

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 18 April 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved	
Subject of Report	Development Site At 105-106 New Bond Street And 18, Haunch Of Venison Yard, London		
Proposal	Demolition behind the retained New Bond Street facade and erection of a new building comprising sub-basement, basement, ground and six upper storeys for use as retail (Class A1) at basement, part ground and mezzanine floors; offices (Class B1) at part ground, second to sixth floors; and dual/alternative use of the first floor as either offices (Class B1) and/or retail (Class A1). Office access to be via Haunch of Venison Yard. Installation of plant at sub-basement and sixth floor levels, terraces at third to fifth floor levels and cycle storage and waste stores at sub-basement level.		
Agent	Rolfe Judd Planning		
On behalf of	Asset 5 Investment Management		
Registered Number	17/00413/FULL	Date amended/ completed	30 January 2017
Date Application Received	18 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

1. Subject to no new issues being raised before the expiry of the consultation period on the 24 April 2017, grant conditional permission, subject to the completion of a S106 planning obligation to secure the following:
 - i. Provision of £281,190 towards the City Council's affordable housing fund (index linked and payable on occupation of the first floor for office purposes);
2. If the S106 legal agreement has not been completed within six weeks from the date of the Committee's resolution then:
 - a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Planning 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 Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

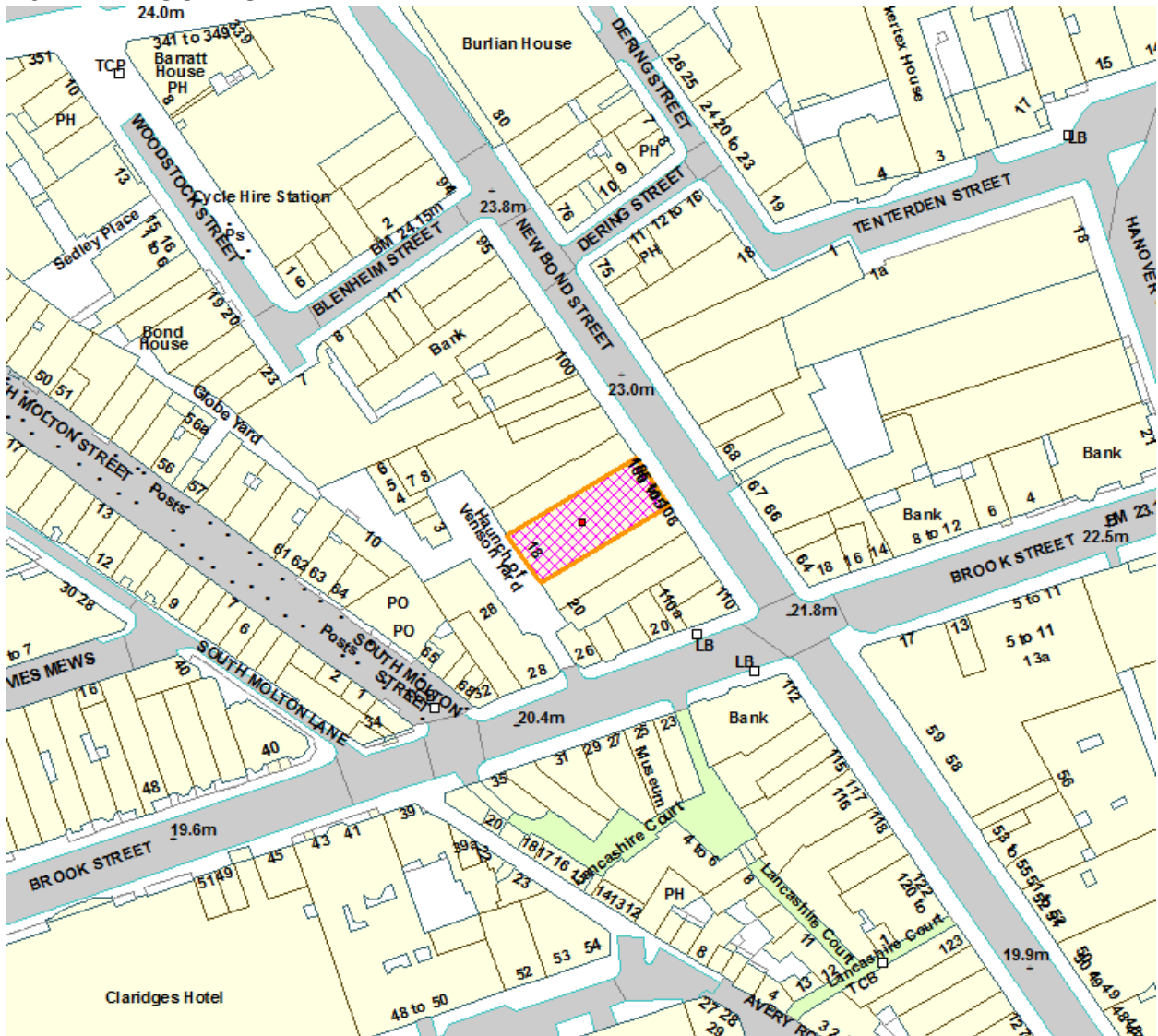
The application site is an unlisted building within the Mayfair conservation area and Core Central Activities Zone (Core CAZ) and has its primary frontage onto New Bond Street. The site is currently occupied at ground floor level by two separate retail units and the upper floors are in use as offices.

The key issues for consideration are:

- The impact on the character and appearance of the Mayfair conservation area
- The mix of land uses
- Impact on residential amenity – with particular regard to privacy and daylight

The proposals would result in an uplift of both retail and office floorspace in accordance with City Plan policies. This could all be achieved without material harm to other concerns including surrounding residential amenity. The application is considered to be acceptable in design terms and it is recommended that conditional planning consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Front Elevation



Photograph 2. Rear façade onto Haunch of Venison Yard.



5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, condition recommended to secure a Written Scheme of Investigation (WSI)

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

CROSSRAIL

No objection subject to condition

BUILDING CONTROL

No objection

CLEANSING

No objection subject to condition

ENVIRONMENTAL HEALTH

No objection subject to condition

HIGHWAYS PLANNING MANAGER

No objection subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 1

No. of objections: 1

No. in support: 0

Objections have been received on the following grounds:

- Applicant should contribute to second phase public realm improvements at Haunch of Venison Yard.
- Construction management should not conflict with Haunch of Venison Yard public realm upgrades
- Increased noise and disturbance from construction
- Construction worker litter and smoking
- Vibration damage to artefacts
- Increased dust and dirt
- Increased congestion to Haunch of Venison Yard
- Application should be supported by construction management plan

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mixed use building comprising two retail units (class A1) at ground floor, with one of the retail units also occupying basement floorspace, and offices (class B1) on the upper floors. The upper floors are lawfully B1 offices, however they are

currently vacant with independent access from the New Bond Street frontage. At present, the existing building has a ground floor and five upper storeys with a plant room on the roof on New Bond Street. To the rear 18 Haunch of Venison Yard has three upper floors and plant area on the roof, in addition to the ground floor and basement.

The building is adjoined on either side by properties with similar configuration; A1 retail units at ground floor with B1 office uses to the upper floors. To the rear, is Haunch of Venison Yard, which provides a means of access to the rear of buildings along New Bond Street, and service yard to the Bonhams site which occupies 101 New Bond Street, 7 Blenheim Street , 3-8 and 10 Haunch of Venison Yard.

The property lies within the Core Central Activities Zone (CAZ) and is identified as part of the primary shopping frontage within the West End Special Retail Policy Area (WESRPA). It is also within the Mayfair conservation area and the Crossrail line 1 safeguarding zone.

6.2 Recent Relevant History

On 14.07.2011 a lawful development certificate was granted confirming the use of the third floor as office accommodation (Class B1) (10/08174/CLEUD)

On 30.10.2007 planning permission was refused for the demolition and redevelopment behind retained facades to create retail (Class A1) use on basement and ground floors, office (Class B1) use on first to fifth floors at Nos. 105-106 and eight residential (Class C3) units on first to fourth floors of No. 107 (07/06222/FULL). Planning permission was refused on 8 grounds including loss of daylight and increased sense of enclosure to No. 24 Brook Street; and increased height, bulk and prominence of the plant room above No. 105-106 and the height of the Haunch of Venison elevations failing to relate satisfactorily to the scale of existing development.

On 20.08.2008 planning permission was granted for the demolition and redevelopment behind retained facades to create retail use (Class A1) on basement, ground and first floors, office (Class B1) use on part ground - fifth floors at Nos. 105-106 and seven residential units (comprising of 2 x 1, 2 x 2 and 3 x 3 bed units) on part ground - fourth floors of No. 107. Sufficient amendments were made to the scheme, overcoming the previous reasons for refusal. (08/04498/FULL)

7. THE PROPOSAL

The site relates to two buildings at 105-106 New Bond Street and 18 Haunch of Venison Yard, that are split by a large lightwell at first floor level, with covered walkways/corridors enabling access between buildings at floor levels.

The application proposes to demolish the existing building behind a retained façade onto New Bond Street and to provide one larger building, facilitating greater efficiency and larger floorplates. The works include the excavation of a new sub-basement and would include a mezzanine level. The building would be maintained in both retail (A1) and office (B1) use.

There would be a single retail unit accessed from New Bond Street with a secondary access created from Haunch of Venison Yard. Independent access to the office accommodation will be relocated to the Haunch of Venison Yard frontage. A further

entrance to the shared waste and cycle storage areas will also be provided from Haunch of Venison Yard.

The application seeks the provision of terraces to be used in conjunction with the office accommodation. Terraces are indicated to be provided at third and fourth levels on the southern elevation and a wrap-around terrace at fifth floor level on the southern and western elevations and a further terrace on the northern elevation overlooking New Bond Street.

Plant areas will be provided within the new sub-basement and to the west of the sixth floor and enclosed with a screen.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The building will continue to be used for retail and office purposes. The scheme would result in additional floorspace of 828m². The application seeks dual/alternative consent for the first floor as set out in the table below.

Table 1. Land use schedule

USE	EXISTING	PROPOSED	CHANGE
RETAIL	802	(incl. 1 st floor) 1265	+463
		(excl. 1 st floor) 852	+50
OFFICE	1312	(incl. 1st floor) 2084	+772
		(excl. 1st floor) 1671	+359
ANCILLARY FLOORSPACE	58	64	+6
TOTAL	2172	3000	+828

Uplift in office

Policy S20 directs new office development to the Core CAZ. Policy S6 states that the Core CAZ is an appropriate location for a range of commercial uses to ensure it retains its important function as a business location. The uplift in office floorspace is welcomed, subject to compliance with the Council's mixed use policy.

Uplift in retail

New Bond Street is located within the West End Special Retail Policy Area (WESRPA) and is designated a Primary Shopping Frontage. UDP Policy SS3(A) states that development schemes on the Primary Shopping Frontages should provide A1 uses throughout ground, basement and first-floor levels and there should be no loss of A1 floorspace. Policy S7 seeks improved retail space in order to support its function as a world-class shopping destination and Policy S21 protects existing A1 retail units throughout Westminster and directs new retail floorspace to the designated shopping centres.

At present only the basement and ground floors are in retail use and the proposals create three floors of retail accommodation over basement, ground and mezzanine floors. The proposals also include the option of the first floor being used for retail purposes, in which case, four floors of retail would be provided. The increase in retail floorspace is supported by the shopping policies.

Policy SS3 ordinarily seeks retail provision throughout the entire first floor. However, the applicant seeks a flexible use of the first floor, and as such the first floor could be used for office purposes contrary to Policy SS3. However, the replacement floorspace on the basement, ground and mezzanine floors will be superior in qualitative terms. The existing retail accommodation, particularly in the basement which has a cellular arrangement, is poor and disjointed, whereas the new floorspace will consist of large new floorplates. In addition, there will also be a net increase in the amount of linear retail frontage along New Bond Street itself at ground floor level along the Primary Shopping Frontage. This is achieved via the relocation of the existing office entrance along the street to the rear of the site on Haunch of Venison Yard. Given the overall uplift of retail floorspace on the site, the introduction of a new mezzanine floor of retail accommodation and the fact that the proposal would introduce an active frontage onto Haunch of Venison Yard, the dual/alternative use of the first floor for retail/office purposes is considered to be acceptable.

Dual/Alternative use at first floor level

The proposals include the dual/alternative use of the first floor, to enable it to switch between the A1 retail and B1 office uses, within a 10 year period. Both retail and office uses are encouraged within the Core CAZ and are both compatible with the uses within the building.

Mixed Use Policy

Mixed uses in the Central Activities Zone (Core CAZ) that support its vitality, function and character are encouraged by Policy S1. Policy S1 requires the provision of residential to offset increases in offices (Class B1) where the net additional floorspace (of all uses) is over 30% of the existing building floorspace. In this instance, the net additional increase in all uses exceeds this threshold, and therefore residential floorspace equivalent to the net additional B1 floorspace is required. (This residential floorspace requirement is only triggered in the event that the first floor is used for office purposes, as this is the only scenario which results in net additional (some 121sqm) B1 floorspace).

The mixed use policy states that it is the applicant's discretion whether to provide the residential floorspace on or off-site, or by way of a credit or payment in lieu. The applicant has advised that they are willing to provide the uplift in residential as a payment in lieu to the Council's Affordable Housing Fund. This equates to a payment of £281,190 in accordance with Policy S1. This will be secured by legal agreement triggered on occupation of the first floor as offices.

8.2 Townscape and Design

No. 105/106 New Bond Street is faced with stone and the rear at No. 18 Haunch of Venison Yard is of plain stock brickwork. The ground floor shopfronts are of little interest other than where original architectural features survive. The building makes a positive contribution to the character and appearance of the Mayfair Conservation Area and represents A good example of its type on New Bond Street. It was built c1906 to the

design of Edward Keynes Purchase. The building is not listed, nor is its immediate neighbours. The nearest listed building is at No. 103 (Grade II) and the rear of Greybrook House (Grade II) is opposite the site in Haunch of Venison Yard.

Internally, the building has been substantially altered. Although it retains its original staircases, it is not considered that these features warrant preservation of the building in its current form. Neither is it considered the building is of sufficient merit to justify addition to the statutory list of buildings of special architectural interest. The existing stock brick facade to Haunch of Venison Yard, with an uncoordinated mixture of window types, make a neutral contribution to the appearance of the area and its loss would not be considered detrimental to the conservation area.

The proposals do result in an increase in bulk and massing, particularly at the rear on the Haunch of Venison Yard façade. The scheme is also a storey higher at the rear than the scheme approved in 2008. However, the proposals maintain its stepped design of the upper floors, which would not be visible from street level in Haunch of Venison Yard. From this vantage point the development would not appear higher than the existing tallest building in the Yard. The proposed facades to haunch of Venison Yard are of cream-coloured brick with corten steel panels and balustrades. This palette of materials and the detailed design of the facades are considered acceptable in design terms and suit the robust semi-industrial character of the Yard.

To 105-106 New Bond Street, the alterations to the façade comprise the replacement of existing mansard roof storey with a new mansard roof and plant room. The alterations to the roof and New Bond Street facade will improve the building's appearance by removing rooftop clutter and replacing the existing roof with a new sheer storey designed to match the architecture of the original building below, with a simple modern mansard roof clad in zinc with flush rooflights to the front roofslope. The alterations at roof level reflect the design that was permitted under the 2008 approved scheme.

A new shopfront would be provided at street level with one column repositioned in order to better relate to the upper floors. Whilst this is considered an improvement in design terms, there is concern that the shopfront would contain an expanse of un-subdivided glazing, and somewhat loses the relationship with the upper floors. Therefore, an amending condition is requested in order to provide more solidity and to ensure that the shopfront closely relates to the arrangement of the building above.

The area lies in an area of archaeological interest and Historic England requests a condition be imposed to secure a written scheme of investigation and watching brief. This may be dealt with by condition.

The proposed redevelopment would enhance the appearance of the building facing New Bond Street and improve the appearance of Haunch of Venison Yard. The character and appearance of the surrounding conservation area and the setting of nearby listed buildings would also be improved.

The development would ordinarily attract a requirement for public art and the applicant has been asked to address this issue. Members will be updated verbally at the committee on this issue.

Overall, the proposals accord with UDP policies DES 1, DES 5, DES 6, DES 9 and DES 10, and the council's 'Development and Demolition in Conservation Areas' supplementary planning guidance.

8.3 Residential Amenity

Sunlight and Daylight

A daylight and sunlight study by Delva Patman Redler has been submitted in support of the application and assesses the impact of the development with regard to BRE guidelines for daylight and sunlight to existing developments. Properties that were assessed include 24 and 28 Brook Street, and 64, and 65 New Bond Street.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component 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. For buildings that neighbour a new development, the guidance suggests that daylight will be adversely affected by the development if its windows achieve a VSC below 27% and have their levels reduced to less than 0.8 times their former value.

The report demonstrates that the windows in surrounding properties achieve compliance with the BRE guidelines in respect of VSC assessment. The proposed scheme is unlikely to have a material impact upon the living conditions of neighbouring occupiers in terms of daylight.

Sunlight

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 any reduction in sunlight below this level should be kept to a minimum. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the loss over the whole year exceeds 4%, then the loss would be noticeable.

In respect to sunlight, only those windows facing within 90 degrees of due south require testing. The windows located within 64 and 65 New Bond Street were therefore tested. The report demonstrates that all windows in these two properties are compliant in terms of sunlight.

Sense of Enclosure

There are a limited number of residential properties within the vicinity of the site, the closest being at 24 Brook Street and 28 Brook Street. In respect to 24 Brook Street, a residential maisonette is located over 3rd and 4th floors with north facing windows that overlook the site. The proposed development will maintain a distance of 14m (approximately) to this neighbouring property. Whilst the building will increase in height, it has been designed with setbacks at third, fourth, fifth and sixth floor levels on its southern elevation. It is not considered that the proposal would harm residential amenity by way of sense of enclosure at 24 Brook Street.

To the west of the site is Haunch of Venison Yard, beyond which is 28 Brook Street. This is a recently constructed building and it appears not yet to be occupied, however planning permission was granted for the use of the first to fifth floors of this property as residential flats, with windows facing north-east which directly overlook the application site. The separation distance between the application site and 28 Brook Street is approximately 9m, and the 6th floors would be set back from the boundary with Haunch of Venison Yard. This is not an unusual distance normally found between mews properties, and is not uncommon within the highly developed Central London area. Furthermore, the majority of windows within No. 28 facing the application site serve dual aspect habitable rooms. Therefore there would be no undue sense of enclosure to residential flats at this property.

Overlooking

There is a mutual level of overlooking from the windows in the rear and southern elevations. The proposed scheme seeks to include southern balconies at third and fourth floors and a wrap-around balcony at fifth floor level on the south and western elevations and a balcony on the northern elevation (front). Given the use of these floors as offices, distances, and the existing relationship between the site and nearby residential and commercial buildings, the proposal would not result in an unacceptable degree of overlooking.

Lightspill

There is a large amount of glazing to the Haunch of Venison Yard façade. Adjacent to the site, 28 Brook Street has limited habitable room windows (third bedrooms) and non-habitable windows (en-suite bathrooms and corridors) facing the proposed development. Views from the habitable rooms within the residential flats within this neighbouring building are orientated to the south and west and are primarily directed away from the direction of the proposed development. The impact upon 28 Brook Street in this regards is therefore acceptable.

8.4 Transportation/Parking

Servicing

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street. In this instance the existing building operates without off-street servicing and as the site is within a Controlled Parking Zone (CPZ) loading and unloading to occur is allowed on single yellow lines in the vicinity. The largest regular service vehicle expected to be associated within this development is likely to be the refuse collection and is likely to service the property in a similar fashion to nearby properties. A servicing management plan is secured by condition to ensure that servicing can be undertaken without causing disruption to the public highway.

Trip Generation

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport and other sustainable modes. Whilst there is an increase in floorspace, the proposed development will not have a detrimental impact upon trip generation. Given that the proposed use would be similar to existing; there would be no significant change in terms of people arriving to, and departing from the site.

Given the sites proposed uses and location, the impact on parking levels is considered to be minimal and would therefore be acceptable.

Cycle parking

38 cycle parking spaces are indicated on the submitted drawings at basement level -2. It is noted that this would be an over-provision and this is welcomed. The cycle storage is located where both the B1 offices and A1 retail unit could have access through a series of internal corridors.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

All external entrances would be step free, and fully DDA compliant with level access for wheelchair users. Internal lifts would also be suitable for wheelchair users.

8.7 Other UDP/Westminster Policy Considerations

Noise

Policies ENV 6 and ENV 7 of the UDP and City Plan policy S32 require new developments to minimise noise disturbance and to protect noise sensitive properties.

Terraces in connection with the office use are sought at third, fourth and fifth floors. It is expected that the terraces would be used during normal office hours, it is not considered that the development would affect surrounding residential amenity or local environmental quality in this regards. However, it is proposed to restrict the hours of use by condition, to between 8am to 6.30pm, Mondays to Fridays only.

Plant

The application proposes the installation of plant machinery in order to meet the energy and occupancy requirements of the proposed building. The plant comprises of two air handling units and two variable refrigerant flow units and will be installed to the west of the sixth floor and enclosed with a screen.

The Environmental Health officer has reviewed the acoustic report submitted with the application. The measured background noise levels exceed WHO guidelines. Calculations indicate that with the specified acoustic louvres and distance attenuation; the plant will be compliant with the City Council's noise criteria, subject to the condensers are installed behind an acoustic barrier. A condition will secure the detailed design of the acoustic barrier and ensuring it is installed.

Refuse /Recycling

Waste and recycling would be stored at basement level -2. There would be direct access to street level and to both the retail unit and upper floor offices. Revised plans have been submitted detailing the storage arrangements for waste and recyclable materials and the means of transporting waste to street level.

The proposed arrangements for the storage of waste and recyclable materials are considered acceptable and shall be secured by condition.

Sustainability

The application proposes Photo-Voltaic (PV) panels to the roof level in order to achieve a 35% reduction in Co2 emissions, this is welcomed and full details could be secured by condition.

8.8 London Plan

Policy 2.11 (Central Activities Zone – Strategic Functions), sets out that development proposals to increase office floorspace should include a mix of uses including housing, should enhance and expand retail capacity. The provision of A1 and B1 accommodation on site would be in accordance with the intent of this policy.

Policy 4.2 (Offices) states that the modernisation of existing office stock in terms of quality and flexibility, and the mixed use redevelopment of office provision will be supported. The proposals would re-provide improved office space and would be in accordance with this policy.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

The estimated CIL payment is:

Mayoral-	£53,589.96
Westminster-	£176,392.03
Total-	£229,981

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure a contribution towards the Council's affordable housing fund. An objector (Bonhams) has requested that the applicant should contribute also to second phase public realm improvements at Haunch of Venison Yard since this would provide a means of access and servicing to the property.

It is noted that public realm improvements have already been secured by a legal agreement in connection with a planning permission granted in 2012 relating to works in connection with the redevelopment of Bonhams. The legal agreement secured a payment to fund public realm improvements on Haunch of Venison Yard. It was originally proposed that Bonhams would fund the resurfacing the entire Yard; however this has since been revised to their courtyard only.

The agent has advised that they are unwilling to fund any public realm improvements Bonhams and the City Council are liable to fund. Indeed, the CIL Regulations make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, if the obligation does not meet all of the following three 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.

From 06 April 2015, the CIL Regulations imposed restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. The CIL Regulations also prevent “double dipping” where contributions for infrastructure works financed by CIL (which would previously have been financed using pooled public realm contributions) cannot also be financed through s106 contributions. It would therefore not be lawful to secure a pooled S106 contribution to help fund a public realm scheme.

It is unclear at this stage the timescales for the resurfacing works to Bonhams is to be undertaken, which is primarily related to the Crossrail works, which have been delayed. Any damage during the construction of the development site to the resurfacing of Haunch of Venison Yard will be covered under S278 agreement (of the Highway Act 1980).

8.11 Environmental Impact Assessment

There are no environmental impacts associated with this proposed development.

8.12 Other Issues

Basement

The proposals involve the excavation of a part sub-basement level which therefore needs assessment against City Plan Policy CM28.1. This requires that an application is accompanied by a detailed structural methodology statement and demonstrates that the development would not increase or otherwise exacerbate flood risk, safeguard significant archaeological deposits and be designed and constructed so as to minimise the impact at construction and occupation stages.

The applicant has provided a structural engineer’s report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty

of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. Building Control officers have reviewed the submitted details and raised no concerns. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Historic England (Archaeology) states that whilst the site does not lie within an archaeological priority area and as the existing building already includes a basement which will have impacted archaeological survival; however there is some potential to survive below this truncation, and the new deeper basement level would therefore remove any surviving archaeological remains. A condition is sought in order that any archaeological interest is conserved.

The site is located inside the surface water flood risk hotspot and located within Flood Zone 1 where there is a low probability of flooding. The Flood Risk assessment concludes that there would be a low risk of flooding from surface water, groundwater, sewers and artificial sources.

For these reasons the proposed basement is considered to accord with City Plan Policy CM28.1

Construction impact

The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

Concerns from a neighbouring commercial premise have been expressed regarding construction related disturbances. The objector is seeking measures to protect the operation of nearby Bonhams during construction. Some of the objections raised, with particular regard to noise and disturbance, vibration, dust and dirt and vehicular movement and parking, would be subject to the CoCP agreement and monitored by the by the Council's Environmental Inspectorate. However, some of the objections, including window cleaning, restrictions on building works taking place when auctions/viewings are being conducted, and smoking areas to be located away from the Bonhams property are beyond the scope of the CoCP. The agent has also advised that they will engage with Bonhams; however any agreement between the applicant and Bonhams beyond the scope of the CoCP is a civil matter.

9. BACKGROUND PAPERS

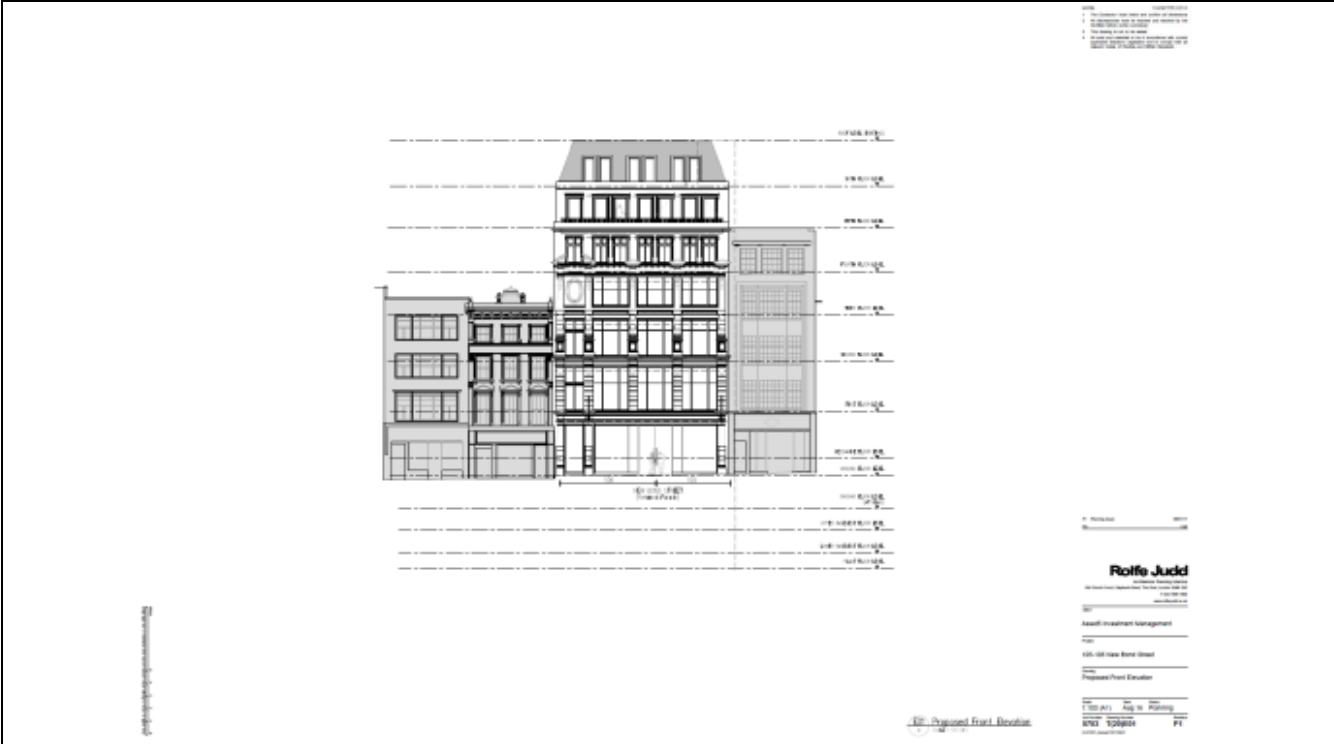
1. Application form
2. Response from Historic England (Archaeology), dated 2 March 2017
3. Response from Cross Rail Ltd, dated 20 February 2017
4. Response from Building Control, dated 20 February 2017
5. Response from Cleansing, dated 3 April 2017
6. Response from Environmental Health, dated 24 February 2017

7. Response from Highways Planning Manager, dated 2 March 2017
8. Letter from JLL on behalf of Bonhams at 101 New Bond Street, 7 Blenheim Street, 3-8 and 10 Haunch of Venison Yard, dated 17 March 2017

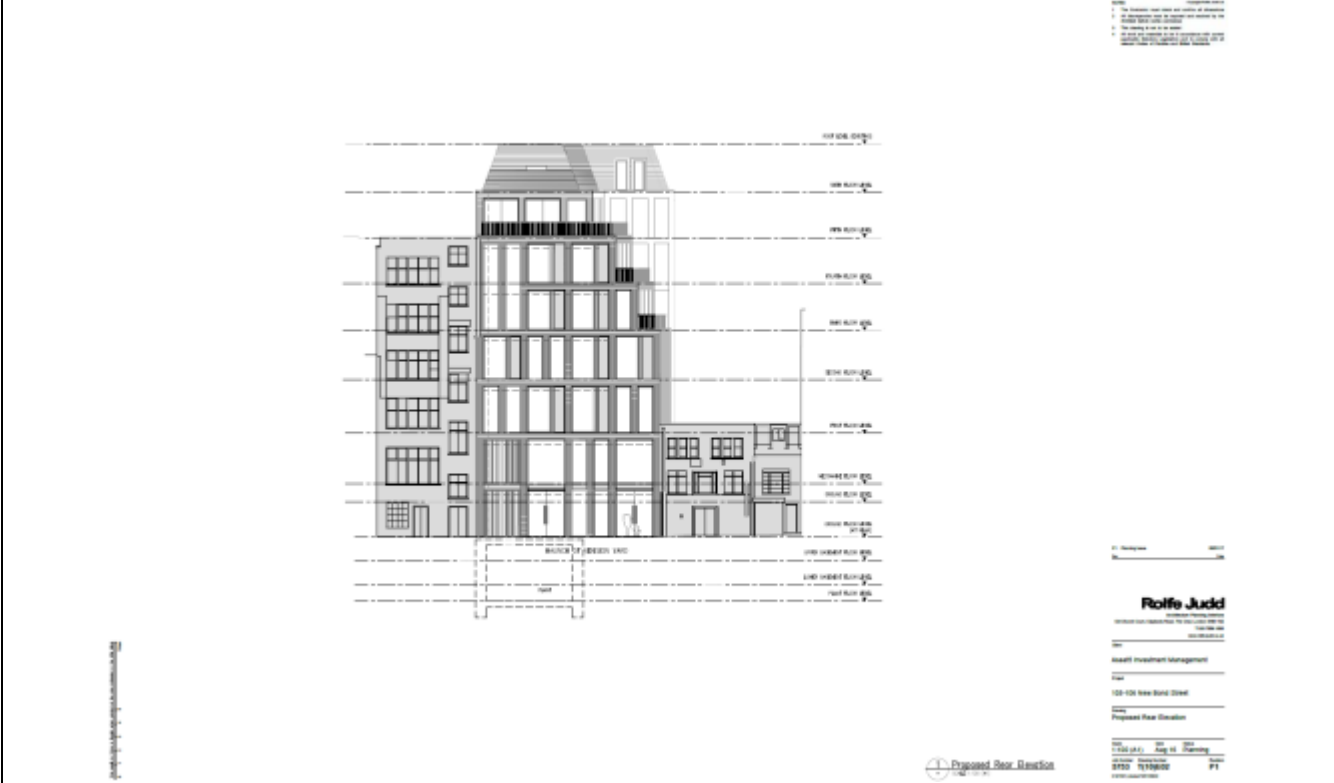
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

10. KEY DRAWINGS



Drawing 3. Proposed rear elevation



Drawing 4. Proposed section D-D

DRAFT DECISION LETTER

Address: Development Site At 105-106 New Bond Street And 18, Haunch Of Venison Yard, London

Proposal: Demolition behind the retained New Bond Street facade and erection of a new building comprising sub-basement, basement, ground and six upper storeys for use as retail (Class A1) at basement, part ground and mezzanine floors; offices (Class B1) at part ground, second to sixth floors; and dual/alternative use of the first floor as either offices (Class B1) and/or retail (Class A1). Office access to be via Haunch of Venison Yard. Installation of plant at sub-basement and sixth floor levels, terraces at third to fifth floor levels and cycle storage and waste stores at sub-basement level.

Reference: 17/00413/FULL

Plan Nos: 5753 T(20)E01 P1; T(10)E02 P1; T(20)E03 P1; T(20)E04 P1; T(20)P-2 P1; T(20)P-1 P1; T(20)P00 P1; T(20)P00-M P1; T(20) P01 P1; T(20)P02 P1; T(20)P03 P1; T(20)P04 P1; T(20)P05 P1; T(20)P06 P1; T(20)P07 P1; T(20)S01 P1; T(20)S02 P1; T(20)S03 P1; T(20)S04 P1; T(20)S05 P1; T(20)S06 P1, T20P-2 Rev P2, T20P00 Rev 2.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

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:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

This is to ensure sufficient space remains for utilities and in accordance with TRANS19.

- 4 Prior to occupation by either the retail or office occupiers, a Servicing Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Servicing management plan shall be followed/maintained for life of development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing.

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 5 You must provide the cycle parking as shown on drawing 5753 T(20)P-2 P1 for both the B1 office and A1 retail use. The cycle parking must be provided and thereafter maintained for cycle parking only.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 6 Before the building is occupied for either retail (A1) or office (B1), you must provide the separate stores for waste and materials for recycling shown on drawing number T20P-2 Rev P2 and T20P00 Rev 2;. You must clearly mark them and make them available at all times to everyone using the B1 office space and A1 retail space. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

7 **Pre Commencement Condition.,**

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme.

You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 8 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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundation, and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:-
- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works
 - (ii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures
 - (iii) Mitigate the effects on Crossrail, of ground movement arising from development,

The development shall be carried out in all respects in accordance with the approved design method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1(ii) and 1(iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

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

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

- 11 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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 12 You must apply to us for approval of samples and specification 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

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

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 15 (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 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 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 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 L A90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), 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.

- 16 Prior to the use of the building you must provide scaled plans (1:100 and 1:20) and specification of the solar photovoltaic panels to the roof. You must provide the features according to these details prior to the occupation of the building.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 17 You must apply to us for approval of detailed drawings of the design of the acoustic barrier/screen to the plant at sixth floor level.

You must put up the plant screen/barrier shown on the approved drawings before you use the plant. You must then maintain it in the form shown for as long as the plant remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 5 and DES 6 of our Unitary Development Plan that we adopted in January 2007. (R13CC)

- 18 The terraces hereby permitted shall not be used between 18:30 and 08:00 Monday to Fridays and at no time on Saturdays and Sundays except in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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

-detailed drawings of the ground floor shopfront to New Bond Street showing a shopfront more closely related to the upper floors with reduction in the extent of glazing.

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

Reason:

To 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 S25

and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 20 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a supermarket/food outlet (or similar) unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

INFORMATIVES

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 3 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: , <http://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.**

- 4 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the first floor can change between the B1 office and A1 retail uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 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
- 7 Crossrail advises that the developer consult the Crossrail 'Information for Developers' guide which includes technical advice and guidance to developers wishing to undertake works close to our railway assets. , , It is also recommended that the Developer consult with Crossrail 'Third Party Interface Manager' to discuss and agree the schedule of deliverables required to demonstrate Crossrail Safeguarding (for the release of Conditions) GeoffRankin@crossrail.co.uk
- 8 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 the provision of £281,190 towards the Council's Affordable Housing Fund and the costs of monitoring the legal agreement. (I55AA)

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.