



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 16th April, 2024

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Paul Fisher (Chair)
Ryan Jude
Md Shamsed Chowdhury
Barbara Arzymanow

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.



If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Jessica Barnett, Committee and Councillor Coordinator.

**Email: jbarnett@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting. To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting. In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. To access the recording after the meeting please revisit the Media link. Please note that the link is only available 90 days after the meeting.

(Pages 5 - 8)

- | | | |
|----|---|------------------------------|
| 1. | GROUND FLOOR, LORDS CRICKET GROUND,
ST JOHN'S WOOD ROAD, LONDON, NW8 8QN | (Pages 13 -
100) |
| 2. | 16-18 MONTAGU PLACE, 3 BRYANSTON MEWS &
21 BRYANSTON SQUARE, LONDON, W1H 2BQ | (Pages 101 -
146) |
| 3. | 529-533 OXFORD STREEET, LONDON, W1C 2QL | (Pages 147 -
168) |
| 4. | 19 TO 24 DERING STREET, LONDON, W1 | (Pages 169 -
216) |
| 5. | 1 BESSBOROUGH GARDENS, LONDON, SW1V 2JQ | (Pages 217 -
260) |

**Stuart Love
Chief Executive
5 April 2024**

Order of Business

At Planning Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 6th February, 2024**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Barbara Arzymanow, Md Shamsed Chowdhury and Nafsika Butler-Thalassis

Apologies for Absence: Councillor Paul Fisher

1 MEMBERSHIP

- 1.1 It was noted that Councillor Nafsika Butler-Thalassis was substituting for Cllr Patrick Lilley.
- 1.2 It was noted that Councillor Paul Fisher had given his apologies for the meeting.
- 1.3 A Councillor was required to Chair the evenings meeting and the Sub-Committee

RESOLVED:

That Councillor Nafisika Butler-Thalassis be elected Chair of Planning Applications Sub-Committee (2) for that evenings meeting.

2 DECLARATIONS OF INTEREST

2. 1 Councillor Nafsika Butler- Thalassis explained that a week before the meeting, all Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or email received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 Councillor Md Shamsed Chowdhury declared an interest in Item 2 that he had attended this premises as a customer and also knew one of the objectors but he had had no previous discussions on the application.

3 MINUTES

RESOLVED: That the minutes of the meeting held on 12th December 2023 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

The Sub-Committee heard the applications in the following order: 2, 1, 3.

1 8 LANCASHIRE COURT, LONDON, W1S 1EY

Use of the building as a private members club (sui generis use) and alterations to the ground floor including the change of some windows to doors.

A late representation was received from a resident (31.01.24).

Kate Matthews, representing Firstplan, addressed the Sub-Committee in support of the application.

Daniel Smith, representing Soho House, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY

That conditional planning permission be granted subject to amended Condition 8 as below –

Customers shall only be permitted within the private members club during the following hours: Monday to Thursday: 08:00 - 00:30 (the following morning), Friday to Saturday: 08:00 - 01:30 (the following morning), Sunday: 10:00 - 23:30

2 1 LEICESTER PLACE, LONDON, WC2H 7BP

Use of the basement and ground floors as a mix of casino and either retail and/ or restaurant (sui generis) within a single unit; shopfront alterations at ground floor level; and other associated external alterations.

Nick Lawson, representing Soho Estates, addressed the Sub-Committee in support of the application.

Jeremy Cummins, representing Horizon Casinos, addressed the Sub-Committee in objection to the application.

Peter Bovill, representing Montagu Evans, addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY

That conditional permission be granted.

3 7 BLOOMFIELD TERRACE, LONDON, SW1W 8PG

Erection of full width extension at rear lower ground floor level with terrace above; excavation of new basement beneath footprint of house with lightwells to front and rear; alterations and extension within front basement lightwell with new steps to street level; and internal alterations.

The presenting officer amended the draft decision notice to include an additional condition **in bold** below:

You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- **A 1.6m high trellis screen and planting on the terrace to the boundary with No. 6 Bloomfield Terrace.**

- **You must not work on this part of the development until we have approved in writing what you have sent us. You must then install the screen we have approved before the terrace comes into use and must not change it without our permission.**

- **Reason: To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)**

Joe Oakden, representing Savills (UK) Ltd, addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY

- 1) That conditional permission be granted.
- 2) That conditional listed building consent be granted.
- 3) That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed

The Meeting ended at 7.38 pm

CHAIR: _____

DATE: _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 16th April 2024
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	<p>RN(s): 23/08458/FULL & 23/08621/LBC</p> <p>Abbey Road</p>	<p>Ground Floor Lords Cricket Ground St John's Wood Road London NW8 8QN</p>	<p>Application 1 :23/08458/FULL: Demolition of the existing Allen stand and the erection of a new stand with a link bridge to the adjacent Pavilion, refurbishment and extension of the Tavern Stand including the provision of new hospitality facilities, retail and food and beverage floorspace. Works also include hard and soft landscaping, servicing facilities, and all necessary ancillary and enabling works, plant and equipment, and installation of PV panels on the Thomas Lord Suite.</p> <p>Application 2:23/0862/LBC: Demolition of existing bridge link and creation of a new bridge link between the Pavilion building and the Allen Stand and restoration of terracotta cladding on the Pavilion Building.</p>	<p>Marylebone Cricket Club</p>
<p>Recommendation</p> <ol style="list-style-type: none"> Grant conditional permission, subject to the completion of a section 106 agreement to secure: <ol style="list-style-type: none"> A carbon offset payment of up to £61,380 (index linked and payable on commencement of development). S106 Monitoring costs. If the S106 legal agreement has not been completed within 6 weeks of the date of the Sub-Committee's resolution then: <ol style="list-style-type: none"> The Director of Town Planning and Building Control shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. Grant conditional listed building consent. Agree the reasons for granting conditional listed building consent. 				
Item No	References	Site Address	Proposal	Applicant
2.	<p>RN(s): 23/08666/FULL & 23/08667/LBC</p> <p>Marylebone</p>	<p>16 - 18 Montagu Place & 21 Bryanston Square, London W1H 2BQ</p>	<p>Demolition and replacement of the single storey roof structure; erection of one additional storey on the podium section fronting on to Bryanston Mews East; alterations and recladding of the east façade including PV brickwork; creation of new entrance, access ramps and planters to the west facade on Bryanston Square; incorporation of new solar blinds; and installation of solar panels and green roof areas at roof level; replacement of main entrance doors and glazing on north and west elevations. Internal</p>	<p>The Planning Lab</p>

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 16th April 2024
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

			alterations at all floor levels. Internal alterations at all floor levels.	
<p>Recommendation</p> <p>Grant conditional planning permission and listed building consent in accordance with the provisions of section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>				
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s): 21/07776/FULL</p> <p>West End</p>	<p>529 - 533 Oxford Street London W1C 2QL</p>	<p>Use of ground floor and mezzanine level as a food court including provision for on- and off-site consumption of food and drinks (Sui Generis) and external alterations, changing shopfront doors on Oxford Street.</p>	<p>Meds Corner</p>
<p>Recommendation</p> <p>Grant conditional permission.</p>				
Item No	References	Site Address	Proposal	Applicant
4.	<p>RN(s): 23/07483/FULL</p> <p>West End</p>	<p>Developme nt Site At 19 To 24 Dering Street London</p>	<p>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.</p>	<p>Caleus London 1 Property Ltd</p>
<p>Recommendation</p> <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following obligations:</p> <ul style="list-style-type: none"> (a) 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); (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) 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. 				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 16th April 2024
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:</p> <p>(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</p> <p>(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.</p> <p>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.</p>			
Item No	References	Site Address	Proposal	Applicant
5.	<p>RN(s): 23/04155/FULL</p> <p>Vincent Square</p>	<p>1 Bessborough Gardens London SW1V 2JQ</p>	<p>Alterations at roof level including erection of infill extension at fourth floor to provide new office accommodation, erection of rooftop pavilion and terraces and raising height of roof parapet, rationalisation of existing rooftop plant; modifications to ground floor entrance, refurbishment of external facades including new ventilation grilles, and alterations to services at lower ground floor level.</p>	<p>Charles Street Buildings (Leicester) Ltd</p>
<p>Recommendation Grant conditional permission.</p>				

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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	Ground Floor, Lords Cricket Ground, St John's Wood Road, London, NW8 8QN		
Proposal	<p>Application 1 :23/08458/FULL: Demolition of the existing Allen stand and the erection of a new stand with a link bridge to the adjacent Pavilion, refurbishment and extension of the Tavern Stand including the provision of new hospitality facilities, retail and food and beverage floorspace. Works also include hard and soft landscaping, servicing facilities, and all necessary ancillary and enabling works, plant and equipment, and installation of PV panels on the Thomas Lord Suite.</p> <p>Application 2:23/0862/LBC: Demolition of existing bridge link and creation of a new bridge link between the Pavilion building and the Allen Stand and restoration of terracotta cladding on the Pavilion Building.</p>		
Agent	DP9		
On behalf of	MCC		
Registered Numbers	23/08458/FULL & 23/08621/LBC	Date amended/ completed	5 December 2023
Date Applications Received	5 December 2023		
Historic Building Grade	Tavern and Allen stands – unlisted. The Pavilion is Grade II*, Grace Gates Grade II Listed, Grade II Listed relief sculpture		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the completion of a section 106 agreement to secure:</p> <p>a) A carbon offset payment of up to £61,380 (index linked and payable on commencement of development).</p>
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b) S106 Monitoring costs.

2. If the S106 legal agreement has not been completed within 6 weeks of the date of the Sub-Committee's resolution then:
 - a) The Director of Town Planning and Building Control shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree the reasons for granting conditional listed building consent.

2. SUMMARY & KEY CONSIDERATIONS

The applications propose the demolition of the existing Allen Stand and the erection of a new stand with a link bridge to the adjacent Grade II* listed Pavilion and refurbishment and extension of the Tavern Stand including the provision of new hospitality facilities, retail and food and beverage floorspace. The combined capacity of the existing Tavern and Allen stands is 3,998 seats with the redevelopment proposals resulting in an additional 1,107 seats. The total capacity of the ground would be 32,287 as a result of the proposals. The proposal also includes the provision of PV panels on the Thomas Lord Suite.

In 2016 the Council granted planning permission for the redevelopment of both stands as part of a larger redevelopment which included the redevelopment of the Thomas Lord building.

The key considerations in this case are:

- The acceptability of the increase in capacity of the cricket ground in land use terms.
- The acceptability of the energy performance of the proposed new stand and the extended Tavern Stand.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the St John's Wood Conservation Area and the setting of other nearby designated heritage assets, such as the listed buildings within the site and adjoining the stand.
- The acceptability of the proposed new and extended stands upon the residential amenity of neighbouring properties.
- The acceptability of the increase in capacity of the cricket ground upon the surrounding highway/ public transport network.
- The impact of the proposals on trees inside and outside of the Ground.

The demolition of the unlisted Allen Stand and the extensions to the Tavern Stand are considered

acceptable in design and sustainability grounds for the reasons as set out within the report, subject to a legal agreement to secure a carbon off setting contribution. The provision of improved facilities and capacity at the Ground are supported in land use terms. This proposal at pre-application stage was considered by the Design Review Panel and their findings are set out in the Background Papers.

The scheme as amended is considered to be a high-quality design which compliments the range of stands within Lords, will preserve the character and appearance of this part of the St John's Wood Conservation Area, and will not affect the setting of adjacent listed buildings and gates.

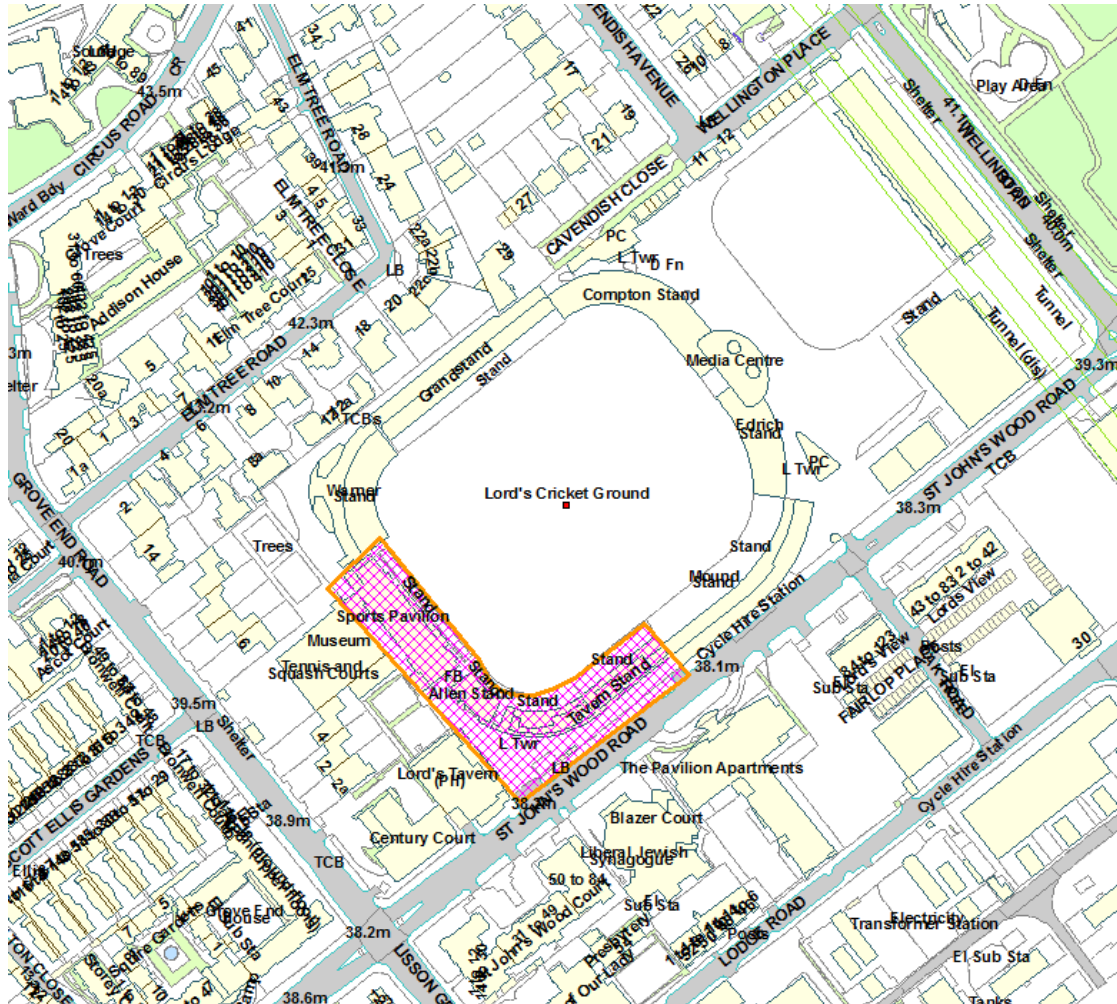
It is considered that the impact of the proposal on local transport infrastructure and the amenity of neighbouring residents can be adequately mitigated through conditions.

Whilst pruning works will be required to existing trees both inside and outside the ground, these are considered acceptable.

The listed building consent application for alterations to the Grade II* pavilion to demolish the existing link bridge and create another link bridge at storey higher is considered acceptable in historic building terms.

It is therefore recommended that conditional permission subject to the completion of a Section 106 Agreement, and listed building consent for the minor works to the Grade II* listed pavilion are granted

3. LOCATION PLAN



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4. PHOTOGRAPHS

Aerial View



View of Tavern and Allen Stand (left of The Pavilion) from within the ground.



Tavern Stand from St John's Wood Road



Tavern Stand from within Grounds by Grace Gates



Allen Stand from St John's Wood Road (photo from Google Street View)



Allen Stand from within the Grounds



Link Bridge from Allen Stand to The Pavilion



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS (ABBEY ROAD and REGENTS PARK)

Any response to be reported verbally.

TRANSPORT FOR LONDON(TfL):

Objection raised on 5 January 2024 on the following grounds:

TfL currently object to the proposals to expand Lords Cricket Ground given the existing safety concerns regarding match day demand at St John’s Wood LU station. TFL noted that once further information has been received and potential mitigation funding secured TfL will revisit the acceptability of the expansion and its impact on the transport network. The proposal is currently contrary to London Plan Policy T4.

Comments were made that a station capacity assessment looking at T20 weeknight and test match Saturday needed to be conducted; that a full review of existing event management plans should be conducted – identifying what impact these have had on multi-modal travel demand; interviews with station staff to further understand issues arising from match days and complement capacity assessment should be carried out; that construction matters should be finalised provided prior to the determination of the application and that cycling parking matters needed to be provided prior to the determination of the application. TFL concluded that they would support Westminster in securing contributions/works in kind to deliver improvements which will benefit future staff and visitors of the site.

A number of discussions between the applicant, TFL and the case officer took place further to this objection, and a further response was provided on 25 March 2024.They now say:

“Due to the volume of passengers passing through the station, it requires a staff intensive program in order to implement and move passengers through the station, particularly for arrivals. It requires holding every other Jubilee line northbound train for an additional minute on the platform (this has knock on impacts for the entire Jubilee Line service), the use of both escalators and the fixed staircase in the same direction (in effect meaning the station has no choice but to operate in an ‘exit only’ mode in the arrival peaks, impacting local residents), some passenger movement onto the southbound platform (to clear the Northbound platform quicker, before the next train arrives), and all gates in the autocompletion mode (a revenue risk for TfL). In addition, some trains will not be able to stop St Johns Wood station if the platforms have not been cleared and therefore, the train will be a non-stopping service at St Johns Wood.

In order to implement the above strategy, a staff intensive program is put on by TfL, which currently covers the full cost of this. The gradual expansion of Lords (ref: 13/12002/FULL – Warner Stand redevelopment and 18/08510/FULL – Edrich and Compton redevelopment) has increased the capacity to over 31,000 seats. This has been largely unmitigated, and the soft measures secured as part of the Edrich and Compton (ref: 18/08510/FUL) permission in 2019 (to which TfL also raised concerns around capacity at St John’s Wood station) have been extremely limited in success.

Hence, TfL has been left with an unsustainable situation in terms of managing and staffing demand at St John’s Wood LU station. In relation to making structural or

physical changes to the station, it has been deemed that in the respect to the constrained nature of the station (including the listing of the station as Grade II listed), and the timeframe available for gaining any permissions for and delivering infrastructure improvements, that these are not feasible.....

Therefore, a range of TfL Travel Demand Management (TDM) interventions are proposed in addition to the mitigation measures for MCC. A package of proposed TfL mitigation measures below (indicative):

- A generic highlighting of the fact that for two hours prior to any cricket match at Lord's there is potential / are plans for trains, in both directions, to non-stop at St. John's Wood if platforms and stations become too busy.
- A statement that only offers Baker Street as the alternative point for customers travelling to Lord's to disembark.
- Highlight that the use of Swiss Cottage for attending the ground, or reversing the journey via switching platforms, is not viable.
- Use of posters to convey above message at stations on pre-match and match days.
- Use of on train announcements to convey above message on match-days not only on Jubilee line trains but all trains using Baker Street to inform customers intending to interchange onto the Jubilee line.
- Use of station announcements to convey above message at St. John's Wood, Baker Street and Swiss Cottage stations (others as suggested: Network Rail interchanges etc.) on match days to reinforce the message for those attending future matches.
- Planned non-stopping (every 2nd / 3rd train) to assist St. John's Wood station with station management on match days and to reinforce the message that Baker Street may be a better option for customers.

In addition to the above measures, to be implemented by TfL, a range of mitigation measures need to be put in place by MCC (Lords) to reduce the pressures on St Johns Wood and encourage the re-distribution of spectators to other LU stations, most notably Baker Street, Warwick Avenue, Marylebone, Edgware Road, and Maida Vale. alongside measures to stagger arrivals at and departures from the ground. An indicative list has been supplied by the applicant.

The proposed mitigation measures to reduce the impact on the LU station will need to be agreed with TfL, WCC, and the applicant. The principle of the below should be agreed prior to committee, with specifics regarding each proposal and monitoring methodology agreed post committee as required. TfL believe that the below measures are a fair and proportionate level of response to the overcrowding and the impact that the proposal will have on the transport network. The following is recommended in order to satisfy TfL's original concerns.

- Event Management Plan (EMP) with monitoring and targets. Use of targets has been agreed in principle. The exact % to distribute users to other stations will need to be agreed with WCC, TfL, and the applicant post committee and revised each season as necessary.
- Prior to the start of each season, travel targets, including the proportion of spectators using St Johns Wood LU station are to be agreed and set, along with a monitoring strategy.
- If travel targets are not met a financial contribution of £2,500 per major event (to be defined in the EMP) is to be paid to TfL to mitigate the station impacts and fund necessary measures to manage spectators travelling to and from Lords. This funding would need to be in place from completion of the new stands, for 10 years.

- The above figure is based on the additional staffing costs that TfL incurs to manage major events at Lords Cricket Ground but could be allocated to a range of TDM measures.
- TfL considers that this is a necessary, reasonable, and proportionate level of contribution to ensure two things: that the applicant is suitably incentivised to reduce the demand at St Johns Wood LU station, and to sustainably continue TfL's matchday operations at St Johns Wood and other surrounding LU stations.
- All costs incurred in relation to the preparation and undertaking of monitoring surveys and reports shall be met by the applicant.
- TfL recommend as part of a range of mitigation measures to redistribute spectators that ATZ improvements identified within the applicants TA are secured on the routes to the key stations. This will help improve the environment to and from Lords and the alternative stations and hopefully (alongside the other measures) will encourage spectators to use the other stations, including public transport waiting areas including bus stops.
- The applicant should look to explore a wide range of 'soft' measures that would encourage spectators to arrive outside of the peaks. These measures could include promotional offers on their F&B. This encourages some spectators to arrive earlier and thus, reducing the pressures on LU stations nearby.

It should be noted that MCC (Lords) have already changed their website in reference to St Johns Wood station being the nearest. The website now reads: *'There are a variety of London Underground stations nearby and some that are beneficial to alight at depending on where you are seated in the Ground itself. These options should be considered for entry and egress. - For the Warner Stand, Pavilion, and Tavern and Allen Stands, use Warwick Avenue or Edgware Road - For Mound and Edrich Stands, use Baker Street - For the Grand and Compton Stands, use St. John's Wood By choosing a station in closer proximity to your area of the ground you are likely to have an easier and less crowded experience. During major events at Lord's, St John's Wood station is very busy and a queuing system to enter the station post-match will be in place, so the alternatives above should be considered.'* This change is welcomed by TfL and shows that MCC (Lords) are aware that there is a valid concern from TfL in regard to overcrowding from their spectators during event days. The distribution of supporters across other LU stations will have beneficial effect on spectator journeys to and from Lords".

Subject to the imposition of conditions and securing works through a S278 agreement, TfL have also removed their objections with regards to ATZ's; construction; road safety audits. No objection is made to the proposed works to TfL street trees.

HISTORIC ENGLAND:

Historic England does not object to the demolition of the Allen Stand, its redevelopment or that of the Tavern Stand. The proposals will increase the height of both stands by one level. They also extend the floorplate of the Tavern Stand and alter its relationship with St John's Wood Road by bringing it to the back edge of the pavement. The impact of these changes on the setting of designated heritage assets, including the Pavilion and Grace Gate, would be limited and any harm would be at the lower end of the scale of less than substantial.

The removal of the temporary structures around the Grace Gate and the relocation of the scoreboard away from the Pavilion to the Tavern Stand is most welcome. It is recommended that repairs to the terracotta facade of the Grade II* Pavilion be secured.

DESIGNING OUT CRIME:

No objection to the scheme as a whole. Concerns raised to the external wall seating and that this should be removed from the scheme. Conditions suggested to obtain Secure by Design Accreditation.

ST JOHN'S WOOD SOCIETY:

Tavern Stand

- The proposed design of the Tavern Stand will have a significant impact on the streetscape, not only because of its relationship to the Grace Gates, but also because of its extensive street facing façade and its relationship to the Mound Stand.
- Whilst we support the council's preference for retrofitting and welcome MCC's encouraging approach to sustainable development, the retention of the existing stand's steel structure appears to result in challenging design consequences to the rear facade of the building, most notably in the excessive bulk above ground level.
- At ground level, the reduced height arcade will feel tunnel-like, especially when compared to the high arched arcade behind the Mound Stand.
- The proposed 8m high, largely solid, 'heavyweight' wall expanse to the middle band at the rear of the stands, made up of solid construction and white aluminium fins sitting above a reduced height ground floor arcade, creates the appearance of an over-dominant structure in townscape terms.
- We would like to see a sectional mock-up of the white aluminium fins as we have some reservations about the appropriateness of the use of this material within the Conservation Area.
- The extensive expanse of white aluminium fins will create a 'civic' feel to the design. They will be highly visible from the street and will need to be cleaned regularly throughout the year.
- The prominent signage for the shops would benefit from being traditional in design, particularly due to the proximity to the Pavilion, and we assume this will be subject to further design development.
- We have some concerns about light spillage for neighbouring residents if the Michelin restaurant is to be in constant nighttime use.

Grace Gates

- It is important that the Grade II Listed Grace Gates are sensitively incorporated into the development and not left stranded as an out of place relic. We welcome the significant improvements to this aspect of the proposals since the first consultation, but we would also like to see an alternative to the large expanse of asphalt behind the gates.

Allen Stand

- Significant improvements have been made since the previous consultation. We support the proposed bridge link to the Pavilion.

Mound Stand

- The relationship with the Mound Stand needs greater resolution to ensure that the transition of styles and scale are appropriately addressed.

Whilst the comments above stand, the society have verbally confirmed to the case officer, that following discussions with the applicant and architects that detailed conditions regarding mock-ups and bay studies would likely address the concerns raised.

UKPN:

No response received.

WCC SPECIAL EVENTS TEAM:

Any response to be reported verbally.

ARBORICULTURAL SECTION:

Objection raised on impact to trees within the site and to TFL trees on St John's Wood Road.

ENVIRONMENTAL SCIENCES:

No objection overall, some concern raised with regards to the increase in traffic as a result of the increase in spectators, however the only reference to this, is in section 6.2 and 8.2 of the report and it is not clear what the Air Quality impacts are associated with the proposal.

HIGHWAYS PLANNING:

No objection to proposals. Note that TFL are objecting to the proposals on the grounds of additional pressure the proposals will put on St John's Wood Tube Station.

WASTE PROJECTS OFFICER:

No objection.

WCC ECONOMY TEAM:

The scheme does not require an Economy & Skills contribution as it is a local community use.

BUILDING CONTROL:

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 791

Total No. of replies: 7

No. of objections: 7

7 letters of objection (2 responses received on behalf of one household) received on some or all of the following grounds:

Design:

- Uneven heights of the stands with the existing stands will appear ugly.

Amenity:

- Height increase and impact to views.
- Loss of solid boundary wall will result in more noise onto St John's Wood Road.
- Loss of privacy from the new stand and link bridge.
- Open air events and concerts would result in additional noise and large gatherings.

Highways Implications:

- Improved traffic and pedestrian plans need to be in place.
- Impact on traffic and highways during course of construction

Other:

- The Statement of Community Involvement is misleading as it appears residents in Blazer Court have not been notified about the proposals from Lords itself, or Westminster Council has taken place.
- Impact on neighbour's amenity during course of construction
- Asbestos concerns from demolition

- Impact to property valuation

PRESS ADVERTISEMENT / SITE NOTICE:

Yes (multiple notices on public highway surrounding the Ground)

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 are summarised in the (applicant's) table below:

Date	Stakeholder Activity	Attendees
14 July 2022	Two drop-in sessions during a One-Day International match to view an exhibition of early concept plans	MCC Members
18 August 2022	Two drop-in sessions during a Test match to view an exhibition of early concept plans	MCC Members
3 May 2023	MCC Annual General Meeting, with presentation delivered by MCC's Chair of Estates, Jim Johnston	MCC Members
22 May 2023	Exhibition of the emerging designs presented to MCC's Accessibility Group	MCC Accessibility Group
24 May 2023	Meeting with MCC Members who regularly use the Allen Stand	Brian Ford and Brian Sharp
2 June 2023	Drop-in session during a Test Match to view an exhibition of emerging designs	MCC Members
16 June 2023	Presentation of exhibition of emerging designs during a T20 match	Members of the SJWS Ward Councillors
20 June 2023	A public exhibition of the emerging designs, followed by a presentation delivered by MCC's Estates Director, Robert Ebdon	Local residents
29 & 30 June 2023	Drop-in sessions during a Test Match to view an exhibition of emerging designs	MCC Members
4 July 2023	A meeting with the St. John's Wood Society Planning Committee	Christine Cowdray Members of the SJWS Planning Committee
11 July 2023	An online meeting of MCC Members, to view and discuss an exhibition of emerging designs, facilitated by MCC's Chair of Estates and Estates Director	MCC Members
20 September 2023	Site visit to Lord's by Historic England	Historic England
20 & 21 September 2023	Drop-in sessions during a Middlesex Championship match to view an exhibition of emerging designs	Middlesex CCC Members
10 October 2023	A meeting of the Lord's Community Group	Lord's Community Group (meeting open to all local residents and businesses)
11 October 2023	A meeting with MCC's Accessibility Group	MCC Accessibility Group
26 October 2023	WCC Design Review Panel	WCC Design Review Panel
7 November 2023	Presentation of scheme to St John's Wood Security Group	Liberal Jewish Synagogue, American Ambassador Residence, Abbey Road Studios, London Central Mosque, The American School
23 November 2023	A presentation to the Safety Advisory Group	Safety Advisory Group
20 November 2023	A public exhibition of the proposals being prepared for the Planning Application	Local residents (advertised by letter drop)

In summary, across the range of engagement undertaken by the applicant, the principal issues raised were in-ground circulation, the streetscape and boundary wall treatment along St. John's Wood Road (in particular the juxtaposition of the Grade II-listed Grace Gates and the architecturally significant Mound Stand), maintaining the visual distinctiveness of the two stands and ensuring spectators are sufficiently protected from wind, rain and sun.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has evolved to take into consideration the views and representations expressed during pre-application community engagement and following the Design Review Panels comments.

During the course of the application, three objections were received on the grounds that the MCC had not consulted the residents of what appears to be Blazer Court and St John's Wood Court. One of these objections was also sent directly to the Estates Director of MCC via email. In response to these criticisms, the Estates Director of MCC wrote to the objector directly advising that letters had been delivered to Blazer Court and were recorded as such, but that to ensure the engagement is thorough, an invite to the Lords Community Group Meeting on 22 January 2024 was made and a further exhibition would be held on 20 February 2024. To advise residents of Blazer Court of these additional events, a further letter would be sent to all residents within the block and a poster put in the foyer with the help of the concierge. The Estates Director also confirmed that he would add the objector's details to the mailing list for the Lords Community Group Meeting.

A further point to note, at the Lords Community Group Meeting of 22 January 2024, and at the request of Councillor Rigby, the Estates Director confirmed that a hard copy of the plans and documents would be placed in the St John's Wood Library for those who do not have access to the internet to view the plans and proposals. This was done on 30 January 2024.

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 225 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, where relevant, neighbourhood plans covering specific parts of the city (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.

6.2 City Plan Partial Review

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:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).
- 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
- 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.

6.3 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.4 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

Lords Cricket Ground is located on the northern side of St John’s Wood Road, bounded by Wellington Road and Wellington Place and properties of Elm Tree Road and Grove End Road. The site lies within the St John’s Wood Conservation Area. This part of the conservation area is characterised by buildings of a larger scale and function, including St John and Elizabeth Hospital, hotels and large post-war residential blocks. Lord’s is part of this established character and appearance. The scale of the cricket ground and the height of the stands are familiar elements within the townscape.

Within the cricket ground, the Pavilion Building is listed Grade II* and the Grace Gates

are Grade II listed. Lord's Cricket Ground also includes a wide variety of spaces, including the cricket field itself, the Harris Garden, formerly tennis courts, made into a memorial rose garden in 1934 and the semi-open space created by the brick arcade of the original Mound Stand now used as a public concourse. It is this variety of buildings and spaces that underpins the unique character and significance of Lord's Cricket Ground.

The ground is made up of a variety of buildings, stands and structures of contrasting architectural styles that have been built in phases throughout its history. These range from the Media Centre, the 1999 Stirling Prize winning structure by Future Systems which now defines the eastern end of the ground to the Grade II* Pavilion, the late Victorian club house by Verity with an ornate terracotta façade. The proposals themselves relate to the Tavern and Allen Stands, which are on the southern part of the site, alongside St John's Wood Road.

To the north of the site are a number of individual houses on Cavendish Close; to the west of the site are houses of Grove End Road and a block of flats called Century Court and to the south on St John's Wood Road are residential blocks of flats, including Blazer Court, Pavilion Apartments, St John's Wood Court, Lords View One and Lords View Two.

7.2 Recent Relevant History

There have been a large number of planning decisions at Lords Cricket Ground and the following are relevant in the determination of this latest proposal.

Permission was granted in March 2019 (18/08510/FULL) for the demolition of the existing Compton & Edrich stands and redevelopment comprising the erection of a new stand to provide up to 11,500 seats, relocation of the existing floodlights, provision of new hospitality facilities, retail and food and beverage floorspace, hard and soft landscaping, servicing facilities, and all necessary ancillary and enabling works, plant and equipment.

Permission was granted in February 2016 (15/07111/FULL) for the masterplan, including the demolition of the existing Tavern Stand, Allen Stand, Thomas Lord Building, MCC Office Building and Scorers' Box and redevelopment comprising the erection of new stand, new Thomas Lord Building with an expanded basement and relocated public house, new Harris Garden Building, new Scorers' Box, internal and external alterations to the Pavilion, a new shop in the Bowlers' Annexe together with relocation of the floodlight, hard and soft landscaping, servicing facilities and all necessary ancillary and enabling works, plant and equipment. This was the subject of a Section 106 legal agreement and has not been implanted.

Permission was granted in June 2014 (13/12002/FULL) for the demolition of the existing Warner Stand and its redevelopment to provide a new stand of 2922 seats with match day control facilities, restaurant, bars and catering outlets together with new landscaping, servicing and enabling works including plant and equipment. Relocation of one of the existing temporary floodlights from the rear of the Warner Stand so that the base of the floodlight mast is within the new stand. Erection of new glazed link between the new stand and the listed Bowlers Pavilion facade. This redevelopment is now completed.

In respect of the floodlights within the Ground although not forming part of this application it is worth highlighting the following.

Planning permission was granted in 2009 for the installation of four retractable floodlight masts (maximum of 12 matches and four practice matches per year) and the erection of a new substation for a five-year period.

Various permissions have since been granted for the floodlights, including separate permissions for the integrated floodlight within the new Warner stand which has now been completed and an integrated floodlight within the proposed redevelopment of the Compton and Edrich Stands. The most recent permissions granted in March 2019 (in respect of those on the Compton and Edrich Stands) and earlier in February 2018 allowed for the continued use of the floodlights operating for a maximum of 14 days, a maximum of 15 evenings and 2 evening practice matches.

8. THE PROPOSAL

The proposal is for the final phase of the Lords Masterplan. Planning permission (and where relevant, listed building consent) is sought for the demolition of the existing Allen stand and the erection of a new stand and link bridge to the adjacent listed Pavilion, refurbishment and extension of the Tavern Stand, provision of new hospitality facilities, retail and food and beverage floorspace, hard and soft landscaping, servicing facilities, and all necessary ancillary and enabling works, plant and equipment, and installation of PV panels on the Thomas Lord Suite.

The Tavern Stand will see the retention of its three tiers, basement, and the majority of the steel frame structure. The proposals will add a new 'backpack' steel structure to the rear of the building, extending the accommodation up to the existing St John's Wood Road boundary, and adding an additional terrace level and seating tier on the upper level of the building.

Through this extension, the retained Tavern Stand will be able to accommodate the additional support and back of house space for the new Members and hospitality areas, as well as bar space on the first level and bar terraces at levels three and four. The seating area within the Tavern Stand will be expanded and achieve compliance with modern requirements and benefitting from enhanced views of the cricket pitch and a reduction in restricted views, according to the applicant. An additional 841 new seats are proposed within the stand (creating a total of 4222), with 680 of these seats being provided on the new upper level of the Tavern Stand, along with a new open air terrace area and standing concourse area.

The Allen Stand is proposed to be demolished, and replaced with a new stand, broadly within the same footprint as the existing. The new stand will meet modern requirements and provides a series of functional improvements including new lifts and level access and accessible WC's. The stand will include a restaurant offer at first floor, which will operate both on and outside of match days, with a capacity of 60 covers with direct access to the seating terraces. An additional 166 seats are proposed within the redesigned stand, totalling 783.

At the top of the Allen Stand, the Members' terrace bar will become 'open' through the relocation of the existing video replay screen to the new Tavern Stand. This will allow a roof to be provided over the bar area, and the opening up of the façade to the rear, and the provision of accessible WC's and seating spaces that can be accessed via the new passenger lift.

The height of the new stands will step down from the Tavern Stand, but at around 7.5m higher than the existing stand, to the relocated video replay screen, and on to the new Allen Stand, which stands at 17m in height.

The existing link between the Allen Stand and the Pavilion building is proposed to be removed and replaced by a new bridge link on the upper level, linking the Members' bar on the Allen Stand to the Members' bar in the Pavilion, and providing views to the cricket pitch as well as the Harris Garden to the rear. The relocation of the bridge removes the current conflict that exists between the bridge link and the restricted access to the players and match officials' area, which prevents the bridge being used during Major Matches. The new bridge will mean that Members can circulate between the Pavilion, Allen Stand, Tavern Stand and Mound Stand, and access different bar offers on each stand without need to return to the ground floor and each time. The new bridge will be composed of steel with a glass balustrade, achieving a respectful connection between the Allen Stand and the Pavilion

Table 1: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Tavern and Allen Stand	1348m2	3750m2	+ 2402m2 (820m2 of which is retail shop, bars and food offerings)

Table 2: Seating Capacities of the Tavern & Allen Stand

Seats		
Tavern		
Level	Existing	Proposed
Ground	1603	1661
Level 01	240	370
Level 02+03	1538	1535
Level 04	0	656
Total	3381	4222

*128 Cover Restaurant, 14 Grace Suite, 184 in Boxes, 34 under Scorers Box

Seats		
Allen		
Level	Existing	Proposed
Ground	314	331
Level 01	0	140
Level 03	303	312
Total	617	783

*60 Seats Bar Area Drinks Only

*60 Cover Buffet Restaurant

Accessible Seating			
Tavern			
Level	Existing	Wheelchair	Companion
Ground	0		
Level 01	0	4	4
Level 02+03	0	22	22
Level 04	0	12	12
Total	0	38	38

Accessible Seating			
Allen			
Level	Existing	Wheelchair	Companion
Ground	0	4	4
Level 01	0	0	0
Level 03	0	8	8
Total	0	12	12

Tavern + Allen		
Level	Existing	Proposed
Total	3998	5105
Additional		1107

9. DETAILED CONSIDERATIONS

9.1 Land Use

9.1.1 Principle of proposed new stands

Westminster City Plan notes the presence of Lord’s Cricket Ground as a function of international importance, noting in its introduction that the Ground, amongst other major developments, help to boost the economy and encourage visitors to spend time in Westminster. Policy 15 of the City Plan states that Westminster will ‘*maintain and enhance to attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities*’, with the supporting paragraph noting that this support extends to uses that represent a major part of the nation’s cultural heritage, specifically making reference to Lord’s Cricket Ground.

The principle of the proposals is therefore welcomed under the general aims of the City Plan. As a point to note, the cricket ground provides valuable community services outside of match days/ events from providing children’s cricket sessions to local schools, events for the elderly etc and therefore the proposals are therefore considered to also comply with City Plan Policy 17 which encourages the development of new community infrastructure and facilities.

9.1.2 Increase in capacity

The proposed increase in capacity is 1,107 seats. This is comparable to the increase in capacity approved as part of the Tavern and Allen Stand phase of the masterplan granted in 2016, which allowed 1082. The proposal would represent a relatively modest 3.5% increase of the current ground capacity (31,180). Such an increase is not

considered to represent an overdevelopment of the ground, especially considering the limited occasions that the Ground is likely to reach this capacity. So long as it is shown that the increase in spectators can be managed effectively, especially in terms of crowd arrival and dispersal, transport capacity and management of egress and impact on local residential amenity (which will be assessed in the relevant sections below) the increase in capacity is considered to be acceptable.

9.1.3 Hospitality uses.

The proposal includes the provision of new and reconfigured hospitality areas. The proposed includes the following:

Ground floor level.

Allen Stand - a new Middlesex Lounge
Tavern Stand - 2 bars are proposed.

First floor level

Allen Stand – a refectory/restaurant
Tavern Stand – a restaurant (supported by a kitchen); the Grace Suite and 9 hospitality boxes.

Third floor level

Allen Stand – Allen Bar/ Terrace and Members Terrace
Tavern Stand – Bar/ Terrace; Grab & Go food section.

Fourth floor level

Tavern Stand - Bar/ Terrace; Grab & Go food section.

The applicant has advised that the hospitality areas in the Tavern Stand are to be open on match days only, whereas the restaurant in the Allen Stand, which has a 60-cover capacity is proposed to be open on match days and non-match days all year round (for special events rather than general public attendance).

As way of background, in dealing with the master plan redevelopment proposals of the Tavern Stand and Allen Stand the proposed restaurant was limited to the hours of 08.00-23.00hours. No further restrictions on the number of days it could be used throughout the year were imposed given the restaurants location distance away from nearby residents.

In dealing with the Compton and Edrich Stands, which allowed spaces of 350-400 covers split between two suites, these too were limited between 08.00-23.00hours.

The Warner Stand was approved with conditions to limit the hours of the new restaurant to between 08.00-23.00 hours and to limit the number of days it could be used each year (100 days per calendar year and no post function cleaning/waste disposal until after 10am the next morning when no functions or cricket matches are taking place) given its proximity to residents in Elm Tree Road.

Given the recent history outlined above; that the hospitality spaces in general are replacing those that already exist or are improving spaces in making them accessible for all and that the spaces are located some distance away from the nearest residential properties of Blazer Court and St John’s Wood Court, it is considered appropriate to limit

the hours to between 08.00 and 23.00hrs.

9.1.4 Conclusion

The proposals are considered acceptable in land use terms subject to conditions.

9.2 Environment & Sustainability

9.2.1 Whole Life Carbon

The applicant has submitted a summary of the whole life carbon assessment following RICS methodology (2017). The projected upfront carbon is 1568 kgCO₂e/m². Whilst there are no embodied carbon benchmarks for venues and stadiums, it should be acknowledged that these types of construction are very carbon heavy. If benchmarked against average building, this scheme would fall beyond the LETI banding, and would be almost twice higher than GLA’s minimum threshold of 950 kgCO₂e/m².

The reasons for this are as follows:

- Stadium bowls have inherently high carbon due to requirements for large spans, such as cantilevers to get the seating angle – this applies to both upper levels of Allen stand as well as Level 04 of the new Tavern.
- There are more strict dynamics requirements on grandstands than standard structures to avoid crowd induced vibrations, which requires additional structural mass to achieve.
- The assessment is detailed to account for seatings, frames, wiring etc. which usually is not considered in early-stage whole life carbon assessments.
- The gross internal area used for the purpose of the assessment and as part of the application is overall small (3750m²), therefore the carbon is not ‘spread’ over multiple floors and grounds.

The total emissions associated with the proposed development up to practical completion are projected to be 5881000 kgCO₂e. Whilst the emissions are considerably high, given the unique situation and proposals put forward, on balance, the proposals are considered justified. It is recommended that a condition securing the development to be Net Zero carbon, verified in both construction as well as operation is attached to any permission granted.

9.2.2 Sustainable Design

Policy 38 D of the City Plan seek to ensure a sustainably designed development and that measures have been incorporated into design in the following applications and as follows:

1. non-domestic developments of 500 sq. m of floorspace (GIA) or above will achieve at least BREEAM “Excellent” or equivalent standard.
2. Residential conversions and extensions of 500 sq. m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve “Excellent” in BREEAM domestic refurbishment or equivalent standard.

A sustainability report has been submitted with the application and the development is targeted to meet targets associated with water use (rainwater harvesting, water saving devices); affordable and clean energy; sustainable active transport and promoting public transport; responsible consumption and productions in terms of energy and waste; no use of natural gas and biodiversity enhancements etc. Passive design measures are also proposed such as solar coated glazing with low g value and recessed windows prevent overheating risk in the glazed elements. The proposals have been designed to

achieve a BREEAM 'Excellent'. As noted below the proposals are set to achieve carbon savings beyond minimum UK Building Regulation requirements and London Plan targets reaching a 54% reduction in carbon emissions. Conditions to ensure that the development meets the targets are recommended.

The proposals are considered to comply with Policy 38D of the City Plan.

9.2.3 Energy Performance

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.

The Baseline (the Target Emissions Rate) against which the carbon emissions savings have been calculated is based on Part L 2021 of the Building Regulations.

The following table illustrates the results of the Applicant’s assessment based on Energy Statement Methodology has illustrated in Westminster City Council Policies and the GLA Energy Statement Guidance.

Table 3: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
Be Lean: Savings from energy demand reduction	0.2	2
Be Clean: Savings from heat network.	0.0	0
Be Green: Savings from renewable energy	7.2	53
Cumulative on-site savings	7.4	54
	Tonnes CO2	
Cumulative savings for offset. payment	187	
Cash-in-lieu contribution.	£61,380	

The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 has been met and surpassed reducing emissions through the Energy Hierarchy although regrettably, the Be Lean target of 15% has not been met.

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. The Applicant has not achieved the 15% on-site carbon emissions improvements as requested by the GLA Energy Statement guidance however, it proposed

to offset this shortcoming in the Be Green part of the Energy Hierarchy. Given the tight knit nature of the site defining the parameters of the proposals, the arguments put forward in the submission, the benefit to the city of the new and replacement stands and the design and heritage credentials of the new and replacement stands this approach is accepted and has received the support of the Council's Sustainability Officers.

Be Clean

While the possibility of a site-wide heating system was explored, which would have included all demises within the main building in one efficient network, this option was ultimately deemed unviable as no approved plan currently exists for the area. Therefore, in line with the requirements of the council and the GLA, the applicant will need to future proof the plantroom space allocating an appropriate amount of extra space for technical equipment which can be used to connect to a district heating network should this become available in the future.

Be Green

Space heating and domestic hot water will utilize Heat Pump Units connected to a central heat pump system in plant areas, with CO₂-based DHW Air Source Heat Pumps (ASHPs) for efficient high-temperature delivery. Variable Refrigerant Flow (VRF) units will cool hospitality and other spaces. Air quality and thermal comfort will be maintained via air-handling and Mechanical Ventilation with Heat Recovery (MVHR) units, offering improved ventilation heat loss, indoor air quality, and acoustics, along with a summer by-pass feature to mitigate overheating risk. Efforts have been made to utilise the available rooftop space of the reconstructed Tavern Stand for the installation of photovoltaic (PV) panels. Since the new Allen Stand lacks roof space, a significant installation of PV panels is being undertaken on the roof of the nearby Thomas Lord Suite. This will supply power to both the Tavern and Allen Stands. The overall system will include 320m² of PV panel area and this is welcomed.

9.2.4 Circular Economy

The proposal seeks to retain, refurbish and extend the Tavern Stand, while disassembling and reusing some parts of Tavern Stand., whilst the Allen Stand is to be completely demolished, with all existing materials to be downcycled, apart from the video screen and frame.

The applicant has submitted a pre-demolition audit and pre-redevelopment audits, identifying key materials for reuse, both on and off-site, as well as materials that most likely be downcycled or will be sent to landfill. The audits also recommend waste management companies and platforms such as the Excess Material Exchange, Globchain, and for each material type.

Concretes represent the largest amount of potential waste, and it is understood that 64.3% of the waste will be concretes. Whilst the applicant has not reported the amount of embodied carbon present in existing element, it is strongly recommended that the concrete is crushed (on or off-site) in a clean environment, without contamination, for higher recyclability and re-use in future concretes (subject to planning). Crushed concrete for landscaping, fill or similar uses that are considered downcycling should be adopted only after all other upcycling mechanisms have been explored. This is also the case for all glass elements.

The proposals are considered to comply with Policy 37C of the City Plan: Waste

Management and the Council's ESPD.

9.2.5 Air Quality

The applicant has submitted an air quality assessment with the application, and this has been assessed by Environmental Sciences officers. The proposals are considered to be air quality neutral.

Construction Phase

Traffic

There is predicted to be an increase of 5 vehicles per day, 4 of which will be heavy duty vehicles (HDVs). As the increase in construction traffic is below the screening criteria requiring detailed assessment (see Table 6-1), the impact of construction traffic emissions on local air quality can be ruled not significant.

Construction Dust

The Air Quality report states: *'The following mitigation measures can be incorporated into the development so as to ensure that the residual effects from construction are not significant'*.

Assuming the relevant mitigation measures outlined are implemented, the residual effect from all dust generating activities is predicted to be not significant in accordance with the Mayors Guidance.

Developments of this size will be required to sign up to the council's code of construction practice (CoCP), where these mitigation measures will be set out and approved within a site-specific Site Environmental Management Plan (SEMP). It is therefore recommended that the CoCP condition is imposed should permission be granted.

Operational Phase Traffic

The Air Quality report addresses Operational impact mitigation and states: *'As the impact from all operational aspects of the proposed development are not significant, no further mitigation is required'*.

No additional car parking spaces are proposed, and any additional trips generated resulting from the increase in stadium capacity during events (which will take place on circa 20 days each year) will be dispersed over the wider road network. It has therefore been determined that the impact on air quality from traffic emissions generated by the operation of the proposed development will be not significant.

Within the submitted Transport Assessment it states: *'There are no changes proposed to the existing site-wide service vehicle access arrangements as a result of the proposed development. 3.13.5 The proposed development is expected to generate an additional two service vehicles across the two weeks leading up to a major (match day) event, which is not significant'* and this view is agreed.

Combustion Sources

The Air Quality report states that there is no combustion plant or gas consuming equipment proposed with heating and hot water demand to be met via high temperature air source heat pumps (ASHPs), electric water heaters and variable refrigerant (VRF) systems. In addition, Emergency standby power will be met using local batteries, and no

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emergency diesel generator is proposed. No combustion plant or gas consuming equipment is therefore proposed that may have any impact on air quality.

The proposals are considered to comply with Policy 32 of the City Plan.

9.2.6 Flood Risk & Sustainable Drainage

The site is not located within a flood zone or a surface water management zone. There will be no change on impermeable areas.

Sustainable Drainage System (SuDS) are not required as there will be no increase in impermeable surface areas because of the demolition, refurbishment, alteration and extension works.

The proposals are considered to comply with Policy 35 of the City Plan.

9.2.7 Light Pollution

There are no changes to the four existing floodlights in the grounds as a result of the proposals.

It is not considered that the elevational treatment of the stands, notably the Tavern Stand as this is the stand nearest to residential building on St John's Wood Road, results in any significant or harmful levels of light pollution.

The proposals are considered to comply with Policy 33(B) of the City Plan.

9.2.8 Land Contamination

The applicant has submitted a Ground Engineering Desk Study. Environmental Sciences officers consider that the report is sufficient in identifying the full site history and environmental information from the public records. Further to this, it is recommended that the Council's standard land contamination in relation to site investigation, remediation strategy and validation report in respect of the redevelopment of the Allen Stand.

The proposals comply with policy 33(E) of the City Plan.

9.2.9 Environment & Sustainability Summary

Whilst the proposals are carbon intensive and in terms of energy performance the proposals do not meet the aims of Be Lean, for the reasons discussed and given the nature of the scheme, the proposals have received the support from the Council's sustainability officers, are considered to meet the City Council's environmental and sustainability policies and the Planning Obligations and Affordable Housing SPD. Conditions to ensure the development provides the measures as set out; that BREEAM Excellent is achieved, and that monitoring is carried out to ensure compliance with said conditions are recommended.

9.3 Biodiversity, Tree's & Greening

9.3.1 Arboricultural Matters

Trees on or near to site

Almost all trees within Lords Cricket Ground, including two mature limes T7 and T8, are protected by Tree Preservation Order W179. The remainder of trees within the Ground

are protected by virtue of being within the conservation area.

Photo to show T7 and T8
– west of the Allen
Stand, next to the
Coronation Gardens



The London planes T9-T18 on the footway of St John's Wood Road are owned and managed by TfL. They are protected by virtue of being within the conservation area.

Photos to show TfL
owned trees on St
John's Wood Road
(T9-T18)



Trees T1 (eucalyptus), T2 (ash), G3 (5 cherries), T4 (birch), T5 (evergreen Magnolia) and S6 (various shrubs) are outside the application site within the gardens of 2a-4 Grove End Road. These are not protected by virtue of Tree Preservation Orders, but are protected by virtue of falling within St John’s Wood conservation area.

Pruning to facilitate development.

The crowns of 5 trees (T7, T8, T12, T13 and T14) trees are proposed to be reduced to provide sufficient clearance for external facade works and erection of a scaffold framework, which it is said will protrude 1.5 m from the buildings. The tree report says the proposed pruning includes the anticipated logistical requirements of the proposal. Below are photos annotated by the applicant to show the likely pruning required to T7 and T8 within the grounds and to the TFL trees on St John’s Wood Road.



T7



T8



T12



T13

The arboricultural officer is concerned that the proposed pruning would be of detriment to the health and amenity value of trees T8 and T13. They remain unconvinced that the extent of pruning would be sufficient to facilitate the development, and that the demolition and

construction logistics are likely to give rise to additional potentially harmful pruning. The outline construction logistics plan indicates considerable activity around the trees, with the trees to be located behind site hoarding, and within the works area, which will render them vulnerable to accidental damage. The officer also considers that even if the proposed pruning was adequate to facilitate the development, it is likely that ongoing works would be required to maintain adequate clearance for building maintenance and to avoid conflict with built structures.

Whilst the concerns are noted with regards to T8, it is within the applicant's best interest to ensure that trees on the site are retained and provide amenity value in an otherwise hard landscaped, built-up ground. A condition securing these pruning methods is recommended. With regards to T18 notably, as this tree and the other street trees are owned by TFL, with the agreement of TFL who have no objection to the works, it is recommended that the applicant sign up to a S278 (highways works) agreement with TFL to secure further details of the pruning. With regards to construction and logistics, given the sites location off a TFL road, further details which can encompass the impact to trees can also be secured via a S278 agreement. With regards to on-going maintenance, this is to be expected and the applicant is aware of the potential on-going requirements. TFL as landowner will need to agree this course of action. It is not a reason within itself to withhold permission.

Building maintenance

The proposals do include details of the intended façade maintenance of the Allen and Tavern Stands. Subject to the intended methodology, there may be additional impacts on the canopies of the adjacent trees. Details of proposed building maintenance arrangements are required to determine the likely longer-term impact on the trees; however, it is considered that a condition to secure this is sufficient.

Root Protection Areas (RPA)

The arboricultural officer considers that the RPA's shown in the submission are not correct and should be replotted. If this is done, they considered that the impact to the tree's, notably T7 and T8 is likely to be greater than initially thought. Given that the T7 and T8 are closest to the Allen Stand which is being replaced in its entirety, whilst the applicant considers that any works here could be accommodated with minimal impact to these tree's given the existing makeup of the ground and walking areas between these trees and stand, a condition is recommended to secure these further details.

Proposed foundations and removal of existing foundations

The Council's arboricultural officer has made comments on the removal of the foundations of the existing boundary wall alongside St. John's Wood Road and the new foundation construction for the new boundary wall/ Tavern Stand ground floor elevation. As the impact of these works is to TFL owned trees, whilst any harm caused could harm the visual amenity these trees provide to local residents, visitors and to the Conservation Area, ultimately TFL will need to be content of the works proposed. These details are to be secured via a S278 agreement with TFL.

Turning to trees within the site itself, sheet piling is proposed in the root protection areas of T7 and T8 in order to accommodate a proposed basement to the Allen Stand. The Council's arboricultural officers considered insufficient information has been submitted to demonstrate the likely impact of sheet piling for the proposed Allen Stand on trees T7 and T8. A condition securing further details is recommended.

Utilities

The structural methodology statement and/ or foul sewage and utilities assessment indicate:

- Removal of existing electrical cables within the RPAs of T7 and T8
- Removal of existing water connection to Allen Stand within the RPAs of T7 and T8
- Relocation of existing water ‘ring main’ to accommodate piling to proposed Tavern Stand with the potential to impact upon trees T11, T12, T13 T15
- New foul water connections within RPAs of T7 and T8 and the London planes on St Johns Wood Road with the potential to impact upon trees T11, T12, T13 T15
- Data and communications cabling is not yet developed.

The Council’s arboricultural officer is concerned about the extent of excavation in the RPAs of trees for removal of existing utilities and installation of new utilities, and the potential for loss or harm to the trees as a result. Conditions are recommended to secure further details, to which the Council will assess in relation to trees within the site, and for those works affecting TFL owned tree’s, TFL will be consulted on any future approval of details applications.

9.3.2 Landscaping & Greening

Given the constraints of the site and that there is increased bulk and massing proposed, the opportunity for landscaping is limited. The submission includes:

- At ground floor level, narrow raised planters alongside to the boundary wall with St Johns Wood Road, which are partly over sailed by the proposed Tavern Stand A small, raised planter adjacent to the proposed Allen Stand, over sailed by the projecting roof.
- At first floor level, two discrete narrow planters.
- At third floor level, some discrete narrow planters.
- At fourth floor level a narrow band of linear planting on the proposed Tavern Stand largely below the roof.

Whilst it is unfortunate that there is no scope for further landscaping, the proposals are significantly greater than the existing situation and therefore accepted. Conditions to secure further details of what is proposed is recommended.

9.3.3 Biodiversity Net Gain (BNG)

The new BNG requirements (for major applications) applies only to those application submitted after BNG took effect on the 12 February 2024.

However, as set out in the applicant’s ecological appraisal, mitigation and enhancements have been proposed in the form of habitat retention, incorporation of habitat features such as insect hotels and bat boxes, onto the existing trees and the 4th floor planting/ hedgerow, in line with local policy. Green walls in the form of vertical climbers are aspirational and will be created within the proposed development which will help to increase the green infrastructure of the local area. Habitat enhancements have been calculated to result in a net gain of 0.69% through biodiversity net gain calculations.

The creation of landscaping across the site to incorporate biodiversity, and the retention of the existing trees in the west of the site, alongside new roosting features for bats leads to the conclusion that the proposed development can be considered to have a beneficial effect on local biodiversity and is an improvement on the existing situation. Conditions are recommended to ensure that the bat boxes and insect boxes are

provided. The applicant was also asked to agree to providing bird boxes, as has been agreed on past applications.

9.3.4 Conclusion

Whilst a number of conditions are suggested, it is considered that the principle of the proposals is acceptable in terms of impact to existing trees and greening of the site where possible and to encourage habitats and the proposals are considered to comply with Policy 34 of the City Plan.

9.4 Townscape, Design & Heritage Impact

9.4.1 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."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should 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.

9.4.2 Existing Stands/ boundaries & Proposals Tavern Stand

The 1960s Tavern Stand is set back from St Johns Wood Road by the depth of the inner perimeter service road. The stand comprises three tiers of seats. The stand is largely an open structure with enclosed hospitality boxes. The ground floor plan is dissected by corridors and passageways for visitors to access their seats. There is no provision for

accessible seating and there is no passenger lift. The Tavern Stand was built in the 1960s to replace the nineteenth century pub that formed part of the ground and is home to Middlesex County Cricket Club. The steel structure is of limited architectural significance.

As noted in Section 8 of this report, the proposal is to retain the three existing Tavern seating tiers and as much of the steel frame structure as possible. It is then proposed to extend the stands to the south with a 'piggyback' type extension. The southern elevation of this extension at ground floor level will form the new St John's Wood Road boundary treatment. The height of the stand will be increased to create a fourth tier of seating and include a new sculptural roof. The extension southwards and upwards will allow for the servicing perimeter road to be designed within the scheme and then provide servicing, a lift, hospitality spaces and improved private boxes at first level, back of house services and facilities at second floor level, bars and terraces at level three and four. Currently there are no hospitality offerings within the Tavern Stand. A new larger scoreboard screen will be incorporated at the western side of the top tier facing into the ground. The new stand will result in an increase of approximately 841 seats.

Allen Stand and Pavilion Link Bridge

Designed by Herbert Baker in 1935, the Allen Stand is nearly 90 years old and sited south of the Pavilion, connected by a link bridge at second floor level. The stand comprises two tiers and above the second tier, there is a double screen scoreboard facing into the ground. Again, there is no provision for accessible seating and there is no passenger lift. The Allen Stand is adjacent to the Grade II* Pavilion and is connected to it via a link bridge at second floor level. It is, however, not considered to be part of the listed building. The reinforced concrete structure has been altered several times including the installation of the display screen above the upper tier in the 1990s. The Allen stand, given its age is suffering water ingress into the concrete structure which is resulting in the rusting of the steel reinforcements, and blistering off lumps of concrete.

It is proposed that the stand is demolished and rebuilt with three tiers and again with a new 'statement' roof structure. A basement is proposed to be excavated to house services. The scheme will include a new, more sensitively designed link bridge to the Pavilion building and will involve sensitive repair to the terracotta work to the Pavilion elevation. Whilst the roof is taller than the existing, the bulk and massing of the replacement stands remains broadly similar. The new stand will result in an increase of approximately 166 seats. At raised ground floor level, the new stand will house a 'Middlesex Members' lounge and services including lift, refectory at level one and services are proposed and members' terrace at level three.

Grace Gates and Boundary Treatment

The Grace Gates, also by Herbert Baker, were built earlier in 1923 and is a main entry point to the ground for both visitors and service vehicles. The Grade II listed gates and piers were relocated in 1960s, as part of the Tavern redevelopment, and a new brick boundary wall to St John's Wood Road erected. Temporary buildings and servicing areas detract from the sense of arrival through this commemorative gate.

The new boundary treatment to St John's Wood Road includes new pass gates to the right of the Grace Gates.

9.4.3 Assessment

The additional height, scale and bulk of the proposals will be clearly visible from within the cricket ground as well as from St John's Wood Road, impacting on the conservation area and listed assets, most notably the Grade II* Pavilion. However, the height and scale of both stands reflect that already found within the ground. The roofline of the proposed Allen Stand would be below that of its listed neighbour reducing its impact on the centrepiece.

The overall bulk, height and massing of the extended Tavern Stand and replacement Allen Stand are considered appropriate as they are complementary to the other stands and buildings with the ground and is also comparable to the 2016 scheme approved for replacement stands. The complementary nature of the size of the new stands in relation to the ground as a whole, is also felt to preserve the character and appearance of the conservation area. The stepping down in scale of the Allen Stand is felt to be an appropriate response to its siting adjacent to the listed Pavilion. The Design Review Panel considered that the overall height and principles have been well established and well executed, they made a number of suggestions in respect of detailed design matters. It is considered that the latest revisions have now addressed how the extended Tavern Stand meets the boundary and officers bn detailed

The character of Lords is one of a series of stands, rather than a single stadium style design. Each stand has its own distinct architectural expression, yet at the same time there is a cohesion to the stands, brought about by the handling of scale, as well as the overall design quality and choice of materials. The sculptural roof forms and vertical finned rear façade (evoking a cricket sight screen) of the proposed development appears contextual and would relate well to the other individual stands within the grounds and the character and appearance of the St John's Wood Conservation Area.

The new link bridge between Allen Stand and Pavilion at the upper level seeks to improve lateral movement between buildings, particularly for Members and users with mobility issues. It will also better respect the privacy of players in the changing room area. The new opening into the listed building will be via the existing bar area which has no surviving architectural features. The new glazed link bridge will have less visual impact than the current concrete bridge and is more sensitive to the historic fabric of the Grade II* listed Pavilion. In respect of the comments made by the Design Review Panel in respect of this bridge link, officers and Historic England are satisfied with its position and simple design.

At ground level, the design of the new Allen Stand will establish views between the playing field and Harris Garden, which is now used for receptions, improving the relationship between these key spaces. The scoreboard will be relocated from its current location on the Allen Stand to the northern end of the new Tavern stand, reducing its visual impact on the setting of the Grade II* Pavilion.

Historic England raises no objection to the demolition of the Allen Stand, its redevelopment or that of the Tavern Stand and considers that the impact of the proposed changes on the setting of designated heritage assets, including the Pavilion and Grace Gate, would be limited with any harm being towards the lower end of the scale of less than substantial. The removal of the temporary structures around the Grace Gate and relocation of the scoreboard away from the Pavilion to the Tavern Stand are welcomed and would represent heritage benefits arising from the proposals.

Historic England have suggested that a package of repairs to the terracotta facade of the Grade II* Pavilion be secured by condition and standard conditions would be recommended in terms of samples of materials and the detailed design of rear and side elevations of the replacement stands to ensure that the necessary design finesse is achieved.

Discussions have taken place during determination of the application in relation to the boundary treatment with St John's Wood Road. This elevation too was subject to lengthy discussion when the proposals were presented to the City Council's Design Review Panel. This part of the rear façade to the extended Tavern Stand will be contiguous with St John's Wood Road and thus form the boundary to the ground. A revised south elevation drawing has been received to better resolve the way that the Tavern Stand hits the ground on St John's Road and seeks to introduce masonry piers to support boundary railings rhythmically interspersed alongside the structural columns which support the stand above. This is considered to be a successful proposition and will maintain the architectural integrity and expression of the new stand whilst creating a more deliberate and traditionally enclosed boundary interface with the external public realm. In terms of the area adjacent to the Grace Gates the proposed replacement brick wall and introduction of two additional pass gates is considered an acceptable approach, subject to conditions requiring material samples and showing the detailed design of this element.

It is considered that the appropriate fabric repairs to the listed Pavilion's façades and new St John's Wood Road boundary treatment which will achieve an enhancement in terms of setting to the listed Grace Gates would offset any attributable lower range less than substantial harm arising.

PV panels are proposed to the roof of the Thomas Lord suite and this installation raises no design concerns.

Whilst Historic England refer to the impact of the proposals as 'being limited and any harm would be at the lower end of the scale of less than substantial' the City Council considers that no harm would be caused for the reasons as set out above. The proposed works are considered to preserve the special interest of the listed buildings and the contribution that the site makes to the character and appearance of this part of the St John's Wood Conservation Area. Subject to conditions to secure detailed drawings showing bay studies and samples of each elevation of the new stands and the St John's Wood Road boundary elevation (which would also go some way in addressing the Design Review Panels comments and those of the St John's Wood Society), the proposals reflect the requirements of policies 38, 39 and 40 of Westminster's City Plan 2019-40 (April 2021) and the guidance contained within Westminster's 'Repairs and alterations to listed buildings' SPG.

9.4.4 Fire Safety

London Plan Policy D12: Fire Safety seeks to ensure that the development proposals are designed to achieve the highest standards of fire safety and where major development scheme are proposed that a fire statement be submitted, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

A fire statement has been submitted and this assesses means of escape, fire safety systems, internal fire spread (structure and linings), external fire spread, firefighting

access and facilities and fire safety management.

The fire statement is considered to meet the aims of policy D12. The fire safety measures will also be subject to further scrutiny as part of Building Regulations. To note the HSE did not need to be consulted on the proposals given the nature of the development.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

A number of amenity concerns have been received including height increase and impact to views; that the loss of solid boundary wall will result in more noise onto St John's Wood Road; loss of privacy from the new stand and link bridge and that open air events and concerts would result in additional noise and large gatherings.

9.5.1 Daylight & Sunlight

The Allen Stand will be one solid floor higher than the existing stand, replacing the existing pitched roof and this additional storey will be covered by a 'statement roof'. The Tavern Stand as discussed will be pushed southwards to the boundary of the site and is also proposed to be a storey higher with a large 'statement' roof covering.

A daylight and sunlight study has been carried out using the assessment methodologies recommended in '*Site Layout Planning for Daylight and Sunlight: A guide to good practice*' (BR209, 2022 edition) published by the Building Research Establishment (BRE).

The study has assessed the proposed impact to residential properties including:

- Pavilion Apartments, south of the site on St John's Wood Road;
- Blazer Court, south of the site on St John's Wood Road;
- St John's Wood Court, south of the site on St John's Wood Road;
- Century Courts, west of Lord's Tavern
- 2, 2a, 4 Grove End Road, west of the grounds.

The map below shows the locations of properties in relation to the application site.



As a point to note, a number of the Key Window Location maps have incorrectly advised of the building name. The details are correct within the tables of analysis, and it is clear from the keys as to what building the drawings relate to.

Daylight to neighbouring buildings

The BRE guidelines are intended for use for rooms in adjoining dwellings where daylight is required. Living rooms, dining rooms and kitchens have a greater requirement for daylight. Bedrooms should also be analysed but are less important. Bathrooms, stairwells and other areas without a requirement for daylight need not be assessed. (See BRE paragraphs 2.2.2 and 2.2.10). If the head of the new development subtends an angle of more than 25° measured from the centre of the lowest affected window in an existing neighbouring building in a plane perpendicular to the window wall, then a more detailed check is needed to find the loss of skylight.

The more detailed tests are:

- i) vertical sky component (VSC) at the centre of each main window, which measures the total amount of skylight available; and
- ii) no-sky line (NSL) on the working plane inside a room, where room layouts are known, which measures the area that can receive direct skylight and assesses the distribution of daylight around the room.

The NSL test need only be run where room layouts are known, for example if they are available from the local authority's portal.

Loss of daylight resulting from development will be noticeable if either:

- the VSC at the centre of the window will be reduced to both less than 27% and less than 0.80 times its former value, or
- the area of the working plane in a room that is enclosed by the no-sky line (NSL) and can receive direct skylight will be reduced to less than 0.80 times its former value.

For a bay window, the centre window facing directly outwards can be taken as the main window for the VSC calculation. If there would be a significant loss of light to the main window but the room has one or more smaller windows, an overall VSC may be derived by weighting each VSC element in accordance with the proportion of the total glazing area represented by its window.

It is important to note that these numerical guidelines are purely advisory, as confirmed by the BRE.

St John's Wood Court

533 windows were tested within St John's Wood Court. There are some minor losses to the VSC levels to these flats however these are well within the tolerances of the BRE Guidance and therefore considered acceptable.

Blazer Court/ Liberal Jewish Synagogue

The synagogue occupies the ground and first floor of Blazer Court with the residential accommodation is at upper levels.

In total 92 rooms served by 247 windows have been assessed. Of these 247 windows, 225 (91%) will meet the BRE Guidelines for VSC, while 90 (98%) of the 92 rooms will meet the NSL criteria. 22 windows fall below the recommended BRE criteria. Of these 22 windows, 17 serve the synagogue and five serve residential flats at second and third floor level.

The applicant has categorised the impact to the affected in the following way:

- 13 windows will experience alterations in VSC that are *low impact*
- 2 windows will experience alterations in VSC that have a *medium impact*; and
- 7 windows will experience alterations in VSC of a *high impact*.

*the use of the term 'impact' follows on from the Environmental Impact Assessment measuring of daylight impact, as set out in Appendix H of the BRE Guidance and is widely used in the industry.

Whilst the applicant has sought to measure the impact, officers are making a judgement on the loss of VSC to all 22 windows. Whilst 17 windows of the synagogue would result in noticeable VSC losses, given the rooms to which they serve being entrance/lobby spaces at ground floor level; and high-level windows at first floor level serving non-residential circulation space, administration/office, or ancillary space within the Synagogue it is considered that on balance, the proposals are acceptable. Five residential windows at second and third floor would be impacted from the proposals, affecting just two properties within Blazer Court. The main impact is to the second floor flat however it appears that the losses are to a wide expanse of glazed folding doors which access a terrace and given the NSL levels are compliant with BRE guidance, it is not considered that these losses would be so harmful to warrant refusal.

Pavilion Apartments

In total 149 rooms served by 248 windows have been assessed. Of these 248 windows, 221 (89%) will meet the BRE Guidelines for VSC, while 129 (93%) of the 138 rooms will meet the NSL criteria. The losses occur to a handful of residential apartments at ground, first, second, third and fourth floors.

Four of the losses to the ground floor are to the lobby space and porters' office and therefore considered acceptable.

18 of the 23 windows serve bedrooms (according to the applicant and not verified by the case officer) which have a lower expectation of light compared to living rooms. Of the remaining windows, these losses appear to occur to living spaces. Six of the 23 windows affected, will experience the largest losses of more than 40% loss of VSC. The image below shows the properties affected (as taken from applicant's submission):



It can be seen from the image above that a large proportion of the existing windows are sited underneath existing balconies and in conjunction with its primarily north facing façade, this is reflected within the already lower than recommended VSC levels.

Whilst some of the losses appear large, given the existing low VSC levels and the rooms to which the losses impact upon, it is likely that this will not so discernible, so to warrant refusal. The proposed impact to living accommodation, on balance is considered acceptable.

Century Court

There are some very minor losses to the VSC levels to flats within Century Court. These are well within the tolerances of the BRE Guidance and therefore considered acceptable.

Grove End Road Houses

There are some very minor losses to the VSC levels of these properties, and these are well within the tolerances of the BRE Guidance and therefore considered acceptable. One window however at ground floor level to the rear of 2 Grove End Road will experience a reduction in VSC levels result of less than 0.8% of its former value. It is unclear what room this window serves; however, this window already experiences lower levels of VSC and when considered with the NSL assessment, which is wholly compliant with BRE Guidance, the impact is considered acceptable. As a point to note, the room appears to be served by another room which is wholly compliant with the BRE Guidance

Sunlight to neighbouring buildings

In designing new development, care should be taken to safeguard the access to sunlight for existing dwellings and any nearby non-domestic buildings where there is a particular

requirement for sunlight. Obstruction to sunlight may become an issue if part of the development is situated 90degrees of due south of a main window wall of an existing building, and in the section drawn perpendicular to this existing window wall, the new development subtends to an angle greater than 25degrees to the horizontal measured from the centre of the lowest window to a main living room.

In housing, the main requirement for sunlight is in living rooms and it is also required in conservatories, but it is viewed as less important in bedrooms and in kitchens. All main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90degrees of due south. Normally loss of sunlight need not be analysed to kitchens and bedrooms, except those that also comprise a living space. (See BRE paragraphs 3.1.2 and 3.2.3).

The amount of sunlight reaching a room is measured by calculating the percentage of annual probable sunlight hours (APSH) at the centre of its windows. If, following development, the APSH will be greater than 25%, including at least 5% of APSH in the winter months between 21 September and 21 March, then the room should still receive enough sunlight. Sunlight will be adversely affected if the centre of the window will:

- receive less than 25% APSH or less than 5% APSH during the winter months (21 September to 21 March); and
- less than 0.80 times its former sunlight hours during either period; and
- the reduction in sunlight over the whole year will be greater than 4% APSH.

Given the siting of the St John's Wood Road residential properties, being southwest of the application site, not all these properties have been assessed, in accordance with the BRE Guidelines. Those assessed include properties south west of the application site; Century Court (only some windows); 2, 2a and 4 Grove End Road and again only some of the windows within Pavilion Apartments on St John's Wood Road.

Of the 148 rooms tested, 147 rooms would still continue to experience sunlight levels in accordance with the BRE Guidance. One room in a corner apartment of the Pavilion Apartments, at first floor level would see a 5% reduction in APSH. Whilst this is marginally out of the tolerances of the BRE guidance, the windows are floor to ceiling glazed units and the room appears to be served by 2 windows. The impact is therefore considered acceptable in this instance and would likely not be noticeable.

Conclusion on Daylight and Sunlight

Whilst it is clear that the development will result in some losses to daylight and sunlight of neighbouring properties, the impact is considered to be fairly minor especially when considering the number of residential properties in the vicinity. It is considered that on balance, either the losses in daylight and sunlight will not be discernible to existing residential occupiers, or so harmful to warrant refusal of these proposals and the proposals are therefore acceptable.

9.5.2 Sense of Enclosure

Whilst the stands are increased in height and in the case of the Tavern Stand the bulk is extended to form the southern boundary on St John's Wood, given the distance to the residential properties of The Pavilion Apartments, Blazer Court and St John's Wood Court of over 30 m, although this additional bulk and massing will be noticed, it is not considered that the impact is harmful.

9.5.3 Privacy

At present the Tavern Stand has balconies and walkways to its southern façade. Some overlooking can occur to the residential properties opposite from these walkways, but these are largely obscured by the significant tree cover of the TFL London plane trees.

The bulk and massing of the Tavern Stand is pushed southwards onto the boundary with St John's Wood Road and the elevation treatment is very different to the existing. The ground floor will largely be obscure by the new boundary treatment. At first floor level the space comprises a solid plant room/ cellar which affords no overlooking and a new restaurant space, but this is largely behind the glazed and finned elevation so would not allow any extensive overlooking, especially when considering the existing tree cover. At second floor level there are no 'customer spaces' facing St John's Wood Road. At third floor level there are hospitality spaces fronting St John's Wood Road but again these are behind the glazed and finned elevation and almost all obscure by the tree cover and therefore there is limited opportunity for any overlooking. At fourth floor the hospitality terraces are more open to the elements, but these are set back from the St John's Wood Road elevation by the planting proposed. Whilst this area would be set higher than the tree canopy of the TFL trees on St John's Wood Road given the distance to the nearest residential properties of over 30m it is not considered that any significant and harmful overlooking will occur to these residential properties.

The new Allen Stand is considered to be set too far within the grounds to result in any harmful overlooking to the residents of St John's Wood Road.

9.5.4 Noise & Vibration

An acoustic report has been submitted with the application which addresses noise from proposed plant and machinery and noise from the proposed uses within the stands.

Noise from Plant and Machinery

Outdoor mechanical plant area is proposed within the Tavern Stand at level 2 in a gantry facing St John's Wood Road and in a plant room at roof level.

The City Council's Environmental Sciences officers have reviewed the acoustic report and consider that the plant proposed will comply with the Council's noise policies and therefore not result in any harm to neighbouring properties amenity. However, as sometimes plant and machinery choices can change it is recommended that a supplementary acoustic report be secured via condition to ensure that the proposals continue to comply with the Council's noise policies.

Noise from PA System Noise from Uses and Proposed Activities

The operation of PA/VA systems in the past has resulted in nuisance complaints being made to Environmental Health. This has been mainly when '20/20' and 'Hundred' matches have been held during which these types of entertainment are provided. The applicant confirms that the PA system is not altering as a result of the new stands, but in any event has addressed the noise implications of these type of matches within their submission. The Council's Environmental Sciences officer has no objection to the PA system provided that the Council's noise emitting conditions are attached to any permission.

9.5.5 Increase in visitors/ activity

Whilst there is an increase in 1107 visitors as a result of the proposals, when considered in the context of the existing ground which operates at a capacity of just over 38,000 people it is not considered that a 1107 visitors would result in a discernible difference or such an increase in noise harmful to neighbouring amenity from the comings and goings to the grounds or from when using the stands and facilities.

9.5.6 Odour Control from Proposed Hospitality Uses

The new stands will incorporate new hospitality facilities. There are no objections to these in principle as they replace existing facilities and will be incorporated fully into the new plant equipment within the new stands. Conditions and informatives are recommended to ensure that the proposals comply with the Council's policies.

9.5.7 External Events

Objections have been received on the grounds of noise and amenity impacts from other events hosted at Lords. Several events have been held in the past such a Food Festival, Cinema screenings and community events. These proposals are generally considered ancillary functions to the cricket ground and appear in the past to have been run well with limited harm to residential amenity. Consultation on these events is extensive through the Lords Community Group Meetings and advertising to local residents.

9.5.8 Amenity Conclusions

The proposals are considered acceptable in terms of daylight and sunlight; enclosure; outlook; noise, vibration and odour and disruption from comings and goings and comply with policies 7 and 33 of the City Plan.

9.6 Transportation, Accessibility & Servicing

The proposal will result in an increase in additional trips as a result of the increase in the capacity of the new stands. Transport for London (TFL) raise objections to the proposals on the grounds of the pressure on the Underground services and St John's Wood Station. There have been substantial discussions between TFL, the applicant and the City Council during the course of the application.

9.6.1 Public Transport Impact Underground Network

St John's Wood LU (London Underground) station operates in a highly unusual manner for events at Lords Cricket Ground. Cricket matches played at Lord's bring significant numbers of people to St. John's Wood station and the increasing number of matches, and in particular, the newer format 'The Hundred' and T20 but also many of the international matches, bring with them an increasing amount of strain on a small station, which was not designed for this level or intensity of patronage.

Due to the volume of passengers passing through the station, it requires a staff intensive program in order to implement and move passengers through the station, particularly for arrivals. It requires holding every other Jubilee line northbound train for an additional minute on the platform (this has knock on impacts for the entire Jubilee Line service), the use of both escalators and the fixed staircase in the same direction (in effect meaning the station has no choice but to operate in an 'exit only' mode in the arrival peaks, impacting local residents), some passenger movement onto the southbound platform (to

clear the Northbound platform quicker, before the next train arrives), and all gates in the auto-completion mode (a revenue risk for TfL). In addition, some trains will not be able to stop at St Johns Wood station if the platforms have not been cleared and therefore, a train could become a non-stopping service at St Johns Wood.

In order to implement the above strategy, a staff intensive program is put on by TfL, which currently covers the full cost of this. The gradual expansion of Lords (ref: 13/12002/FULL – Warner Stand redevelopment and 18/08510/FULL – Edrich and Compton redevelopment) has increased the capacity to over 31,000 seats. This has been largely unmitigated, and the soft measures secured as part of the Edrich and Compton (ref: 18/08510/FUL) permission in 2019 (to which TfL also raised concerns around capacity at St John's Wood station) have been extremely limited in success.

TfL themselves have put forward a package of mitigation measure that they believe they must carry out to assist in this problem but also recommend that there is more that Lords/ Marylebone Cricket Club can also do, and these are details and discussed below:

- *Securing of an Event Management Plan (EMP) with monitoring and targets which have been agreed in principle by both the applicant and officers.*

The City Council agrees, and this is to be conditioned.

- *Securing that prior to the start of each season, travel targets, including the proportion of spectators using St Johns Wood LU station are to be agreed and set, along with a monitoring strategy.*

The City Council agrees, and this is to be conditioned.

- *TfL suggest that if travel targets are not met a financial contribution of £2,500 per major event (to be defined in the EMP) is to be paid to TfL to mitigate the station impacts and fund necessary measures to manage spectators travelling to and from Lords. This funding would need to be in place from completion of the new stands, for 10 years. The above figure is based on the additional staffing costs that TfL incurs to manage major events at Lords Cricket Ground but could be allocated to a range of TDM measures. TfL considers that this is a necessary, reasonable, and proportionate level of contribution to ensure two things: that the applicant is suitably incentivised to reduce the demand at St Johns Wood LU station, and to sustainably continue TfL's matchday operations at St Johns Wood and other surrounding LU stations.*

The applicant confirms that the capacity is not always reached and in considering that these major match days happen so infrequently throughout the year, the City Council considers this an unnecessary requirement given the proposals increase the capacity of the grounds by 1107 people, a 3.5% increase compared to the existing capacity levels. In addition, the mitigation payments would not resolve the 'situation then and there' as it would be a 'back payment' in effect, again demonstrating it is unnecessary.

- *TfL recommend as part of a range of mitigation measures to redistribute spectators that Active Travel Zone improvements identified within the applicants Transport Assessment are secured on the routes to the key stations. This will help improve the environment to and from Lords and the alternative stations and*

hopefully (alongside the other measures) will encourage spectators to use the other stations, including public transport waiting areas including bus stops.

These measures include such things as pop up shops, benches for people to sit etc. Whilst these would make a more inviting public realm, the proposals are suggestions; do not form part of the formal application and would likely require permissions and licenses in their own right, some outside the scope of planning controls.

- *TfL considers that the applicant should look to explore a wide range of ‘soft’ measures that would encourage spectators to arrive outside of the peaks. These measures could include promotional offers on their food and beverage for example. This encourages some spectators to arrive earlier and thus, reducing the pressures on LU stations nearby.*

Through the application discussions the applicant is aware of their role in reducing the impact on St John’s Wood station and has already committed to making changes such as to their website ‘how to get here’ instructions, travel information on tickets etc. The applicant will be advised by way of informative to introduce more ‘soft measures’ such as those suggested by TFL.

Whilst the concerns of TFL are strongly noted, it is considered that the increase in 1107 visitors to the grounds, on up to 15 days a year is minimal, and it does not warrant refusal of the proposals. The mitigation measures proposed and suggested conditions are considered reasonable to ensure passenger safety.

Bus Usage

TFL state “although bus capacity enhancements are not required in this instance. Given the level of spectators and staff to the site, the nearby bus stops should be assessed against TfL’s bus stop accessibility guidance and the Healthy Streets indicators. Any necessary improvements identified should be secured to ensure accessible, convenient, and attractive access to the bus network for spectators and staff, setting benchmarks for inclusivity in and around sporting venues and in line with London Plan policy T4”.

The proposed development will result in a maximum increase of two additional passengers per service during the development peak periods and a maximum of up to one additional passenger in the PM network peak hour, which is not considered to be a significant impact. Despite the requests from TFL, a requirement to improve nearby bus stops is not considered necessary as a direct result of the proposed development.

Taxi

There is a Taxi rank on St Johns Wood Road which is approximately 30m to the west of the Grace Gates which TFL confirms is very well used on match days. TfL Taxis and Private Hire team have viewed the plans and documents and have no further comment to make on the proposals along as the Taxi ranks remain in place and are not suspended by matchday or construction activity. Management of the taxi ranks in the vicinity of the site on matchdays will need to be incorporated into an event management plan, to be secure by condition to ensure continued safe and accessible access to the taxi network.

9.6.2 Cycle parking Visitors

The applicant has indicated that no additional cycle parking would be provided as spectators are not permitted to bring their cycles onto the site for security reasons. They also confirm that there are on-street cycle parking facilities available nearby with 38 (publicly available) cycle parking spaces on St John's Wood Road (19 stands) as well as a number of other cycle parking locations within walking distance. The applicant envisages that these existing facilities would adequately accommodate the additional 22 cycle trips anticipated as a result of the proposed development on a match day. TFL argue that there is no information on on-street cycle parking. They also question whether there is an appropriate level of off-site cycle parking that would encourage spectators to cycle. They suggest that the proposed ST John's Wood elevation is to change to primarily railings is there is scope for temporary cycle parking.

Whilst of course it is acknowledged that cycling is an alternative to public transport and may reduce the demands on the LU stations throughout the duration of the stadia use, officers consider that very few people are likely to cycle to test matches and the T20/100 blast matches and therefore consider the proposals as submitted acceptable. The existing cycle parking network of docking stations and stands is considered acceptable. The introduction of cycle parking on railings is not considered acceptable from a design perspective and in any event, like with many private landowners, do not want cycles attached to their railings.

Staff

The applicant has confirmed that the existing grounds have the capability for cycle parking for employees (a total of 68 spaces) and sets out justification that there is plenty of spare capacity to cater for the anticipated increase in employees. Nevertheless, an additional 2 cycle Sheffield stand parking spaces are proposed within the site (which will allow for adapted / larger cycles). This is welcomed and will be conditioned.

9.6.3 Servicing

The redeveloped stands are expected to create two additional service vehicles across the two weeks leading up to a match day. The increase in service trips is minimal and can be accommodated within the existing arrangements, as approved when the Compton & Edrich Stands were approved, and details secured through a site wide Servicing and Management Plan via application 20/00157/ADFULL. The servicing arrangements raise no objection from TFL or the Highways Planning Manager and is considered to comply with policy 29 of the City plan.

9.6.4 Impact on Highways Network During Construction

TFL originally had concerns regarding the impact of construction on St John's Wood Road and considered that the submitted Constructions Logistics Plan did not go far enough in order to ensure that the principle of construction could be carried out. TFL have now removed this objection as the concerns have been addressed by the applicant. A detailed construction logistics plan is to be secured by condition, to be signed off by TfL and the Council prior to commencement of any works. The applicant is advised by way of an informative that the temporary changes to access/highways needs to be agreed by way of a section 278 agreement with TfL as highway authority.

9.6.5 Impact of new capacity on arrivals and egress and safety at the ground

The provision of hospitality and toilet facilities within the new stands will reduce the need for visitor/ pedestrian movement between stands during events which will help reduce overcrowding. The proposals will help alleviate pinch points and create a more logical,

covered circulation route to the south of the grounds.

In terms of access and egress from the site the applicant has indicated that the routes within the grounds and entry/exit points will continue to operate as existing with access for the Tavern and Allen Stands being through the Grace Gates.

The access arrangements are considered a reasonable approach considering the modest increase in capacity and the limited occasions that the extra capacity facilitated by the new stands is likely to be used (full capacity in the current ground is currently reached on 14 days a year).

9.6.6 Car Parking

No general car parking is proposed, and TfL and officers welcomes the car-free nature of the scheme.

The applicant has indicated that one existing parking bay on site (and currently used by staff) will be converted to a disabled persons parking bay, which is welcomed, and this is to be secured via condition.

9.6.7 Disabled access within the new stands

There is no access or seating for mobility impaired visitors within the existing stands. The proposed stands will provide seats for disabled spectators and has incorporated the principles of inclusive design. Wheelchair user spaces will make up 1% of the seating capacity of the stands and amenity seats at 2% of the seats. Accessible WC's will be located all levels except level 2 of the Tavern Stand which primarily serves as a service level and does not have a public lift. Changing facilities would be located at ground floor. Lifts will be placed at each stair cores to ensure that mobility impaired spectators have access to all areas of the stands.

Within the bars, restaurants and concessions stands, the counter heights will be designed with disabled peoples' needs and the use of the counters in mind.

This will be a significant improvement on the stands that they replace and are welcomed.

9.6.8 Conclusion

In conclusion, the proposals are considered to be acceptable and compliant with City Council transport and highways policies 24, 25, 26, 27, 28 and 29 of the City Plan and London Plan policies.

9.7 Economy including Employment & Skills

Whilst the nature of the development means that an employment and skills contribution or an employment and skills plan is not required, in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD, the development it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. In addition, the increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

9.8.1 Archaeology

The site is located outside of an Area of Special Archaeological Priority. Whilst an archaeology report has not been submitted with the application, previous applications which did include a desk top assessment concluded that potential for any archaeology was low and Historic England concurred.

9.8.2 Waste and Refuse

Waste stores are located at ground floor, and level 01 on the Tavern Stand and on basement, and Level 02 on the Allen Stand. The City Council's waste projects officer has no objection to the proposals, subject to conditions.

9.8.3 Failure to Consult

One objection states that the City Council has provided poor communication on the proposals. As can be seen in the consultation section of this report, 791 immediate local residents were consulted on the proposals and multiple site notices were erected around the grounds. This is in addition to the extensive consultation that MCC has carried out, discussed in the community engagement section of this report. This objection cannot be supported.

9.8.4 Impact During Course of Construction

Objections have been received on the grounds of noise and disruption to amenity during the course of construction.

The applicant has submitted a draft Appendix A indicating that they are to sign up to the Council's Code of Construction Practice. The CoCP has been set up to help reduce the impact of developments on neighbouring occupiers and provides the council with funding to help to inspect construction sites and address issues should they arise. Environmental Sciences officer's consider that as part of this process, given the nature of the works, a Site Environmental Management Plan will also be required.

In addition, a condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme.

Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation.

9.8.5 Asbestos concerns from demolition

It is unknown at this stage whether there is any asbestos within the existing stands. This will be a matter dealt with through the building regulations regime.

9.8.6 Loss of views

An objection has been received on the grounds that the height of the new Tavern Stand will impact upon views. The protection of views is not a material consideration in the determination of a planning application.

9.8.7 Impact to property valuation

Matters relating to property valuation are not a material consideration in the determination of a planning application.

9.9 Environmental Impact Assessment

This scheme is not considered to require an Environmental Impact Assessment, and this was confirmed by the City Council in a screening opinion dated 15 August 2023 (23/05213/EIASCR). Environmental Impact issues have been covered in earlier sections of this report.

9.10 Planning Obligations & Pre-Commencement Condition

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) unnecessary 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, as set out in the officer recommendation in Section 1:

- Carbon Off Set Contribution of £61, 380

Given the nature of the proposals, there is no Westminster CIL payment due. The estimated Mayoral CIL payment is £219,858.74. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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 other contaminated land; trees and TFL suggested conditions. The applicant has agreed to the imposition of the conditions.

Item No.
1

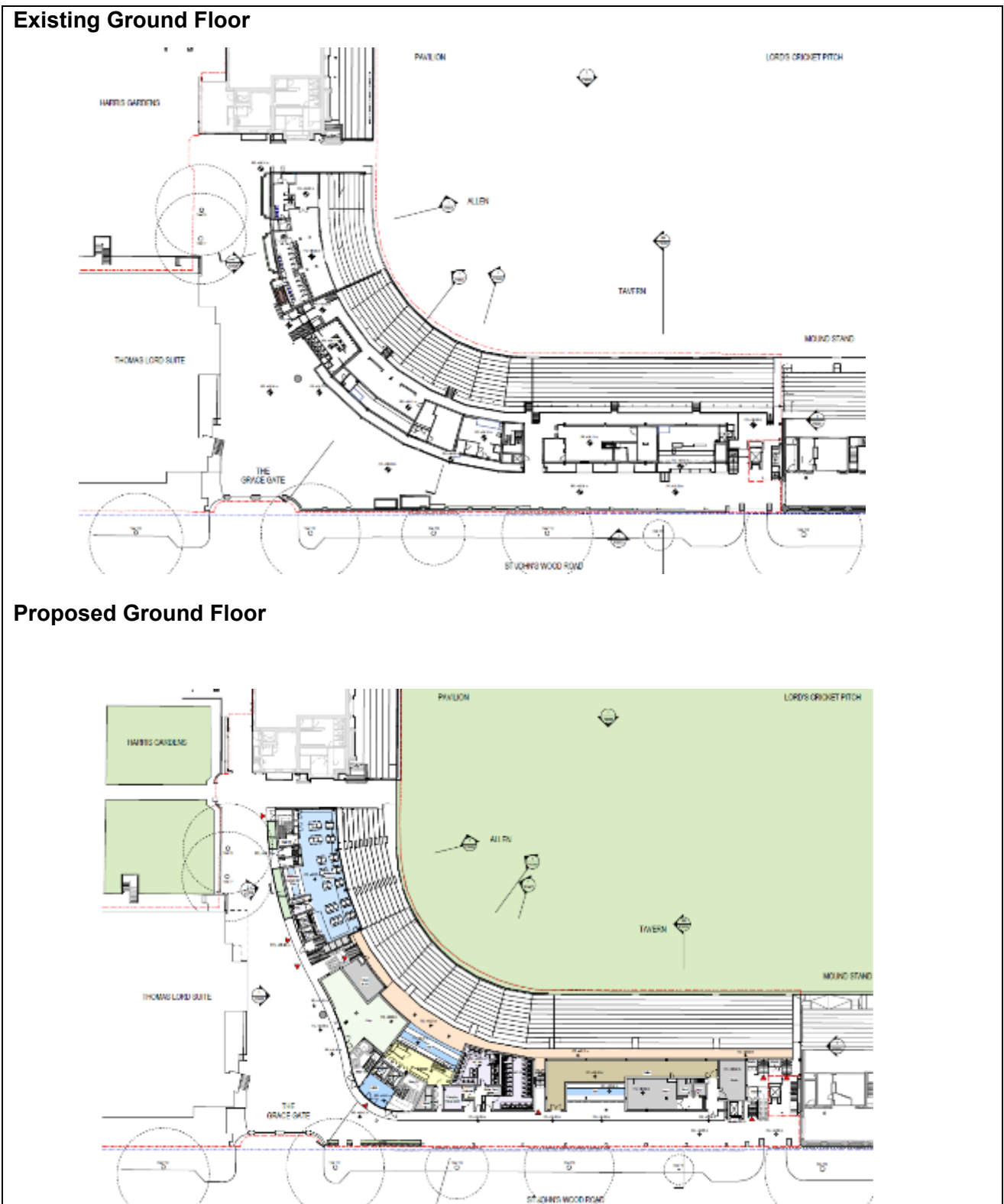
10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy and has also considered the weight to be attributed to the public benefits of the new and replacement stands and harm that would arise from the scheme from the increase in capacity upon the TFL network. It is considered that the suggested conditions can overcome TFL's concerns and accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021. It is recommended that planning permission is granted, subject the conditions listed at the end of this report, which are necessary to make the development acceptable. It is also recommended to grant conditional listed building consent for the associated works to the Grade II* listed pavilion.

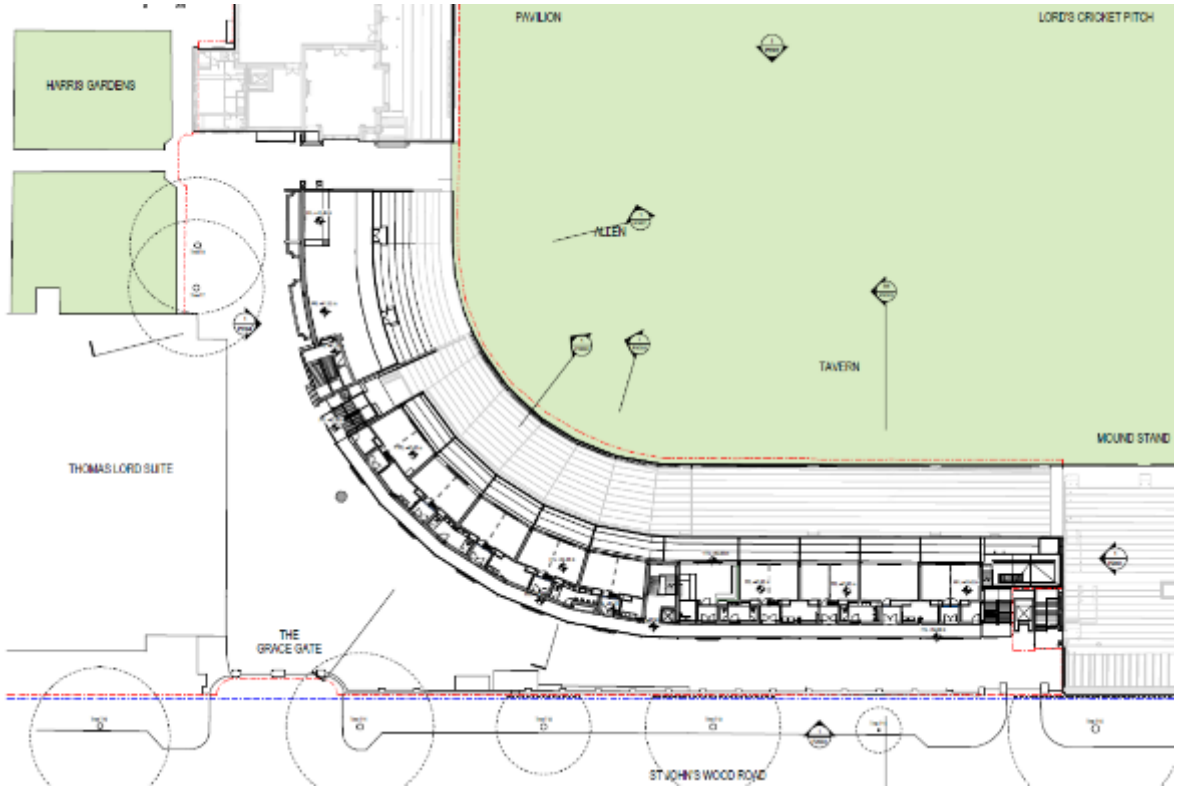
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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11. KEY DRAWINGS



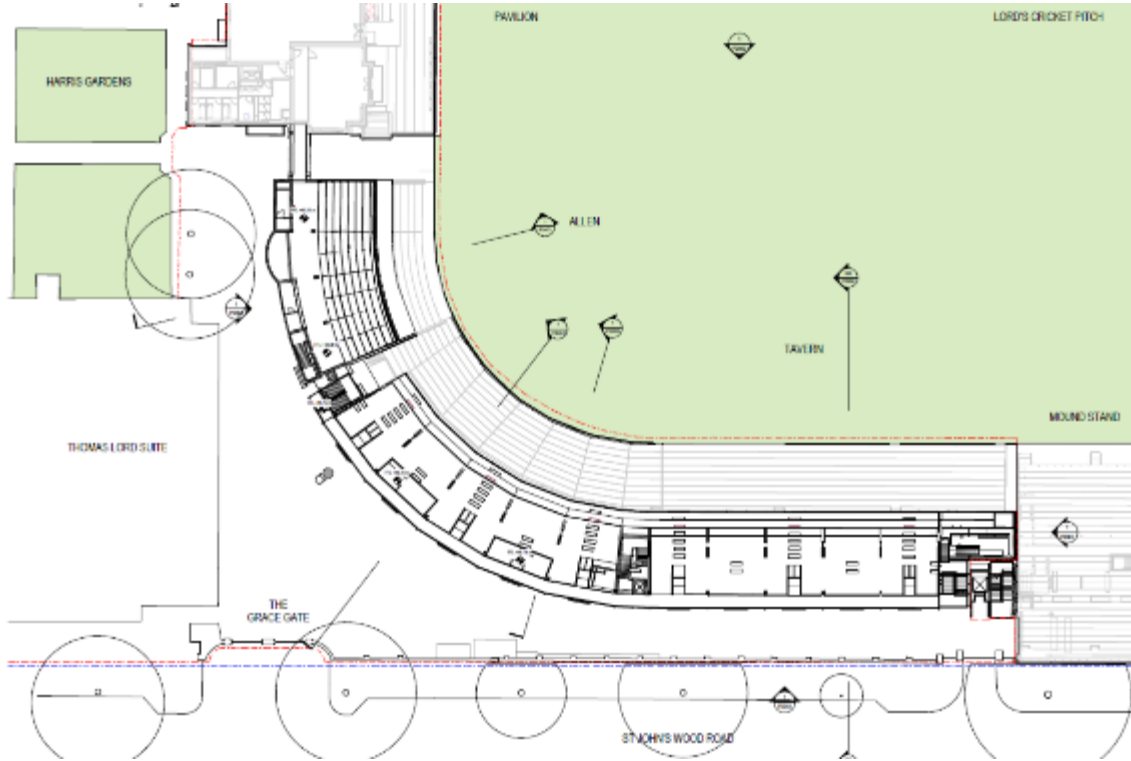
Existing First Floor



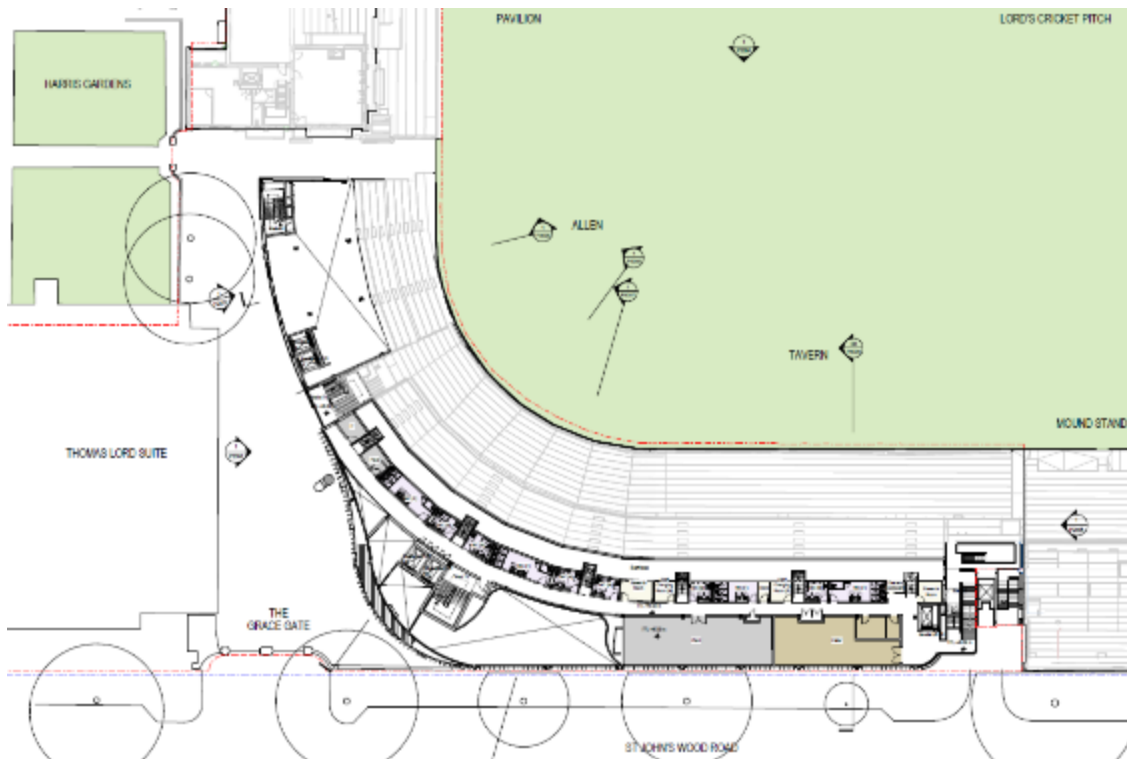
Proposed First Floor



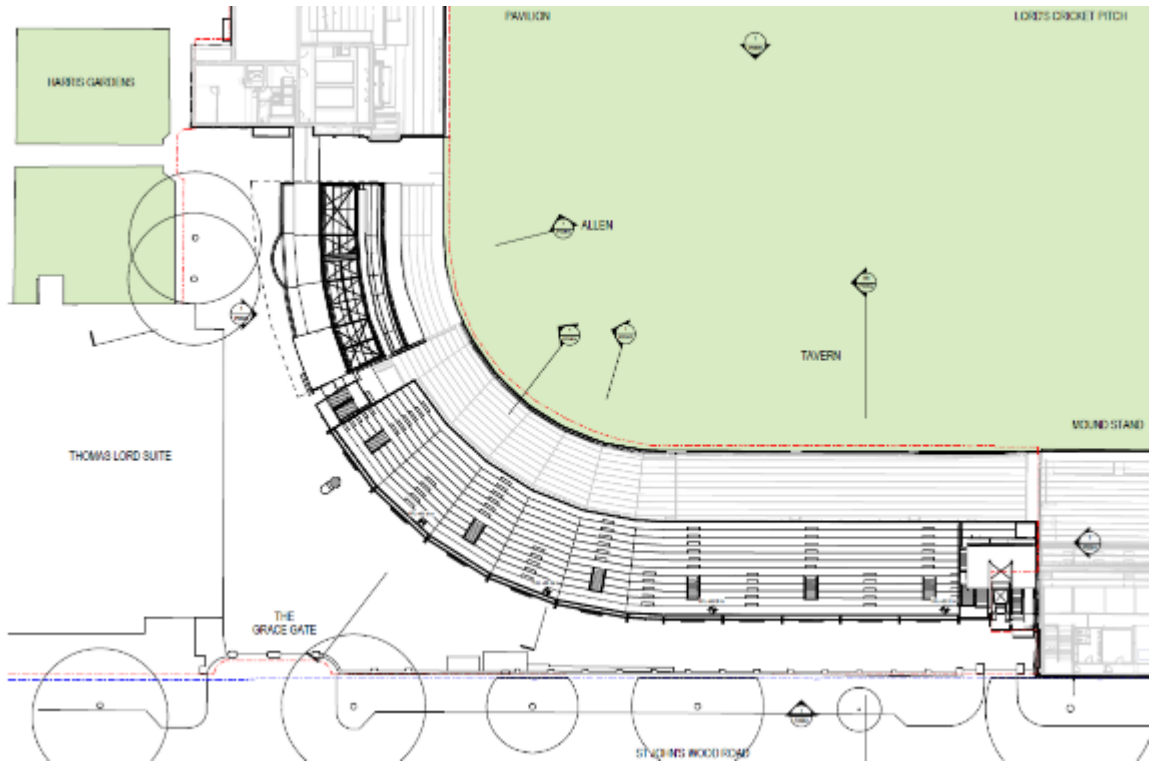
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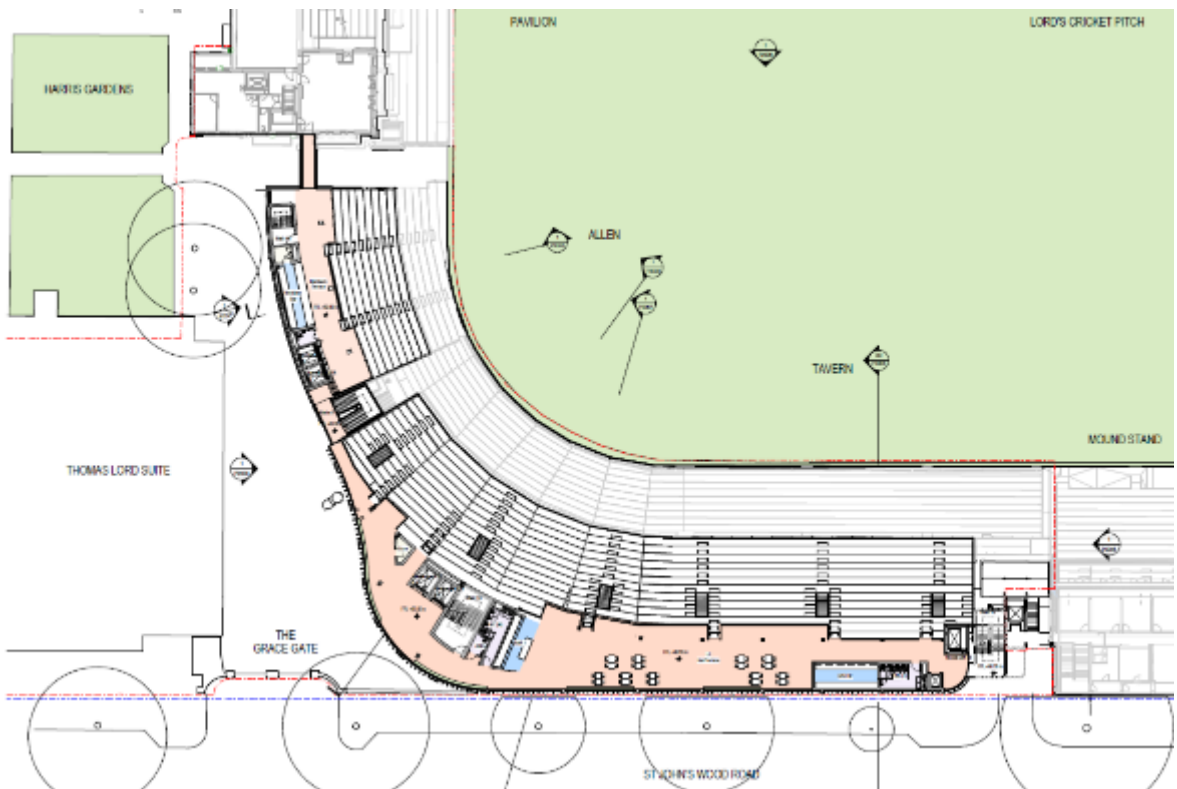
Proposed Second Floor



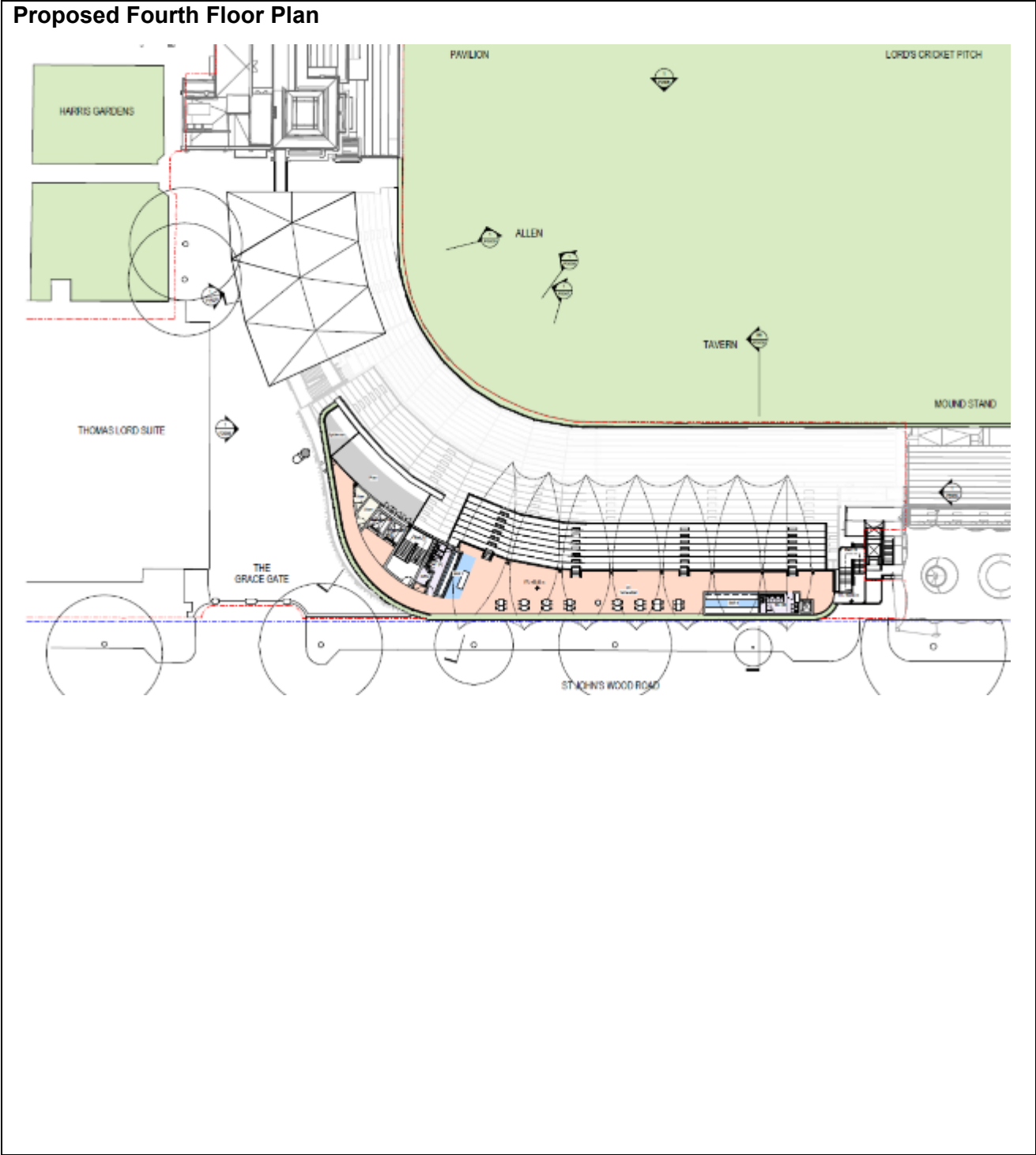
Existing Third Floor



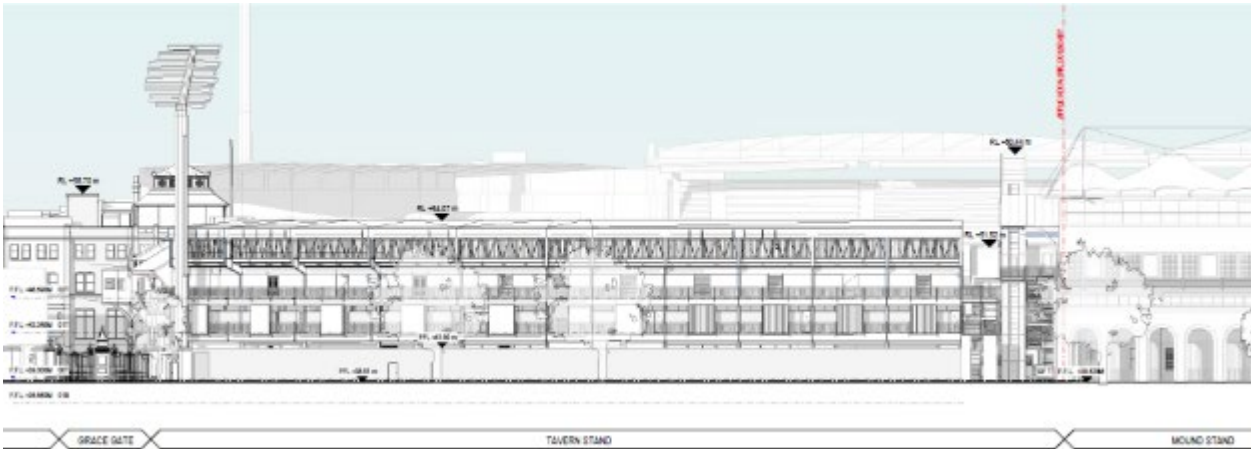
Proposed Third Floor



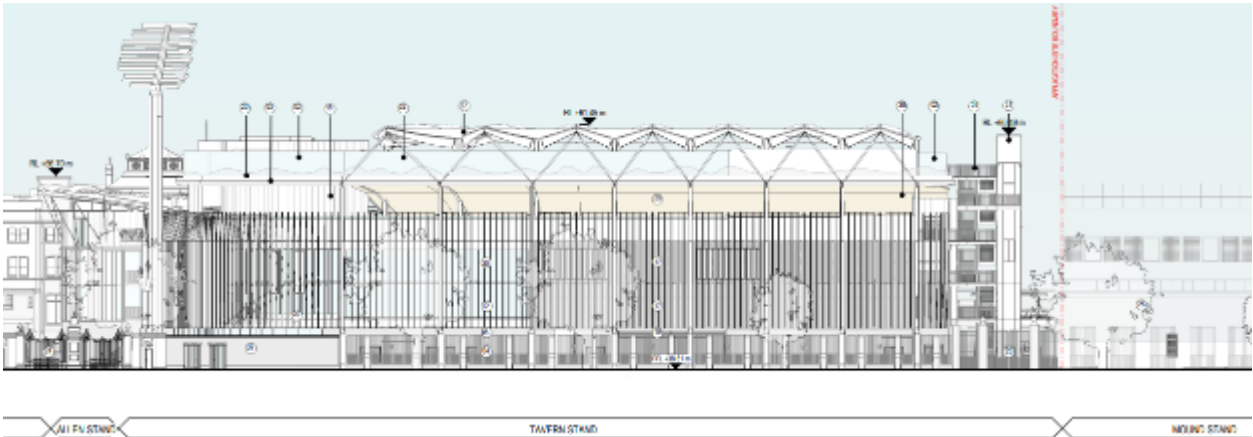
Proposed Fourth Floor Plan



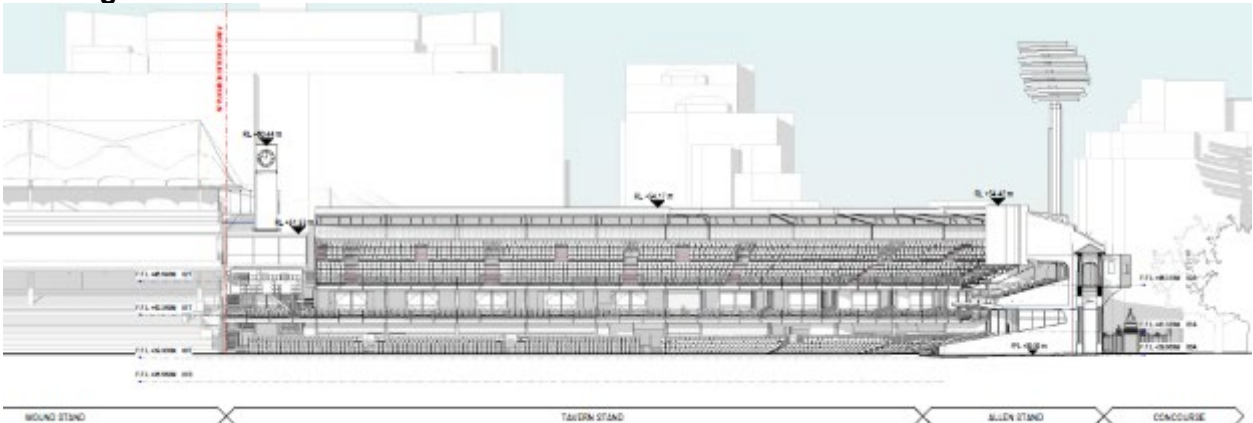
Existing South Elevation



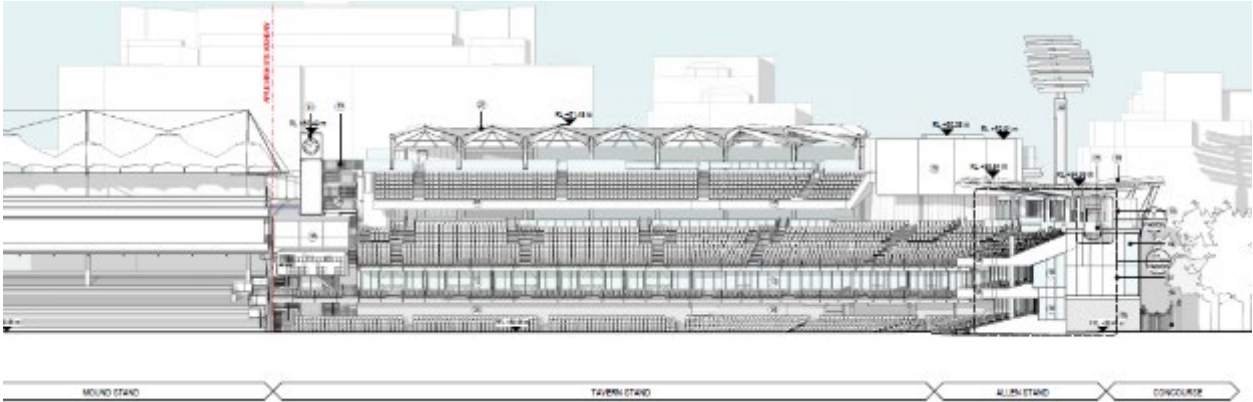
Proposed South Elevation



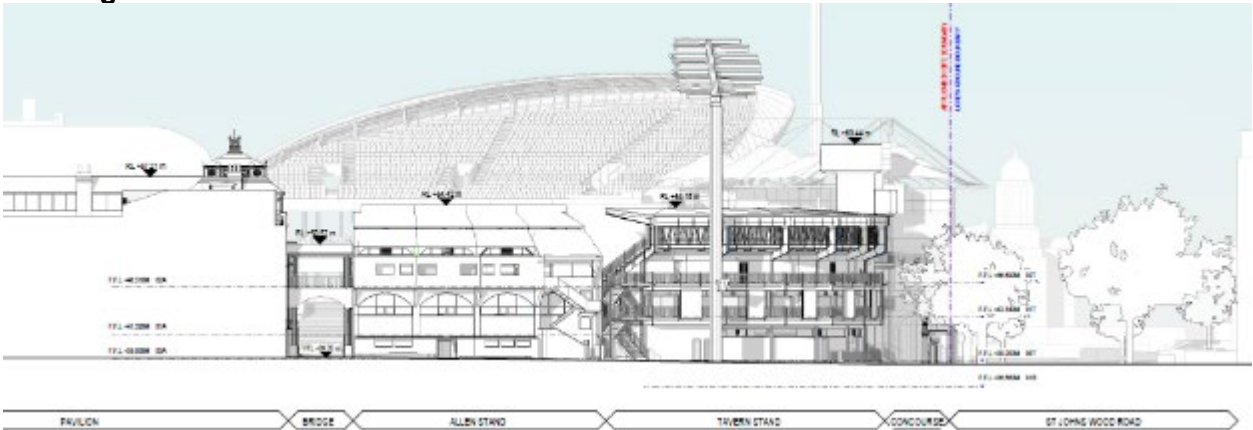
Existing North Elevation



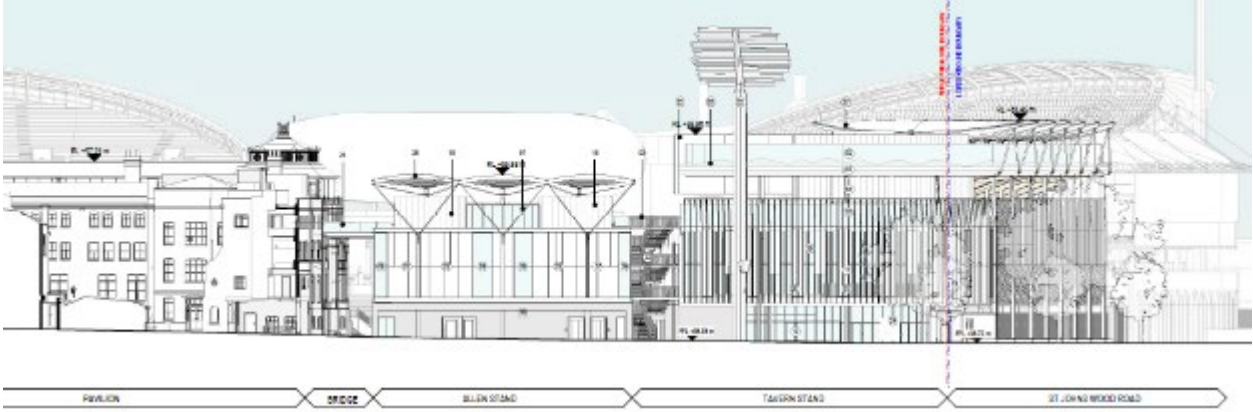
Proposed North Elevation



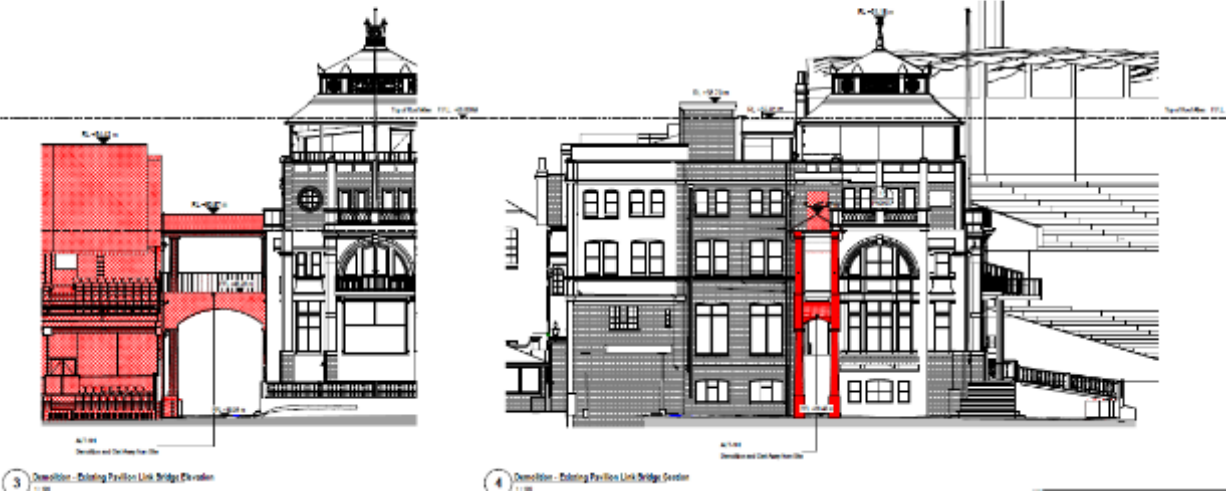
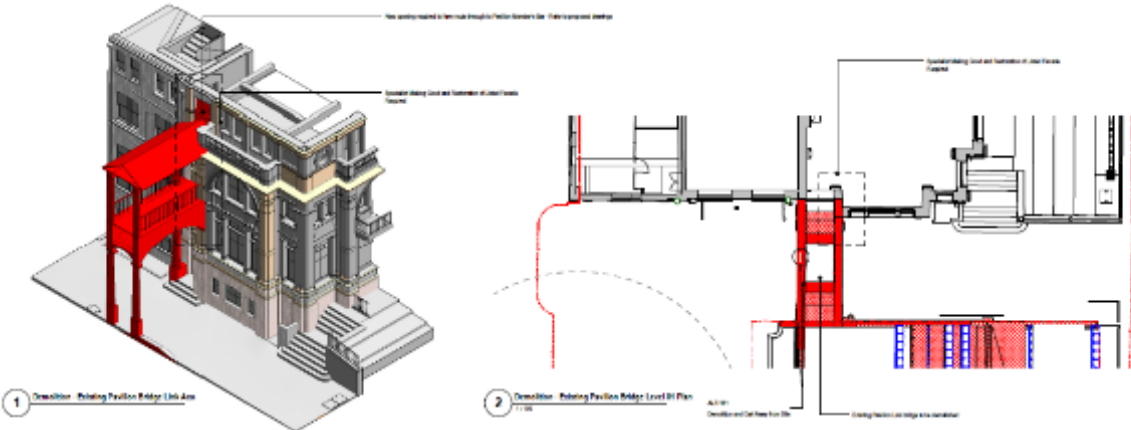
Existing West Elevation



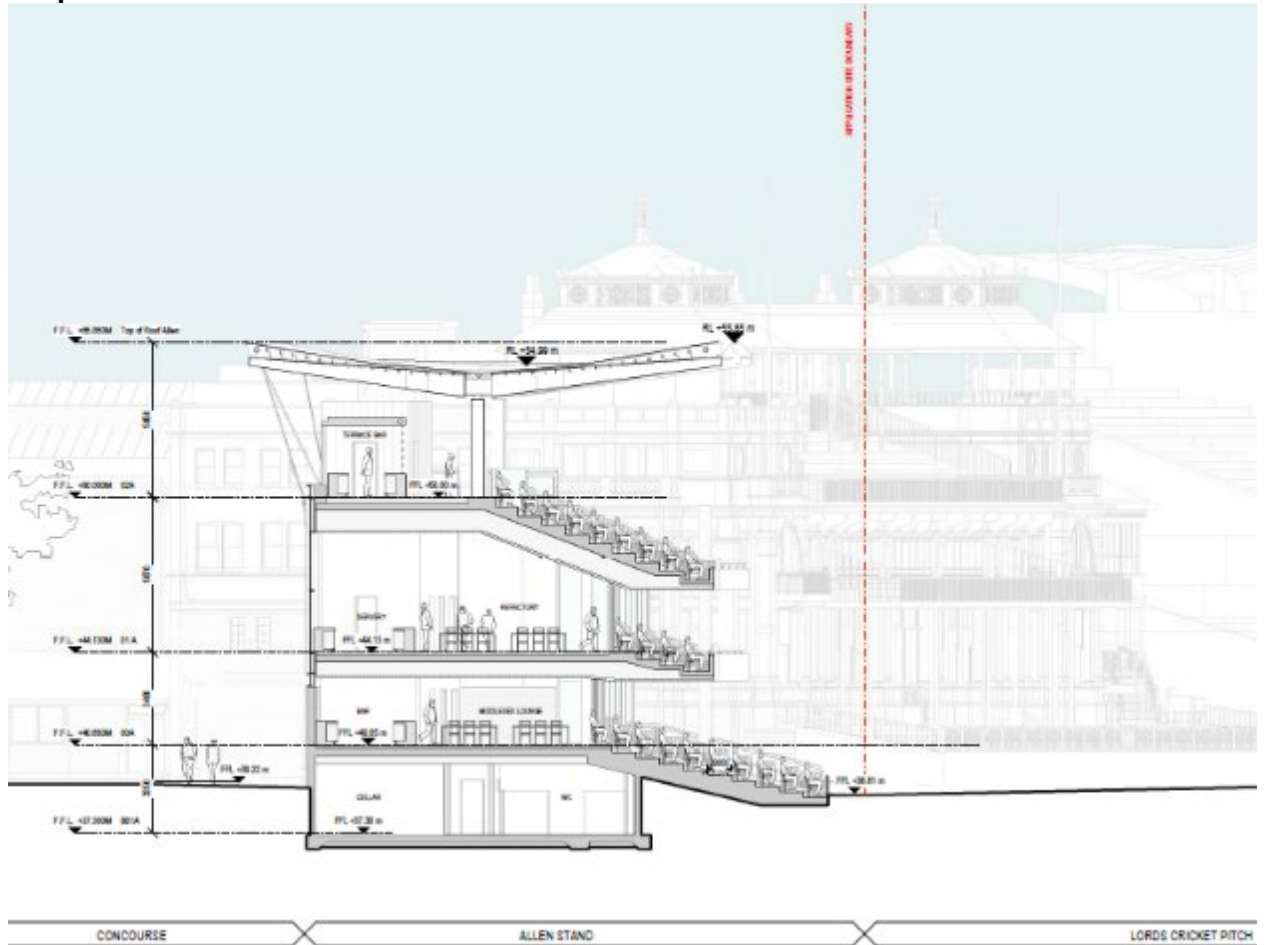
Proposed West Elevation



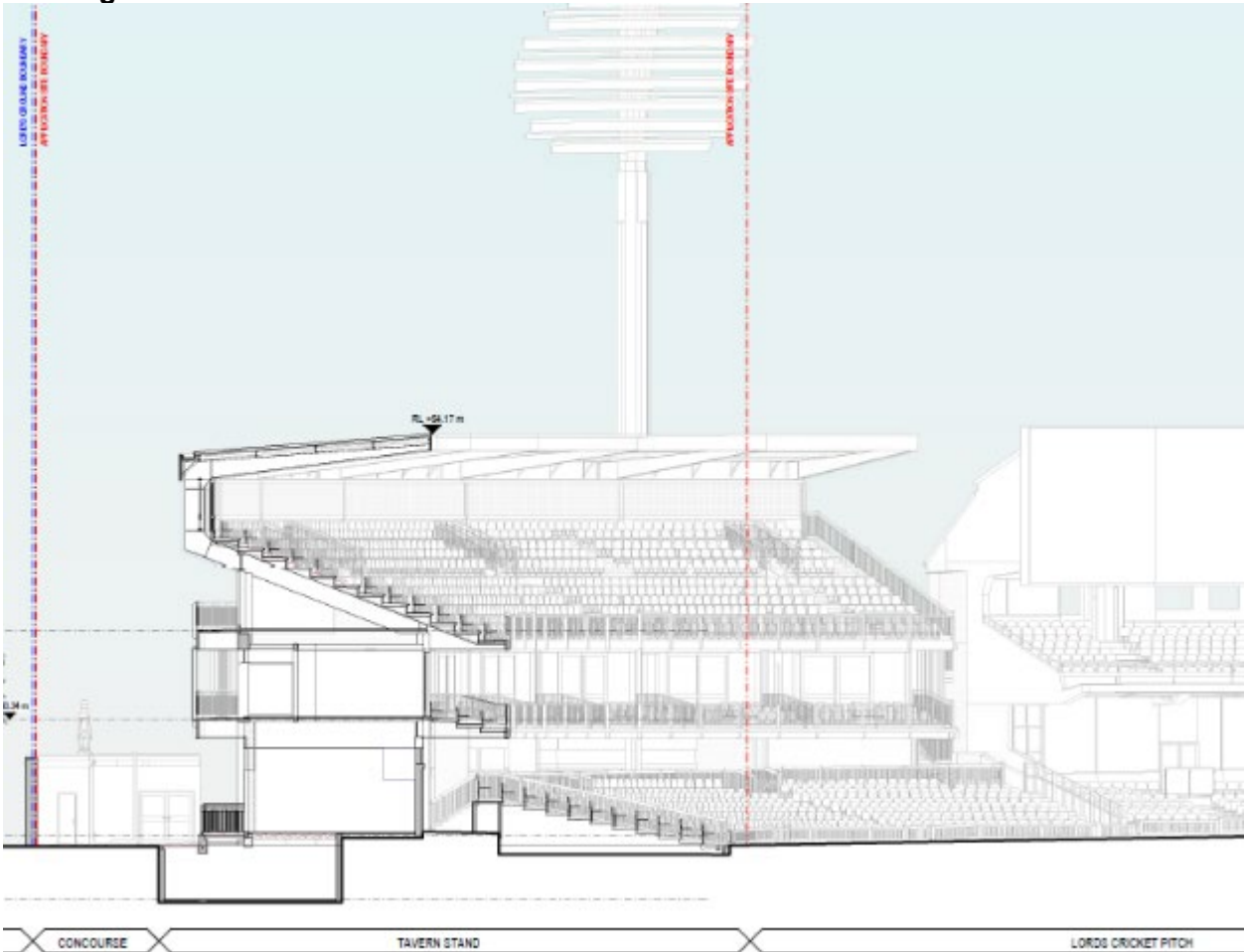
Pavilion Building – Existing and Demolition Drawings of Bridge



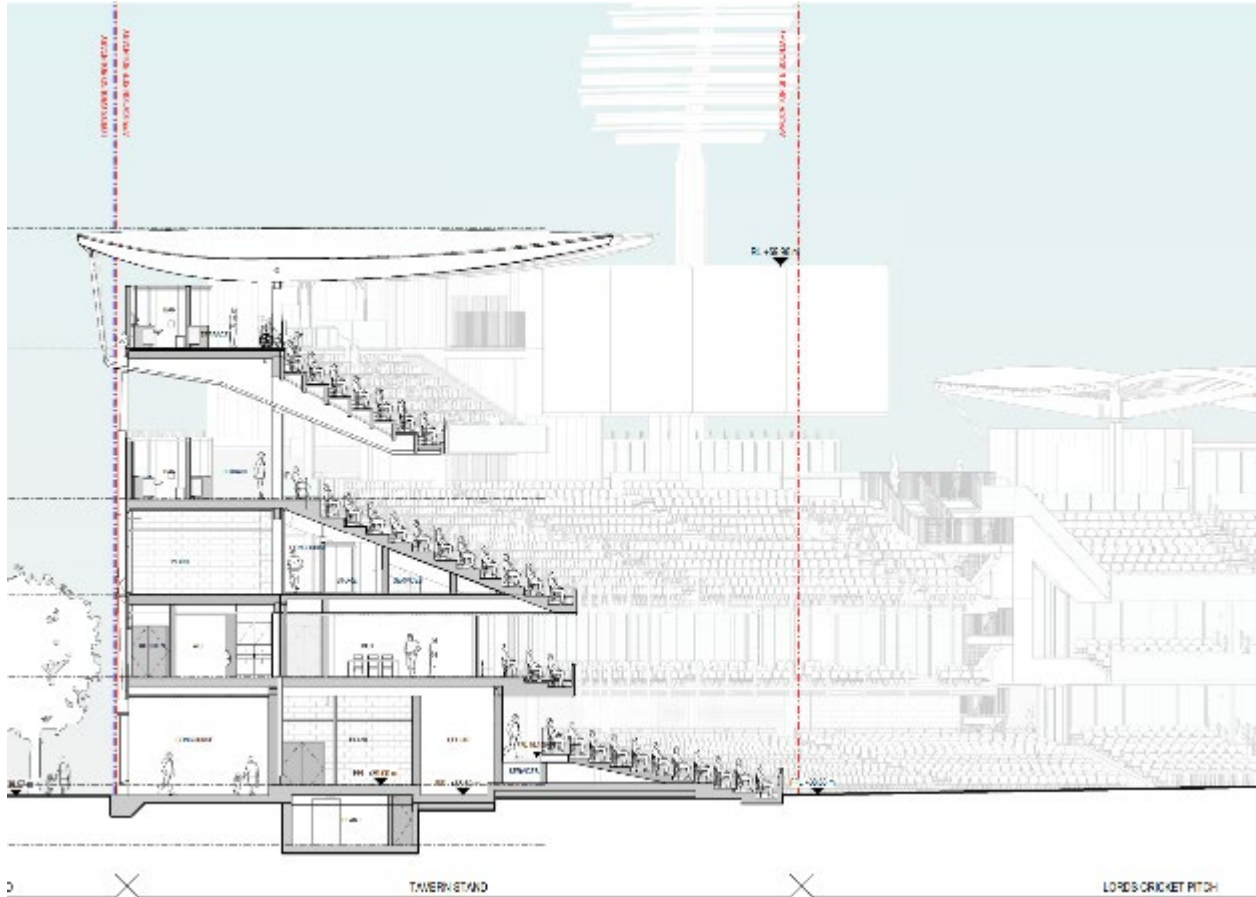
Proposed Allen Stand Section



Existing Tavern Stand Section



Proposed Tavern Stand Section



Retention Details of Tavern Stand Frame



01 - The Retained Structure to the Lower and Mid Tiers



02 - New Steel Frame to the Upper Tier

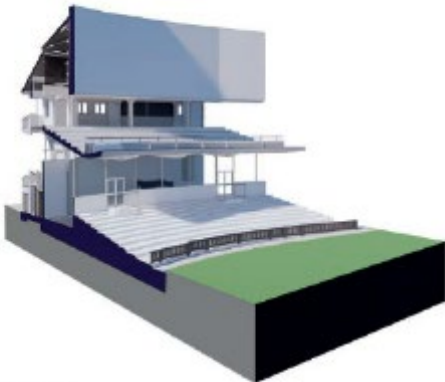


03 - Enclosure to the Backpack and Completed Upper Tier

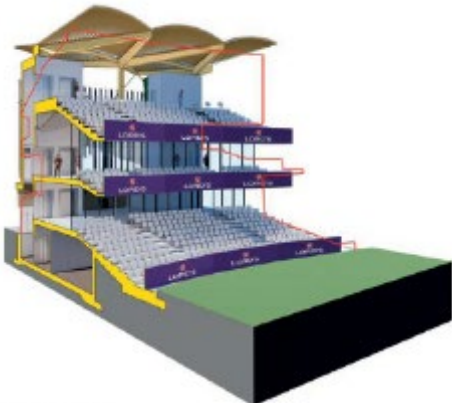


04 - Prefabricated Roof Installed

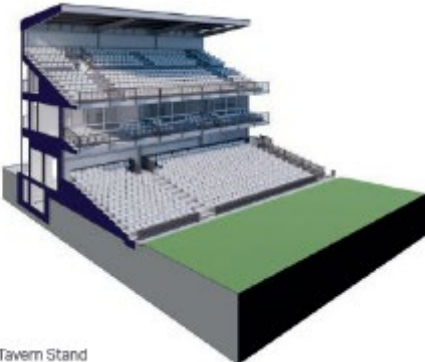
Scale and Massing of Stands



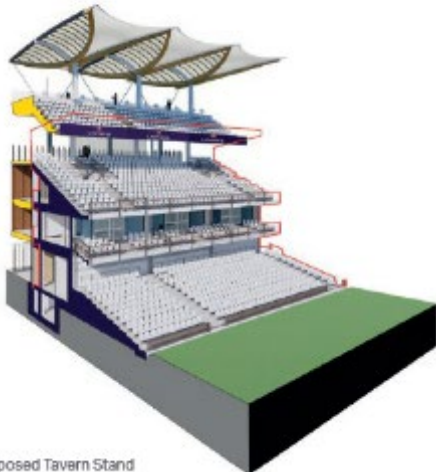
Existing Allen Stand



Proposed Allen Stand



Existing Tavern Stand



Proposed Tavern Stand

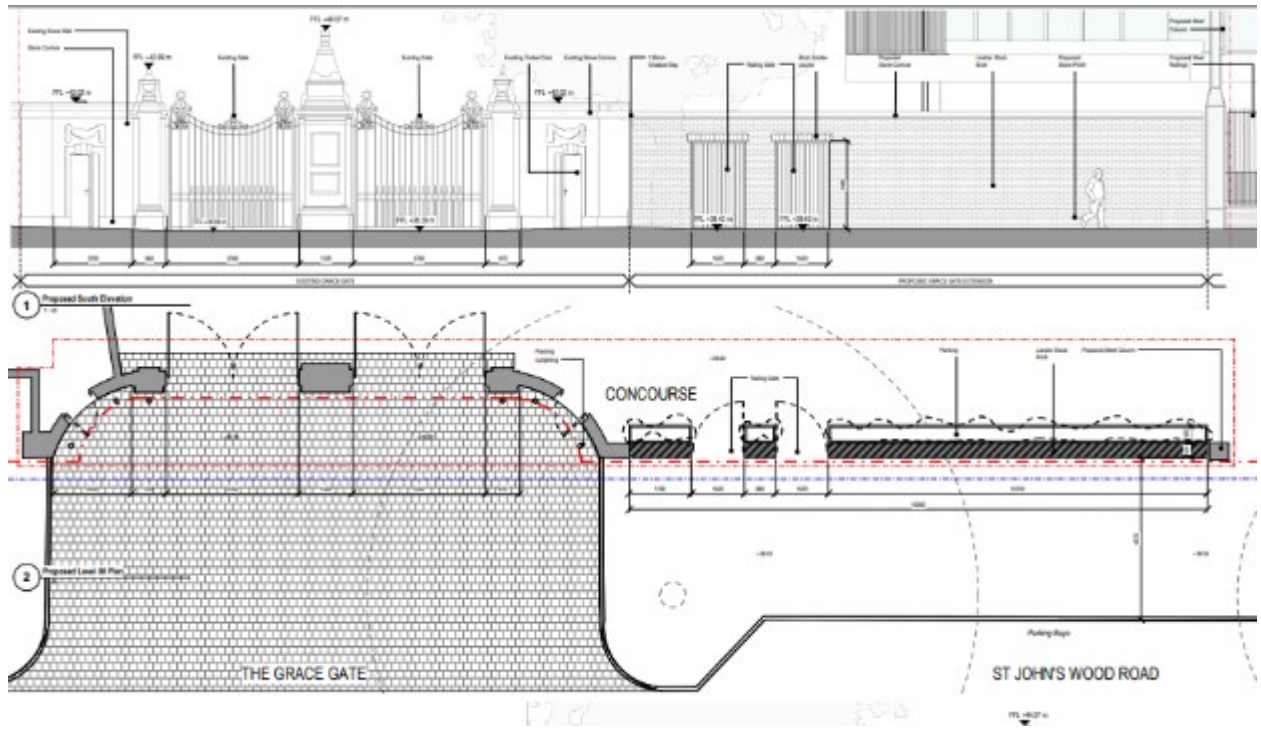
Proposed South Elevation Visuals



Proposed South Elevation Visuals adjacent to Bi Centenary Gate



Proposed Grace Gates Drawings & Visuals



Aerial View Visuals (NB – boundary treatment altered as shown on South Elevation Drawing)



Allen Stand Visuals



Pitch Elevations – Tavern Stand



Pitch Elevations – Allen Stand



Visual from Allen Stand terrace to show roofs



Pitch side Visuals – Tavern Stand



Pitch side Visuals – Allen Stand



Item No.
1

DRAFT DECISION LETTER – 23/08458/FULL

Address: Ground Floor, Lords Cricket Ground, St John's Wood Road, London

Proposal: Demolition of the existing Allen stand and the erection of a new stand with a link bridge to the adjacent Pavilion, refurbishment and extension of the Tavern Stand including the provision of new hospitality facilities, retail and food and beverage floorspace. Works also include hard and soft landscaping, servicing facilities, and all necessary ancillary and enabling works, plant and equipment, and installation of PV panels on the Thomas Lord Suite. Linked with 23/08621/LBC

Plan Nos: LTA-WEA-ZZ-00-DR-A-PA0001; LTA-WEA-ZZ-00-DR-A-PA0002; LTA-WEA-ZZ-00-DR-A-PA0003; LTA-WEA-ZZ-00-DR-A-PA0004; LTA-WEA-ZZ-XX-DR-A-PA0005; LTA-WEA-ZZ-XX-DR-A-PA0006; LTA-WEA-AL-04-DR-A-PA0007; LTA-WEA-AL-04-DR-A-PA0008; LTA-WEA-ZZ-XX-DR-A-PA0009; LTA-WEA-AL-04-DR-A-PA0010; LTA-WEA-AL-04-DR-A-PA0011; LTA-WEA-AL-04-DR-A-PA0012; LTA-WEA-AL-04-DR-A-PA0013 P01Design and Access Statement; Design and Access Statement Addendum March 2024; Site location plan; Circular Economy Statement; Energy Strategy; Whole Life Carbon Assessment; Noise/ Acoustic Assessment; Structural Methodology Statement; Transport Assessment; Travel Plan; Waste Management Strategy; Delivery and Servicing Plan; SUDS Strategy; Ecological Appraisal; Heritage Statement; Townscape and Visual Assessment; Statement of Community Involvement; Code of Construction; Draft Appendix A; Contamination Assessment; Daylight, Sunlight and Overshadowing Assessment; Fire Statement; Air Quality Assessment; BREEAM Pre-assessment; Landscaping Strategy (Including Urban Greening Factor); Foul Sewage and Utilities Assessment; Arboricultural Impact Assessment; Framework Construction Logistics PlanLTA-WEA-ZZ-00-DR-A-P0001; LTA-WEA-ZZ-00-DR-A-P0002; LTA-WEA-ZZ-00-DR-A-P0003; LTA-WEA-ZZ-00-DR-A-P0004; LTA-WEA-ZZ-B1-DR-A-P0099; LTA-WEA-ZZ-00-DR-A-P0100; LTA-WEA-ZZ-01-DR-A-P0101; LTA-WEA-ZZ-02-DR-A-P0102; LTA-WEA-ZZ-03-DR-A-P0103; LTA-WEA-ZZ-RF-DR-A-P0104; LTA-WEA-ZZ-B1-DR-A-P0199; LTA-WEA-ZZ-00-DR-A-P0200; LTA-WEA-ZZ-01-DR-A-P0201; LTA-WEA-ZZ-02-DR-A-P0202; LTA-WEA-ZZ-03-DR-A-P0203; LTA-WEA-ZZ-04-DR-A-P0204; LTA-WEA-ZZ-RF-DR-A-P0205; LTA-WEA-ZZ-B1-DR-A-P0999; LTA-WEA-ZZ-00-DR-A-P1000; LTA-WEA-ZZ-01-DR-A-P1001; LTA-WEA-ZZ-02-DR-A-P1002; LTA-WEA-ZZ-03-DR-A-P1003; LTA-WEA-ZZ-04-DR-A-P1004; LTA-WEA-ZZ-RF-DR-A-P1005; LTA-WEA-ZZ-ZZ-DR-A-P2001; LTA-WEA-ZZ-ZZ-DR-A-P2002; LTA-WEA-ZZ-ZZ-DR-A-P2003; LTA-WEA-ZZ-ZZ-DR-A-P2004; LTA-WEA-ZZ-ZZ-DR-A-P2005; LTA-WEA-ZZ-ZZ-DR-A-P2006; LTA-WEA-ZZ-ZZ-DR-A-P2007 P02; LTA-WEA-ZZ-ZZ-DR-A-P2008; LTA-WEA-ZZ-ZZ-DR-A-P2100; LTA-WEA-ZZ-ZZ-DR-A-P2110; LTA-WEA-ZZ-ZZ-DR-A-P2201; LTA-WEA-ZZ-ZZ-DR-A-P2202; LTA-WEA-ZZ-ZZ-DR-A-P2203; LTA-WEA-ZZ-ZZ-DR-A-P2204; LTA-WEA-AL-AA-DR-A-P3001; LTA-WEA-TA-BB-DR-A-P3002; LTA-WEA-TA-CC-DR-A-P3003; LTA-WEA-TA-DD-DR-A-P3004; LTA-WEA-AL-AA-DR-A-P3005; LTA-WEA-TA-BB-DR-A-P3006 P02; LTA-WEA-TA-CC-DR-A-P3007 P02 ; LTA-WEA-TA-DD-DR-A-P3008; LTA-WEA-ZZ-ZZ-DR-A-P3100; LTA-WEA-ZZ-ZZ-DR-A-P3110; LTA-WEA-AL-AA-DR-A-P3201; LTA-WEA-TA-BB-DR-A-P3202L LTA-WEA-TA-CC-DR-A-P3203; LTA-WEA-TA-DD-DR-A-P3204.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in 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 The restaurant/ event/ hospitality spaces hereby approved shall only be open from 08.00 to

23.00 hours daily.

Reason:

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

- 5 A detailed Operational Management Plan for the event/restaurant spaces within the Allen Stand shall be submitted to and approved by the City Council as local planning authority 3 months prior to its use.

The Operational Management Plan shall include measures to mitigate noise disturbance to local residents both on match days and non-match days. The use shall be carried out in accordance with the approved plan.

Reason:

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

- 6 Prior to commencement of superstructure works, an updated Cooling Hierarchy shall be submitted to and approved by us in writing. The updated Cooling Hierarchy must include details of the following:

- 1) Passive measures included in the design to mitigate against overheating including. Passive measures may include, but not limited to, external shading, insulation, exposed thermal mass, provision of green infrastructure, windows specification and design to achieve G-values in line with or lower than the Notional Building specification as set out in the relevant Building Regulations.
- 2) Details of measures that would be installed to prevent overheating in common areas with communal heating pipework in line with objective 3.9 of CIBSE CP1.
- 3) Details of any management strategies required to control overheating and information that will be supplied to occupants to support the strategy.
- 4) Where the methodology informing the updated Cooling Hierarchy differs from that set out in the Energy Statement submitted at application stage, updated dynamic modelling, in line with requirements of the Mayor of London's Energy Assessment Guidance (June 2022) (or any guidance that may supersede it) shall be carried out to demonstrate that the measures proposed are appropriate to control overheating and minimise the need for mechanical cooling (required only where passive measures set out under (1) are insufficient to prevent overheating).

The Cooling Hierarchy we approve shall be implemented prior to first occupation of the development and thereafter be permanently retained and maintained in accordance with the manufacturer's recommended maintenance regime for the passive and mechanical elements of the hierarchy. (C17FA)

Reason:

To ensure the development is designed and operated to minimise the risk of internal overheating and is an energy efficient building in accordance with Policy SI4 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17EA)

- 7 The development shall be carried out in accordance with the approved Energy Strategy

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(prepared by Buro Happold; dated December 2023) and shall achieve regulated carbon dioxide emission savings of not less than 54% for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021. The energy efficiency and sustainability measures set out there in shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development.

Reason:

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

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

- 9 The development hereby approved shall achieve Net Zero Carbon verification for both construction and operation within the first year of completion. Post completion verification report on Construction emissions, based on as-built drawings, energy and water use, issued by an independent third-party assessor, that confirms that the development has been completed and reviewed in accordance with the UK Green Building Council Net Zero Carbon Framework, to be submitted to us for our approval within 3 month of occupation of the building. The report must state the exact emissions to-date in relation to RICS modules A1-A5 and any associated offsets following the carbon offsetting principles as described by the UKGBC Renewable Energy Procurement Carbon Offsetting Guidance for Net Zero Carbon buildings, showing that the development is considered Net Zero at the time of submitting the report to us. Net Zero in Operation must be reported after the first year of occupation and submitted to us for approval.

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).

- 10 You must provide, maintain and retain the following energy efficiency measures prior to the use of the first completed stand, as set out in your application.

- the PV panels on the Thomas Lord Suite.

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You must not remove any of these features. (C44AA)

Reason:

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

- 11 **Pre-Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 12 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. 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 landscaping and planting within 12 months of completing the development, (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of the same size and species, (or alternative sizes and species which we agree to in writing).

Reason:

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

- 13 You must apply to us for approval of the design, depth, size, and location and means of

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installation of foundations for Tavern and Allen Stands and the boundary wall to St John's Wood Road. You must not start any demolition, site clearance or building work for these items, and you must not take any equipment, machinery or materials for these items onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 14 You must apply to us for our approval of the positions and method to be used to dig trenches, pipelines or ducts for services or drains. You must not start any work until we have approved what you have sent to us. The work must be carried out according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 15 **Pre-Commencement Condition.** You must apply to us for approval of a method statement and tree protection plan explaining the measures you will take to protect the trees on the site and adjacent to it. You must ensure that the details you submit to satisfy the tree protection conditions are site specific and are prepared in conjunction with construction management proposals, as adequate protection of trees on/ adjacent to the site will rely heavily on an appropriate means of construction. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 16 **Pre-Commencement Condition.** You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping
- o procedures for dealing with variations and incidents.

You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection

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measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 17 You must carry out the tree surgery according to the specification in your tree report reference 230370-PD-11a dated December 2023.

You must apply to us for approval of any additional details of tree surgery to non-TFL trees (beyond the specification in your tree report) and the reasons for the additional proposed works. You must not start any further works to the trees until we have approved what you have sent us. You must then carry out the tree surgery according to the approved specification.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 18 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

insect boxes, bat boxes, swift bricks

You must not remove any of these features. (C43FA)

Reason:

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

- 19 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 Notwithstanding the drawings hereby approved, you must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development -

- A) typical bay details to all new facades to Allen Stand (including new link bridge).
- B) typical bay details to all new facades to Tavern Stand.
- C) typical bay details to new St John's Wood Road boundary elevation (including Grace Gates).

to indicate the following (as applicable):

- i) windows.
- ii) external doors.
- iii) cills.
- iv) reveals.
- v) fascias and soffits.
- vi) canopies, roof structures and external supports.
- vii) terraces/balconies, including method of drainage.
- viii) railings and balustrades.
- ix) fins (including any integrated design motifs);
- x) decorative glazing panels;
- xi) indicative locations and design principles for display of any signage;
- xii) location and size of movement joints;
- xiii) step backs in façade;
- xiv) interfaces with windows;
- xv) interfaces with landscaping and details of any planters or areas of greening;
- xvi) interfaces with architectural metalwork (including fins);
- xvii) plant, ventilation and other services terminations at façade and roof level;
- xviii) integral architectural lighting.

You must not start any work on the relevant building until we have approved what you have sent us. You must then carry out the work according to these approved drawings.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
(R26FE)

- 21 You must apply to us for approval of photographic schedules (with actual samples available to view on site) 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 for -
- A) all new facades to Allen Stand (including new link bridge);
 - B) all new facades to Tavern Stand;
 - C) new St John's Wood Road boundary elevation (including Grace Gates).

You must not start any work on the relevant parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
(R26FE)

- 22 Any plaques or statutes attached to either stands must be retained and either be resited on the stands or sited within the museum on the site.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 23 (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)

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- 24 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)

- 25 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) 21 and 22 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)

- 26 The noise level from any amplified music and/or public address system shall not at one metre from the façade of any noise sensitive receptor exceed 72dB LAeq(15mins). There is no restriction on the noise levels for the public address system when being used for safety announcements in an emergency.

Reason:

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

- 27 An External Crowd Management Plan (ECMP) for the stands operation shall be submitted to and approved by the City Council in consultation with Transport for London three months prior to occupation of the new stands. The ECMP must cover all aspects of crowd management outside the ground and visitors travel to the ground for match days and other events and include target data and monitoring mechanisms. In particular it must outline measures that will be taken to effectively manage increased spectator numbers at peak times that will result from the increased capacity and address Transport for London's concerns with regard to arrangements for pick up and set down for disabled visitors to the site and taxis and private hire vehicles, facilitating the use of sustainable modes of transport for spectators, management of increased visitor numbers travelling to the ground via St John's Wood underground station and mitigating uncomfortable pedestrian conditions around the ground.

You must comply with the approved (ECMP) for the lifetime of the development, unless an alternative ECMP has been submitted and approved by the City Council.

Reason:

In the interest of public safety, to avoid blocking the surrounding streets and to protect the

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environment of people in neighbouring properties as set out in Policies 25, 26 and 28 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 28 Three months prior to the start of each cricket season, you must apply to us for approval of travel targets, including the proportion of spectators using St John's Wood London Underground Station. You must also provide us with details of a monitoring strategy to ensure these targets are met. These will be agreed in consultation with Transport for London. You must then abide by the targets and agreed monitoring mechanisms at all times.

Reason:

The site is located in a sensitive part of the road network with several Transport for London assets in close proximity. Transport for London have requested this condition.

- 29 Pre-Commencement Condition: No development shall take place, including any works of demolition, until a construction management plan/logistics plan for the proposed development has been submitted to and approved in writing by the City Council in consultation with Transport for London. You must then abide by the terms and agreement of the construction management plan/ logistics plan at all times.

Reason:

The site is located in a sensitive part of the road network with several Transport for London assets in close proximity. Transport for London have requested this condition.

- 30 The travel plan hereby approved must be adhered to at all times.

Reason:

In the interest of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policies 25, 26 and 28 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 31 The delivery and servicing plan hereby approved must be adhered to at all times.

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)

- 32 You must provide the disabled persons parking bay within the site prior to the first use of the new and replacement Tavern and Allen Stands and it must remain a disabled persons parking bay for the lifetime of the development.

Reason:

To provide a disabled parking space for those using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 33 You must provide the access for people with disabilities and all 50 accessible seats across the

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Tavern and Allen Stands as shown on the approved drawing(s) and as outlined in the Design and Access Statement before you use the new and replacement Tavern and Allen Stands.

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)

- 34 The provision for the storage of waste and recyclable materials for the development, as shown on the Operational Waste Management Plan reference number LTA-BHE-ZZ-ZZ-RP-YZ-9001 dated 4 December 2023 Revision P02 is to be made permanently available and used for no other purpose.

Reason:

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

- 35 Waste management and servicing must be in accordance with the Operational Waste Management Plan dated 4 December 2023 Revision P02 and remain for the lifetime of the development.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 36 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy S15 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

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 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 The applicant is required to enter into a S278 agreement with Transport for London to secure the following:
- temporary accesses needed for construction.
 - works to TFL street trees on St John's Wood Road
 - any route improvement works to and from other London Underground stations as deemed necessary by Transport for London.
 - Road Safety Audit recommendations and actions.
- 4 For advice on BREEAM, including appointment of a licensed assessor and how to obtain a post completion certificate, please visit the Building Research Establishment (BRE) website: <https://bregroup.com/products/breeam/>. (I15AB)
- 5 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 7 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

- 8 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 9 You are encouraged to join the Sustainable City Charter (www.westminster.gov.uk/tackling-climate-change-westminster/business-climate-action/sustainable-city-charter/current-participants), a free and voluntary network of organisations across the city who own or occupy non-domestic buildings and are working to promote environmental sustainability. The scheme provides a framework for reducing building-based emissions, in line with the council's target of reaching next zero across the city by 2040. Please contact climateemergency@westminster.gov.uk for more information.
- 10 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 11 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information, please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 12 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 13 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

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

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

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

- 14 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:
 - o Carbon Off Set Contribution of £61, 380.
- 15 Condition 11 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 16 The kitchen extract ventilation systems should be designed to prevent odour nuisance, see guidance on the Council's website:
<https://www.westminster.gov.uk/westminster-environment-guidance-section-b/section-b-odour>
- 17 The whole of the City of Westminster is a Smoke Control Area under the Clean Air Act 1993. Thus, premises cannot emit smoke unless burning an 'authorized fuel' or using 'exempt appliances'. Further information can be found at the following government website:
<https://www.gov.uk/smoke-control-area-rules>.
- 18 Conditions 23, 24 and 25 control noise from the approved machinery. It is very important that you meet the conditions, and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 19 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network.

Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

DRAFT DECISION LETTER – 23/08621/LBC.

- Address:** Ground Floor, Lords Cricket Ground, St John's Wood Road, London
- Proposal:** Demolition of the existing Allen stand and the erection of a new stand and link to adjacent Pavilion, refurbishment and extension of the Tavern Stand, provision of new hospitality facilities, retail and food and beverage floorspace, hard and soft landscaping, servicing facilities, and all necessary ancillary and enabling works, plant and equipment, and installation of PV panels on the Thomas Lord Suite. Linked with 23/08458/FULL
- Plan Nos:** LTA-WEA-ZZ-00-DR-A-PA0001; LTA-WEA-ZZ-00-DR-A-PA0002; LTA-WEA-ZZ-00-DR-A-PA0003; LTA-WEA-ZZ-00-DR-A-PA0004; LTA-WEA-ZZ-XX-DR-A-PA0005; LTA-WEA-ZZ-XX-DR-A-PA0006; LTA-WEA-AL-04-DR-A-PA0007; LTA-

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WEA-AL-04-DR-A-PA0008; LTA-WEA-ZZ-XX-DR-A-PA0009; LTA-WEA-AL-04-DR-A-PA00010; LTA-WEA-AL-04-DR-A-PA00011; LTA-WEA-AL-04-DR-A-PA00012; LTA-WEA-AL-04-DR-A-PA00013 P01

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of the Pavilion Building and the Grace Gates and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of detailed drawings 1:20 and method statement for the following parts of the development:
- Package of repairs to the terracotta facade of the Grade II* Pavilion.

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

Reason:

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

Informative(s):

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

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representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:
Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * Any extra work which is necessary after further assessments of the building's condition;
 - * Stripping out or structural investigations; and
 - * Any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	16 - 18 Montagu Place, 3 Bryanston Mews and 21 Bryanston Square, London, W1H 2BQ		
Proposal	Demolition and replacement of the single storey roof structure; infill of a ground floor lightwell to the south of the rear podium section and erection of one additional storey on the podium section; creation of a new internal ground floor courtyard; alterations and recladding of the east façade including PV brickwork; creation of new entrance, access ramps and planters to the west facade on Bryanston Square; incorporation of new solar blinds; and installation of solar panels and green roofs and other planting at roof level; Replacement of main entrance doors and glazing on north and west elevations. Internal alterations at all floor levels.		
Agent	The Planning Lab		
On behalf of	The Swiss Federal Office for Buildings and Logistics		
Registered Number	23/08666/FULL + 23/08667/LBC	Date amended/ completed	14 December 2023
Date Application Received	14 December 2023		
Historic Building Grade	II		
Conservation Area	Portman Estate		
Neighbourhood Plan			

1. RECOMMENDATION

Grant conditional planning permission and listed building consent in accordance with the provisions of section 14 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes works to the Embassy of Switzerland to include; the removal and replacement of the top storey of the building with solar panels and green roof to be installed on the

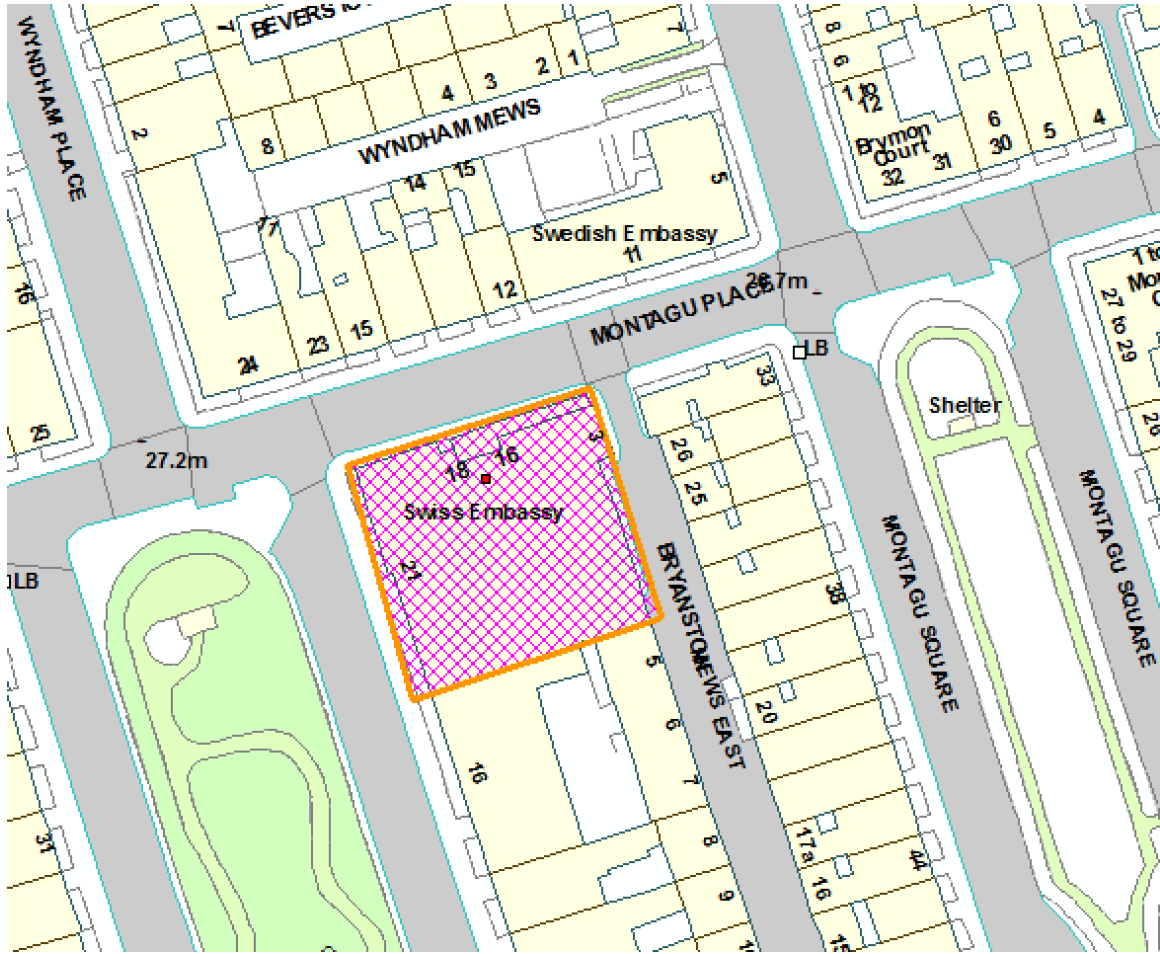
new main roof; erection of a single storey first floor extension on the podium section at the rear of the building; infilling of a ground floor lightwell on the southern side of the site and creation of a new ground floor courtyard; alterations and recladding of the rear east facing elevation of the building to include the installation of solar panelled brickwork; works to the other elevations to include new windows, doors and solar blinds, and the installation of two ramps at ground floor level in the front lightwell on the Bryanston Square frontage; all in association with the continued use of the building as the Embassy of Switzerland.

The key considerations in this case are:

- The acceptability of the proposed alterations to the building in design terms.
- The impact of the proposed works on the character and appearance of the wider Portman Estate Conservation Area.
- The impact on the amenity of neighbouring residential properties, specifically with regard overlooking, sense of enclosure and effect on daylight and sunlight.
- Impact during construction works on the amenity of neighbouring occupiers and the local highway network.

Subject to safeguarding conditions and the applicant agreeing to sign up to the City Council Code of Construction Practice, the proposal complies with relevant policies from the London Plan and City Plan 2019-2040 and the applications are therefore recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Aerial View:



Bryanston Square Elevation:



Montagu Place Elevation – looking east:



Bryanston Mews East Elevation –



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS FOR MARYLEBONE (Councillor Scarborough, Councillor Arzymanow, Councillor Rowley)

Support the concerns of residents who have objected with particular regard to:

*The use of the residential flats and whether this will be restricted to the Ambassador, staff and visitors to the Embassy.

*Increased overlooking between the single storey extension and the residential buildings in the mews opposite.

*Request the application is subject to the City Council Code of Construction Practice.

*Concerns about the impact of the development on the daylight and sunlight levels to neighbouring sensitive properties.

MARYLEBONE ASSOCIATION

Supports the application in principle, especially with regard;

*The sustainability benefits of the retrofit thus reducing carbon emissions.

*Accessibility improvements.

* The installation of solar blinds to reduce solar gain in summer months.

Concern in relation to;

*The sustainability benefits of the PV panel brickwork on the east facing façade.

*Noise and disruption during the construction phase.

HISTORIC ENGLAND

Authorisation to determine as seen fit.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

WASTE PROJECTS OFFICER

Further information requested.

HIGHWAYS PLANNING OFFICER

No objection subject to conditions.

SUSTAINABILITY OFFICER

Scheme is deemed acceptable in sustainability terms.

THE GARDENS TRUST

Do not wish to comment.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

(23/08666/FULL)

No. Consulted: 89
 Total No. of replies: 38
 No. of objections: 33
 No. in support: 5 (inc. Portman Estate and Swedish Embassy)

(23/08667/LBC)

No. Consulted: 0
 Total No. of replies: 36
 No. of objections: 35
 No. in support: 1

Objections on the following grounds:

Amenity:

- *Potential for disturbance during construction (dust, construction vehicles, noise etc).
- *Loss of privacy resulting from the larger windows on the top floor fronting Montagu Place.
- *Increased overlooking and associated loss of privacy resulting from the new first floor windows on the extension on the podium section.
- *Increased sense of enclosure to the mews properties from the additional storey on the podium section of the building.
- *Potential for light pollution to neighbouring properties.
- *Loss of sunlight and daylight to surrounding properties.
- *Potential noise disruption from plant operation.

Design and Heritage:

- *Unacceptable impact of the extension on the mews on the intimate character and townscape of the mews.
- *Replacement roof storey has a negative impact on the appearance of the building.
- *Works are detrimental to the character and appearance of the Mayfair Conservation Area.
- *The awnings are harmful to the appearance of the building.
- *Internal parts of the building and the plan form should be given greater heritage status than the applicant affords them.
- *New ramps and entrance to the Bryanston Square elevation are harmful to the appearance of the building.

Other:

- *Concern that the residential element of the embassy will be utilised as market housing.
- *One of the residential units is above the 200sqm limitation on new residential units as detailed in Policy 8 of the City Plan.
- *Consider the urban greening factor may not be as high as detailed in the application.
- *Consider that the 16 retained car parking spaces should also be removed.
- *Loss of 'green space' resulting from the partial removal of the first floor terrace.
- *Object to the use of a crane for any construction.

- *Potential loss of income from rental properties due to the construction works.
- *Potential detrimental impact on mobile phone signal.
- *Structural implications on neighbouring buildings.
- *Security risks associated with an embassy use in a residential area.
- *Discrepancies over the proposed height of the building.

Support on the following grounds:

- *Improved sustainability credentials of the building.
- *Better accessibility of the building resulting from the installation of the new ramps.
- *Commend the embassy on the pre-application consultations they have carried out.
- *Do not consider the extension on the mews elevation would affect the amenity of nearby residential occupiers.
- *Consider the design acceptable and appropriate in the context of the conservation area.

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 are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Presentation	September 2023	Marylebone Association, Portman Estate, Cllr Barbara Arzymanow and the Bryanston Square Trust	Discussions about construction programme, sustainability principles, PV brickwork installation and solar blinds.
Meeting	September 2023	Residents from Bryanston Mews East	Concern in relation to daylight / sunlight impact / overlooking and materials of single story roof extension.
Discussion	November 2023	Marylebone Association, Portman Estate	Further discussion on the sustainability credentials of the application. Discussion of the ramps on the Bryanston Square frontage.
Meeting	November 2023	Residents from Bryanston Mews East	Concern in relation to daylight / sunlight impact / overlooking and materials of single story roof extension.

Pre-application discussions were initiated with the Marylebone Association, Historic England, Twentieth Century Society, Portman Estate, Bryanston Square Trust, local councillors and residents within Bryanston Mews East who were sent letters inviting them to a meeting at the Embassy.

The applicant states that two meetings were held with residential occupiers from Bryanston Mews East, one in September 2023 and one in November 2023. Letters had been sent to 5, 6, 7, 7a, 8, 9, 10, 11, 13, 13a, 15, 16, 17a, 20, 24, 25, 26 Bryanston Mews East to invite them to a meeting at the embassy to review the proposals and provide feedback. Residents from two properties attended the first meeting and the occupier of one property attended the second meeting. Concerns were raised at the meeting in relation to the single storey extension on the podium section and its impact on daylight / sunlight and loss of privacy to nearby properties. The applicant advises that residents raised concerns about the building materials proposed for the single storey extension. The applicant also advises that subsequent to these discussions the following amendments were made to the proposal; the mews extension was reduced in height; a set back was introduced along the mews; the materials were lightened; discussions were ongoing about the mitigation to address the impact of the proposal on the privacy of residents.

Some objections were received to the application on the grounds that the initial pre-application consultation by the applicant with neighbours only included addresses in Bryanston Mews East. Given this, during the course of the application a further public event has been held at the embassy on the 30th January 2024, with invitations sent to 110 addresses within the vicinity, this meeting was attended by approximately 50 people with a presentation by the project team and then a discussion. Subsequent to the meeting further amendments were made to the scheme to address concerns including the installation of opaque glazing on Bryanston Mews East. It would seem a large number of comments received at this meeting were in relation to issues which might arise during construction works.

Of the consultation responses received people have written both to comment on the lack of pre-application consultation by the embassy and conversely to commend the embassy on their extensive pre-application discussions. Whilst these comments are noted the pre-application consultation carried out by the embassy is considered sufficient and accorded with the suggestions in the City Council Early Community Engagement guidance.

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 225 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, where relevant, neighbourhood plans covering specific parts of the city (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.

City Plan Partial Review -

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 application site is not located within an area covered by a Neighbourhood Plan.

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 building has frontages to Bryanston Square to the west, Montagu Place to the north and Bryanston Mews East to the east, it is Grade II listed and located within the Mayfair Conservation Area and the Central Activities Zone. The property comprises of basement, lower ground floor, ground and first to fifth floor levels. There are level changes around the site so the lower ground floor becomes the ground floor level on Bryanston Mews East. There is a podium section fronting Bryanston Mews East which

has a large terrace at first floor level, there are also terraces on all frontages of the building at fifth floor level. The property is utilised in its entirety as the Embassy of Switzerland.

7.2 Recent Relevant History

03/09162/FULL + 03/09163/LBC: *Installation of external sunblinds to windows on Bryanston Square facade of the Embassy of Switzerland building.*

Planning permission and listed building consent were refused on the 8th June 2004 for the following reason:

Because of their detailed design and use of materials the proposed external sunblinds would harm the character and appearance of this Grade II listed building. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Portman Estate Conservation Area. This would not meet DES5, DES7, DES8 and DES14 of our Unitary Development Plan, DES5, DES9 and DES10 of our Replacement Unitary Development Plan (Second Deposit version) and DES5, DES9 and DES10 of our Pre-Inquiry Unitary Development Plan.

8. THE PROPOSAL

A single storey extension is proposed on the podium section of the embassy, a new ground floor central courtyard is created through removal of part of the ground and first floors. The current fifth floor is to be demolished and replaced with a new fifth floor. The east façade is to be rebuilt and PV brickwork is proposed. New access ramps are proposed at ground floor level on Bryanston Square, one to the main entrance of the embassy and one to a new access door for staff, planters are proposed between the railings and the ramps. Solar blinds are proposed to be installed to the windows on the west elevation of the property. Solar panels will be installed with a green roof at main roof level and a green roof is also proposed on the roof of the new podium extension. Internal alterations are proposed at all floor levels. The windows and doors are to be replaced.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The building is used in its entirety as the Embassy of Switzerland who have had an embassy in this location for over 100 years. The current building includes a larger section to the rear along Montagu Place which was constructed in 1971. The proposed building would still be used entirely as the Embassy of Switzerland. The site is located within the Central Activities Zone (CAZ) and the City Plan details within Para. 1.8 that embassies are acceptable uses within the CAZ. The embassy provides an important function in maintaining and strengthening diplomatic ties between the United Kingdom and Switzerland. Proposals to improve or expand an embassy use would be supported in principle. The existing building provides 6,060sqm of floorspace, the proposal would see 785sqm demolished and the rebuilt part providing 797sqm which means an overall uplift of floorspace of 12sqm. Embassy uses are an acceptable use within the CAZ and provide an important diplomatic function with regard relations between the relevant

country and the United Kingdom.

Some objections have commented on the level of ancillary residential accommodation which would be provided in the proposed scheme which they consider disproportionate to the size of the embassy building. However, ancillary residential accommodation for the ambassador, staff or visiting dignitaries would be a use ordinarily expected within an embassy and the applicant has confirmed that is how the proposed residential accommodation would be utilised. The objection from the local councillors supports the comments of residents in this regard, objectors have also commented that they think the residential element might be rented out, however, any use of the property in this manner would require planning permission and is not part of this application. The quantum of proposed residential accommodation within the embassy is similar to the existing it is just reconfigured within the building. Given this, the objections on these grounds are not considered sustainable.

Objectors have also commented on the size of what is proposed to be the residential apartment for the Ambassador which measures 228sqm. Policy 8 of the City Plan states that; '*No new homes in Westminster will exceed 200 sqm Gross Internal Area (GIA), except where it is necessary to protect a heritage asset.*' This is to ensure that site capacities are used efficiently to maximise the number of residential units within development sites. As detailed above, the building will be entirely in embassy use and the residential accommodation associated with this use is ancillary to the main function of the building as an embassy. The proposal would not therefore be considered against this policy as this would only be applied to individual residential units whereas the proposed accommodation is considered an ancillary function of the embassy, and how the applicant used that floorspace would be their prerogative. As the application is not considered with regard the requirements of Policy 8 of the City Plan relating to the maximum size of individual residential units the objections on these grounds are not sustainable.

9.2 Environment & Sustainability

Sustainable Design

Part D of Policy 38 of the City Plan requires the following:

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, including:

- 1. use of high-quality durable materials and detail;*
- 2. providing flexible, high quality floorspace;*
- 3. optimising resource and water efficiency;*
- 4. enabling the incorporation of, or connection to, future services or facilities; and*
- 5. minimising the need for plant and machinery.*

Paragraph 38.11 of the City Plan requires that; '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 and proposals for

substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.'

The proposed includes some demolition of the existing building and the application is supported by a Sustainability Appraisal and a BREEAM Pre-assessment. The proposed development however seeks to re-use and refurbish a great majority of the existing building on the site to prevent unnecessary demolition. The vast majority of the existing building, including the slab, internal floors, north, west and south facades of the building are to be retained. This is considered to be in accordance with the Environmental SPD which advises that '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.'

The application and supporting documentation has been reviewed by the City Council Sustainability Officer who has no objection to the proposal. The proposal incorporates a number of sustainability features including solar blinds to prevent solar gain in the hottest months of the year, the installation of PV panels on the roof, the installation of green roof areas for insulation and the reduction of rainwater run-off and the use of PV brickwork on the rear façade of the building for energy generation.

Some concern has been expressed about the benefit of the PV wall on the rear elevation with regard the embodied carbon of the PV panels themselves and also the efficiency of the wall if it is east facing. These concerns are noted, however, this is the only wall which it would be suitable to install this panelwork on and this is a novel technology having so far only be used on a few sites in Switzerland. The analysis by the applicant determines the wall will be capable of generating 20kWp of electricity per annum and will have offset the embodied carbon in the materials within a five year period. The Sustainability Officer has no objection in principle to the PV panel wall and has commented on the benefits of supporting new innovative technologies for energy generation.

Policy 38 of the City Plan also includes a requirement that; '*applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards as follows: 1. Non-domestic developments of 500 sq m of floorspace (GIA) or above will achieve at least BREEAM "Excellent" or equivalent standard.*' Given over 500sqm of the building is demolished and re-provided the application needs to be considered against this policy. The applicant has provided a BREEAM pre-assessment report which shows the development achieving a rating of 'excellent' which meets the policy requirement. A condition is recommended to ensure the development will achieve a BREEAM rating of 'Excellent' or higher or equivalent. The condition also requires a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories.

The application and supporting documentation has been scrutinised by the City Council Sustainability Officer who states; '*The overall sustainability of the scheme is acceptable. The retrofit of the existing building, and the use of low-carbon materials is supported.*' A number of letters of support have also been received commending the quantum of the building which is retained and the retrofitting of a large part of the existing building.

Energy Performance

Part A of Policy 36 of the City Plan states that; '*The council will promote zero carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.*'

The proposal includes the following measures designed to minimise the energy usage of the construction materials or the operational carbon of the building:

- *Use of cross laminated timber in the construction to reduce the embodied carbon of the new construction.
- *Retrofitting thermal insulation and installing windows with a better thermal performance.
- *New solar shading to reduce cooling requirements in hotter months.
- *Use of heat pumps for heating and cooling.
- *Photovoltaics at roof level and on the rear façade, expecting to generate 70kWp from the roof installation and 20kWp from the rear wall installation.

A condition is included to ensure that the sustainability measures as detailed in the submitted documentation are installed and retained.

Air Quality

Policy 32 (Air Quality) of the City Plan requires the submission of an Air Quality Assessment for the following developments; major developments; proposals that include potentially air pollution generating uses or combustion-based technologies; proposals incorporating sensitive uses; and all residential developments within Air Quality Focus Areas. As the proposal does not fall within these criteria an Air Quality Assessment is not required.

Flood Risk & Sustainable Drainage

Rainwater runoff from the building is to be captured in a new storage tank at basement level and utilised for irrigation of the green roof areas and for flushing toilets in the building. This will significantly reduce rainwater runoff from the site and reduce the demand for water from the public network.

Light Pollution

Some objections have expressed concern about potential light pollution from the building affecting nearby residents.

Policy 33 of the City Plan, Part B states that; '*Developments must be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.*'

An informative is included to advise the applicant to design any external lighting (including on the terraces) to minimise light spill to neighbouring occupiers. Whilst it is noted that larger windows are proposed on the top floor of the building when compared to the existing situation given the distance to the properties opposite and the large

number of windows on other floors on the elevations the increased size of the windows is unlikely to result in a nuisance to neighbours from light spill.

Environment & Sustainability Summary

Given the improvements to the environmental performance of the building the proposal is compliant with the requirements of Policy 36 of the City Plan which requires development to reduce on-site energy demands and maximise the use of low carbon energy sources. The development will also be the first in the UK to use the innovative PV brickwork on the rear elevation, supporting the development of this novel technology. A condition is included to ensure that prior to the development being occupied all the energy efficiency measures as detailed in the approved Energy and Sustainability Statement are provided and thereafter retained. A further condition is included to require the development achieves a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of the energy performance and sustainability performance of the building with the requirement for a post completion certificate to be submitted to the City Council.

9.3 Biodiversity & Greening

Policy 34 of the City Plan deals with green infrastructure and requires developments to, wherever possible, contribute to the greening of Westminster by incorporating trees, green roofs, rain gardens and other green features and spaces into the design of the scheme. A green roof will be provided over the roof of the mews extension and at main roof level. The green roof to the mews extension will be intensively planted, but due to the need for maintenance around the solar panels at main roof level this green roof area is proposed as sedum. Planters are also proposed within the lightwell to the Bryanston Square frontage. A condition is included to require the submission of further details of the green roof areas including species to be planted and a maintenance scheme, the condition is worded to ensure the green roof areas are provided and retained.

Objections have been received with regard the loss of the planting on the existing first floor podium terrace. However, this planting (within pots) has been installed by the Embassy and there is no requirement for it to be retained. The proposed planting is required to be installed and retained and will cover a much greater proportion of the site. An objector has commented on the application insinuating the entirety of the main roof level would be a green roof whilst part of it will have solar panels installed. This is noted but there is a balancing act between the installation of solar panels for the generation of renewable energy and the installation of green roof areas for biodiversity benefit. The embassy has sought to maximise the use of the flat roof areas for both and this is welcomed.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

TOWNSCAPE, CONSERVATION AND DESIGN

21 Bryanston Square is a Grade II listed building located on the north-east corner of Bryanston Square, with frontages on Montagu Place, to the north, and Bryanston Mews

East, to the west. The building is situated at the end of the terrace and, unlike the earlier buildings to the south, was constructed in 1970 by Jacques Schader for the Government of Switzerland, the current occupant. It replaced an early nineteenth century building that had been listed in 1954.

This application has been assessed against policies 38, 39 and 40 of the City Plan 2019-2040 (adopted April 2021) and the guidance set out within the 'Environmental' SPD, and the 'Portman Estate Conservation Area' SPG.

The application building post-dates the 1950s listing. Based on the areas viewed by Officer's during a site visit and the detailed assessment including within the Heritage Statement, the special interest (significance) is primarily derived from the Georgian-style façade fronting Bryanston Square and its contribution to the Square. The notable artwork in the basement was not viewed by officers, but is also likely to be of significant interest and artistic value. Whilst some of the artworks around the basement lift enclosure is to be removed the remainder is being retained in situ and a drawing has been provided to show this.

The resulting building is a unique hybrid of Schader's original modernist design and the more traditional amendments inspired by Lord Mancroft and the Marylebone Society's ambitions for the site. Officer's share Historic England's view that the significance of this building is largely (if not solely) derived from its external appearance. Internally, no historic features of interest survive. The authorisation to determine has been received from Historic England subject to endorsement by the Secretary of State, however, that endorsement has not been received. We may grant listed building consent after 28 days from the date of the Secretary of State's notification stated on Historic England's authorisation letter which was the 17th January 2024.

Demolition and replacement single storey roof structure:

The existing roof structure forms part of the 1970 reconstruction. However, it is at odds with the Georgian character of the façade below and provides no contribution to the special interest of the listed building or the character and appearance of the conservation area.

The proposals will see the removal of this storey and its replacement with a new structure of similar proportions and height. This has been negotiated throughout the pre-application process and during the course of the application. It will be set back 1m from the parapet to street facing elevations. The fenestration has been amended and relief panels provided to the north elevation to provide interest to blank facade. The fenestration rhythm reflects that of the building beneath while the grey metal finish is akin with the established palette of materials found within the local roofscape.

While the additional bulk formed of two lift overruns will compromise the coherent roofline of the building, these will be visible from a very limited number of viewpoints. Furthermore, the lead finish will reduce their visual impact.

The proposed extension forms a restrained addition which will be visually subservient to the principal façade. It will form a calm addition to the wider terrace and its roofscape, sitting below the height of No.18 Bryanston Square.

While it will appear similar to the existing fifth floor, the fenestration and finishes better relate to the building beneath. The proposals are contextual and will preserve the character and appearance (significance), in compliance with policies 38, 39 and 40 of the City Plan 2019-2040.

Erection of one additional storey to the Bryanston Mews East building:

To the rear of the site the proposals seek to extend the mews building by a single storey. Bryanston Mews East is primarily characterised by modest two storey mews brick buildings, a number of which have an additional dormered mansard storey above. While the application building forms an anomaly within the streetscape in terms of its modern streamlined design, the height reflects the context.

The additional storey has been designed in a modern architectural style reflective of the building beneath, while its grey metal covering speaks to the grey slate finishes of the typical mansard roof storeys found along the mews.

As such, the proposals will have a neutral impact on the character and appearance of this part of the conservation area, reflective of the requirements of policies 38, 39 and 40 of the City Plan 2019-2040.

Alterations to the north and east façades:

The ground floor level of the north façade to Montagu Place is characterised by a blank marble finish with high windows. This contributes to a blank and hostile façade. The proposals will introduce framed glazing which will contribute to a more active frontage.

The rear, east, façade is not visible from street view, but is from a small number of private high-level windows to the buildings on the east side of Bryanston Mews East. The proposals will see the façade clad in new kiln glass slips. Officers are advised that these glass tiles have not been used in the United Kingdom before. They are designed with PV technology to generate electricity. The glass panels will be moulded to reflect stack bond brickwork, however, they will be transparent with metallic elements remaining visible. This will form an unusual finish. However, given the lack of views towards this façade and its utilitarian character, the new finish will have a neutral impact on the special interest of the listed building and the character and appearance of the conservation area.

Alterations to the Bryanston Square façade and infilling of the lightwells:

The scheme seeks to improve access. This will be achieved through the installation of two ramps within the lightwell area to the front of the building. These will be accessed by a new opening within the centre of the railings. Open lightwells form an important townscape feature within the conservation area and their loss is usually contrary to policies 38, 39 and 40 of the City Plan 2019-2040.

However, the lightwell at the application building is mostly infilled with concrete load bearing structures. Page 130 of the submitted Design and Access Statement provides a detailed description of the existing situation. The open areas are grated over due to the

two-storey depth of the lightwell. The proposals will see the installation of two open metal mesh ramp. Planters are proposed to screen the ramp and provide greening.

Alternative options have been explored, including lifts. However, given the existing infilled condition of the lightwell, the proposed ramps are considered to have a negligible impact on the special interest of the listed building and the contribution that it makes to the character and appearance of the conservation area. Furthermore, the greening is welcomed and in accordance with policy 34 of the City Plan 2019-2040. A condition is recommended regarding the details relating to the ramp, including handrails, any associated signage and alterations to the railings.

The proposals will also see the installation of external fabric blinds to the windows of this elevation. Such blinds were a common feature found within the square historically. They form a removable lightweight addition that will assist with solar shading.

Comments received

A number of objections have been received on design grounds. The following concerns have been raised:

1. Harm to the intimate character of the townscape through the extension to the mews.
2. The new roof storey replacement will harm the appearance of the listed building and the character and appearance of the conservation area.
3. The awnings and replacement windows would be detrimental to the appearance of the listed building.
4. Internal parts of the listed building and the plan form should be afforded greater heritage status than the applicant affords them.
5. New ramps and entrance to the Bryanston Square elevation are detrimental to the appearance of the building.

1.

As discussed above, the Bryanston Mews East elevation has a traditional character, primarily formed of modest two storey brick buildings with additional third storeys above. Some of the top floors are formed of slated mansard additions, and others are sheer, and faced in brick. The mews facing portion of the application building is starkly modern in its architectural language and materiality. The proposed extension will be set back behind the parapet and finished in a grey cladding. It will be of an appropriate scale when compared with other properties along the mews, and its finish is reflective of mansard extensions. As such, the proposals will have a neutral impact on the character and appearance of this part of the conservation area and the wider townscape.

2.

As discussed above, the existing roof structure provides no contribution to the special interest of the listed building or the character and appearance of the conservation area. The existing roof structure sits just over 3m above the parapet. The proposed structure will also rise just over 3m above the parapet level. The increase in height is minimal, save for two lift over runs. The new extension will sit 300mm closer to the northern parapet edge, remaining 1m set back. It will sit approx. 3m closer to the parapet edge to the eastern most parapet at Bryanston Mews East. While the massing would increase, the proposed 2m set back will see the extension remain a recessive addition to the

principal building. The increase in massing at this level will not impact on any identified views and will have a neutral impact on the special interest of the listed building and character and appearance of the conservation area.

3.

The proposed awnings form a lightweight and removable addition. They reduce overheating, cut UV damage and allow windows to be kept ajar for ventilation in most weather conditions. Such awnings formed a common feature during the nineteenth and early-twentieth century prior to the rise of air conditioning. The City Council has declared a climate emergency, and blinds form a traditional addition to the building which will serve to reduce the solar gain during the summer months and will have no impact on the historic fabric. As such, they form an appropriate addition in this case. A condition is required to ensure that their detailed design is appropriate.

The windows form modern additions. There is no objection to their replacement. A condition is recommended to ensure that their detailed design is appropriate.

4.

The internal plan form does not reflect a traditional townhouse plan. It is made up of modern partitions the layout of which relates to the embassy use. The plan form does not include historic fabric, are not illustrative of the past use of the building and are of not architectural interest. As such, the internal parts of the building do not hold evidential, historical, aesthetic or communal value, save for the artworks at basement level. As such, the interior is not considered to contribute to the special interest of the listed building when assessed against Historic England's 'Conservation Principles, Policies and Guidance' document.

Summary:

The infilling of the space to the front of the building is undesirable, it will cause a negligible impact on the special interest (significance) of the listed building and the character and appearance (significance) of the conservation area. However, given the existing situation and access benefits it provides, the proposals are considered justified in this case, in accordance with Paragraphs 206 and 208 of the NPPF. The remainder of the proposals will preserve the special interest (significance) of the listed building and the character and appearance (significance) of the Conservation Area and reflect the requirements of policies 38, 39 and 40 of the City Plan 2019-2040.

9.5 Residential Amenity

Daylight & Sunlight

Policy 7 of the City Plan requires that; '*development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.*' Para 7.3 elaborates and states that; '*negative effects on amenity should be minimised as they can impact on quality of life. Provision of good indoor daylight and sunlight levels is important for health and well-being and to decrease energy consumption through reduced need for artificial heating and lighting.*'

A Daylight and Sunlight Assessment has been submitted in support of the application which assesses the impact of the development on a number of nearby residential properties including; 12, 13, 14, 15 Montagu Place, 23, 24 Bryanston Square, 5, 23, 24, 25, 26 Bryanston Mews East, 33, 35, 36 and 37 Montagu Square.

Under the BRE guidelines the level of daylight received by a property is assessed by the Vertical Sky Component (VSC) which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. An assessment has also been made of the 'No Sky Line' (NSL) in rooms. The NSL is a measure of the daylight within rooms measured mapping the region of the room where light can reach directly from the sky. The BRE Guidance states that; *'if, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.'*

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

The applicant's daylight and sunlight assessment concludes that of all the buildings assessed only one property (5 Bryanston Mews East) would experience losses in excess of the BRE guidance related to VSC, this being one window at rear ground floor level and one window at rear first floor level which are the closest windows to the boundary with the Swiss Embassy which adjoins this building to the north. Objections have been received to the application from a number of properties in the vicinity concerned about daylight / sunlight losses to their windows but as detailed only 5 Bryanston Mews East would experience losses in excess of the guidance and therefore the objections on these grounds from the occupiers of other buildings in the vicinity are not considered sustainable.

There is a rooflight in the two storey rear wing of 18 Bryanston Square which has an existing VSC level of 61.96 which is reduced to 49.18 which is a 21% loss but as the rooflight still receives well in excess of 27% it is deemed to still receive good levels of daylight by the BRE guidance.

Daylight

With regard to the two windows which fails to comply with the VSC test at 5 Bryanston mews East, this is a rear ground floor window and the rear first floor window directly above. It is unknown what these windows serve. With regard the ground floor window the existing VSC level is 4.87 which falls to 3.03 as a result of the development which is a reduction of 38%. For the first floor window the existing VSC is 6.92 which is reduced to 5.01 which is a reduction of 28%. This is detailed in the table below:

Window Ref	Existing VSC	Proposed VSC	VSC Reduction (%)
Ground (5 Bryanston Mews East)	4.87	3.03	38%
First (5 Bryanston Mews East)	6.92	5.01	28%

Whilst the BRE guidance states that reductions in excess of 20% are likely to be noticeable, the existing levels to these two windows are very low so even a small change results in a significant percentage change. The submitted Daylight and Sunlight report has attempted to ascertain the No Sky Line for the rooms these windows serve but this is estimated given floorplans for this building have not been made available and can not be relied upon.

Whilst the losses to these windows are unfortunate, none of the windows to the front of the property would be impacted and the remainder of the measured windows on the rear elevation of this property are compliant with the BRE guidance. Given the losses in excess of the guidance are only to two windows at the property, which both have very low values and the dense urban nature of the site the impact on 5 Bryanston Mews East is considered acceptable.

Sunlight

There are no losses to sunlight levels to windows in excess of the BE Guidance and the impact of the development is therefore considered acceptable in this regard.

Sense of Enclosure

Policy 7 of the City Plan requires that; ‘development will be neighbourly by; protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.’ A number of objections have been received to the application from residential occupiers in the immediate vicinity concerned that the increased height and bulk of the building both on the Montagu Place and the Bryanston Mews East elevations will result in an increased sense of enclosure to their properties.

Montagu Place

The existing fifth floor of the building includes a set back of approximately 5m from the fourth floor along the Montagu Place frontage. The rebuilt fifth floor of the building would be set back 2.5m on the Montagu Place frontage, whilst also extending a further 2.5m along this elevation to the east being the Bryanston Mews East frontage of the building. Objections have been received with the regard the extended fifth floor level and the potential increased sense of enclosure to properties opposite on Montagu Place and in Bryanston Mews.

The objectors properties in Montagu Place are 15m distant from the larger fifth floor level and the rebuilt fifth floor would be 2.5m closer but still set back from the fourth floor below. It is not considered this element of the works would result in an increased sense

of enclosure to the residential properties in Montagu Place such that the application could be refused on these grounds. There have been some comments about the proposed height of the building and whether all drawings include the proposed solar panels at main roof level, but these are set back from the edge of the building and would have no impact on the overall sense of enclosure to surrounding properties.

The objections that the increased bulk of the fifth floor would impact the sense of enclosure to properties in Bryanston Mews East are not considered sustainable as it is unlikely the fifth floor would be visible from these properties. The larger fifth floor would be visible from the rear windows of some properties on Montagu Square but these windows are 19.5m from the existing fifth floor and would be 17m from the proposed fifth floor. The impact on these windows is considered acceptable and compliant with the requirements of Policy 7 of the City Plan.

Bryanston Mews East

Objections have been received from occupiers of the buildings opposite within the mews and the occupiers / representatives of occupiers of adjoining buildings to the south along Bryanston Mews East and Bryanston Square concerned that the increased bulk resulting from the extension on the podium section of the building will result in an increased sense of enclosure to their residential properties.

There is an existing wooden trellis on the eastern side of the rear first floor terrace which provides visual screening both for users of the terrace and the residential occupiers opposite. Views of this section of the building from the mews properties opposite are seen in the context of the close relationship between the existing lower floors and the upper floors of the main bulk of the Bryanston Square part of the embassy. There is a variation of building heights within the mews but approximately half of the buildings in the mews have a second floor so a extension at this level would not be out of context, with a recent permission having been granted for a second floor on 22 Bryanston Mews East. Given the presence of the trellis at this level, its replacement with the built form of the new extension means that the proposal is not considered to result in an unacceptable increase in the sense of enclosure to the buildings opposite in the mews such that the proposal would be contrary to the requirements of Policy 7 of the City Plan.

With regard the objection to increased sense of enclosure to properties further south along Bryanston Mews East and Bryanston Square, on the southern side of the podium section it is proposed to infill a small lightwell area at ground floor level (behind the party wall to the south) and the built form of the first floor extension rises 2.1m above the height of the existing party wall separating the properties. This would be at a 90^o angle to any views from windows in the buildings to the south and occupiers would only be afforded oblique views of the increased bulk on the other side of the party wall in the context of the large bulk of the existing embassy building behind. The representative of a number of these properties has also commented on the impact on the open space between the rear of properties along Bryanston Mews East and the rear of the Bryanston Square buildings which is currently a paved area primarily used for parking vehicles but there are also some very small fenced off sections which are used as private external amenity spaces for various properties along Bryanston Mews East. There is a two storey rear building on the south side of the party wall which provides residential accommodation for the 18 Bryanston Square. Given there is this large built form on the

south side of the party wall and the extension at the application site would only be 2.1m above the party wall on the northern side, it is not considered the proposal would have a detrimental impact on the properties or the outside spaces such that the proposal would be refusable on the grounds of increased sense of enclosure or its overbearing nature.

Privacy

Policy 7 of the City Plan states that; ‘development will be neighbourly by; protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.’

The existing layout of the Montagu Place section of the embassy uses the ground, first, second, third and fifth floors as general office accommodation with staff residential accommodation at fourth floor level. The proposal consolidates staff residential accommodation in this section of the building so in the proposed scheme the ground and first floors are office accommodation with the second to fifth as residential accommodation for staff, the Ambassador and visiting dignitaries. Given office and residential accommodation for staff area uses ordinarily expected within an embassy they could be relocated within the building without the need for planning consent. A number of objections from residential occupiers in Montagu Place have expressed concern that the change of use of the part of the embassy opposite their residential windows might have detrimental consequences for their privacy. This part of Montagu Place is 15m in width, these are existing windows, (although new larger windows would be installed to the fifth floor level). It is not considered that the use of these floors as the residential element as opposed to the office element of the embassy would have any detrimental impact in terms of the privacy to the residential windows on the opposite side of the street.

The Marylebone Association have commented on this aspect of the proposal and consider the use of these floors as residential accommodation as opposed to the office accommodation would, in their opinion, result in a potential reduction in overlooking of occupiers on the opposite side of Montagu Place. They consider blinds / curtains are more likely to be drawn on residential accommodation and it is unlikely to be occupied for portions of the daytime unlike office accommodation. As detailed above the use of the building is still as an embassy and as the windows on the majority of floors are unaltered, the objections on these grounds are not considered sustainable. It is noted that the windows in the rebuilt top floor will be larger than the existing windows at this floor level but there is a high degree of mutual overlooking from all the other floors and the increase in size of these windows is not considered to result in an unacceptable degree of overlooking such that the proposal would be contrary to Policy 7 of the City Plan, and the proposal is therefore acceptable in this regard.

With regard the impact of the proposal on the privacy of occupiers in the mews, the application proposes the increase in height of the accommodation by one storey on the podium section of the mews elevation. Objections have been received from some of the occupiers of the mews buildings opposite the proposed extension with regard increased overlooking of their properties. These objections are supported by the local councillors for the Marylebone ward. There is already a high degree of mutual overlooking between the embassy accommodation and the occupiers of the mews buildings opposite with the distance between the buildings being 9.5m. The Marylebone Association has

commented that they consider the introduction of the single storey of office accommodation on the terrace may in fact result in a reduction in the degree of overlooking of the residential windows on the opposite side of the mews when compared to the existing use as the existing terrace could be used to host events late into the evening. However, the concern about an increased sense of overlooking, especially to the second floor residential windows of Nos. 25 and 24 Bryanston Mews East is appreciated. The applicant has been made aware of the issue and has agreed to the imposition of a condition requiring opaque glazing to be installed on the east facing section of the new first floor level. With the addition of this condition the proposal would not result in any increased overlooking of the residential buildings opposite in the mews.

Noise & Vibration

In relation to noise from the proposed plant the application has been considered in the context of Policy 33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment. Plant items assessed in the acoustic report include intake and extract grilles served by fans for the car park, offices and residential elements and emergency plant items. Background noise measurements at the property have been recorded with the lowest background noise level being 35dB in Montagu Place and 33dB in Bryanston Mews East. The design criteria is 10dB below the lowest recorded measurements so the noise from the plant should be no higher than 25dB at noise sensitive properties in Montagu Place and 23dB to sensitive properties in Bryanston Mews East.

Calculations have taken place at various parts of the site, on the rear elevation a grille is proposed linked to the ventilation fan for the car park in the basement level, this fan would only operate at full capacity between the hours of 07:00 and 23:00 and be restricted to 50% capacity between the hours of 23:00 and 07:00. It is proposed that the rest of the plant can operate at any time over a 24 hour period given the nature of the use.

The acoustic report concludes that with the acoustic mitigation measures installed noise levels at the nearest sensitive properties will be compliant with the City Council criteria. Some objections have been received which comment generally on the potential for the plant operation to cause a noise nuisance.

Environmental Health have assessed the documentation and confirmed that the plant operation will be acceptable and comply with the City Council criteria. Conditions are included to control noise and vibration levels from the plant; to ensure that the car park ventilation equipment operates at 50% capacity between 23:00 and 07:00 daily, and; that all the acoustic mitigation measures are installed before the equipment is operated and retained for as long as the plant equipment is in situ.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has requested a condition be included on any planning permission to ensure that no doors open outwards over the public highway as this could detrimentally impact pedestrian safety. A condition is included as requested.

Accessibility

Given the embassy function of the building there is a security need for separation of various groups. The re-design of the building has specified that each user group should be afforded level access. Hence, level access is proposed for the staff entrance, residential section, 'representative entrance' and the visa section. The proposal includes the installation of two new ramps on the Bryanston Square frontage for access to both the 'representative entrance' and the staff entrance. Lift access to other floors is provided within the relevant sections and the improvements to the accessibility of the building are welcomed. The improvements to accessibility are also supported by the Marylebone Association and noted as benefits in other letters of support received to the scheme.

Servicing and Waste & Recycling Storage

The proposal has been reviewed by the City Council Waste Projects Officer who has requested a condition to require the submission of detailed drawings to show suitable waste / recycling provision within the building. A condition is included as requested. The Highways Planning Manager has reviewed the application and confirmed they do not consider the proposal would result in any detrimental highways impacts in relation to servicing impacts given the existing loading / servicing arrangements and the minimal increase in floorspace resulting from the proposal.

Cycling & Cycle Storage

Given there is only minimal increase in floorspace there is no policy requirement for the provision of cycle parking, however, the application includes the provision of 40 cycle parking spaces in the basement of the property and this is welcomed. A condition is included to ensure these are provided and retained.

Parking

The proposal results in a reduction in the number of car parking spaces from the current 27 to 16, the reduction allows for an increase in the number of cycle parking spaces. The reduction in car parking spaces associated with commercial floorspace is supported by City Plan and London Plan policies which seek to reduce private car ownership and requirement in the City. An objector has commented on the retention of the 16 spaces and suggested the quantum of car parking at the site should be reduced further still.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Construction impact

Concerns have been raised by neighbouring occupiers, Councillors and the Marylebone Association with regard potential disruption and disturbance during building works. The applicants have confirmed they will sign up to the City Council's Code of Construction Practice to mitigate construction impacts upon the highway and amenity of neighbouring occupiers. The Code of Construction Practice is designed to monitor, control and manage construction impacts on construction sites throughout Westminster. A condition is proposed to secure this commitment. Whilst objections have been received to the impacts of the construction, the Code of Construction Practice will ensure all appropriate measures are included to deal with noisy works, construction vehicle movements, dust, and cleaning of the highway. With these controls in place it is not considered the objections on these grounds could be supported. The standard building hours' condition is also included to safeguard residents' amenity.

Concerns have also been expressed about the possibility of construction works causing structural issues for neighbouring properties. Any works which impact on the party walls with neighbouring properties to the south will require Party Wall Agreements which will protect these neighbouring properties against any potential damage resulting from construction.

Objectors have also commented on the use of a crane for construction and the impact of the use of a crane on their privacy. It is noted that flyers have been distributed from an objector which includes an image from the application documents which demonstrates how the existing structure could support a crane on site if needed during the construction process. The applicant has not finalised their construction process but any use of a crane would only be for a temporary period and would not result in any permanent impact on the amenity of neighbouring residents.

Security

Comments have been received with regard the security implications of the embassy use and whether this area is suitable for the continued location of the embassy given there are a large number of residential uses in the vicinity. The use of the building as the embassy is lawful and whilst an embassy will need additional security measures in place there are a number of embassies within the vicinity and the City Plan details that embassy uses are acceptable within the Central Activities Zone. The embassy has also operated from this site for in excess of 100 years.

Rental Income

Objections have mentioned the potential for the construction works to impact the value of their properties on the rental market and put off potential tenants. This is not considered a material planning consideration and the application could not be reasonably refused on these grounds.

Mobile Phone Signal

Comments have been received in relation to the potential for the development to negatively impact mobile phone coverage in the vicinity. This is highly unlikely but not withstanding this it is not considered a material planning consideration and given the location there is likely to be good mobile signal.

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

Planning obligations are not relevant in the determination of this application.

The estimated Westminster CIL payment is £0 (given the use as an embassy) whilst the estimated Mayoral CIL payment is £2,540. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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 and construction phases of the development. The applicant has agreed to the imposition of the condition.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, Having regard to this assessment, it has found that the proposed development is acceptable. Accordingly, the proposal is considered acceptable and would be consistent with the relevant policies in the City Plan 2019-2040 and London Plan 2021 subject to relevant safeguarding conditions. It is recommended that planning permission is granted, subject to the conditions listed at the end of this report, which are necessary to make the development acceptable.

(Please note: All the application drawings and other relevant documents and Background

Item No.
2

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

11. KEY DRAWINGS

Proposed Front Elevation:



Item No.
2

DRAFT DECISION LETTER

Address: 16 - 18 Montagu Place, London, W1H 2BQ

Proposal: Demolition and replacement of the single storey roof structure; infill of a ground floor lightwell to the south of the rear podium section and erection of one additional storey on the podium section; creation of a new internal ground floor courtyard; alterations and recladding of the east façade including PV brickwork; creation of new entrance, access ramps and planters to the west facade on Bryanston Square; incorporation of new solar blinds; and installation of solar panels and green roofs and other planting at roof level; Replacement of main entrance doors and glazing on north and west elevations. Internal alterations at all floor levels. (SITE INCLUDES 21 BRYANSTON SQUARE)

Reference: 23/08666/FULL

Plan Nos: Drawings: 016-AR-E-33-40-GA-01, 016-AR-E-33-40-GA-02 RevA, 016-AR-E-33-10-EXT-00, 016-AR-E-33-10-EXT-01, 016-AR-E-33-10-EXT-02, 016-AR-E-33-20-GA-00, 016-AR-E-33-20-GA-01, 016-AR-E-33-20-GA-02, 016-AR-E-33-20-GA-03, 016-AR-E-33-20-GA-04, 016-AR-E-33-20-GA-05, 016-AR-E-33-20-GA-06, 016-AR-E-33-20-GA-98, 016-AR-E-33-20-GA-99, 016-AR-E-33-30-GA-01, 016-AR-E-33-30-GA-02, 016-AR-E-33-40-GA-03, 016-AR-E-33-40-GA-04, 016-AR-E-33-40-GA-05, 016-AR-E-33-42-DE-05, 016-AR-E-33-61-AS-00, 016-AR-E-33-61-AS-01, 016-AR-E-33-61-AS-02, 016-AR-E-33-22-DE-00, 016-AR-E-33-22-DE-01, 016-AR-E-33-22-DE-02, 016-AR-E-33-22-DE-03, 016-AR-E-33-22-DE-04, 016-AR-E-33-22-DE-05, 016-AR-E-33-22-DE-06, 016-AR-E-33-22-DE-98, 016-AR-E-33-22-DE-99, 016-AR-E-33-32-DE-01, 016-AR-E-33-32-DE-02, 016-AR-E-33-42-DE-01, 016-AR-E-33-42-DE-02, 016-AR-E-33-42-DE-03, 016-AR-E-33-42-DE-04, 526-SK-014 RevA., , Documents: Structural Methodology Statement dated December 2023, BREEAM Pre-assessment dated December 2023, Sustainability Appraisal dated December 2023, Noise Impact Assessment dated December 2023.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

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,
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

- 3 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)

- 4 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises. (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation. (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that

any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 5 (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)

- 6 The car park exhaust hereby permitted can only operate at 50% capacity between the hours of 23:00 and 07:00.

Reason:
To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 7 You must install all acoustic mitigation measures at the same time as the plant is installed and to the specification detailed in the acoustic report. Thereafter these measures must be retained for as long as the plant remains in place.

Reason:
To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

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

Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 9 You must apply to us for approval of samples (photographs and spec) 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 10 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:
- a) All new external doors,
 - b) All new windows,
 - c) Alterations to the lightwell railings,
 - d) New ramp and planters (including sections),
 - e) New solar blinds (including traditional blind box cover).

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 11 You must apply to us for approval of:
1. A sample,
 2. A bill of materials and information regarding their sourcing the composition of the product, and any anticipated emissions associated with its sourcing, transporting, manufacturing, and installation on site of the following parts of the development - the PV brickwork.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.,

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area and 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 S17 in the London Plan 2021, Policy 37, 38, 39 and 40 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).

- 12 The planters to the west elevation shall be painted and maintained black.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 13 You must not put structures such as canopies, fences, loggias, trellises or satellite or

radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 14 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas to include construction method, layout, 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)

- 15 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the embassy use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the embassy. You must not use the waste and recycling store for any other purpose. (C14GB)

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)

- 16 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 17 **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)

- 18 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)

- 19 You must provide, maintain and retain all energy efficiency measures to the minimum specification outlined in the approved document 'The Swiss Embassy in London - Sustainability Appraisal' before you start to use any part of the development. You must not remove any of these features.

Reason:

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

- 20 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved. A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within three months of first occupation of the development. (C44BC)

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)

- 21 The glass that you put in the east facing elevation of the new single storey extension at rear first floor level must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 Please make sure that the lighting (including any on the terraces) is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

- 4 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk, , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 With reference to condition please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 8 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features would require planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region.
- 9 Conditions 3, 4, 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 11 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 12 With reference to condition 17 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 13 The development will result in changes to road access points. Any new threshold levels in the

building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point. If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 14 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 15 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 16 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 17 For advice on BREEAM, including appointment of a licensed assessor and how to obtain a post completion certificate, please visit the Building Research Establishment (BRE) website: <https://bregroup.com/products/breem/>. (I15AB)

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.

DRAFT DECISION LETTER

Address: 16 - 18 Montagu Place, London, W1H 2BQ

Proposal: Demolition and replacement of the single storey roof structure; infill of a ground floor lightwell to the south of the rear podium section and erection of one additional storey on the podium section; creation of a new internal ground floor courtyard; alterations and recladding of the east façade including PV brickwork; creation of new entrance, access ramps and planters to the west facade on Bryanston Square; incorporation of new solar blinds; and installation of solar panels and green roofs and other planting at roof level; Replacement of main entrance doors and glazing on north and west elevations. Internal alterations at all floor levels. (SITE INCLUDES 21 BRYANSTON SQUARE)

Reference: 23/08667/LBC

Plan Nos: Drawings: 016-AR-E-33-40-GA-01, 016-AR-E-33-40-GA-02 RevA, 016-AR-E-33-10-EXT-00, 016-AR-E-33-10-EXT-01, 016-AR-E-33-10-EXT-02, 016-AR-E-33-20-GA-00, 016-AR-E-33-20-GA-01, 016-AR-E-33-20-GA-02, 016-AR-E-33-20-GA-03, 016-AR-E-33-20-GA-04, 016-AR-E-33-20-GA-05, 016-AR-E-33-20-GA-06, 016-AR-E-33-20-GA-98, 016-AR-E-33-20-GA-99, 016-AR-E-33-30-GA-01, 016-AR-E-33-30-GA-02, 016-AR-E-33-40-GA-03, 016-AR-E-33-40-GA-04, 016-AR-E-33-40-GA-05, 016-AR-E-33-42-DE-05, 016-AR-E-33-61-AS-00, 016-AR-E-33-61-AS-01, 016-AR-E-33-61-AS-02, 016-AR-E-33-22-DE-00, 016-AR-E-33-22-DE-01, 016-AR-E-33-22-DE-02, 016-AR-E-33-22-DE-03, 016-AR-E-33-22-DE-04, 016-AR-E-33-22-DE-05, 016-AR-E-33-22-DE-06, 016-AR-E-33-22-DE-98, 016-AR-E-33-22-DE-99, 016-AR-E-33-32-DE-01, 016-AR-E-33-32-DE-02, 016-AR-E-33-42-DE-01, 016-AR-E-33-42-DE-02, 016-AR-E-33-42-DE-03, 016-AR-E-33-42-DE-04, 526-SK-014 RevA., , Documents: Structural Methodology Statement dated December 2023, BREEAM Pre-assessment dated December 2023, Sustainability Appraisal dated December 2023, Noise Impact Assessment dated December 2023.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 3 You must apply to us for approval of samples (photographs and spec) 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 4 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:
- a) All new external doors and windows,
 - b) Alterations to the lightwell railings,
 - c) New ramp and planters (including sections),
 - d) New solar blinds (including traditional blind box cover).

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 5 You must apply to us for approval of:
- 1. A sample,
 - 2. A bill of materials

of the following parts of the development - the PV brickwork., You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.,

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 6 The planters to the west elevation shall be painted and maintained black.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
* any extra work which is necessary after further assessments of the building's condition;
* stripping out or structural investigations; and,

Item No.
2

* any work needed to meet the building regulations or other forms of statutory control. Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 3 You are advised that any new signage will require listed building consent and may require advertisement consent.

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.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	529 - 533 Oxford Street, London, W1C 2QL		
Proposal	Use of ground floor and mezzanine level as a food court including provision for on- and off-site consumption of food and drinks (Sui Generis) and external alterations, changing shopfront doors on Oxford Street.		
Agent	Savills		
On behalf of	Medra Group		
Registered Number	21/07776/FULL	Date amended/ completed	11 November 2021
Date Application Received	11 November 2021		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY & KEY CONSIDERATIONS

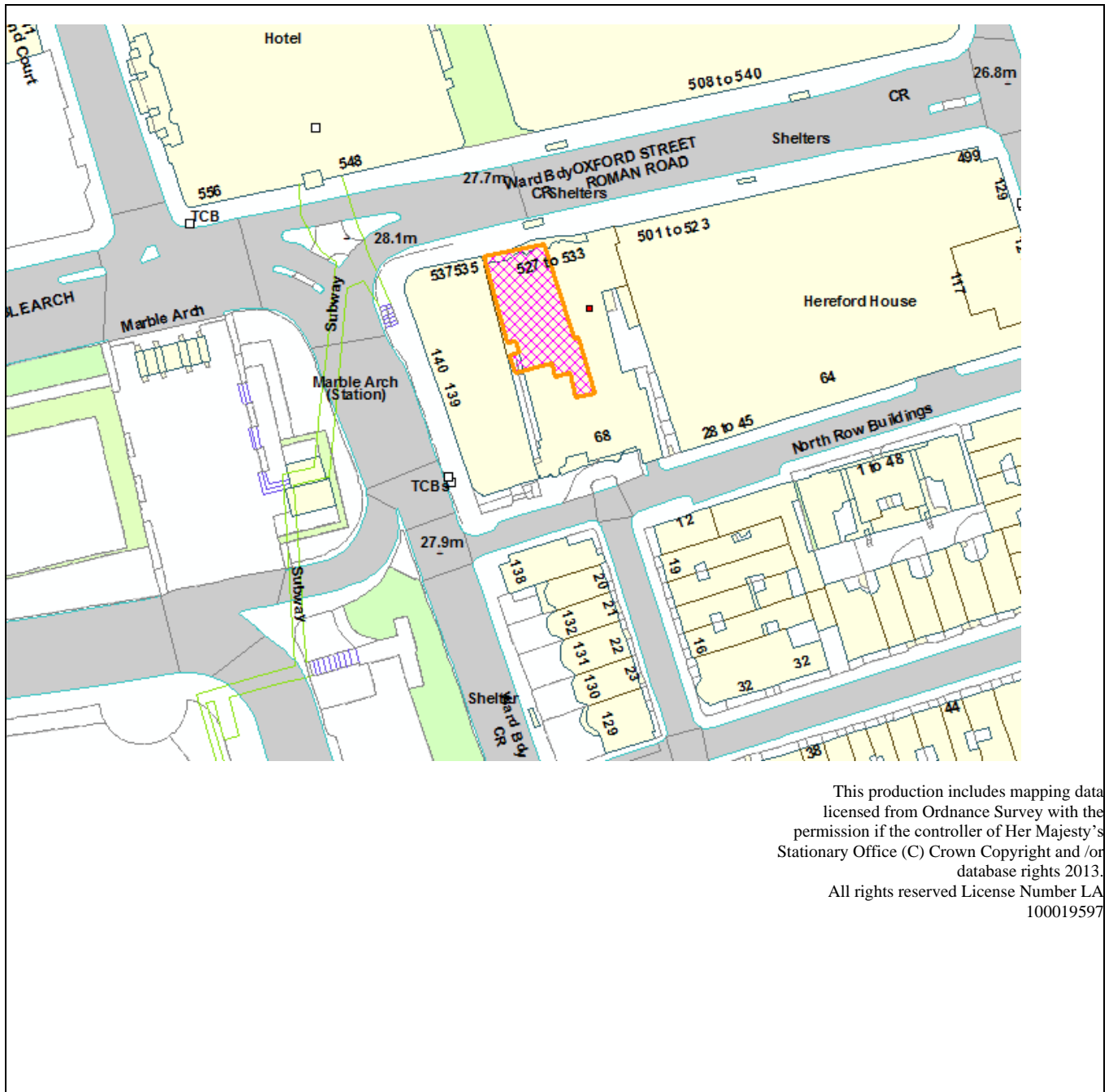
The application premises is a two storey retail unit at the western end of Oxford Street close to Marble Arch. The unit is currently in use as a souvenirs gift shop. Permission is sought for use of the premises as a food court with 19 food stalls with various seated and standing areas for customers.

The key issues for consideration are:

- The acceptability in land use terms
- The impact on residential amenity.

The proposed food court would provide a service use maintaining an active frontage that would support and compliment the main retail offer on Oxford Street. Subject to appropriate conditions the use is considered acceptable in amenity terms. The application complies with development plan policies and accordingly is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Mayfair Residents Group):
No response received.

AMENITY SOCIETY (Residents Society Of Mayfair & St. James's):
No response received.

AMENITY SOCIETY (Mayfair Neighbourhood Forum):
No response received.

ENVIRONMENTAL HEALTH OFFICER:
Acceptable subject to conditions

HIGHWAYS PLANNING MANAGER:
Acceptable subject to conditions

CLEANSING OFFICER:
Acceptable subject to conditions

ADJOINING OWNERS / OCCUPIERS
No. of consultees: 75
Objections received: 6 (5 of which are on behalf of the Marriott Hotel)

Six objections received raising objections on some or all of the following grounds:

- Noise and odours from plant
- Operation as a restaurant/home delivery service.
- Service Management Plans concerns

SITE AND PRESS NOTICE
Yes.

5.2 Applicant's Pre-Application Community Engagement

No Early Community Engagement was undertaken.

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 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

529-533 Oxford Street is located at the western end of Oxford Street close to Marble Arch. The premises is a two- storey retail unit currently in use as a London souvenirs shop. The building is not listed and is significantly lower than neighbouring properties.

The site is on the southern side of Oxford Street located within the Mayfair Conservation Area, the Central Activities Zone, the West End Retail and Leisure Special Policy Area (WESSPRA) and the West End International Shopping Centre.

7.2 Recent Relevant History

A lawful development certificate was granted on 27 July 2021 confirming use of the premises (ground and mezzanine floors) as use as commercial, business and services Class E (RN 21/03294/CLEUD).

8. THE PROPOSAL

Permission is sought for the use of the ground floor and mezzanine level as a food court comprising 19 booths hosting small restaurants/cafes, with various seated (approximately 75) and standing areas for customers. A customer toilet is provided on the ground floor.

The units within the proposed food court would be for the sale of food for both on and off- site consumption. The takeaway element to the use means that the proposed use would not fall within one of the specified classes and would not fall within 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) but would be a Sui Generis use falling outside the specified classes.

The proposed hours of operation of the food court are 07:00 and 23:00 daily. All the units will use electric cooking with a recirculation system handling odours. No home delivery service is proposed. An existing small mezzanine level to the rear of the building would facilitate a back of house storage and office area and toilets for staff. External alterations are limited to a change to the entrance door on Oxford Street.

9. DETAILED CONSIDERATIONS

9.1 Land Use

As reference above, the unit is currently in use as a London souvenir shop (Class E) and prior to this was occupied by Evans clothes shop.

Policy

City Plan Policy 14 concerns town centres, high streets and the CAZ, with their intensification supported in principle for main town centre uses. Uses that provide active frontages will be required at ground floor level, with the WERLSPA to provide a wide mix of commercial uses that support the West End's role as a cultural hub and centre for visitor, evening and night-time economy. Policy 14 goes on to state that town centre uses will be supported in principle through the CAZ with a commercial or mixed-use character, having regard to existing mix of land uses. The supporting text (paragraph 14.5, 14.6 and 14.7) acknowledges that, to ensure their long-term sustainability, town centres will need to provide a mix of commercial uses to create an environment which encourages customers to shop, access services, and spend leisure time, whilst also supporting their role as major employment hubs and visitor destinations., "...town centre uses such as pubs and drinking establishments, exhibition spaces, cultural and leisure uses, can all help support the future success of these key clusters of commercial activity...".

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

Loss of Retail

Development across the town centre hierarchy should be of a scale, type, and nature that reflects the role of the centre within which it is located.

Within the town centre hierarchy, the West End and Knightsbridge International Centres provide London's prime retail destinations and offer unparalleled specialist and comparison retail of regional and national importance that draws in international visitors. The West End International Centre includes Oxford Street, Regent Street and Bond Street. Comparison retail is the dominant use on Oxford Street characterised by large format stores, often provided over multiple floors.

The policy aim is to maintain a strong retail core at ground floor level and immediately above. Oxford Street is the UK's premier shopping street, in which changes in the retail sector have been felt. Proposals should provide a more attractive shopping environment and user experience.

The loss of retail and the provision of a food court at this ground and mezzanine unit would maintain an active frontage and provide a use serving visiting members of the public in accordance with City Plan policy (14 B). The food and beverage offer would

provide a recognised complementary town centre use which potentially increases customer dwell time supporting the retail offer of Oxford Street.

The supporting text of City Plan policy 14 at paragraph 14.14 state that 'Where provided, non-retail uses should enhance and sustain, rather than dilute the centre's comparison-shopping role'. The proposal accords with this aim as the food and drink would add to the customer shopping/leisure experience and would enhance the character and function of the area.

Impact on amenity

The proposed food court includes communal seating which would be used by customers purchasing food and drink at any of the stalls. Takeaway sales would form a significant element of sales. As already stated, the proposed opening hours are 07.00 to 23.00 daily. The proposal will not result in the provision of a late night entertainment use. All customer activity will be at the front, onto Oxford with only servicing taking place at the rear from an off- street serving bay on North Row.

Given the sites location as would be expected the vast majority of the surrounding properties are in commercial use. There are residential flats to the rear on North Row including at Hereford House located to the east of the site. The London Marriott Hotel is a large 5* hotel to the west on Park Lane.

Objections have been received from a neighbouring resident and from the Marriott Hotel adjacent that the food court with takeaway facility would adversely impact on the character of the area and that low level ventilation into a shared lightwell with the hotel could potentially result in noise nuisance and nuisance from cooking odours (the latter points are discussed in section 9.7 of this report).

Oxford Street has extremely high pedestrian movements. In the light of this use of the premises as food court would not result in a discernible increase in pedestrian activity and would not result in noise disturbance to the occupants of neighbouring properties. A condition is recommended which precludes the food court from operating a home deliver service to ensure that the amenity of residents to the rear of the site is safeguarded.

The scale and activity associated with the use is considered to be wholly appropriate for the site as it would be neither harmful to residential amenity, the local environmental quality or the character and function of the area.

9.2 Environment & Sustainability

The application raises no substantive sustainability issues.

9.3 Biodiversity & Greening

It is accepted that the site provides no real opportunity to provide greening and biodiversity gains.

Townscape, Design & Heritage Impact

The proposed change to the entrance door as part of a glazed shopfront will have no adverse appearance on the building. The rear grilles are existing and raise no design and heritage concerns.

9.4 Residential Amenity (Daylight/Sunlight/ Sense of Enclosure/ Overlooking)

Not applicable

9.5 Transportation, Accessibility & Servicing

Highway Impact

The application initially sought a home delivery service. The Highways Planning Manager raised concerns that this could result in congestion. Further to discussions with Officer's this aspect of the proposal has been deleted from the application and a condition is recommended preventing a delivery service.

A condition is also recommended requiring the replacement entrance door to open inwards and not over the public highway.

Servicing and Waste & Recycling Storage

The site is serviced via a shared loading bay, located to the rear of the site on North Row. A Service Management Plan has been submitted as part of this application. The SMP states that there would be a single delivery per day. The Highways Planning Manager raises no objection to the proposed servicing arrangements. A condition is recommended that servicing is carried out in accordance with the submitted SMP.

The Waste Project officer has requested that further details of proposed waste storage arrangements are provided. It is recommended that waste storage details are secured by condition.

Cycling & Cycle Storage

A condition is recommended requiring the provision of the cycle parking shown on the floorplan.

9.6 Economy including Employment & Skills

The proposal is considered to positively impact the local economy.

9.7 Other Considerations

Odour and noise

In terms of ventilation the proposal is that the food court would utilise a recirculation system. This requires fresh air intake via two existing grilles in a rear lightwell (shared

with the Marriott Hotel). There is also a single existing air discharge grille. Environmental Services have assessed the ventilation system and raise no objections. The recirculation system would result in cooking fumes being adequately dealt with without being discharged at a low level and potentially resulting in nuisance. A condition is recommended requiring the recirculation system to be installed prior to the use commencing and being maintained whilst the food court is operational.

The scheme involves no new external plant, but an acoustic report has been submitted in support of the application assessing the impact of noise associated with the ventilation system. Environmental Services raise no objection to this aspect of the application, subject to imposition of the standard noise condition.

It is considered that compliance with the recommended conditions regarding ventilation and noise would satisfactorily address the objections received from the adjacent hotel referenced earlier in this report.

9.8 Environmental Impact Assessment

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

9.9 Planning Obligations & Pre-Commencement Conditions

Planning obligations are not relevant in the determination of this application.

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. No pre-commencement conditions are recommended.

10. Conclusion

The proposal is considered acceptable in accordance with development plan policies therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990."

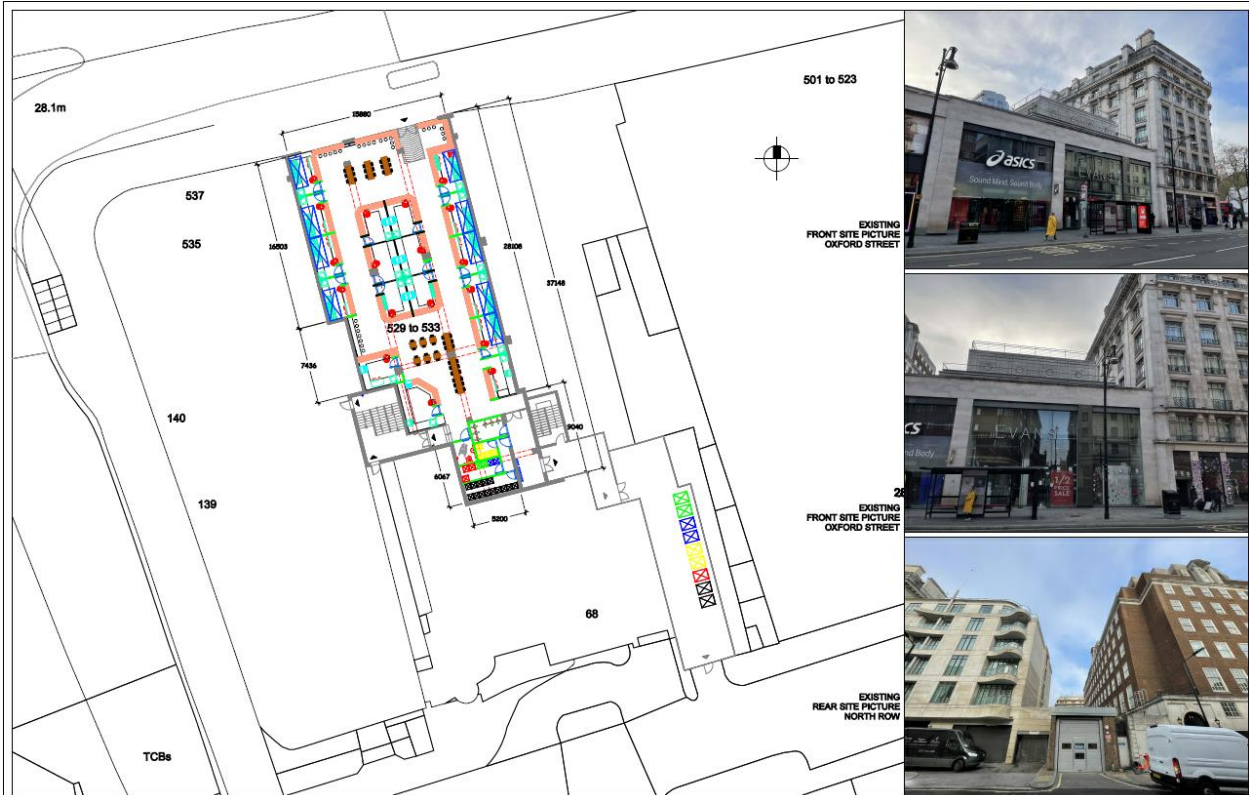
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

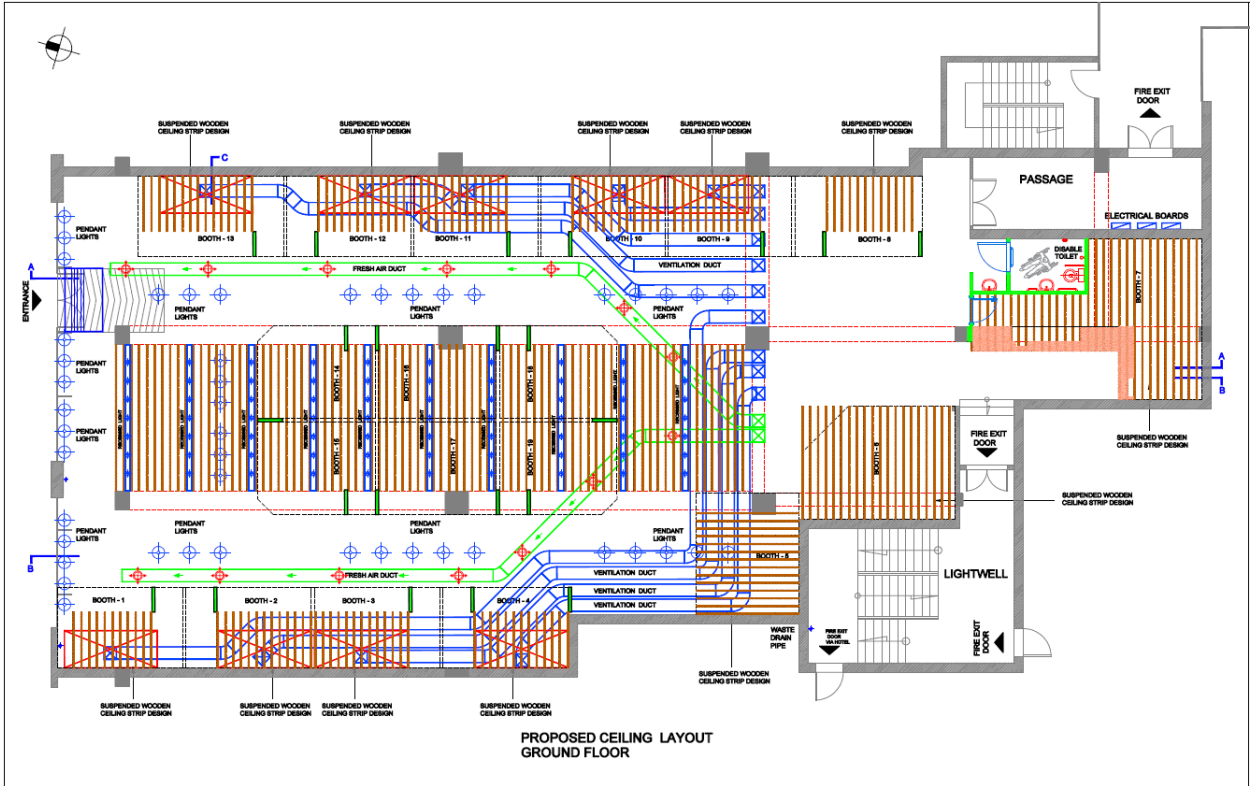
Item No.

11. KEY DRAWINGS

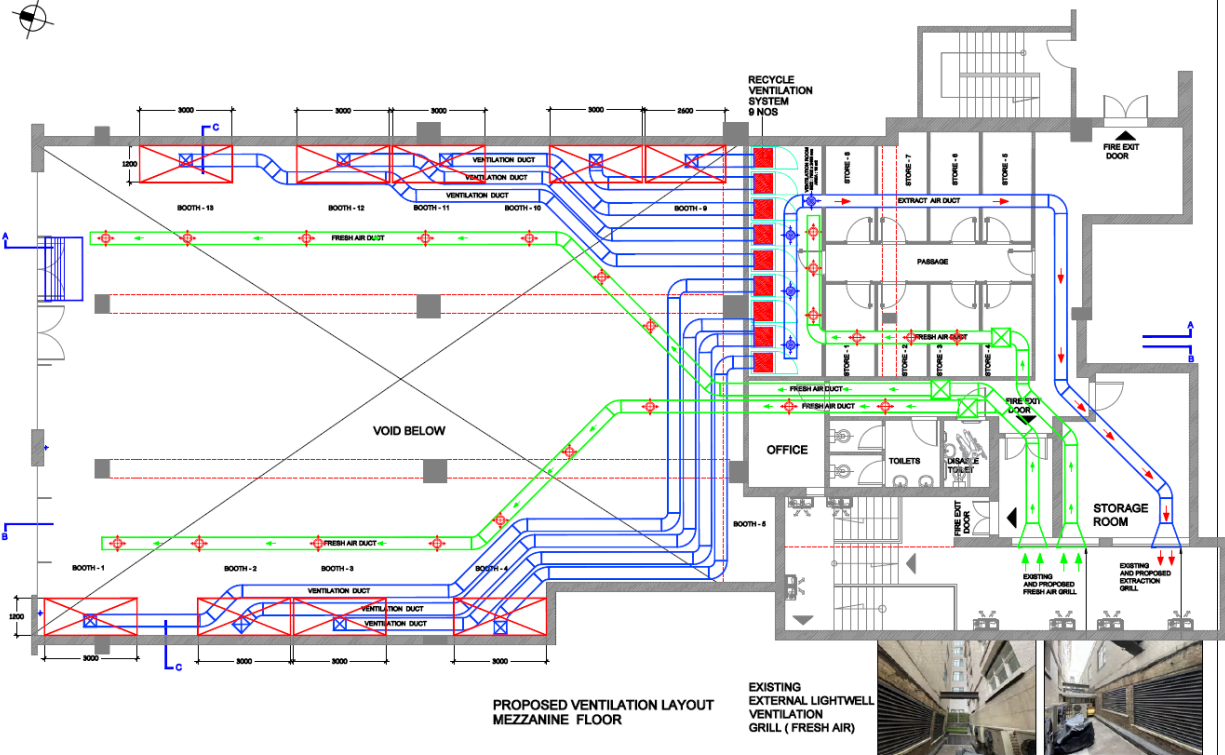
Proposed ground floor plan



Proposed ground floor plan detailing booths and ventilation



Proposed ventilation layout and mezzanine level plan

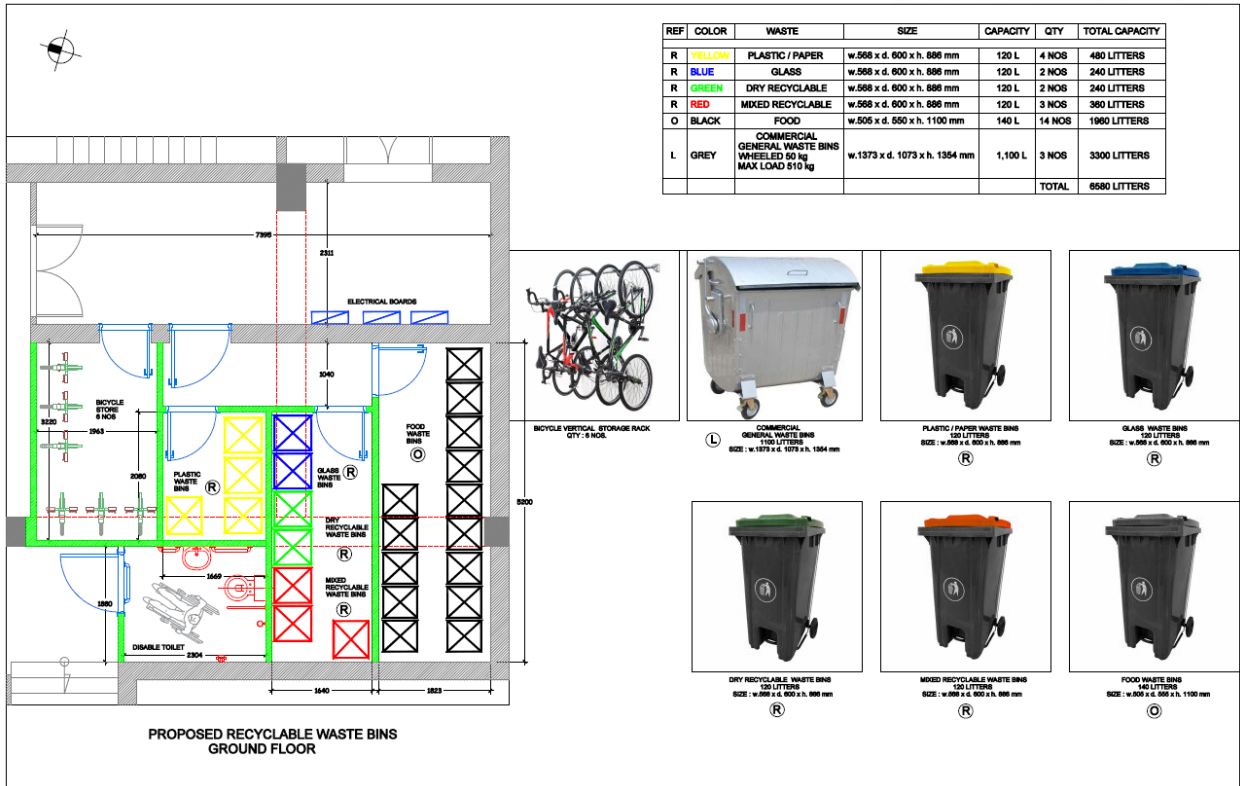


PROPOSED VENTILATION LAYOUT
MEZZANINE FLOOR

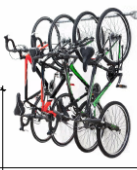
EXISTING
EXTERNAL LIGHTWELL
VENTILATION
GRILL (FRESH AIR)



Waste and storage arrangements



REF	COLOR	WASTE	SIZE	CAPACITY	QTY	TOTAL CAPACITY
R	YELLOW	PLASTIC / PAPER	w.566 x d. 600 x h. 666 mm	120 L	4 NOS	480 LITERS
R	BLUE	GLASS	w.566 x d. 600 x h. 666 mm	120 L	2 NOS	240 LITERS
R	GREEN	DRY RECYCLABLE	w.566 x d. 600 x h. 666 mm	120 L	2 NOS	240 LITERS
R	RED	MIXED RECYCLABLE	w.566 x d. 600 x h. 666 mm	120 L	3 NOS	360 LITERS
O	BLACK	FOOD	w.505 x d. 550 x h. 1100 mm	140 L	14 NOS	1960 LITERS
L	GREY	COMMERCIAL GENERAL WASTE BINS WHEELED 50 kg MAX LOAD 510 kg	w.1373 x d. 1073 x h. 1354 mm	1,100 L	3 NOS	3300 LITERS
TOTAL						6580 LITERS



BICYCLE VERTICAL STORAGE RACK
QTY: 5 NOS.



COMMERCIAL GENERAL WASTE BINS WHEELED 50 kg MAX LOAD 510 kg
SIZE: w.1373 x d. 1073 x h. 1354 mm
L



PLASTIC / PAPER WASTE BINS
120 LITERS
SIZE: w.566 x d. 600 x h. 666 mm
R



GLASS WASTE BINS
120 LITERS
SIZE: w.566 x d. 600 x h. 666 mm
R



DRY RECYCLABLE WASTE BINS
120 LITERS
SIZE: w.566 x d. 600 x h. 666 mm
R



MIXED RECYCLABLE WASTE BINS
120 LITERS
SIZE: w.566 x d. 600 x h. 666 mm
R



FOOD WASTE BINS
140 LITERS
SIZE: w.505 x d. 550 x h. 1100 mm
O

DRAFT DECISION LETTER

- Address:** 529 - 533 Oxford Street, London, W1C 2QL
- Proposal:** Use of ground floor and mezzanine level as a food court including provision for on and off site consumption of food and drinks (Sui Generis) and external alterations including the removal of a set of entrance doors on the Oxford Street frontage.
- Reference:** 21/07776/FULL
- Plan Nos:** ZDD-W1C 2QL-C: 505 REV C, ZDD-W1C 2QL-C: 504 REV C, ZDD-W1C 2QL-C: 503 REV C, ZDD-W1C 2QL-C: 502 REV C, ZDD-W1C 2QL-C: 501 REV C, , ZDD-W1C 2QL-C: 605 REV C, ZDD-W1C 2QL-C: 604 REV C, ZDD-W1C 2QL-C: 603 REV C, , ZDD-W1C 2QL-C: 705 REV C, ZDD-W1C 2QL-C: 704 REV C, ZDD-W1C 2QL-C: 703 REV C, ZDD-W1C 2QL-C: 702 REV C, ZDD-W1C 2QL-C: 701 REV C, , ZDD-W1C 2QL-F: 401 REV F, ZDD-W1C 2QL-F: 402 REV F, ZDD-W1C 2QL-F: 403 REV F, ZDD-W1C 2QL-G: 404 REV G, ZDD-W1C 2QL-G: 405 REV G, Service Management Plan received 7 June 2023

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

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

Reason:

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

- 3 You must not operate a delivery service from the premises, even as an ancillary part of the food court including provision of on and off site consumption of food and drinks (Sui Generis) use.

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)

- 4 (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)

- 5 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)

- 6 The kitchen extract ventilation for the removal of cooking fumes and odours shall consist only of a recirculation system such that the cooking fumes will not be directly discharged externally and where:
- i. All cookline equipment shall operate by electricity only,
 - ii. All cookline equipment shall be placed under the recirculation canopy, and,
 - iii. Prominent signage shall be placed on the recirculation equipment in the kitchen stating no combustible fuel such as gas, charcoal, wood etc. can be utilised within the kitchen.

This arrangement shall be installed prior to commencement of the food court including provision for on and off site consumption of food and drinks (Sui Generis) use hereby approved and shall remain in situ at all times that Sui Generis unit hereby approved is in operation.

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R05ED)

- 7 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)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 9 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the food court (Sui Generis) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the property. You must not use the waste and recycling store for any other purpose. (C14GB)

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)

- 10 You must carry out the measures included in your Service Management Plan received on 7 June 2023 at all times the site is in use as a food court (Sui Generis) .

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)

- 11 Customers shall not be permitted within the food court before 07:00 or after 23:00 each day. (C12AD)

Reason:

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

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 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

- 5 The term 'clearly mark' in condition 9 means marked by a permanent wall notice or floor markings, or both. (I88AA)

- 6 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc)

which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 Conditions 4 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 With regards to condition 6:, - The general ventilation within the kitchen must be designed to achieve an ambient temperature of not more than 25 centigrade and provide sufficient air changes within the workspace in accordance with Building & Engineering Services Association (BESA) guidance DW172-2018., - If there is any intention in the future to utilise combustible fuel within the premises than approval must first be sought on an alternative to the recirculation system via a new planning application. Such applications must submit details of extraction which shall consist of a system discharging at 'full height' of the building housing the commercial kitchen and which is also higher than any buildings within 20m of the discharge point.

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.

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	19 To 24, Dering Street, London W1,		
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 Commercial, business and service (Class E) use and associated ancillary spaces.		
Agent	Miss Caoilfhionn Mc Monagle		
On behalf of	Caleus London 1 Property Ltd		
Registered Number	23/07483/FULL	Date amended/ completed	26 October 2023
Date Application Received	26 October 2023		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to a S106 legal agreement to secure the following obligations:</p> <p>a) Undertaking of all highways works immediately surrounding the site, including all costs associated with stopping up parts of the highway</p> <p>b) A financial contribution of £ 195,030 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);</p> <p>c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;</p> <p>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);</p> <p>e) The costs of monitoring the S106 agreement.</p>
--

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 3rd floor levels, whilst replacing the cores and facades and extending above 3rd floor level.

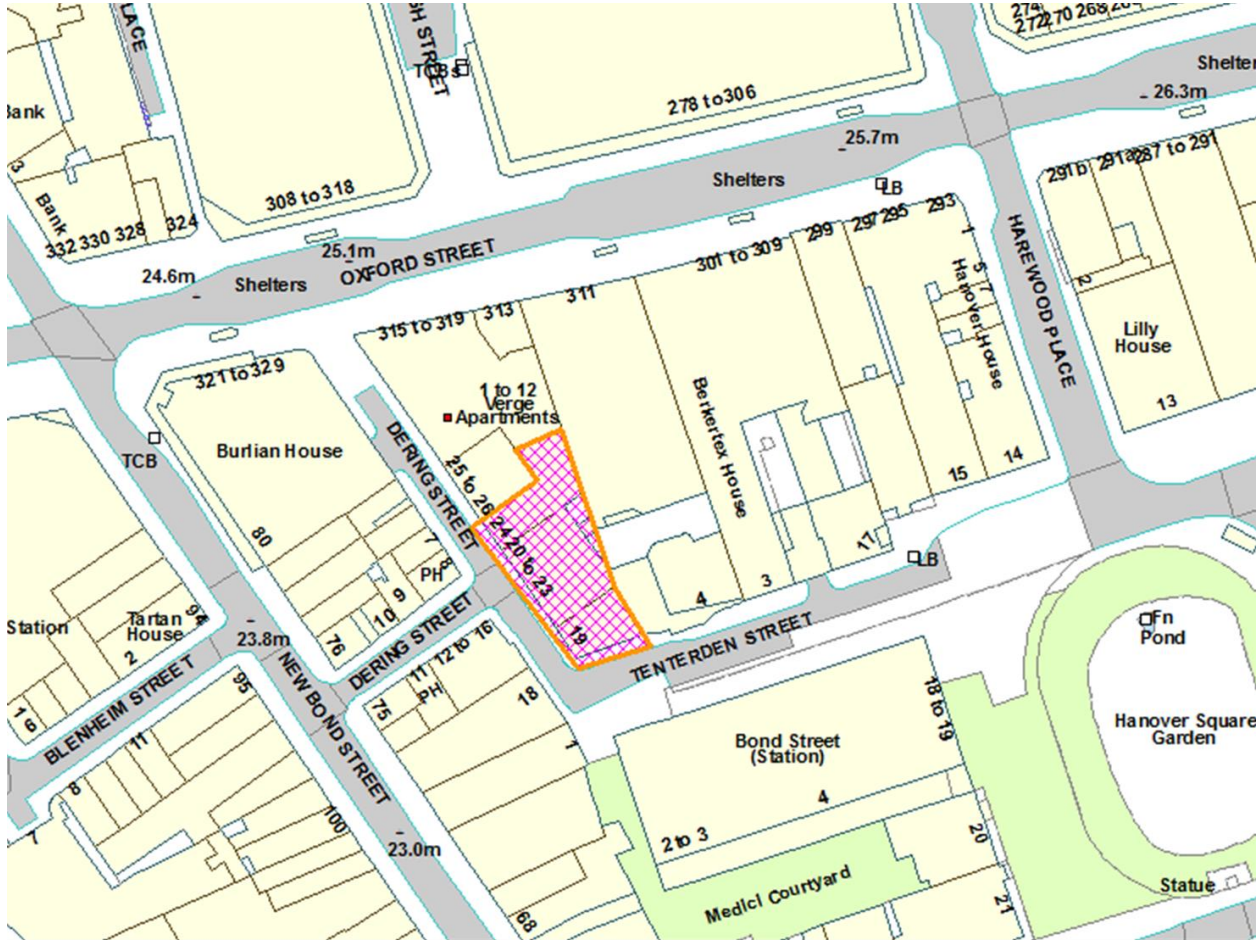
The key considerations in this case are:

- 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.

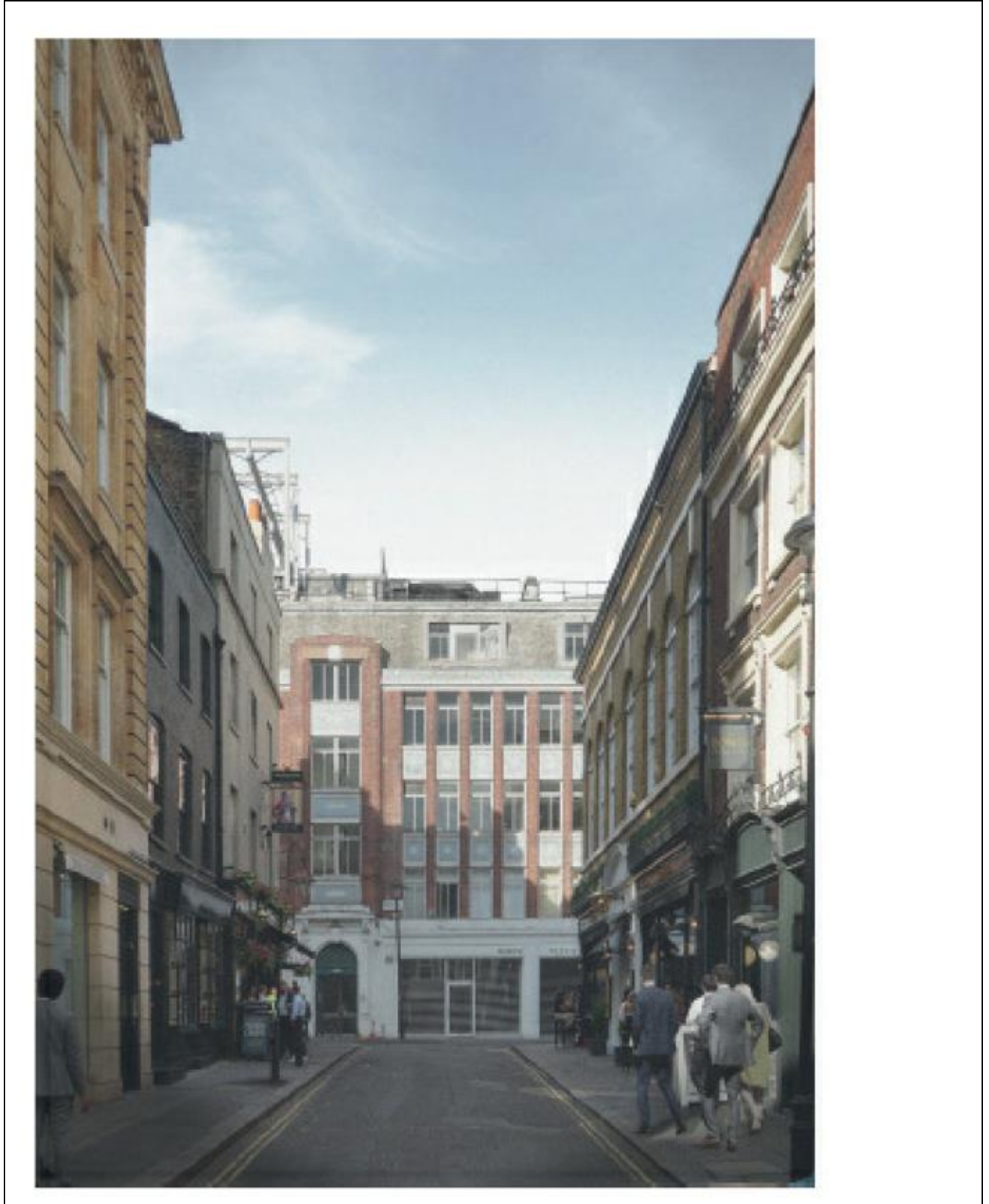
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3. LOCATION PLAN



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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 18th and 19th September 2023 allowing stakeholders to contribute further. The following meetings were held:

1 st August 2023	Meeting with representatives from New West End Company
<i>1st August 2023</i>	Meeting with Mayfair Neighbourhood Forum
<i>5th September 2023</i>	Meeting with Hines a neighbouring property owner
5 th September 2023	Meeting with representatives from Great Portland Estates
5 th September 2023	Meeting with representatives from Newmark on behalf of Bestseller
15 th September 2023	Meeting with representatives from the Residents' Society of Mayfair and St James's
15 th 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 m² of office floorspace an increase of 3,368 m².

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 m² of office floorspace, representing an uplift of approx. 3,368 m². 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 m² retail (Class E(a) space at the ground floor. The upper floors also currently provide 893 m² 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 m² 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 m² 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 4th 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 ₂ e/m ²)	530	770	<600	<950
Whole life carbon (‘cradle to grave’) (i.e. Modules A-C (excluding B6 and B7) (kgCO ₂ e/m ²)	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	%
Be Lean: Savings from energy demand reduction	3.2	12
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	4.3	16
Cumulative on-site savings	7.5	28
Carbon shortfall	591	-
	Tonnes CO2	
Cumulative savings for offset payment		
Cash-in-lieu contribution	£195,030	

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, 35m² 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 shaped 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 4th floor mansard situated to the north of the application site and a manager's flat at 3rd 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 6th and 7th 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 6th and 7th 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 2.6m² 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

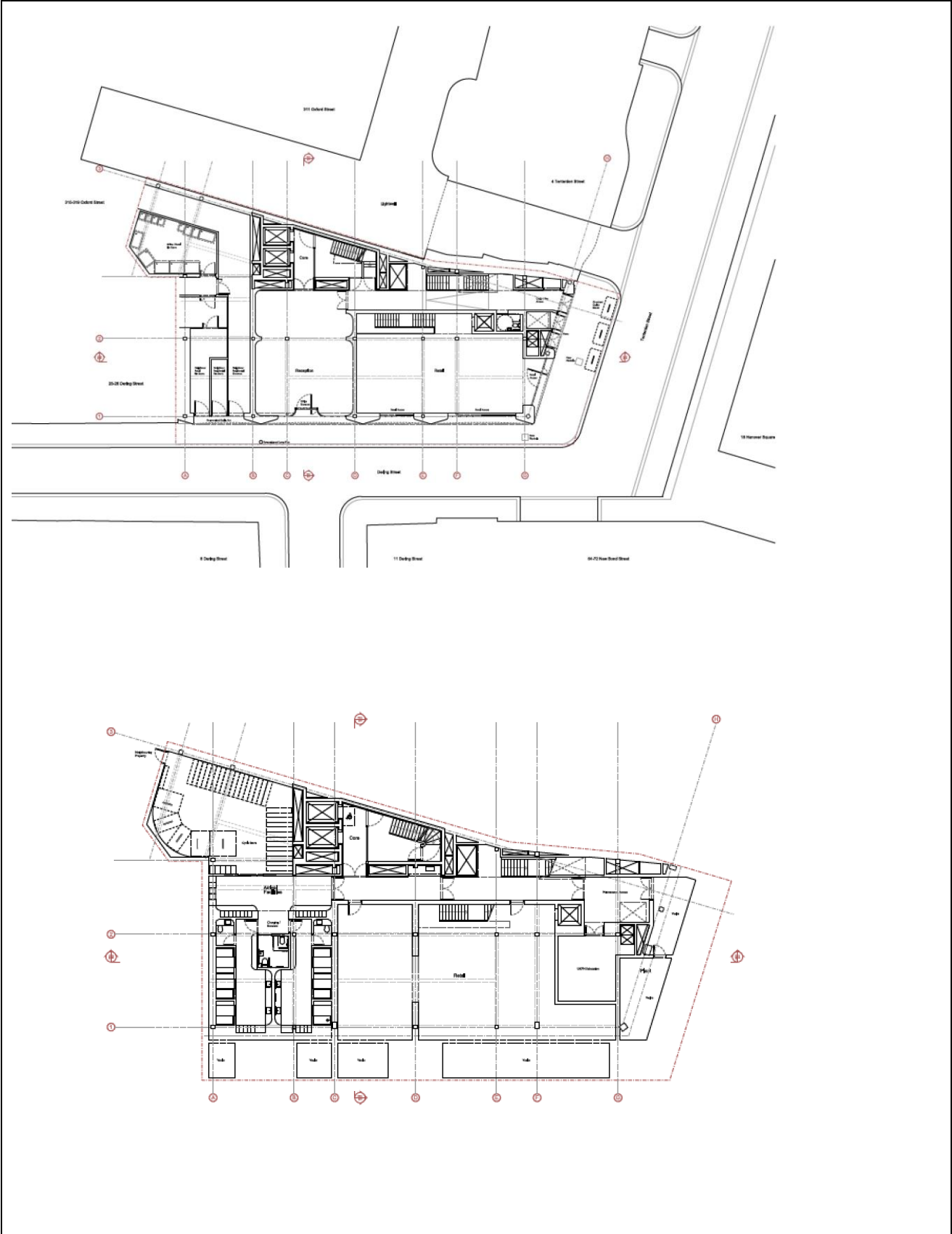
As set out in this report, the development is acceptable in land use terms. The City Plan and London Plan support growth of office floorspace in the CAZ. In terms of sustainability and energy, a WLC assessment the lifetime of the building shows that emissions for this deep retrofit/extension scheme would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

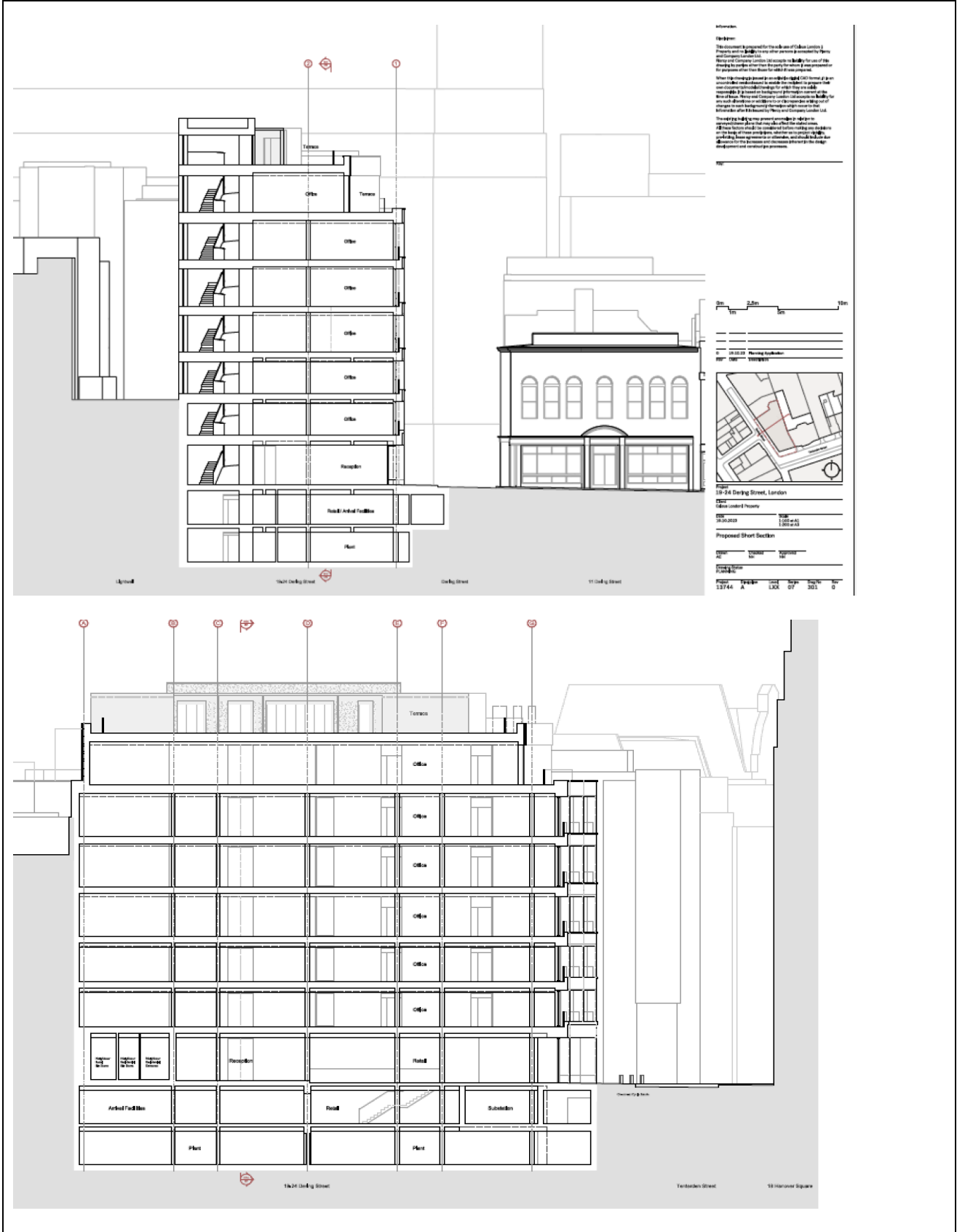
In terms of design, townscape and heritage impacts, the proposed development will enhance the contribution made by the building to the appearance of the street scene the less than substantial harm as a result of the increase in height is outweighed by the public benefits that the scheme will deliver.

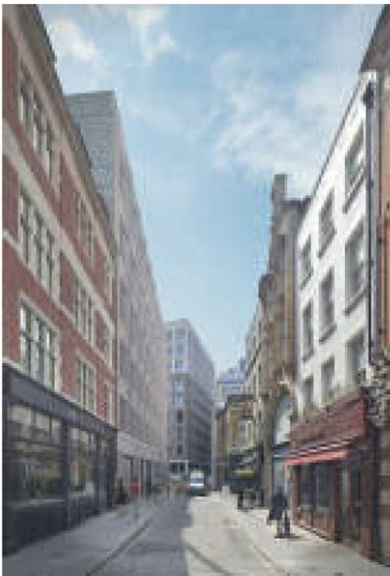
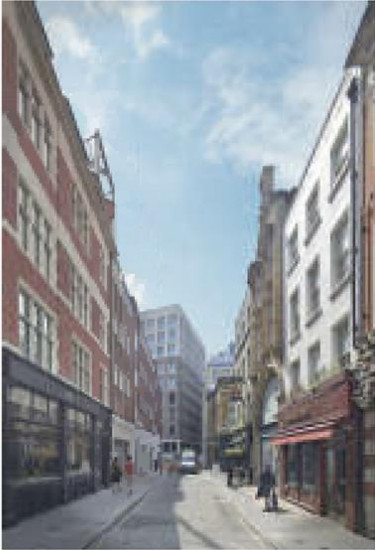
As such, the proposal is considered acceptable, mindful of policies within the development plan and therefore, a recommendation to grant conditional permission will be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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







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 kgCO₂e/m² and/or Whole Life Carbon (A1-C4) above 797 kgCO₂e/m², 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 S12 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.

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Agenda Item 5

Item No.
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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Vincent Square	
Subject of Report	1 Bessborough Gardens, London, SW1V 2JQ		
Proposal	Alterations at roof level including erection of infill extension at fourth floor to provide new office accommodation, erection of rooftop pavilion and terraces and raising height of roof parapet, rationalisation of mechanical plant; modifications to ground floor entrance, refurbishment of external facades including new ventilation grilles and alterations to services at lower ground floor level.		
Agent	Marrons Planning		
On behalf of	Charles Street Buildings (Leicester) Ltd		
Registered Number	23/04155/FULL	Date amended/ completed	20 June 2023
Date Application Received	20 June 2023		
Historic Building Grade	Unlisted		
Conservation Area	N/A		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

<p>1 Bessborough Gardens is an office building constructed in the 1980s in a neo-classic style, comprising lower ground and ground floor with four upper levels. The fourth floor level of the building is currently formed by attic pavilions to the north and south flanks with a pavilion level to the centre of the building, with a ridged roof in between the pavilions. The main frontage is to Bessborough Gardens with its rear elevation opposing the rear of Ponsonby Terrace. To the rear, a gated service road provides access to the building from Ponsonby Terrace. The site is within the Central Activities Zone, and whilst not located within a conservation area, it is within the setting of the Millbank Conservation Area.</p>

Planning permission is sought for the erection of infill extensions at fourth floor level to replace the current ridged roofs and provide additional office floorspace, the erection of a rooftop pavilion extension at fifth floor along with roof terraces. Permission is also sought for plant equipment and associated louvres as well as modifications to the ground floor entrance and refurbishment of the façade.

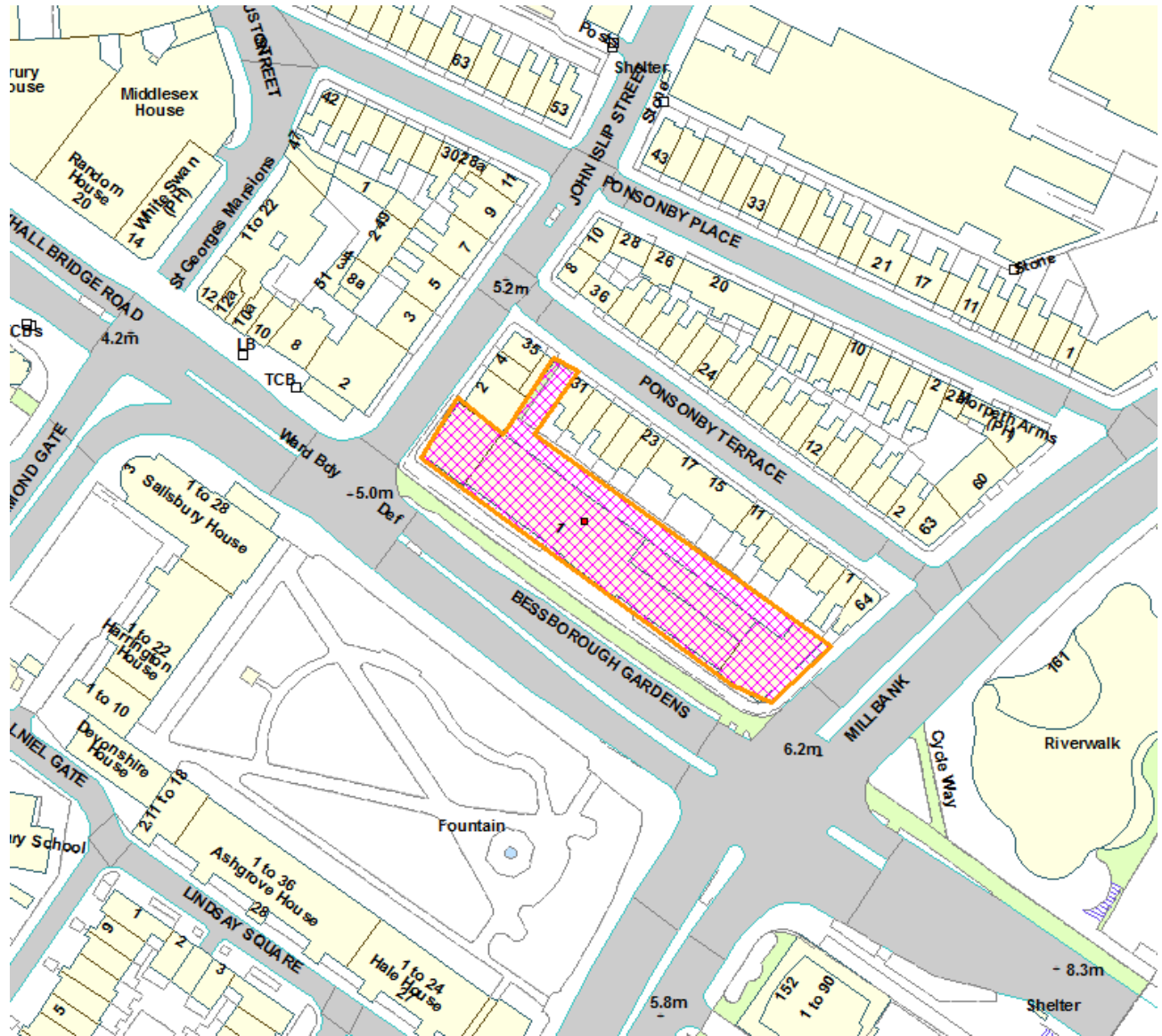
Objections have been received from neighbouring residents within Ponsonby Terrace and John Islip Street on grounds that the proposed extensions would result in an increased sense of enclosure, loss of light, a loss of privacy, as well as cause harm from light spillage. Concern is also raised that the proposed roof terraces would result in noise disturbance and a further loss of privacy due to increased overlooking. Comments also raise concern that the servicing and accessing arrangements will result in disturbance as will the works during construction. Given the concerns raised, Cllr. S. Short and Cllr. D. Harvey have requested that the proposals be considered at planning committee.

The key considerations in this case are:

- The acceptability of the provision of additional office floorspace in land use terms;
- The acceptability of the energy performance of the proposed building;
- The acceptability of the proposed extensions and alterations in design terms;
- The impact of the proposals on the setting of the Millbank Conservation Area;
- The acceptability in sustainability and biodiversity terms;
- The impact of the proposed extensions, plant equipment and terraces upon the amenity of neighbouring residential properties; and
- The acceptability of the proposals in highways terms.

The proposals would provide improved and additional office floorspace within the Central Activities Zone and would provide opportunity to increase the biodiversity of the site, providing additional urban greening. The proposals are supported by a Daylight & Sunlight Assessment and Noise Impact Assessments. Following review of these reports and with recommended conditions to control use of the proposed roof terrace, as well as secure a Roof Terrace Management Plan and Construction Management Plan, on balance, it is considered that the proposals would not result in harm to residential amenity to an extent to warrant refusal of planning permission. With recommended conditions, the proposed development is acceptable in land use, design, amenity, and highways terms and would accord with the relevant policies within the City Plan (April 2021).

3. LOCATION PLAN



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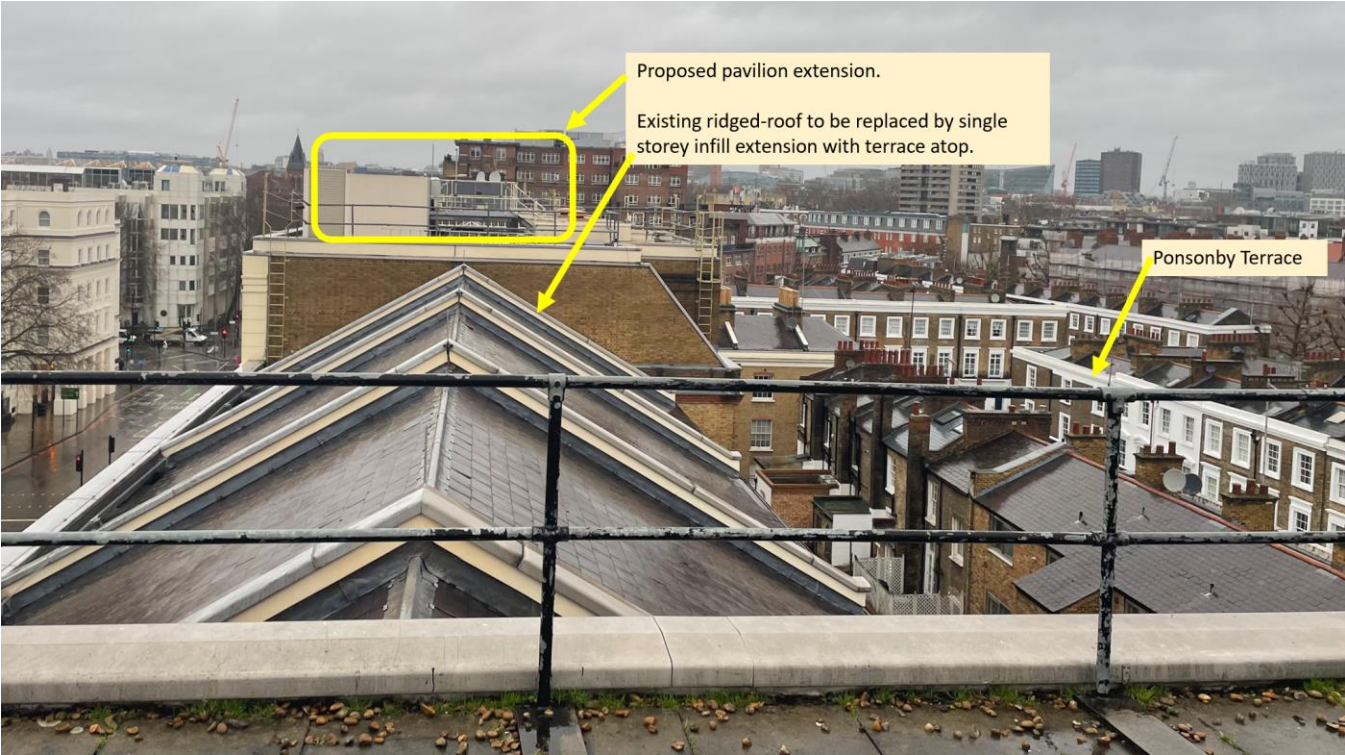
4. PHOTOGRAPHS

Existing Bessborough Gardens Frontage to Vauxhall Bridge Road



Existing View from Southern Pavilion Roof Level of Bessborough Gardens

Yellow indicates approximate position of fifth floor pavilion extension and proposed infill extensions at fourth floor (in place of current ridged roof)



Rear Elevation of Bessborough Gardens, viewed from a 2nd floor window in Ponsonby Terrace



Rear Elevation of Bessborough Gardens, as viewed from a 2nd floor within Ponsonby Terrace



5. CONSULTATIONS

5.1 Application Consultations

**Consultations carried out on 28/06/2023 and 04/12/2023
(The 2nd consultation followed submission of a Roof Terrace Management Plan,
and minor design amendments to louvers on the rear elevation and to the canopy
and material of the rooftop pavilion.**

CLLRS. SHORT & HARVEY (WARD COUNCILLORS FOR VINCENT SQUARE):

Object to increased height of the building where extensions are proposed and the negative effect on residents to the rear in Ponsonby Terrace, and consider the proposed hour for the roof terrace contentious and too long.

WESTMINSTER SOCIETY:

No response to date.

ENVIRONMENTAL SCIENCES:

No objections, subject to conditions. Recommends noise compliance conditions and conditions to restrict the hours of use and capacity of the roof terrace, prohibition of amplified music. Given the sensitivities of the site, recommends Code of Construction Practice and Appendix A condition to secure Construction Management Plan.

ARBORICULTURAL MANAGER:

Following review of revised Landscape & Ecology Management Plan, considers proposals acceptable. However, recommends further information regarding irrigation.

HIGHWAYS PLANNING MANAGER:

No objection. Welcome provision of cycle parking, which should be secured by condition, and off-street servicing. Recommend conditions to restrict the use of the building to office, and to secure further details of electrical vehicle charging provision.

TRANSPORT FOR LONDON (TFL):

No objection. Cycle parking has been revised in line with required standards. Following review of draft CLP, recommends condition to secure full CLP, with it noted that this full plan should outline how vulnerable road users will be protected.

WASTE PROJECTS OFFICER:

Objects on grounds revised drawings required for storage of recyclable, food, and residual waste.

ADJOINING OWNERS/OCCUPIERS & OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 287

No. of replies: 18

No. of objections: 18

Objections on some or all of the following grounds:

Roof Terrace

- Use of the terrace would result in noise disturbance throughout the day and due

- to shift work as an NHS worker, this would result in disruption to rest and sleep.
- If the terrace were to be used for receptions or parties, particularly in the evening, this would result in an unacceptable increase in noise disturbance.
- Noise disturbance from terrace users would be exacerbated by the 'canyon effect' due to the narrow distance between Bessborough Gardens and Ponsonby Terrace.
- Insufficient information on terrace capacities and nature of terrace use provided.
- The proposed hours of use until 8pm are excessive. Additionally, disturbance of people arriving and departing would likely exceed the hours.
- The Roof Terrace Management Plan (RTMP) says that the terrace would have a capacity to meet Fire Strategy occupancy levels, essentially maximising the terrace use.
- The RTMP appears superficial with a lack of information regarding management and details of management responsibilities.

Overlooking/ Loss of Privacy

- The proposed roof terrace would enable direct overlooking into residential gardens and windows to the rear.
- The current building's rear windows are blacked out. The proposed use of the building would result in increased overlooking and light glare whilst the additional windows within the extension would also exacerbate these impacts.
- Site lines provided by applicant from terrace relates to Ponsonby Terrace only. It has not been assessed in relation to John Islip Street properties.

Loss of Light/ Increased Sense of Enclosure/ Overshadowing

- The Daylight & Sunlight Assessment fails to reflect that lower level residential properties are already very dark due to the existing building, therefore the impacts of the extensions will be even greater.
- The assessment does not include impacts upon lower and upper garden and outdoor space which would receive even less sunlight than existing.
- Properties have already had light impinged by the Riverside Walk development. The assessment reveals that the development would have a negative impact upon light, compromising the already low levels of light, thus unacceptable.

Noise Disturbance

- Concern that the proposed plant equipment will result in noise disturbance.
- Concern that noise disturbance will occur through building fabric to neighbouring occupiers.

Highways/ Servicing Issues

- Concern over increased traffic at the rear of the site due to the inability of vehicular access to the front.
- The vehicular access gates at the rear create unneeded noise disturbance and objection is raised that this continues to remain.
- Noise disturbance from deliveries and workers using the rear servicing road and the increased intensity of use of this area for cycle parking access. Conditions should be used to manage use and hours of the area and parking.
- No details to limit hours of use of the rear servicing and parking road are still unspecified.

- Inaccuracies within Transport Addendum pertaining to cycle access.
- Noise disturbance from access gate has still not been addressed.
- Noise disturbance from construction works in evening and early morning still un-addressed.

Construction Impacts

- Concern over noise disturbance during construction works which also result in disturbance when working from home.
- The current strip-out and construction works related to the ongoing internal refurbishment have been un-neighbourly and very noisy.
- Conditions should be required to secure a Construction Management Plan.

Other Matters

- Light disturbance from vehicles using the rear servicing road.
The proposed extension and terraces would result in light spillage.
- The developers have not adequately communicated with residents.
- Pre-application consultation has appeared superficial without meaningful opportunity to shape the proposals.
- The proposed extension would disrupt TV signal.

SITE/ PRESS 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 (SCI), are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance
Email & Teams Meeting with Ward Councillors	March/May 2023	Ward Cllr. Short & Westminster City Council Officer
Amenity Society Email	March 2023	Westminster Society
Leaflets to Local Residents with link to Consultation Website	March/ April 2023	Public consultation leaflet to 950 properties. 14 comments received through consultation website.

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

- Questions on whether there is demand for office space and whether residential uses would be more fitting.
- On proposed roof terrace, whether overlooking would be possible, if there would be controls over hours of use and noise and whether residents would be able to make use of the terrace.

- Concerns over the noise and disturbance impacts associated with the refurbishment and construction.
- Questions and concerns over whether the development would result in a more intensified use of the rear service yard, gate and parking and delivery arrangements.
- Concerns over increased overlooking from removal of black out blinds to the rear windows and potential light glare.
- Concern over loss of daylight and sunlight due to the proposed extensions.
- Questions over whether the scheme would improve the sustainability of the building.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has included documents in response to views and representations expressed during pre-application community engagement including a draft Construction Management Plan, Daylight & Sunlight Assessment, and Landscape and Ecology Management Plan, which seek to demonstrate that the development will be undertaken so as to minimise construction impacts and to ensure that the proposed extensions would minimise adverse impacts in terms of daylight and sunlight whilst providing opportunities to improve the sustainability and biodiversity of the building. In terms of servicing and highways issues, the SCI notes that existing arrangements would be utilised.

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 225 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, where relevant, neighbourhood plans covering specific parts of the city (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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

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

1 Bessborough Gardens is an office building constructed in the 1980s in a neo-classic style, comprising lower ground and ground floor with four upper levels with the top storey formed by roof pavilions and ridged roofs. The building was constructed in the 1980s in a neo-classic style, and is comprises five elements, between four and five storeys. The main frontage is to Bessborough Gardens with its rear elevation opposing the rear of Ponsonby Terrace. To the rear, a gated service road lies between the rear gardens of Ponsonby Terrace and the site serving the office building. Whilst not located within a conservation area, it is within the setting of the Millbank Conservation Area. The site is within the Central Activities Zone.

7.2 Recent Relevant History

None relevant.

8. THE PROPOSAL

Planning permission is sought for the erection of infill extensions at fourth floor level to replace the current ridged roofs and provide additional office floorspace, the erection of a rooftop pavilion extension at fifth floor along with roof terraces and raised parapets. Permission is also sought for mechanical plant equipment and associated louvres, as well as modifications to the ground floor entrance and refurbishment of the façade.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office Class E	6,618	7,018	+400
Total	6,618	7,018	+400

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy 13 of Westminster’s City Plan states that new and improved office floorspace will be supported in principle in parts of the CAZ with a commercial or mixed-use character. Paragraph 13.7 of the City Plan notes some parts of the CAZ, such as much of Pimlico, include streets which are wholly or predominantly residential in character and that *‘it is difficult to accurately and definitively map clear boundaries of different character areas on a city wide level. As such judgements will be based on an assessment of the mix of land uses within the vicinity of a development site.’*

The application site is a four-storey office building comprising 6,618 sqm. of office floorspace that occupies the whole extent of Bessborough Gardens between John Islip Street and Millbank. Bessborough Gardens is at the end of Vauxhall Bridge Road, by Vauxhall Bridge, and forms part of London's Strategic Road Network. Vauxhall Bridge Road has a mixed-use character – the ground floor uses comprise a mix of office, retail, residential and other uses. The street to the rear, Ponsonby Terrace is almost wholly residential except for several local shops.

The proposed extensions would provide an additional 400 sqm. of office floorspace, which in the context of the existing office use, would represent an increase in floorspace of approximately 6%. On balance, given the scale of the existing office use and proportionality of the increase proposed, this relatively minimal increase in floorspace would be appropriate in this mixed-use street within the CAZ. The current proposals seek to improve the quality and attractiveness of the building in a competitive market. The proposals would therefore support the existing use, through improved office accommodation, to support Westminster's office needs whilst providing additional office floorspace. It is noted that during the applicant's pre-application engagement it was queried whether the building would be more suited to residential uses. However, the site is currently an office building and City Plan policies would protect such uses, and in any case, residential uses are not proposed within the application.

For the above reasons, on balance the proposals are considered to support Westminster's and the CAZ's strategic office function whilst maintaining the residential character of the area. The proposals are therefore considered acceptable in land use terms.

9.2 Environment & Sustainability

Sustainable Design & Energy Performance

Policies 36 and 38 of Westminster's City Plan seek to promote zero carbon development and promote the use of low carbon energy sources and requires developments to be designed to reduce energy demand and to incorporate sustainable design measures.

The scale of development does not trigger a policy requirement for provision of a Whole Life Carbon Assessment nor an Energy Statement. However, the submission includes details of the energy strategy for the building which includes new plant equipment in the form of heat pumps and includes details of the proposed energy system. The proposals also include the provision of solar panels at roof level, providing on-site opportunity to provide a renewable energy source.

The current building has a gas fired heating system and is estimated to produce 224,000kg of CO₂ per annum. The proposals would replace this fossil fuel based heating system with heat pumps, a sustainable energy source. As a result of this system change, along with other building improvements, it is estimated that the building will produce 68,400kg per annum, a considerable carbon saving of approximately 156,400kg per annum.

The above considered, the proposed development would improve the energy efficiency of the building, converting it to more sustainable energy sources and reducing its overall

carbon impact. The proposals are therefore supported from a sustainability perspective.

Flood Risk & Sustainable Drainage

Policy 35 of the City Plan requires provision of a Flood Risk Assessment (FRA) for developments within Flood Zone 3 which the site is inside. The site is outside of a Surface Water Management Zone.

Given that the proposals relate to an extension located at roof level on an existing building, the FRA identifies that the proposals would not increase the vulnerability of the building to identified sources of flooding beyond the existing situation whilst it would not significantly impact upon water run-off rates to increase surface water flood risk. The proposals however include sustainable drainage measures (SuDS) in the form of green roofs to reduce surface water run-off, an improvement on the current situation and a welcomed measure. Furthermore, the proposed landscaping regime includes water butts to store and re-use rainwater for irrigation. The above considered, the proposals raise no flood risk issues.

Light Pollution

Policy 33 (B) of the City Plan requires developments to be designed to minimise the detrimental impact of light spillage upon local amenity. It is noted that the proposed extension design incorporates an appropriate blend of solid to glazed ratio to minimise light spillage, notably at the rear towards residential properties. Whilst objection comments have raised concern at removal of internal black out blinds from existing windows, this is beyond the remit of this planning application.

9.3 Biodiversity & Greening

Policy 34 of the City Plan seeks to encourage developments to contribute to the greening of Westminster through the provision of trees, green walls, green roofs, and other green features where possible. The policy also seeks to increase biodiversity.

The site is currently formed by the existing office building and the rear service yard and is therefore entirely of hardstanding with no green features. The current roof level is formed from roof-ridges and so does not offer opportunities for urban greening. The proposals would include the provision of a significant extent of green roofs and a comprehensive landscaping plan to incorporate bulb, hedgerow and climber planting, and trees and shrubs for vegetation as well as bird and bat boxes for wildlife, providing new habitats and thereby a biodiversity gain, beyond the current situation.

The proposed species have been selected with the conditions posed by the roof level in mind to ensure high chances of survival and the plan also includes a maintenance regime. As aforementioned, rainwater butts are proposed to re-use rainwater to irrigate the proposed planting. Arboricultural Officers have noted some reservations due to a lack of capacities indicated for rainwater irrigation, questioning this method's sustainability. Whilst some mains water may also be required to supplement the rainwater source, which is less sustainable than solely relying on rainwater, given the benefits of the provision of urban greening and biodiversity measures (where currently there are none) and that the proposals relate to an extension rather than wider redevelopment, the proposals are considered acceptable in this particular instance.

A condition is recommended to secure these biodiversity features in accordance with the which are shown on the submitted 'Landscape and Ecology Management Plan and Biodiversity Net Gain Report (Rev. B dated January 2022)'.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

Given the proposals relate to extension and alteration of a building within the setting of the Millbank Conservation Area the proposals are considered within the context of policies 38, 39 and 40 of Westminster's City Plan.

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 states that features that contribute positively to the significance of the setting of a conservation area will be conserved and opportunities will be taken to enhance conservation area settings, wherever possible. Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Considerations

1 Bessborough Gardens is a large unlisted building located on the east side of Vauxhall Bridge Road outside of a conservation area; however, it is immediately south of the Millbank Conservation Area boundary, forming part of its setting. Whilst the building is a relatively modern construction, it has been designed to reflect the architectural style of Thomas Cubitt which is characteristic of the wider area.

The proposals include the erection of infill extensions at fourth floor, erection of rooftop pavilion and terraces, rationalisation of mechanical plant, modifications to the ground floor entrance, refurbishment and improvement of external facades along with other associated works.

The building was constructed in the 1980s in a neo-classic style, and comprises five elements, between four and five storeys. The proposals include set back metal framed roof extensions on the two four-storey sections of the building, replacing pitched roofs with contemporary vertical roof additions. The extensions also include a fifth floor roof terrace above, with associated planters, seating, balustrades, greens roofs, and PV panels. The parapets to the two flanking five storey elements would also be raised to provide fall protection and match the height of the fifth floor balustrades. Suitably set back from the front building line, the roof extensions with terrace above are considered to sit comfortably within the existing composition of the building. This is also helped by a reduction in the projection of the fourth floor capping, which was considered visually heavy and conspicuous and has been revised following officer advice. In terms of the design approach, the contemporary style of the extensions, and substantial glazing, present a contrasting yet respectful aesthetic, but would not detract from the building's overwhelming neo-classical aesthetic.

The proposed pavilion extension in the centre of the building would extend the centre of the building upwards by one storey. The existing plant and various clutter in this location is unsightly and detracts from the appearance of the building. The removal of the equipment at this level and the proposed pavilion, which would be set back from the front building line and would barely be perceivable, is considered to offer an overall

improvement and is welcome in townscape and design terms.

Other works proposed include remodelling of the entrance, removing the security doors and improving the building's street frontage, and new louvers and grills on the rear elevation. The alterations and improvements are welcome and supported on design grounds.

In summary due to their respectful height and design the extensions, and pavilion are considered to present comfortable additions to the building and will not detract from the appearance of the building, immediate townscape context or neighbouring conservation areas. Conditions are recommended to secure detailed drawings of the balustrades and the facing materials to ensure a high-quality finish. The above considered, the proposals are considered acceptable in design and conservation terms.

9.5 Residential Amenity

Policy 7 of Westminster's City Plan requires development to be neighbourly and would resist proposals that would result in harm to residential amenity by way of increased sense of enclosure, overlooking or loss of light.

Policy 33 states that development should prevent adverse effects of noise and vibration with particular attention to minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses. The policy requires provision of Noise Impact Assessments to demonstrate that plant equipment and noise generating activity will not result in noise disturbance and comply with the Council's Noise Thresholds as set out within the 'Environment Supplementary Planning Document'.

Objections have been received in relation to the proposed infill extensions and the roof terrace. In relation to the extensions, comments consider that they would result in an unacceptable loss of light and overshadowing to the gardens, terraces, and rear windows of residents within Ponsonby Terrace and John Islip Street. Some comments refer to the Daylight & Sunlight Assessment which identifies light transgressions and therefore consider the proposals would be harmful. Regarding the roof terrace, objections raise concern at noise disturbance from the terrace use during the day as well as if used for events and in the evening and consider the Roof Terrace Management Plan deficient. Concerns of overlooking from the terrace and extension are also raised. Finally, comments note of the ongoing disturbance caused by the strip-out works being undertaken and raise concern that the proposed construction would have an adverse impact on amenity.

Daylight & Sunlight

The Daylight & Sunlight Assessment submitted to support the proposed infill and pavilion extensions has applied Building Research Establishment (BRE) methodologies for assessing the impacts of the proposed extension upon the daylight and sunlight of neighbouring properties (as shown on the below map) within Ponsonby Terrace and John Islip Street.

The 'Vertical Sky Component' (VSC) and 'Daylight Distribution (DD) methodologies have been used to assess daylight. Within the VSC assessment, if a window achieves a VSC value of 27% it is well lit, and if because of the extensions this figure falls below 27%, or

is reduced by 20%, the impact upon daylight will be noticeable. The DD assessment 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 would be noticeable. Finally, 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.

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 factors may be unavoidable if new developments are to match the height and proportions of existing buildings.

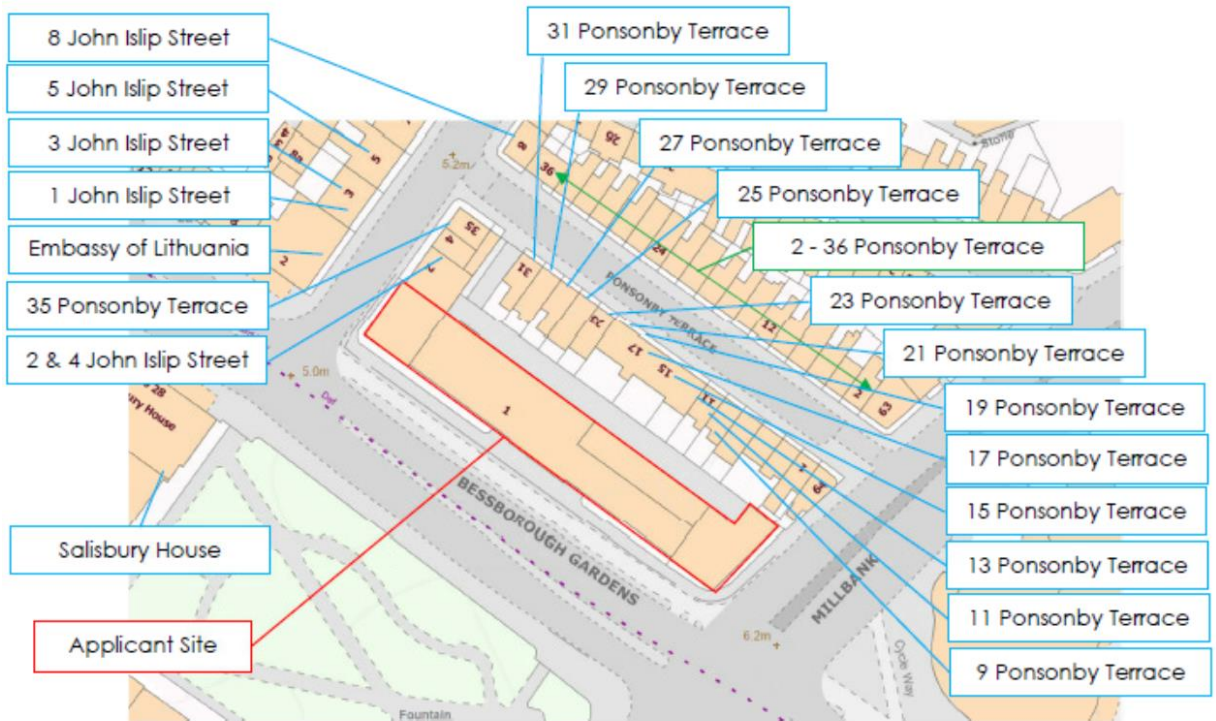


Fig. 1 – Applicant site & assessed neighbouring properties

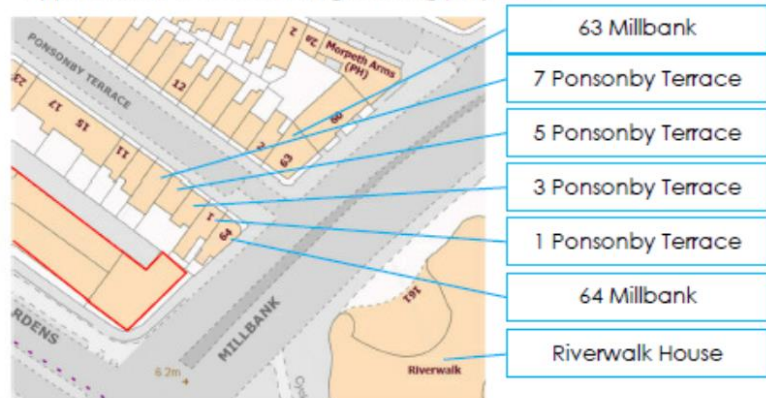


Fig. 2 – Applicant site & assessed neighbouring properties continued

The assessment shows that all windows pass the VSC test. However, when measuring the Daylight Distribution factor there are some minor transgressions, with transgressions shown for 7, 9, 11, 15, 17, 17B, 23, 25, 27, 29, and 31 Ponsonby Terrace as set out in the table below:

Daylight Distribution (*Windows which pass omitted)				
Floor/ Room Ref.	Lit Area Existing (%)	Lit Area Proposed (%)	Proposed/ Existing Ratio	Percentage Decrease
7 Ponsonby Terrace				
First/ R1	51.76	39.90	0.77	22.91
Second/ R1	72.32	53.62	0.74	25.85
9 Ponsonby Terrace				
Lower Ground/ R2	12.67	10.07	0.79	20.52
Ground/ R2	19.49	15.00	0.77	23.03
First/ R1	64.00	48.96	0.77	23.50
Second/ R1	64.11	46.76	0.73	27.88
11 Ponsonby Terrace				
First/ R1	70.23	52.80	0.75	24.81
Second/ R1	64.97	46.85	0.72	27.22
15 Ponsonby Terrace				
First/ R1	37.61	27.37	0.72	27.22
Second/ R1	58.45	42.06	0.73	28.04
17 Ponsonby Terrace				
First/ R1	27.02	20.60	0.76	23.76
First/ R2	34.13	26.05	0.76	23.67
Second/ R1	48.37	36.68	0.76	24.16
Second/ R2	50.16	36.55	0.73	27.13
17B Ponsonby Terrace				
First/ R1	17.84	14.14	0.79	20.73
First/ R2	34.09	26.10	0.77	23.43
Second/ R2	49.89	35.61	0.71	28.62
23 Ponsonby Terrace				
First/ R1	42.74	32.58	0.76	23.77
Second/ R1	66.15	47.27	0.71	28.54
25 Ponsonby Terrace				
Ground/ R2	49.04	38.95	0.79	20.57
First/ R2	89.12	68.37	0.77	23.28
27 Ponsonby Terrace				
Ground/ R1	11.98	9.29	0.78	22.45
First/ R1	52.69	37.20	0.71	29.39
29 Ponsonby Terrace				
First/ R1	24.97	19.57	0.78	21.62
First/ R2	47.95	35.51	0.74	25.94
Second/ R1	57.48	40.48	0.70	29.57
31 Ponsonby Terrace				
First/ R1	55.98	44.23	0.79	20.98

Whilst there are some DD transgressions, in all cases the transgressions are within the 20-29% range and can therefore be considered as minor adverse transgressions. This is because the BRE guide indicates a loss of 20% or more is the threshold between a noticeable and un-noticeable light loss and in this case the transgressions are only slightly above this threshold. Moreover, despite these minor transgressions, all windows pass the VSC test which indicates that any reduction in light would not be noticeable. To understand the daylight impact fully, both the DD and VSC measures must be considered together. Given the VSC test indicates no noticeable impact, and the DD test indicates a minor impact, overall on balance, the daylight impact would likely be un-noticeable or would only be very slightly noticeable. In a dense urban environment such as the application site, it is not considered that these minor transgressions would be significant enough to warrant refusal of planning permission on loss of light grounds as the impact would be marginal.

In terms of 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. 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. There are some minor transgressions, as presented below.

Annual Probable Sunlight Hours						
Floor/Room Ref.	APSH Existing	APSH Proposed	Ratio Reduction	WPSH Existing	WPSH Proposed	Ratio Reduction
7 Ponsonby Terrace						
Ground/ R1	24.00	19.0	0.79	1.00	1.00	1.00
9 Ponsonby Terrace						
Second/ R1	49.0	43.00	0.88	6.00	3.00	0.50
11 Ponsonby Terrace						
Ground/ R1	27.00	21.00	0.78	0.00	0.00	1.00
First/ R1	38.00	33.00	0.87	2.00	1.00	0.50
Second/ R1	47.00	42.00	0.89	7.00	4.00	0.57
15 Ponsonby Terrace						
Ground/ R1	27.00	22.00	0.81	1.00	0.00	0.00
17 Ponsonby Terrace						
Ground/ R2	29.00	22.00	0.76	2.00	0.00	0.00
29 Ponsonby Terrace						
Ground/ R2	18.00	12.00	0.67	0.00	0.00	1.00
First/ R1	28.00	21.00	0.75	3.00	2.00	0.67

Whilst there are some transgressions in winter, the existing percentages of available

sunlight hours start from a low baseline. For example, 7 Ponsonby Terrace currently only receives 1% of the available probable sunlight hours in winter, and whilst the loss would be 100% given the low existing level it would be marginal. Whilst there would be some transgressions in annual sunlight hours, these would be in the minor to moderate adverse range. While these losses are regrettable as they may be noticeable, considering the degree of the potential impact, that the APSH would for the most part either be above or close to 25% and that the affected buildings also have windows to the front which would be unaffected, it is not considered that that the overall sunlight impact would be detrimental to the occupiers of the buildings on Ponsonby Terrace.

Finally, the assessment has tested the impact of the proposals upon sunlight to the external amenity areas, including ground level gardens and upper floor terraces of residential properties and the assessment shows that the proposals would not have any harmful impact upon sunlight.

The above considered, whilst there are some identified transgressions, they are considered minor and when considering all the tests together, on balance the proposals would not result in a detrimental impact upon light.

Sense of Enclosure

The proposed fourth floor infill extensions with fifth floor terraces are broadly comparable in height to the existing roof ridges. Whilst there would be some additional bulk due to the extension being rectangular as opposed to pitched, the extension would incorporate setbacks from the rear elevation of approximately 2m, therefore it is considered unlikely to be prominent and highly visible when viewed from opposing residential windows. With a separation distance of approximately 13m from adjacent properties to Ponsonby Terrace, the proposals are considered to not result in a significant increase in enclosure towards these properties. Whilst the properties at John Islip Street are somewhat closer, they are at an angle from the extensions. The infill extension closest to these properties would be set back from the existing rear building line and would not rise above the existing pavilion level. Therefore, the proposals are considered to not result in an increased sense of enclosure towards neighbouring properties.

Privacy

The existing building is significantly taller than the adjacent residential buildings at the rear. Therefore, the proposed infill extension and the terraces atop, given their elevated position, would not allow for direct views into adjacent residential windows. The application is supported by a proposed section (included at the end of this report) with sight-line diagrams to demonstrate that overlooking at oblique angles would not be possible from the extension windows nor the proposed roof terrace. Furthermore, the terrace includes perimeter planters with integrated balustrades and seating to mitigate any potential overlooking and direct views away from nearby Ponsonby Terrace. Whilst planters are not considered necessary to prevent overlooking, they would restrict users of the terrace from access to the very edge of the new fifth floor terrace, and their inclusion provides a form of screening. Whilst the sightlines are shown in relation to Ponsonby Terrace, these design measures and relationships between the terrace and extension, would also be similar towards John Islip Street. The above considered, the proposals would not result in an unacceptable increase in overlooking or loss of privacy.

Currently, the rear windows of the building have internal blackout blinds which prevents

overlooking from the building towards adjacent residential properties. Objectors have raised concern at the removal of these blinds and officers have encouraged the applicant to resolve this. However, ultimately, removal of internal blinds would not require planning permission and therefore this is out of the scope of the current application which relates solely to the extensions, roof terrace, external façade alterations, and mechanical plant.

Noise & Vibration

Internal Noise

Some objection comments have raised concern that both internal and mechanical plant noise from the proposed works could transfer through the building to occupiers within adjoining John Islip Street. A condition is recommended to require the developer ensures the building is designed so as to ensure such noise transference is not possible.

Roof Terrace

Following concerns raised in objections to the proposed roof terrace due to concern over noise and disturbance, the applicant has submitted a Noise Impact Assessment and Roof Terrace Management Plan (RTMP). The RTMP indicates that the terrace would be used by office users during the day as amenity space and space for social interaction. However, a condition is recommended to require a full management plan which includes details of the management team and contact details residents can use to report any issues, should they arise, once a future occupier is known and the terrace is in use.

The noise assessment demonstrates that based on a terrace capacity of 72 people, and on the existing noise levels of the site and expected noise levels from that level of conversational occupancy, the terrace would be unlikely to result in noise disturbance during the day. Nevertheless, given the variation that can be evident in conversational tones and that apart from the application site the area is predominantly residential in nature it is considered reasonable to limit the hours of use of the terrace to align with normal office hours, with the terrace use limited to between 08:30am and 7:00pm Monday to Friday. Further conditions are recommended to prevent the playing of music or audio equipment. With recommended conditions, on balance, the proposed terrace is unlikely to result in unacceptable harm to residential amenity.

Plant Equipment

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. The City Council's Environmental SPD sets out criteria for which noise and vibration impacts should be considered against.

The application includes mechanical plant equipment at lower ground and fourth floor levels as well as associated with louvres at lower ground level and within the rear façade to serve internal systems. An acoustic report has been provided which outlines the existing background noise levels and the proposed noise levels of the plant equipment from louvres and the mitigation measures proposed. Given the length of the site, multiple noise sensitive occupiers along the terrace have been included within the report. The report demonstrates that the new mechanical plant would likely comply with the council's noise thresholds. Therefore, noise compliance conditions and conditions limiting hours of plant operation are recommended. Given the sensitivity of the site in relation to many residential occupiers and the quantum of plant proposed a further condition is

recommended requiring submission of a supplementary acoustic report to demonstrate that when installed, the equipment does indeed comply with noise requirements.

Construction Impacts

As aforementioned, to date internal strip-out works (which do not require planning permission) have been taking place and appear to have been resulting in disturbance to residents within John Islip and Ponsonby Terrace and Millbank. Given the sensitivity of the site, Environmental Sciences have recommended the proposals are upgraded to a Level 3 project, in accordance with the Code of Construction Practice. A condition is recommended to ensure the applicant abides by the Code of Construction Practice and will also require approval of a full Construction Management Plan prior to works. With these recommended conditions, and a condition to limit the hours of construction works, the proposals are considered not to result in an unacceptable level of harm to residential amenity.

9.6 Transportation, Accessibility & Servicing

Servicing and Waste & Recycling Storage

Policy 29 of the City Plan outlines that servicing, collection and delivery needs should be fully met within a development site whilst policy 37 requires new developments to provide dedicated waste storage facilities for separate waste streams.

The existing office building is currently served by a private gated rear service road accessed from Ponsonby Terrace. Objection comments have been received from neighbouring occupiers with concerns that the proposals would result in a more intensified use of the rear service road by the office use and cyclists, and thus result in noise disturbance including noise from use of the security gate. The additional office space would be able to use the existing service arrangements of the site, which is via this existing rear access. Furthermore, it is noted if the current occupier decided to use the lower ground as cycle storage with access via the rear service road, they could do so without requiring planning permission. The above considered, given these arrangements are existing, whilst concerns raised by objectors are understood, it would not be reasonable to refuse planning permission on such grounds given existing arrangements would be utilised.

The Highways Planning Manager recommends the building is restricted by condition to office only, as if the building was used for other purposes within Class E it could have more impactful servicing arrangements which have been unassessed. However, as the building's existing use is already Class E, it is not considered reasonable in this instance to impose such a condition.

The Waste Projects Officer notes that the food waste bin storage shown at lower ground shows the incorrect bin types. A condition is therefore recommended to enable provision of revised details, however as the plans include a dedicated off-street waste storage area the waste storage arrangements are considered acceptable, subject to the above minor revision.

Cycling & Cycle Storage

Policy 25 of the City Plan seeks to promote and prioritise walking and cycling as a sustainable method of transport and requires provision of dedicated cycle parking. The

submitted drawings show a dedicated cycle storage area for 106 bikes alongside changing facilities whilst the Transport Statement notes the site has access to the surrounding Cycleways but initially included incorrect information. It is noted the transport addendum has been revised to correct inaccurate references in this regard. This provision is welcomed as it will enable support for sustainable methods of travel.

Parking & Accessibility

Policy 27 supports development without parking provision. The current site has 6 parking bays and whilst the proposals retain these spaces, they would be as service bays rather than private parking, whilst one bay would be a dedicated disabled parking space. The Highways Planning Manager recommends a condition to secure electrical vehicle charging details. However, given the proposals do not provide new parking, it is not considered reasonable to attach such a condition in this case.

Construction Logistics Plan

Transport for London recommend a condition to secure a full Construction Logistics Plan to ensure that the proposed development does not result in unacceptable impacts upon the surrounding highway network, including Vauxhall Bridge Road which is a TFL red route. An informative is attached to remind the applicant this Plan should include details of how vulnerable highway users would be protected during works.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement, and spending. The additional office floorspace proposed is expected to generate further jobs in addition to the current office use of the site.

9.8 Other Considerations

None.

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

As aforementioned, given the sensitivity of the site and its relationship to surrounding residential uses, it is recommended to secure abidance to the Council's Code of Construction Practice and for approval of a Construction Management Plan prior to works. A pre-commencement condition is therefore recommended to secure these details.

10. Conclusion

The proposed development would result in the improvement of the existing office

building whilst providing additional floorspace, supporting Westminster and the CAZ's strategic office function. Given the modest quantum of floorspace proposed in proportion to the existing building, it is not considered harmful to the predominantly residential character of the area. The proposals also provide opportunity to significantly improve the sustainability of the building, reducing its carbon emissions whilst providing urban greening and biodiversity. Whilst the Daylight & Sunlight Assessment show some minor transgressions in terms of daylight, on balance, given the existing urban grain these minor transgressions are not considered to result in harm to residential amenity to warrant refusal of planning permission within this site context. With recommended conditions to control the proposed roof terrace and mechanical plant, the proposals would be unlikely to result in unacceptable noise disturbance. Therefore, with recommended conditions the development would accord with the relevant policies within the City Plan (April 2021).

(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: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

11. KEY DRAWINGS

Proposed Frontage Visual



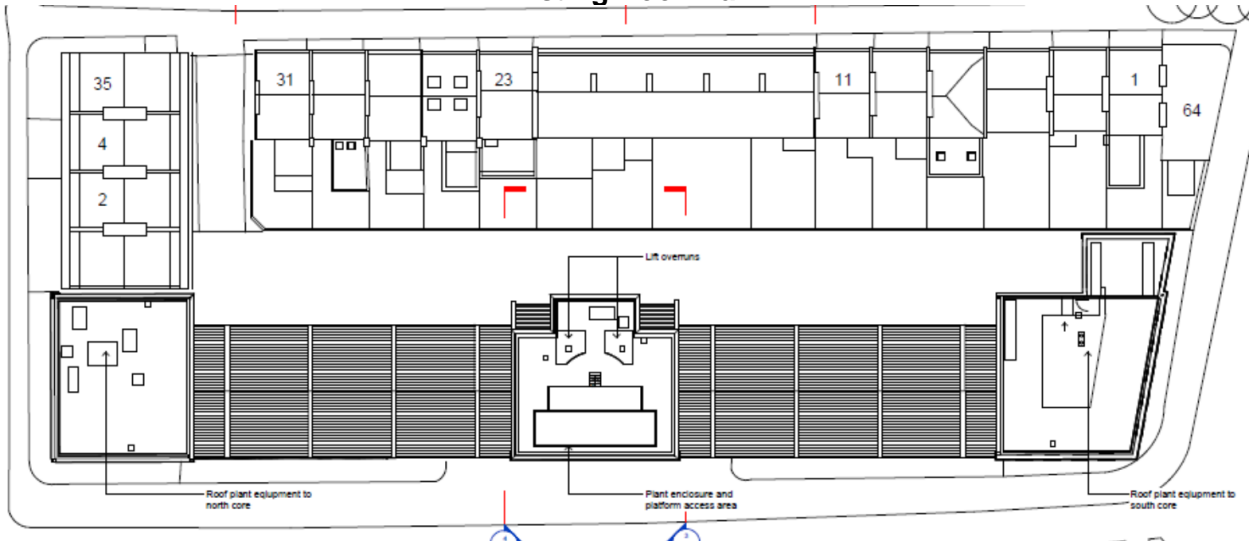
Existing Front Elevation (Bessborough Gardens)



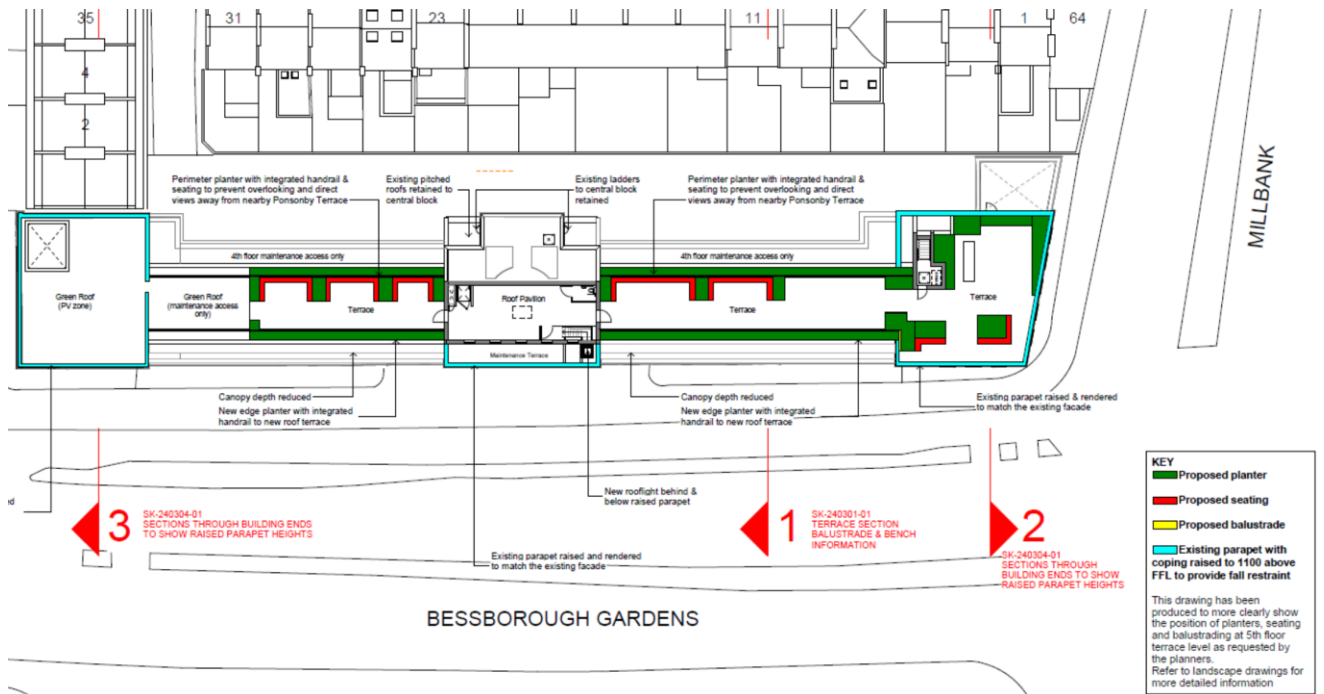
Proposed Front Elevation (Bessborough Gardens)



Existing Roof Plan



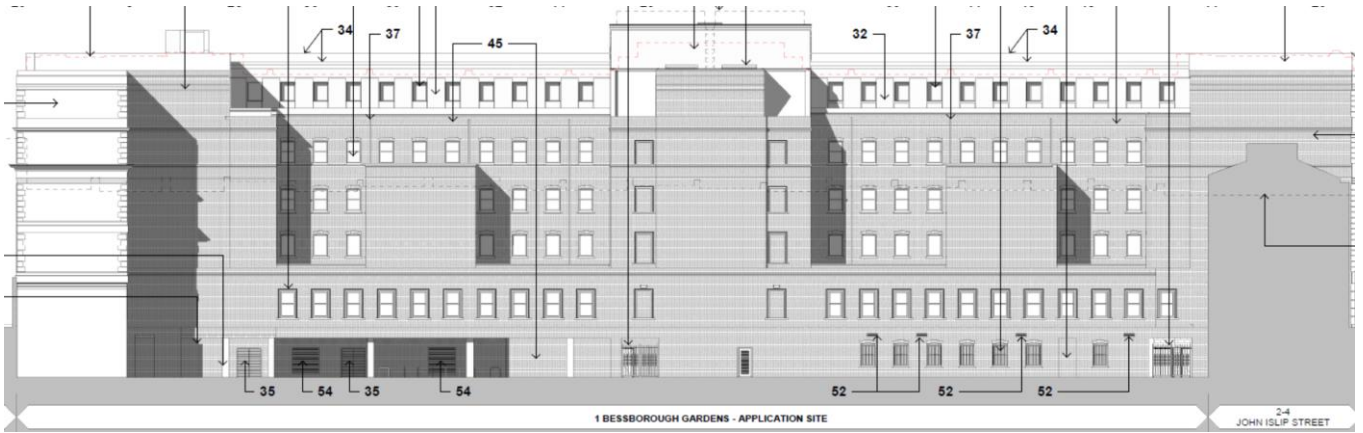
Proposed Roof Plan



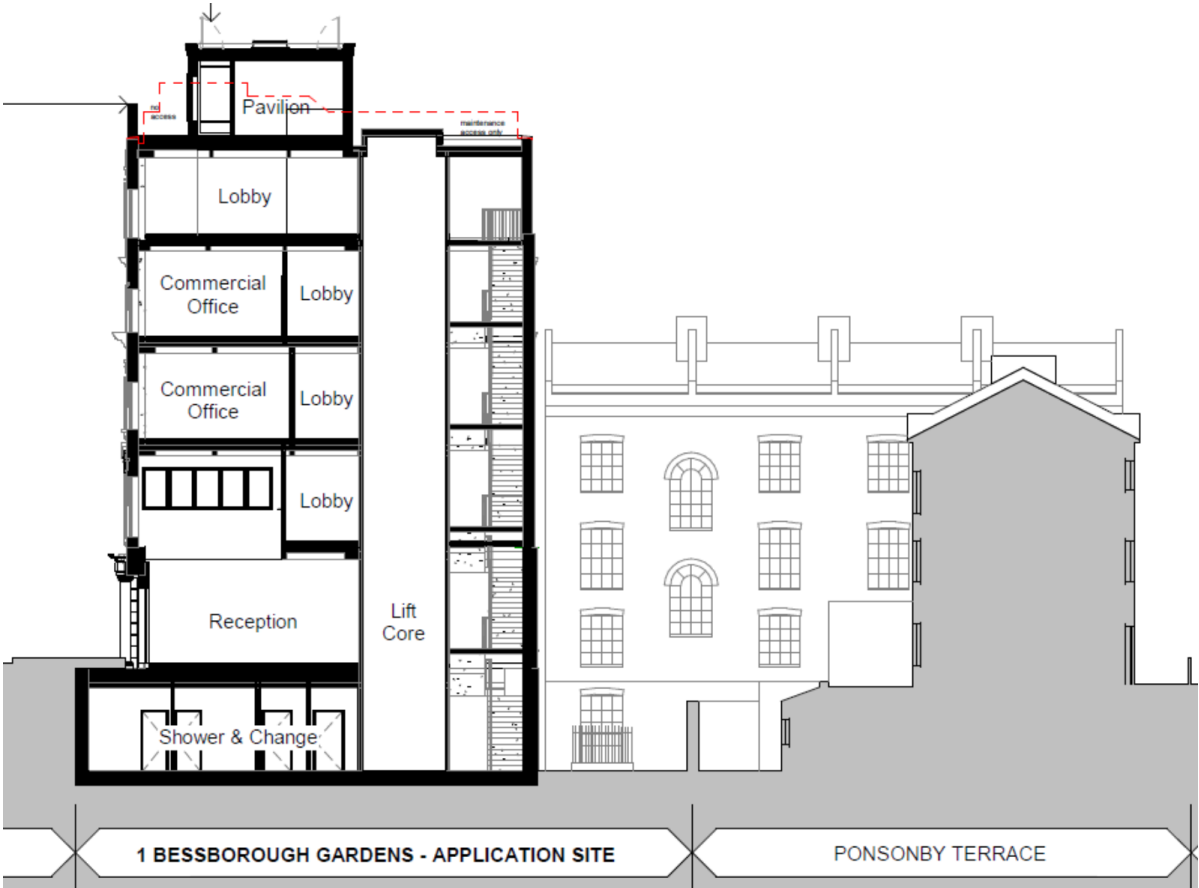
Existing Rear Elevation (As Viewed from Ponsonby Terrace)



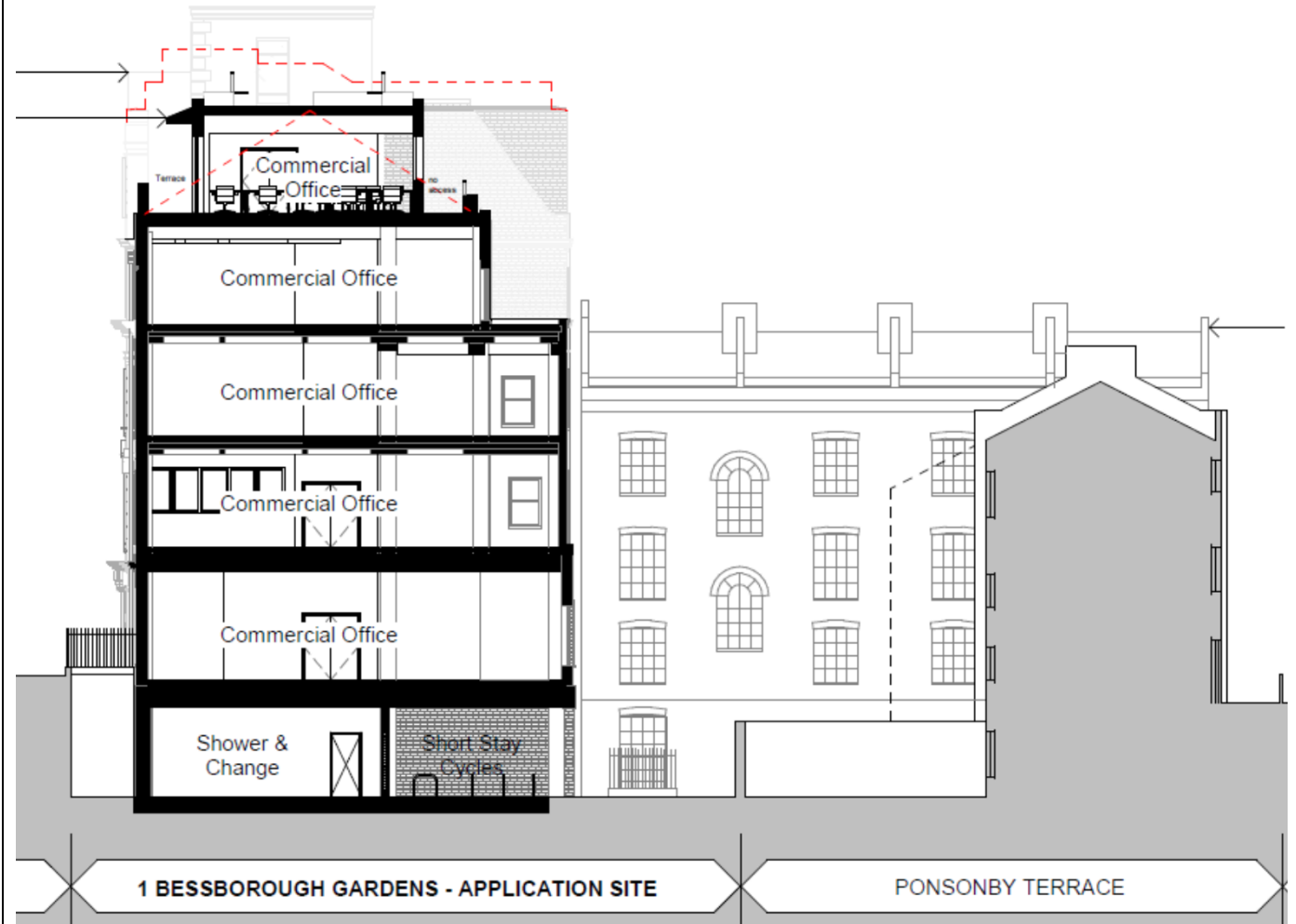
Proposed Rear Elevation (As Viewed from Ponsonby Terrace)



Proposed Section showing Fifth Floor Pavilion Level Extension
Note: Red/ Dashed line denotes existing building line

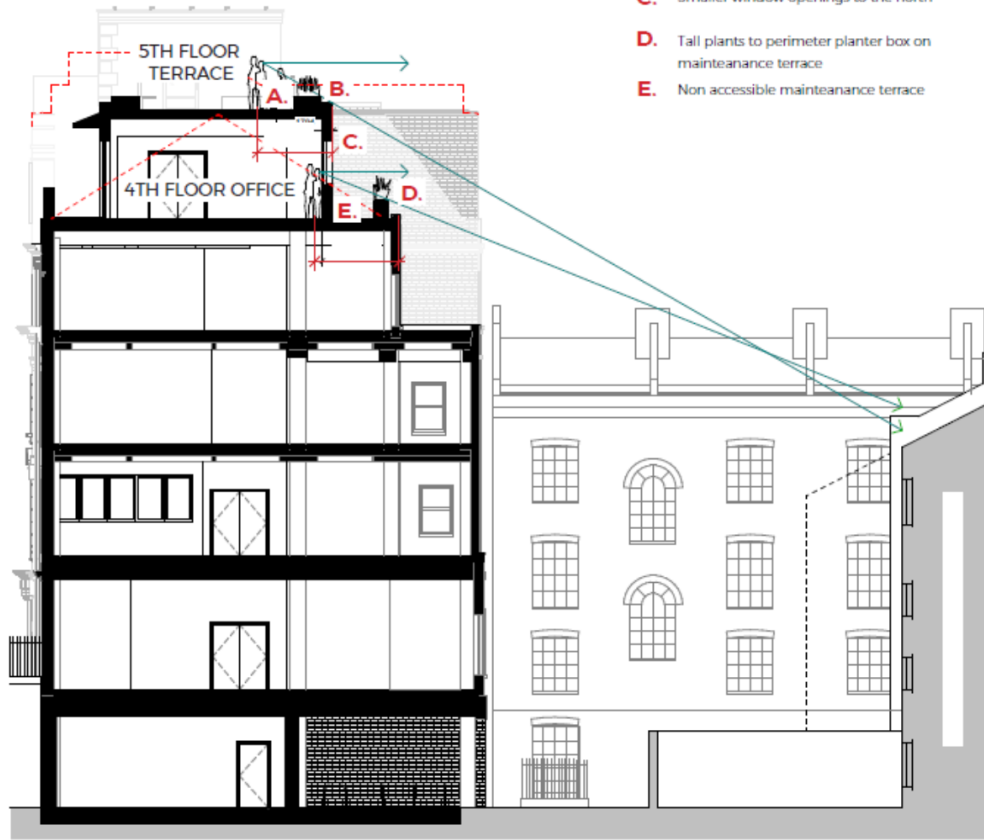


Proposed Section Fourth Floor Infill Extensions
Note: Red/ Dashed line denotes existing building line



Sight-Line Diagrams from Proposed Extension/ Terrace

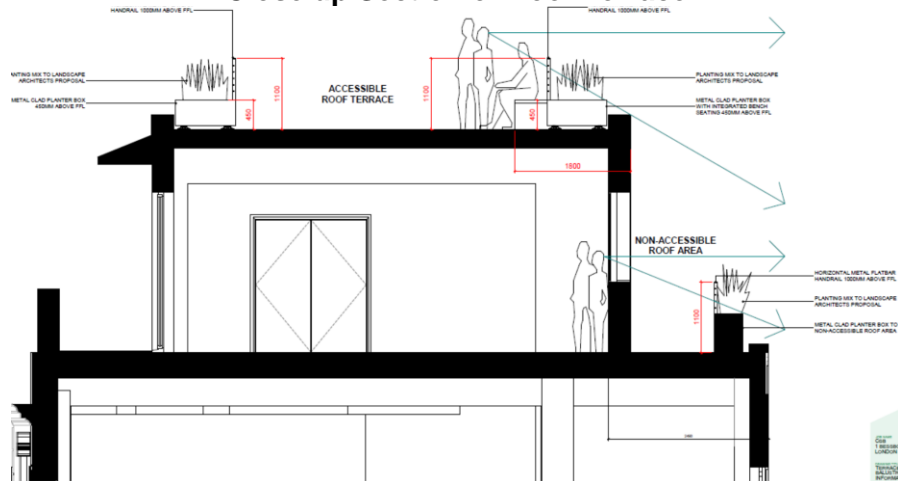
- A.** Integrated bench seating to planter box to maintain distance from perimeter and reduce overlooking
- B.** Tall plants to perimeter planter box (1m wide) on accessible terrace
- C.** Smaller window openings to the north
- D.** Tall plants to perimeter planter box on maintenance terrace
- E.** Non accessible maintenance terrace



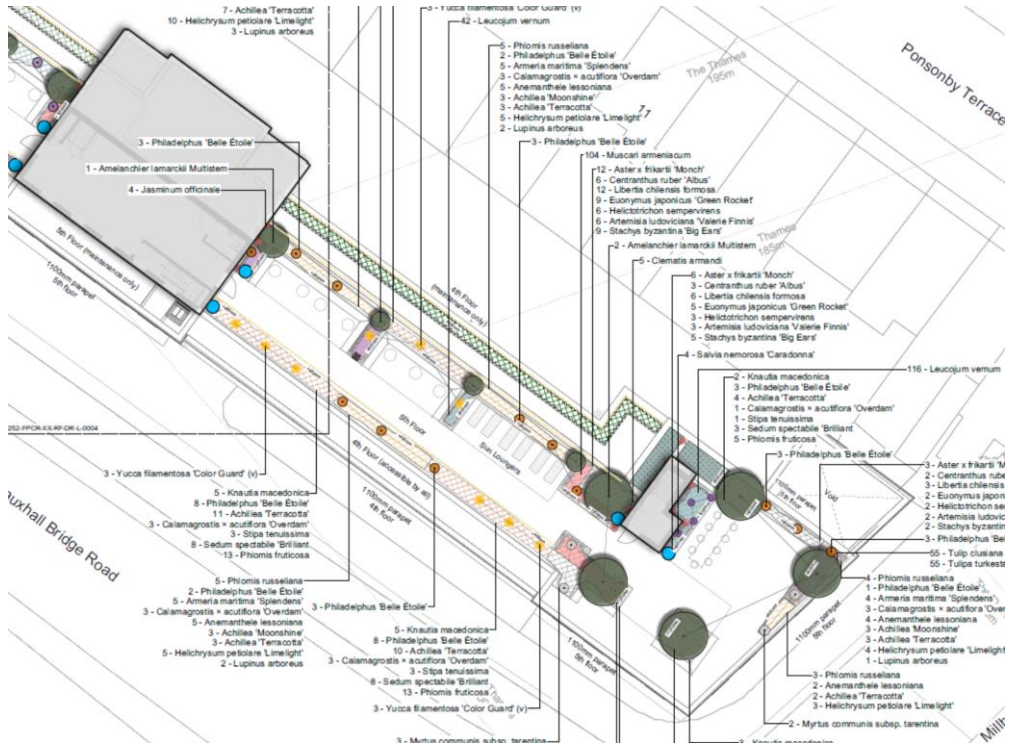
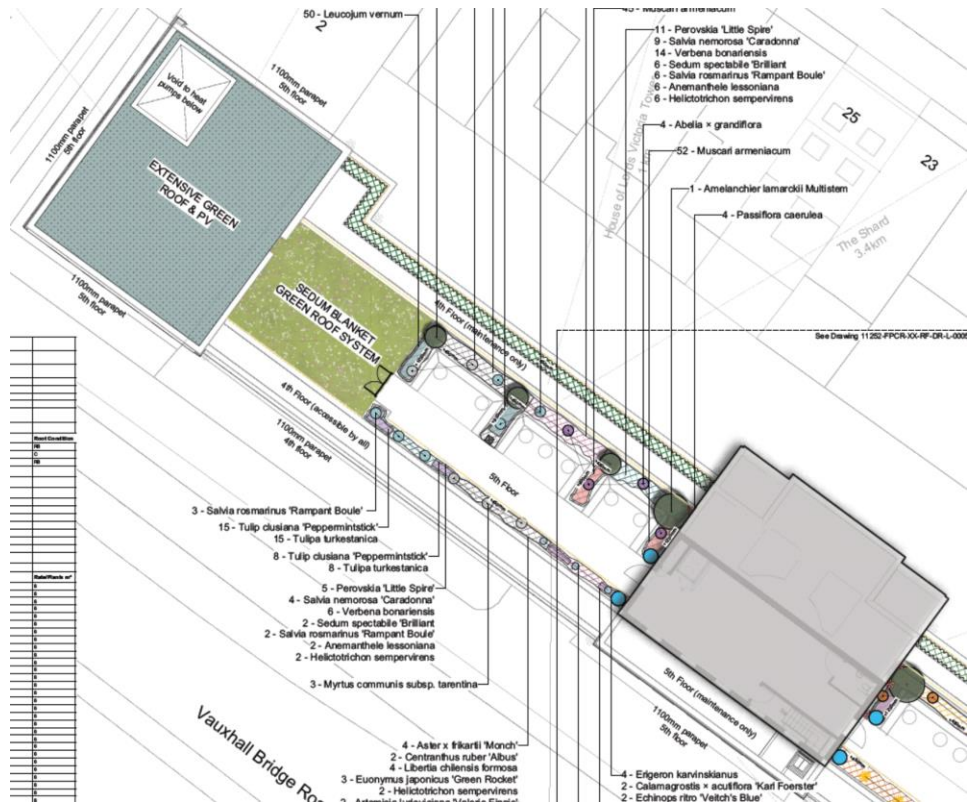
--- RED DASHED LINE SHOWS EXTENT OF EXISTING BUILDING ROOF LINE

— GREEN LINE SHOWING SIGHT LINES FROM ROOF AREAS BY A PERSON OF AVERAGE HEIGHT TO PONSONBY TERRACE

Close up Section of Roof Terrace



Proposed Roof Terrace & Greening Layout Plan



DRAFT DECISION LETTER

- Address:** 1 Bessborough Gardens, London, SW1V 2JQ
- Proposal:** Alterations at roof level including erection of infill extension at fourth floor to provide new office accommodation, erection of rooftop pavilion and terraces and raising height of roof parapet, rationalisation of mechanical plant; modifications to ground floor entrance, refurbishment of external facades including new ventilation grilles, and alterations to services at lower ground floor level.
- Reference:** 23/04155/FULL
- Plan Nos:** 4468-DLG-ZZ-00-DR-A-EX_0001 A-SITE LOCATION PLAN; 4468-DLG-ZZ-00-DR-A-EX_0002 A-EXISTING BLOCK PLAN; 4468-DLG-ZZ-00-DR-A-EX_1000 A-EXISTING LOWER GROUND FLOOR PLAN; 4468-DLG-ZZ-00-DR-A-EX_1001 A-EXISTING GROUND FLOOR PLAN; 4468-DLG-ZZ-01-DR-A-EX_1002 A-EXISTING FIRST FLOOR PLAN; 4468-DLG-ZZ-02-DR-A-EX_1003 A-EXISTING SECOND FLOOR PLAN; 4468-DLG-ZZ-03-DR-A-EX_1004 A-EXISTING THIRD FLOOR PLAN; 4468-DLG-ZZ-04-DR-A-EX_1005 B-EXISTING FOURTH FLOOR PLAN; 4468-DLG-ZZ-05-DR-A-EX_1006 B-EXISTING ROOF PLAN; 4468-DLG-ZZ-ZZ-DR-A-EX_1010 B-EXISTING SECTIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-EX_1011 B-EXISTING SECTIONS SHEET 2; 4468-DLG-ZZ-ZZ-DR-A-EX_1015 A-EXISTING SITE ELEVATIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-EX_1016 A-EXISTING SITE ELEVATIONS SHEET 2.
4468-DLG-ZZ-00-DR-A-PL_1100 D-PROPOSED LOWER GROUND FLOOR PLAN; 4468-DLG-ZZ-00-DR-A-PL_1101 C-PROPOSED GROUND FLOOR PLAN; 4468-DLG-ZZ-01-DR-A-PL_1102 C-PROPOSED FIRST FLOOR PLAN; 4468-DLG-ZZ-02-DR-A-PL_1103 C-PROPOSED SECOND FLOOR PLAN; 4468-DLG-ZZ-03-DR-A-PL_1104 C-PROPOSED THIRD FLOOR PLAN; 4468-DLG-ZZ-04-DR-A-PL_1105 C-PROPOSED FOURTH FLOOR PLAN; 4468-DLG-ZZ-05-DR-A-PL_1106 D-PROPOSED FIFTH FLOOR PLAN; 4468-DLG-ZZ-06-DR-A-PL_1107 D-PROPOSED ROOF PLAN; 4468-DLG-ZZ-ZZ-DR-A-PL_1110 C-PROPOSED SECTIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-PL_1111 C-PROPOSED SECTIONS SHEET 2; 4468-DLG-ZZ-ZZ-DR-A-PL_1115 C-PROPOSED SITE ELEVATIONS SHEET 1; 4468-DLG-ZZ-ZZ-DR-A-PL_1116 B-PROPOSED SITE ELEVATIONS SHEET 2; 4468-DLG-ZZ-ZZ-DR-A-PL_1117 B-PROPOSED SITE ELEVATIONS SHEET 3 – LIGHTWELLS.

For Further Information:

N01-JB_PS-Transport Addendum; Landscape & Ecology Management Plan & Biodiversity Net Gain Report dated January 2024 REV. B; Roof Terrace - Noise Impact Assessment 1 by Clear Acoustic Design; Construction Details Roof Garden; Roof Terrace Management Plan December 2023 by Marrons; Design and Access Addendum - Planning Reference 23/04155/ Rev. P2; Noise Impact Assessment Revision 3 by Clear Acoustic Design; Design & Access Statement Rev. P1; Marrons Cover Letter 4068; 22052 - No. 1 Bessborough Gardens Carbon Savings Report Rev B; Ecological Appraisal September 2022; Planning Statement by Marrons; Transport Statement May 2023; Delivery and Servicing and Waste Management Plan May 2023; Daylight & Sunlight Report by CPMC 1BG (Rev 1) Date May 2023;

Flood Risk Assessment June 2023.

For Further Information Only:
Construction Management Plan (CMP)

Case Officer: Jonathon Metcalfe

Direct Tel. No. 020 7641
07866038118

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
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

- 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 (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)

- 5 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 23:00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 6 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)

- 7 (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 office 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 office 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)

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

night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 4 of this permission.

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)

- 10 You must apply to us for a full management plan to show how the terrace located on the pavilion on drawing number DLG-ZZ-05-DR-A-SK-240301-02 will be used and managed and this plan must include contact details of site management for residents. You must not use the roof terrace until these details are 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) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 11 You must not play live or recorded music on the terrace, including the use of any form of speaker or audio equipment. (C13IA)

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) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 12 The terrace shall not be used outside of the following times: 0830 to 1900 hours Monday to Friday and shall not be used on Saturdays, Sundays and public holidays.

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) and the Environmental Supplementary

Planning Document (February 2022). (R13FC)

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

- 14 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

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)

- 15 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)

- 16 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the office building. (C14ED)

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)

- 17 You must carry out the roof level landscaping work shown on the drawings before using the roof terrace and must subsequently maintain the landscaping in accordance with the approved Landscape and Ecology Management Plan and Biodiversity Net Gain Report (Rev. B dated January 2022) and drawings, or in accordance with other drawings or plans as submitted to and approved by the City Council.

Reason:

To improve the appearance of the development, to make sure that it contributes to the

character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 18 No development shall take place until a Construction Logistics Plan (CLP) for the proposed development has been submitted to the Council and approved in consultation with Transport for London.

Reason:

In the interests of public safety and to avoid blocking the road as set out in policies 24 and 35 of Westminster's City Plan (April 2021), and policy T4 of the London Plan (March 2021).

- 19 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 20 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 21 You must apply to us for approval of details of the following parts of the development - detailed drawings of the balustrade (scaled at 1:20). You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 22 Other than in the case of emergency or for maintenance purposes, the external roof terrace lighting hereby approved shall only be switched on between 08:30 and 19:00 hours on Monday to Friday and not at all on Saturdays and Sundays and bank holidays

Reason:

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

- 23 You must only use the areas of the roof annotated as a 'terrace' for sitting out, and you must maintain the perimeter planting with handrail and seating in the form shown for as long as the roof terrace remains in place, as shown on the roof plan/ drawing number DLG-ZZ-05-DR-A-SK-240301-02. You must not allow anyone to enter the areas annotated 'Green Roof' or areas annotated for 'maintenance only' except in an emergency or for maintenance.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 24 You must provide detailed drawings of the PV panels (plans and sections at 1:20). You must provide, maintain and retain the PV panels before you start to use any part of the development, as set out in your application.

Reason:

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

- 25 The terraces hereby approved may only be used by office occupants.

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) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.
- CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.
- When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974). British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.
- An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 4 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
- * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the

design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 5 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 6 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of

this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 9 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.
If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 10 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 11 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 12 The Construction Logistics Plan (Condition 19) should include details of how vulnerable highway users will be protected during works.

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.

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