façade was installed on all four elevations. The external skin is made up of thousands of small square aluminium tiles which can move in the wind. The framed kinetic façade is connected to the outer face of the masonry walls.

A central atrium connects all levels topped by a glazed curved rooflight. A principle core is located at the northern end of the building with additional lifts and fire escape stairs around the perimeter of the building. Plant is located in the basement and at roof level. A tunnelled service access corridor under Henrietta Place connects the building to 3 loading and delivery bays in Henrietta House.

The lawful use of the building is retail at basement to 3<sup>rd</sup> floors, restaurant at part ground and office accommodation at part 3<sup>rd</sup> to 5<sup>th</sup> floors. Following the changes to the Use Classes Order on 1 September 2020 the site would have transitioned to commercial business and services (Class E) use.

Nearby are several listed buildings including the Grade I listed St Peter's Church and the side/rear elevations of listed buildings in Stratford Place including the Grade I listed Stratford House. The site is in the Great Estates Area of Special Archaeological Priority.

The site lies within the Central Activities Zone and the West End Special Retail Policy Area (WESRPA). Oxford Street is part of the West End International Centre.

## **6.2 Recent Relevant History**

i)Permission was granted in 1974 (the exact decision date is illegible) for 'alterations during the course of construction to the building under construction pursuant to an earlier permission, for use as a department store and offices'. The permission was subject to a Section 52 Agreement preventing the use of areas at 3<sup>rd</sup> 4<sup>th</sup> and 5<sup>th</sup> floors from being used as offices other than by Debenhams.

ii)On 6 November 1997 permission was granted for 'Change of use from offices to retail on 4<sup>th</sup> floor and erection of extension at roof level providing replacement offices with ancillary accommodation and other incidental works' RN 97/07237/FULL

iii)On 7 August 2003 permission was granted for 'Use of part of the 4<sup>th</sup> floor as retail accommodation (Class A1) in association with the department store on the lower floors'. RN 03/03644/FULL.

iv)On 17 April 2012 permission was granted for 'Use of part of the 5<sup>th</sup> floor as retail accommodation (Class A1) in association with the department store on the lower floors RN 12/00947/FULL.

v) On 16 October 2012 permission was granted for 'External alterations comprising installation of new facades formed of kinetic metal panels to all elevations, shopfronts, customer entrances and associated works. Installation of illuminated fascia high level signs' RN 12/07895/FULL).

vi) On 10 May 2018, planning permission was granted for the Use of part of the ground floor (on the corner of Henrietta Place and Vere Street) as restaurant (Class A3) with associated external alterations to form new entrance. (RN 18/03718/FULL)

vii) On 22 October 2019 permission was granted for 'Change of use of fourth and part fifth floor from retail (Use Class A1) to office (Use Class B1) RN 19/03606)

viii) 22 September 2020, an application to was approved deleting the Section 52 Agreement dated 19 November 1975 which required office accommodation to be used by Debenhams. (RN. 20/03353/MOD106)

Based on the planning history the lawful use of the building is retail (Class A1 at basement to part 3<sup>rd</sup> floors, restaurant (Class A3) at part ground and office (Class B1) at part 3<sup>rd</sup> to 5<sup>th</sup> floors.

## 7. THE PROPOSAL

### Background to application

The current building on the site provided Debenhams's flagship store from the 1970's to February 2021, when they vacated the site. The decline of large department stores across the country due to a change in customer behaviour with a move away from physical premises to online sales and the decline of the high street is well documented. The applicant 334 Ramsbury Oxford Ltd is the freeholder of the building and is now in control of the site following Debenhams closure.

The existing building like many purpose- built department stores is inflexible in its design and was designed for its specific one purpose. The existing 1970's building is dated and poor accommodation with several constraints including:

- Inefficient and outdated floorplates, designed for specific department store use
- A dated façade (without the kinetic panels)
- Unsympathetic entrance canopies which wrap around the building
- Poor sustainability credentials
- Poor ground floor configuration on Marylebone Land and Henrietta Place

### Proposed development

Although the kinetic façade installed in 2014 added visual interest to the building the aluminium tiles impede views out and reduce natural light in and they are not considered to be a suitable façade for a modern building in use as flexible commercial space. The application proposes extensive refurbishment involving the removal of the facades and central atrium, refacing the building and extending to provide three additional floors.

Central to the scheme is an aim adapt the existing building to achieve a high standard in terms of sustainability and energy efficiency. Whilst the existing facades, central atrium and perimeter cores will all be removed the proposal is to retain a substantial proportion of the existing primary structure. Approximately 39 % of the existing structure will be retained. A single central core is proposed accessed from Marylebone Lane and Vere Street. The central core will create flexible



and efficient floorplates. New facades will maximise daylight to the interior spaces.

The additional floors will result in a building of basement ground and nine upper floors with a plant room occupying part of the 9<sup>th</sup> floor. The 6<sup>th</sup> to 9<sup>th</sup> floors are set back on all frontages with extensive greening on the set back terraces. The existing basement is to be deepened at its northern end to enable as much plant to be housed internally, reducing the requirement for roof level plant.

The proposal is to provide a mixed- use development of retail (Class E (a) at part basement, ground and first floors fronting onto Oxford Street, café/ restaurant floorspace and other service uses (Class E) at rear ground floor and offices (Class E) in the remainder of the building. Cycle storage, plant and storage facilities are to be located at basement level. The scheme involves improvements to the public realm.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed floorspace are set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	8,230	34,987	+ 26,818
Retail (Class E a)	25,402	6,725	-18,677
Flexible (Class E) with active frontage	0	1,326	+ 132
Total	33,632	43,040	+9408

### Offices

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

The new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The scheme will provide potentially 34,987m<sup>2</sup> of office floorspace, representing an uplift of 26,818 m<sup>2</sup>. Based on English Partnership's 2010 Employment Density Guide the total office floorspace is estimated to create Circa 2,332 office jobs. The scheme would contribute towards the City Plan target in office-based jobs growth within the City. The proposal also represents an improvement in terms of quality over the existing office floorspace. The provision of a central core means that the office floorspace of the upper floors could be used as headquarter floorspace with a single tenant occupying a whole floor or floors but equally the floorspace could be easily subdivided and occupied by multiple tenants. The subdivision can be achieved without compromising the quality of the office space. The floorspace will have good natural light and the 6<sup>th</sup> to 9<sup>th</sup> floors have access to outdoor amenity space.

### Commercial Class E uses on upper floors

Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service. It is clear that regard should be had to the objective in introducing Use Class E which is to provide additional flexibility in terms of allowing changes of use within a range of uses without the need to seek an express grant of planning permission.

The documentation submitted with the application relates to use of the rear 1<sup>st</sup> floor fronting onto Henrietta Street, Marylebone Lane, and Vere Street and upper 2<sup>nd</sup> to 9<sup>th</sup> floors for office purposes and therefore the City Council's assessment of the application against relevant City Plan 2019-2040 policies, relates to the building's use in office floorspace rather than other permitted uses within Class E. Given the site's location close to Harley Street the provision of an element of medical floorspace Class E (e) is in principle likely to be acceptable on part of the upper floors of the building. However, activity in particular vehicular activity associated with a large clinic may not be appropriate on part of the site. Operational details for any medical or health service use including servicing requirements have not been provided. In the absence of this information it is recommended that the area in question is restricted to office use only in the first instance. It is therefore recommended that permission is subject to a condition which restricts the commercial floorspace on the upper floors to office use only (with the exception of retail at 1<sup>st</sup> floor level fronting onto Oxford Street) and no other purpose within Class E of the Use Classes Order in order to ensure that the scheme complies with policies within the City Plan 2019-2040.

### Retail

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

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

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

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

Part B of the policy 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'.

Part C, 1. of Policy 14 sets out an overarching vision for the International Centres of the West

End and Knightsbridge. It envisages that they will 'provide a focal point for large formal comparison retail, supported by complementary town centre uses that increase customer dwell time and new office floorspace'

Paragraphs 14.12 and 14.13 of the City Plan deals with International Centres (including the West End International Shopping Centre). It states that due to the role of the international Centres retail provision should be predominantly for comparison shopping and maintain a strong retail core at ground floor level and immediately above. It goes on to state that complementary town centre uses that enhance customer experience and increase dwell time are also supported alongside new and improved office floorspace on upper floors to support wider job growth and support customer spend.

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

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

As acknowledged in the supportive supporting text to City Plan Policy 14 large format retail units along Oxford Street are likely to reduce due to the impact of changes to the retail sector. The proposal is that the existing retail floorspace of 25,402 m<sup>2</sup> is reduced to 6725 m<sup>2</sup> of retail (Class E a). The provision of retail at part basement, ground and first floors at the southern end of the site, fronting onto Oxford Street is however a key component of the development. The retail provision (Class E a) along Oxford Street would protect and enhance the international Centre and provide a sustainable level of high-quality retail.

The retail has large double height bays and is designed to be either multi let or to enable occupation by a flagship retailer. The applicant has agreed to a condition that would prevent the use of this space for other purposes. A condition is therefore recommended that this floorspace is used for retail (Class E a) purposes only. This will ensure that the ground floor and 1st floor units fronting Oxford Street, which is integral to the International Centre, remain in retail use. The proposed high quality retail provision would add to the vitality and vibrancy along this important stretch of Oxford Street; providing animation and enhancing the important active street frontage of Oxford Street. This is welcomed and would accord with London Plan and City Plan policies.

#### Commercial (Class E) Uses at ground floor level

At the northern end of the site at ground floor level fronting onto Henrietta Place/ Marylebone Land and Vere Street part of the ground floor is proposed to be used as flexible Class E floorspace either E(b) restaurant/ café, and/ or E (d) gymnasium. Use of these ground floor units as proposed would ensure that the ground floor around the building has active and animated frontages. The provision of food and drink / leisure uses on this part of the site would accord with policy and will add to the vitality and mix of uses in the locality.

### Ventilation to restaurant

There are a number of internal risers which will be able to house full height extract ducts which could discharge at roof level within the plant enclosure. This would provide the required kitchen ventilation to any restaurant floorspace without the need for any ductwork on any of the street elevations. A condition is recommended to ensure that any restaurant use does not commence prior to appropriate ventilation being permitted and thereafter the ventilation ductwork is maintained as long as the restaurant remains in use.

## **8.2 Townscape and Design**

### Legislation

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

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

Whilst there is no statutory duty to take account of the effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040(April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

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

### Existing building

The existing building dates from a phased redevelopment of the site between 1969 and 1975. Its facades are comprise a series of vertical concrete piers alternating with narrow tiers of windows and a heavy crowning cornice. The building, according to the Survey of London, was poorly received “...confirming a post-war collapse of architectural ambition in Oxford Street department stores...” It has also been described as variously “big and dispiriting” and “dull and oppressive ... disappointing and weak”.

The most recent, and successful, attempt to enhance its facades was completed in 2013 when the building was covered with kinetic facades by the Californian artist, Ned Kahn. These consist of a series of small satin-coated aluminium panels which overclad all four fronts above shop-window level and move gently in the wind. This art installation makes a strong positive

contribution to the surrounding area and the Survey of London notes “It has generally been welcomed as a great improvement on the former concrete elevations, but internally has the effect of depriving the store of windows above ground-floor level.” This latter point has great significance with regard to the future use of the building.

#### Proposed development

The new building will achieve BREEAM excellent, include urban greening, and maximise on site renewable energy. It will comprise basement, ground, and nine upper floors (progressively set-back), which is consistent with the size of other nearby existing buildings. The facades are to be reclad, there will be upward extension of the building and some basement excavation. The ground and first floors (retail areas) are double height, which is typical of many modern developments along Oxford Street, with large windows between chamfered column panels. The upper floors are laid out grid-fashion with windows set behind angled aluminium panels.

The angled panels are made up of aluminium ‘baguettes’ (rods or sticks) intended to reduce the amount of solar gain. Consequently, their depth responds to their orientation, ranging between 0.9 m to the south along Oxford Street, 0.5m depth to the east and west to Marylebone Lane and Vere Street, and 0.35m to the north to Henrietta Place. The upper levels and terraces will incorporate greening.

The panels are to be finished to harmonise with the colour of some adjacent buildings. However, given the variety of materials and colours found on surrounding buildings, the effort isn’t entirely successful. Nevertheless, the effect is appropriate and helps to relieve the otherwise highly repetitive design of the facades. In this respect the setting of nearby listed buildings is preserved by the colour palette of the new building.

Facing Oxford Street the base of the building has double-height shopfronts with strongly expressed fascia panels at first floor level, carefully designed to accommodate advertising such as shop names. This will give appropriate prominence to the retail frontage, and reinforce the architectural character of this part of Oxford Street which stems from its function as one of the main shopping streets in the West End.

A strong parapet line is maintained at fifth floor level which is similar to those of some nearby buildings. Above fifth floor level, the facades are progressively set back in a way that is broadly consistent, in principle, with other large buildings fronting Oxford Street in the surrounding area. Nevertheless, the new building will be substantially higher than most of its surroundings and this cannot be disguised in longer views where the building’s upper floors will be obvious. This is most apparent in views from Chapel Place and Henrietta Place where the height of the building is going to be greatly increased so it will be an obvious and distracting feature in the background of views of the grade I listed St Peter’s. Nevertheless, the same can be said of the existing building in these views - although it distracts in a different way with its drab concrete facades concealed by the kinetic artwork. Consequently, the alteration to St Peter’s setting caused by the proposed building is neutral in heritage asset terms.

Office entrances are provided on Vere Street and Marylebone Lane, connected by a route through the building (accessible only to office staff) aligning with Chapel Place on Vere Street and the bend in the building line on Marylebone Lane. This helps to subtly break up the mass of the building by using a largely glass section of façade rising to the top of the fifth floor. The feature also marks the end of the double-height shopfronts where they return along the east and

west facades, and creates additional visual interest at street level. Entrances to the ground floor uses are also provided on all four chamfered corners.

Back of house plant areas are to the north in Henrietta Place are to be concealed by a decorative screen at ground floor level. This would be a suitable location for a public art commission to ensure that this otherwise dead frontage will still be visually interesting. It would also go some way to mitigating the loss of the kinetic facades.

Overall, the proposed building is an improvement on the poor quality 1970's building. Refacing will have a dramatic effect on the appearance and result in a building modern in appearance that is appropriate to its context. Although in certain views it could be argued that the building appears somewhat monolithic there is sufficient variety in the detailing to provide visual interest.

The proposal could have an impact on archaeological remains being near the site of the Lord Mayor's Banqueting House, amongst other things. Therefore, an archaeological watching brief is appropriate.

### Public Art

The applicant advise that they are committed to the provision of Public Art which is welcomed. The options for the provision of public art on the site and still being formulated. An agreed Public Art offer will be secured as part of the legal agreement.

## **8.3 Residential Amenity**

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

### Daylight and Sunlight

The only property in residential use in close proximity to the site that potentially could be affected by the increase in bulk and mass is a 4<sup>th</sup> floor flat at No 1-2 Vere Street.

A Daylight and Sunlight report has been submitted as part of the application which assesses the impact on this flat. There are three rooms (2 x bedrooms and 1 kitchen) that have windows which need to be assessed in terms of daylight. The windows face north and do not need to be assessed in terms of sunlight.

### Daylight

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that

reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

### Assessment

Room use	Existing VSC	Proposed VSC	Loss	%loss
Bedroom	28.45	26.28	0.26	0.91
Bedroom	27.08	26.91	0.17	0.63
Kitchen	25.05	25.05	0	0

The table above shows that impact to daylight (VSC) levels to windows assessed would be extremely minimal well within the BRE guidelines. The impact on the flat assessed and other residential properties would be unnoticeable.

### Sense of Enclosure

The scheme would result in a significant increase in bulk and mass on the site. However, given that this is a large island block with little residential in the vicinity the site can successfully accommodate the extensions without any adverse effect on neighbouring buildings.

### Privacy

Roof terraces are proposed at 6<sup>th</sup> to 9<sup>th</sup> floor levels. Use of the terraces would not result in any significant loss of amenity by way of overlooking. Given there are no residential premises that could be impacted in terms noise nuisance from the terraces it is not considered that it is necessary to impose conditions controlling capacity or hours of use.

## **8.4 Transportation/Parking**

### Car Parking

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

### Cycle Parking

There is currently no cycle parking associated with the building and 506 cycle parking spaces are proposed. The highways planning manager comments that this is welcomed and recommends that the cycle parking is secured by condition. The scheme includes the significant provision of showers, locker rooms and cycle stores at basement level.

The transport statement submitted discusses short stay cycle provision and highlights that, as with the existing building, there is very limited suitable space available off the public highway to provide short stay cycle parking, and there is also very limited space available on street adjacent to the site to provide short stay cycle parking without interfering with public realm or footway widths, especially given the intensity of use on Oxford Street.

### Servicing and Deliveries

City Plan Policy 29 states that the council will strongly support the provision of consolidated facilities for servicing and deliveries in new development in accordance with London Plan policy. Servicing, collection, and delivery needs should be fully met within a development site and that the provision for servicing, collection, and deliveries within developments should be located behind new or converted buildings, or below street level, and appropriate in size, type and anticipated frequency of arrival of vehicles.

Transport Statement suggests that while the building would attract significantly more trips by staff, it would require a similar amount of servicing trips. Servicing would continue to be from a 3 servicing bays within Henrietta House on the north side of Henrietta Place. Goods would continue to be transferred via an existing tunnel under Henrietta Place,

While there is not forecast to be a significant change in the number of servicing vehicles the applicant offers a Servicing Management Plan (SMP). It is recommended that this is secured by condition requiring all servicing to be carried out in line with this Plan.

Subject to the approval of an appropriate SMP the servicing arrangements are considered acceptable for the Class E uses detailed in this application. As discussed in section 8.1 of this report the Highways Planning Manager has raised concerns that use of the whole building as unrestricted Class E, could result in additional servicing requirements that could have an adverse impact on the highway.

#### Highways & Stopping Up

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

The proposal is that the existing structural grid, including the columns around the perimeter of the building, abutting the public highway are retained. The applicant considers it essential to remove the existing overhangs, which are unsightly, attract anti-social behaviour and rough sleeping, and are not attractive to retail occupiers. Ensuring that the ground floor facade and shop fronts are aligned and on the same plane as the façade of the upper floors adds to the attractiveness of the new shop fronts. The applicant considers that this is important to attract flagship, high profile retail occupier

A key element of the proposals is improving the environmental performance of the building, and this is necessary to achieve the on-site carbon reductions. In part, this is to be achieved through solar shading to prevent solar gain, particularly on the south-facing façade to Oxford Street, through a much deeper façade that will cast shadow. However, this requires the façade to be built out from the existing, retained, columns by up to c. 1,225mm on the Oxford Street frontage

At upper levels, the outer perimeter of this deeper façade would still be within the perimeter of the existing kinetic façade. The existing cladding oversails the highway but pedestrians can walk underneath it, whereas all of the building is now proposed to come down to ground level.

#### Public Highway works

To ensure that the stopping up works proposed does not have an adverse impact on pedestrian movements the footway will be widened on the western corner of the Marylebone Lane and



Henrietta Place. An alteration to the alignment of the kerb at this corner of the site will ensure the footway remains sufficiently wide. The proposal also involves widening the footway at the southern end of Marylebone Lane with shared surface. The details of these works and all the works to the highway around the site will be secured through a s106 attached to this permission and s278 agreement under the Highways Act.

The development includes stopping up on Oxford Street. Whilst it is acknowledged that at the corners with Marylebone Lane and Vere Street this is behind the existing structural columns, given the extremely high pedestrian movements on Oxford Street any stopping up is highly regrettable. Had the application been for a complete redevelopment of the site, the stopping up could not have been supported. It is however recognised that the requirement to stop up the highway results from retaining the existing structure which will deliver sustainability and energy efficiency benefits. Furthermore, removing the ground floor overhang would result in the provision of more desirable retail units on the International Centre. In the circumstances the benefits are considered to outweigh any harm to pedestrian movements.

### **8.5 Economic Considerations**

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

The proposed development is estimated to be able to create a total of circa 2,674 jobs. These include:

- Circa 2,332 office jobs
- Circa 283 retail jobs
- Circa 59 café/restaurant jobs

The site is currently vacant and boarded up. There is no longer the market for the department store retail provision. The mix of commercial uses proposed will support the economic vibrancy of the West End.

### **8.6 Access**

London Plan Policy D5 requires that all new development achieves the highest standards of accessibility and inclusive design.

All the entrances to the building have level access. Lift access is provided to the basement and all the upper floors. The access arrangements accord with policy.

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

#### Urban Greening

Paragraph 150 of the NPPF states that new development should mitigate impacts of climate change through suitable adaptation measures including green infrastructure. Policy G1 (D) of London Plan requires that development proposals include appropriate elements of green

infrastructure, such as street trees, green roofs, and natural or semi-natural drainage features.

Policy 34 (part b) of the City Plan requires developments to contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

A Landscape Statement, prepared by BBUK Landscape Architecture, has been submitted as part of the application. This details the extent of urban greening proposed. Extensive urban greening is proposed on terraces at levels 6th, 7<sup>th</sup> and 9<sup>th</sup> floors including ornamental planting, intensive biodiverse planting, an extensive seeded roof and climbing plants. The provision of plant, PVs and rooftop access prevent further greening than proposed. The proposed planting will aim to be climate resilient and adaptable, avoid water hungry species, and incorporate an automatic irrigation that will limit and control the water usage to avoid waste.

All existing trees on the Site will be retained and trees surrounding the site will not be effected by the development and will not require pruning.

#### Air Quality

City Plan Policy 32 outlines that the council is committed to improving air quality in the city and expects developments to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas.

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

An Air Quality Assessment has been submitted the assessment concludes that, based on evidence, it is estimated that there will be no exceedances of either short term objective for NO<sub>2</sub> (nitrogen dioxide) or PM<sub>10</sub> (particulate matter). The assessment also states that the impact of the back-up diesel generators has been assessed and found not to cause any issues with regard to compliance with the air quality objectives.

As part of the assessment, an Air Quality Neutral Assessment was undertaken, and it was found that the development meets the requirements for buildings and transport. The proposed development will not cause negative impacts upon air quality.

#### Flood Risk

City Plan Policy 35 states that all development proposals should take flood risk into account and new development should reduce the risk of flooding. Part J states that new development must incorporate SuDs to alleviate and manage surface water flood risk. Developments should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

A Flood Risk Assessment, submitted as part of the application identifies any potential sources of flooding and risk to the proposed development. In accordance with the NPPF, the report categorises the site as lying entirely within Flood Zone 1.

### Plant

Plant is proposed at basement and at main roof level in a purpose built plant enclosure. Lowering the northern area of the basement will give the height room to accommodate the bulkiest items of plant. An acoustic report has been submitted which details existing background noise levels. The standard conditions governing noise levels from plant are recommended. As at this stage of the design development the exact equipment is not fixed it is recommended that permission is subject to a condition which requires a supplementary acoustic report to approved to demonstrate compliance with the required noise criteria.

### Refuse /Recycling

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

The applicant's delivery and servicing management plan sets out that refuse storage will be provided at basement level. This is annotated as plant space on the submitted drawings. A condition is therefore recommended which requires a plan showing refuse storage to be approved prior to occupation of the building. This will ensure the development complies with the requirements of City Plan policy 37.

### Sustainability

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

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

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

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

The proposed office development will achieve BREEAM excellent rating in accordance with City Plan Policy 36.

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum requirement of on-site reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of at least 35 per cent beyond Building Regulations 2013 for major development (with at least 15 per cent for non-residential development achieved

through energy efficiency measures). Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

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

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

The Energy Statement sets out the approach adopted to cooling and heating, and the measures taken in accordance with the Mayor's Cooling hierarchy. The building has been designed to be future proofed in respect of ventilation. Whilst natural ventilation was deemed inappropriate due to noise issues from traffic. However, given that the future position may change, the building design has integrated openable panels in the facade design to reduce cooling loads should natural ventilation be appropriate in the future.

Active energy efficient systems have also been integrated into the building design. These include mechanical ventilation with heat recovery highly efficient heating, cooling and domestic hot water (DHW) systems, energy efficient internal and external lighting, lifts, equipment and appliances in the landlord areas, and energy sub-metering

An air source heat pump (ASHP) system is proposed to supply the majority of the space heating and cooling. In addition, photovoltaic (PV) system will be integrated onto the roof to provide some electricity for fans, pumps, lighting and small power.

The submitted Energy Statement demonstrates that the on site emissions would achieve a 35% reduction, over 2013 Part L. The development will not however be net carbon zero. The applicant argues that this is the maximum that can be achieved. The submission indicates that 369.7t of emissions per year will need to be offset by a financial contribution at £95/t, equating to £1,053,523. The offset payment will be secured as part of a legal agreement.

The Whole Life Carbon assessment follows the GLA Whole Life Carbon Guidance (October 2020). It sets out the approach taken to assessing the construction, operation, and end-of-life stages of the building. In respect of embodied energy (RICS Modules A-C except B6 and B7), the report concludes that the proposed development will achieve a carbon intensity of 974kgCO<sub>2</sub>/sqm. This will exceed both the GLA 'typical' benchmark of 1,400kgCO<sub>2</sub>e/sqm, and is in line with the RIBA 2025 Challenge target of 970kgCO<sub>2</sub>e/sqm.

### Circular Economy

A large proportion of the existing building will be retained. The proposal also aims to maximise the reuse of the existing fabric is consistent with circular economy principles. A Circular Economy Statement has been submitted with regards to demolition waste and other spoils to demonstrate the circular economy principles to be applied to the proposals, in accordance with Policy D3 of the London Plan.

Circular Economy statement by Atelia 10, addresses the following:

- a) How all materials arising from demolition and recommendation works will be reused and/or recycled;
- b) The proposed design and construction solution employed to reduce future material demands by enabling building materials, components and products to be disassembled and reused at the end of their useful life, or how the design will facilitate future adaptability;
- c) Details of how much waste the proposal is expected to generate, and how and where the waste will be managed.

Where possible the proposals will use recycled materials. On-site recycling has been explored during the design process and it is proposed that the existing concrete where removed will be crushed for reuse as aggregate.

### Employment and skills

It is recommended that an Employment and Skills Plan and a contribution of £304,913 to support the Westminster Employment Service is secured by legal agreement in order to contribute to improvement employment prospects for local residents, in accordance with City Plan Policy 18(D).

## **8.8 Westminster city plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **8.9 Neighbourhood Plans**

Not applicable

## **8.10 London Plan**

The application is referable to the Mayor of London. The stage 1 response will be verbally reported to Committee. If Committee resolve to grant permission, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

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

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

## **8.12 Planning Obligations**

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

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

All of the draft 'heads' of agreement set out below meet these tests

- A carbon offset payment of £1,053,523 (index linked) payable on commencement of the development
- Submit an Employment and Skills Plan and a financial contribution of £304,913 towards the Westminster Employment Service prior to commencement of development
- Highways works associated with the development
- The provision of on-site Public Art
- The estimated Westminster CIL payment is: £2,314,368
- The estimated Mayoral CIL payment is £1,542,378.42

### **8.13 Environmental Impact Assessment**

The application is of insufficient scale to require an Environmental Impact Assessment.

### **8.14 Other Issues**

#### Basement

The scheme involves deepening the basement at the northern end of the site to ensure that the extended basement will be able to accommodate the largest plant required. The building is not within a flooding hotspot area (as defined by the basement SPG). The proposal complies with City Plan policy 45. In order to mitigate construction impacts the Council has adopted its Code of Construction Practice, which requires developments of this nature to submit details of how the construction phase of the development will be managed.

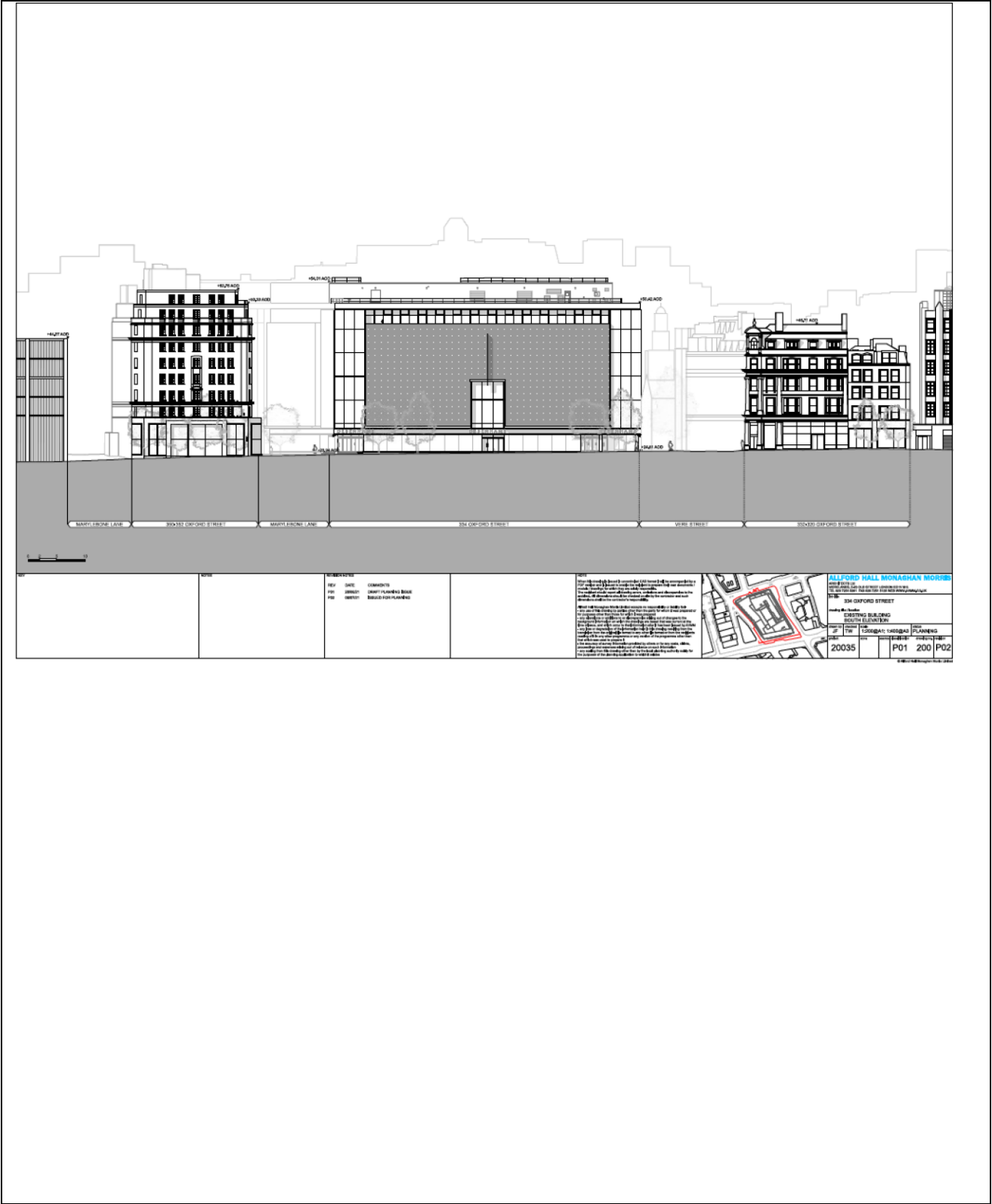
#### Construction impact

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

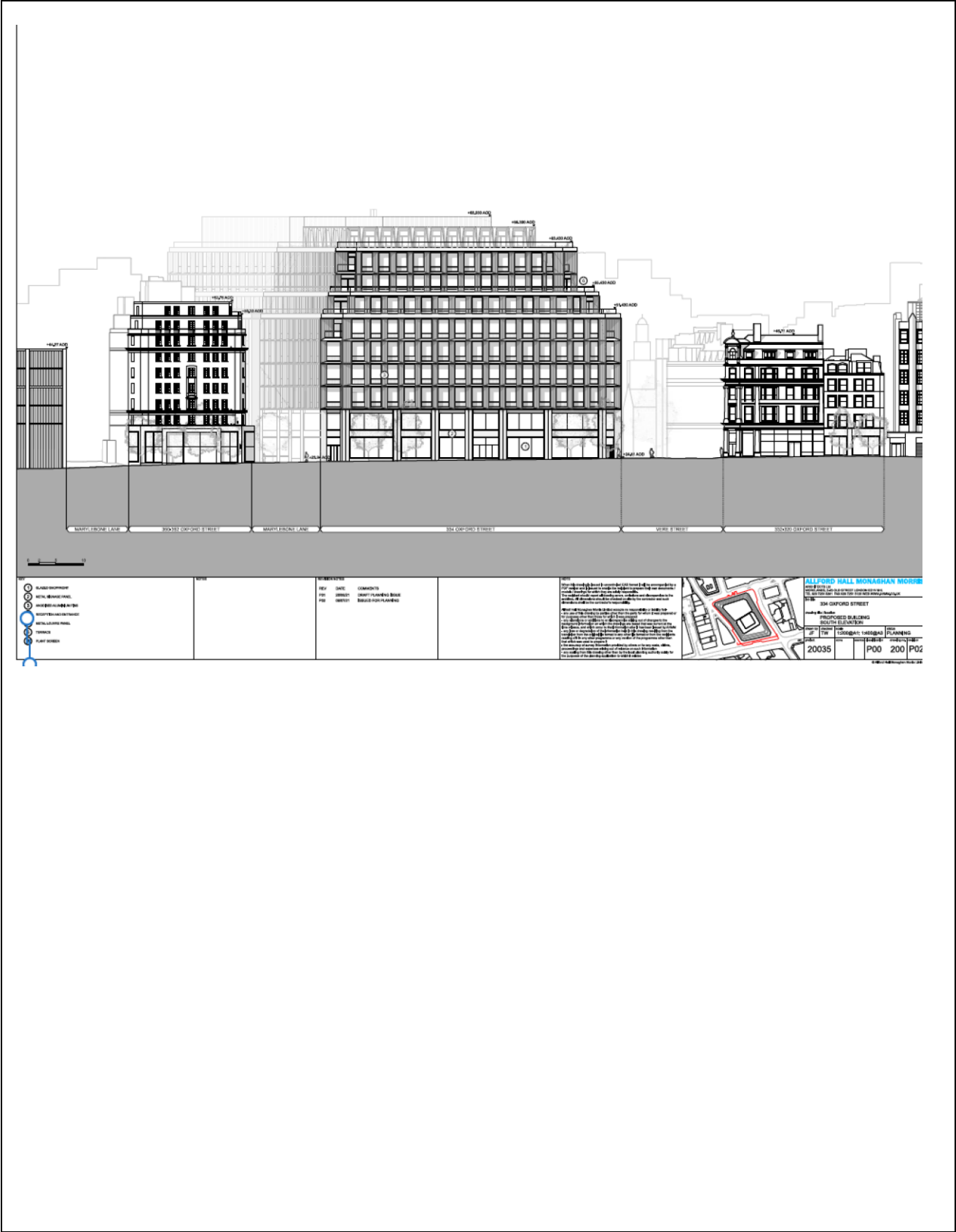
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

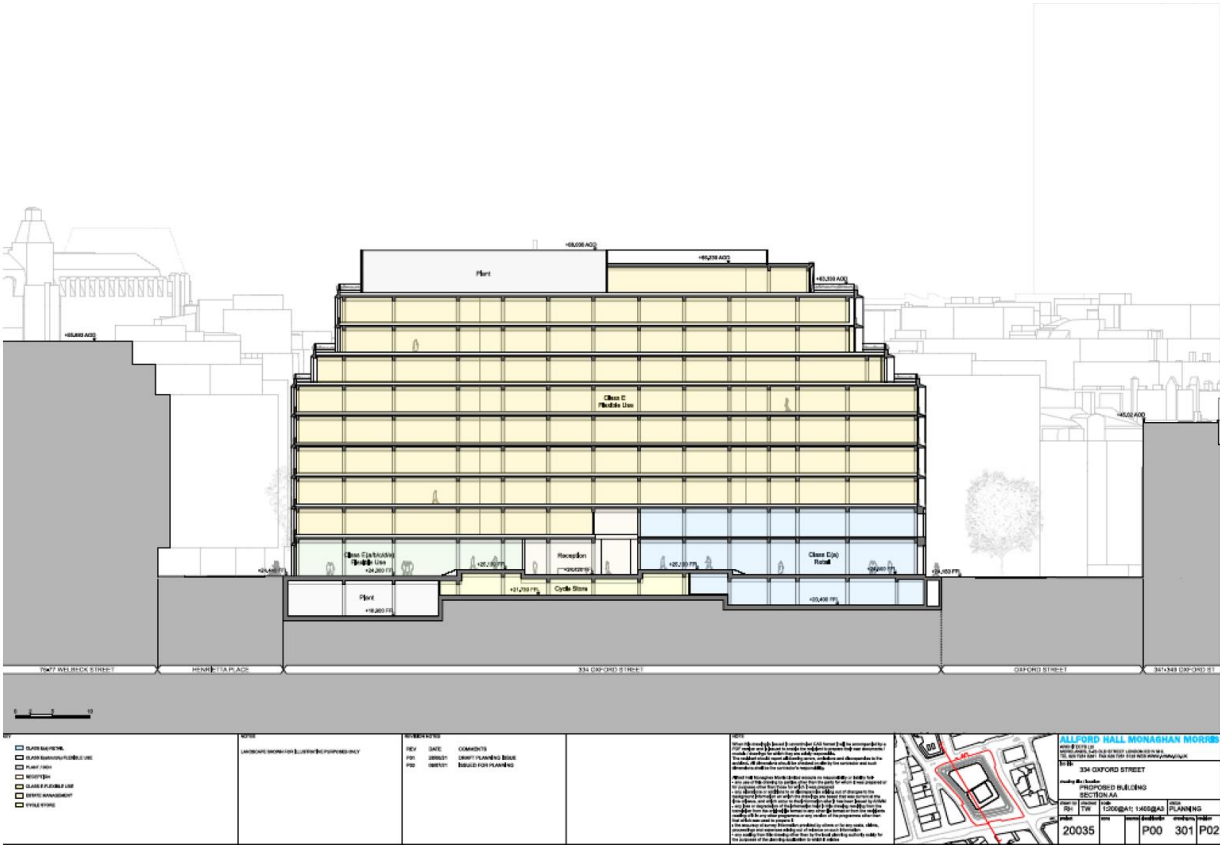
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

9 KEY DRAWINGS

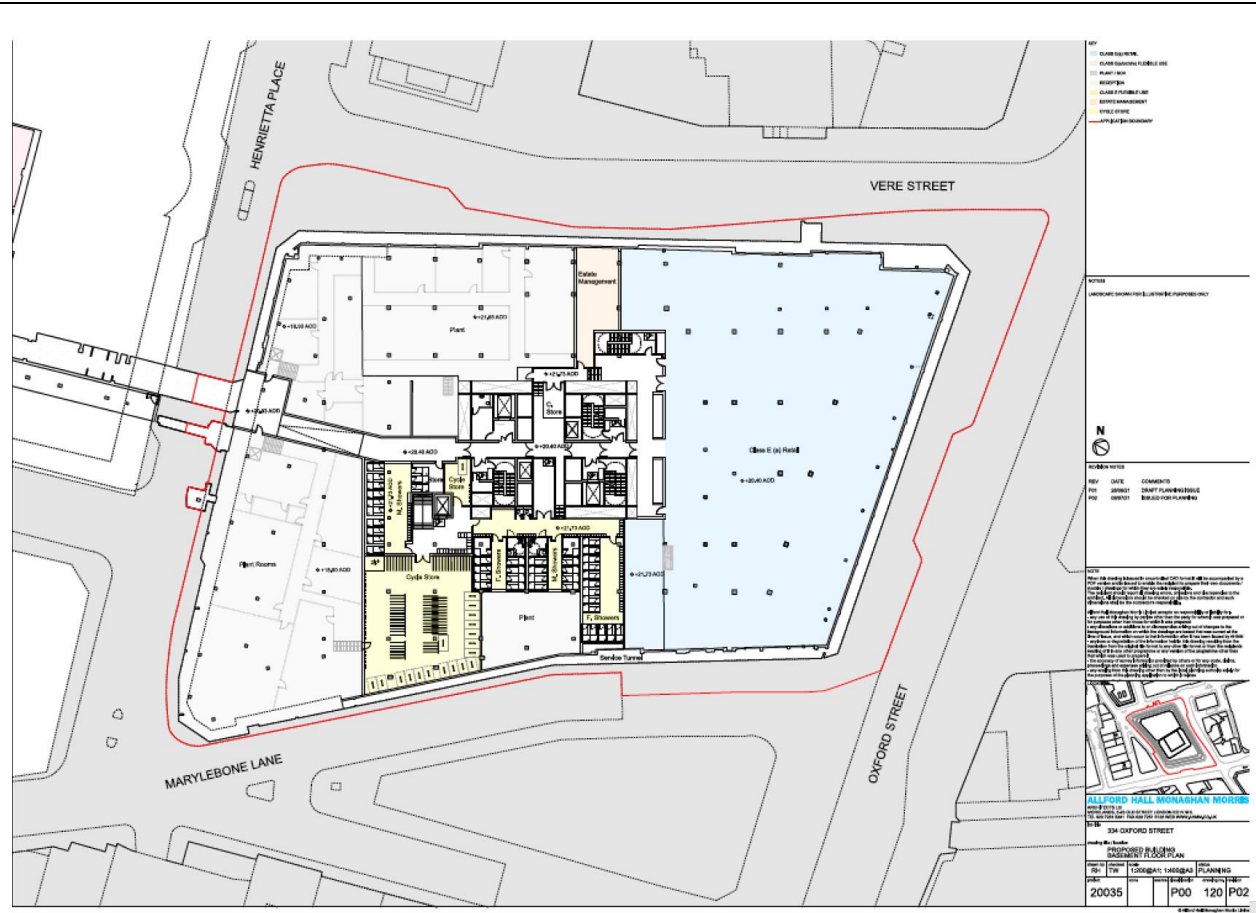














Item No.
<b>2</b>

Draft Decision Notice to follow in additional representation papers