

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 November 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	318 Oxford Street, London, W1C 1HF		
Proposal	Installation of new ground floor shopfronts including 2no. new double height entrances; extensive refurbishment of the existing Portland stone facade; replacement of the existing windows between first and fifth floors with new double-glazed units, and modification of the fifth floor windows to increase their height; infill construction along fifth floor Chapel Place in facsimile of the existing facade to provide additional Class E floorspace; installation of ventilation louvres to the Chapel Place elevation at first to fourth levels; demolition of the sixth and seventh floors and erection of replacement sixth and seventh floors (including the creation of new external terrace areas) and new eighth floor roof extension with external terrace areas, all for use within Class E; and consolidation of roof level plant within a single enclosure and provision of a new building maintenance unit at roof level.		
Agent	DP9		
On behalf of	Publica Properties Limited		
Registered Number	21/01633/FULL	Date amended/ completed	9 April 2021
Date Application Received	15 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission subject to a legal agreement to secure the following:

- a) A financial contribution of £225,000 towards the Carbon Off-Set Fund (payable prior to commencement of development).
- b) Undertaking of highways works to Chapel Place, Oxford Street, Old Cavendish Street and Henrietta Place. Highway works be agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner (by agreement with the City Council), highway works be completed prior to occupation of any part of the new floorspace at sixth, seventh and eighth floors.
- c) A financial contribution of £41,000 to support the Westminster Employment Service (payable prior

to commencement of development).

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.

2. SUMMARY

The application site comprises an unlisted purpose-built department store located on the West End International Shopping Frontage and the Central Activities Zone (CAZ). The site is located within the Harley Street Conservation Area and adjacent to St. Peter's Church (Grade I listed).

Permission is sought to make a number of alterations to the building including the demolition of the sixth and seventh floor level and replacement with a three-storey roof extension with plant enclosure above. It is proposed that these new sixth, seventh and eighth floors (6,009 sq.m) be used for uses within Class E (except uses within Class E(e) (i.e. medical or health services) or for uses within Class E(f) (i.e. a creche, day nursery or day centre)). The applicant has agreed that any restaurant will not exceed 1,556 sq.m. Highway works are proposed on all four sides of the building on Oxford Street, Old Cavendish Street, Henrietta Place and Chapel Place.

The key issues for consideration are:

- Whether the proposed extensions and alterations will preserve and enhance the character and appearance of the Harley Street Conservation Area and not harm the setting of the neighbouring St. Peter's Church.
- Whether the range of uses sought within Class E are acceptable in land use, amenity and transportation terms.

For the reasons set out in this report, the alterations and extensions to this building are considered to be acceptable in design and heritage terms through preserving the character and appearance of the Harley Street Conservation Area and not harming the setting of the neighbouring St. Peter's Church. This is subject to the imposition of an amending condition requiring that the new windows on the vertical elevations of the building retain their existing eight-paned window pattern, albeit in new window frames with clear glazing. The range of uses proposed are also considered to be acceptable in the context of the site's location in a heavily commercialised part of the CAZ.

For these reasons, it is recommended that conditional planning permission be granted subject to the completion of a legal agreement securing highways works surrounding the site and financial contributions towards the City Council's Carbon Off-Set Fund and to support the Westminster Employment Service.

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4. PHOTOGRAPHS

Oxford Street elevation



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

No objection.

HISTORIC ENGLAND:

No comment.

WASTE PROJECT OFFICER:

No objection.

HIGHWAYS PLANNING:

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES:

No objection.

THAMES WATER:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 177

Total No. of replies: 2

No. of objections: 0

No. in support: 2.

Support on the following grounds:

- The proposal will diversify the building's offer.
- The improvements proposed to the public realm, particularly the additional active frontages on Chapel Place, represents a great improvement to the appearance of the building and the pedestrian experience.
- The proposed increases in height are proportional to the scale of the building.
- Support the alterations to the façade.

Comments:

- Request that deliveries are restricted to certain hours to protect the public space on Chapel Place.
- Concern over the refuse store proposed on Chapel Place and requests that this is located within the demise of the application site.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises an unlisted building of merit (non-designated heritage asset) located within the CAZ and the Harley Street Conservation Area. The building is prominent in views from the Mayfair Conservation Area to the south. The Church of St. Peter's (Grade I listed) is located to the west of the site. The building occupies a street block bound by Oxford Street, Old Cavendish Street, Henrietta Place and Chapel Place.

Along with Regent Street and Bond Street, Oxford Street forms part the West End International Shopping Centre. The site is also located within the West End Retail and Leisure Special Policy Area.

Records indicate that there are very few residential units in the vicinity of the site; the nearest being a fourth floor of 1 Vere Street.

The building is arranged over sub-basement, basement, ground and seven upper floors and comprises a purpose-built department store completed in 1937 and originally occupied by DH Evans. It was designed by Louise Blanc (who was also responsible for the Basil Street extension to Harrods (Grade II*)) and was completed in 1937 in an Art Deco style which had become prominent during the inter-war years.

The building is of steel frame construction faced in Portland stone, apart from at the rear to Chapel Place and has been found to suffer from 'Regent Street Disease' whereby the steel frame is suffering from corrosion due to the porous limestone façade. Without planning permission, an unattractive mesh was erected around the upper floors of the building. It is understood that this was to prevent any masonry falling from the building causing a danger to passing pedestrians. Retrospective temporary planning permission was granted on 5 June 2020 to retain this mesh for a temporary period until 6 April 2022 in order to allow the required repair works to take place safely.

At the time of construction, the height restrictions imposed on trade buildings by the London Building Acts were amended to 100ft, 20ft more than the old limit. This resulted in the opportunity to provide the sixth and seventh floors. At the time of its conception, 318 Oxford Street would have been the tallest building along this part of Oxford Street. The sixth and seventh floors were designed to sit back from the principal façade following a recommendation from the Howard de Walden Estate (Survey of London).

The Harley Street Conservation Area Audit identifies this building to be one 'where a roof extension would normally be acceptable, subject to analysis of impact on amenity'. The existing roof form has been insensitively altered in some areas previously.

The building is partly currently occupied by House of Fraser department store, with retailing taking place over basement, ground and first, second and part third floors. The applicant advises that most of the floorspace over part third, fourth, fifth, sixth and seventh floors have been handed over from House of Fraser to the applicant and strip out works to convert these floors into offices is underway. The building features a loading bay accessed from Chapel Place. On 1 September 2020, the lawful use of the building transitioned to be within Class E (Commercial, Business and Service).

6.2 Recent Relevant History

20/04062/FULL

Installation of replacement windows to a single bay at 4th floor and trial stonework to the surrounding stone panels, columns and mullions.

Refused - 02.09.2020

20/02382/FULL

Retention of safety netting on the external facades for a temporary period until 6 April 2022.

Permitted - 05.06.2020

18/10897/FULL

Use of part basement, part ground, part first, part second, part third, fourth, fifth, sixth and part seventh floors as office use (Class B1) (including waste storage and cycle parking at part ground and part basement floors levels). Use of part ground and part basement as gymnasium (Class D2). Use of part ground and part seventh floor as restaurant (Class A3). Alterations at roof level including new louvred screen to plant and increase in height to the lift overrun.

Permitted - 14.02.2020

7. THE PROPOSAL

As set out above, permission was granted on 14 February 2020 to convert the existing building to 13,546 sq.m of office floorspace access from Henrietta Place over part third, the entirety of the fourth to sixth floors, and part seventh floor. A gymnasium (984 sq.m) was approved at basement level and a restaurant (1,121 sq.m) was approved at front seventh floor level. Customers access to the restaurant was prohibited by condition before 07.00 and after 01.00 each day. This permission secured by legal agreement highways works to Chapel Place in order to improve the quality of this public space.

The current application is more ambitious than that approved, seeking permission to demolish the sixth and seventh floors and replace them with a three-storey extension with plant enclosure above. Each of these new floors would have terraces. New shopfronts are proposed at ground floor level, two double-height entrances are proposed to the Old Cavendish Street and Henrietta Street facades, the Chapel Place façade will be extended upward at fifth floor level, and new double-glazed windows will be installed throughout. The works will see the restoration of the stone façade, urban greening at roof level and enable the building to achieve BREEAM level 'excellent'.

A communal refuse store is proposed at sub-basement level. An enlarged loading bay with bin presentation area is proposed on the Chapel Place frontage. Provision for 344 x cycle parking spaces with associated showers / lockers / changing facilities is proposed at basement level and accessed from Chapel Place.

The lawful use of the basement to fifth floors of the building will remain unchanged by the development proposal (i.e. they will remain within Class E). As such, the applicant will be able to benefit from the flexibility to change the use of some or all of the floorspace over these floor levels to other uses within Class E without the need for

planning permission.

A summary of the land use implications of the proposed development are as follows:

	Existing GIA (sqm)	Demolished	Proposed new construction	Proposed GIA (sqm)	+/-
Class E	31,507	4,729	6,009	32,787	1,280

In land use terms, the applicant has agreed that the new sixth, seventh and eighth floors will not be used for uses within Class E(e) (i.e. medical or health services) or for uses within Class E(f) (i.e. a creche, day nursery or day centre). Furthermore, the applicant has agreed that the total amount of floorspace at new sixth, seventh and eighth floor levels used as a restaurant (i.e. Class E(b)) will be limited to a maximum of 1,556 sq.m. As such, the application needs to be assessed on the basis that the new sixth, seventh and eighth floor levels (i.e. 6,009 sq.m) will be used or part used for the following purposes:

- Retailing (i.e. Class E(a);
- Café / restaurant (i.e. Class E(b) (albeit limited to 1,556 sq.m);
- Financial and professional services (Class E(c).
- Indoor sport, recreation or fitness (i.e. Class E(d); and / or
- Offices (i.e. Class E(g).

The following assessment is made against these potential uses for the new sixth, seventh and eighth floor levels.

8. DETAILED CONSIDERATIONS

8.1 Land Use and Amenity

8.1.1 Provision of office floorspace

The development could result in an increase of up to 6,009 sq.m of office floorspace in the CAZ. This is in full compliance with London Plan Policies SD4, SD5 and E1 and City Plan Policies 1(B)(1), 2(A) and 13(A).

8.2.2 Provision of up to 1,556 sq.m of restaurant floorspace

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(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 large restaurant needs to be assessed against City Plan Policy 16(A) that 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'*.

The location of the restaurant in a highly commercial location in the heart of the West End, its excellent public transport connections, the very few residential properties in the vicinity of the site and the lack of objections to the proposal, all combine to mean that such a use would not have an adverse effect on the character and function of the area, harm residential amenity or degrade local environmental quality.

Conditions are recommended to be imposed preventing a delivery service from operating from the premises, limiting the ancillary bar area to 15% of the floorspace of the unit, requiring customers to have left the premises by 01.00 daily, and the delivery of the proposed high-level kitchen extract flues.

8.1.3 Provision of retail floorspace or other service uses floorspace

The use of some or all of the sixth, seventh and eighth floors levels for retail or other service uses is uncontentious given the site's location within the West End Retail and Leisure Special Policy Area and the West End International Centre, in accordance with City Plan Policies 2 and 14.

8.1.4 Provision of indoor sport, recreation or fitness floorspace

The use of some or all of the sixth, seventh and eighth floors levels for indoor, recreation or fitness uses is similarly uncontentious through providing an improved leisure experience within the Oxford Street District, in accordance with City Plan Policies 2 and 14.

8.2 Townscape and Design

Legislation

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

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

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design

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

The existing roof form has been insensitively repaired, extended, and altered previously. The sixth and seventh storeys have particularly mean floor-to-ceiling heights for such a large floorplate (2.43 to 2.59m) and appears cluttered and incoherent in views towards the Chapel Place elevation. While these floors contain good architectural features, such as the chevron windows to the Oxford Place and Old Cavendish Street facades, and curved former restaurant window to the Chapel Place facade, albeit covered, its demolition provides the opportunity to enhance the building's appearance from the east, rationalise the roof level plant and improve upon the quality of internal and external spaces. As such, the degree of demolition proposed in this part of the conservation area is acceptable in this case.

The proposed extension will see the overall height of the building increase by approximately 6m. It comprises a substantial addition, however the stepped back nature of the sixth floor serves to retain the established parapet level, while the recessed corners of the seventh storey further reduces the visual impact of the massing. The chamfered corners of the sixth storey reflect the form of the building beneath providing a sympathetic transition between the existing structure and the new extension.

Throughout the course of the application officers have advised on the reduction in the degree of glazing proposed at the seventh and eighth storeys however, the inclusion of metal balustrades and proposed greening will serve to break up this expanse. Furthermore, it is reflective of the solid-to-void ratios found at the upper storeys of the John Lewis building (278-306 Oxford Street) and the scheme at the former Debenhams site (334-348 Oxford Street) which has been recommended for approval by Committee, both of which are nearby. As such, the taller floor-to-ceiling height of the eighth floor and expanses of glazing is reflective of the local context and acceptable in this case. The seventh and eighth floors each step back from the Oxford Street and Henrietta Place facades, however, the eighth floor is sheer to the Old Cavendish Street and Chapel Place facades. While the extension will be prominent above the modest terraced properties at 324-332 Oxford Street, the massing is similar to the scheme at the former Debenhams site that the City Council has resolved to grant permission and is considered appropriate on this street.

The proposed changes to the shopfronts at ground floor level have been negotiated to reflect the original 1930s scheme, including the use of Honeycomb granite, grey and dark grey granite, with bronze finished shopfronts. While it is disappointing to see the loss of original canopies, these survive in poor condition and the ground floor level proposals include quality materials and reflect an Art Deco style which complement the building above. The works at this level will enhance the appearance of the building, particularly on the Chapel Place façade, where there is a lack of active frontage and a back of house character. Furthermore, the removal of the canopies will see the loss of the unsightly condenser units found on the Old Cavendish Street façade.

Officers have negotiated the reduction in the height of the roof top building maintenance

unit. While it is disappointing that the plant enclosure will be visible from a number of street level views, its height and footprint have been reduced and rationalised. The new enclosure will improve the views from Chapel Place and Vere Street, as well as high level views from surrounding buildings.

A number of vents are proposed within window openings to the Chapel Place facade. Officers have negotiated a reduction in the number of these and were unable to agree to their omission. However, there are currently a number of such vents in place within this elevation and the proposals will incorporate a fish scale pattern to reflect the existing Art Deco character. The location within high level window openings also allow their removal and replacement with windows in the future, if possible. Taking into account the existing vents within the facade and the overall improvements to the building's appearance, these vents are acceptable on balance.

The increase in height and bulk is considerable, however, acceptable in the context of the large department stores close by and the commercial character of Oxford Street. While the extension will appear prominent above 324-332 Oxford Street, the plant enclosure will from a prominent utilitarian form in the roofline, and the vents to the Chapel Place facade are undesirable, the scheme offers a number of improvements. The rationalisation and better realised Chapel Place facade will enhance the setting of St. Peter's Church (Grade I listed), the new good quality shopfronts will contribute to a less cluttered and more welcoming streetscape, the restoration and installation of new pant throughout will see the building achieve BREEAM excellence and provide much welcomed greening. As such, this application is acceptable on balance and will preserve the character and appearance of the Harley Street Conservation Area and the setting of St Peter's Church.

However, the proposed window replacements would dilute the architectural interest of this building and its contribution to the character and appearance of the conservation area and streetscene. An application for such windows was refused on 2 September 2020 (Ref: 20/04062/FULL) because they fail to reflect the original window design, which are a key feature of Art Deco architecture which contribute greatly to the character of this unlisted building of merit and its contribution to the character and appearance of the conservation area.

The majority of the existing windows are eight-paned (the top two opening inwards to allow ventilation) and have steel frames. The majority have copper lighting and frosted glazing. Ordinarily, the expectation is that replacement windows should be 'like for like' in their design and materiality. However, it is recognized that the existing window type is not conducive to a comfortable office space as the frosted glazing limits the light intake and visibility.

The applicant proposes replacing these with a mixture of three-paned aluminium windows and two-paned sliding windows that would be openable to internal 'winter gardens'. These large panes fail to reflect the original windows and fail to relate to the Art Deco facade. Furthermore, two styles of windows are proposed instead of one consistent style at present. This would cause harm to the appearance of the building and its contribution to the character and appearance of the Harley Street Conservation Area.

On balance, officers could support the loss of the copperlights and frosting. While the

loss of these elements would dilute the original Art Deco design, the retention of an eight paned window would still reflect the period and sit appropriately within the façade, whilst allowing for a wide range of users of the building and enhancing the environmental performance of the building. The retention of the ability to be able to open the top two lights would also future-proof the building and make it more flexible should future occupants wish to naturally ventilate some or part of the building. A well-designed aluminium slimline double-glazed unit that retained the eight paned window and has a consistent window pattern throughout would be acceptable in design and conservation terms.

Officers have requested that the applicant reconsider its approach and amend the window design by accepting officer's suggested approach. However, the applicant has declined to amend the scheme. In order to avoid recommending the application for refusal, it is recommended that an 'amending condition' is imposed requiring the applicant to submit amended drawings showing that all new windows on the first, second, third, fourth, and fifth floor levels on the Oxford Street, Old Cavendish Street, Henrietta Place, and Chapel Place facades of the building to be clear-glazed with slim section double-glazing set in metal frames to match the sub-divisions, proportions, and detailed design of the existing metal-framed windows.

Subject to this amended condition securing an appropriate design for the replacement windows, the proposals comply with policies 38, 39, 40 and 43 of Westminster's City Plan 2019-2040 (adopted April 2021) and will not harm the character and appearance of the Harley Street Conservation Area or harm the setting of the Grade I listed St. Peter's Church. A recommendation to grant conditional permission would therefore be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with 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'*.

Given the very small number of residential properties in the vicinity of the site and reasonable location from the application site, the proposal development raises no amenity concerns. There are not considered to be justifiable reasons for limiting the hours that the terraces on the upper three floors can be used.

8.4 Transportation/Parking

8.4.1 Cycle parking

There is currently no dedicated cycle parking on site. 344 x cycle parking spaces and associated lockers / showers / changing facilities are proposed for all the anticipated uses within the building at basement level. This will be accessed from Chapel Place. A

dedicated lift and stair are provided from ground to basement level, and two passenger lifts provide direct access to the office floors. This is acceptable and the provision of these facilities is recommended to be secured by condition.

8.4.2 Servicing

The service yard would be significantly improved under the proposed scheme. The existing loading bay would be modified and enlarged to provide off-street parking/loading for three vehicles to service at once, including two bays that can accommodate a 10.5m rigid truck and one bay for smaller vans. Vehicles would continue to reverse into the loading bay from Chapel Place however they would fit fully within the building envelope and no longer straddle the public highway. It is recommended that delivery of this enlarged service bay is secured by condition.

The owner of a nearby building has requested that conditions be imposed restricting the hours that deliveries can take place on the ground that the alterations to Chapel Place may bring the turning head for vehicles closer to this commercial property. There are currently no restrictions on the hours of servicing and it is not considered necessary or reasonable to impose such control as a result of the proposed development.

8.4.3 Highway works

The principle of the proposed improvements to the public realm on Chapel Place, Oxford Street, Henrietta Place and Old Cavendish Street have been discussed with the Highways Planning Manager and the Oxford Street District Team and there are no in-principal objections. The detailed design is a matter for the City Council in its capacity as the Highways Authority, with input from the Oxford Street District Team.

8.5 Economic Considerations

The economic benefits of the development proposal are welcome.

8.6 Access

Level access will be provided throughout the building.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Plant

Conditions are recommended to be imposed ensuring that the plant selected will comply with City Plan Policy 33(C). Environmental Sciences has no objection to the proposal.

8.7.2 Refuse / Recycling

The existing waste strategy utilises a skip compactor located at ground floor. This occupies a significant portion of the existing loading bay. The proposals would improve on the existing waste management on site by removing the existing skip compactor and providing a shared refuse store located at sub-basement level.

The refuse store would be located close to a goods lift that links directly to the ground floor loading bay where a bin presentation area would be provided. Waste would be stored and compacted in the refuse store, freeing up space for vehicles at ground floor level.

The Waste Projects Officer has no objection to the proposed refused storage arrangements. It is recommended that the delivery of this improved waste store is secured by condition.

The concern from the owner of a neighbouring building to the proposed refuse store on Chapel Place is unfounded. This is an existing refuse store unconnected to the application site.

8.7.3 Biodiversity

Planting on the proposed roof terraces will enhance urban greening and the biodiversity potential of the site.

8.7.4 Sustainability

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'*.

The applicant's energy strategy states that the refurbished element is expected to achieve a 52% improvement in regulated carbon dioxide emissions over and above Building Regulations 2013, all by energy efficiency measures. In terms of the new extension element, the applicant's energy strategy states that it will meet the minimum requirement of 15% by energy efficiency measures and achieve a further 25% improvement through the provision on on-site renewable technology (i.e. 90 sq.m of photovoltaic panels and heat pumps). The result would be an overall improvement of 40%.

Both are short of zero carbon (i.e. 100% improvement over Part L 2013) but is considered to be the maximum that can be delivered in in this instance. The residual 79 tCO₂/annum is required to be off-set through a financial contribution to the City Council's

Carbon Offset Fund. This equates to a financial contribution of £225,000. This is recommended to be secured by legal agreement.

City Plan Policy 38(E) requires non-domestic developments of 500 sq.m or above to achieve at least BREEAM 'Excellent' or equivalent standard. The development is expected to achieve BREEAM 'Excellent'. This is acceptable and is recommended to be secured by condition.

8.7.5 Overheating and Ventilation.

The applicant proposes that the building be mechanically ventilated. Currently, the top two lights of the majority of the windows are openable and it is considered to be a retrograde step to rule out passive ventilation as a result of the proposed windows design.

As set out within Section 8.2 of this report, officers recommend that an amending condition be imposed requiring the applicant to retain the eight-paned window design, albeit in new double glazed units with clear glazing. In addition to the design and conservation benefits of this amended design, the retention of the ability to be able to open the top two lights would future-proof the building and make it more flexible should future occupants wish to naturally ventilate some or all of the building. This will assist in ensuring that overheating is avoided in a way that does not require mechanical cooling with the associated negative carbon implications.

8.7.6 Air Quality

The proposed development is expected to be air quality neutral.

8.7.7 Surface Water Run-Off

Inadequate information has been submitted to demonstrate that surface water run-off has been minimised. Further assessment and the delivery of the required mitigation is recommended to be secured by condition.

8.8 Westminster City Plan

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

8.9 Neighbourhood Plans

There is no neighbourhood plan for this part of the City.

8.10 London Plan

This application raises no strategic issues. Despite the proposal height of the building exceeding 30m, it is not 15m taller than the existing building and therefore the application is not referable to the Mayor of London

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 will be recommended to be imposed. Officers are in discussions with the applicant and an update will be provided to the Sub-Committee in due course.

8.12 Planning Obligations

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

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

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

The proposed improvements to the public realm on Chapel Place, Oxford Street, Henrietta Place and Old Cavendish Street are considered to be necessary given the more intensive use of the building, the greater points of access to the proposed uses and the opening up of the western frontage of the building onto Chapel Place.

In order to ensure that there is no legal impediment to the City Council or, if agreed, the owner undertaking the highways works, it is recommended that the detailed design of the highway works be agreed and any necessary alterations to traffic orders to have been confirmed prior to commencement of development. If the development is permitted to be constructed prior to any necessary alterations to traffic orders having been confirmed, there is a risk that these are not able to be agreed. The result would be that either: (i) The City Council will be unable to deliver the required highways works by practical completion of the development, as required by the legal agreement; or (ii) If the highway works are undertaken by the owner, the new floorspace at sixth, seventh and eighth floors could not be occupied. Both are clearly outcomes that should be avoided.

The estimated CIL payments are:

- £102,400 – Mayoral CIL
- £315,733 – Westminster CIL

8.13 **Environmental Impact Assessment**

The development is of insufficient scale to require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.14 **Other Issues**

8.14.1 Employment and Skills

It is recommended that a financial contribution of £41,000 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). This is payable prior to commencement of development.

8.14.2 Construction Impact

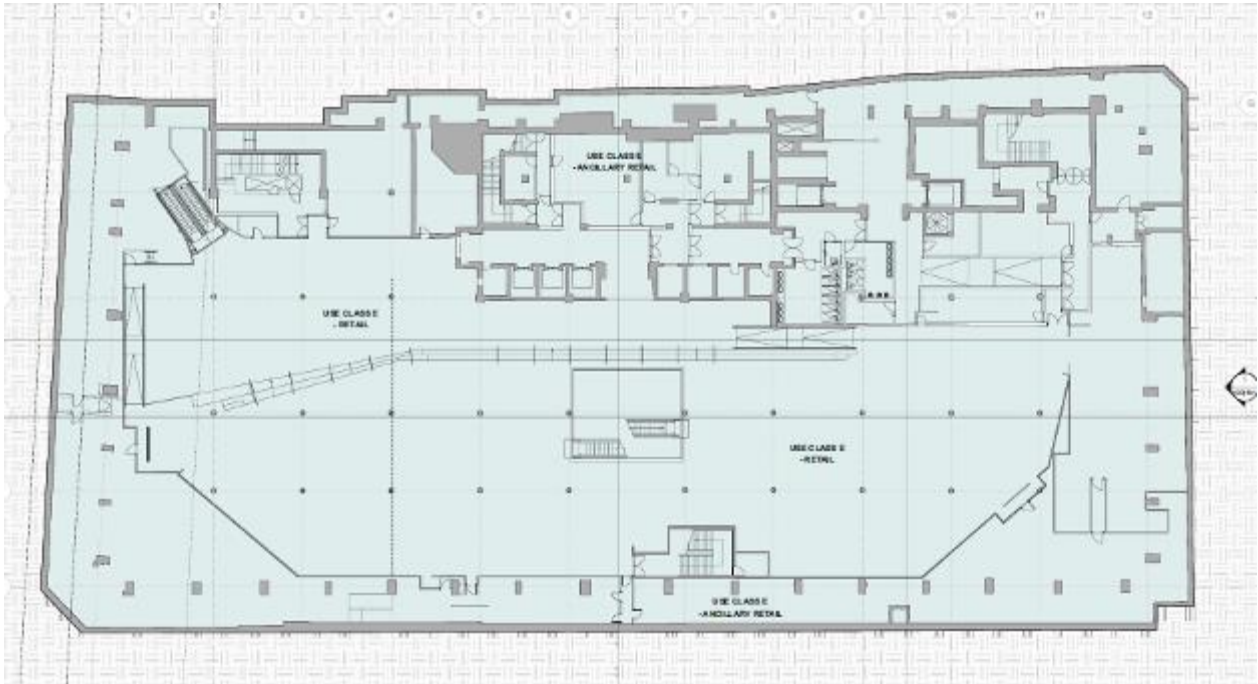
It is recommended that adherence to the City Council's Code of Construction Practice be secured by condition, in accordance with City Plan Policy 33(F).

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

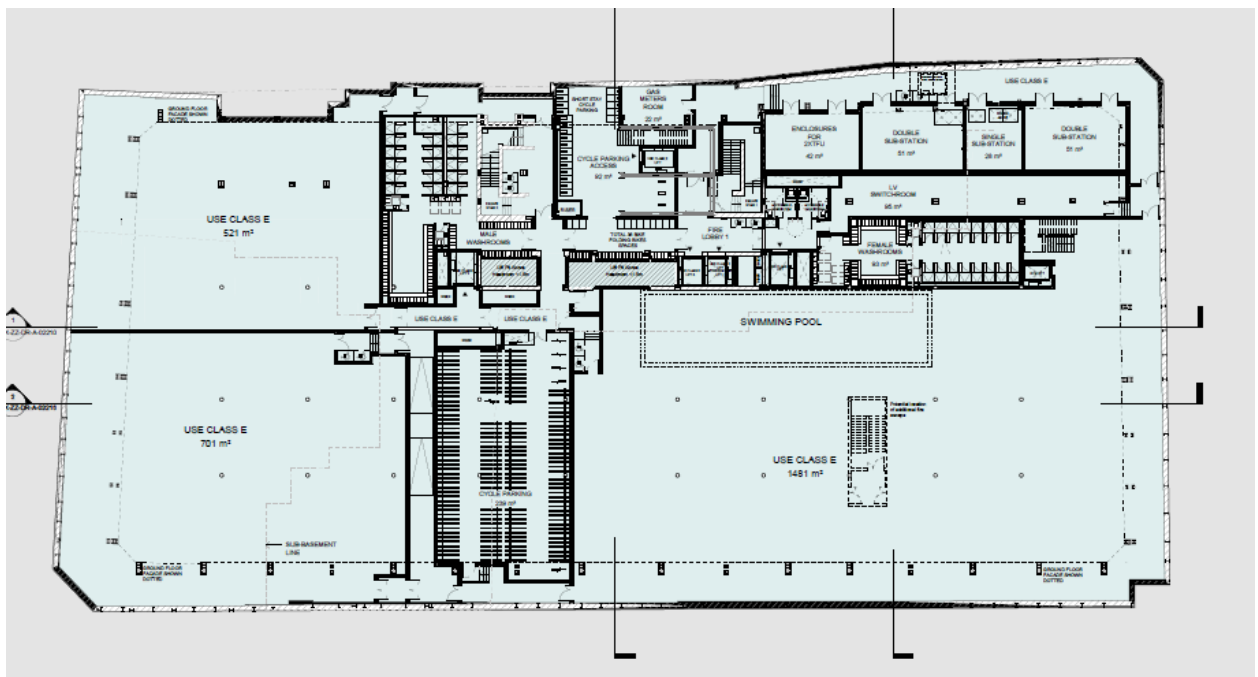
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

9. KEY DRAWINGS

Existing basement floor



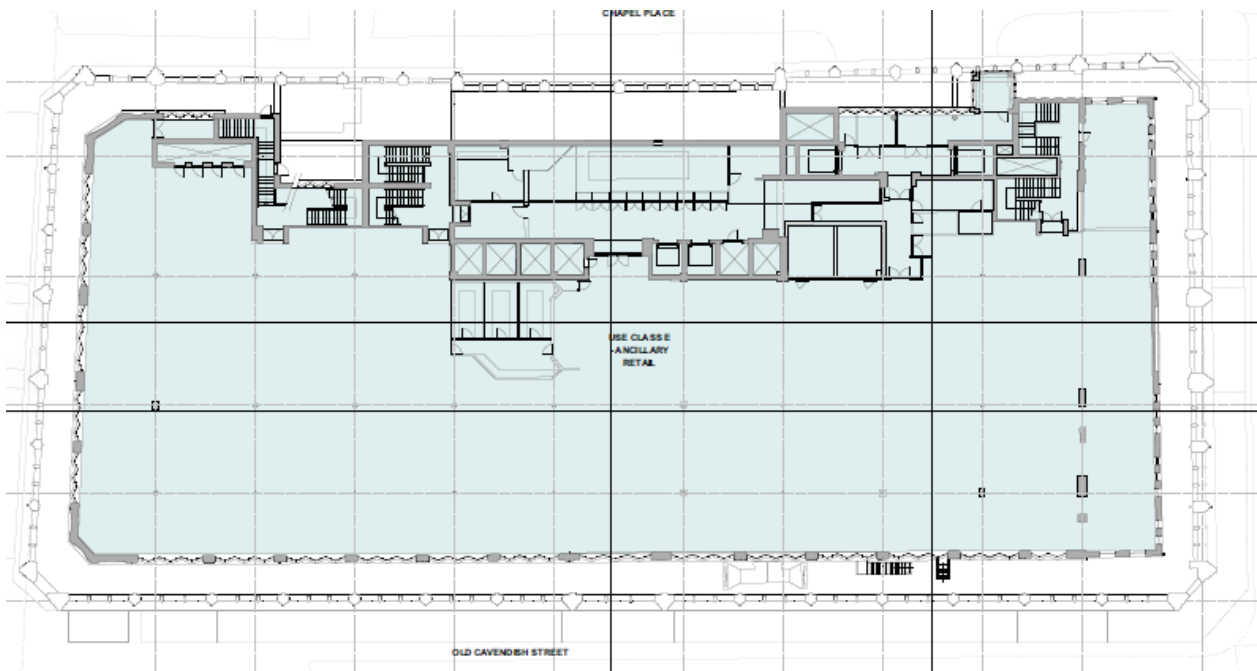
Proposed basement floor



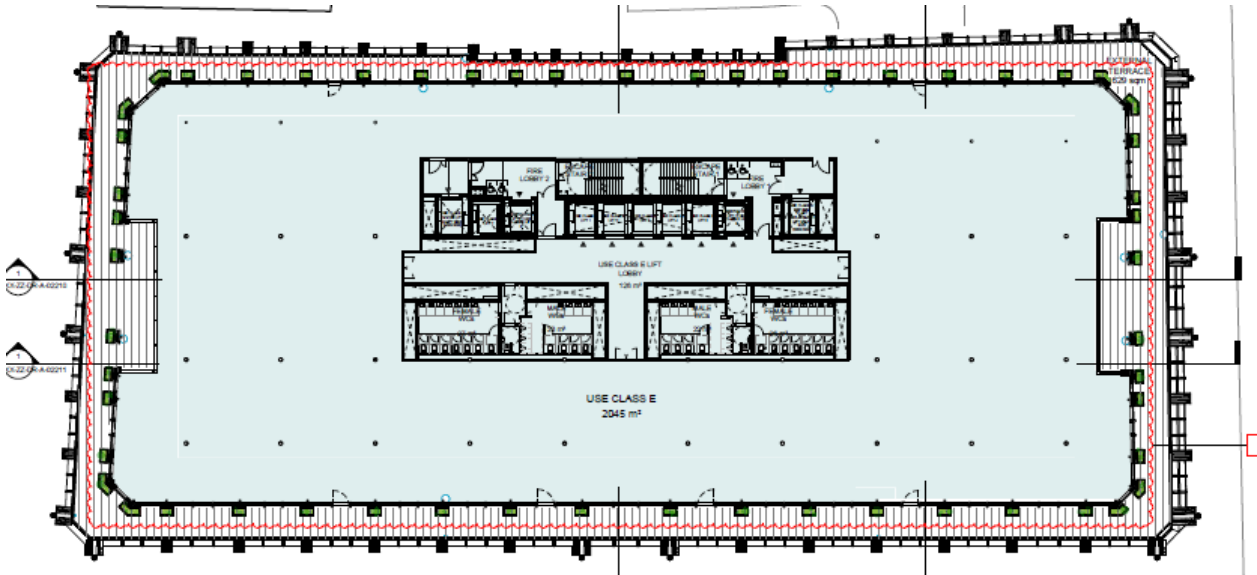
USE CLASS 2 - RETAIL

OLD CAVENDISH STREET

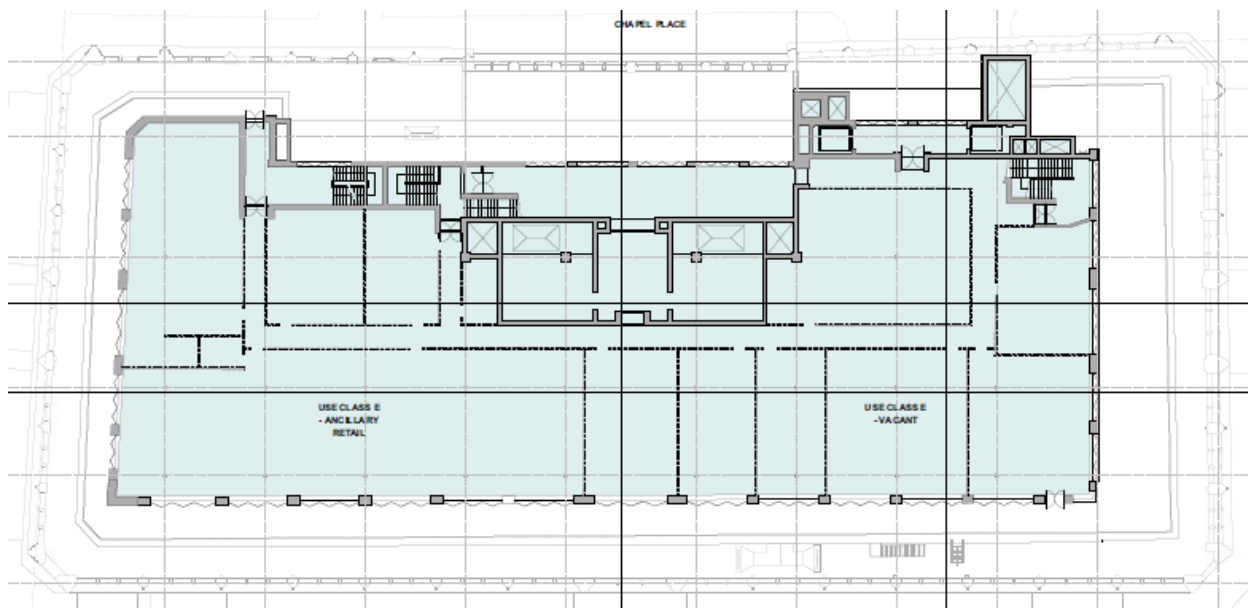
Existing sixth floor



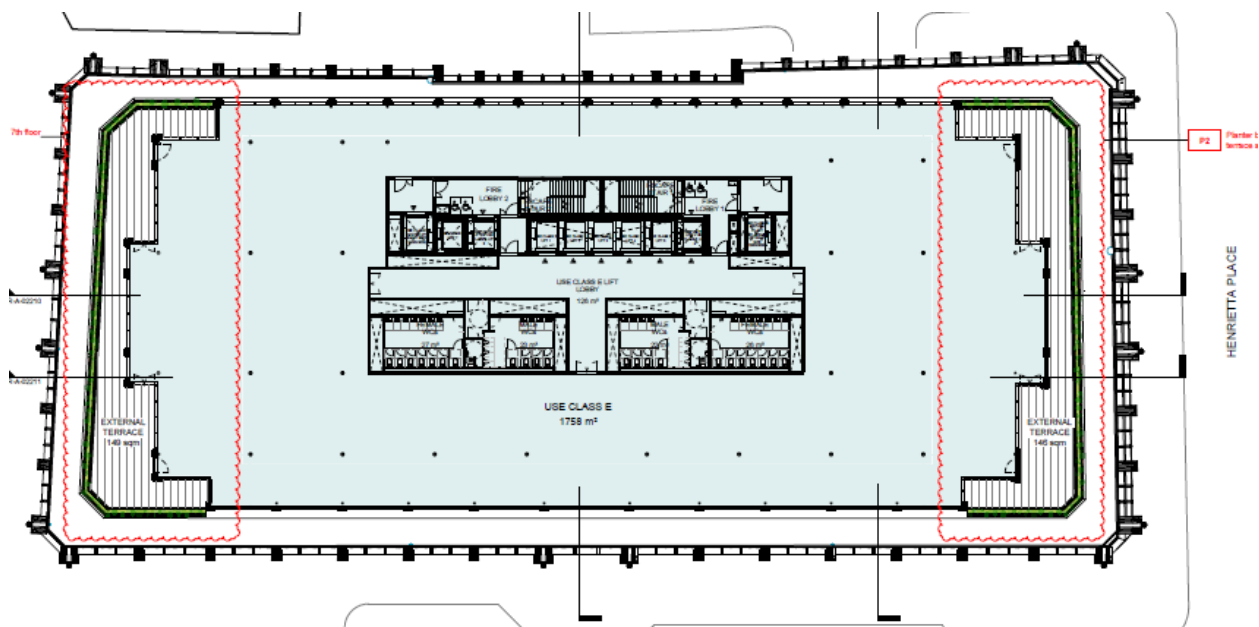
Proposed sixth floor



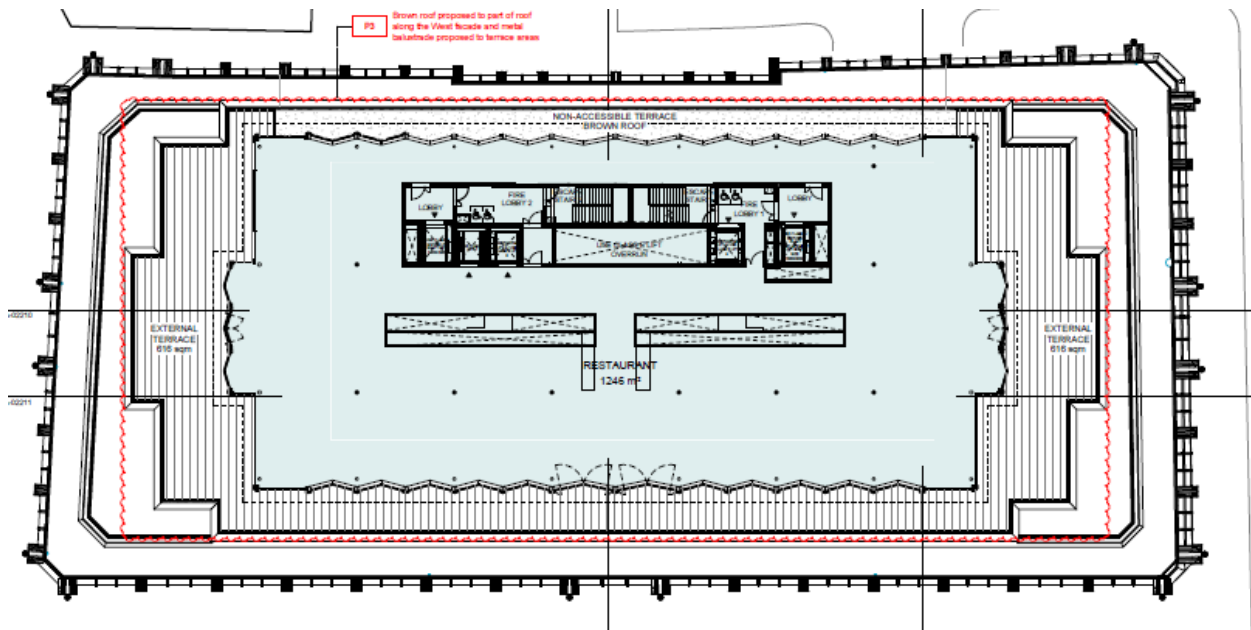
Existing seventh floor



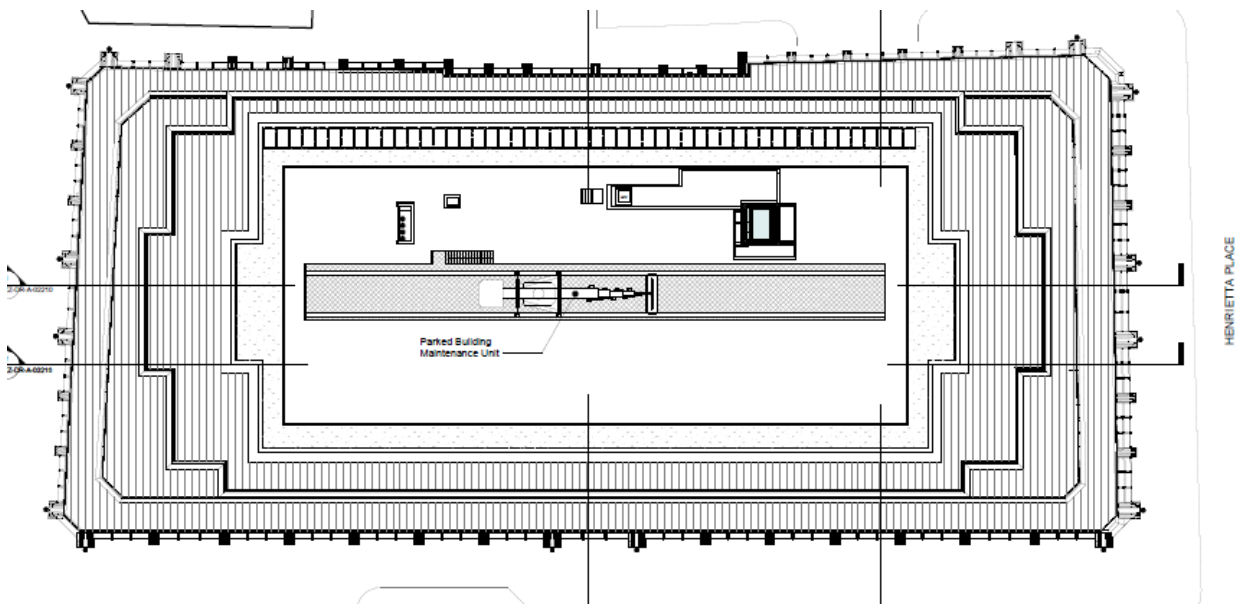
Proposed seventh floor



Proposed new eighth floor



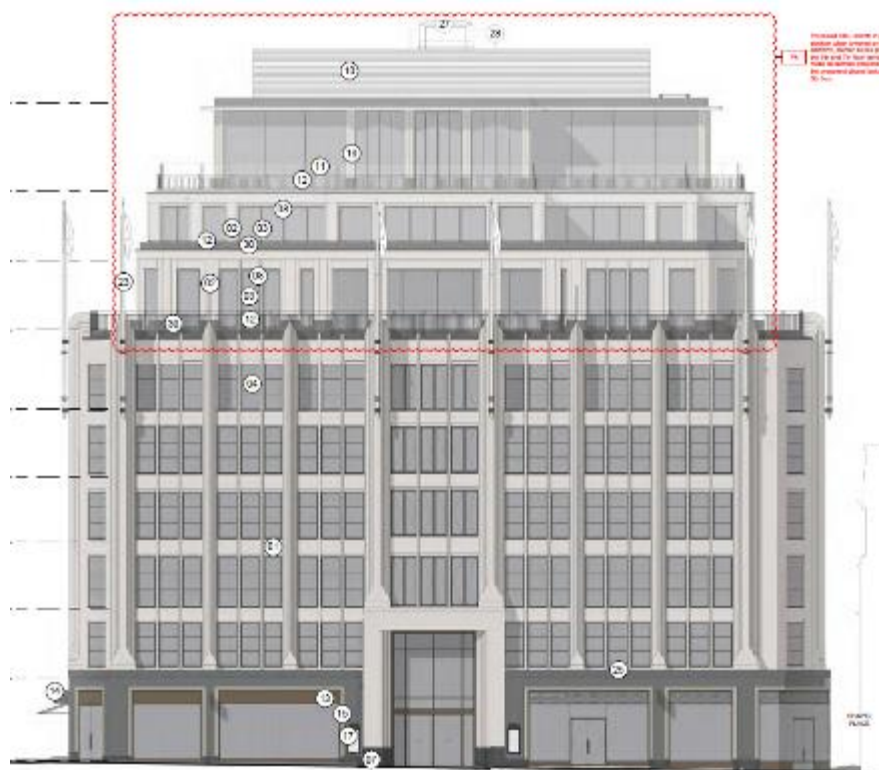
Proposed roof plan



Existing Oxford Street elevation



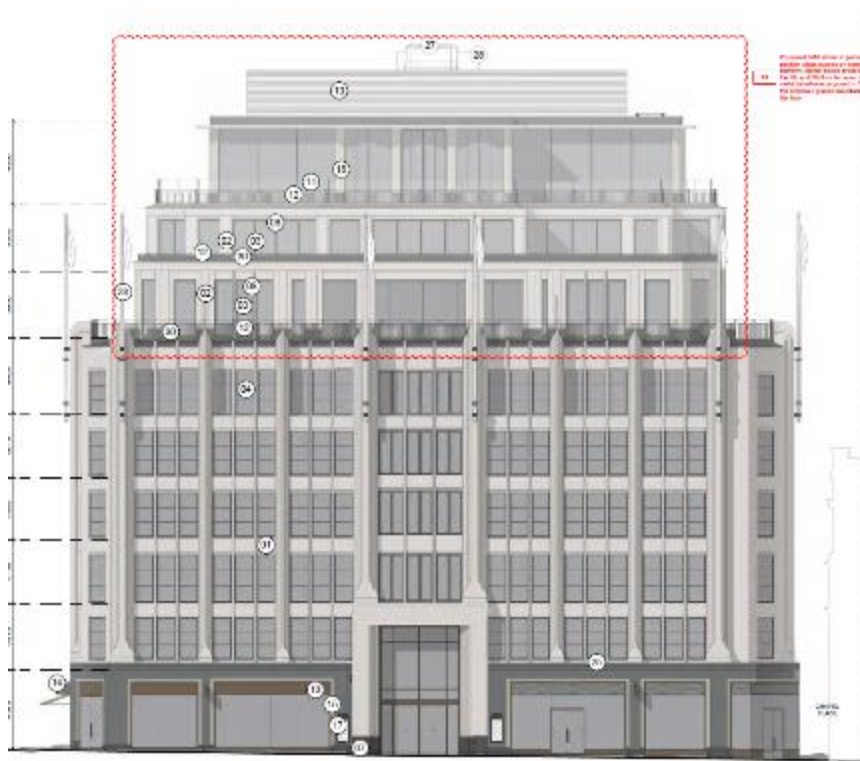
Proposed Oxford Street elevation



Existing Henrietta Place elevation



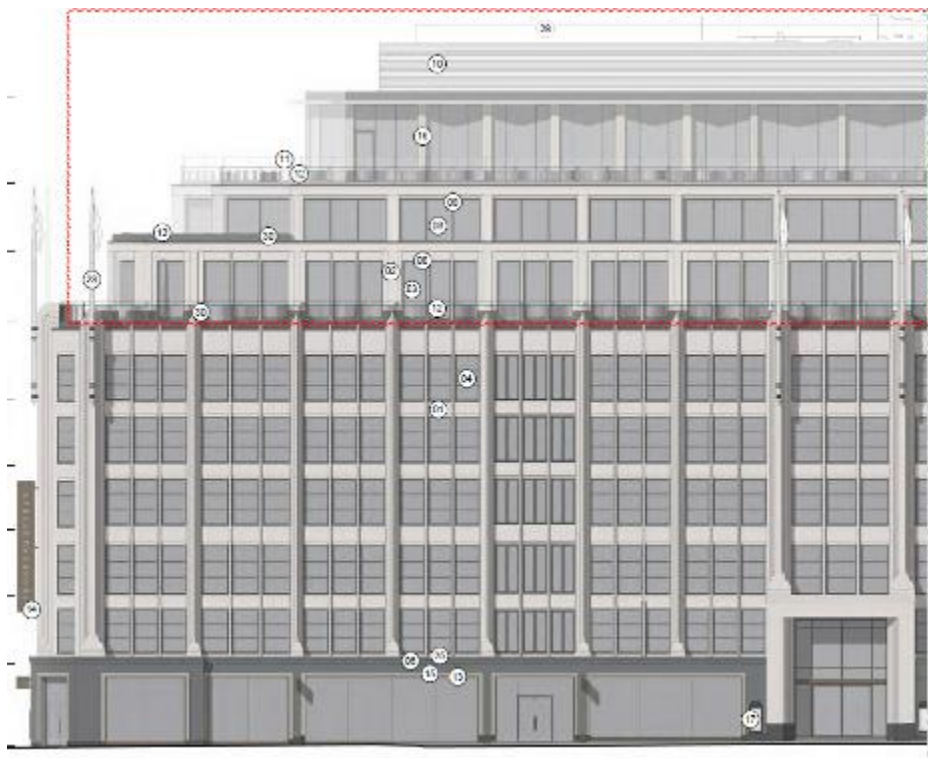
Proposed Henrietta Place elevation



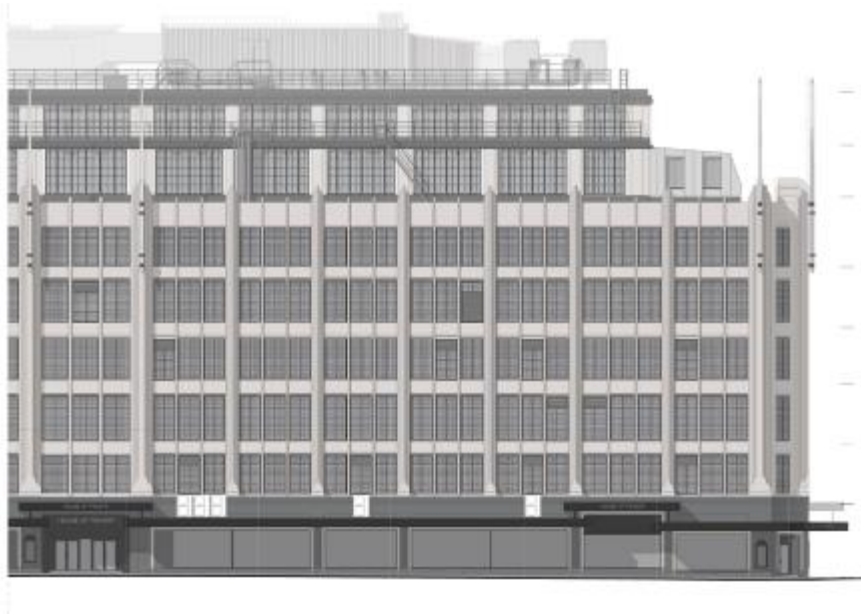
Existing Old Cavendish Street elevation (southern half)



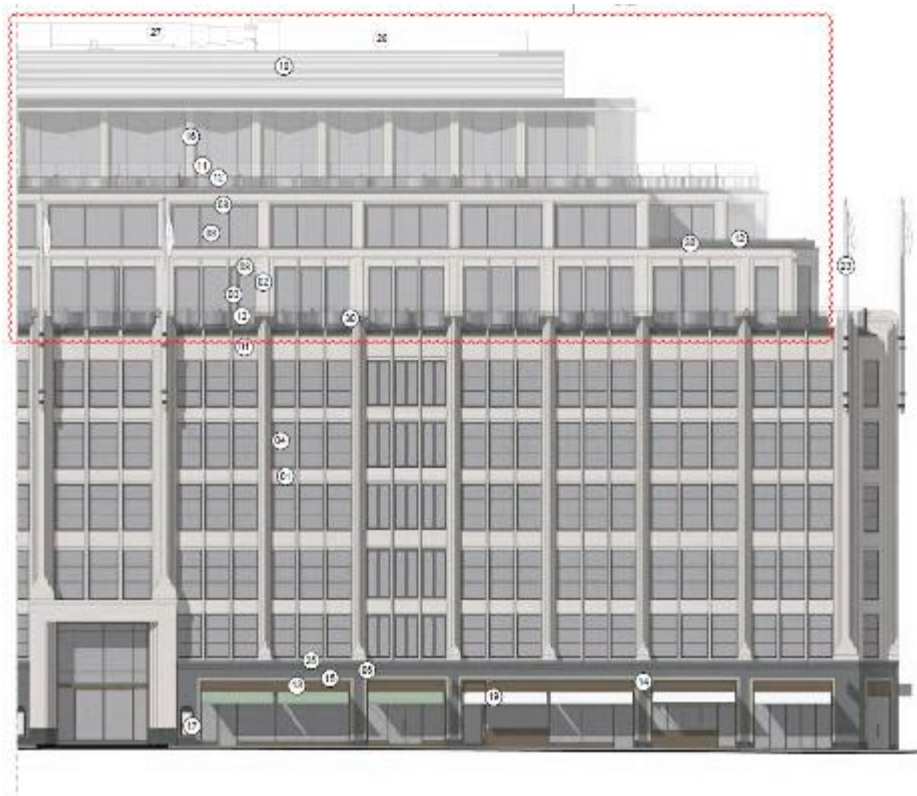
Proposed Old Cavendish Street elevation (southern half)



Existing Old Cavendish Street elevation (northern half)



Proposed Old Cavendish Street elevation (northern half)



Existing Chapel Place elevation (northern half)



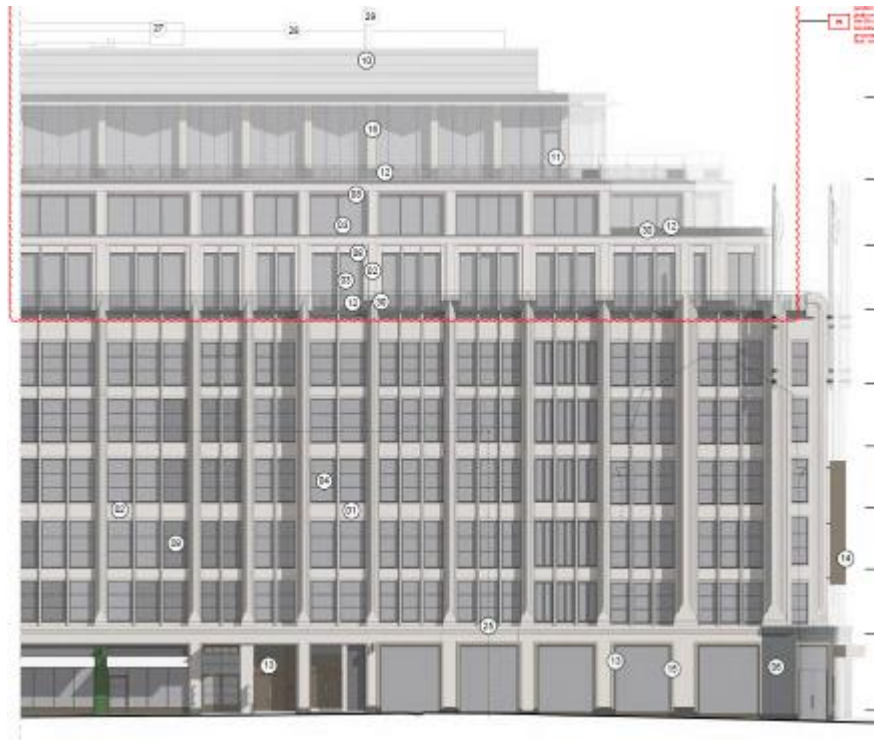
Proposed Chapel Place elevation (northern half)



Existing Chapel Place elevation (southern half)



Proposed Chapel Place elevation (southern half)



Existing view to St Peter's Church from Henrietta Place and Vere Street



Proposed view to St Peter's Church from Henrietta Place and Vere Street



Existing view down Chapel Place from Vere Street



Proposed view down Chapel Place from Vere Street



Existing view from Oxford Street and Woodstock Street



Proposed view from Oxford Street and Woodstock Street



Existing view from Dering Street



Proposed view from Dering Street



Existing view from Oxford Street opposite John Lewis



Proposed view from Oxford Street opposite John Lewis



Existing view from Henrietta Place between Old Cavendish Street and Cavendish Square



Proposed view from Henrietta Place between Old Cavendish Street and Cavendish Square



DRAFT DECISION LETTER – TO FOLLOW

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