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| Item No. |
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| <b>CITY OF WESTMINSTER</b>                        |   |  |              |
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b>        | <b>Date</b><br>12 <sup>th</sup> December 2017   | <b>Classification</b><br>For General Release |              |
| <b>Addendum report of</b><br>Director of Planning |   | <b>Ward(s) involved</b>                      |              |
| <b>Subject of Report</b>                          | <b>Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1</b>   |  |              |
| <b>Proposal</b>                                   | Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perry's Place, and the installation of photovoltaic panels at roof level. |  |              |
| <b>Agent</b>                                      | DP9   |  |              |
| <b>On behalf of</b>                               | Derwent Valley Property Developments Ltd  |  |              |
| <b>Registered Number</b>                          | 17/05283/FULL<br>17/05284/LBC   | <b>Date amended/ completed</b>               | 19 June 2017 |
| <b>Date Application Received</b>                  | 13 June 2017  |  |              |
| <b>Historic Building Grade</b>                    | Holden House is Grade II listed   |  |              |
| <b>Conservation Area</b>                          | Hanway Street   |  |              |

## 1. RECOMMENDATION

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| <p>1. Subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> <li>i. Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);</li> <li>ii. A crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme)</li> <li>iii. An employment and training strategy for the construction phase and operational phases of the development;</li> <li>iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street;</li> <li>v. Monitoring costs</li> </ul> |
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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.

4. Grant conditional listed building consent.

5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

This scheme which seeks permission for the demolition of 66 -68 Oxford Street, and the redevelopment behind the retained facades of Holden House and 53-58 Rathbone Place to provide a new 8-storey (plus four basement level) building was presented to Committee on 14 November 2017. Committee resolved to grant conditional permission subject first to the views of the Mayor and to the completion of a S106 agreement to secure a contribution towards affordable housing, a Crossrail payment, an employment and training strategy and improved loading bay facilities on Oxford Street (in the event that vehicles continue to service from Oxford Street).

The previous report failed to refer to a letter of objection from the Victorian Society (as it had not been uploaded onto the Council's website). The application is therefore being reported back to Committee for reconsideration of the concerns raised. The Victorian Society opposes the application proposals on the grounds that they cause harm to heritage assets and that this harm is not outweighed by public benefits. They are critical of the original report to the Planning Applications Sub-Committee. They identify areas which they say need urgent review:

### 1. Holden House / Evelyn House – Facade retention

The Victorian Society considers that this causes less than substantial harm to the listed building. However, officers consider that the interior of the building has been much altered and extended over the years and is consequently of very limited interest. This is an unusual listed building, as in the vast majority of cases the interior does make a contribution to its special interest. In this case, it is not considered that the demolition of the building behind retained facades would harm the special interest of the listed building, because the special interest lies in the street facades. Whilst the Victorian Society also object to loss of the original shopfront, the original report to Committee assesses this issue and sets out that the 'use of a stone spandrel at the floor level, and the subdivision of the glazing with two mullions, is in the spirit of the Holden design.

### 2. Roof level alterations

The committee agreed with officers that the roof storeys are acceptable on balance. The Victorian Society consider that less than substantial harm is caused. It is accepted that there is some harm

caused to the appearance of the building in some views, but this harm has to be assessed in terms of the overall impact and benefits of the scheme, which include the on-going regeneration of the East end of Oxford Street.

### 3. Demolition of 66 Oxford Street

The committee report made it clear that there is a strong presumption to retain this building and that demolition was harmful to heritage assets, but did not specifically refer to the impact on the conservation area and the setting of the listed building. It is considered that the proposed new building is a high quality new building and is an acceptable replacement for the existing building. Overall, the conservation area will not be harmed.

### 4. Scale and massing and design of the new building

The committee report makes it clear that the proposed building is considerably taller than the existing buildings, but lower than the building immediately to the west, Oxford House, making a transition in terms of height between Holden and Oxford House. It is considered to be a high quality modern building.

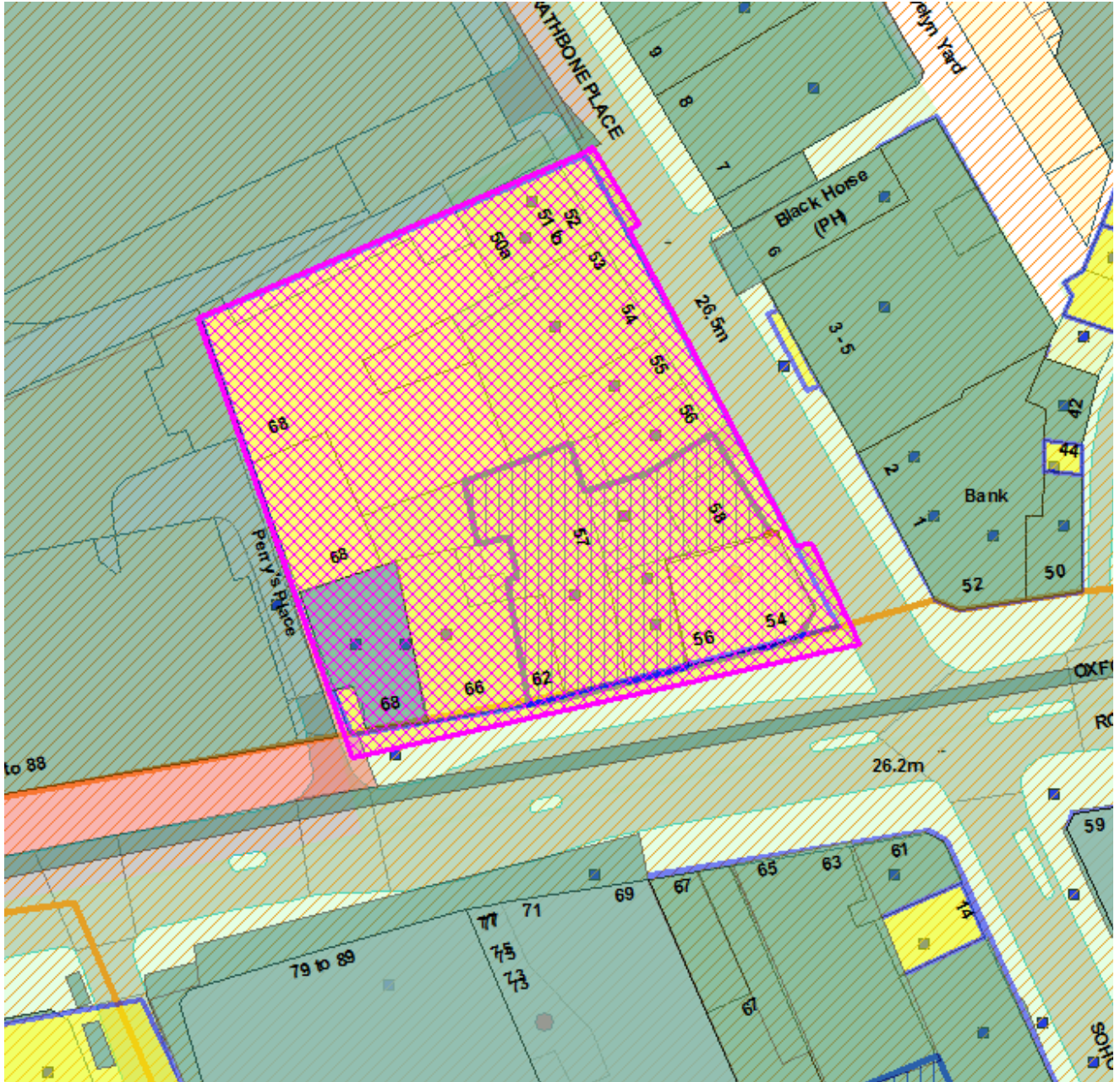
### 5. Renaming of Evelyn House

The Victorian Society also object to the renaming of the building to Holden House and believe that the building should retain its historic name. This is not a planning matter and in any event part of the site is already known as Holden House and it is not considered that the application could be refused on this basis.

### Statutory duties

The committee report concluded that the scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 6, DES 9 and DES 10. The Victorian Society notes that the report did not make specific reference to the statutory duties set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and to relevant sections of the NPPF. However, the policies referred to are compliant with the NPPF and the City Council's legal duties (Sections 66 and 72) to pay special regard to preserving or enhancing the character and appearance of the conservation area and preserving listed building and the setting of the listed building. In considering the proposals in the context of the City Council's policies, the legal duties were taken into account.

3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### REPRESENTATIONS NOTE REPORTED TO THE ORIGINAL COMMITTEE REPORT

#### THE VICTORIAN SOCIETY

Believe that the submitted documentation is far from clear on precisely how much historic fabric and structure exists behind the facades and believe that the survival of historic fabric merits preservation. Raise no objection to the demolition of 68 Oxford Street nor to the significant reworking of Evelyn House, but object to the two-storey roof extension on the grounds that it would be visually prominent and detract from the appearance of the listed building. Object to the removal of masonry above the shopfronts and the increased size of the arched mezzanine windows.

Strongly object to the proposed demolition of No. 66 Oxford Street, which makes both a positive contribution to the special character of the conservation area and to the setting of Evelyn House and consider that its loss is significant and will cause serious harm to both designated heritage assets. Believe that the proposed building is too tall and architecturally and materially at odds with the high quality historic townscape, would expose the party wall of Evelyn House in an unacceptably crude way and erode the integrity of the listed building. Believe that the new floorplate would be at variance with the historic grain and pattern of development and consider that the building should retain its historic name of Evelyn House.

Consider that the previous committee report fails in the application of the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in the application of paragraphs 132-134 of the NPPF and that the report poorly considers the identification of harm and that the scheme as a whole has not been weighed against the scheme's public benefits. Conclude that a final planning balance has not been properly identified and believe that the loss of historic fabric, the impact of the roof level alterations, the loss of 66 Oxford Street and the scale and massing of the new building need urgent review.

## 6. BACKGROUND PAPERS

1. Application form
2. Planning Applications Sub-Committee report and minutes dated 14 November 2017
3. Representations received and reported to Sub-Committee on 14 November 2017
4. Letters from Victorian Society dated 10 August 2017, 28 and 29 November 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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1

**Proposal:** Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perrys Place, and the installation of photovoltaic panels at roof level.

**Reference:** 17/05283/FULL

**Plan Nos:** 2150 Rev C, 2151 Rev C, 2152 Rev C, 2153 Rev C, 2154 Rev C, 2155 Rev C, 2156 Rev C, 2157 Rev C, 2160 Rev C, 2161 Rev C, 2162 Rev C, 2163 Rev C, 2170 Rev C, 2171 Rev C, 2172 Rev C, 2175 Rev C, 2200 Rev C, 2201 Rev C, 2202 Rev C, 2203 Rev C, 2204 Rev C, 2205 Rev C, 2206 Rev C, 2207 Rev C, 2208 Rev D, 2209 Rev C, 2210 Rev D, 2211 Rev C, 2212 Rev C, 2300 Rev C, 2301 Rev C, 2302 Rev C, 2304 Rev C, 2400 Rev D, 2401 Rev D, 2500 Rev C, 2502 Rev C, 2503 Rev C, 2504 Rev C, 2505 Rev C, 2506 Rev C, 2600 Rev C, 2601 Rev C, Structural Methodology Statement and Subterranean Method Statement dated June 2017 (FOR INFORMATION ONLY).

**Case Officer:** Pauline

**Direct Tel. No.** 020 7641 2723

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

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

Reason:

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

- Except for piling, excavation and demolition work, you must not 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

- 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 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 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 Hanway Street 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)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 Hanway Street 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)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 6 You must apply to us for approval of Detailed drawings at 1:10 of the following parts of the development:
1. Typical details of new building at all floor levels



2. Roof storeys above Holden House
3. New shopfronts
4. Alterations to first floor windows (Holden House)
5. Recessed area between Holden House and new building at ground floor level.

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 details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Hanway Street 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)

- 7 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:

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)

- 8 (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.

- 9 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally

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noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 11 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 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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.

- 12 Notwithstanding the details shown on the approved plans, you must submit revised drawings showing an additional 5 long stay and 30 short stay cycle spaces. You must thereafter provide each cycle parking space, showers and lockers shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 13 All servicing undertaken in Newman's Yard must only take place between 07:00 and 23:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 14 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the 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)

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- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the building.

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)

- 16 You must not use the terraces except between the hours of 09.00 and 21.00 Monday to Saturday; and not at all on Sundays, bank holidays and public holidays., , Outside of these hours you can only use the terraces to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 17 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 Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket outlet or similar.

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)

- 18 The development hereby permitted shall not be commenced until detailed design, load calculations and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or 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:

- \* provide details on all structures
- \* accommodate the location of the existing London Underground structures and tunnels
- \* accommodate ground movement arising from the construction thereof
- \* and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 19 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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 carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 20 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 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 protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 21 You must provide the following bio-diversity and sustainability features before you start to use any part of the development, as set out in your application. , , Green Roof, Blue Roof, Invertebrate boxes, , You must not remove any of these features

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and 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)

- 22 You must apply to us for approval of detailed drawings and a biodiversity management plan in relation to the Green roof and invertebrate boxes 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.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 23 You must apply for us for approval of detailed drawings in relation to the Blue Roof to include construction method, maintenance regime and storage and usage of water. 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.

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)

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

- (i) Accommodate the proposed location of the Crossrail 2 structures including temporary works
- (ii) Accommodate ground movement arising from the construction thereof,
- (iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition on shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2.

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)

- 25 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 26 In the event that the upper floors are used for office use, the atrium areas as shown on the approved drawings hereby approved, shall be permanently maintained as such and shall not be sub-divided or infilled.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (November 2016)

- 27 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 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. (R24AC)

28 **{lb Pre Commencement Condition}**. You must not start any demolition work on site until we have approved either:

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

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Hanway Street 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)

29 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 Hanway Street 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)

### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 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](http://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](mailto: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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, Phone: 020 7641 2000, Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 4 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Conditions 8 & 9 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)
- 8 With reference to condition 7 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

|          |
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| Item No. |
| <b>7</b> |

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). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk). , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

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:** Holden House, 54-62 Oxford Street And 51-58 Rathbone Place, W1,

**Proposal:** Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perrys Place, and the installation of photovoltaic panels at roof level.

**Reference:** 17/05284/LBC

**Plan Nos:** 2150 Rev C, 2151 Rev C, 2152 Rev C, 2153 Rev C, 2154 Rev C, 2155 Rev C, 2156 Rev C, 2157 Rev C, 2160 Rev C, 2161 Rev C, 2162 Rev C, 2163 Rev C, 2170 Rev C, 2171 Rev C, 2172 Rev C, 2175 Rev C, 2200 Rev C, 2201 Rev C, 2202 Rev C, 2203 Rev C, 2204 Rev C, 2205 Rev C, 2206 Rev C, 2207 Rev C, 2208 Rev C, 2209 Rev C, 2210 Rev C, 2211 Rev C, 2212 Rev C, 2300 Rev C, 2301 Rev C, 2302 Rev C, 2304 Rev C, 2400 Rev C, 2401 Rev C, 2500 Rev C, 2502 Rev C, 2503 Rev C, 2504 Rev C, 2505 Rev C, 2506 Rev C, 2600 Rev C, 2601 Rev C

**Case Officer:** [Name]

**Direct Tel. No.** 020 7641 2723

**Recommendation and Reason(s)**

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

**Reason:**  
To make sure that the appearance of the building is suitable and contributes to the character and appearance of this part of the Hanway Street Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 2 for both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in July 2017. (R26BE)

- 3 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 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 Hanway Street 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)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

1. Roof storeys above Holden House,
2. New shopfronts,
3. Alterations to first floor windows (Holden House)

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 details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Hanway Street 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)

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

Reason:

To maintain the character of the Hanway Street 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)

**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 March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

**2 PROPOSED DEVELOPMENT SITE AT 54-62, 66 AND 68 OXFORD STREET AND 51-58 RATHBONE PLACE, W1**

Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perry's Place, and the installation of photovoltaic panels at roof level.

Additional representations were received from Nick Bailey on behalf of Fitzrovia West Neighbourhood Forum (08.11.2017), Transport for London (02.11.2017 and 07.11.2017) and Caneparo Associates (07.11.2017).

A late representation was received from Derwent London (undated).

The presenting officer tabled the following amended recommendation:

Amended recommendation:

1. Subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:
  - i. Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);
  - ii. A crossrail payment (**final figure to be agreed**)
  - iii. An employment and training strategy for the construction phase and operational phases of the development;
  - iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street;
  - v. Monitoring costs.
2. If the agreement has not been completed within six weeks of 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

## Planning Applications Sub-Committee (1) Decisions – Tuesday, 14<sup>th</sup> November 2017

possible and appropriate the Director of Planning is authorised to determine and issue such a decision under Delegated Powers.

- 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 the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

### RESOLVED:

1. That subject to the views of the Mayor, conditional permission be granted, subject to an amended recommendation as set out above and to a Section 106 legal agreement to secure the following:
  - i) Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);
  - ii) A crossrail payment (final figure to be agreed)
  - iii) An employment and training strategy for the construction phase and operational phases of the development;
  - iv) A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street;
  - v) Monitoring costs.
2. That If the Section 106 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.
3. That conditional listed building consent be granted.

**Planning Applications Sub-Committee (1) Decisions – Tuesday, 14<sup>th</sup> November 2017**

4. That the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter be agreed.



|  |   |  |              |
|--|---|--|--------------|
| <b>CITY OF WESTMINSTER</b>                 |   |  |              |
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b> | <b>Date</b><br>14th November 2017   | <b>Classification</b><br>For General Release |              |
| <b>Report of</b><br>Director of Planning   |   | <b>Ward(s) involved</b>                      |              |
| <b>Subject of Report</b>                   | <b>Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1</b>   |  |              |
| <b>Proposal</b>                            | Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perry's Place, and the installation of photovoltaic panels at roof level. |  |              |
| <b>Agent</b>                               | DP9   |  |              |
| <b>On behalf of</b>                        | Derwent Valley Property Developments Ltd  |  |              |
| <b>Registered Number</b>                   | 17/05283/FULL<br>17/05284/LBC   | <b>Date amended/<br/>completed</b>           | 19 June 2017 |
| <b>Application Received</b>                | 13 June 2017  |  |              |
| <b>Historic Building Grade</b>             | Holden House is Grade II listed   |  |              |
| <b>Conservation Area</b>                   | Hanway Street   |  |              |

## 1. RECOMMENDATION

1. Subject to the views of the Mayor, grant conditional permission, subject to a Section 106 legal agreement to secure the following:

- i. Provision of £1,186,937 towards the City Council's affordable housing fund (index linked and payable on first occupation of the second floor for office purposes);
- ii. A crossrail payment (£435,200 for the all retail scheme or £747,932 for the mixed use scheme)
- iii. An employment and training strategy for the construction phase and operational phases of the development;
- iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street;
- v. Monitoring costs

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.

4. Grant conditional listed building consent.

5. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The application lies on the north side of Oxford Street at its junction with Rathbone Place and comprises three buildings, Holden House at 54-62 Oxford Street, 53-58 Rathbone Place and 66-68 Oxford Street. Permission is sought for the demolition of 66 -68 Oxford Street, and the redevelopment behind the retained facades of Holden House and 53-58 Rathbone Place to provide a new 8-storey (plus four basement level) building for retail use of the lower floors of the building and flexible/alternative retail/office use of the upper floors.

The key issues in this case are:

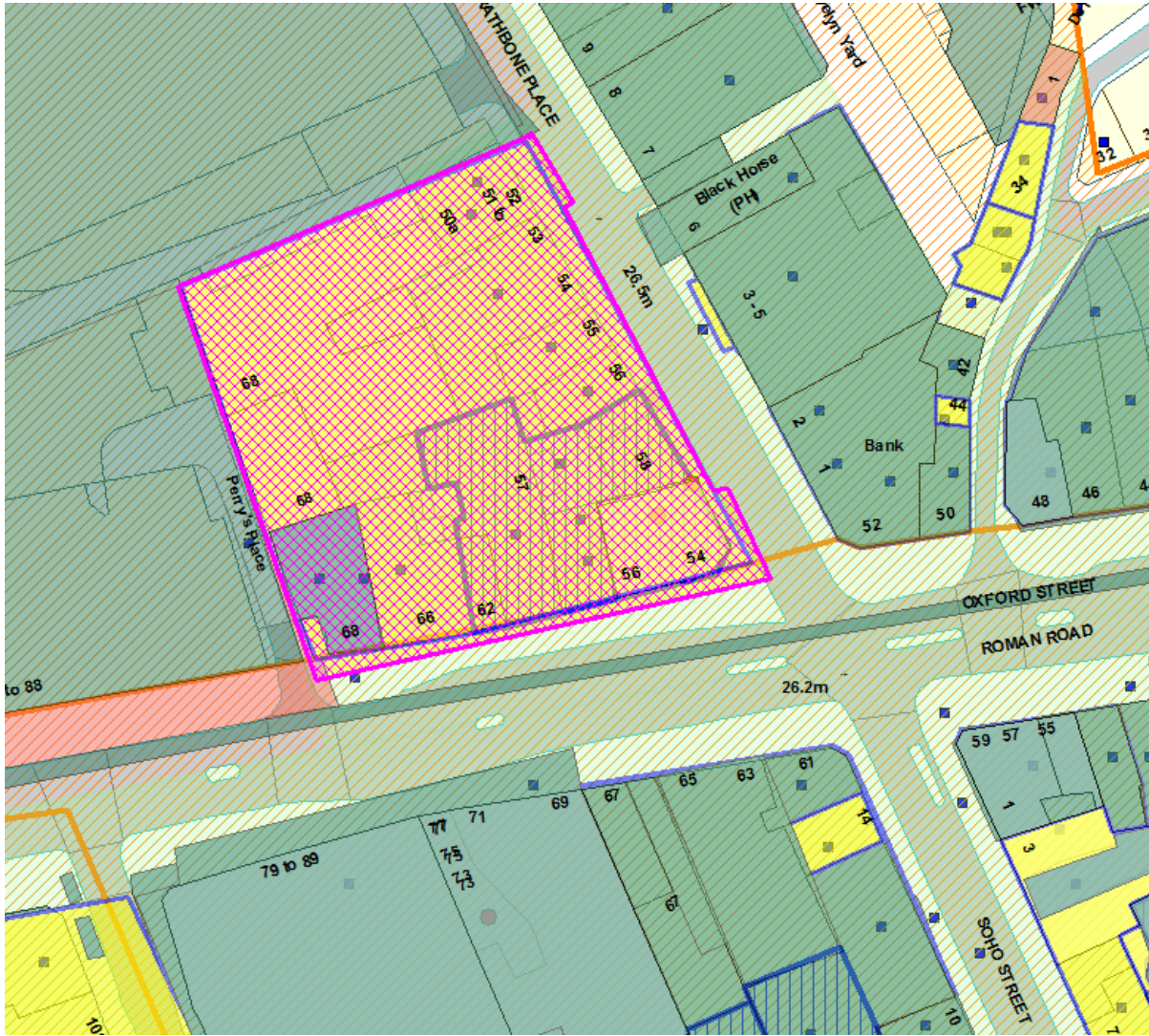
- \* The principle of the demolition of 66 Oxford Street, an unlisted building of merit
- \* The height, bulk and detailed design of the proposed building and the impact of the scheme on the character and appearance of the area
- \* Servicing arrangements

The proposals do cause some harm to heritage assets, primarily through the loss of no. 66 and the bulk of the roof extensions to Holden House and objections have been received on these grounds. However, the proposals need to be considered in the context of the benefits of the on-going regeneration of the East end of Oxford Street. With this in mind, the proposed height, bulk and design are considered acceptable.

The Fitzrovia Neighbourhood Association also objects to the loss of small shops however, adopted policies direct large scale retail developments to the West End Special Retail Policy Area and the resultant uplift of retail floorspace in this location is supported. The alternative use of the upper floors for office purposes attracts the mixed use policy, and for the reasons set out in the main body of the report, it is considered a payment in lieu would in this instance be appropriate.

Off-site servicing is proposed, shared with the neighbouring site at 76-80 Oxford Street, but an element of on-street servicing for larger vehicles is likely to take place which will require increasing the on-street servicing bay on Oxford Street. This will be secured by S278 agreement. It is considered that in all other respects the scheme is considered to comply with adopted policies.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Broadly supports the application in strategic planning terms but considers that the scheme does not comply with the London Cycle Design Standards, that further information is required on overheating and cooling, and that conditions should be secured relating to a travel plan, servicing plan, construction and logistics plan and S106 contributions towards public realm improvements and cycle hire docking station.

### TRANSPORT FOR LONDON

Raise no objections but requests 5 additional cycle parking space, the removal of folding bike lockers and better access to the cycle store. Requests a financial contribution towards the operation/maintenance of Soho Square docking station and confirms that the Mayoral CIL is payable. Requests the submission of a servicing strategy, a Construction Management Plan, and a Travel Plan.

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Issue authorisation to grant listed building consent but raise no objection to a substantial remodelling of the modern interiors of Evelyn House but consider that the current proposals for an intensive development harm its significance through increased height and mass. Consider that the roof extensions will appear in high level views from surrounding buildings, causing harm to the significance of the building. Object to the proposed demolition of No. 66 Oxford Street, which makes both a positive contribution to the special character of the conservation area and to the setting of Evelyn House and consider that its loss is significant and will affect the setting of the listed building.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objections subject to the submission of a written scheme of investigation.

### LONDON UNDERGROUND LIMITED

No objections subject to conditions.

### CROSS LONDON RAIL LTD (1 and 2)

Do not wish to offer comments

### MET POLICE

No objections raised.

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Objects on the grounds that redevelopment behind the retained facade will result in the loss of the architectural integrity of the building; that the proposal is an overdevelopment of the site; that 66 Oxford Street as an unlisted building of merit should be retained; that the new building bears no relationship to the listed building in terms of overall height, floors heights, ceiling alignment or materials; and that the redevelopment will reduce the provision for small shops contrary to the Neighbourhood Plan and result in a large number of additional visitors and employees causing congestion. Requests the provision of a genuinely green roof.

**SOHO SOCIETY**

Supports the objections of the Fitzrovia Neighbourhood Association

**HIGHWAYS PLANNING**

No objections raised subject to the submission of a Servicing Management Plan to control vehicles arriving at and departing the site to avoid congestion on Newman Street.

**ENVIRONMENTAL HEALTH**

No objections raised.

**ARBORICULTURAL MANAGER**

No objections raised subject to conditions.

**BUILDING CONTROL**

Any comments to be reported verbally

**CLEANSING**

No objections raised

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

No. Consulted: 175; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The application lies on the north side of Oxford Street towards its eastern end at its junction with Rathbone Place. The site comprises three buildings, Holden House at 54-62 Oxford Street, 53-58 Rathbone Place and 66-68 Oxford Street. The buildings are all currently in retail use on the lower floors and the upper floors are in office use accessed from Rathbone Place. The site is located within both the West End Special Retail Policy Area (WESRPA) and partly within the Tottenham Court Road Opportunity Area (TCROA) as defined in the City Plan.

Access to a parking/loading area (Newman's Yard) which is shared with the adjoining site at 76 Oxford Street is from Newman Street. There is also a narrow access to the immediate west of the site from Oxford Street, suitable only for cars and not large vehicles, which is known as Perry's Place. Perry's Place is one-way with no entry from Oxford Street, but given the difficulty of exiting onto Oxford Street it is generally gated shut and seldom used except for pedestrian access.

The site is partially located in the Hanway Street conservation area and lies within the Strategic Viewing Corridor - Parliament Hill to Palace of Westminster. Holden House is listed Grade II and 66 Oxford Street is identified as an unlisted building of merit in the Hanway Street Conservation Area Audit.

The surrounding buildings are mainly in commercial use. The site opposite on the south side of Oxford Street has recently been redeveloped for retail and office purposes and the site immediately at the rear, the former Royal Mail site in Newman Street/Rathbone Place, has also recently been developed with a new commercial building at the southern end of the site and a mixed commercial/residential building at the northern end of the site, now known as Rathbone Square. The closest residential properties to the site are on the opposite side of Rathbone Place at 1, 6 and 7-8 Rathbone Place and on the opposite side of Oxford Street at No. 61.

## 6.2 Recent Relevant History

### **Holden House**

In November 1985 planning permission was granted for alterations and extensions at the rear of Holden House, 64-66 Oxford Street, for retail purposes at basement and ground floor level and as office suites at first to fifth floor levels.

In March 1998 planning permission was granted for the refurbishment, extension to internal lightwell at ground to fifth floor level and replacement of roof plant room.

In April 1999 planning permission was granted for alterations to 4th & 5th floor levels & increase in north roof plant area.

In May 1999 planning permission was refused for the removal of Condition 1 of the planning permission dated 13.11.1985 for alterations and use of first to fifth floors as offices, to allow use of first to fifth floors as unrestricted office space (Class B1). The application was considered contrary to Policy ECON 7 which protects small office suites.

In May 2000 planning permission was granted for the variation of condition 1 of the permission dated 13.11.1985 to allow the first to fifth floors to be used as office suites combined with part of 68 Oxford Street. (Application under Section 73 of the Act).

### **Dumbarton House, 66-68 Oxford Street**

In April 1998 planning permission was granted for extension of rear wing at basement, ground & first floors to provide improved toilet accommodation.

In October 1998 permission was granted for the erection of a new flat roof enclosure at ground floor level to extend basement accommodation in lightwell area to for office use (Class B1).

In March 2003 permission was granted for alterations including new fourth floor to rear for additional offices, installation of screened plant at roof level, new shopfronts and extended use of basement, ground and front first floor for retail purposes.

In March 2005 permission was granted for the installation of screened plant at roof level; modification to roof finish; alterations to Oxford Street and Perry's Place frontages including new shopfront and gates; and change of use from office space to retail (Class A1) use at part ground floor level.

## 7. THE PROPOSAL

The application seeks permission for the demolition of 66 & 68 Oxford Street and demolition behind the retained facades of No's 54-62 Oxford Street and 51-58 Rathbone Place and the construction of a new eight storey building with four basement levels.

Two schemes have been put forward for the new building which would either be entirely occupied for retail (Class A1) purposes (Option 1) or for a mixed use scheme (Option 2) where retail would be retained at basement levels 1 and 2, ground and first floor levels with office use (Class B1) at part basement levels 1 and 2, part ground and part first floors and second to seventh floor levels. In either scenario, the entire frontage of the building onto Oxford Street would be for Class A1 retail purposes with a secondary retail frontage onto Rathbone Place. The retail space has been configured for two tenants, but could be adapted for single tenancy. In the event that the upper floors are used for office purposes, entrance to the office accommodation would be from Rathbone Place.

Cycle storage is proposed at basement level 3 with cycle changing facilities and showers at basement level 4. External plant is proposed at seventh floor level behind an attenuated louvred plant screen onto Perry's Place and the new roof would provide an area for photovoltaics together with a part green roof.

|              | Existing      | Proposed Option 1<br>(retail scheme) | Proposed Option 2<br>(retail & office scheme) | +/-                   |                      |
|--------------|---------------|--------------------------------------|---|-----------------------|----------------------|
| Retail       | 2,526         | 22,050                               | 9,374   | +19,524<br>(Option 1) | +6,848<br>(Option 2) |
| Office       | 8,644         | 0                                    | 12,676  | +4,032                |                      |
| <b>Total</b> | <b>11,170</b> | <b>22,050</b>                        | <b>22,050</b>                                 | <b>+10,880</b>        |                      |

Figures all in GIA sqm

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Proposed retail floorspace

In the event that the applicant occupies the building entirely for retail use (Option1), the proposals would see a significant increase of Class A1 retail floorspace of 19,524sqm. If only the basements, ground and first floors were to be occupied for retail use (Option 2) there would still be an increase of retail provision at the site of 6,848sqm. This increase is supported under City Plan Policy S21 and UDP Policy SS4, both of which aim for more shopping provision anywhere within the Central Activities Zone (CAZ).

In addition to this general policy support, the increased retail provision would also achieve the objectives of shopping policies for the WESRPA and the TCROA as the site is located within both of these designations. The City Plan policy for WESRPA is S7 which states that the priority for this area is the promotion of retail growth including the provision of A1 shops at least at basement, ground and first floors in new developments. The proposals would achieve this aim by providing four floors of shopping where there are currently only two.



The TCROA is within the WESRPA and is an area identified as being particularly important for achieving shopping improvements in the West End, which is seen as the eastern gateway to Oxford Street where a strong retail presence is paramount. City Plan Policy S5 prioritises shopping uses in new commercial developments within the Opportunity Area at basement to first floor level, including the provision of large scale retail development on appropriate sites. The increased retail floorspace in the proposals would fulfil the objectives of this policy.

The Fitzrovia Neighbourhood Association object to the proposal on the grounds that the redevelopment will result in the loss of small shops and this objection is supported by the Soho Society. However, Policy S6 encourages retail floorspace throughout the Core CAZ and directs large scale retail developments to the WESRPA. The draft Fitzrovia Neighbourhood Plan only refers to protecting small or affordable retail units which do not have an Oxford Street frontage and as such there is no conflict with this emerging policy.

### **Proposed office use**

In the event that the upper floors are used for office purposes the proposals would result in the uplift of 4,032 sqm of office floorspace. Policy S20 directs new office development to the Core CAZ and therefore the uplift in office floorspace is welcome. The Fitzrovia Association object to the proposal on the grounds that the application fails to provide accommodation for small businesses and argue that their Neighbourhood Plan will include policies to protect existing floorspace for small business users and to ensure it is replaced in redevelopment proposals. There are no specific policies either within the City Plan or UDP that protect small office accommodation, nevertheless, as the proposed office accommodation provides flexible floorplates it will be available to a range of business occupiers, including small businesses. As such it is not considered that there would be any conflict with the emerging Neighbourhood Plan.

### **Mixed use policy**

City Plan Policy S1 aims to encourage mixed use developments within Central Westminster. In cases where the net increase of all uses is more than 50% of the existing building, part C of the policy requires the provision of residential floorspace equivalent to the net additional B1 floorspace less 30% of the existing building floorspace. The expectation is that the residential floorspace should be provided on-site or in the immediate vicinity of the site. Only when it has been demonstrated that it is not appropriate or practicable to provide the floorspace either on or within the immediate vicinity of the site, is it considered acceptable to provide the floorspace off-site elsewhere within the CAZ, and if that is not possible a payment in lieu to the Affordable Housing Fund may be made.

In this case, Policy S1 is only triggered in the event that the upper floors are used for office purposes. The applicants argue that their preference from the outset has been to provide a wholly retail development on this site. They believe that having a planning permission that encapsulates a wholly retail scheme is essential in attracting the right types of retail tenants. However, the applicants also recognise that occupiers who want to take up this amount of retail space cannot be guaranteed and so have sought permission for a dual/alternative use of the upper floors. In the event that the upper floors are used for office purposes, the relevant amount of residential floorspace required in this instance (within the existing building envelope) is 341 sqm. The applicant has submitted a theoretical scheme showing how this residential could be

accommodated, but this scheme provides single-aspect housing, with limited views over Newman's Yard, without amenity space, poor outlook and of an overall poor level of residential quality.

The applicants argue that whilst residential floorspace could theoretically be incorporated on site, it would be considered sub-standard in a high value area. Given the location of the building within the viewing corridor the applicant claims that there is no opportunity to increase the massing of the building and therefore the current scheme would have to be amended to reduce the office floorspace (a priority in the CAZ) to provide the residential units. They argue that this would not only limit office floorspace, but it would compromise the retail floorplate.

It is recognised that it is sometimes impractical or inappropriate to provide housing on-site in certain circumstances. In this case, given the constraints of the site, particularly its depth and width and lack of outlook at the rear, it is accepted that there would be difficulties in providing good quality, dual aspect residential on-site. It is also accepted that a residential core would interrupt the retail floorplate and compromise the retail offer conflicting with the strong policy that prioritises retail in the WESPRA and commercial development in the Core CAZ.

The applicants have also confirmed that they have no other available sites within the vicinity that are appropriate for residential development or a current alternative application that is being submitted at the same time which could be applicable for mixed use credits.

In these circumstances a payment in lieu is considered to be in accordance with Policy S1 and the applicant has agreed to make the relevant payment to the affordable housing fund should the maximum office scheme be implemented. In this case, the relevant payment would be £1,186,937 which would be payable on first occupation of the second floor of the building for office use.

## 8.2 Townscape and Design

The site includes four buildings. They are all in the Hanway Street Conservation Area, except for the north west corner of the site. The buildings are:

- a. Holden (or Evelyn) House which is a grade 2 listed building.
- b. 51-52 Rathbone Place and 66 Oxford Street which are attractive unlisted buildings which both make a positive contribution to the character and appearance of the Hanway Street Conservation Area.
- c. 68 Oxford Street which is an undistinguished building which makes a neutral contribution to the conservation area.

The site also lies within the strategic view corridor from Parliament Hill to the Palace of Westminster (London View Management Framework view 2B.1). The height of the development plane at the site is approximately 57m AOD.

The site lies at the East end of Oxford Street which has seen a large amount of redevelopment in recent years. At the far east end of the street is the new Tottenham Court Road Station which will have a large office block above it in due course. The

same applies to the Dean Street station site to the south west of the site. Opposite Holden House are two new buildings, comprising retail and with offices above.

The key urban design and conservation issues are:

- a. The demolition behind the retained facade of Holden House and the proposed extensions at roof level.
- b. The demolition of 66 Oxford Street.
- c. The design of the new building.

### **Holden House**

This grade 2 listed building was designed by H Percy Adams and Charles Holden and built in 1909. It has four storey facades in Portland stone, with a two storey mansard roof above. The special interest of Holden House lies almost entirely in its street facades. The interior of the building has been much altered and extended over the years and is consequently of very limited interest. The proposal to demolish and rebuild behind retained facades would not harm the special interest of this listed building and is considered acceptable in principle.

The facades are retained, largely in their existing form, but alterations at first floor level are proposed to create a greater level of transparency to the shop units. This is contentious, as there is a presumption to retain the original Holden design. However, the use of a stone spandrel at the floor level, and the subdivision of the glazing with two mullions, is in the spirit of the Holden design. This is considered an acceptable compromise balancing the retailing requirements and the impact on the listed building.

At ground floor level only remnants of some of the original shopfronts survive; most are modern and of no interest. New shopfronts are proposed which are not copies of the originals but are in the spirit of Holden, making references to drawings by Holden. It is considered that the proposal is an enhancement overall.

The mansard roof and chimney stacks will be taken down as part of the demolition behind retained facade, and then rebuilt to match the original arrangement. Above this two floors are added. These have been the subject of much negotiation, because of their visual impact above the existing roofscape when seen in street views. The new roof storeys are particularly visible from the east along Oxford Street. Closer to the building, at the Soho Street junction, the roof storeys are largely not visible.

In negotiations officers have sought to increase the degree of set back of the additional floors, to increase the visual separation between the facades and the new roof storeys. The developer has not set these floors back further, but it is considered that the visual impact in street views is on balance acceptable.

The new roof storeys are at a similar height to the roof of the recently completed Rathbone Square, and just below the strategic view development plane. The view is unaffected.

### **Demolition of 66 Oxford Street**

This is an attractive early twentieth century building (built 1906), with a richly modelled Portland stonework façade. In conservation area terms, there is a strong presumption

to keep this facade. The developer was advised to retain the facade and redevelop behind but they have declined to do this, arguing that the new floors behind the Holden House facades would not relate satisfactorily with the façade of no. 66.

The proposed building, which replaces 68 Oxford Street as well, is considerably taller than the existing buildings, but lower than the building immediately to the west, Oxford House. The new building makes a transition, in terms of height, between Holden House and Oxford House.

It is a striking modern design, using glass blocks, with curved corners. It is considered to be a high quality modern building, which in the context of the regenerated east end of Oxford Street, is appropriate and acceptable. The new building is separated from Holden House by a full height glazed bay, recessed from the facade. Whilst this is considered acceptable in principle the treatment of the recess at ground floor level needs to be carefully handled to avoid creating an area which may be subject to antisocial behaviour.

### **Consultation responses**

#### Historic England

Historic England considers that the proposals harm the significance of the listed building through increased height and mass. They state that the roof extensions will appear in high level views from surrounding buildings and these are the views that allow best appreciation of the current roof form. This represents harm to the significance of the building. They are also concerned about the demolition of No. 66 Oxford Street, which makes both a positive contribution to the special character of the conservation area and to the setting of the listed building.

They are not convinced that the harm caused to the historic environment is necessary to provide public benefits, and they cannot support the proposals. However, they have issued authorisation so listed building consent can be granted if the City Council considers the proposals acceptable.

#### Fitzrovia West Neighbourhood Forum

The Forum considers that the applications should be refused. They consider that Holden House is an important early work by Adams and Holden and that the integrity of the listed building will be lost if redevelopment occurs. They also consider that the redevelopment of 66-68 Oxford Street represents overdevelopment in relation to the original, human scale of the Hanway Street Conservation Area, as well as harming the setting of the listed building. They object to the design of the new building and its failure to relate to the listed building, in terms of overall height, floor heights and window alignment or materials.

### **Design conclusion**

The objections raised by the consultees are understood. The proposals do cause some harm to heritage assets, primarily through the loss of no. 66 and the bulk of the roof extensions to Holden House. However, the proposals need to be considered in the context of the benefits of the on-going regeneration of the East end of Oxford Street. With this in mind, the proposed height, bulk and design are considered acceptable.

The proposed scheme is of high quality, and, subject to conditions controlling details and materials, it is considered that it will enhance the emerging modern character of this part of Oxford Street. The scheme complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 4, DES 6, DES 9 and DES 10.

### 8.3 Residential Amenity

#### Sunlight and Daylight

Policy ENV13 seeks to protect and improve residential amenity, including the sunlighting and daylighting to existing properties. Principally, the policy seeks to ensure good lighting levels for habitable rooms in existing premises. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. Policy S29 of the City Plan is similarly worded.

The closest residential properties to the site are on the opposite site of Rathbone Place at 1, 6 and 7-8 Rathbone Place and on the opposite side of Oxford Street at No. 61. The applicant has submitted a detailed daylight and sunlight report by Point 2 Surveyors which assesses the impact of the development on these surrounding properties. For daylight matters, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE 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. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

#### Daylight

The report demonstrates that there would be no material losses of daylight to 61 Oxford Street and no losses of over 20% in VSC to any of the flats in 1 Rathbone Place. There would however be material losses (shown in bold text below) to the flats at 6 and 7-8 Rathbone Place (from third floor at 7-8 Rathbone and from second floor at 6 Rathbone) as shown in the tables below:

| <b>7-8 Rathbone Place</b>        |                     |                     |               |                                |                           |
|----------------------------------|---------------------|---------------------|---------------|--------------------------------|---------------------------|
|                                  | <b>Existing VSC</b> | <b>Proposed VSC</b> | <b>% Loss</b> | <b>Existing No Sky (sq ft)</b> | <b>% loss of existing</b> |
| <b>3<sup>rd</sup> floor flat</b> |                     |                     |               |                                |                           |
| Bedroom                          | 20.65               | 15.92               | <b>22.91</b>  | 111.6                          | <b>22.9</b>               |
| Bedroom                          | 20.76               | 15.99               | <b>22.98</b>  |                                |                           |
| Living room/diner                | 19.91               | 15.45               | <b>22.40</b>  | 252.3                          | <b>32.3</b>               |
| Living room/diner                | 20.29               | 15.63               | <b>22.97</b>  |                                |                           |
| <b>4<sup>th</sup> floor flat</b> |                     |                     |               |                                |                           |
| Bedroom                          | 25.42               | 19.21               | <b>24.43</b>  | 111.6                          | <b>38.3</b>               |
| Bedroom                          | 25.59               | 19.31               | <b>24.54</b>  |                                |                           |

|                                  |       |       |              |       |             |
|----------------------------------|-------|-------|--------------|-------|-------------|
| Living room/diner                | 24.42 | 18.68 | <b>23.51</b> | 252.3 | <b>32.7</b> |
| Living room/diner                | 24.90 | 18.89 | <b>24.14</b> |       |             |
| <b>5<sup>th</sup> floor flat</b> |       |       |              |       |             |
| Bedroom                          | 31.09 | 24.56 | <b>21.00</b> | 216.4 | <b>45.5</b> |
| Living room/diner                | 30.40 | 24.25 | <b>20.23</b> | 215.8 | <b>38</b>   |
| <b>6<sup>th</sup> floor flat</b> |       |       |              |       |             |
| Living room/diner                | 29.76 | 25.20 | 15.32        | 309.4 | 0           |
| Living room/diner                | 33.83 | 29.07 | 14.07        |       |             |
| <b>6 Rathbone Place</b>          |       |       |              |       |             |
| <b>2nd floor flat</b>            |       |       |              |       |             |
| Bedroom                          | 16.98 | 13.64 | 19.67        | 205.1 | <b>21.8</b> |
| Bedroom                          | 17.07 | 13.88 | 18.69        |       |             |
| Living room/diner                | 17.23 | 14.11 | 18.11        | 261.1 | 19.3        |
| Living room/diner                | 17.33 | 14.31 | 17.43        |       |             |
| <b>3rd floor flat</b>            |       |       |              |       |             |
| Bedroom                          | 20.94 | 16.00 | <b>23.59</b> | 156.6 | <b>33.1</b> |
| Bedroom                          | 21.08 | 16.28 | <b>22.77</b> |       |             |
| Living room/diner                | 21.23 | 16.54 | <b>22.09</b> | 280.2 | <b>30.5</b> |
| Living room/diner                | 21.38 | 16.83 | <b>21.28</b> |       |             |

As the table shows, a number of windows within 6 and 7-8 Rathbone Place would experience losses of either more than 20% in VSC or more than 20% in the No Sky Line test. However, most of the losses are only marginally over the 20% threshold and the retained levels of VSC are good for this central London location, particularly at 4<sup>th</sup> and 5<sup>th</sup> floor levels, where VSC values of over 19% are retained. No objections have been received on the grounds of loss of light.

Two windows at third floor level within 1 Rathbone Place would also experience losses of more than 20% in terms of daylight distributions (the No Sky Line test) but both windows would still retain good values of VSC at 18.8% and 19.6%.

It is considered that within this urban built up location, the levels of daylighting retained are acceptable and the impact is not considered sufficient to justify a refusal. Given this, it is considered unreasonable to refuse this scheme given the losses involved.

### Sunlight

In terms of sunlight, the BRE guidelines state that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH, where total APSH is 1486 hours in London) including at least 5% during the 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 proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just during the winter months, and there is a reduction of more than 4 annual probable sunlight hours, then the occupants of the

existing building will notice the loss of sunlight. Windows are tested if they face within 90 degrees of due south.

The report shows that 5 windows within 7-8 Rathbone Place would experience annual sunlight losses of between 22.6% and 25%. Three of these windows are bedroom windows which the BRE guidance states as being less important than main living rooms. The two living rooms that would be adversely affected serve one living room at second floor level. Whilst the windows would experience 25.8% and 25% losses, they would still retain 23% and 24% APSH and as such would still retain very good levels of sunlight for this central London location.

None of the other residential properties tested would experience any adverse breaches in sunlight hours.

### **Sense of Enclosure**

Part (F) of Policy ENV13 also states that developments should not involve an increased sense of enclosure.

The new 7-storey building would be two stories taller than the existing building, however, given that the closest residential, the flats on the opposite side of Rathbone Place, are a street widths distant from the extended building, it is not considered that the proposal would result in such harmful impacts on increased sense of enclosure to neighbouring properties to warrant refusal.

### **Privacy/Noise**

Terraces are introduced at sixth and seventh floor levels however these are set back from the street frontage and are only some 1.9m in depth. Given their relationship to the closest flats on Rathbone Place it is not considered that the use of these terraces would result in increased noise, privacy or overlooking. A condition however is proposed to limit the hours that they may be used.

## **8.4 Transportation/Parking**

A Transport Statement (TS) produced on behalf of the applicant identifies the site as being within a highly accessible location in terms of public transport. The TS shows that in either option there is likely to be a net increase in trips to the site, estimated at an additional 661 net additional staff trips for the all retail scheme and 297 net additional staff trips for the mixed use scheme. As the site is located on Oxford Street, the applicant submits that visitor trips to the retail use will be made by people already in the area, either for work purposes or visiting a range of neighbouring retail outlets. TfL have requested further information in relation to this however trip generation modelling concludes that the majority of trips associated with the site will be via public transport or other sustainable modes (e.g. walking, cycling) and indicates that the proposal will not have a significantly adverse effect on the safety or operation of the highway network.

### **Site servicing**

In terms of servicing, Policy TRANS 20 states that the City Council will require convenient access to premises for service vehicles and will normally require that “vehicular servicing needs of developments are fully accommodated on-site and off-street ... sufficient to cater for the size, type and frequency of arrival of the vehicles

likely to be servicing the development". The majority of servicing and deliveries will be undertaken within the shared servicing yard at Newman's Yard, with goods transport into the site at the northwest corner via a proposed goods lifts. Due to the size/weight constraints of Newman's Yard, the applicant argues that it is likely that an element of on-street servicing will also be required out of hours for the retail use. This will include use of articulated vehicles on-street and use of the footway-loading bay on Oxford Street. The applicant estimates that retailers within the proposed development would need to undertake up to two overnight deliveries with an articulated vehicle on-carriage way on Oxford Street, along with two overnight deliveries with a 10m rigid vehicle using the extended footway-loading on Oxford Street.

There is an existing footway loading bay in Oxford Street, but it is not long enough to accommodate the vehicles (either 10m rigid or articulated) that the applicant wishes to use overnight. The bay is at footway level and is open for use by servicing vehicles from midnight – 8.00am only. From 8.00am – midnight it is available for pedestrian use. The Highways Planning manager believes that it could be possible to extend this loading bay and has requested that this is secured by S278 agreement. However, in the event that Oxford Street becomes pedestrianised at some point in the future, then all servicing would have to take place off-street in Newman's Yard. The applicant has confirmed that it is possible for retailers to undertake deliveries using smaller vehicles, and has provided further details to demonstrate that it would be possible to serve both properties from the service yard if they were allowed to do so from 0700 - 2300.

The Highways Planning Manager initially raised concerns about the ability of the service yard to cater for all the servicing associated with both the application site and the adjoining development site at Oxford House, 76 Oxford Street, particularly as the previous unimplemented permission for Oxford House, which involved an office entrance into Newman's Yard, only allowed servicing between 0300 – 0800 and 1000 – 1200. These servicing hours were restricted to ensure there was no conflict with proposed office tenants and servicing vehicles. A new application has now been submitted for Oxford House which no longer involves an office entrance via Newman's Yard and so the hours of use of Newman's Yard has been revisited. In addition, in the intervening period, the new residential accommodation granted as part of the Rathbone Square development has now been completed, and the previously consented hours for Newman's Yard are considered to cause some disturbance to this new residential on Newman Street. The applicant has agreed to revise the hours of servicing to 07:00 to 23:00, a total of 16 hours each day and has provided a combined servicing and delivery analysis for both the consented 76 Oxford Street proposal and the application site. This has been assessed by the Highways Planning Manager who confirms that with these revised hours in place, the yard can accommodate the combined servicing of the two sites, based on no on-street servicing taking place, subject to the submission of a combined Delivery and Servicing Plan.

### **Cycle parking**

163 cycle parking spaces for staff use are provided within the basement Level 2 accessed via Perry's Place from Oxford Street. 30 short stay cycle spaces are also required and the applicants propose that the short-stay spaces, in the form of 15 Sheffield stands, are placed on the highway. It is not clear where such spaces could be provided within the vicinity of the site without obstructing pedestrian movement and the



Highways Planning Manager is of the view that these spaces should be located somewhere within the site, and these are secured by condition.

The provision of shower and changing facilities is also welcomed and will encourage staff away from other less sustainable modes and encourage cycle usage. These will be secured by condition.

### **8.5 Economic Considerations**

The economic benefits generated are welcomed.

### **8.6 Access**

Step free access to the proposed retail and office entrances is proposed on both Oxford Street and Rathbone Place. Passenger lifts are provided for both the retail and office uses designed to meet Part M of the Building Regulations.

### **8.7 Other UDP/Westminster Policy Considerations**

#### **Plant**

Plant is proposed at basement levels 3 and 4 and within a screened roof level enclosure facing Perry's Place. An acoustic report has been submitted to assess the potential noise and vibration impacts of the proposed plant. The nearest residential windows affected by the roof level plant are the flats opposite in Rathbone Place. Background noise levels have been provided to demonstrate that noise from the mechanical equipment will be compliant with the City Council requirements and this has been considered acceptable by Environmental Health. Conditions are proposed in relation to the noise and vibration levels from the plant.

#### **Refuse /Recycling**

Waste will be stored within the dedicated compounds at basement level 1 (B1) and ground floor. On site management, will transport all waste containers to ground floor via the goods lift at the northeast corner of the site. Waste will be collected directly from Newman Yard. This is considered acceptable.

#### **Trees**

The development site is in close proximity to a semi mature London plane growing in the pavement on Oxford Street. The tree is a prominent specimen in good condition, is readily visible in views from Oxford Street from both the east and west and makes a significant contribution to the character and appearance of both the adjacent property and this section of Oxford Street. The tree is to be retained but will require minor pruning to enable the proposals to proceed as set out in the applicant's submitted Arboricultural Report. The works have been assessed by the Council's Arboricultural officer who raises no objections subject to the submission of a tree protection statement and supervision schedule. These are secured by condition.

#### **Archaeology**

The site lies within the recently Archaeological Priority Area of the Great Estates. The applicants have submitted an archaeological desk-based assessment which archaeologists confirms there may be some evidence of prehistoric finds within the

gravels, but that there is a higher potential for surviving remains of London's mid-17th century Civil War defences which are projected to lie in the area of the site and truncated remains of former 17th, 18th and 19th century structures relating to previous buildings on the site. As the proposed development which includes three new basement levels and associated groundworks will cause harm to these remains, further information on their significance is required in order to confirm an appropriate mitigation strategy. A condition requiring a two-stage process of archaeological investigation and evaluation followed by full investigation in accordance with Historic England (Archaeology) advice is therefore recommended.

### **Biodiversity**

The roof above Level 7 is proposed as a green roof over a blue roof rainwater attenuation system. Photovoltaic panels will be mounted over a large extent of this. The inclusion of a green roof and areas of vertical planting will contribute towards an improvement of the ecology factor of the site as it currently stands. This is considered to address the concerns of the Fitzrovia Neighbourhood Association who request the provision of a genuinely green roof.

### **Sustainability**

Policy 5.2 of the London Plan seeks to minimise carbon dioxide emissions in line with the Mayor's energy hierarchy. Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

An Energy and Sustainability Statement, prepared by Arup has been submitted in support of the proposed development. This demonstrates that the proposed development achieves the 35% reduction of CO2 emissions required by the London Plan, with a contribution from on-site renewables of 4% (heat pumps and photovoltaics).

The application is supported by a BREEAM Assessment which focuses on maximising the scheme's potential to reduce energy consumption and carbon emissions and demonstrates that it is possible to achieve BREEAM rating of Very Good for the retail element on the lower floors and Excellent for the mixed uses on the upper floors. Given the nature of the works and the listed fabric of the building, this is considered to satisfy the requirements of Policy S28.

To reduce surface water run-off, the scheme incorporates rainwater harvesting, attenuation storage tanks and a part green roof in accordance with London Plan Policy 5.13 'Sustainable drainage' and will be secured by condition.

### **Air Quality**

The site is located within the designated Westminster Air Quality Management Area (AQMA). The measures proposed in the applicant submitted Air Quality assessment will ensure that the development will meet London Plan standards and be at least air quality neutral.

## 8.8 London Plan

The provision of commercial uses within the CAZ is strongly supported and in line with London Plan Policies 2.10 and 2.11. Both development options proposed by the applicant will result in a significant uplift in retail floorspace which is in accordance with London Plan policy.

The proposal to redevelop this site is referable to the Mayor under Category 1C of the Mayor of London Order 2008 because the building is over 30m high. The Mayor considers that the application is broadly acceptable in strategic planning terms, however, requests further information/clarification on the following points:

- An additional five cycle spaces are required and as the provision of folding bike lockers and the access arrangements for the cycle parking are contrary to the London Cycle Design Standards (LCDS) requests that these elements of the proposal are revised. (The applicant has confirmed that the basement store can accommodate the missing 5 cycle spaces along with conversion of the folding bike lockers to two-tier spaces and argues that the principles of the LCDS are satisfied by the cycle parking including the provision of complementary facilities).
- Further commitments and/or clarifications are required relating to overheating and cooling, BRUKL files, future proofing, communal networks and solar technology. (The applicant has submitted additional information to the Mayor to address these points)
- An operational contribution of £36,000 is requested towards the TfL cycle hire scheme. (The applicant has requested further data from TfL to demonstrate whether the proposed development will have an impact on the nearest cycle docking station at Soho Square. Subject to this, the applicant is agreeable to discuss the provision of a financial contribution to mitigate this.)
- A S106 contribution and/or S278 agreement should be entered into to secure improved pedestrian environment. (This will be secured by a CIL contribution in accordance with the CIL regulations).
- Conditions are requested for a servicing management plan (SMP), construction management plan (CMP) and a travel plan. A SMP and CoCP are secured by condition, however, given the immediate proximity of this site to the Tottenham Court Road tube and the new Crossrail station, the Council's Highways Planning Manager does not consider the requirement for a travel plan to be justified.

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

- i. £1,186,937 contribution to the affordable housing fund

- ii. Crossrail payment (currently calculated at £979,200 for Option 1 (the all retail scheme) but reduced to £435,200 following offset against the Mayoral CIL as allowed by the SPG and £1,291,932 for Option 2 (the mixed use scheme) but reduced to £747,932 following offset against the Mayoral CIL
- iii. An Employment and Training Strategy
- iv. A requirement for the applicant to enter into a S278 agreement to provide improved loading bay facilities on Oxford Street to accommodate the largest delivery vehicle they will need to use, only in the event that such vehicles continue to be allowed to service from Oxford Street
- v. Monitoring costs

The estimated CIL payment is:

Mayoral CIL £544,000  
Borough CIL £2,176,000

### **8.11 Environmental Impact Assessment**

Not applicable.

### **8.12 Other Issues**

#### **Basement**

Policy CM28.1 requires all applications for basement development to demonstrate that they have taken into account site-specific ground conditions, and to be accompanied by a detailed structural methodology statement. Developers will also be expected to comply with the Code of Construction Practice. The proposed development will excavate three additional basement levels to provide four levels of basement accommodation. The application is supported by a Structural Methodology Statement, prepared by Elliot Wood, which provides details regarding the site's ground conditions, constraints, and approach to the excavation of the additional basement and construction of the new building. Building Control has been consulted on the proposals and any response will be reported verbally.

#### **Construction impact**

The development will be required by condition to comply with the City Council's Code of Construction Practice (CoCP) which requires the submission of and approval by the Environmental Sciences Team of a detailed (SEMP) prior to the commencement of works and payment of all costs arising from site inspections and monitoring by the Code of Construction Practice Team. The CoCP also requires the developer to undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel, and to ensure that contractors and sub-contractors also comply with the code requirements

#### **Crime and security**

The Met Police have reviewed the crime prevention and security measures which include blast resistant glazing, CCTV and entry control systems and conclude that the strategy is acceptable.

**Statement of Community Involvement**

The applicant has submitted a Statement of Community Involvement which summarises the consultation process they have carried out with stakeholders and neighbours prior to submitting the application.

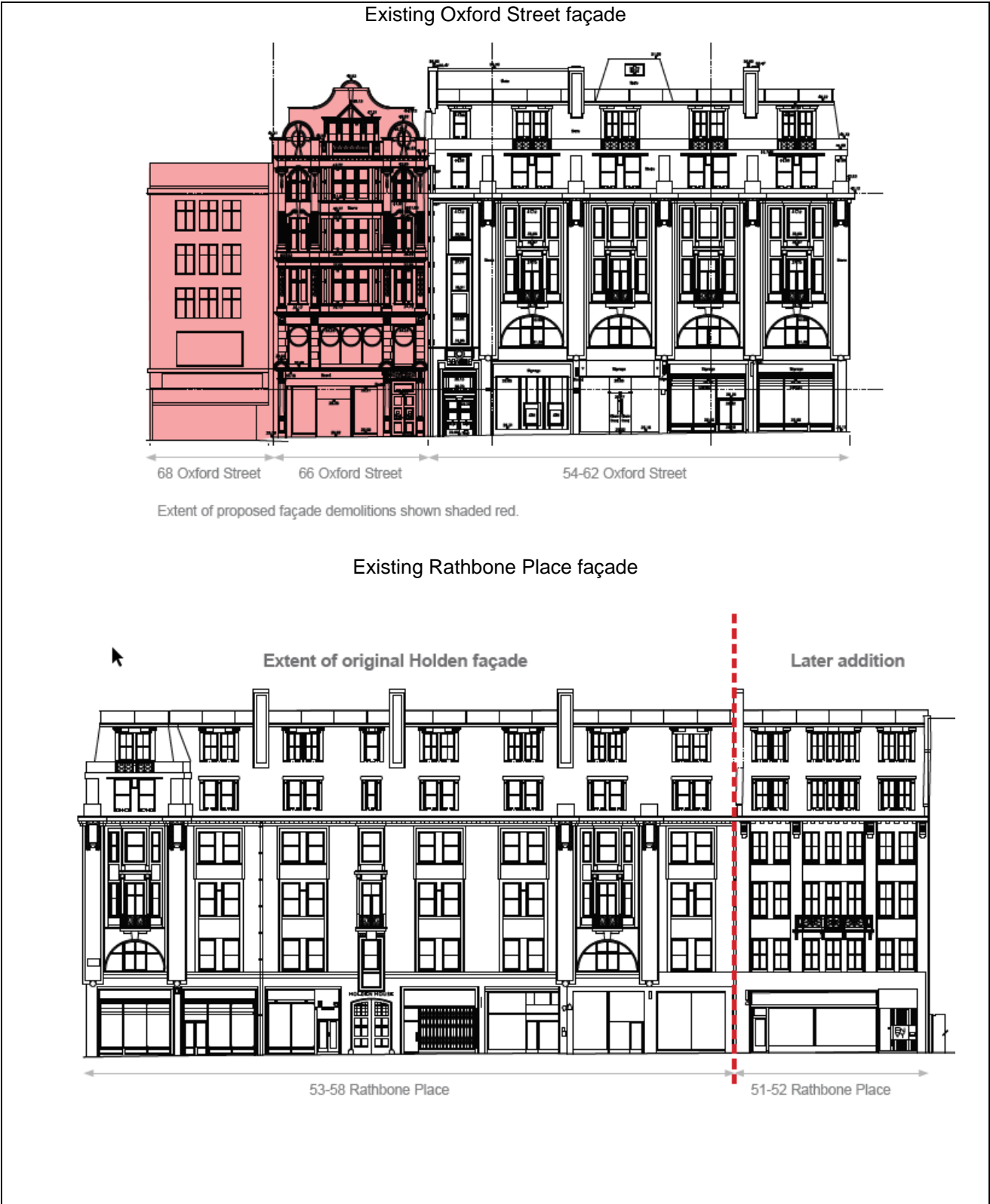
**9. BACKGROUND PAPERS**

1. Application form
2. Response from Greater London Authority 7 August 2017
3. Response from Transport for London dated 21 July 2017
4. Response from Historic England (Listed Builds/Con Areas), dated 6 July 2017
5. Response from Historic England (Archaeology), dated 21 July 2017
6. Response from Cross London Rail Links Ltd (1), dated 3 July 2017
7. Response from Crossrail (2) dated 27 October 2017
8. Response from London Underground Limited, dated 12 July 2017
9. Response from Fitzrovia Neighbourhood Association dated 5 July 2017
10. Letters from Soho Society dated 28 July 2017 and 10 August 2017
11. Response from Met Police dated 5 July 2017
12. Response from Highways Planning Manager dated
13. Response from Environmental Health, dated 24 July 2017
14. Response from Arboricultural Manager dated 8 August 2017
15. Response from Cleansing dated 18 July 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](mailto:jpalme@westminster.gov.uk)

10. KEY DRAWINGS



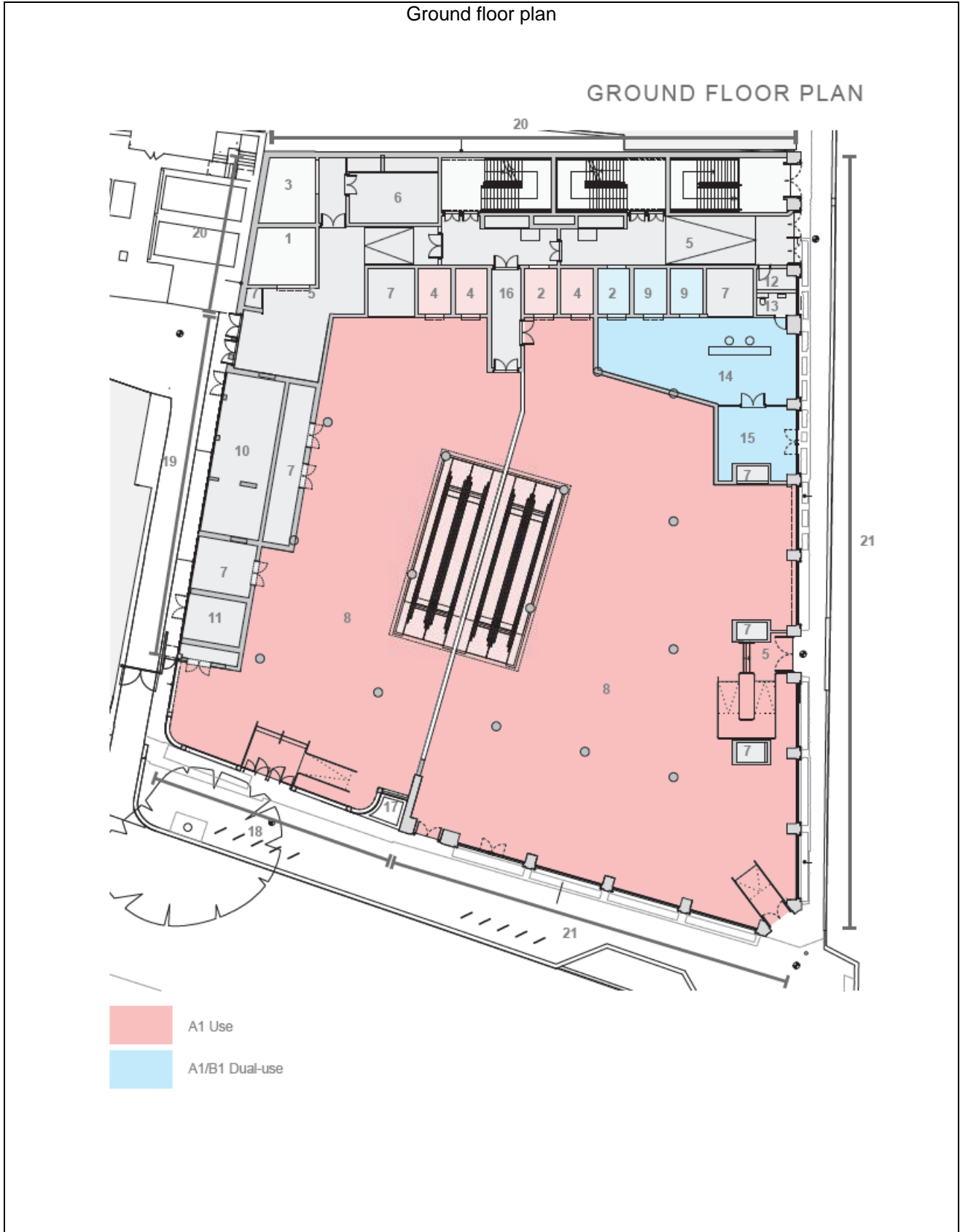
Proposed Oxford Street façade



Proposed Rathbone Street façade

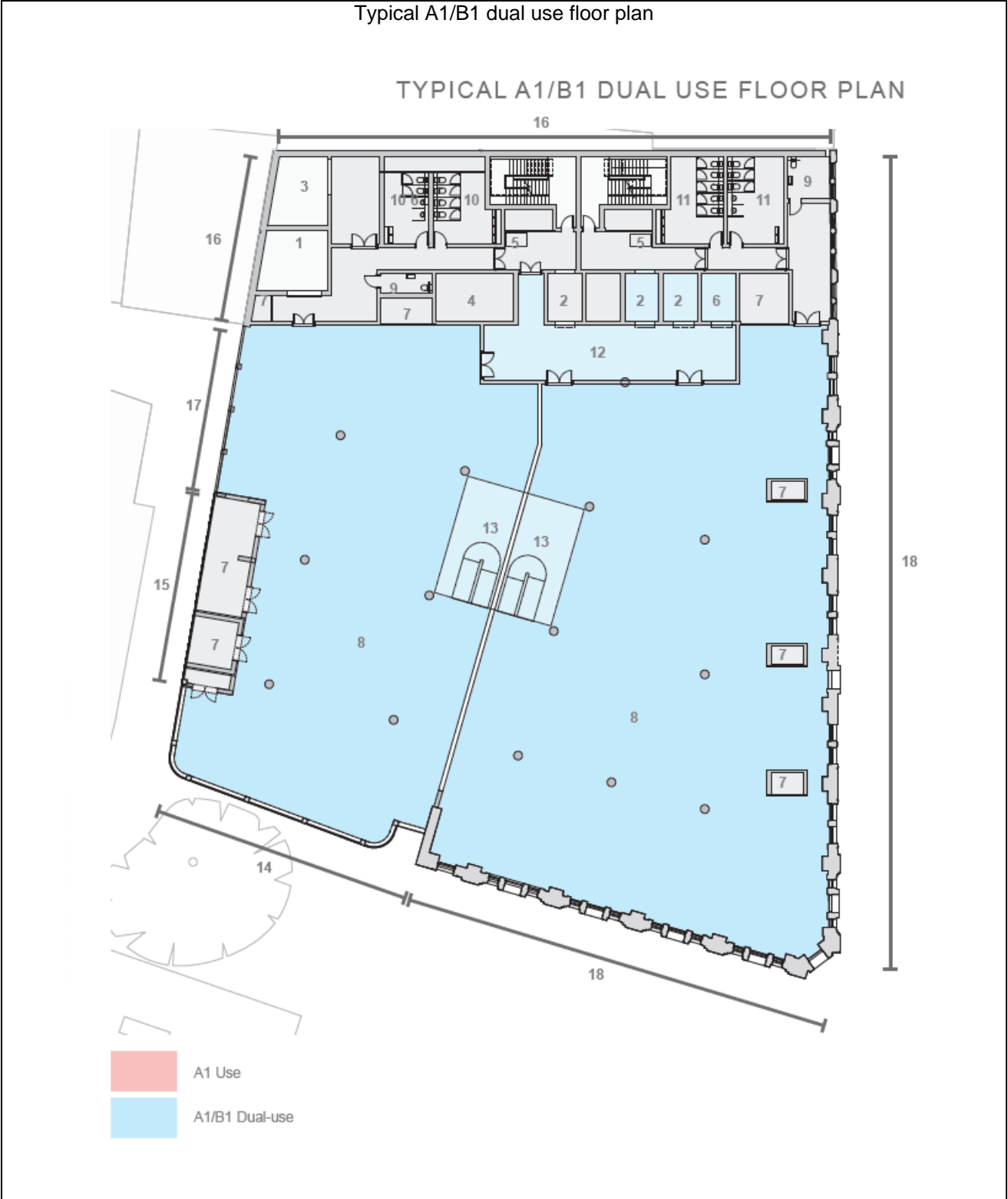


Ground floor plan





Typical A1/B1 dual use floor plan



**DRAFT DECISION LETTER**

**Address:** Proposed Development Site At 54-62, 66 And 68 Oxford Street And 51-58 Rathbone Place, W1

**Proposal:** Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perry's Place, and the installation of photovoltaic panels at roof level.

**Reference:** 17/05283/FULL

**Plan Nos:** 2150 Rev C, 2151 Rev C, 2152 Rev C, 2153 Rev C, 2154 Rev C, 2155 Rev C, 2156 Rev C, 2157 Rev C, 2160 Rev C, 2161 Rev C, 2162 Rev C, 2163 Rev C, 2170 Rev C, 2171 Rev C, 2172 Rev C, 2175 Rev C, 2200 Rev C, 2201 Rev C, 2202 Rev C, 2203 Rev C, 2204 Rev C, 2205 Rev C, 2206 Rev C, 2207 Rev C, 2208 Rev D, 2209 Rev C, 2210 Rev D, 2211 Rev C, 2212 Rev C, 2300 Rev C, 2301 Rev C, 2302 Rev C, 2304 Rev C, 2400 Rev D, 2401 Rev D, 2500 Rev C, 2502 Rev C, 2503 Rev C, 2504 Rev C, 2505 Rev C, 2506 Rev C, 2600 Rev C, 2601 Rev C, Structural Methodology Statement and Subterranean Method Statement dated June 2017 (INFORMATION ONLY)

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641 2723

**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 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 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 Hanway Street 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)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 Hanway Street 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)

- 5 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 Hanway Street 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)

- 6 You must apply to us for approval of Detailed drawings at 1:10 of the following parts of the development:
1. Typical details of new building at all floor levels
  2. Roof storeys above Holden House
  3. New shopfronts
  4. Alterations to first floor windows (Holden House)
  5. Recessed area between Holden House and new building at ground floor level.

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 details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Hanway Street 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)

- 7 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:

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)

- 8 (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.

- 9 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 11 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 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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.

- 12 Notwithstanding the details shown on the approved plans, you must submit revised drawings showing an additional 5 long stay and 30 short stay cycle spaces. You must thereafter provide each cycle parking space, showers and lockers shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

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.

- 13 All servicing undertaken in Newman's Yard must only take place between 07:00 and 23:00. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 14 Prior to the occupation of the development, you shall submit and have approved in writing by the local planning authority, a detailed servicing management strategy for the development in conjunction with the joint use of Newman's Yard with the adjoining development site. All servicing shall be undertaken in accordance with the approved strategy unless otherwise agreed in writing by the 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)

- 15 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the approved drawings. You must clearly mark them and make them available at all times to everyone using the building.

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)

- 16 You must not use the terraces except between the hours of 09.00 and 21.00 Monday to Saturday; and not at all on Sundays, bank holidays and public holidays. Outside of these hours you can only use the terraces to escape in an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 17 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 Class A1 retail accommodation hereby approved shall not be used as a food retail supermarket outlet or similar.

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)

- 18 The development hereby permitted shall not be commenced until detailed design, load calculations and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or 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:

- \* provide details on all structures
- \* accommodate the location of the existing London Underground structures and tunnels
- \* accommodate ground movement arising from the construction thereof
- \* and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 19 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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 carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 20 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 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 protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 21 You must provide the following bio-diversity and sustainability features before you start to use any part of the development, as set out in your application:

Green Roof,  
Blue Roof,  
Invertebrate boxes

You must not remove any of these features

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and 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)

- 22 You must apply to us for approval of detailed drawings and a biodiversity management plan in relation to the Green roof and invertebrate boxes 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.

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.



(R43CB)

- 23 You must apply for us for approval of detailed drawings in relation to the Blue Roof to include construction method, maintenance regime and storage and usage of water. 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.

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)

- 24 None of the development hereby permitted shall be commenced until detailed design and Construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations have been submitted to and approved in writing by the Local Planning Authority which:-
- (i) Accommodate the proposed location of the Crossrail 2 structures including temporary works
  - (ii) Accommodate ground movement arising from the construction thereof,
  - (iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition on shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2.

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)

- 25 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the

agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 26 In the event that the upper floors are used for office use, the atrium areas as shown on the approved drawings hereby approved, shall be permanently maintained as such and shall not be sub-divided or infilled.

Reason:

To make sure that you achieve the variety of uses included in the scheme as set out in S1 of Westminster's City Plan (November 2016)

- 27 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 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. (R24AC)

- 28 **{b Pre Commencement Condition}**. You must not start any demolition work on site until we have approved either:

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

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

To maintain the character of the Hanway Street 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)

- 29 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 Hanway Street 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)

### Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 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](http://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](mailto: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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, , Environmental Health Service, Westminster City Hall, , 64 Victoria Street, , London, , SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
  
- 4 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 5 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Conditions 8&9 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)
- 8 With reference to condition 7 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). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk). , , Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition. , , You are urged to give this your early attention

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**DRAFT DECISION LETTER**

**Address:** Holden House, 54-62 Oxford Street And 51-58 Rathbone Place, W1,

**Proposal:** Demolition of Nos 66 & 68 Oxford Street and redevelopment behind retained facades of Nos 54-62 Oxford Street and 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels. Use of entire building either for retail (Class A1) or the use of part basements to first floor as retail (Class A1) and offices (Class B1) with a dual/alternative use of floors two to seven for either retail (Class A1) or office (Class B1) use; and associated works including plant at basement levels 3 and 4, the creation of terraces at sixth and seventh floors; external roof top plant at seventh floor level behind an acoustic attenuated louvred façade onto Perrys Place, and the installation of photovoltaic panels at roof level.

**Reference:** 17/05284/LBC

**Plan Nos:** 2150 Rev C, 2151 Rev C, 2152 Rev C, 2153 Rev C, 2154 Rev C, 2155 Rev C, 2156 Rev C, 2157 Rev C, 2160 Rev C, 2161 Rev C, 2162 Rev C, 2163 Rev C, 2170 Rev C, 2171 Rev C, 2172 Rev C, 2175 Rev C, 2200 Rev C, 2201 Rev C, 2202 Rev C, 2203 Rev C, 2204 Rev C, 2205 Rev C, 2206 Rev C, 2207 Rev C, 2208 Rev C, 2209 Rev C, 2210 Rev C, 2211 Rev C, 2212 Rev C, 2300 Rev C, 2301 Rev C, 2302 Rev C, 2304 Rev C, 2400 Rev C, 2401 Rev C, 2500 Rev C, 2502 Rev C, 2503 Rev C, 2504 Rev C, 2505 Rev C, 2506 Rev C, 2600 Rev C, 2601 Rev C

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641 2723

**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 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 Hanway Street 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)

- 3 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 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 Hanway Street 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)

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

1. Roof storeys above Holden House,
2. New shopfronts,
3. Alterations to first floor windows (Holden House)

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 details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Hanway Street 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)

- 6 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the

drawings we have approved. (C29BB)

**Reason:**

To maintain the character of the Hanway Street 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)

**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 March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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