

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE		Date 28 September 2021	Classification For General Release
Report of Director of Place Shaping and Town Planning			Ward(s) involved West End
Subject of Report		Development Site Bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and 10, 15-25, 27 and 42 South Molton Street, London, W1.	
Proposal		Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Class D1 (Non-Residential Institutions) and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works.	
Agent		Gerald Eve LLP	
On behalf of		Grosvenor Properties	
Registered Number		20/03987/FULL 20/03901/LBC – 50-54 Davies Street 20/03902/LBC – 40-46 Brook Street and 40 South Molton Lane 20/03903/LBC – 1-7 Davies Mews and 28-30 South Molton	Date amended/ completed 25 June 2020

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

1. RECOMMENDATION

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

- a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.
- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not been occurred within three years of the date of the planning permission.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highways works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway

works to Davies Mews, South Molton Lane, Davies Street, Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Mews) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highways works to South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.

- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.
- k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
- l) The provision of at least 1,205 sq.m of replacement social and community floorspace within the basement of the North Building or an alternative location agreed with the City Council within Mayfair (to be ready for tenant fit out within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street).
- m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).
- o) The costs of stopping up and area of public highway on the south-west corner of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).
- p) The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and Planning shall consider whether it will be possible or

appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

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

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

4. Grant conditional listed building consent for all six applications.

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

2. SUMMARY

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

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

Planning permission and listed building consent are sought to:

- South Block - Demolish 60 Brook Street, Brookfield House (62-64 Brook Street and 44-48 Davies Street), 48-58 Brook Street behind retained Brook Street facades and the mews buildings on the south side of Davies Mews. In their place, it is proposed to erect a replacement building of up to eight storeys (plus plant) that steps up from a taller and larger replacement Brookfield House, a new four storey Davies Mews frontage and the retained and extended Brook Street facades of 48-58 Brook Street. This building is mainly proposed to be used as either shops or restaurants / cafes at ground and basement floors and offices on the upper floors.
- North Block – Demolish 56 Davies Street, 1-7 Davies Mews and 28-30 South Molton Lane behind retained front facades and front roofslope and part first, second, third and fourth floors of 52-54 Davies Street behind the retained front facades. In their place, it is proposed to erect

a replacement building of up to eight storeys (plus plant) that steps in from a taller replacement stone-faced frontage at 56 Davies Street, a five-storey frontage to South Molton Lane, the retained front elevation and front roofslope of 1-7 Davies Mews and 28-30 South Molton Lane and set behind 50-54 Davies Street. Again, this building is mainly proposed to be used as either shops or restaurants / cafes at ground and basement floors and offices on the upper floors.

- 40-46 South Molton Lane and 40 South Molton Lane – These buildings are proposed to be extended, altered and converted into a hotel.
- South Molton Street Properties – The upper floors of all buildings are proposed to be converted into 33 x dwellings, 11 of which are proposed to be affordable housing over the upper floors of 23-25 and 27 South Molton Street. The existing commercial units are proposed to be refurbished and new frontages created onto South Molton Lane. A new passageway linking South Molton Street and South Molton Lane is proposed within 10 South Molton Street. The commercial units beneath the proposed affordable housing are proposed to be used as retail only, whilst flexible retail or restaurant / café uses are sought in respect to the commercial units beneath the market housing. This is with the exception of the basement of 15-16 South Molton Street that is proposed to be used as a bar.

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

The applications were reported to Planning (Major Applications) Sub-Committee on 22 December 2020 where it was resolved to grant condition permission and listed building consent subject to referral to the Mayor of London and subject to the completion of a legal agreement to secure a number of items. Planning permission and the 6 x listed building consents, however, have not yet been granted.

With the exception of the Mayfair Neighbourhood Plan (December 2019), the development plan against which the planning application was assessed in December 2020 has been superseded. In order to fulfil the City Council's statutory obligation to determine the planning application in accordance with the development plan unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act (2004)), the planning application must be re-assessed against the current development plan (i.e. the City Plan (April 2021), the London Plan (March 2021) and the Mayfair Neighbourhood Plan). The 6 x applications for listed building consent must also be re-assessed in order to determine whether the public benefits of the wider development proposals outweigh the less than substantial harm to the significance of these designated heritage assets.

The main issues for consideration are:

- Whether there is clear and convincing justification for the heritage harm and whether the public benefits derived from the development – including the economic benefits, the 33 x additional residential units (including 11 x genuinely affordable units), the transformative effects to South Molton Lane and Davies Mews, the public realm improvements and the heritage benefits – are sufficient to outweigh this less than substantial heritage harm. The statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 must be fulfilled when undertaking this balancing exercise.

- Whether the loss of daylight to the residential units within 13 South Molton Street is acceptable.
- Whether the addition of gates (to be locked at night) to the proposed new passageway within 10 South Molton Street is sufficient to address the concerns expressed by the Metropolitan Police Service.
- Whether the potential significant increase in entertainment floorspace is acceptable in land use and amenity terms.

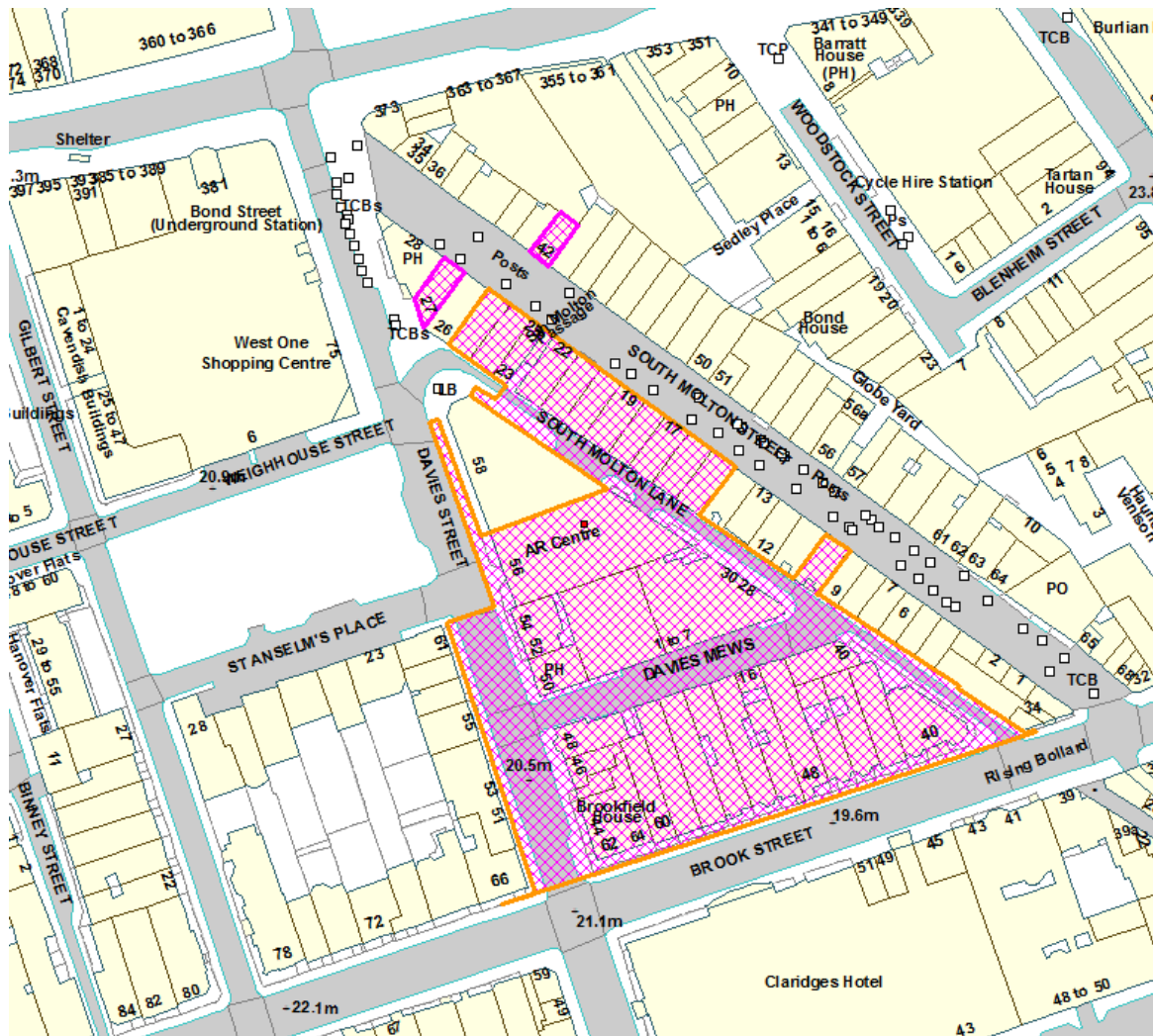
In land use terms, the application is acceptable. The affordable housing requirement generated the proposed residential units is provided on site. Subject to securing the replacement of seven of the nine existing residential units on site at Claridge House, 32 Davies Street (already granted planning permission), the proposed will result in a net increase of 31 x residential units. The flexibility sought in respect to most of the ground and basement floor non-office commercial units is considered to be acceptable through meeting the development priorities of the West End Retail and Leisure Special Policy Area.

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

The proposal is considered acceptable in amenity and transportation terms, complying with the policies set out in the London Plan, City Plan and Mayfair Neighbourhood Plan in these respects. Whilst the proposals do not fully comply with all the urban design and conservation policies and will cause less than substantial harm to the significance of a number of designated heritage assets, it is considered that there is clear and convincing justification for this harm and that the public benefits derived from the proposed development outweigh this less than substantial heritage harm.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS

Brook Street – looking west:



Davies Street – looking north-east:



Davies Mews – looking west:



South Molton Lane – looking north:



South Molton Lane – looking north-west:



5. CONSULTATIONS

COUNCILLOR BARNES:

- Support for the proposed development on the following grounds:
 - The provision of residential units in this part of Mayfair is welcome.
 - The development, particularly on South Molton Lane, will improve the function and amenity for residents and workers and is an entirely appropriate form of development.
 - The comments from the Metropolitan Police Service are noted in respect the proposed new passageway between South Molton Street and South Molton Lane within 10 South Molton Street; however, considers that issues can be managed with inspections and strong lighting. He is less convinced of the need for locked gates as recommended by the Metropolitan Police Service.

GREATER LONDON AUTHORITY:

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

MAYFAIR NEIGHBOURHOOD FORUM:

- Support for the buildings that front onto South Molton Lane and Davies Mews that, together with the enhanced public realm, it believes will provide a much-improved pedestrian experience.
- Very supportive of the proposed increase in residential on the site, both market and affordable.
- Believes that it is not clear or certain that this development will take advantage of the benefit afforded by Neighbourhood Plan's Tyburn Opportunity Frontage proposal and policies, and we would like to see that opportunity fully embraced.
- The greater food and drink amenities are welcome, subject to suitable management to protect residential amenity and minimise crime.
- Does not believe that enough information has been provided in respect to the elevations and roofscapes of the upper storeys of the North and South Buildings. These details are needed so that the impact of these extensions on the neighbouring designated assets (that include the Mayfair Conservation Area, the listed buildings on site and the nearby grade I and grade II* listed buildings), can be assessed.

- Request that provision is made for publicly accessible toilets or, failing that, a condition requiring retail and restaurant units to have toilets that are publicly accessible.
- Request that the implementation of a scheme wide servicing, operational and deliveries management plan and the production of a detailed plan that guarantees the scheme achieves the zero-carbon footprint promised in the application.
- Overall, whilst the proposal will inevitably cause some harm to designated heritage assets within and potential around the site, the proposals will result in considerable benefits to the area. This, together with the general conformity of the development with the policies set out in the Neighbourhood Plan, the application should be approved.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

NEW WEST AND COMPANY:

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

HISTORIC ENGLAND:

Planning application:

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

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

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

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

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

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

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

Application for listed building consent at 10 South Molton Street:

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

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

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

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

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

HISTORIC ENGLAND (ARCHAEOLOGY):

- The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.

- Requests the imposition of conditions securing: (i) A two-stage process of archaeological investigation; and (ii) A written scheme of historic building investigation.

ENVIRONMENTAL SCIENCES:

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

WASTE PROJECT OFFICER:

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

HIGHWAYS PLANNING TEAM:

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

OXFORD STREET DISTRICT TEAM:

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

BUILDING CONTROL:

- Any response to be reported verbally.

AFFORDABLE HOUSING SUPPLY MANAGER:

- Confirms that the affordable housing proposed represents 35% of the total gross

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

ARBORICULTURAL SECTION:

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

WESTMINSTER EMPLOYMENT SERVICE:

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

METROPOLITAN POLICE SERVICE:

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

THAMES WATER UTILITIES LTD:

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

- Further information is requested – a foul drainage strategy and the actual proposed surface water discharge rates.

CROSS LONDON RAIL LINKS LTD:

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

NATURAL ENGLAND:

- No comment.

ENVIRONMENT AGENCY:

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

TRANSPORT FOR LONDON:

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

THE LONDON AND MIDDLESEX ARCHAEOLOGICAL SOCIETY:

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

THE GEORGIAN GROUP:

- Objects on the following grounds:
 - Considers that the scale and massing of the North and South Buildings is far too big and would overwhelm the small-scale of the buildings within South Molton Street and South Molton Mews. This small-scale nature represents a well-preserved element to the Georgian landscape of Mayfair; an important component to the Mayfair Conservation Area. Questions the need to develop the North and South Blocks so extensively and argues that the blocks will not enhance or better reveal the significance of either the listed buildings or the Mayfair Conservation Area due to their scale and massing (contrary to NPPF Para. 200).
 - Regrets the loss of 60 Brook Street. Whilst heavily altered, this building still retains the plan form and proportions of the original Georgian building and therefore it contributes to the character and appearance of the Mayfair Conservation Area. Losing this important fragment of the Georgian townscape is harmful.
 - The proposed passageway through 10 South Molton Street to link through to South Molton Lane would result in the removal of the staircase and its relocation to the other side of the building. This will result in the loss of large amounts of original fabric. The justification for locating the passageway on this side of the building's footprint in order to provide a better visual connection between South Molton Street and South Molton Lane / Davies Mews is poor and fails to provide clear and convincing justification for these harmful works (contrary to NPPF Para. 194).
 - The removal of the staircase to 19 South Molton Lane is harmful to the building's plan form. The justification that it is to provide a better plan form for an apartment is weak and fails to provide clear and convincing justification for these harmful works (contrary to PPF Para. 194).

THE VICTORIAN SOCIETY:

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

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Consulted: 1,100

Total of replies: 4

of objections: 2

in support: 2

Support

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

Objections

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

Comments

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

PRESS ADVERTISEMENT / SITE NOTICE x 7: Yes.

6. BACKGROUND INFORMATION**6.1 The Application Site and Surroundings**

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

The site is located within the CAZ and the West End Retail and Leisure Special Policy Area. With the exception of the South Molton Street Properties which are located within 'East Mayfair', the majority of the site is located within 'Central Mayfair', as defined within the Mayfair Neighbourhood Plan.

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

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

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

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

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

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

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

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

North Block

On the north side of Davies Mews, the North Block comprises three Grade II listed early Victorian townhouses at 50-54 Davies Street, the Grade II listed early twentieth century 1-7 Davies Mews and 28-30 South Molton Lane that makes up the northern frontage to Davies Mews and part of the South Molton Lane frontage, and the unlisted mid-twentieth century stone fronted 56 Davies Street with stock brick garage elevation making up the remainder of the South Molton Lane frontage.

52-56 Davies Street make up the former Territorial Army Reserve Centre and Rifles Club (*sui generis*) that occupied the site between c.1890 and March 2018. The three buildings became vacant when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly. Pursuant to permissions granted in July and November 2019, the three buildings are currently in use as an immersive theatre space and ancillary uses (*sui generis*), albeit for a temporary period until 2 July 2022. At the end of this period, the lawful use of the three buildings will revert to their former use as an army reserve centre (*sui generis*).

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

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

South Block

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

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

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

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

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

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

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

South Molton Street Properties

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

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

40-46 Brook Street and 40 South Molton Lane

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

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

6.2 Recent Relevant History

48 Brook Street

19/03485/FULL

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

Permitted - 13.11.2020

20/02324/FULL

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

Permitted - 09.06.2020

56 Brook Street

20/04673/FULL

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

Permitted - 25.09.2020

19/03266/FULL

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

Permitted - 13.11.2020

58 Brook Street

20/02577/FULL

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

Permitted - 07.09.2020

60 Brook Street

20/02578/FULL

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

Permitted – 07.09.2020

52-56 Davies Street

20/01547/FULL

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

Permitted - 10.06.2020

19/07004/FULL

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

Permitted - 12.11.2019

19/02978/FULL

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

Permitted - 02.07.2019

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

20/04174/FULL

Use of ground floor and basement as immersive performance and event space (Sui

Generis) for a temporary period until 2 July 2022. Installation of external light fittings and CCTV, and associated works.

Permitted - 14.09.2020

20/02575/FULL

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

Permitted - 07.09.2020

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

Claridge House, 32 Davies Street

20/02661/FULL

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

Permitted - 07.09.2020

38 Grosvenor Square

19/03130/FULL

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

Permitted - 13.11.2020

7. THE PROPOSAL

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

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

South Block

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

in the form of a mansard roof in respect to Nos. 52-54.

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

The two and three storey Davies Mews buildings are proposed to be demolished and replaced with a four-storey building (including the top floor as gables roofs) and a four-storey terminating tower adjacent to 40 South Molton Lane.

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

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

North Block

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

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

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

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

South Molton Properties

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

40-46 Brook Street and 40 South Molton Lane

The listed buildings at 40-46 Brook Street and 40 South Molton Lane are proposed to be refurbished, altered and extended at roof level, and converted into a hotel.

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

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

Table 1 below summarises the existing and proposed land uses:

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

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

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

8. DETAILED CONSIDERATIONS

Policy Context

The application for planning permission is required to be determined in accordance with the development plan unless material considerations indicate otherwise (s.38(6) of the Planning and Compulsory Purchase Act (2004)). The development plan comprises the London Plan (adopted March 2021), the City Plan 2019-2040 (adopted April 2021) and the Mayfair Neighbourhood Plan (adopted December 2019).

The applications were reported to Planning (Major Applications) Sub-Committee on 22 December 2020 where it was resolved to grant condition permission and listed building consent subject to referral to the Mayor of London and subject to the completion of a legal agreement to secure a number of items. Planning permission and the 6 x listed building consents, however, have not yet been granted due to ongoing negotiations in respect of the legal agreement.

In the intervening period, with the exception of the Mayfair Neighbourhood Plan (adopted December 2019), the development plan against which the planning application was originally assessed has been superseded. The remaining saved and not superseded policies within the Unitary Development Plan (adopted 2007) and the City Plan (adopted 2016) were replaced by the City Plan (2019-2040) when it was adopted in April 2021. The London Plan (2016) was also replaced by the revised London Plan when it was adopted in March 2021.

In addition, a new version of the NPPF was adopted in July 2021 and this supersedes the version adopted in February 2019. This is a revised material consideration in the assessment of all applications.

In order to fulfil the City Council's statutory obligation to determine the planning application in accordance with the development plan unless material considerations indicate otherwise, the planning application must be re-assessed against the current development plan. The 6 x applications for listed building consent must also be re-assessed in order to determine whether the public benefits of the wider development proposals outweigh the less than substantial harm to the significance of these designated heritage assets.

All applications need to be considered afresh with no weight given to the Planning (Major Applications) Sub-Committee's resolutions made on 22 December 2020. This resolution was made under a wholly different policy context and is in no way binding upon the City Council.

In addition, the applicant's approach to developing out the site has changed since the drafting of the heads of terms for the legal agreement in December 2020. This is

primarily that it is no longer certain that the South Block will come forward first. Rather, the applicant is now seeking flexibility that either the North Block or South Block can come forward first or both phases come forward at the same time. This has meant that the heads of terms for the legal agreement have been re-drafted. The acceptability of these revised heads of terms is therefore also before the Planning (Major Applications) Sub-Committee for consideration.

8.1 Land Use

8.1.1 Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class and the creation of a new Class F1 (Learning and Non-Residential Institutions).

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

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

As the application was submitted before these Regulations came into force, the application has been assessed and is required to be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), restaurants and cafes (Class A3), drinking establishment (Class A4), offices (Class B1) and non-residential institutions (Class D1).

8.1.2 Loss of Army Reserve Centre at 52-56 Davies Street

This military-related use (*sui generis*) is not considered to be of international and / or national importance and therefore the longstanding lawful use of the building is not protected by City Plan Policy 1(A)(5). There is therefore no objection to the loss of the military-related use. As set out within Section 6.2 of this report, its conversion to offices has already been accepted through permission being granted on 10 June 2020 (Ref: 20/01547/FULL).

8.1.3 Increase in Office Floorspace.

The proposed development would provide 18,947 sq.m of high-quality office floorspace (+9,391 sq.m) in the CAZ and in Central and East Mayfair. This is in full compliance with

London Plan Policies SD4, SD5 and E1, City Plan Policies 1(B)(1), 2(A) and 13(A) and Policies MC1 and MSG2(e) of the Mayfair Neighbourhood Plan.

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

8.1.4 Housing provision

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

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

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

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

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

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

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

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

During the assessment of these applications, officers agreed that the baseline for assessing the current application would be based, not on the current uses on the site, but as if this approved land use package had been implemented in full. This is because, should permission be granted, the completion of the land use package would continue to be secured by legal agreement in order to ensure policy compliance in respect to ensuring no loss of residential floorspace or units (City Plan Policy 8(C)) and to prevent the loss of office floorspace from the CAZ (City Plan Policy 13(D)(1) and London Plan Policy SD5(G)). The revised baseline for the assessment of the application is therefore that seven of the nine residential units on site have been relocated off-site. This leaves only the two flats within 21 and 24 South Molton Street (107 sq.m).

Excluding the seven residential units relocated to Claridge House, 32 Davies Street as part of the approved land use package, the provision of a net increase of 31 additional residential units will contribute to the City Council meeting its housing targets, as required by City Plan Policies 1(A)(2) and 8(A) and London Plan Policy Policy H1. Whilst the conversion of the parts of the upper floors of the South Molton Street Properties to residential units is in a part of the CAZ that is not predominantly residential in character (notwithstanding that these buildings were originally built as residential units), as set out in Table 1 above, the proposal as a whole would not result in a net loss of office floorspace from the CAZ and therefore there is no policy conflict with City Plan Policy 13(D)(1) or London Plan Policy SD5(G).

City Plan Policy 10(A) and London Plan Policy H10 state that new development should generally consist of a range of unit sizes to contribute towards meeting Westminster's housing needs whilst also optimising site densities. City Plan Policy 10(B) states that all 25% of all new homes across Westminster will be family sized (i.e. containing between three and five bedrooms).

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

	Market		Affordable	
	No. of units	Floor area (sq.m GIA)	No. of units	Floor area (sq.m GIA)
1-bed	9	Between 38-63	4	Between 42-63
2-bed	12	Between 63-104	5	Between 70-87
3-bed	1	153	2	Between 113 and 111
Total	22	1,895	11	1,028
% of total	66%	65%	33%	35%
Location	10, 15-22 and 42 South Molton Street		23-25 and 27 South Molton Street	

Table 4: Split of market and affordable homes.

None of the new homes exceed the 200 sq.m limit set out within City Plan Policy 8(B).

None of the proposed residential units are wheelchair adaptable, contrary to the 10% requirement within City Plan Policy 12(B). The constraints of the existing buildings, however, mean that this is not possible and therefore a policy exception is justified in this instance.

The minimum space standards set out at London Plan Policy D6 are exceeded for all the proposed housing units. All are dual aspect, will be well lit and design measures are capable of ensuring that future residents are protected from external noise levels. Overall, it is considered that the proposed residential units will be of good quality and therefore compliant with City Plan Policy 12(A).

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

8.1.5 Affordable Housing

London Plan Policies H4 and H5 of seek to maximise the delivery of affordable housing, with the Mayor setting a strategic target for 50% of all new homes to be affordable. Policy H5 identifies a minimum threshold of 35% of the gross residential development affordable housing (by habitable room). City Plan Policy 1(A)(2) states that at least 35% of the new homes delivered during the plan period will be affordable. To this end, City Plan Policy 9(B) states that larger residential developments should provide a minimum of 35% of the total residential units as affordable housing, with Para. 9.3 making it clear that this is to be calculated by total gross residential development, measured by gross internal area.

For completeness and to ensure that the development is assessed against both London Plan Policy H5 and City Plan Policy 9(B), the affordable housing provision as a proportion of the total residential proposed is set out below both by floorspace and by habitable room.

Of the 33 x flats proposed, 11 are proposed to be affordable and are proposed to be located on the upper floors of Nos. 23-25 and 27 South Molton Street. In total 1,028 sq.m GIA of affordable housing is proposed. This is made up of 36 x habitable rooms. The total residential provision proposed is 2,923 sq.m GIA (gross), made up of 68 x habitable rooms. This affordable housing provision is therefore 35% of the total habitable rooms and 35% by floorspace. This is fully policy compliant.

In terms of tenure split of affordable housing units, London Plan Policy H6 sets out the Mayor's preference for at least 30% low cost rent (as either Social Rent or London Affordable Rent) and at least 30% as intermediate housing products (including London Living Rent and London Shared ownership), with the remaining 40% to be determined by the City Council as low cost rented homes or intermediate based on identified need. City Plan Policy 9(E) states that 60% of the affordable units will be 'intermediate' affordable housing for rent or sale and 40% will be social rent or London Affordable Rent.

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

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

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

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

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

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

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

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

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

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

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

The Head of Affordable Housing and Partnerships supports the provision of 11 affordable homes. The quantum and quality are both fully policy compliant and therefore acceptable. The tenure mix between social and intermediate housing (75:25 by habitable rooms, 72:28 by floorspace and 64:36 by units) is broadly compliant within London Plan Policy H6 (by habitable room and by floorspace, the quantum of intermediate is slightly below the 30% requirement for intermediate housing products). However, the proposed

tenure mix between social and intermediate housing does not meet 40:60 split set out within City Plan Policy 9(A). The particular configuration of these existing buildings (Nos. 24 and 25 are listed), however, means that Nos. 23, 24 and 25 South Molton Street are more suited to be converted into mainly two or three-bedroom units. This addresses the primary need for social housing within the City, as confirmed by the Affordable Housing Manager. The smaller units within 27 South Molton Street, however, are more suited to intermediate housing. Furthermore, larger intermediate housing units are likely to become less affordable given the requirement for occupants to have a maximum household income of £60,000. For these reasons and in the context of a scheme that is delivery a relatively small number of affordable housing units, the split between social and intermediate housing is considered to be acceptable despite the conflict with City Plan Policy 9(A).

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

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

The delivery of these conditions and the delivery of the proposed affordable housing is recommended to be secured by legal agreement so that these homes are ready for occupation prior to the occupation of the office floorspace within the North Block or the South Block (whichever is first).

In accordance with London Plan Policy H5 and to incentivise delivery of the affordable housing, the Mayor of London has requested that an Early Stage Review Mechanism be secured by legal agreement should an agreed level of progress on implementation of the scheme not be made within two years of permission being granted (or other period agreed with the City Council). If the agreed level of progress has been made, the review will not be triggered. 'Substantial implementation' is defined within Mayor's Affordable Housing and Viability SPG (2017) as, '*...the completion of all ground preparation works, the foundations for the core of the development, and construction of the ground floor*' (Para. 3.56).

Given the complexities of this site, it is considered that three years is more appropriate than the standard two years suggested within the SPG. In addition and as set out above, in light of the recommendation that the affordable homes are ready for occupation prior to the occupation of the office accommodation within the North Block or South Block (whichever is completed first), it is recommended that the legal agreement requires the completion of an Early Stage Review Mechanism if 'substantial implementation' is not completed on either the North Block or the South Block within three years of permission being granted. In addition, to allow the applicant flexibility to deliver the affordable

housing first (which would clearly be the most desirable outcome for the City Council), it is also recommended that 'substantial completion' include the completion of the shell and core of the affordable housing units at Nos. 23, 24, 25 and 27 South Molton Street. The same three years is also recommended. Whilst these works are far less substantial when compared to the completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block, it would result in the applicant having to gain vacant possession on four buildings. This loss of income is considered to provide the applicant with sufficient incentive to deliver the affordable housing in a timely manner.

If the viability of the scheme allows, this Early Stage Review Mechanism will require additional on-site affordable housing to be delivered.

8.1.5 Children's Place Space

London Plan Policy S4 states residential developments should incorporate high-quality, accessible play provision for all ages, of at least 10 sq.m per child. City Plan Policy 34(D) states that major development will be required to provide new or improved public open space and space for children's active play. Play space provision should normally be provided on-site. Off-site provision, however, is considered acceptable in this instance given the constraints of the development site.

The applicant has agreed to make provision for at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (to be agreed with the City Council). This off-site provision, its design, alternative location (if required) and its delivery prior to any of the residential units being occupied is recommended to be secured by legal agreement.

8.1.6 Retail, Restaurants / Cafes and Drinking Establishments

8.1.6.1 Running Horse Public House

It is proposed that the existing ancillary office floorspace and kitchens at second and third floors of 50 Davies Street be converted into overnight guest accommodation. The kitchens are proposed to be relocated to basement level. There is no objection to the proposed overnight accommodation in this highly accessible location within a commercial part of the CAZ, in accordance with City Plan Policy 15(G). Furthermore, given that the bars and dining room over ground and first floor levels will remain, these parts of the building will still provide the same public house offer, albeit that the building will change to a composite use comprising mixed public house and overnight accommodation (*sui generis*). In order to ensure that the public house offer is not diminished, in accordance with London Plan Policy HC7 and City Plan Policy 16(B), a condition is recommended limiting the overnight guest accommodation to the second and third floor levels.

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

The commercial units on the west side of South Molton Street currently turn their back onto South Molton Lane, providing no animation or frontage. New micro-retail units are

proposed within the rear ground floors of Nos. 10 and 17-22 South Molton Street and will create a range of commercial unit sizes within this part of the development site. The creation of these micro-retail units and the opening up of the rear of the other South Molton Street properties through inserting shopfronts and removing redundant services and security bars, will animate South Molton Lane so that it engages with this frontage and significantly improve its appearance.

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

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

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

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

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

City Plan Policy 2 supports the intensification of the West End Retail and Leisure Special Policy Area, alongside an improved retail and leisure experience that responds to innovation and change in the sector and a diverse evening and night-time economy and

enhanced cultural offer. These objectives need to be balanced against the requirement to protect residential amenity and local environmental quality, as set out within City Plan Policy 7. City Plan Policy 14(A) seeks to enhance and diversify the offer of existing town centre as places to shop, work and spend leisure time. City Plan Policy 14(B) requires uses that provide active frontages and serve visiting members of the public throughout the town centre hierarchy (this includes the West End Retail and Leisure Special Policy Area). City Plan Policy 14(C) requires all development to be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed, with the West End Retail and Leisure Special Policy Area providing a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy.

In terms of the impact of the proposed potential for a significant increase in food, drink and entertainment premises, City Plan Policy 16(A) states, *'Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate'*.

In light of this policy context, the potential loss of up to 2,236 sq.m of retail floorspace and the provision of a significant proportion of restaurants and cafes is considered to be acceptable and appropriate through allowing an appropriate mix of retail and dining uses that will serve visiting members of the public and enliven this part of the West End Retail and Leisure Special Policy Area. Whilst the character and function of the area will clearly change significantly, it is considered that this change is acceptable.

All of the commercial units with the North and South Block are capable of having kitchen odours extracted to high level through internal risers. This is recommended to be secured by condition. As such, there is no concern from an odour perspective in respect to these units. In terms of refuse collection, the retail units located in the proposed North and South Blocks will transport their waste (mostly via an internal route) to the main storage area on the basement level with no waste being left, or collected, on the streets surrounding the blocks. Conditions are recommended requiring the windows and doors within the South Molton Lane elevation of the commercial units to be shut after 22.00 daily and for customers accessing or exiting the unit at the corner of Davies Mews and South Molton Lane to use the doors on Davies Mews after this time. A terminal hour of midnight (23.30 on Sundays and bank holidays) is recommended to be imposed for all restaurant / café units within the North and South Block.

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

A new bar (206 sq.m) is proposed within the basements of 15 and 16 South Molton Street, accessed via an entrance on South Molton Lane. Whilst the entrance / exit to this bar will be below the first floors bedrooms of one of the proposed market flats within 15 South Molton Street, given that the future occupiers of this flat will be aware of this when choosing to live in this location and subject to conditions limiting the terminal hour to midnight (23.30 on Sundays and bank holidays), preventing any primary cooking and securing a management plan encouraging the dispersal of customers, this new bar is considered to be acceptable.

Overall, in a highly managed development, the proposed use of the non-office commercial units for restaurant / cafes and bar uses is considered to be unlikely to cause any unacceptable amenity impacts, harm local environmental quality and be appropriate for its context. For these reasons, these elements of the proposal are acceptable through being fully compliant with City Plan Policies 7 and 16(A).

Overall, it is considered that the proposal balances the competing functions of the CAZ as a retail and leisure destination, visitor attraction, global office centre, and home to residential neighbourhood. It will provide an improved retail and leisure experience, with small scale additional night-time economy. The development therefore accords with City Plan Policies 1(A)(5) and 2(B) and (C).

8.1.7 Hotel

Given the site's location within a commercial part of the CAZ, the proposed new 31-bed hotel at 40-46 Brook Street and 40 South Molton Lane is supported by London Plan Policy SD6 and City Plan Policy 15(A) and (G). The rear ground floor restaurant will assist in animating Davies Mews and South Molton Lane.

In isolation, however, the conversion of these buildings from office accommodation to a hotel is contrary to London Plan Policy 13(D) that only allows such a change of use where there is no interest in its continued use for office or any other Class E (commercial, business and service) uses education or community use, as demonstrated by vacancy and appropriate marketing for a period of at least 12 months. As part of a wider scheme that proposes a net increase in office floorspace of 9,391 sq.m, however, there is no policy conflict.

In order to ensure that the hotel does not come forward in isolation, it is recommended that the legal agreement secures that 40-46 Brook Street and 40 South Molton Lane are not occupied as a hotel until the office floorspace within either of the North or South Blocks are ready for occupation. The delivery of either of these Blocks will ensure that there is a net increase in office floorspace on site, even when taking in account the loss office floorspace at 40-46 Brook Street and 40 South Molton Lane.

The hotel will contain a bar and restaurant at ground and basement floors levels that is open to visiting members of the public not staying at the hotel. It is proposed that the restaurant is open between 07.00 and 01.00 daily and the bar between 10.00 and 01.00 daily. These opening hours are considered to be acceptable subject to the retractable doors on Davies Mews being fixed shut after 22.00 and for customers to access and leave the restaurant and bar via Brook Street (a busier street with fewer residential units) after this time.

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

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

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

8.1.9 Social and Community Floorspace

The proposal will result in the loss of the social and community floorspace within 48 and 56 Brook Street, contrary to City Plan Policy 17(C). Replacement social and community floorspace is proposed within the basement of the North Block. The intention is for the proposed space to be an employment and training centre, but no further detail has been provided. The applicant has stated that the nature of the use for this facility will be cognisant of the previous Vidal Sassoon hairdressing training centre at 48 Brook Street or 56 Brook Street. It is recommended that conditions be imposed requiring the nature of the operation to be submitted for the City Council's approval and for its retention with this use (unless an alternative use is agreed with the City Council). Subject to such a condition, the proposed replacement social and community floorspace is compliant with City Plan Policy 17(C).

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

8.2 Townscape and Design

8.2.1 Introductory Text

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the same Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

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

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at Paragraph 199 that when considering the impact of a proposed development on a designated heritage asset (which includes its setting), local planning authorities should give ‘great weight’ to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significant of a designated heritage asset should require clear and convincing justification and substantial harm or total loss should be exceptional. In the case of Grade II* or Grade I listed or registered assets or World Heritage Sites, substantial harm or loss should be wholly exceptional (Paragraph 200).

Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, Paragraph 202 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

In considering these proposals the key urban design and conservation policies relate to the protection of conservation areas, listed buildings, views, and the quality of new design, and alterations to existing buildings. These include City Plan Policies 38, 39 and 40. The City Council’s supplementary planning guidance ‘Repairs and Alterations to Listed Buildings’, ‘Development and Demolition in Conservation Areas’, ‘Roofs’ and ‘Design Matters’ is also relevant.

8.2.2 The Proposals

The applicant has had lengthy pre-application discussions with officers for many months. As a consequence of these negotiations the scheme has been through many changes, especially with respect to the proposed height and bulk, the design of new buildings, and the alterations to the listed buildings. The degree of harm to heritage assets in the current proposals is significantly less than that which would have been caused by the original proposals.

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

A. Demolition

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

Listed buildings - Retained

- a) Running Horse Public House (50 Davies Street) (North Block)
 - b) 40-46 Brook Street and 40 South Molton Lane (South Block)
 - c) 10, 15-21, 24 and 25 South Molton Street
- These listed buildings make a strong positive contribution to the character and appearance of the Mayfair Conservation Area and the retention of these important buildings is highly desirable. The proposals for their refurbishment and alterations are set out below.

Listed buildings – Partial demolition - Street facades retained.

- a) 1-7 Davies Mews and 28-30 South Molton Lane (North Block)
 - d) 52-54 Davies Street (North Block)
- At 1-7 Davies Mews and 28-30 South Molton Lane the street facades and the front part of the roof is retained but behind this all is to be demolished.
- With respect to 52-54 Davies Street the front facade and lower rooms are retained but the upper levels are demolished and replaced with new structure (behind the retained facade). These buildings will become part of the North office block.

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

- a) 48 and 50 Brook Street (South Block)
- b) 52 and 54 Brook Street (South Block)
- c) 56 and 58 Brook Street (South Block)

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

Unlisted buildings of merit – Total demolition and redevelopment

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

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

B. Proposed new development – The North Block

The proposals for the north block involve the development of an 8-storey office block (with roof level plant area) which is set back from the street frontages, and sets back progressively in order to reduce its visual impact from street level. The total height of the new building is 53.1m AOD which is approximately 33 metres above street level in Davies Street. The new building is set back behind the retained listed buildings on Davies Street and the retained front part of the listed 1-7 Davies Mews and 28-30 South Molton Lane. The new building has a new facade on South Molton Lane and its main entrance is through the new facade which replaces the TA building, 56 Davies Street.

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

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

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

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

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

1. Height and bulk

The height and bulk of the new building are highly controversial in heritage assets terms. This constitutes a very large increase in height in an area of low buildings. Most of the buildings in the north block are less than 15 metres high. The tallest is 58 Davies Street which is approximately 20 metres. However, the location of the Over Site Development (OSD) immediately to the east, above the Elizabeth Line station (Bond Street West) on the west side of Davies Street provides a rationale for increased building height in this part of the conservation area. The approved office building above the station will be approximately 2 metres higher than the proposed building.

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

From the north the bulk is largely hidden behind 58 Davies Street. In views from the south, it is largely hidden by the proposed replacement building at Brookfield House. The upper floors of the office building are visible to a degree from the junction of Davies Street and Davies Mews and from the southern end of South Molton Lane and its junctions with Davies Mews and Brook Street. The new building would appear above the listed building at 1-7 Davies Mews and 28-30 South Molton Lane, so that its mansard roof would no longer be seen against the sky. This causes a moderate level of less than substantial harm to the setting of the retained parts of the listed building.

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

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

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

2. 56 Davies Street

The new facade at 56 Davies Street is based on the design of the existing façade. The main change is that one floor is added (third floor). The existing building facade is of a similar height to the facades of the buildings either side. However, 58 Davies Street to the north has a large roof and prominent gables. The proposed facade would be slightly lower than the tops of these gables. It is considered that the proposed replacement of the existing facade is acceptable because it is closely based on the existing, and the height is similar to 58 Davies Street.

The facade of the new building is brought forward (westwards) to line up with the listed buildings to the south, instead of aligning with the listed building to the north as the existing building does. As such, the existing balustrade at street level is not reproduced. The realignment is considered acceptable as it follows the buildings to the south. The loss of the balustrade causes a small degree of harm to the streetscape. However, this is considered justified in order to remove the set-back adjacent to the listed buildings to the south, and also provide suitable access to the entrances of the new office building.

3. 1-7 Davies Mews and 28-30 South Molton Lane

Earlier proposals had sought to build the office block directly on top of the existing facade. This proposal would have caused substantial harm to the special interest of the listed building, and as a result the office building has been set back (approximately 6 metres) behind the front part of the pitched roof, which is demolished and rebuilt. While

this is still be harmful to the special interest of the listed building, it does retain a meaningful part of the roofscape, and the new building rises behind it. The upper floors will be visible from Davies Mews (see below).

4. South Molton Lane frontage

The rear of 56 Davies Street faces on to South Molton Lane. It is utilitarian and not considered to be of interest and it does not make a positive contribution to the character and appearance of the conservation area. The new replacement building will have a four-bay façade on South Molton Lane, between the retained facade of 1-7 Davies Mews and 28-30 South Molton Lane and 58 Davies Street (to the north). The facade is five storeys high and is a similar height to the top of the roof of 58 Davies Street. The design of the facade is inspired by the facade of 1-7 Davies Mews and 28-30 South Molton Lane. It is clad in hand-set brickwork in Flemish bond, with decorative brick spandrel panels below the windows. The bays are topped with a semi-circular brick arches. This is considered to be a high-quality design, appropriate to its location.

5. The design of the upper floors

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

Above the 1-7 Davies Mews and 28-30 South Molton Lane facade the first two floors of the new building are the same as those of the new South Molton Lane façade, clad in red brick with large semi-circular arched bays. The floors above this are relatively neutral in design and impact. They are clad in a pale coloured faience (glazed ceramic) with a simple fenestration pattern of tri-partite windows. The precise colour of the faience is to be controlled by condition if planning permission is to be granted. There are terraces with simple glass balustrades. The top floor is used largely for plant and features louvred openings. It sits comfortably with the new and retained facades below, and the proposed massing means that its visual impact from street level is relatively small, given how tall the building is.

6. The listed buildings – 50, 52-54 Davies Street and 1-7 Davies Mews and 28-30 South Molton Lane

LAMAS has objected to the extent of demolition of 1-7 Davies Mews and 28-30 South Molton Lane and 52-54 Davies Street. The Victorian Society is less concerned with respect to 1-7 Davies Mews and 28-30 South Molton Lane but object to the proposals for 52 and 54 Davies Street.

50, 52-54 Davies Street

These three houses were built in 1839-40. 50 Davies Street is the Running Horse public house. This has an interior of special interest, especially at ground floor and first floor levels. 52-54 Davies Street have been significantly altered internally and their interiors are of lesser special interest. For example, 54 Davies Street has been internally linked to 52 Street and its staircase has been removed. The rooms contain very few original features.

The proposals for the exterior of the buildings are limited, with the reinstatement of the portico on 54 Davies Street. This will restore the building to its original design which is a

welcome heritage benefit. At roof level the dormers are replaced and the external fire escape removed. The latter is also a benefit which improve the appearance of the buildings.

The small light well at the rear of 52 and 54 Davies Street will become part of the new office building behind. The rear wall and rear room of 54 Davies Street will be demolished and become part of the interior of the new building. At second and third floor levels both buildings would be demolished except for the front facade. This is significant demolition, involving loss of plan form and fabric, and would cause a low to moderate level of less than substantial harm to the special interest of the two listed buildings.

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

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

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

C. Proposed new development – The South Block

As with the North Block, the proposals for the south block involve the development of an 8-storey office block (with roof level plant area) which sets back progressively in order to reduce its visual impact from street level. The total height of the new building is approximately 31 metres above street level in Davies Street. Brookfield House at the junction of Davies Street and Brook Street is demolished and replaced with a new building which is then set back behind the retained facades on Brook Street (which are extended by one floor). 60 Brook Street is demolished and replaced by the new Brookfield House. 40-46 Brook Street and 40 South Molton Lane (listed grade 2) are retained and refurbished. On the south side of Davies Mews, at the rear of the Brook Street buildings, all of the existing unlisted mews buildings are demolished and replaced with a new building.

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

As with the North Block, Historic England considers that the contrast in scale between the proposed new and the existing old will cause some harm to the significance of listed buildings and the conservation area. They consider that this harm is at the low end of less than substantial.

1. Height and bulk

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

On Brook Street the existing facades are retained, except for 60 Brook Street which is proposed to be demolished. The retained and extended facades help hide the bulk of the proposed building above in views from street level. Looking westwards along Brook Street the upper floors are not readily visible above the retained and extended facades. Looking eastwards the increased height of Brookfield House is more apparent, although this sits reasonably well with the bulk of Claridges on the opposite side of the street, on the right-hand side in the view. This additional bulk is seen in the backdrop of the listed buildings on the north side of Brook Street, west of Davies Street, (Nos. 66-76 Brook Street; 66 Brook Street is listed grade 1), causing a low level of less than substantial harm to their setting.

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

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

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

2. Brookfield House

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

The loss of the existing building is considered to cause a moderate level of less than substantial harm to the character and appearance of the conservation area. The London and Middlesex Archaeological Society (LAMAS) consider that the 'adjustments' to the

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

3. The facades on Brook Street

The existing Brook Street frontage is a very attractive mix of buildings of different ages and architectural styles. The oldest of these is 60 Brook Street (early Georgian) but this has been much altered over the years and is now of limited architectural and historic interest. This building would be replaced by the new Brookfield House. The other facades are all retained and extended by one floor in a style to match the existing facades. The addition of one storey to the facades is considered acceptable, given the large scale of the south side of the street opposite which is dominated by Claridges Hotel, and given that the extended facades will not be higher than the top of the gables on 40-46 Brook Street immediately to the east.

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

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

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

At the eastern end of the terrace is the grade 2 listed building 40-46 Brook Street which is retained and not extended (see below). The proposed additional height to the retained Brook Street facades alters their original proportions but is considered acceptable given the proposed height would be similar to the height of the gables at 40-46 Brook Street.

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

The existing mews buildings are diverse in character too. They are modest buildings but

collectively they form an attractive mixed group. They would be replaced by a four-storey terrace of five bays, four of which have gables. The eastern most bay has a square roof line, with recessed terrace set within a semi-circular opening. The proposed facades are a modern interpretation of more traditional mews buildings found elsewhere on the Grosvenor Estate, such as in Bourdon Place. The facades are of hand set red bricks in Flemish bond. The ground and first floors are integrated to create a base, similar to that of the listed mews building opposite (1-7 Davies Mews and 28-30 South Molton Lane). Behind the gables is a pitched slate roof. The loss of the existing mews buildings will cause a moderate level of less than substantial harm to the conservation area, but it is considered that the proposed replacement facades are an acceptable and appropriate replacement, which responds to positively the context.

5. The design of the upper floors

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

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

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

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

Internally the buildings have been changed over the years. The buildings were converted to offices in the 1930s and 42 Brook Street was converted to a shop at ground floor level. Internal changes include in the installation of lifts (42 Brook Street), openings in all party walls, and various partitions. Despite these changes important original features survive, including staircases and decorative elements. The main rooms of the Brook Street buildings will be retained and restored. In some hotel rooms it is proposed to install freestanding bathroom pods, which have been designed to minimise their impact on the special interest of the rooms. This is considered acceptable in principle.

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

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

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

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

D. South Molton Street and South Molton Lane

The site also includes the following 14 buildings in South Molton Street:

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

All buildings have frontages onto the east side of South Molton Lane, except 42 South Molton Lane that is located on the east side of South Molton Street.

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

the mid-18th century) except for 18 South Molton Street which is Victorian. They were built on the eastern bank of the River Tyburn which forms the boundary between the Grosvenor Estate and the Conduit Mead Estate, now owned by the City of London Corporation. The buildings in South Molton Lane are later additions built in the rear gardens of the Georgian houses from the 19th century onwards. The South Molton Street buildings form an attractive, picturesque terrace, of mixed architectural character and heights.

Most of these buildings are listed grade 2, with the exception of 17 South Molton Street which is listed Grade 2 Star (because of its association with the artist William Blake) and Nos. 22, 23, 27 and 42 South Molton Street which are not listed. The South Molton Lane frontages of the South Molton Street listed buildings form part of the listings. The list descriptions for Nos. 10, 15, 16, 18, 19 and 20 South Molton Street say they are listed for 'Group value' only. Although this may imply that their interiors are not of special interest, the interiors are still protected and consideration should be given to the impact of the proposals on the significance of the buildings as a whole, not just their exteriors.

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

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

a. South Molton Street

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

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

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

The most significant change in South Molton Street is the alteration of No.10 to provide a new pedestrian route through to South Molton Lane and Davies Mews. The Georgian Group have objected to the new passageway and associated internal works. This work involves demolition of part of the ground floor and the demolition of a modern rear wing at the rear on South Molton Lane. The removal of this rear wing is beneficial and the appearance of the rear façade will be improved with the use of traditional windows. This new route will improve east-west connectivity, giving pedestrians greater choice of routes through the area, and bringing activity to both South Molton Street and South Molton Lane/ Davies Mews. Although there is a low level of less than substantial harm to the significance of the listed building, much of the fabric to be demolished is not historic and there are public benefits in terms of the new route created.

b. Roof level alterations

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

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

c. Alterations at the rear including South Molton Lane

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

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

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

d. Interiors of the listed buildings

The interiors of the listed buildings have been altered significantly over the years and contain relatively few decorative features of interest. They do retain their staircases and

their plan forms. Conversion to flats will necessarily involve internal alterations and these have been the subject of negotiations in order to reduce these changes to a minimum. The principal front rooms at first floor and second floor are generally retained and respected, and used as living rooms. Some of the rear rooms will be altered and sub-divided in order to create bathrooms or kitchens.

The staircases are retained, except for that at No. 19. The Georgian Group has objected to its loss. This staircase is modern below first-floor level, but the original Georgian staircase survives from first floor upwards. Its loss is harmful to the interior. However, its removal is necessary to provide the mix of units required. Historic England has suggested that it could be moved to another house in South Molton Street. Officers have explored the potential for reuse of the stair elsewhere within the development but there are no opportunities and reuse is not a practical option.

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

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

E. Public art

Whilst Grosvenor is committed to providing public art within the development in accordance with City Plan Policy 43(E), there are no concrete proposals at this stage. Public art could be integrated into the facades of the new buildings and/or it could be part of the public realm proposals. If planning permission is to be granted, then the issue of public art provision can be a reserved matter for later negotiation and agreement via condition.

Conclusions – heritage asset matters

These are comprehensive, large scale proposals affecting a part of North Mayfair which is characterised by relatively small, domestic scale buildings. Many aspects of the proposals are considered to comply with the urban design and conservation policies as set out in City Plan Policies 38, 39 and 40. Similarly, aspects of the proposals are considered to comply with the design policies of the Mayfair Neighbourhood Plan, namely Policies MD1 to MD4. Other aspects are more controversial and not in accordance with these policies.

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

Some of these benefits are heritage benefits, for example, the restoration of the facades and parts of the interiors of the South Molton Street buildings, the refurbishment of the South Molton Lane buildings and the restoration of the interiors of 40-46 Brook Street. The demolition of unlisted buildings of merit such as Brookfield House and No. 56 Davies Street cause a moderate level of less than substantial harm to the conservation area, but this harm is largely offset by the acceptability of the proposed replacement facades. Other benefits are planning, rather than heritage, related. The overall balancing exercise is carried out below.

8.2.3 Assessment of Public Benefits against Heritage Harm

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

Para. 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

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

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

Housing and Affordable Housing

The provision of a net addition of 31 good quality dwellings, of which eleven will be genuinely affordable.

Public Realm

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

Public realm and highways improvements are also proposed to Davies Street, Brook Street (north side), South Molton Passage and to the pavement lights to some of the South Molton Street properties. All of this will create a significantly improved public realm

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

Heritage Benefits

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

Economic

The provision of greater quality and quantum of office floorspace accommodation in this highly accessible location immediately adjacent to the Bond Street West Elizabeth Line station represents a public benefit by contributing to the job targets set out within City Plan Policy 13.

The applicant estimates that the development would:

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

Overall, the development would provide growth through intensifying the CAZ and the West End Retail and Leisure Special Policy Area through providing a commercial-led development that provides significant growth in office, retail, and leisure floorspace with associated net additional jobs, alongside new homes (including a policy-compliant quantum of affordable homes) and an enhanced pedestrian environment. This accords with City Plan Policies 1 and 2.

These public benefits are considered to outweigh the less than substantial heritage harm, in compliance with NPPF Para. 202. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with NPPF Para. 200. Furthermore, the recommendation to grant conditional permission and consent (x 6) is compliant with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating that development will be neighbourly by, *'Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight*

and sunlight, sense of enclosure, overshadowing, privacy and overlooking'. City Plan Policy 33(A) states, 'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'.

The commonly accepted methodology for assessing the impact of development proposals upon daylight and sunlight is the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

8.3.1 Sunlight and Daylight

Daylight

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

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

Sunlight

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

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

- 8 South Molton Street
- 13 South Molton Street
- 26 South Molton Street
- 28 South Molton Street
- 45-46 South Molton Street

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

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

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

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

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

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

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

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

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

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

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

8.3.2 Privacy and Noise

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

8.4 Transportation/Parking

8.4.1 Servicing

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

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

The bays in Davies Mews would be on-street which is not in line with City Plan Policy 29(B) that required the servicing, collection and delivery needs to be fully met within a development site. However, studies undertaken have shown to the Highway Planning Manager's satisfaction that the on-street provision, not just in Davies Mews but elsewhere around the site too, should be sufficient to service the development and to allow for vehicles to serve adjacent properties.

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

However, the servicing regime does depend in part on some goods being consolidated away from the site to reduce the number of vehicles that need to visit. A Servicing Management Plan should be required to enforce this servicing regime and to ensure that it is managed such that deliveries are successfully spread over the envisaged 5-hour period and that not too many vehicles arrive at once.

8.4.2 Public Realm and Highway Works

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

8.4.3 Cycle parking

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

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

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

This cycle parking is acceptable and is recommended to be secured by condition.

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

8.4.4 Stopping up on Davies Mews and use of non-public highway land on South Molton Lane

An area of public highway measuring approximately 11.0m x 0.4m on the south side of Davies Mews is required to be stopped up in order to accommodate the enlarged footprint of the building to replace Brookfield House. This is contrary to City Plan Policy 28(A) that states, '*Given the increasing demands on existing highway space, the council will resist the loss of highway land, particularly footways*'. Despite this policy conflict, the Highways Planning Manager has no objection in principle to the loss of this section of footway given that it is so narrow and isolated that it is of little value to pedestrians.

There is a separate legal process for achieving this stopping up. The Committee's authorisation to make a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of this part of the public highway is sought.

In light of the loss of public highway sought in the application, it is disappointing that the applicant has refused to allow any of the land on the west side of South Molton Street that is not currently public highway to be dedication as such. This is despite this land being required to improve the pedestrian experience on South Molton Lane and therefore deliver a key public of the development proposal. Instead, the legal agreement will secure the submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities on this land. Adherence to the approved management plan will ensure that the public benefits of an improved pedestrian environment on South Molton Lane is achieved. This is despite no additional public highway being created. Conditions requiring level access, high quality materials and a seamless interface between these strips of land with the highways works are recommended.

8.4.5 Cycle Hire

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

8.4.6 Car Parking

The lack of any off-street car parking is compliant with City Plan Policy 27 and London Plan Policies T6, T6.1, T6.2, T6.3 and T6.4.

8.4.7 Doors Opening over the Public Highways

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

8.4.8 Blue Badge Parking

The Mayor of London requests that it be confirmed that sufficient spaces are or could be provided within 50 metres of the site, in line with London Plan Policy T6.5. The development proposal provides no car parking and therefore there is no requirement for parking for disabled persons. On-street parking provision for disabled persons is a matter for the City Council as the Highways Authority.

8.5 Economic Considerations

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

8.6 Access

London Plan Policy D5 requires that all new development achieves the highest standards of accessibility and inclusive design. All new self-contained homes should meet the Building Regulations M4(2) standard for 'accessible and adaptable dwellings', with at least 10% of homes designed to meet the M4(3) standard for 'wheelchair user dwellings', as set out in London Plan Policy. The latter should generally be distributed across tenures and unit sizes and floors to provide housing choice.

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

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

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

Level access to the commercial buildings within the North and South Blocks is secured. This is with the exception of 50-54 Davies Street where listed building constraints mean that this is not possible.

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

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise

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

8.7.2 Plant

Conditions are recommended to be imposed ensuring that the plant selected will comply with City Plan Policy 33(C).

8.7.3 Refuse / Recycling

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

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

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

The Projects Officer (Waste) has strongly objected to the lack of a communal waste store for the proposed 33 x flats on South Molton Street, pointing out that this is contrary to the City Council's guidance and will result in these residential units leaving bagged waste on South Molton Street.

Whilst a communal waste store would normally be a requirement, there are practical difficulties in providing it in this instance. The flats are located within 14 x separate buildings, along a long stretch of South Molton Street. The result is that any communal bin store would be a significant distance from some of the residential units. Furthermore, incorporating a refuse stores would negatively impact upon the retail provision on South Molton Street and South Molton Lane through either breaking up the frontage or reducing the size of already small retail units. These reasons, combined with the extremely regular residential rubbish collections (twice daily) and the fairly regular recycling collections (weekly) on South Molton Lane, means that a departure from the normal policy requirement for dedicated refuse storage spaces is justified in this instance. Conditions are recommended to secure refuse storage within the individual flats. Overall, it is considered that the development makes appropriate and effective waste management arrangements, in accordance with City Plan Policies 7(G) and 37(B).

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

8.7.4 Trees

The details relating to the proposed new street trees will be secured by legal agreement. City Plan Policy 34(I) encourages the planting of trees in new developments to optimise the City's canopy over.

8.7.5 Biodiversity

Urban greening would be accommodated through the provision of street trees and planting on roof terraces of new build elements within the scheme. An Urban Greening Factor (UGF) assessment has been undertaken of the various elements within the scheme which are set out below:

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

This compares to the existing site's UGF score of 0. Whilst the UGF score falls short of the 0.3 target for a predominantly commercial development, there are considered to be justified reasons for this shortfall in this particular case. This is due to the limited scope for urban greening to be accommodated within the existing historic fabric and the intensively utilised and narrow pedestrian areas within the site. The potential for the scheme to accommodate urban greening has been maximised taking into account the site circumstances and development constraints in this instance and the development would provide net gains in terms of urban greening compared to the existing site circumstances. As such, the application accords with the City Plan Policies 7(E) and 34, as well as London Plan Policy G5.

8.7.6 Sustainable Urban Drainage

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

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

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

8.7.7 Sustainability

8.7.7.1 Carbon Reduction

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. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent 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'*.

Policy MES4 of the Mayfair Neighbourhood Plan requires all new non-domestic development to be zero carbon.

The applicant's energy strategy states that the non-domestic new build element would achieve a 37% reduction in regulated carbon dioxide emissions over and above Building Regulations 2013, with the non-domestic refurbishment and change of use element achieving a 66% reduction and domestic change of use element achieving a 49% reduction. The majority of the savings will be achieved through energy efficiency measures. This is short of zero carbon.

When the application was last reported to Planning Application (Major) Committee on 22 December 2020, the policy requirement was non-residential major development to achieve a 35% improvement beyond Part L 2013. At that time, the development was policy compliant.

In light of the change in policy against which the application is required to be assessed, the applicant has been asked to provide an updated energy strategy setting out whether further on-site carbon savings could be provided. The applicant has stated, however, that it is not in a position to prepare an updated energy strategy to demonstrate compliance with operational net zero carbon. It has, however, provided reassurance that it is actively seeking to continue to enhance the environmental performance of the scheme as it progresses through detailed design development and in accordance with Grosvenor's 2030 net zero carbon objectives and pathway.

To this end, the applicant has committed to provide an updated energy strategy for the City Council's approval prior to commencement of development. If it is not demonstrated that the development can be operationally zero carbon, the applicant has stated that it will offset the residual carbon emissions for a notional 30 year development life through either: (i) A financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) Making the required savings off-site on the applicant's estate in north Mayfair or Belgravia (i.e. within the City) through the delivery of a identified carbon savings project.

Officers would normally expect an energy strategy to be submitted up front in order to ensure that permission is only granted for the most sustainable development proposals and to ensure that sustainability principles are embedded in the design of the development from the very start in order to maximise their effectiveness. However, the above proposed approach is considered to be acceptable in the exceptional circumstances of an applicant that has a clear commitment to achieving net zero carbon by 2030 and in the context of a large-scale redevelopment delivering on-site affordable

housing that officers do wish to delay.

8.7.7.2 Heating Strategy and On-Site Renewables

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

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

8.7.7.3 Water Usage

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

8.7.7.4 BREEAM Standards

The proposed development is targeting the following BREEAM ratings:

North and South Blocks – Offices

- Minimum Requirement: Excellent
- Project Ambition: Outstanding

North and South Blocks – Non-office commercial

- Minimum Requirement: Very Good
- Project Ambition: Excellent

40-46 Brook Street and 40 South Molton Lane

- Minimum Requirement: Very Good
- Project Ambition: Excellent

South Molton Street Properties

- Minimum Requirement: Very Good
- Project Ambition: Excellent

City Plan Policy 38(E) requires non-domestic developments of 500 sq.m or above to achieve at least BREEAM 'Excellent' or equivalent standard and residential conversions and extensions of 500 sq m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve "Excellent" in BREEAM domestic refurbishment or equivalent standard.

There is no guarantee that this will be achieved for the new hotel at 40-46 Brook Street and 40 South Molton Lane or the non-office commercial parts of the North Block, South Blocks or the South Molton Street Properties, although the applicant's ambition is to achieve a BREEAM 'Excellent' or equivalent standard. The applicant argues that this is because these commercial units will be fitted out by the tenants themselves and because of the heritage constraints present at the South Molton Street Properties. This position is accepted.

8.7.7.5 Whole Life Carbon Assessment

London Plan Policy SI 2(F) requires, '*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 assessed the Whole Life Carbon Emissions of the proposed development. This is a more holistic approach to assessing the carbon impact of development than purely focussing on regulated emissions. It includes operational carbon emissions from both regulated and unregulated (i.e. those associated with cooking and small appliance) energy use, as well as its embodied carbon emissions associated with the development's construction and carbon emissions associated with the dismantling, demolition and eventual material disposal. Embodied carbon emissions are those associated with raw material extraction, manufacture and transport of building materials and construction.

Greenhouse gas associated with the existing site over the 50-year design life are estimated at 100,271 tonnes of carbon dioxide equivalent (CO₂e). 9,084 tCO₂e are attributed to operational building energy consumption and 91,187 tCO₂e are attributed to operational transport.

Greenhouse gas emissions associated with the proposed development account for approximately 97,858 tCO₂e over its 50-year design life. 12% of greenhouse gas emissions (12,002 tCO₂e) are from the construction phase of the development. Of the remaining 88% (85,856 tCO₂e), 16,833 tCO₂e (20%) are expected to be associated with the operational building energy consumption. The majority (78% - 67,174 tCO₂e) is expected to be associated with operational transport. The remainder is made up of operational waste consumption and waste generation.

The result is that, even taking into account the construction phase, the greenhouse gas emissions associated with the new development over its 50-year design life would be slightly less than maintaining the status quo. This is despite the operational building consumption increasing. The savings are made by the expected significant reduction in greenhouse emissions associated with operational transport, achieved by the

consolidation of deliveries and the transportation of those deliveries from the consolidation centre by electric vehicles.

It is accepted that there are limited measures at this stage of the project that can be incorporated into the design that will deliver significant savings during the operational phase. Ultimately people will need to travel to and from the building and the building will have to be serviced. These make up the majority of the greenhouse gas emissions associated with the proposed development over its 50-year design life

8.7.8 Air Quality

Environmental Sciences has expressed concern that the Air Quality Assessment that forms part of the submitted Environmental Statement predicts that due to the operation of the development a slight adverse impact would arise to an existing receptor at 28 South Molton Street. This slight adverse effect, however, is based on the worst-case scenario that the combustion plant would be on a continuous operation. In practice, it is expected that the proposed boilers and calorifiers would only run for between two to six hours a day, meaning that the impact of the development on air quality would be negligible. The applicant has submitted an Air Quality Neutral Assessment, demonstrating that the proposal development will be at least neutral in its impact. This is in accordance with City Plan Policy 32.

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 the Mayfair Neighbourhood Plan adopted in December 2019 (further detail 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

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

8.10 London Plan

As set out above, the application is referable to the Mayor of London under Category 1B and 1D of Schedule Part 1, of the Town and Country Planning (Mayor of

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

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

8.11 National Policy/Guidance Considerations

The revised NPPF was adopted in July 2021. The proposals are consistent with this guidance.

A number of pre-commencement conditions are recommended to be imposed. The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

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

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

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

The heads of terms have altered in a number of ways since the application was reported to Planning (Major Applications) Sub-Committee on 22 December 2020. The revised heads of terms:

- Provide more flexibility in which phase(s) come first.
- Allow for a wider range of works that can constitute 'substantial implementation' and therefore not trigger the Early Stage Viability Review Mechanism. This allows the opportunity to deliver the affordable housing early on in the development process.
- Prevent 40-46 Brook Street and 40 South Molton Lane being occupied as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- Provide greater clarity.

The estimated CIL payment is:

- £2.5m WCC CIL
- £3.3m Mayoral CIL

8.13 Environmental Impact Assessment

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

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

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

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

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

The key conclusions of the ES are as follows:

Air quality

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

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

Archaeology

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

Built heritage, townscape, and visual

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

The new public realm, retail uses and pedestrian passageway from South Molton Lane through to South Molton Street will reinvigorate the existing area and will result in a significant beneficial effect on the immediate townscape character, which would also be benefitted by the addition of high-quality new architecture and building repairs. The redevelopment of the site with improved historic elevations, new buildings of exceptional architectural quality and a significantly enhanced public realm will enhance the visual amenity around the site with significant beneficial effects on views close to the site.

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

Climate change

Greenhouse gas associated with the existing site over the 50-year design life are estimated at 100,271 tonnes of carbon dioxide equivalent (CO₂e). Greenhouse gas emissions associated with the proposed development, including its construction, account for approximately 97,858 tCO₂e over its 50-year design life. The proposed development will therefore result in significant adverse effects in relation to greenhouse gas emissions.

Daylight and sunlight

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

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

Ecology and biodiversity

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

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

Ground conditions and contamination

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

Noise and vibration

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

Socio-economics

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

8.14 Other Issues

8.14.1 Publicly Accessible Toilets

City Plan Policy 15(l) requires safe, secure and publicly accessible toilets in proposals that generate large numbers of visitors including large retail, leisure and entertainment developments, tourist attractions and transport interchanges. Paragraph 15.17 states that 'large retail developments' are those having 1,000 sq.m of gross floorspace or more. Large entertainment uses are those having 500 sq.m of gross floorspace or more.

The Mayfair Neighbourhood Forum has requested that provision is made for publicly accessible toilets or, failing that, a condition requiring retail and restaurant units to have toilets that are publicly accessible. Policy MR4.1 of the Mayfair Neighbourhood Plan states, '*New Large-Scale Retail uses in the West End Retail Frontages should provide safe, secure and publicly accessible toilets, unless it can be demonstrated to the Council's satisfaction that this would be impracticable*'.

The application site is not on a 'West End Frontage' (defined in the Mayfair Neighbourhood Plan as Oxford Street, Regent Street and Bond Street). Nor are the small to modestly sized proposed retail units considered to be 'Large-Scale Retail' uses, defined in the Mayfair Neighbourhood Plan as, '*... often occupied by international retailers which are primarily located on Oxford Street, Regent Street and Bond Street*'.

Furthermore, for the purposes of City Plan Policy 15(l), none of the retail units constitute large retail development and no entertainment uses are proposed (City Plan Policy 16 differentiates between food and drinks uses and entertainment uses).

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

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

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

8.14.3 Crime and Security

In respect to concerns expressed by the Metropolitan Police Service:

- A review of the building lines was undertaken in order to ascertain whether the proposal would create a material increase in opportunities for anti-social behaviour and crime to take place. In response, a recessed pair of doors within the South Building on the Davies Mews was redesigned to omit this recessed area.
- It is not considered that it would be appropriate for a hotel of this size to have only one entrance / exit which would be overwhelmed by the visitor flow and would not be satisfactory to operators or visitors. Furthermore, one of the public benefits of the proposal is opening up the Davies Mews and South Molton Lane frontages to transform it into a destination that provides interest and activity. These benefits would be diluted if access to the hotel was via a single entrance / exit on Brook Street.
- The consolidation of fire exit routes, bicycle store location and refuse strategies is required for the North and South Blocks to function efficiently whilst minimising 'dead frontages' that would dilute the public benefits of opening the Davies Mews and South Molton Lane frontages to activity. Furthermore, the buildings will be highly controlled environments, being centrally managed. For the reasons, it is not considered to be suitable for separate facilities to be provided for the different uses within the buildings.

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

be gated and locked at night.

In respect to the removal of the passageway from the scheme, this is not considered to be desirable as it does generate public benefits through improving pedestrian permeability this part of Mayfair and could draw visitors to the SMT development down South Molton Street, potentially improving this shopping street's vitality. These public benefits would be lost if the passageway was omitted from the development proposal.

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

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

To this end, the applicant has provided amended drawings reconfiguring the arrangement of steps with the proposed passageway to allow the inclusion of gates at either end that will fold back into reveals created within the wall linings on either side of the passageway. This will ensure that they are not visually intrusive when open and will not pose a trip hazard for pedestrians. On the South Molton Street frontage, the gates would be full-height and set in from the building line by 0.3m which is considered to strike the right balance between not creating a deep recess that could allow anti-social behaviour to take place and ensuring that the gates relate as best as possible with the street scene and this listed building. Full height gates on the South Molton Lane frontage would need to be 4.3m tall which would dwarf the smaller scale of this part of the application site. The applicant is proposing 3.0m tall gates which is considered to be sufficient.

The applicant has requested that these gates be closed between either 21.00 or 22.00 and 07.00 daily. This is later than between 19.00 and 20.00 suggested by the Metropolitan Police Service. Given the proposed restaurant uses within Davies Mews and South Molton Lane, as well as the ancillary restaurant and bar for the hotel proposed at 40-46 Brook Street and 40 South Molton Lane, it is likely that the area will be busy into the evenings with sufficient pedestrian traffic to discourage anti-social behaviour in the passageway and to reduce the fear of crime for residents. As such, it is considered that requiring the gates to be closed between 22.00 and 07.00 is acceptable.

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

8.14.4 Basement Excavation

There is already a basement level to the buildings that make up the North and South Blocks. The proposal is to add one additional basement storey to provide two levels of basements, albeit also excavating beneath Davies Mews to provide a joint basement

storey for the North and South Blocks. A basement storey is also proposed for 40-46 Brook Street and 40 South Molton Lane beneath Davies Mews.

Subject to conditions, the proposed basement excavations would safeguard the structural stability of the existing buildings, nearby buildings and other infrastructure including any highway and railway lines/tunnels, including Crossrail and the King's Pond Sewer. The proposed basement would not increase or otherwise exacerbate flood risk on the site or beyond. Furthermore, the basement development has been designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses, the amenity of those living and working in the area, users of the highway, and other traffic and highways functions. It is therefore in full compliant with City Plan Policy 45(A).

In terms of the extent of the proposed basement excavation, although only one additional storey is proposed beneath the lowest original floor level, much of the floor-to-ceiling heights exceed the 2.7m set out within City Plan Para. 45.9. Indeed, the floor-to-ceiling heights of the second basements beneath the South Block is 4.9m. The depth of basement excavation beneath the North Block is considerably less given the constraints imposed by the Elizabeth Line tunnels that traverse beneath this part of the site. Nevertheless, City Plan Policy 45(B)(3) states that exceptions to the limit of one storey beneath the lowest original floor level may be made on large sites with high levels of accessibility for construction. It is considered that this site meets this policy exception given that it is both large and, with the exception of 58 Davies Street, an island site which is highly accessible for construction.

Finally, the proposal to excavate beneath Davies Mews means that the basements will encroach more than 1.8m under the adjacent highway. This is contrary to City Plan Policy 45(B)(5). The vertical depth between the surface of the highway and the top of the basement, however, easily exceeds the 900mm minimum and therefore there will be no impact upon the function of the public highway or the services that often run beneath the surface of the highway. Furthermore, there are benefits of linking the North and South Blocks by this basement storey beneath Davies Mews in terms of consolidating servicing, waste collections etc. For this reason, an exception to this part of City Plan Policy 45 is considered to be justified in this instance.

8.14.5 Construction Impact

It is recommended that adherence to the City Council's Code of Construction Practice be secured by condition, in accordance with City Plan Policy 33(F).

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

8.14.6 Fire Safety

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

Item
4

8.14.7 Employment and Skills

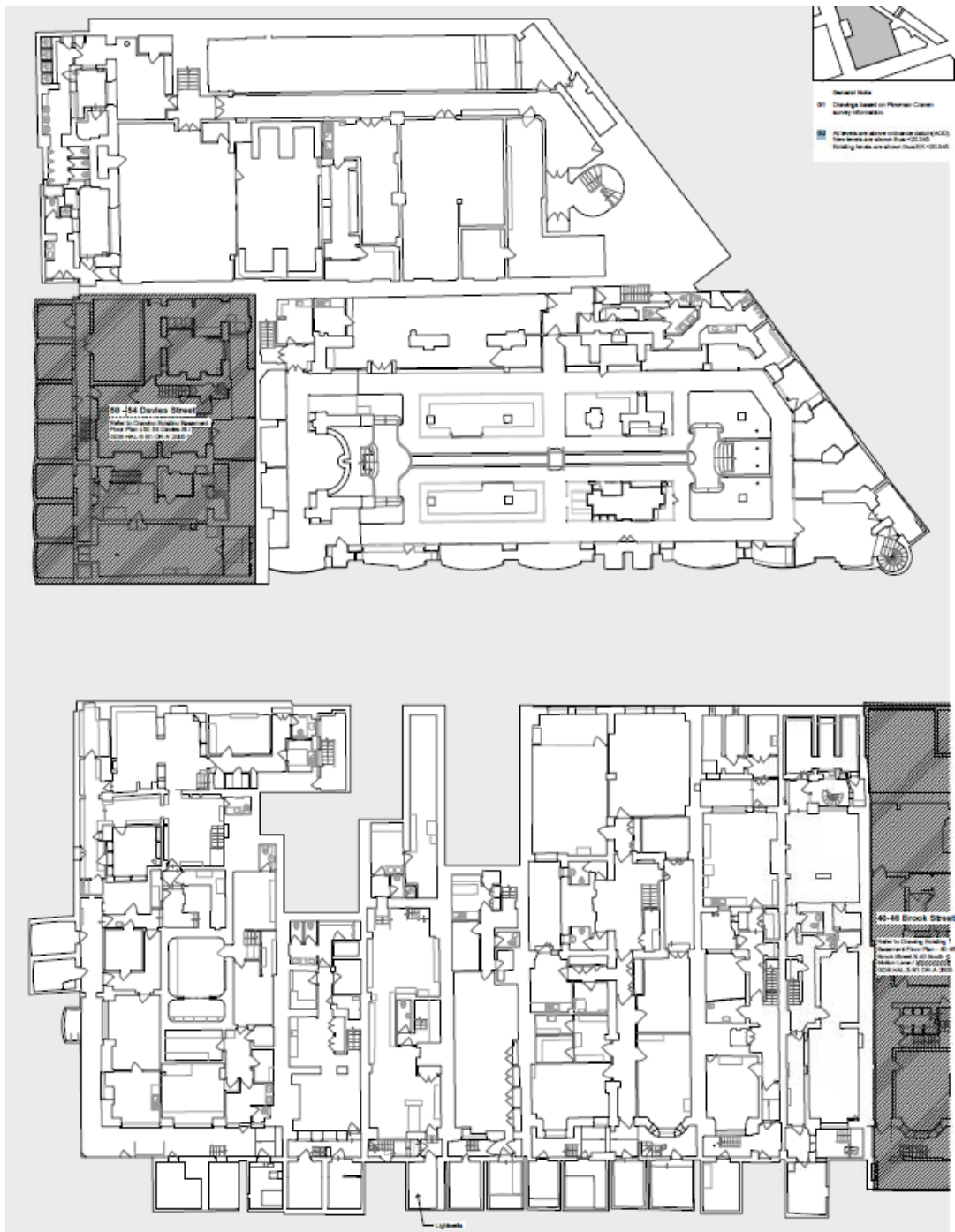
It is recommended that an Employment and Skills Plan and a contribution of £346,000 to support the Westminster Employment Service is secured by legal agreement in order to contribute to improvement employment prospects for local residents, in accordance with City Plan Policy 18(D).

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

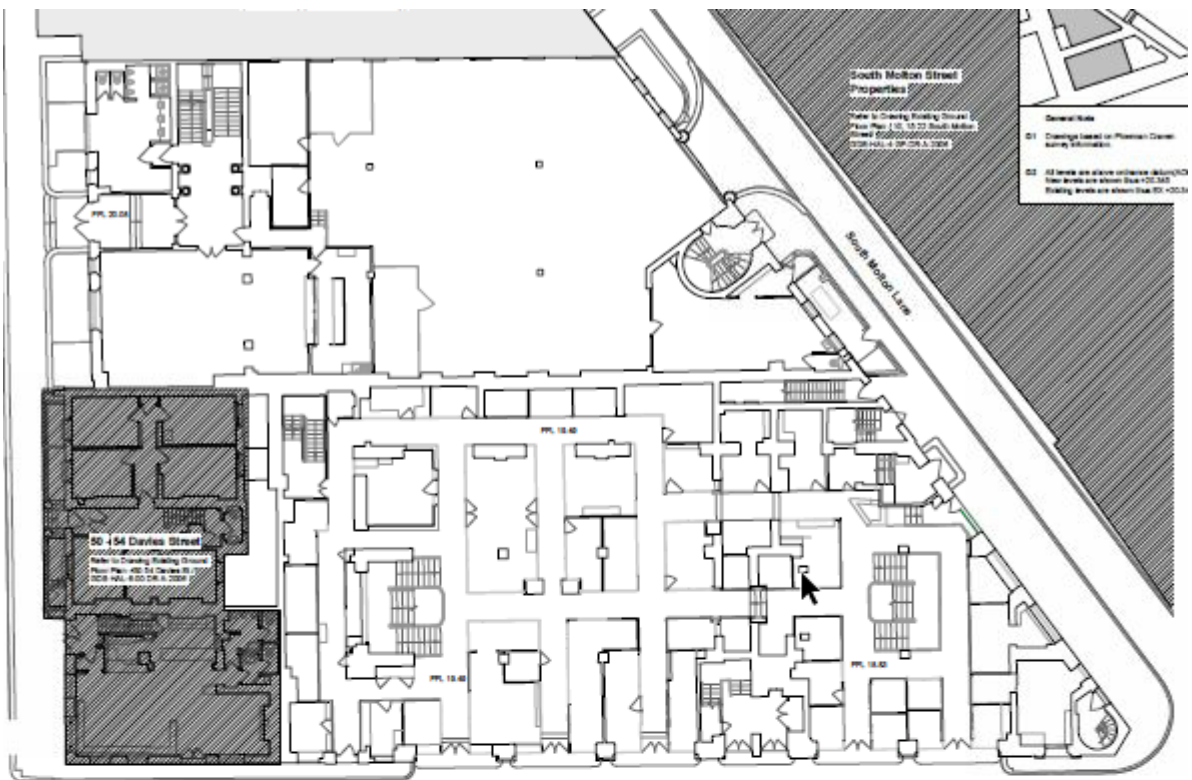
9. KEY DRAWINGS

Existing basement plan – North and South Block

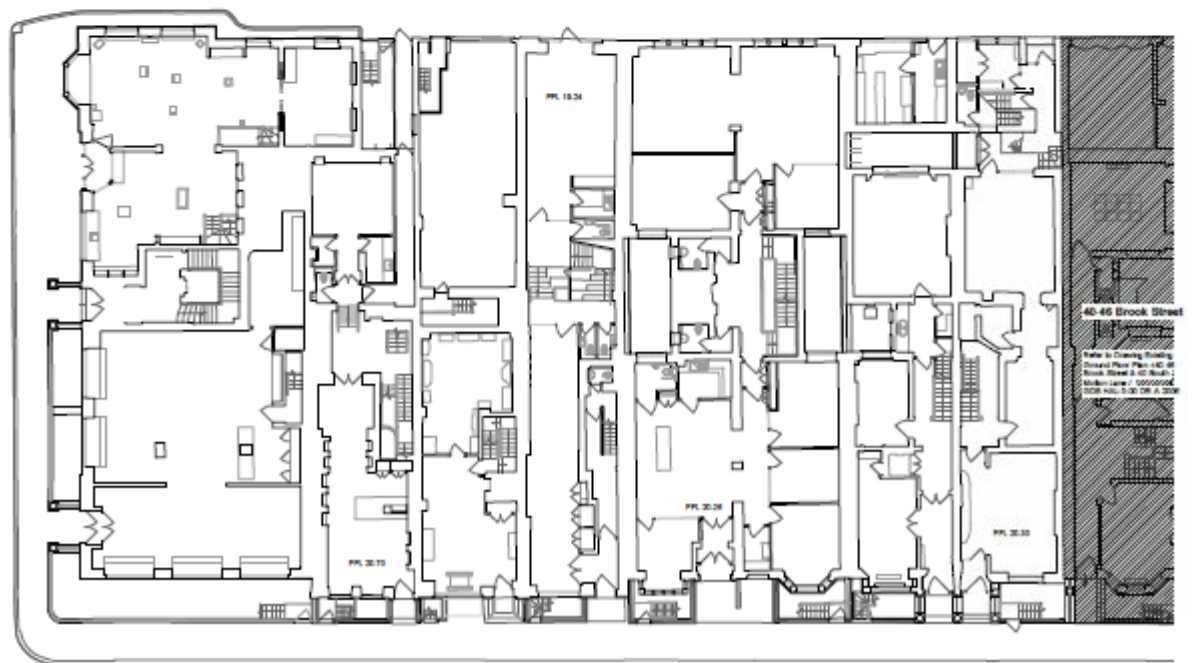


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Existing ground floor plan – North and South Block



Davies Mews



[illegible]

Existing Brook Street elevation (north side)



Proposed Brook Street elevation (north side)



Existing Davies Mews elevation (south side)



Proposed Davies Mews elevation (south side)

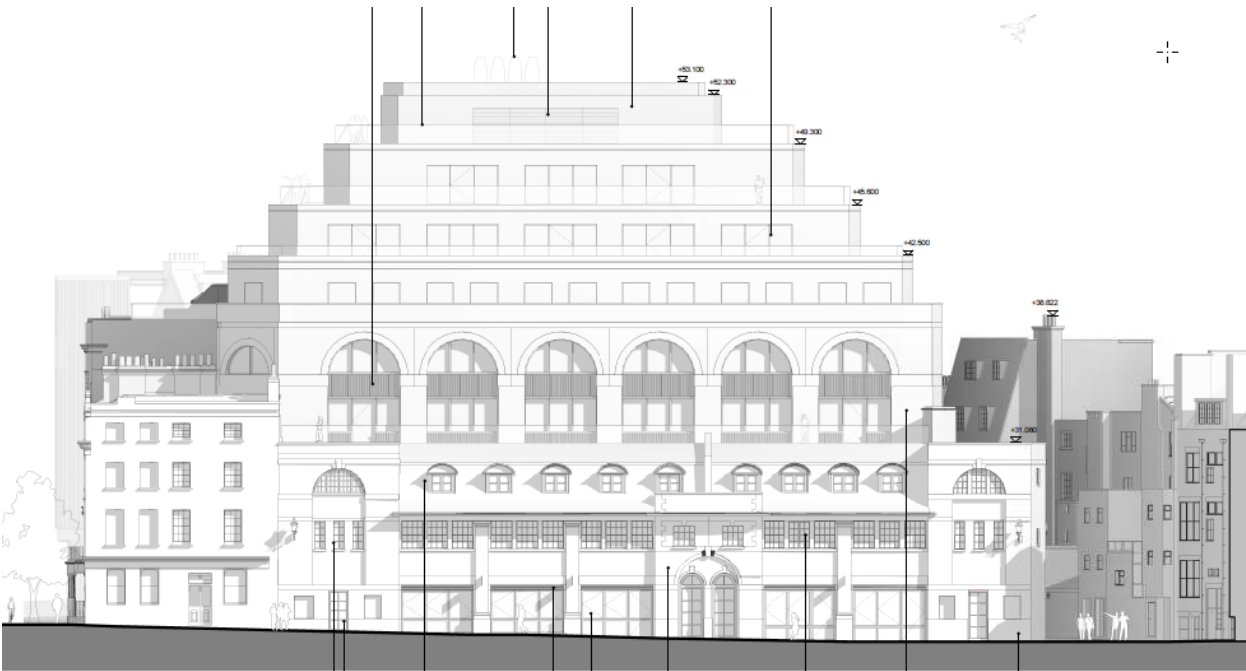


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Existing Davies Mews elevation (north side)



Proposed Davies Mews north elevation (north side)



Existing South Molton Lane elevation (west side)



Proposed South Molton Lane elevation (west side)

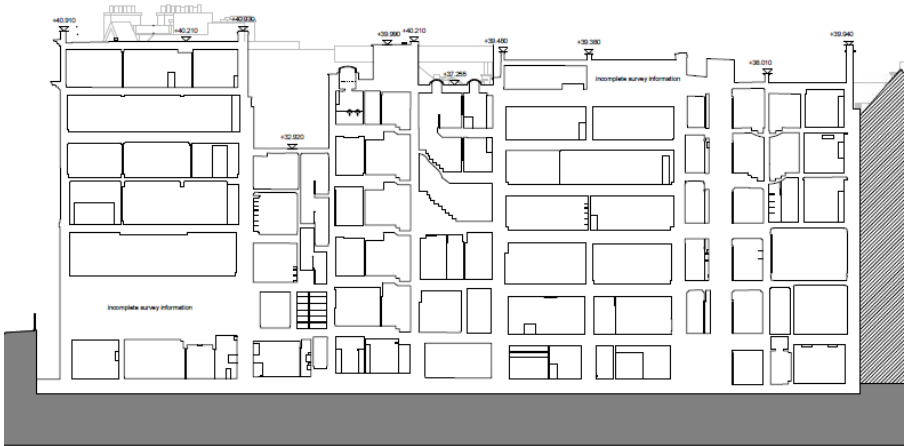


Section 100

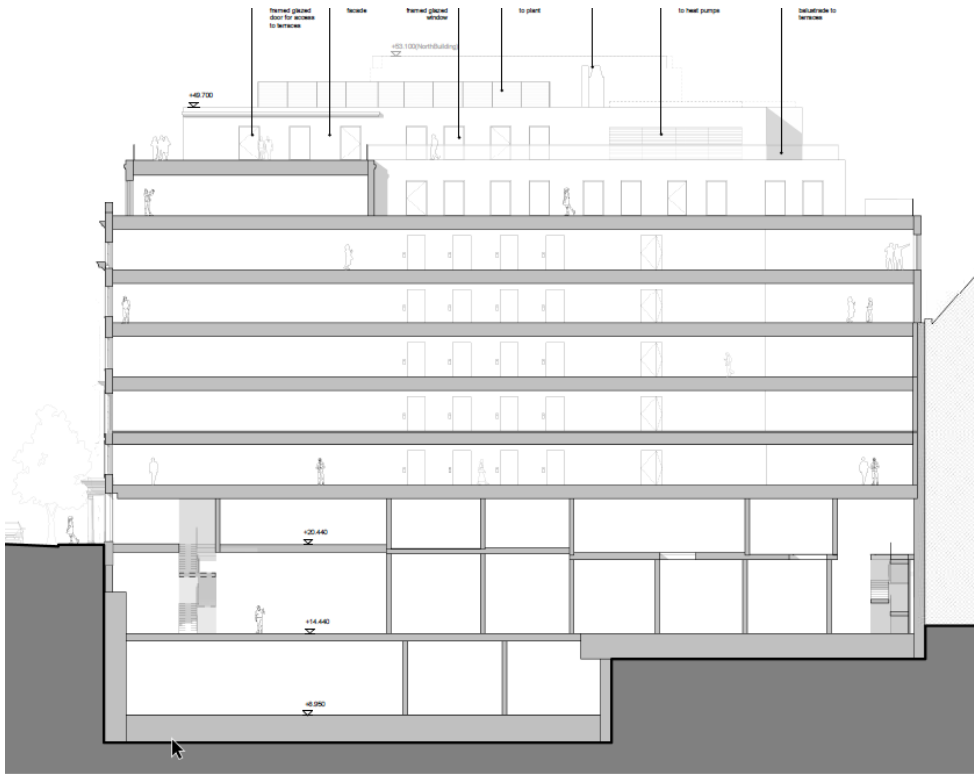
Section 101

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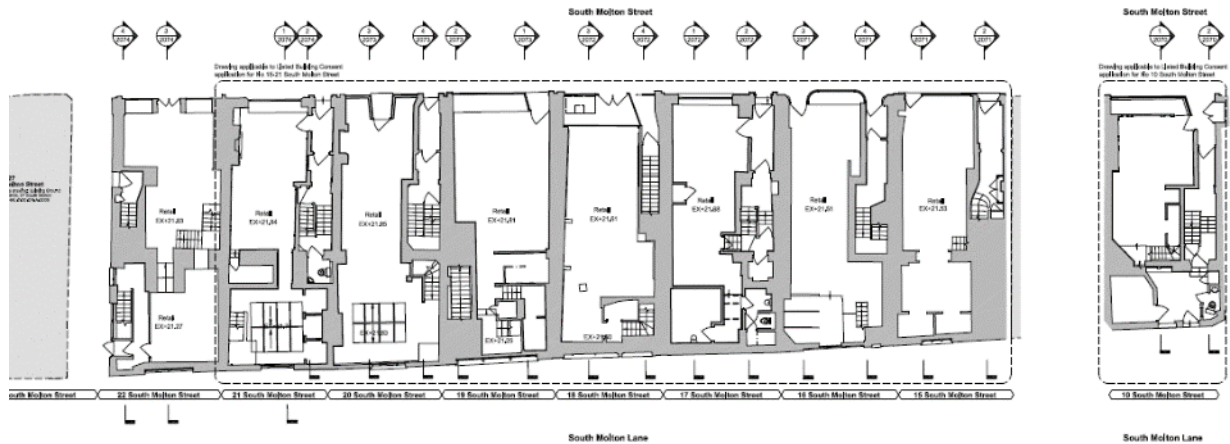
Existing east-west section – South Block



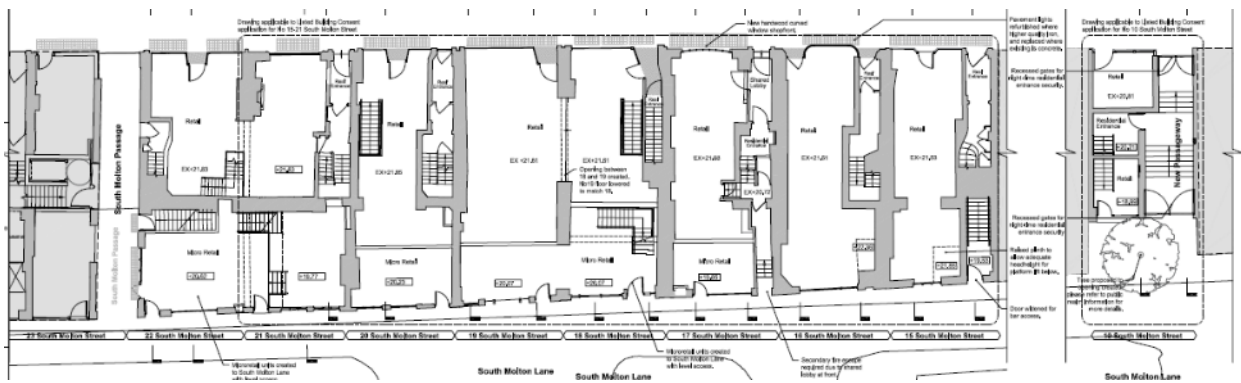
Proposed east-west section – South Block

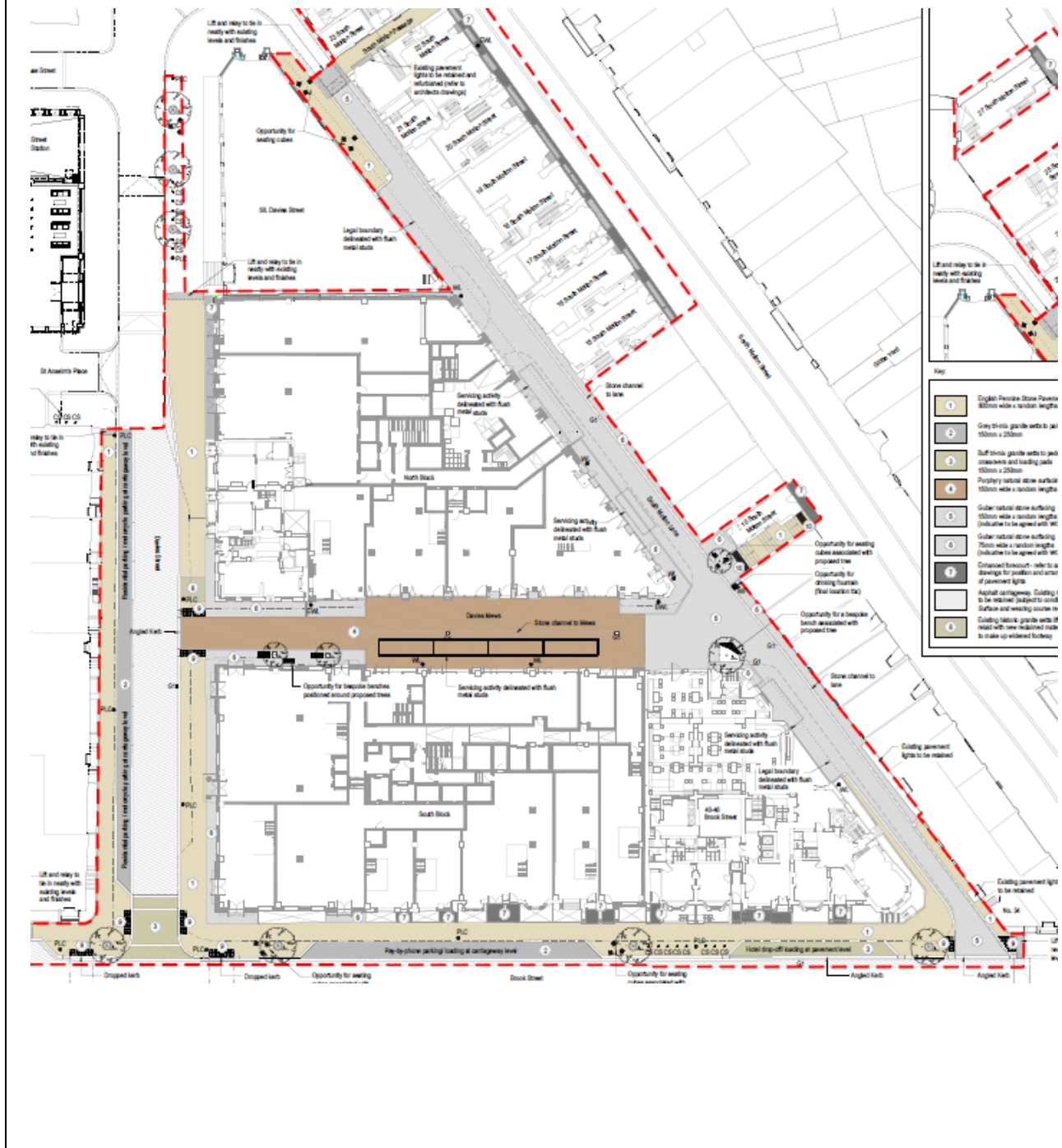


Existing ground floor plan – 10 and 15-22 South Molton Street



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





DRAFT DECISION LETTER (PLANNING PERMISSION)

- Address:** Development Site Bound By Brook Street, Davies Street And South Molton Lane (excluding 58 Davies Street) And 10, 15-25, 27 And 42 South Molton Street, London, ,
- Proposal:** Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Class D1 (Non-Residential Institutions) and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works.
- Plan Nos:** North and South Blocks, 1-7 Davies Mews and 28-30 South Molton Lane
- Demolition drawings
2100 Rev. P04, 2101 Rev. P04, 2102 Rev. P04, 2103 Rev. P04, 2104 Rev. P04, 2105 Rev. P04, 2106 Rev. P02, 2107 Rev. P03, 2150 Rev. P05, 2151 Rev. P03, 2152 Rev. P04, 2153 Rev. P05, 2154 Rev. P04, 2158 Rev. P04, 2159 Rev. P04, 2160 Rev. P04, 2170 Rev. P03, 2171 Rev. P03 and 2172 Rev. P03.
- Proposed drawings
2200 Rev. P04, 2201 Rev. P04, 2202 Rev. P05, 2203 Rev. P04, 2204 Rev. P04, 2205 Rev. P04, 2206 Rev. P04, 2207 Rev. P04, 2208 Rev. P04, 2209 Rev. P04, 2210 Rev. P04, 2211 Rev. P04, 2300 Rev. P05, 2301 Rev. P04, 2302 Rev. P04, 2303 Rev. P04, 2304 Rev. P04, 2305 Rev. P04, 2309 Rev. P04, 2310 Rev. P04, 2400 Rev. P04, 2401 Rev. P04, 2402 Rev. P04, 2510 Rev. P04, 2515 Rev. P04, 2516 Rev. P04, 2520 Rev. P04, 2521 Rev. P04, 2525 Rev. P04, 2527 Rev. P04, 2528 Rev. P04, 2529 Rev. P01, 2530 Rev. P01 and 2531 Rev. P01.
- 10, 15-22 and 42 South Molton Street
- Demolition drawings
2100 Rev. P02, 2101 Rev. P02, 2102 Rev. P02, 2103 Rev. P02, 2104 Rev. P02, 2105 Rev. P02, 2106 Rev. P02, 2109 Rev. P02, 2150 Rev. P02, 2151 Rev. P02,

2152 Rev. P02, 2153 Rev. P02 and 2154 Rev. P02.

Proposed drawings

2201 Rev. P02, 2202 Rev. P05, 2203 Rev. P02, 2204 Rev. P02, 2205 Rev. P02, 2206 Rev. P02, 2207 Rev. P02, 2208 Rev. P02, 2209 Rev. P02, 2300 Rev. P04, 2301 Rev. P02, 2302 Rev. P05, 2303 Rev. P02, 2304 Rev. P02, 2305 Rev. P02, 2306 Rev. P02, 2310 Rev. P04, 2311 Rev. P02, 2312 Rev. P02, 2313 Rev. P02, 2314 Rev. P02, 2315 Rev. P05, 2316 Rev. P02, 2317 Rev. P02, 2318 Rev. P02, 2319 Rev. P02, 2321 Rev. P05, 2322 Rev. P05, 2400 Rev. P05, 2401 Rev. P02, 2402 Rev. P02, 2403 Rev. P02, 2404 Rev. P02 and 2405 Rev. P02.

40-46 Brook Street and 40 South Molton Lane

Demolition drawings

2100 Rev. P03, 2101 Rev. P03, 2102 Rev. P03, 2103 Rev. P03, 2104 Rev. P03, 2105 Rev. P03, 2106 Rev. P03, 2152 Rev. P03, 2153 Rev. P03, 2154 Rev. P03, 2170 Rev. P03, 2171 Rev. P03 and 2172 Rev. P03.

Proposed drawings

2201 Rev. P03, 2202 Rev. P03, 2203 Rev. P03, 2204 Rev. P03, 2205 Rev. P03, 2206 Rev. P03, 2207 Rev. P03, 2300 Rev. P03, 2303 Rev. P02, 2205 Rev. P03, 2400 Rev. P03, 2401 Rev. P03 and 2402 Rev. P03.

50-54 Davies Street

Demolition drawings

2100 Rev. P04, 2101 Rev. P04, 2102 Rev. P04, 2103 Rev. P04, 2104 Rev. P04, 2105 Rev. P04, 2106 Rev. P04, 2140 Rev. P04, 2142 Rev. P02, 2170 Rev. P04 and 2173 Rev. P04.

Proposed drawings

2200 Rev. P04, 2201 Rev. P04, 2202 Rev. P04, 2203 Rev. P04, 2204 Rev. P04, 2205 Rev. P04, 2206 Rev. P04, 2300 Rev. P04, 2301 Rev. P04, 2302 Rev. P04, 2400 Rev. P04, 2401 Rev. P04, 2402 Rev. P04, 2403 Rev. P04 and 2404 Rev. P04.

23-25 and 27 South Molton Street

Demolition drawings

2100 Rev. P03, 2101 Rev. P03, 2102 Rev. P03, 2103 Rev. P03, 2104 Rev. P03, 2105 Rev. P03, 2106 Rev. P03, 2107 Rev. P03, 2110 Rev. P03, 2111 Rev. P03 and 2112 Rev. P03.

Proposed drawings

2200 Rev. P03, 2201 Rev. P03, 2202 Rev. P03, 2203 Rev. P03, 2204 Rev. P03, 2205 Rev. P03, 2206 Rev. P03, 2207 Rev. P03, 2300 Rev. P03, 2301 Rev. P03, 2302 Rev. P03, 2310 Rev. P03, 2311 Rev. P03, 2312 Rev. P03, 2400 Rev. P03, 2401 Rev. P03, 2402 Rev. P03 and 2403 Rev. P03.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

A. South Block (New building and retained Brook Street facades)

1. New facades at all levels - Typical details
2. Roof level plant
3. Shopfronts
4. New windows

B. North Block (New building)

1. New facades at all levels - Typical details
2. Roof level plant
3. Shopfronts
4. New windows

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 3 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

a. 40-46 Brook Street and 40 South Molton Lane

1. Alterations at roof level - Turret and Gables
2. New windows
3. Roof level plant and screening
4. Alterations to mews facade - new shopfront (including degree of opening)
5. Ramp on Brook Street

6. New access to basement in front area on Brook Street
 7. Sunken garden on South Molton lane
- b. Brook Street retained facades
1. Alterations to facades
 2. Windows
 3. Shopfronts
- c. 1-7 Davies Mews and 28-30 South Molton Lane
1. Shopfronts (including degree of opening)
 2. New windows
 3. Other alterations to retained facades
- d. 52 - 54 Davies Street
1. Alterations to street facades, including new portico
 2. Dormers
- e. 10 South Molton Street
1. Shopfront
 2. New windows
 3. Roof level plant and screening
 4. Passageway
 5. Vents in facades
- f. 15-21 South Molton Street
1. Shopfronts
 2. New windows
 3. Roof level plant and screening
 4. Rear extensions, including roof terraces
 5. Vents in facades
 6. Refurbished / replacement pavement lights (including interface with adopted public highway)
- g. 22 and 23 South Molton Street
1. Roof extension and roof alterations
 2. Shopfronts
 3. New windows
 4. Alterations to South Molton Street facades
 5. Alterations to passageway
 6. Alterations to South Molton Lane facades
 7. Refurbished / replacement pavement lights (including within South Molton Passage)
(including interface with adopted public highway)
- h. 24, 25 and 27 South Molton Street (as applicable)
1. Shopfronts
 2. New windows
 3. Roof level plant and screening
 4. Rear extensions, including roof terraces
 5. Replacement pavement lights (including interface with adopted public highway)

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. And in the interests of public safety. This is as set out in Policies 24, 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of sample panels of brickwork, stonework and ceramic cladding which shows the colour, texture, face bond and pointing. You must not start 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 the approved samples.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 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:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

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

1. Public art proposals
2. Strategy for the display of advertisements

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

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

1. All street lighting equipment attached to the buildings

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must not start any demolition work on the buildings within the North Block or South Block phases of the development until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission or separate construction contracts for each of the North Block and South Block phases of the development, or
- (b) an alternative means of ensuring we are satisfied that demolition on the North and South Block phases of the development will only occur immediately prior to development of the respective new buildings on the North Block and South Block phases of the development.

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 10 You must not carry out demolition work on the North and South Block phases of the development unless it is part of the complete development of each of these phases. You must carry out the demolition and development to each of these phases without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

11 Pre Commencement Condition.

You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings. (C28AB)

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 12** No primary cooking shall take place within the basement and ground floor commercial units of Nos. 10, 15-25, 27 and 42 South Molton Street such that you must not cook raw or fresh food on the premises. This is unless details of kitchen extraction (or recirculation) for identified units have otherwise been submitted to and approved by the City Council. The approved kitchen extraction (or recirculation) systems shall be installed prior to any primary cooking taking place within these identified units and the kitchen extraction (or recirculation) systems shall be retained in situ and operated in accordance with the approved details at all times that primary cooking is taking place.

Reason:

The plans do not include any kitchen extractor equipment. For this reason, we cannot agree to unrestricted use as people using or living in neighbouring properties and people using the public realm would suffer from cooking smells. This is as set out in Policies 7, 16, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13** The non-office commercial units at basement and ground floors of the North and South Blocks shall only be used, or part used, for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. You must not use these units for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, 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 ensure that the public benefits of an enlivened Davies Mews and South Molton Lane are delivered, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 14 Following commencement of the development in relation to each of the following parts of the development hereby approved, the primary use of the commercial units at basement and ground floors of 23-25 South Molton Street and 27 South Molton Street shall only be for the display or retail sale of goods, other than hot food, principally to visiting members of the public. You must not use these units for any other purpose, including within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Following commencement of the development in relation to each of the following parts of the development hereby approved, the commercial units at basement and ground floors of 10, 17-22 and 42 South Molton Street, the commercial units at the ground floors of 15 and 16 South Molton Street and the non-office commercial units within the North and South Block (excluding 50 Davies Street) shall only be used, or part used, for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. You must not use these units for any other purpose, including within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development 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 ensure that the public benefits of an enlivened Davies Mews and South Molton Lane are delivered, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

15 Pre Commencement Condition.

Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, including all buildings outlined on the approved plans (or any subsequent approved revisions thereafter), shall be submitted for the City Council's approval. References to "phase" in this phased planning permission and the conditions attached to it shall mean the phases as identified in the phasing plan. The development shall be built out in accordance with the approved phasing plan

Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved. (R02AA)

- 16 The South Block office entrance at ground floor level on the Brook Street frontage (annotated as B1 - Office on the approved drawings) and the upper floors of the South Block shall be used only as offices and for no other purpose 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 North Block office entrance at ground floor level on the Davies Street frontage (annotated as B1 - Office on the approved drawings) and the upper floors of the North Block (excluding 50

Davies Street) shall be used only as offices and for no other purpose 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 ensure that the economic public benefits of the development are delivered, in accordance with in accordance with Policies 1, 2, 7, 13, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 17 The primary use of at least 3,136 sq.m (GIA) of floorspace within the non-office commercial ground and basement units within the North and South Blocks, the commercial units at basement and ground floors of Nos. 10, 17-25, 27 and 42 South Molton Street, and the commercial units at ground floor of Nos. 15-16 South Molton Street shall for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Reason:

To ensure that the development is carried out in accordance with the uses sought and assessed, to ensure that a minimum amount of retail provision is made within the development and to ensure that an appropriate mix of uses is secured, in accordance with Policies 1, 2, 14 and 16 of the City Plan 2019 - 2040 (April 2021).

- 18 With the exception of the basement and ground floor unit within the South Block at the corner of Davies Mews and Davies Street (annotated as A1 - S.R01 on the approved drawings), none of the non-office commercial units within the development shall exceed 500 sq.m (GIA) in size.

Reason:

To ensure that the development is carried out in accordance with the uses sought and assessed and to ensure that units are not amalgamated to create units that may not be suitable for the location, in accordance with Policies 7, 14, 16 and 33 of the City Plan 2019-2040 (April 2021).

- 19 Prior to any of the non-office commercial units at ground and basement floors within the North and South Block undertaking any primary cooking, kitchen extracts shall be installed so that they rise internally to the full height of the building to discharge at roof level.

Reason:

To ensure that cooking odours are adequately dispersed, in accordance with Policies 7, 32 and 33 of the City Plan 2019-2040 (April 2021).

- 20 After 22.00 daily, the windows and doors within the South Molton Lane elevation of the commercial unit within the North Block at the corner of Davies Mews and South Molton Street (annotated as A3 - N.F03 on the approved drawings) shall be fixed shut and customers accessing or exiting this unit after this time shall use the doors on Davies Mews.

Reason:

To protect the environment of people in neighbouring properties, as required by Policies 7 and 32 of the City Plan 2019-2040 (April 2021).

- 21 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 22 With the exception of the basement unit within Nos. 15 and 16 South Molton Street, if a bar and bar seating is provided in any of the units, it must not take up more than 15% of the floor area of each unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019-2040 (April 2021).

- 23 Customers shall not be permitted within the bar hereby approved within the basement of Nos. 15 and 16 South Molton Lane before 07.00 or after 00.00 (midnight) on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 24 Customers shall not be permitted within the commercial units at basement and ground floors of Nos. 10, 17-22, 27 and 42 South Molton Street and the commercial units at ground floor of Nos. 15-16 South Molton Street that are wholly or partly in use for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises before 07.00 or after 23.00 on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 22.30 on Sundays, bank holidays and public holidays.

Customers shall not be permitted within non-office commercial units within the North and South Blocks (excluding 50 Davies Street) that are wholly or partly in use for the sale of food and drink

principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises before 07.00 or after 00.00 (midnight) on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 25 The retractable door and secondary hotel restaurant access at ground floor level of 40 South Molton Lane shall be fixed shut after 22.00 daily and customers shall access and exit the hotel restaurant and bar via Brook Street after this time.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 26 Non-residents shall not be permitted within the hotel at 40-46 Brook Street and 10 South Molton Lane before 07.00 or after 01.00 (the following morning) daily.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 27 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the bar hereby approved within the basements of Nos. 15 and 16 South Molton Street from causing noise and nuisance for people in the area, including people who live in the same and nearby buildings. You must not start the bar use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the bar is in use. (C05JB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 28 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

- 29 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 31** Prior to the commencement of the use of the part ground and part basement unit within the North Block annotated as D1 - N.D1 (and prior to any subsequent materially different use), full details of the nature of the use of this unit shall be submitted for the City Council's approval. The use of this space (and any subsequent materially different uses) shall be in full accordance with the details approved by the City Council.

Reason:

To ensure that a suitable replacement social and community floorspace use for the lawful hairdressing training school within Nos. 48 and 56 Brook Street and to ensure that the use does not cause any unacceptable amenity or highways impact, in accordance with Policies 7, 17, 29 and 33 of the City Plan 2019-2040 (April 2021).

- 32 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the buildings are suitable and that they contributes to the character and appearance of this part of the Mayfair Conservation Area, as set out in Policies 7, 16, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021).

- 33 You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them and the commercial uses below at basement and ground floor levels. The details submitted should demonstrate that internal noise levels for the flats will comply with the requirements of Condition 21. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats and thereafter retain the sound insulation measures installed. (C13GA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 34 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council.

Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 35 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

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

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

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up

to one hour in a calendar month in addition to an annual three-hour check, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 37 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 34 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 38 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 39 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any

window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

- 40 Prior to the commencement of development on each phase of the development hereby approved, details of all external ground levels doors (including any external bollards and / or planters associated with the doors) shall be submitted to the City Council for approval. Each phase of the development shall be constructed in accordance with these approved details and these approved details shall be adhered to for the life of the development.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 41 1. Prior to the occupation of any of the office floorspace within the North Block:

(i) The refurbished / replaced pavement lights to Nos. 15-22 South Molton Street shall be completed in their entirety in accordance with the detailed drawings pursuant to Condition 3(f)(6) and Condition 3(g)(7) of this permission; and

(ii) The works set out within the Heritage Benefit Schedule dated 8 December 2020 to Nos. 10, 15-22 and 42 South Molton Street; Nos. 1-7 Davies Mews and 28-30 South Molton Lane; and Nos. 50, 52 and 54 Davies Street shall be completed in their entirety in accordance with the approved drawings.

2. Prior to the occupation of any of the office floorspace within the South Block:

(i) The refurbished / replaced pavement lights to Nos. 23-25 and 27 South Molton Street and within South Molton Passage shall be completed in their entirety in accordance with the detailed drawings pursuant to Condition 3(g)(7) and Condition 3(h)(5) of this permission; and

(ii) The works set out within the Heritage Benefit Schedule dated 8 December 2020 to Nos. 23-25 and 27 South Molton Street and Nos. 54, 56 and 58 Brook Street shall be completed in their entirety in accordance with the approved drawings.

3. Prior to the occupation of 40-46 Brook Street and 10 South Molton Lane as a hotel, the works set out within the Heritage Benefit Schedule dated 8 December 2020 to these buildings shall be completed in their entirety in accordance with the approved drawings.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 42 The gates on either end of the passageway within 10 South Molton Street hereby approved shall be closed and locked between 22.00 and 07.00 daily, with access only for the occupants of the flats on the upper floors of this building.

These gates shall be hung so that they do not open over the public highway.

Full details of the access arrangements (including control over the gates) for these residents shall be submitted for the City Council's approval. These approved arrangements shall be installed in full prior to the occupation of the flats hereby approved within 10 South Molton Street and they shall be retained for the life of the development.

Reason:

To ensure that this new passageway represents a safe environment and in the interests of public safety, in accordance with Policies 2, 7, 24, 25, 26, 28 and 38 of the City Plan 2019-2040 (April 2021).

- 43 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the City Council. 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 sewerage utility infrastructure.

Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 44 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 City Council. 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.

45 **Pre Commencement Condition.**

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-

- (i) Accommodate the location and of the Crossrail structures including temporary works,
- (iii) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

46 **Pre Commencement Condition.**

None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City

Plan 2019 - 2040 (April 2021). (R33AD)

- 47 Before the occupation of any part of the North Block (excluding 50 Davies Street), you must provide the separate store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P05. You must clearly mark it and make it available at all times to each tenant of the North and South Block. With the exception of ground floor units N.R04 and A1.N.R01, all waste and recyclable material generated by units within the North and South Block shall be transported to this waste store within the building. You must not use the waste and recycling store for any other purpose.

In the event that the South Block is ready for occupation prior to the store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P05 being ready for use, details of a temporary store for waste and materials for recycling shall be submitted to the City Council for approval. The approved temporary store for waste and materials for recycling shall be provided prior to the commencement of use of any part of the South Block and made available at all times to each tenant of the South Block. This approved temporary store for waste and materials for recycling shall be retained and this space used for no other purpose until the store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P05 is ready for use.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 48 Waste shall only be collected from the waste store within the North Building (or the temporary waste store within the South Building) and the presentation area for the hotel's waste between 07.00 and 12.00 daily. This is unless the waste collection service is provided by the City Council.

Reason:

To protect neighbouring residents from noise nuisance and to ensure that South Molton Lane is used as little as possible so that the public benefits of enhanced public realm are fully realised, as set out in Policy 33 of the City Plan 2019-2040 (April 2021).

- 49 Before the occupation of the hotel hereby approved, you must provide the separate store for waste and materials for recycling shown on drawing number GDS - HAL - 5 - B1 - DR - A - 2201 Rev. P03. You must clearly mark it and make it available at all times. You must not use the waste and recycling store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 50 You must apply to us for approval of details of how waste and recycling is going to be stored within:

(i) Each of the 11 x residential units within Nos. 23-25 and 27 South Molton Street hereby approved. You must not occupy these residential units use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling stores in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellings.

(ii) Each of the 22 x residential units within Nos. 10, 15-22 and 42 South Molton Street hereby approved. You must not occupy these residential units hereby approved until we have approved what you have sent us. You must then provide the waste and recycling stores in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellings.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 51 You must not occupy the bar use hereby approved within the basement of 15-16 South Molton Street until you have submitted to us for approval details of how waste and recycling is going to be stored on the site and we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the bar. You must not use the waste and recycling store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

52 Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 53 You must provide each cycle parking space with Bike Store 1 and the associated changing / shower rooms and the cycle lifts shown on the approved drawings within the basement of the North Block prior to the occupation of any part of the North Block (with the exception of 50 Davies Street). Thereafter these areas must be retained and the space used for no other purpose.

You must provide each cycle parking space with Bike Stores 2 and 3 and the associated changing / shower rooms and the cycle lifts shown on the approved drawings within the basement of the South Block prior to the occupation of any part of the South Block. Thereafter these areas must be retained and the space used for no other purpose.

The cycle entrance doors within the North and South Blocks on Davies Mews and South Molton Lane shall be fitted with a mechanised door entry system and the doors between these entrances and the cycle storage areas goods lift and cycle storage area shall all be 'hold open' fire safety doors.

Reason:

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

- 54 You must provide each cycle parking space and the staff changing / shower facilities shown on approved drawing number GDS - HAL - 5 - B1 - DR - A - 2201 Rev. P03 prior to commencement of the hotel use hereby approved. Thereafter these facilities must be retained and the space used for no other purpose.

Reason:

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

- 55 1. If no additional affordable housing units are secured following the outcome of the Early Stage Review Mechanism (if triggered):

(i) You must provide each of the 22 x cycle parking / buggy storage spaces shown on approved drawing number GDS - HAL - 7 - B1 - DR - A - 2200 Rev. P03 prior to occupation of any flats within Nos. 23-25 and 27 South Molton Lane.

(ii) You must provide each of the 40 x cycle parking spaces shown on approved drawing number GDS - HAL - 7 - B1 - DR - A - 2200 Rev. P03 prior to occupation of any of the 22 x flats hereby approved within Nos. 10, 15-22 and 42 South Molton Street.

Thereafter these facilities must be retained and the space used for no other purpose. The cycle entrance doors off South Molton Passage and the doors to the cycle / buggy stores shall be fitted with a mechanised door entry system.

2. If additional affordable housing units are secured following the outcome of the Early Stage Review Mechanism:

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(i) Prior to occupation of any of the flats hereby approved, you must submit for our approval drawings showing a reconfigured cycle / buggy storage area within (part) basement of 23-24 South Molton Street that reflects the change in the housing mix between market and affordable housing.

You must install these cycle parking / buggy stores in accordance with the approved drawings prior to occupation of any of the flats hereby approved. Thereafter these facilities must be retained and the space used for no other purpose. The cycle entrance doors off South Molton Passage and the doors to the cycle / buggy stores shall be fitted with a mechanised door entry system.

Reason:

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

- 56 (i) You must submit a Delivery and Servicing Management Plan (including hours) for the North and South Blocks for our approval. With the exception of 50 Davies Street, no parts of these buildings shall be occupied until we have approved what you have sent us. You must adhere to the approved Delivery and Servicing Management Plan for the life of the development.

(ii) You must submit a Delivery and Servicing Management Plan (including hours) for the hotel use for our approval. The hotel use shall not commence until we have approved what you have sent us. You must adhere to the approved Delivery and Servicing Management Plan for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 57 You must apply to us for approval of: (i) Detailed drawings of a planting scheme which includes the number, size, species and position of plants for both the North and South Blocks; and (ii) Management arrangements for this planting. You must not occupy the North Block (except 50 Davies Street) or the South Block until we have approved the respective drawings and arrangements for each building. You must then carry out the planting within one planting season of completing the respective building and you shall adhere to the approved management arrangements for the life of the development.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 58 You must provide the following sustainability features as shown on the approved drawings before occupation of any part of the North or South Blocks (excluding 50 Davies Street):

- A 340 cubic metre capacity rainwater attenuation tank at basement level 2 of the South Block
- Allowance for connections to any future heat network in the vicinity of the site.

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

59 **Pre Commencement Condition.**

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 each respective phase of the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing that:

- (i) The North and South Blocks (Offices) will achieve an 'outstanding' rating or, if this is not possible, justification for it achieving an 'excellent' rating.
- (ii) The North and South Blocks (Non-office commercial) will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (iii) 40-46 Brook Street and 40 South Molton Lane will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (iv) South Molton Street Properties will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.

If you use another method, you must achieve an equally high standard.

You must start work on each respective phase of development until we have approved what you have sent us.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that each phase met the rating approved in Part (a) of this condition. This report shall be submitted to us within six months of the occupation of any part of each phase of the development. 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 and minimises carbon dioxide emissions, as set out in Policy 38 of the City Plan 2019-2040 (April 2021), Policy SI 2 of the London Plan (March 2021), and Policy MES4 of the Mayfair Neighbourhood Plan.

- 60 All staff working with the 'micro-retail units' on South Molton Lane shown on the approved drawings shall be given access to the 'Staff Acc. WC' within the basement of 24 South Molton Street at all times.

Reason:

To provide basic amenities for these staff where the commercial units are too small to provide

such facilities.

- 61 You must apply to us for approval of detailed drawings and/or full particulars of the following parts of the development:

1. Extent of reuse of natural Portland stone from the existing Brookfield House in the facades of new Brookfield House
2. Extent of reuse of natural Portland stone from the existing 56 Davies Street in the facade of new 56 Davies Street

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 / particulars.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 62 The privacy screens to the terraces to the rear of the South Molton Street Properties shall be erected in accordance with the approved drawings prior to occupation of the relevant residential units and shall remain in situ for the life of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 63 You must apply to us for approval of material samples and detailed drawings showing the threshold levels and interface with the adopted public highway of the following parts of the development -

- (i) The forecourt to the west of 56 Davies Street.
- (ii) The land on South Molton Lane that is not currently public highway.

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

Reason:

To make sure that the appearance of this part of the site is suitable, that it contributes to the character and appearance of this part of the Mayfair Conservation Area, so that level access is achieved, the public benefits of improved public realm are realised, and in the interests of public safety. This is as set out in Policies 2, 24, 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

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

- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.
 - b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not been occurred within three years of the date of the planning permission.
 - c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
 - d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
 - e) Undertaking of highways works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street, Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Mews) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council.

Highway management arrangements secured for the life of the development. If undertaken by the applicant, highways works to South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.

- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.
- k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
- l) The provision of at least 1,205 sq.m of replacement social and community floorspace within the basement of the North Building or an alternative location agreed with the City Council within Mayfair (to be ready for tenant fit out within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street).
- m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of a identified carbon savings project.
- o) The costs of stopping up and area of public highway on the south-west corner of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).
- p) The costs of monitoring the S106 legal agreement.

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the

premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 4 With reference to condition 29 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

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

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

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

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

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

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

- 6 The Developer is recommended to assess and mitigate the possible effects of noise and vibration arising from the operation of Crossrail (the future Elizabeth Line).
- 7 You are encouraged to investigate incorporating within the development communal storage for food waste for the residential element of the development hereby approved so that it can be collected by the City Council's waste collection contractor.

DRAFT DECISION LETTER

Address: 1-7 Davies Mews, London, W1K 5AB,

Proposal: Demolition behind retained Davies Mews and South Molton Lane facades and front roofslopes, enhancement of street elevations and front roofslopes, and other associated works. Excavation of new sub-basement and redevelopment to form part of new building over sub-basement, basement, ground and eight upper floors. (SITE INCLUDES 28-30 SOUTH MOLTON LANE) (Linked application 20/03987/FULL)

Plan Nos: Demolition drawings
2120 Rev. P02, 2121 Rev. P03, 2122 Rev. P03, 2158 Rev. P04, 2159 Rev. P04,
2160 Rev. P04 and 2180 Rev. P03.

Proposed drawings
2220 Rev. P03, 2221 Rev. P03, 2222 Rev. P03, 2410 Rev. P04, 2515 Rev. P04,
2516 Rev. P04 and 2520 Rev. P04.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

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

(a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or

(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

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

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CD)

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

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CD)

- 4 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

1. Shopfronts (including degree of opening)
2. New windows
3. Other alterations to retained facades
4. New facades above retained facades
5. Street lighting equipment

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work on the demolition until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

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Although the City Council decided that the proposed works would harm the special architectural and historic interest of this listed building, it was determined that this harm would be less than substantial harm, was justified and would be outweighed by the public benefits of the wider proposal (Ref: 20/03987/FULL) granted permission on the same date as this consent, in accordance with Paragraphs 200 and 202 of the NPPF (July 2021).

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

DRAFT DECISION LETTER

Address: 10 South Molton Street, London, W1K 5QJ,

Proposal: Demolition of later rear addition to create a ground floor opening and passageway from South Molton Lane to South Molton Street, internal and external alterations, shopfront and facade improvements, fenestration enhancements, and other associated works. (Linked application 20/03987/FULL)

Plan Nos: Demolition:
2100 Rev. P02, 2101 Rev. P02, 2102 Rev. P02, 2103 Rev. P02, 2104 Rev. P02, 2105 Rev. P02, 2106 Rev. P02, 2150 Rev. P02 and 2152 Rev. P02.

Proposed:
2201 Rev. P02, 2202 Rev. P05, 2203 Rev. P02, 2204 Rev. P02, 2205 Rev. P02, 2206 Rev. P02, 2207 Rev. P02, 2209 Rev. P02, 2300 Rev. P04, 2302 Rev. P05, 2310 Rev. P04, 2315 Rev. P05, 2321 Rev. P05, 2322 Rev. P05 and 2400 Rev. P05.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

- 1 The works 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 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

1. Shopfront
2. New windows
3. New internal decorative features
4. Roof level plant and screening
5. Passageway
6. Vents in facades
7. Street lighting equipment

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

1. The design of the gates to the passageway to be more decorative.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of proposed mortar mixes and sample panels (at least 1m square) of repointing works.

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 the specifications and the panels.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 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:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

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

Reason:

To maintain the character and appearance of the Mayfair Conservation Area and the special architectural and historic interest of this listed building as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) or Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29CD)

Informative(s):

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- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

Although the City Council decided that the proposed works would harm the special architectural and historic interest of this listed building, it was determined that this harm would be less than substantial harm, was justified and would be outweighed by the public benefits of the wider proposal (Ref: 20/03987/FULL) granted permission on the same date as this consent, in accordance with Paragraphs 200 and 202 of the NPPF (July 2021).

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

DRAFT DECISION LETTER

Address: 24 South Molton Street, London, W1K 5RE,

Proposal: Installation of replacement front and rear shopfronts of No. 25, alterations to front and rear elevations on upper floors including installation of replacement windows, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, and other associated internal and external works. (SITE INCLUDES 25 SOUTH MOLTON STREET) (Linked application 20/03987/FULL)

Plan Nos: Demolition drawings
2100 Rev. P03, 2101 Rev. P03, 2102 Rev. P03, 2103 Rev. P03, 2104 Rev. P03, 2105 Rev. P03, 2106 Rev. P03, 2107 Rev. P03, 2110 Rev. P03, 2111 Rev. P03 and 2112 Rev. P03.

Proposed drawings
2200 Rev. P03, 2201 Rev. P03, 2202 Rev. P03, 2203 Rev. P03, 2204 Rev. P03, 2205 Rev. P03, 2206 Rev. P03, 2207 Rev. P03, 2300 Rev. P03, 2301 Rev. P03, 2302 Rev. P03, 2310 Rev. P03, 2311 Rev. P03, 2312 Rev. P03, 2400 Rev. P03, 2401 Rev. P03, 2402 Rev. P03 and 2403 Rev. P03.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

- 1 The works 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 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

1. Shopfronts
2. New windows
3. New internal decorative features
4. Roof level plant and screening
5. Rear extensions, including roof terraces
6. Street lighting equipment
7. Replacement pavement lights

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of proposed mortar mixes and sample panels (at least 1m square) of repointing works.
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 the specifications and the panels.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 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:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

Although the City Council decided that the proposed works would harm the special architectural and historic interest of this listed building, it was determined that this harm would be less than substantial harm, was justified and would be outweighed by the public benefits of the wider proposal (Ref: 20/03987/FULL) granted permission on the same date as this consent, in accordance with Paragraphs 200 and 202 of the NPPF (July 2021).

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

DRAFT DECISION LETTER

Address: 40-46 Brook Street, Mayfair, London, W1K 5DB

Proposal: Excavation to deepen rear basement level and extend beneath Davies Mews, reinstatement of historical features, internal and external alterations and localised fabric removal, installation of corner turret and side gables, installation of roof plant, and other associated works. (SITE INCLUDES 40 SOUTH MOLTON LANE)
(Linked application 20/03987/FULL)

Plan Nos: Demolition drawings
2100 Rev. P03, 2101 Rev. P03, 2102 Rev. P03, 2103 Rev. P03, 2104 Rev. P03, 2105 Rev. P03, 2106 Rev. P03, 2152 Rev. P03, 2153 Rev. P03, 2154 Rev. P03, 2170 Rev. P03, 2171 Rev. P03, 2172 Rev. P03, 2702 Rev. P02, 2705 Rev. P02, 2708 Rev. P02, 2711 Rev. P02, 2714 Rev. P02, 2717 Rev. P02, 2720 Rev. P02 and 2723 Rev. P02.

Proposed drawings
2201 Rev. P03, 2202 Rev. P03, 2203 Rev. P03, 2204 Rev. P03, 2205 Rev. P03, 2206 Rev. P03, 2207 Rev. P03, 2300 Rev. P03, 2303 Rev. P02, 2205 Rev. P03, 2400 Rev. P03, 2401 Rev. P03, 2402 Rev. P03, 2703 Rev. P02, 2706 Rev. P02, 2709 Rev. P02, 2712 Rev. P02, 2715 Rev. P02, 2718 Rev. P02, 2721 Rev. P02 and 2724 Rev. P02.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

- 1 The works 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 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:
 1. Alterations at roof level - Turret and Gables
 2. New windows
 3. New internal decorative features
 4. Roof level plant and screening
 5. Alterations to mews facade - new shopfront (including degree of opening)
 6. Ramp on Brook Street
 7. New access to basement in front area on Brook Street
 8. Sunken garden on South Molton lane
 9. Alterations to Billiard Rooms

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of proposed mortar mixes and sample panels (at least 1m square) of repointing works.
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 the specifications and the panels.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 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:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

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Although the City Council decided that the proposed works would harm the special architectural and historic interest of this listed building, it was determined that this harm would be less than substantial harm, was justified and would be outweighed by the public benefits of the wider proposal (Ref: 20/03987/FULL) granted permission on the same date as this consent, in accordance with Paragraphs 200 and 202 of the NPPF (July 2021).

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

DRAFT DECISION LETTER

Address: 52 - 54 Davies Street, London, W1K 5JF,

Proposal: Partial demolition to second and third floors behind retained Davies Street elevation, partial demolition of rear elevation and demolition of roof, reconstruction of second and third floor to form part of new building of up to 9 storeys; all to 52-54 Davies Street. Internal and external alterations, refurbishment and reinstatement works, and other associated works. (SITE INCLUDES 50 DAVIES STREET) (Linked application 20/03987/FULL)

Plan Nos: Demolition drawings
2100 Rev. P04, 2101 Rev. P04, 2102 Rev. P04, 2103 Rev. P04, 2104 Rev. P04, 2105 Rev. P04, 2106 Rev. P04, 2140 Rev. P04, 2142 Rev. P02, 2170 Rev. P04 and 2173 Rev. P04.

Proposed drawings
2200 Rev. P04, 2201 Rev. P04, 2202 Rev. P04, 2203 Rev. P04, 2204 Rev. P04, 2205 Rev. P04, 2206 Rev. P04, 2300 Rev. P04, 2301 Rev. P04, 2302 Rev. P04, 2400 Rev. P04, 2401 Rev. P04, 2402 Rev. P04, 2403 Rev. P04 and 2404 Rev. P04.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

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

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

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 4 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

1. Alterations to street facades, including new portico
2. Dormers
3. Internal restoration works
4. Street lighting equipment

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work on the demolition until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

Although the City Council decided that the proposed works would harm the special architectural

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and historic interest of this listed building, it was determined that this harm would be less than substantial harm, was justified and would be outweighed by the public benefits of the wider proposal (Ref: 20/03987/FULL) granted permission on the same date as this consent, in accordance with Paragraphs 200 and 202 of the NPPF (July 2021).

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

DRAFT DECISION LETTER

Address: 15 South Molton Street, London, W1K 5QR,

Proposal: Reconfiguration to front and rear ground floor elevations, alterations to upper floors, removal of staircase to No. 19, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, installation of roof level plant and other associated works. (SITE INCLUDES 16, 17, 18, 19, 20 and 21 SOUTH MOLTON STREET) (Linked application 20/03987/FULL)

Plan Nos: Demolition drawings
 2100 Rev. P02, 2101 Rev. P02, 2102 Rev. P02, 2103 Rev. P02, 2104 Rev. P02, 2105 Rev. P02, 2106 Rev. P02, 2109 Rev. P02, 2150 Rev. P02, 2151 Rev. P02, 2152 Rev. P02, 2153 Rev. P02 and 2154 Rev. P02.

Proposed drawings
 2201 Rev. P02, 2202 Rev. P05, 2203 Rev. P02, 2204 Rev. P02, 2205 Rev. P02, 2206 Rev. P02, 2207 Rev. P02, 2208 Rev. P02, 2209 Rev. P02, 2300 Rev. P04, 2301 Rev. P02, 2302 Rev. P05, 2303 Rev. P02, 2304 Rev. P02, 2305 Rev. P02, 2306 Rev. P02, 2310 Rev. P04, 2311 Rev. P02, 2312 Rev. P02, 2313 Rev. P02, 2314 Rev. P02, 2315 Rev. P05, 2316 Rev. P02, 2317 Rev. P02, 2318 Rev. P02, 2319 Rev. P02, 2321 Rev. P05, 2322 Rev. P05, 2400 Rev. P05, 2401 Rev. P02, 2402 Rev. P02, 2403 Rev. P02, 2404 Rev. P02, 2405 Rev. P02 and 2253 Rev. P02.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

- 1 The works 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 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

1. Shopfronts
2. New windows
3. New internal decorative features
4. Roof level plant and screening
5. Rear extensions, including roof terraces
6. Vents in facades
7. Street lighting equipment
8. Refurbished / replaced pavement lights

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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of proposed mortar mixes and sample panels (at least 1m square) of repointing works.

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 the specifications and the panels.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 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:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

Although the City Council decided that the proposed works would harm the special architectural and historic interest of this listed building, it was determined that this harm would be less than substantial harm, was justified and would be outweighed by the public benefits of the wider proposal (Ref: 20/03987/FULL) granted permission on the same date as this consent, in accordance with Paragraphs 200 and 202 of the NPPF (July 2021).

In reaching this decision the following were of particular relevance:

Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of

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our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.