

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 April 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>19 To 24, Dering Street, London W1,</b>		
<b>Proposal</b>	Part demolition, part redevelopment and extension to provide a building of two basements, ground and five upper floors, setback sixth floor and setback seventh floor with roof plant and terraces, accommodating Commercial, business and service (Class E) use and associated ancillary spaces.		
<b>Agent</b>	Miss Caoilfhionn Mc Monagle		
<b>On behalf of</b>	Caleus London 1 Property Ltd		
<b>Registered Number</b>	23/07483/FULL	<b>Date amended/ completed</b>	26 October 2023
<b>Date Application Received</b>	26 October 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		
<b>Neighbourhood Plan</b>	Mayfair		

## 1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following obligations:

- a) Undertaking of all highways works immediately surrounding the site, including all costs associated with stopping up parts of the highway
- b) A financial contribution of £ 195,030 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- d) A financial contribution of £145,287 (if the ground floor unit is used for Class E (a) or E (b) purposes) or £145,995 (if the ground floor unit is used for Class E (c) purposes) (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development);
- e) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:

a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning & Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning & Building Control shall consider whether 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 Town Planning & Building Control 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 Dering Street and Tenterden Steet. That the Director of Town Planning and Building Control, Executive Director of Environment and City Management, Director of City Highways or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.

## 2. SUMMARY & KEY CONSIDERATIONS

The proposal seeks to partially demolish, retrofit and extend the existing building, to deliver a new building for retail at part ground and lower ground floors for use as either retail (Class E a), restaurant (Class E b), or financial and professional services (Class E c) purposes and office accommodation (Class E g) from part ground to seventh floors.

The application proposes a deep retrofit of the existing building retaining the structure from lower ground to 3<sup>rd</sup> floor levels, whilst replacing the cores and facades and extending above 3<sup>rd</sup> floor level.

The key considerations in this case are:

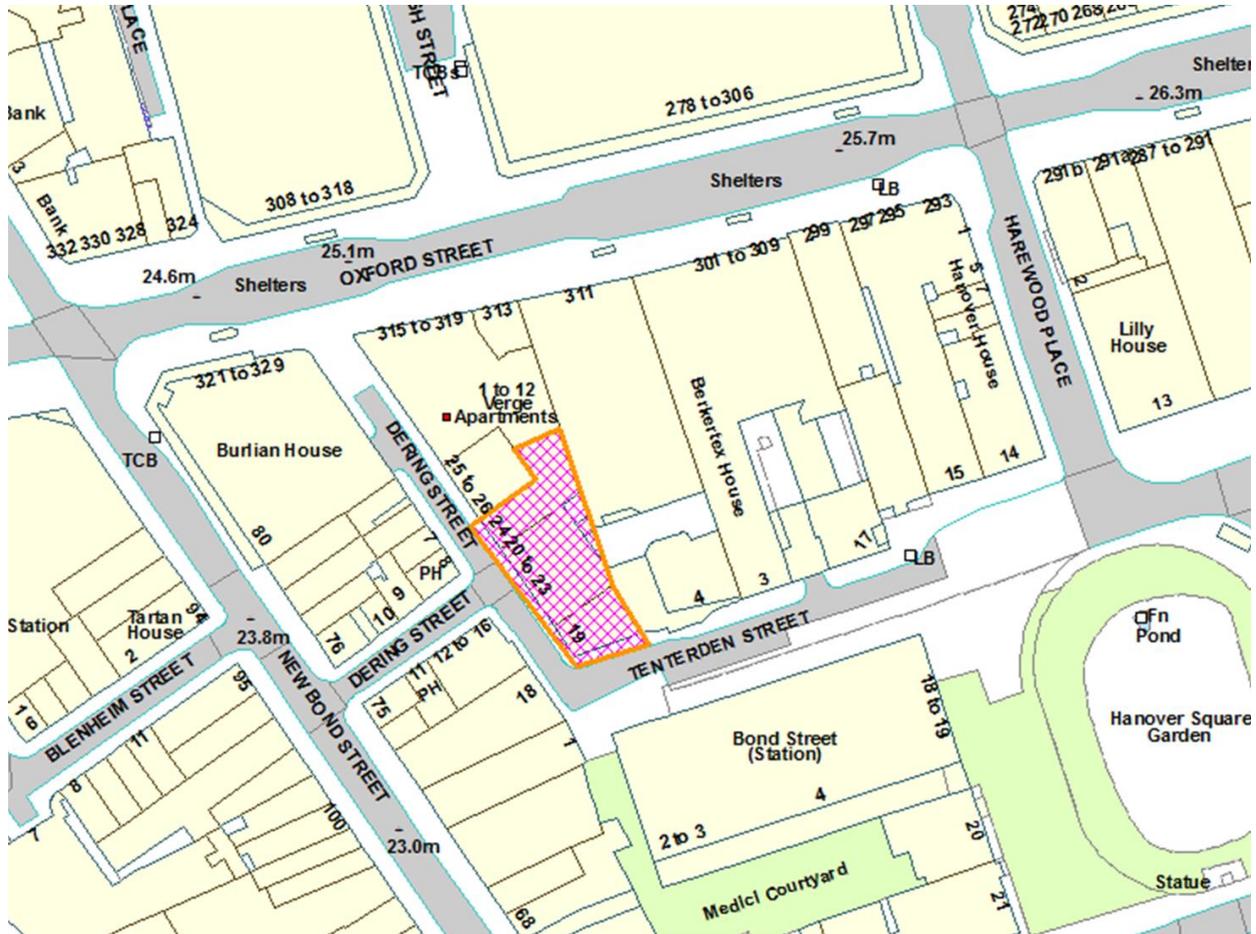
- The acceptability of the scheme in land use terms;
- The acceptability in sustainability terms with regards to embodied carbon emissions and the energy performance of the proposed new building;
- The acceptability of the proposed building in design terms;
- The acceptability in highways terms.

As set out in the main body of the report the proposed development is overall consistent with Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). The scheme is considered acceptable in land use, sustainability/ energy, amenity and highways terms. In design and townscape terms the increase in bulk of the new building is considered to result in some harm but this harm is less than substantial which is outweighed by public benefits that the scheme will deliver. The application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

Item No.
----------

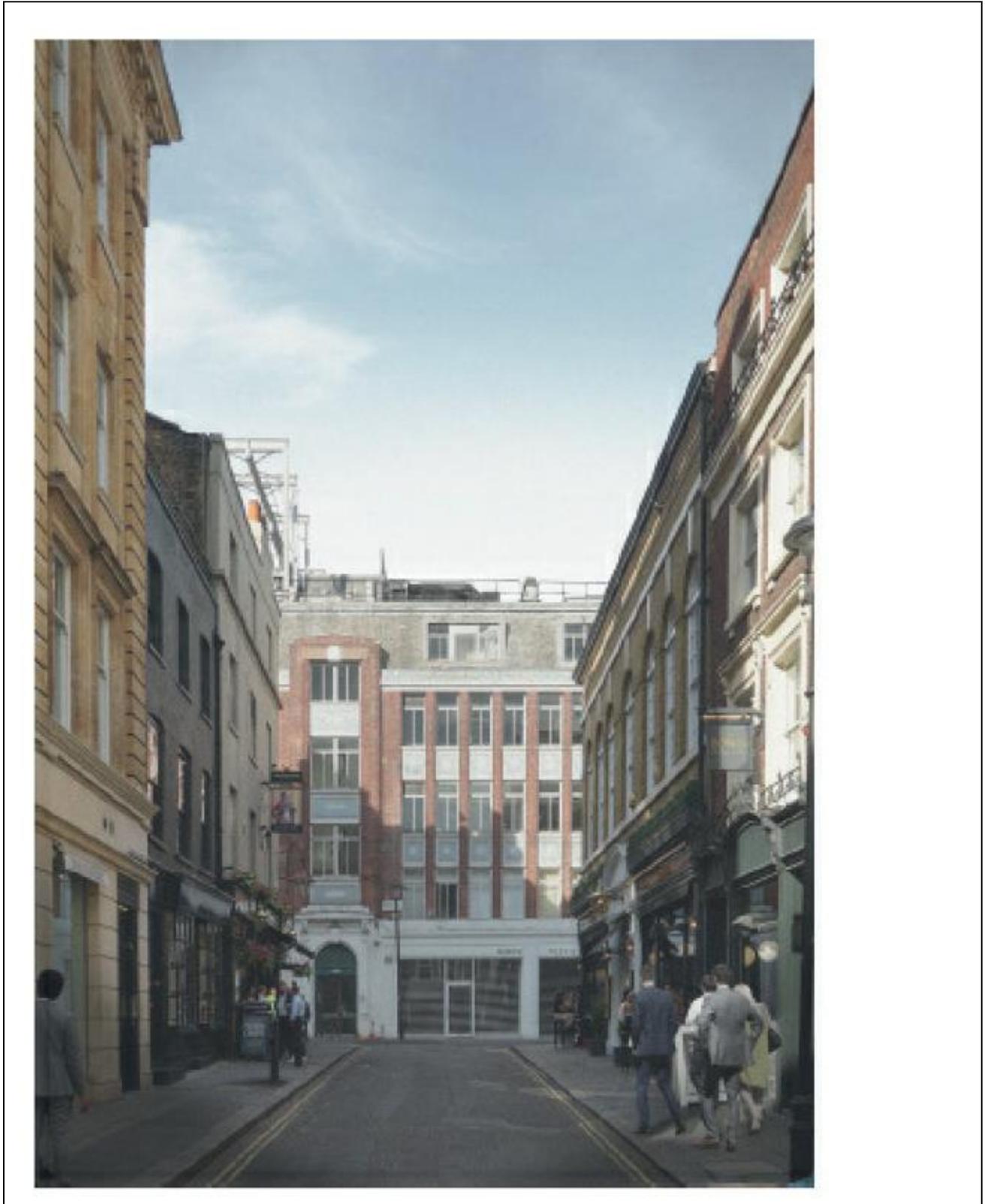
<b>4</b>
----------

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS





## 5. CONSULTATIONS

### 5.1 Application Consultations

#### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

#### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

#### MAYFAIR NEIGHBOURHOOD FORUM

Any response to be reported verbally.

#### HIGHWAYS PLANNING MANAGER

Car parking: a car free development is welcomed.

Cycle parking: Increasing cycle parking from 0 to 89 on site spaces is a benefit, the proposed short stay cycle parking on Tenterden Street could impact on servicing and should be omitted.

Servicing: On street servicing is acceptable subject to an SMP being secured by condition

Stopping Up: In principle objection to the loss of highway

#### WASTE PROJECT OFFICER

Comment that the width of the ground floor door that opens to Dering Street is not large enough to accommodate the passage of the 1,100L bins. The needs to be widened to allow easy passage of the bins.

#### BUILDING CONTROL

Any response to be reported verbally

#### ENVIRONMENTAL SCIENCES

Any response to be reported verbally

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 0

#### PRESS NOTICE/ SITE NOTICE:

Yes

### 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement with the public was carried out by way of a newsletter sent to over 400 addresses linked to an online feedback form. Additionally, as part of the consultation process two webinars were held on 18<sup>th</sup> and 19<sup>th</sup> September 2023 allowing stakeholders to contribute further. The following meetings were held:

1 <sup>st</sup> August 2023	Meeting with representatives from New West End Company
<i>1<sup>st</sup> August 2023</i>	Meeting with Mayfair Neighbourhood Forum
<i>5<sup>th</sup> September 2023</i>	Meeting with Hines a neighbouring property owner
5 <sup>th</sup> September 2023	Meeting with representatives from Great Portland Estates
5 <sup>th</sup> September 2023	Meeting with representatives from Newmark on behalf of Bestseller
15 <sup>th</sup> September 2023	Meeting with representatives from the Residents' Society of Mayfair and St James's
15 <sup>th</sup> September 2023	Meeting with representatives from the Mayfair Neighbourhood Forum

In summary, across the range of engagement undertaken by the applicant local stakeholders were supportive of the scheme the principal issues raised were:

- The use, scale and design of the proposals
- The sustainability credentials of the scheme
- The operation of the proposed new terraces
- Construction management

## 6. WESTMINSTER'S DEVELOPMENT PLAN

### 6.1 City Plan 2019-2040 & London 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) (December 2023) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, the Mayfair Neighbourhood Plan, adopted in December 2019 (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March

2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of “development plan” within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

## **6.2 Neighbourhood Planning**

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

## **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (December 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

The site is located on the corner of Dering Street and Tenterden Street, near Hanover Square. The site is opposite the entrance of the new Bond Street east Elizabeth Line Station. Dering Street provides a link between Hanover Square and Oxford Street.

The site comprises a 1920's mixed use building of 2 x basements, ground and 4 upper floors. The uses are as follows:

- i) Night club and bar (Sui Generis), at the ground and two basement levels;
- ii) Retail spaces (Class E(a), at the ground and upper basement levels
- iii) Gallery and associated studio space (Class E(a), at ground to fourth floors; and
- iv) Office space (Class E (g), at the ground to fourth floors

The site occupies a relatively small narrow plot which restricts views of the building from the surrounding area. The principal façade at the site is the west façade, with its long frontage onto the narrow Dering Street, with limited views from New Bond Street beyond to the west. The shorter, secondary façade faces south onto the wider Tenterden Street, which leads to the open space of Hanover Square to the southeast of the site.

The site lies in the heart of the West End in a largely commercial area with active uses such as shops, pubs and restaurants at ground floor level and generally office uses on the upper floors. The built form in the area is highly mixed, in both age and townscape character. Whilst there is no singular local architectural style, brick is the predominate facing material, employed in a variety of ways. Dering Street provides, in general, a finer grain of older buildings, generally reaching between four and eight storeys in height, with a somewhat industrial character.

The site lies within the Central Activities Zone, the West End Retail and Leisure Special Policy Area (WERLSPA); and the Mayfair Conservation Area.

The site has the following designations within the Mayfair Neighbourhood Plan: Growth Area East Mayfair Commercial Growth; and Dering Street / Tenterden Street Oasis Area.

### **7.2 Recent Relevant History**

None directly relevant

## **8. THE PROPOSAL**

The applicant's aim is to make efficient and effective use of this site in the heart of the West End through the provision of new improved office accommodation alongside retail space part ground and lower ground floor levels whilst retaining and re-using significant amounts of the existing structure.

The submission sets out the constraints of the existing building which are summarised as follows:

- i) Inefficient internal configuration and layout and limited building height, which

- together fail to make efficient or optimal use of this Site;
- ii) Facades which show signs of physical deterioration and provide only limited activation of the ground floor;
  - iii) Poor accessibility within the building;
  - iv) No greenery or outdoor amenity space;
  - v) Poor quality roof form;
  - vi) The nature of the existing structure and façade, which make it difficult to retain in its current form and adapt physically over time; and
  - vii) Poor sustainability credentials with inefficient operational energy performance.

A scheme for complete demolition and redevelopment was considered but discounted for sustainability reasons. The application seeks to retain as much structure as possible. The application involves the partial demolition, retrofitting and upward extension of the building. The scheme involves the following:

- i. Retaining the existing foundations, basement box, steel frame and concrete slabs from lower basement to third floor;
- ii. Removing the existing structure above third floor as well as the existing envelope, stair cores and internal partitions;
- iii. Constructing a new core from lower basement to roof level (located predominantly within the existing rear lightwell, inserting a new steel frame and pre-cast floor slabs from third floor to roof level, inserting a new facades from ground floor to roof level, and inserting new internal partitions, finishes, fittings, fixtures and services throughout.

The proposal includes the provision of cycle parking and end of trip facilities at the basement level, along with a dedicated waste storage room. Terraces for use by office staff are proposed at levels, six and seven. Greening of the site is proposed at roof level along with plant and rooftop PV panels.

The proposed refurbished building of 2 basements, ground and seven floors avoids any excavation works.

In land use terms the scheme would provide retail at ground and lower ground floor levels for use as either retail (Class E a) or restaurant/café use (Class E b) or professional and financial services (Class E c) and office (Class E g) in the remainder of the building. The scheme will provide a 4,584 m<sup>2</sup> of office floorspace an increase of 3,368 m<sup>2</sup>.

**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use office (Class E)	1,217	4,584	+3,368
Retail ( Class E a/ b/ c) *	1,278	375	-903
Night Club ( Sui Generis )	1,459	0	-1.459
Total	3,954	4,959	+1,005

- Includes existing gallery space which falls within use Class (E a).

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Loss of bar/nightclub (Sui Generis)

The scheme would result in the loss of an existing bar/ nightclub in a unit located on the corner of Dering Street and Tenterden Street at ground and two basement levels. At lower basement level this would be replaced by ancillary spaces serving the building such as plant and cycle parking, whilst the upper basement and ground floors would accommodate retail (Class E) accommodation.

London Plan Policy HC6 seeks to support and manage evening and the night-time venues. The supporting text confirms that recent years, many valued night-time venues have been lost and this has disproportionately affected particular groups.

City Plan policy 2 supports the intensification of the WERLSPA to deliver an improved retail and leisure experience and a diverse evening and night-time economy.

The nightclub on the site 'The Loop', is not a well-known or renowned night-time venue within the context of London's vibrant nightlife scenes and nor does it accommodate specific or under-represented groups. No objections have been received in response to consultations. It is considered that the loss of the nightclub would not be harmful to the WERLSPA or the CAZ as such this aspect of the application is considered to be acceptable.

#### Increased Office Provision

The proposals involve increasing office floorspace. It will deliver 4,584 m<sup>2</sup> of office floorspace, representing an uplift of approx. 3,368 m<sup>2</sup>. City Plan Policies 1, 4, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs in the city, alongside other forms of commercial growth.

Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character.

London Plan Policies SD1, SD4 and E1 support growth of office floorspace in the CAZ and opportunity areas and the provision of new and refurbished office space which will improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies. The new office floorspace proposed in this location is welcomed in respect to the policies. The site is within a commercial area located close to Bond Street Elizabeth line (Hanover Square entrance) station. It is an appropriate site for commercial growth. The uplift in floorspace will contribute towards the office-based jobs growth targets. The proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards. The proposals include providing new outdoor space for office occupiers, new landscaping and new facilities, including for cycle parking. The building will also be more energy efficient. Overall, the proposals will create a higher quality office environment and will improve the office offer. The applicant has confirmed that the building is designed to be operated so that the proposed floorspace can be let flexibly to various types of office occupiers. The proposed building's layout

is such that it will be capable of providing space for small to medium size companies, letting floors or multiple floors. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

An unrestricted Class E use will not accord with the City Plan because a loss of office accommodation in this location will undermine the provision of an appropriate mix of uses that supports the vitality, function and character of the CAZ. Further, because Class E contains a wide variety of uses (including indoor recreation) and given the amount of office floorspace proposed and proximity to residential occupiers, conversion to other Class E uses could result in harmful impacts to amenity, local environmental quality and/ or the highway network. Therefore, a condition is recommended restricting the upper floors to offices (Class E g) and not for other uses within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020.

### Ground/ Lower ground floor Commercial unit

#### Policy

One of the core principles of the NPPF is to promote mixed use developments and encourage multiple benefits from the use of land in urban areas. Paragraph 86 of the NPPF seeks to promote town centres as the heart of communities, through taking a positive approach to their growth, management and adaptation.

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

City Plan policy 2 supports the intensification of the WERLSPA to deliver an improved retail and leisure experience and a diverse evening and night-time economy.

City Plan policy 14 states that the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses is supported in principle, subject to the impact on townscape and heritage. Proposals in existing town centres and high streets will enhance and diversify their offer as places to shop, work and spend leisure time.

Part B of Policy 14 requires the provision of active frontages and uses that serve visiting members of the public at the ground floor throughout the town centre hierarchy. Policy 14 part C states that all development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed.

City Plan policy 16 states that “proposals for food and drink and entertainment uses will be of a type and size appropriate to their location”. The policy states that “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”.

The supporting text to policy 16 states that the entertainment, food and drink sector “plays a vital role in supporting the visitor economy, providing local employment opportunities and contributing to London’s world city status”.

The existing site provides 385 m<sup>2</sup> retail (Class E(a) space at the ground floor. The upper floors also currently provide 893 m<sup>2</sup> of separate art gallery and studio accommodation with associated offices (all falling also in Class E(a). There is no condition controlling the use of any of the latter space, meaning the use of the retail and gallery space could be changed to any other use within Class E (such as retail or office) without further planning permission being granted for change of use.

The proposal would provide 375 sqm of retail space (within either Class E(a) retail, or Class E(b) food and drink, or Class E (c) financial services at part ground and upper basement levels. This is a reduction of 1,278 m<sup>2</sup> of retail floorspace at the existing site (when the gallery accommodation at the upper floors is also included).

The net loss of retail floorspace results from the reallocation of some of that space for office use (at the upper levels). Although the ground floor office entrance would be increased in size, overall the scheme would result in an increase in the active frontage due to replacing the nightclub/bar. The proposed alternative Class E (a) (b) and (c) uses would all result in the provision of uses which serving the visiting public at street level within the WERLSPA and CAZ in accordance with development plan policies.

With regards to the option for the use as Class E (b) for the sale of food and drink the applicant advises that this would not be for primary cooking but could be a café' falling within Class E (b) without primary cooking. Given the sites location in the heart of the West End where there is very limited residential in the immediate vicinity, use of 375 m<sup>2</sup> of retail space for food and drink purposes within Class E(b) is considered to be acceptable in principle. As the proposal is speculative with no operator identified at this stage, to ensure that any food and drink use is a type that would neither be harmful to residential amenity or the character and function of the area a condition is recommended which requires the approval of a Management Plan prior to the use commencing and compliance with the Management Plan whilst the use remains in existence. On this basis this aspect of the application is considered to be acceptable. Given that the use would replace a nightclub it is considered there would be no harm locality.

The proposal would result in better quality and more flexible retail floorspace. The frontages on both Dering Street and Tenterden Street would be improved, giving the site greater activation. Overall the retail provision will contribute to the vitality, vibrancy and character of the WERLSPA and the CAZ in accordance with London Plan and City Plan policies.

## 9.2 Environment & Sustainability

### Sustainable Design and the Circular Economy

#### Summary of policy and guidance

NPPF Para. 152 states, *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; **encourage the reuse of existing resources, including the conversion of existing buildings**; and support renewable and low carbon energy and associated infrastructure”* [emphasis added].

London Plan Policy GG5 states, *“To conserve and enhance London’s global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must... [under Part H]: recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London’s economic success”*. The supporting text states, *“Creating a low carbon circular economy, in which the greatest possible value is extracted from resources before they become waste, is not only socially and environmentally responsible, but will save money and limit the likelihood of environmental threats affecting London’s future”* (Para. 1.6.2).

‘Circular economy’ is defined within the London Plan’s glossary as, *“An economic model in which resources are kept in use at the highest level possible for as long as possible in order to maximise value and reduce waste, moving away from the traditional linear economic model of ‘make, use, dispose’”*.

The promotion of transitioning to a low carbon circular economy is also supported by London Plan Policy GG6 that states, *“To help London become a more efficient and resilient city, those involved in planning and development must... [under Part A]: seek to improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050”*.

London Plan Policy D3, *“All development must make the best use of land by following a design-led approach that optimises the capacity of sites ... Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development... that responds to a site’s context and capacity for growth... and that best delivers the requirements set out in Part D’*. Part D refers to a number of requirements, including under Part 13 that development proposals should, *“aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy”*. Figure 3.2 and the supporting text set out a hierarchy of building approaches which maximises use of existing material, with ‘retain’ at its heart, stating, *“Diminishing returns are gained by moving through the hierarchy outwards, working through refurbishment and re-use through to the least preferable option of recycling materials produced by the building or demolition process”* (Para. 3.3.12).

This prioritisation of retaining existing building fabric is also supported by London Plan Policy SI 7(A)(1) that sets out the objective to, *“promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible”* and City Plan Policy 37(A) that states, *“The Council will promote the Circular Economy...”*. The supporting text for London Plan Policy SI7 states, *“London should move to a more circular economy as this will save resources, increase the resource efficiency of London’s businesses, and help to reduce carbon emissions. The successful implementation of circular economy principles will help to reduce the volume of waste that London produces and has to manage. A key way of achieving this will be through incorporating circular economy principles into the design of developments...”*. (Para. 9.7.1). The large proportion of London’s total waste that is made up of construction, demolition and excavation waste is highlighted in London Plan Para. 9.7.4 that states that in 2015, this waste stream constituted 54 per cent of the total waste generate in London (9.7 million tonnes).

Section 2.4 of the Mayor of London’s Circular Economy Statements guidance (March 2022) sets out Circular Economy design approaches for existing buildings, with Para. 2.4.1 stating that the

'decision tree' should be followed to inform the design process for the development from the outset (informed by a pre-redevelopment and pre-demolition audits, where possible, and a whole life carbon assessment). In cases where there are existing buildings on site, the decision tree asks if it is technically possible to retain these buildings in whole or part. If so, the decision tree asks whether the existing building, or parts of these building, are suitable to the requirements of the site. If the answer is 'yes in whole', the guidance indicate that the building should be retained and retrofitted. If the answer is 'yes in part', the guidance indicates that the building should be partially retained and refurbished. This approach, the guidance states, is to follow the approach set out in Figure 3.2 of the London Plan, stating, "...*retaining existing built structures totally or partially should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option*" (Para. 2.4.2 ). Such an approach is required to adhere to London Plan Policy D3 that states that development proposal should take into account the principles of the circular economy. In terms of what optioneering is expected Para. 2.4.5 adds, "*When assessing whether existing buildings are suited to the requirements for the site, applicants should robustly explore the options for retaining existing buildings (either wholly or in part). Where disassembly or demolition is proposed, applicants should set out how the options for retaining and reconstructing existing buildings have been explored and discounted; and show that the proposed scheme would be a more environmentally sustainable development*".

City Plan Policy 38(A) states, "*New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods*". City Plan Policy 38(D) (Design Principles) added, "*Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating **principles of sustainable design**...*" [emphasis added]. The supporting text for City Plan Policy 38 states, "*As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition...*" (Para. 38.11).

Guidance on the meaning of 'sustainable design principles' is found within the 'Retrofitting and Sustainable Design' chapter of the Westminster's Environmental SPD (February 2022). The guidance states, "*The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings*" (p. 104). Page 87 also states, "*Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies*".

This guidance adds that, "*Putting the circular economy into action in Westminster's built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development*" (p.96).

Mayfair Neighbourhood plan

Policy MES5.2 states 'All new developments shall demonstrate that measures will be put in place to manage energy use in operation, ensuring that developments meet their energy performance commitments when in operation'.

Policy MES5.3 states 'All new developments shall carry out an assessment of embodied carbon emissions resulting from the construction of the development, demonstrating that all appropriate measures have been taken to minimise the embodied carbon of the development'.

### Assessment – Whole life Carbon and Circular Economy

The existing building was constructed in 1927, comprising of concrete pad foundations, encased steel frame and concrete clinker floor slabs.

The applicant team followed the GLA decision tree, identifying that retaining the building as a whole cannot provide ground floor accessibility, roof improvements and accommodation, as well as extension due to the limited capacity of the existing building.

The applicant considered a scheme for complete demolition and redevelopment but advise that the design team were committed to a scheme which responds positively the challenges of climate change by following a highly sustainable approach aligned with policy 38D of the City Plan.

It is welcomed that the design approach changed significantly from full demolition to deep retrofit, prioritising the retention of as much of the existing structure as possible, while delivering energy and thermal improvements on the site.

The deep retrofit proposed involves replacing the façade but retaining the basements and structural grid away from the façade, and providing an extension above. The scheme will retain and reuse 100% of the existing substructure and 64% of the existing slabs above ground. Some demolition will occur to allow for core modifications and level access and removal of the 4<sup>th</sup> floor mansard.

The proposal considers reuse of existing external and internal elements, including brick, LEF lights, kitchen equipment, granite worktops, carpet tiles, engineered timber, stone flooring as well as exploring re-using fixtures and fittings through re-manufacturing. The proposal involves modern methods of construction, such as prefabricated modular construction approach to steel-frame and pre-cast planks, ensuring minimised transportation and design for deconstruction.

The submission sets out the carbon emission of the proposed scheme in comparison with a notional redevelopment scheme assessing both the upfront (the so-called 'cradle to completion' – Modules A1- A5) and the whole life carbon emissions (the so-called cradle to grave – Modules A-C) carbon emissions for each option.

A summary of the carbon figures compared with the GLA current and aspirational targets is shown in the following table:

	Proposal (‘Option 3’ in WLC report)	Demolish and Rebuild Scenario (‘Option 4’ in WLC report)	GLA aspirational benchmark (offices)	GLA benchmark (offices)
Upfront carbon (‘cradle to practical completion’) (i.e. Modules A1-A5) (kgCO <sub>2</sub> e/m <sup>2</sup> )	530	770	<600	<950
Whole life carbon (‘cradle to grave’) (i.e. Modules A-C (excluding B6 and B7) (kgCO <sub>2</sub> e/m <sup>2</sup> )	880	1125	<970	<1400

The proposed deep retrofit is considered acceptable compliant with London Plan Policy SI2 Minimising Greenhouse Gas Emissions, Policy SI7 Reducing waste and supporting the Circular Economy, following closely GLA’s Whole Life Carbon and Circular Economy Strategy guidance for early stages considerations. The proposal is also compliant with the City Plan Policy 38 Sustainable Design and 37 Waste Management.

### Circular Economy Statement

A pre-demolition audit has been completed, and a phased deconstruction is proposed. The applicant is encouraged to continuously update their re-use targets (both on and off-site, for all building layers). The submitted circular economy statement sets out that waste will be minimised during demolition and construction. The development targets the reuse or recycling of 95% of construction and demolition waste. The applicant is seeking to re-use identified materials (by weight this equates to 23390kg). Conditions are recommended requiring whole life carbon assessment submissions at pre-commencement, construction, and post-completion stages, ensuring that carbon emissions would be minimised and reuse of materials are maximised.

### Energy Performance

#### Summary of policy and Guidance

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of 35 per cent beyond Part L of the Building Regulations 2013 (or, if updated, the policy threshold will be reviewed). 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.

National building regulations were updated to enhance energy performance standards for new buildings through Part L 2021 that came into force on 15 June 2022. The Mayor of London's updated Energy Assessment Guidance states that an on-site carbon reduction of at least 35 per cent beyond Part L 2021 of building regulations should be achieved. The above energy policies all require development proposals to achieve the maximum possible operational regulated carbon savings, with the aim to be zero carbon.

#### Assessment

The Energy Statement submitted by the applicant has been reviewed in accordance with the Westminster City Plan 2019 -2040 Policy 36 A-E and the London Plan 2021 Policy SI2. The development targets energy efficiency improvements and carbon emissions reductions for the building.

**Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.**

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	3.2	12
<b>Be Clean:</b> Savings from heat network	0	0
<b>Be Green:</b> Savings from renewable energy	4.3	16
Cumulative on-site savings	7.5	28
Carbon shortfall	591	-
	Tonnes CO2	
Cumulative savings for offset payment		
<b>Cash-in-lieu contribution</b>	<b>£195,030</b>	

The baseline against which the carbon emissions savings have been calculated is Part L 2021 of the Building Regulations. The carbon intensity factors adopted for the calculations are in line with the Greater London Authority (GLA) methodology as set out in their Energy Assessment Guidance. The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 is challenging to achieve, as acknowledged in the GLA's guidance. However, the applicant has made significant efforts to reduce emissions through the Energy Hierarchy, as set out below, and is aiming to achieve a BREEAM rating of excellent, which is recommended to be conditioned.

#### Be Lean

As illustrated in the Energy Statement, to maximise the energy efficiency of the development and thereby reduce energy demands, several key design principles have been incorporated, namely:

- i. Incorporating opening windows to allow for natural ventilation;
- ii. Using energy efficient designs and layouts to minimise internal heat generation;
- iii. Providing glazing which carefully balances daylighting and solar gain; and
- iv. Providing any active cooling which is required via low carbon energy generation (air source heat pumps).

#### Be Clean

The Energy Statement confirms that a connection to a district heating network is not feasible, given the substantial distances to the nearest existing network.

#### Be Green

The applicant proposes to use a heat pump system to provide heating and hot water. In addition, 35m<sup>2</sup> of rooftop photovoltaic (PV) panels are proposed to generate renewable electricity. The inclusion of heat pumps and photovoltaic panels would result in a 16% saving against the Part L 2021 benchmark.

#### Net Zero

In conclusion, with regard to the energy issues, the proposal is considered to be acceptable and officers are satisfied that the carbon savings are the maximum that can be achieved on site. A financial contribution towards the City Council's Carbon Offset Fund of £195,030 will be secured by legal agreement to fund carbon savings off-site to offset the residual operational carbon emissions arising from the proposed development.

#### BREEAM

The Sustainable Design Statement explains that the proposed development is targeting a BREEAM score of 77%, which falls within the BREEAM 'Excellent category' development.

#### Air Quality

London Plan Policy SI1 states that development proposals should not lead to further deterioration of existing poor air quality; create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits; and create unacceptable risk of high levels of exposure to poor air quality. As a minimum, development proposals must be at least Air Quality Neutral, and should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation

measures. Similar policy requirements are sought by Council Policy 32. Air quality and in the Environmental SPD, and Mayfair Neighbourhood Plan MES 1.2

The applicant has submitted an Air Quality Report by Redmore Environmental Ltd. This states that during the construction phase of the development assuming good practice dust control measures are implemented, (which will be sought as part of the Code of Construction requirements) the residual significance of potential air quality impacts from dust generated by demolition, and construction was predicted to be not significant.

Potential impacts during the operational phase of the proposed development may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Due to the low number of vehicle movements, traffic exhaust impacts were also predicted to be not significant.

The air quality report indicates that the development would be air quality neutral in accordance with policy.

### Flood Risk & Sustainable Drainage

The site is in Flood Zone 1 and not within a Surface Water Management Zone and therefore has a low risk of surface water flooding from either fluvial or surface water flooding.

In terms of sustainable drainage, both London Plan Policy SI 13 and City Plan Policy 35(J) require development proposals to aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

A Drainage Strategy and Flood Risk Assessment report has been submitted in support of the application. The proposal incorporates appropriate SuDS measures in line with the drainage hierarchy, in the form of blue roofs, improving drainage retention on-site compared to the existing situation. These measures contribute to the strategic aim of reducing the flooding risks associated with climate change. The proposal therefore meets the requirements of local and regional policy and the NPPF with regard to flood risk and drainage.

### **9.3 Biodiversity & Greening**

The existing site is highly urbanised and provides no greenery, giving an existing Urban Greening Factor score of 0. The UGF score for the proposal is 0.11.

The design of the proposed development has been carefully considered to maximise the amount of green infrastructure proposed, despite the limitations posed by the site's constrained urban context. The proposal includes the provision of greenery at multiple locations across the uppermost storeys, providing both a wide variety and a substantial quantity of greening, including the planters at levels 6 and 7 and vertical trellises for climbing plants. The Proposed Development will therefore have an urban greening factor of 0.11, which represents a substantial improvement on the existing position, despite its constrained urban location. The Urban Greening Factor Statement confirms that the greening of the site has been maximised within its constraints, which are dictated but the highly constrained urban location.

### **9.4 Townscape, Design & Heritage Impact**

### Legislative & Policy Context

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 ('the LBCA Act') 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 LBCA 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 LBCA 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 be clearly and convincingly justified and should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, including where appropriate securing the optimum viable use of the heritage asset, 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.

In considering these proposals the key urban design and conservation policies relate to the protection of conservation areas, the setting of listed buildings, views, and the quality of the replacement building. These include City Plan Policies 38, 39 and 40.

#### Site and surroundings

19-24 Dering Street is a large inter-war commercial building located at the junction of Dering Street and Tenterden Street, in the Mayfair Conservation Area. The existing building was constructed in 1927 to designs by the architect Thomas Bennett (founder of TP Bennett).

The building is five storeys, of red brick with rendered dressings in white and blue, with Art Deco motifs in its spandrel panels, cornice, and stair porticos. While it has not been explicitly identified as an Unlisted Building of Merit, 19-24 Dering Street is considered to make a modest positive contribution to the character and appearance of the Mayfair Conservation Area.

The scale of the buildings in this part of the conservation area is varied. More recent developments within the immediate vicinity of the site – such as the new nine storey building above the eastern entrance to Bond Street Station – has led to an increasing sense of scale and height to the buildings to the south. Building heights currently vary along Dering Street between four and six storeys, with lower-scale development generally being the historic

eighteenth and nineteenth century buildings west of the site while the more modern examples are generally taller.

There are two listed buildings in the immediate context of the site. 7 Dering Street faces the site across Dering Street – it is a four storey building of 1904. 9 Dering Street (1740) is on the east/west portion of Dering Street and forms part of the foreground of the site in views from New Bond Street. Both are grade II listed.

#### Principle of demolition of facades

The proposal involves the removal of the facades of a building which contributes positively to the character and appearance of the conservation area. The building has some attractive features, notably its ground floor arched entrances with heavy timber doors and expressed stair towers above, and its simply ornamented spandrel panels. Beyond these elements, the architectural interest is limited to a uniformity (regularly positioned windows opening and matching window types set with horizontal openings) and scale. The ground floor shopfronts are modern do not contribute to the appearance of the building.

The Mayfair Conservation Area is characterised by a mix of architectural styles, but particularly early Georgian domestic architecture and highly ornamented late nineteenth century buildings. While there are later institutional and commercial buildings, a simply detailed 1920s building is a less significant element of the townscape, than other buildings in the area, to the Mayfair Conservation Area's character and appearance. Consequently, the loss of the facades is at the lower end of the scale in terms of harm.

Therefore the loss of the facades of an unlisted building of merit, whilst it is considered to make a minor positive contribution to the conservation area, is considered acceptable, as the harm (deemed less than substantial under paragraph 202 of the NPPF) caused by its loss is considered to be outweighed by the benefits of the scheme as a whole and the quality of the replacement building as detailed below.

#### Proposed works

##### Height /Bulk

The new main building will consist of a six storey elevation to Dering Street with a set-back roof pavilion, and plant on top of this. The roof pavilion is has a curved profile, intended to reduce its visual impact, particularly in the axial view. This represents an increase of one sheer and on set-back storey.

The overall height of the principal elevation corresponds to the height of the adjoining buildings on the north side of Tenterden Place. The buildings facing the site across Tenterden Place (the Bond Street Station OSD) are considerably taller.

The proposed building therefore forms a median step between the larger scale buildings to the south and the smaller scale buildings to the north.

Additional roof level plant is also proposed; however, this has been suitably positioned to limit its visual impact, and should not be visible in public views.

The increased height of the building is not considered to negatively affect the setting of the listed buildings on Dering Street

### Materials and design

The proposed palette of materials consists of pale coloured brick, ceramic fins and precast shaped lintels. Windows are metal framed, and additional metalwork, such as Juliet balconies is added at ground and first floors.

The use of load-bearing brick is consistent with both the existing building, and with other buildings in the immediate vicinity, including the adjacent building on Dering Street. Given the increase in the scale of the building, the small module size of bricks is preferable to stone or stone-like materials.

The ground floor uses shapes brick piers, enclosing metal framed shop windows with a small bronze stall riser. The chamfered form of the piers has been identified as an opportunity to provide public art. The Juliet balconies at first floor level may offer a further opportunity for public art.

The middle section of the building - from first floor to fifth floor – is formed from 3m wide bays with shaped brick piers from first to fourth floor and textured brick on fifth floor as well as scallop-shaped horizontal bands of the same material. This scalloped form will be the most distinctive characteristic of the building, and is considered to add a richness and interest to the façade which will somewhat mitigate the increase in scale. The shape of the façade in relation to the windows provides sunlight and shading at different times of day.

The solid to void ratio of the elevations retains a good proportion of solid, and avoids an overly glassy elevation, which would be inconsistent with the local context.

In summary, it is considered that the loss of the existing building is justified by the quality of its replacement and as such the proposals are considered to preserve the character and appearance of the Mayfair Conservation Area. The demolition of the existing building facades as the key contributors to the architectural merit of the building would cause less than substantial harm to the Conservation area but for the reasons set out above this would be at the lower end of the scale.

The overall scale, height and detailed design are considered to be appropriate to this site, subject to the recommended conditions and are in line with 38, 39 and 40 of the City Plan 2019-2040.

### Key views

Due to the narrow streets and in the area, visibility of the Site is generally confined to those streets and spaces close to or aligning on it. The majority of views will be both close and oblique, with four key longer views, each assessed in the applicants design statement.

The axial view of the building from New Bond Street is the most important of these, in which the scale of the new building will be most easily apprehended. In the view the additional bulk of the new building, as a backdrop the modestly scaled buildings in the foreground is clear.

In the view along Dering Street from the north, the increase in height of the flank wall is readily apparent. This is regrettable, but unavoidable in the context of the creation of the floorspace at this level. The size of the step up from the neighbouring building is not unusual in the Mayfair context.

In the view from Dering Yard to the south the increase in scale is particularly apparent. However, this view is obtained from only a small area of pavement, within the Bond Street station development, and is not representative of the majority of views from the south or east, in which the roof storeys will not be visible.

The final key view, from Old Cavendish Street to the north, sees the top floor of the development site visible above the grade II listed no. 313 Oxford Street. This view is sufficiently distant that the additional bulk is not considered harmful to the setting of the listed building, which does not have a silhouette due to existing development to the south.

### Fire Safety

Policy D12 of the London Plan seeks to ensure that development proposals achieve the highest standards of fire safety. A fire statement prepared by Semper has been submitted with the planning application which has been prepared by a fire engineer, i.e. a suitably qualified assessor, as required by Policy D12 and the Fire Safety draft LPG.

The submitted Fire Statement is in accordance with the requirements of London Plan Policies D5 and D12.

### Archaeology

An Archaeological Assessment has also been submitted with the application. Although the site is located in an Archaeological Priority Area, the assessment concludes that the archaeological potential of the site is likely to be limited to remains of no more than low significance. In view of this and the extent of previous development impacts, the current proposals are considered unlikely to result in harm to the archaeological resource

## **9.5 Residential Amenity**

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

### Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE explains their guidelines are intended for use for rooms in adjoining dwellings where light is required, and principally seeks to protect light to main habitable rooms (i.e. living rooms) in residential dwellings, and it accepts that bedrooms are of less importance.

The BRE also confirms that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of natural light. In this case, that includes the French Protestant Church at 8-9 Soho Square. Offices are normally artificially lit spaces and would therefore have a low expectation of natural light when compared to dwellings.

### Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL). VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss could be noticeable. NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss could be noticeable.

### Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. 1 The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

In support of the application a daylight and sunlight study has been submitted. Given the close proximity of the site to Oxford Street and New Bond Street the vast majority of neighbouring properties are in commercial use. There is residential at 315-319 Oxford Street in a 4<sup>th</sup> floor mansard situated to the north of the application site and a manager's flat at 3<sup>rd</sup> floor level of the Duke of York Public House at 8 Dering Street situated to the west of the site.

The submitted study assesses the impact on both of these properties. This shows that with regards to 315-319 Oxford Street there would be no breach in BRE guidelines in respect to daylight and sunlight or overshadowing. With regards to the Duke of York Pub at 8 Dering Street 3 of 4 windows will experience losses in Vertical Sky Component (VSC) which are in excess of the 20 % recommendation in the BRE Guidelines. Those windows will be left with residual VSC values 12.93, 13.87%, and 14.99%. Although these residual levels of daylight are not high they are nonetheless adequate for rooms to be used as habitable rooms and commensurate with a dense inner city built up environment.

8 Dering Street		Existing VSC	Proposed VSC	%loss
Third floor				
R1	W1	26.28	24.39	7.19%
R2	W2	21.12	12.93	38.78%
R3	W3	21.08	13.87	34.20%
R4	W4	21.12	14.99	29.02%

### Sense of Enclosure

An unacceptable increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment. The scheme will result in a building that is both higher and bulkier than existing. The impact of the additional height will be mitigated by setbacks at 6<sup>th</sup> and 7<sup>th</sup> floor levels. Overall, given the setbacks and the distance separation to surrounding properties it is not considered that there will be a detrimental impact in terms of an increase sense of enclosure to neighbours.

#### Overlooking and Noise from Roof Terraces

The scheme includes roof terraces at 6<sup>th</sup> and 7<sup>th</sup> floors. It is considered that use of the roof areas as terraces for the occupants of the office accommodation would result in any material overlooking. A condition is recommended restricting the hours that the terraces are used to between 07.00 and 21.00 hours.

#### Noise & Vibration from Plant Equipment and Internal Noise

City Plan Policies 7 and 33 seek to manage amenity and environmental impacts in the city, including in relation to noise and vibrations from plant equipment and new uses. The City Council's Environmental SPD sets out criteria for which noise and vibration impacts should be considered against. The application includes plant equipment to be located in part of the basement and in a dedicated plant enclosure at roof level. The application includes an acoustic report. Subject to conditions which are recommended on the draft decision notice this aspect of the application is considered acceptable.

### **9.6 Transportation, Accessibility & Servicing**

#### Stopping Up

Policy 28(A) of the City Plan generally seeks to resist proposals that require stopping up. Paragraph 28.2 of the reasoned justification to the policy acknowledges however that 'there may be circumstances where a minor loss of highway land may be appropriate to deliver benefits'. The proposed development, for sustainability reasons, follows a retrofit-led approach which involves retaining the existing structure and providing new facades in front. The provision of the facades, which must be thicker than the existing ones to accommodate sufficient insulation, requires a very small additional amount of space to be taken from the highway at isolated points. This requires the stopping up of a very small amount of public highway adjacent to the developed building.

The Highway Planning Manager whilst acknowledging that the building over the highway would be fairly minor does reference a pinch point on Dering Street where there is an existing light column. As however the change in building line does not result in an improved highway or pedestrian environment the Highways planning Manager recommends that the application is refused as the scheme is contrary to City Plan policies 25 and 28 and the Westminster Way.

As stated deep retrofitting the building provides a challenge balancing the schemes structural efficiency with thermal performance. The façade columns require over cladding by 300mm which reduces the width of the pavement in isolated points. In total an area of circa 2.6m<sup>2</sup> would be required to be stopped up. Over 3m of pavement would remain.

Retaining the structure would avoid the higher release of embodied carbon associated with full demolition and redevelopment. The approach taken has clear sustainability and circular

economy benefits which are considered to justify an exception to City Plan policy 28.

### Servicing and Waste & Recycling Storage

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. At present, the building is serviced on-street from both Dering Street and Tenterden Street. This will remain the position. The constraints in providing off-street servicing identified by the applicant are acknowledged. Namely that the building has a small and narrow footprint enclosed on Dering Street and the proposed sustainable development approach retaining much of the existing structure prevents the provision of a dedicated off-site servicing area within the site.

A dedicated ground floor holding area will enable deliveries to be moved off-street immediately and waste would not need to be left on-street awaiting collection which would benefit pedestrians as well as the public realm appearance.

A Servicing Management Plan (SMP) has been submitted to support the application. The highways planning manager advises that given the existing uses compared to proposed and the quantum's, it is likely that the servicing requirement of the site will increase but not to such an extent that there would be a significant adverse impact on the public highway. Furthermore the measures contained within the submitted SMP should help reduce the impact of the proposed development on the highway network and its users, especially pedestrians and cyclists. The SMP should help minimise obstruction of the highway, the impact of servicing on other highway users and encourage servicing to occur in a safe and efficient manner.

### Cycling & Cycle Storage

The existing building at the site provides no cycle parking.

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. Based on the floorspace figures the development needs to provide 29 long stay spaces for office use and 2 long stay spaces for the retail. The proposal is that 68 cycle spaces will be provided for the office use and 2 for the retail at upper basement level. Additional, changing facilities, showers and lockers will be provided.

The application also seeks to provide 6 short stay cycle parking for the retail use on Tenterden Street. The Highways Planning Manager advises that the footway on Tenterden Street has been kept clear and is built to carriageway standards as the area is required for the overrun of large servicing vehicles using nearby service yards and a loading bay opposite. It is recommended that the short stay cycle parking is omitted and an amending condition is therefore recommended.

Overall the increase in cycle parking from 0 to 89 spaces on the site is welcomed and is a benefit supporting active travel.

### Car Parking

The proposal does not include any off-street car parking provision. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1.

## 9.7 Economy including Employment & Skills

The proposed development will contribute to the CAZ in accordance with City Plan Policies 1, 4 and 13 by providing new and higher quality office floorspace, which will increase the number of office based jobs on the site, and will improve the contribution that the site makes to the local economy.

### Employment and Skills

City Plan Policy 18(D) states, "Major developments will contribute to improved employment prospects for local residents. In accordance with the council's Planning Obligations and Affordable Housing SPD, this will include:

1. financial contributions towards employment, education and skills initiatives; and
2. for larger schemes, the submission and implementation of an Employment and Skills Plan". ( a net increase in commercial floorspace of over 10,000)

Based on the formula within the guidance note, the proposed development would be liable to make a financial contribution of either £ 145,287 (if the ground floor unit is used for Class E (a) or E (b) purposes) or £145,995 (if the ground floor unit is used for Class E (c) purposes).

It is recommended that the financial supporting the Westminster Employment Service is secured by a legal agreement.

## 9.8 Other Considerations

### Construction Impact

City Plan Policy 33- part F states that developments are required to minimise demolition and construction impact by complying with Westminster's Code of Construction Practice. Part G encourages modern methods of demolition and construction to minimise negative local environmental impacts.

The Code of Construction Practice (COCP) is agreed and monitored and the Environmental Inspectorate. A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process. Regular site visits will be undertaken to monitor construction operations and ensure compliance.

The applicant is committed to carrying out the development in accordance with the City Council's Code of Construction Practice and in accordance with the Council's requirements they have completed appendix.

## 9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## 9.10 Planning Obligations & Pre-Commencement Conditions

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- 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.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement.

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

- Undertaking of all highways works immediately surrounding the site, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development);
- A financial contribution of £ 195,030 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- A financial contribution of either £145,287 (index linked) or £145,995 (depending on the use of the ground floor retail unit) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development);
- The costs of monitoring the S106 agreement.

The estimated Community Infrastructure Levy (CIL) payment is:

Westminster CIL: £283,633.33

Mayoral CIL: £234,557.84

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition. Agreement is awaited

for the whole life carbon and circular economy conditions (20 and 21).

### 9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the Mayfair Conservation Area. The harm would be due to the loss of some characterful elements of the facades and to the occasionally conspicuous upward extension of the building. The level of harm caused would be at the lower end of less than substantial.

Paragraph 208 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 to be genuine public benefits.

When undertaking this weighing exercise, the Sub-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 9.4 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.

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

- Substantial contribution towards the City Council's growth policy objectives and targets within the heart of the Central Activities Zone (CAZ);
- The provision of new high quality retail accommodation, which will support and enhance this part of the West End to compete with other global shopping destinations, in accordance with strategic policy;
- Improved active frontages, encouraging increased activity, vitality and vibrancy at street level;
- The creation of a package of employment and training benefits;
- Significant employment opportunities in the local area, both during the construction and during the whole lifetime of the building;
- The delivery of a highly sustainable scheme, retaining the existing superstructure and embracing wider sustainability and environmental performance objectives;
- Delivery of high quality, well-designed building which will enhance the character and appearance of the surrounding area and preserve the Mayfair Conservation Area;
- Increased urban greening and biodiversity across the new terraces; and

- Enhancements to the accessibility and inclusivity of the building.

The public benefits summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 208 in the NPPF. 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 paragraph 206 of the NPPF.

## 10. Conclusion

As set out in this report, the development is acceptable in land use terms. The City Plan and London Plan support growth of office floorspace in the CAZ. In terms of sustainability and energy, a WLC assessment the lifetime of the building shows that emissions for this deep retrofit/extension scheme would be less than an alternative redevelopment scheme and emissions will be below the baseline benchmark over its lifetime.

In terms of design, townscape and heritage impacts, the proposed development will enhance the contribution made by the building to the appearance of the street scene the less than substantial harm as a result of the increase in height is outweighed by the public benefits that the scheme will deliver.

As such, the proposal is considered acceptable, mindful of policies within the development plan and therefore, a recommendation to grant conditional permission will be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

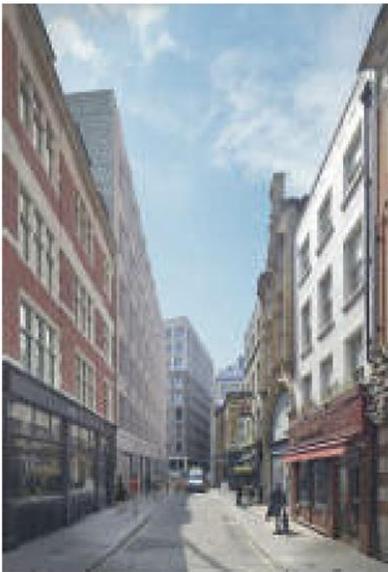
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

11. KEY DRAWINGS









**DRAFT DECISION LETTER**

**Address:** Development Site At 19 To 24, Dering Street, London,

**Proposal:** Part demolition, part redevelopment and extension to provide a building of two basements, ground and five upper floors, setback sixth floor and setback seventh floor with roof plant and terraces, accommodating accommodating Commercial, business and service (Class E) use and associated ancillary spaces. , , ,

**Reference:** 23/07483/FULL

**Plan Nos:** Demolition plans :, 158,159,160,161, 261,262,263., , Proposed , 000, 090,098,099,100,101,102,103,105,106,107,108,, 201,202,203,204,301,302.

**Case Officer:** Mike Walton **Direct Tel. No.** 020 7641  
07866039922

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

- 3 **Pre Commencement Condition.** Prior to the commencement of any: , , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for

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

Reason:

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

- 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 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 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 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 structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces.

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)

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

Reason:

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

- 8 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 9 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)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the drawing numbers 099 and 100. Thereafter you must permanently retain them for the storage of waste and recycling and not use them for any other purpose. You must clearly mark them and make them available at all times to everyone using the building. No waste should be left on the public highway. (C14FC)

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)

- 11 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 12 You must provide each cycle parking space and associated facilities for cyclists shown on

the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 13 Before commencement of any of the uses in the building, you must apply to us for approval of a Servicing Management Plan (SMP) that must identify process, internal storage locations, scheduling of deliveries and staffing. You must not start any uses in the building until we have approved in writing what you have sent us. You must then carry out the measures included in the approved SMP at all times and it must be followed by the occupants 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)

- 14 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 15 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 16 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) 15 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 Environmental Supplementary Planning Document (February 2022), 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)

- 17 (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 retail 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 retail 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 Environmental Supplementary Planning Document (February 2022), 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)

- 18 The use of the building must be operated in accordance with the submitted Fire Statement by Semper received 26 October 2023.

Reason:

In accordance with the requirements of London Plan Policies D5 and D12.

- 19 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 20 **Pre-Commencement Condition.** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development: (a) Prior to commencement of any work on site including all works of deconstruction and demolition., (b) Prior to commencement of any construction works., (c) Within 3 months of first occupation of the development., Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 463 kgCO<sub>2</sub>e/m<sup>2</sup> and/or Whole Life Carbon (A1-C4) above 797 kgCO<sub>2</sub>e/m<sup>2</sup>, which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised., You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved., , The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (b). (C17AB)

Reason:

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022).

- 21 **Pre-Commencement Condition** (a) Prior to commencement of any works on site including works of deconstruction and demolition full details of the pre-demolition audit in accordance with section 4.6 of the GLA's adopted Circular Economy Statement guidance shall be submitted to us and approved by us in writing. The details shall demonstrate that the development is designed to meet the relevant targets set out in the GLA Circular Economy Statement Guidance. You must not carry out any works on site including works

of demolition until we have approved what you have sent us. The demolition and other pre-construction works shall then be carried out in accordance with the approved details., (b) Prior to the commencement of any construction works and following completion of RIBA Stage 4, a detailed Circular Economy Statement including a site waste management plan (or updated version of the approved Circular Economy Statement that reaffirms the approved strategy or demonstrates improvements to it), shall be submitted to us and approved by us in writing. The Circular Economy Statement must be prepared in accordance with the GLA Circular Economy Guidance and demonstrate that the development has been designed to meet the relevant targets set out in the guidance. The end-of-life strategy included in the statement shall include the approach to storing detailed building information relating to the structure and materials of the new building elements (and of the interventions to distinguish the historic from the new fabric). The development shall be carried out in accordance with the details we approve and shall be operated and managed throughout its life cycle in accordance with the approved details. (C17BA)

Reason:

To ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy SI7 in the London Plan 2021, Policy 37 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022).

- 22 You must apply to us for approval of detailed drawings and a bio-diversity management (including details of an Ecological Management Plan) plan in relation to the green roof and terrace planting to include construction method, layout, watering, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 23 The roof terraces hereby approved shall only be used by users of the office accommodation and only between the hours of 07.00 and 21.00.

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)

- 24 No live or recorded music shall be played on the roof terraces hereby approved.

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)

- 25 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated October 2023 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 26 You can use the ground and lower ground floors annotated as retail on drawing numbers 099 and 100 for either Class E(a) (display or retail sale of goods, other than hot food) or Class E b) 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, or Class E c) for the provision of financial services, and for no other uses 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:

We cannot grant planning permission for unrestricted Class E use because a loss of retail in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Activities Zone and the West End Retail and Leisure Special Policy Area. This would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021).

- 27 You can use the part ground and upper floors annotated as office on the drawings numbered 100, 101,102, 103, 104,105, 106 and 107 for Class E g) office purposes and for no other uses 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:

We cannot grant planning permission for unrestricted Class E use because a loss office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Activities Zone. The office accommodation also contributes to meeting the business and employment needs of the City. This would not meet Policies 1, 2, 13 and 14 of the City Plan 2019 - 2040 (April 2021).

- 28 Prior to the use of the ground and lower ground floor retail unit being used for Class E b) (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) purposes, you must apply to us for an operational management plan. You must not start the Class E b) use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the lower ground floor and ground floor retail unit is in use for Class E b) purposes.

**Reason**

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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) Undertaking of all highways works immediately surrounding the site, including all costs associated with stopping up parts of the highway, b) A financial contribution of £ 195,030 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development); , c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; , d) A financial contribution of £145,287 (if the ground floor unit is used for Class E (a) or E (b) purposes) or £145,995 (if the ground floor unit is used for Class E (c) purposes) (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development); , e) The costs of monitoring the S106 agreement. ,

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.

Item No.
----------

<b>4</b>
----------

Item No.
----------

<b>4</b>
----------