

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	70-88 oxford street, london, w1d 1bs		
Proposal	Demolition of 70-88 Oxford Street (Oxford House) and the erection of a new building comprising sub-basement, basement, ground plus seven upper floors and plant level, for the purpose of cycle parking and plant accommodation at sub-basement level, Class A1 (retail) accommodation at basement to first floor levels, a flexible Class A1 (retail) and / or Class B1 (office) use on the second floor and Class B1 (office) accommodation at third to seventh floors; the creation of a rooftop terrace area at plant level; the creation of a service yard to the rear of building and other associated works.		
Agent	Gerald Eve LLP		
On behalf of	Pontsarn Investments Ltd (part of the Great Portland Estates Group)		
Registered Number	17/09219/FULL	Date amended/ completed	20 October 2017
Date Application Received	17 October 2017		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

<p>1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) A carbon off-set payment of £150,000 (index linked and payable prior to commencement of development).</p> <p>b) A Crossrail payment of either £541,780 (if the second floor is used as retail) floorspace or £619,330 (if the second floor is used as office floorspace), minus the mandatory Mayor CIL as permitted by the Crossrail SPG (March 2016).</p> <p>c) The cost of highways works, including relocating a parking bay on Newman Street and associated traffic order making (traffic orders to have been confirmed prior to commencement of development).</p> <p>d) The costs of monitoring the S106 legal agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:</p> <p>a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the</p>

Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

- b) The Director of Planning shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The site comprises an unlisted retail and office building known as Oxford House located outside of a conservation area but with three conservation areas abutting the site to the west, south and east. Oxford House is nine storeys above ground with two basement levels and a rooftop plant room. It is mainly in office use except for the majority of the ground floor and basement levels which are in retail use.

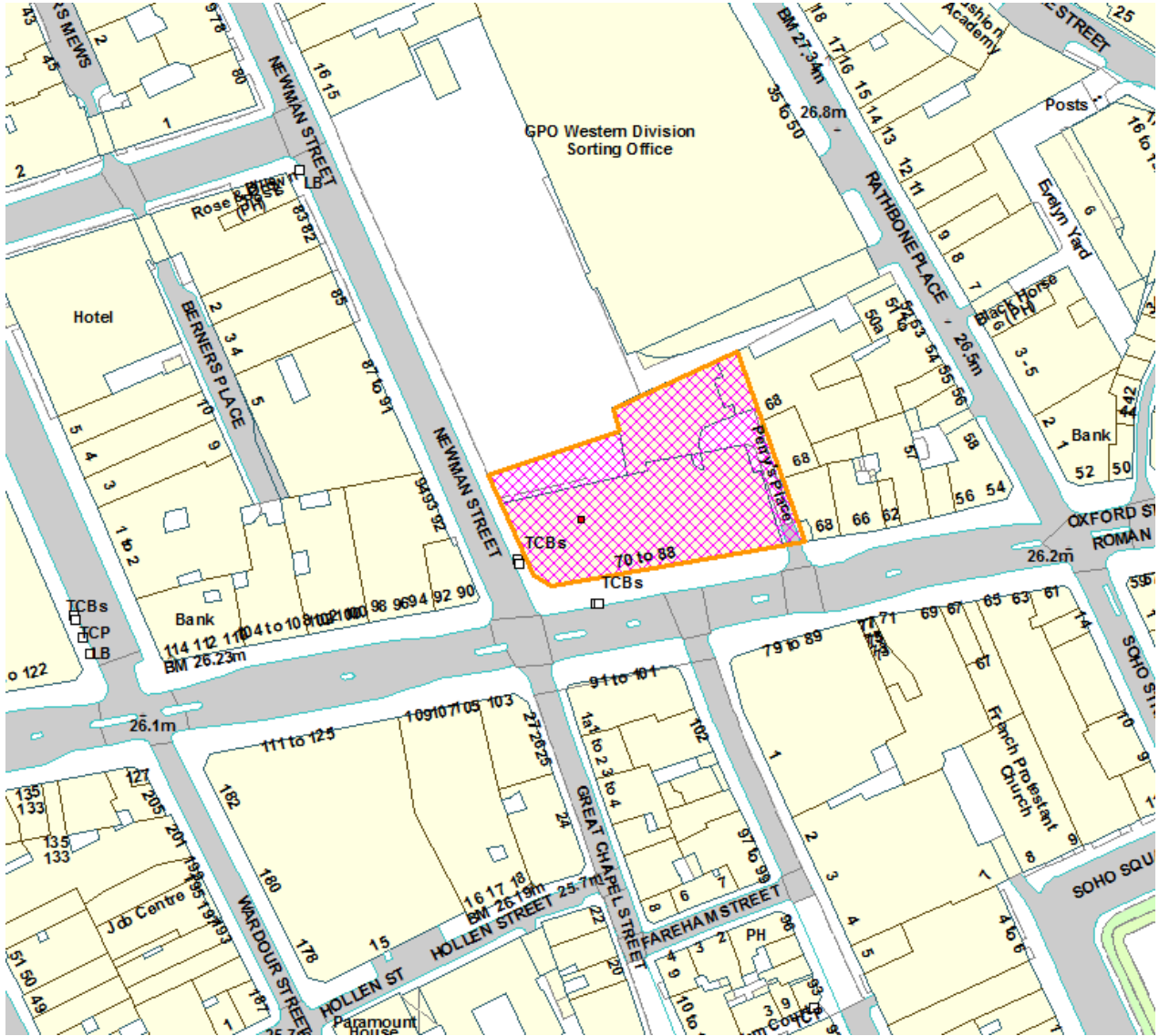
It is proposed to demolish Oxford House in its entirety, including the raised car parking deck to the rear. The existing sub-basement and basement levels are proposed to be enlarged and a replacement building comprising seven storeys above ground is proposed which is of very similar height and bulk to the building it proposes to replace, albeit the replacement building extends deeper into the site. The basement, ground and first floors are proposed to be used as retail (Class A1) floorspace providing an uninterrupted retail frontage on Oxford Street. The third to seventh floors are proposed to be used as office (Class B1) floorspace accessed by a new entrance on Newman Street (the existing entrance is on Oxford Street). Flexibility is sought in respect to the second floor, with both retail and office uses sought.

The key issues for consideration are:

- Whether the replacement building's height, bulk, scale and detailed design is acceptable in design terms, would not harm the settings of the neighbouring three conservation areas and would not harm two the protected vistas between Parliament Hill and the Palace of Westminster.
- Whether the loading bay to the rear is capable of servicing the shared requirements of the proposed building and the site immediately to the east (Holden House).

The proposal is considered acceptable in land use, amenity and transportation terms, complying with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For these reasons it is recommended that conditional planning permission be granted subject to the views of the Mayor of London and the completion of a legal agreement securing the items listed within Section 8.10 of this report.

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 Plan and draft London Plan for the following reasons:

- a) The applicant should consider the scope to provide a proportion of flexible workspace suitable for micro, small and medium-sized enterprises, in accordance with draft London Plan Policy E2(C);
- b) The proposal falls short of the London Plan and draft London Plan carbon emissions targets and the applicant must explore additional measures to achieve further on-site carbon reductions before a carbon off-set contribution is secured; and
- c) The failure to provide on-site short-stay car parking be mitigated by a financial contribution towards Cycle Hire enhancement.

LONDON BOROUGH OF CAMDEN:

Any response to be reported verbally.

LONDON BOROUGH OF LAMBETH:

No objection.

CITY OF LONDON:

Any response to be reported verbally.

HISTORIC ENGLAND:

Recommends that the application be determined in accordance with national and local policy guidance, and on the basis of the City Council's specialist conservation advice.

HISTORIC ENGLAND (ARCHAEOLOGY):

No objection subject to conditions.

LONDON UNDERGROUND LIMITED:

No objection subject to conditions protecting London Underground infrastructure.

CROSS LONDON RAIL LINKS LTD:

No objections subject to the imposition of conditions protecting Crossrail infrastructure.

CROSS LONDON RAIL 2 LINKS LTD:

No objections subject to the imposition of conditions protecting future Crossrail 2 infrastructure.

THAMES WATER:

No objection from a water or sewerage infrastructure capacity perspective.

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

Any response to be reported verbally.

METROPOLITAN POLICE:

No objection. Advice given on detailed design of development.

HIGHWAYS PLANNING:
No objection, subject to conditions.

CLEANSING:
No objection.

BUILDING CONTROL:
No objection.

ENVIRONMENTAL HEALTH:
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 527
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is situated on the northern side of Oxford Street at its corner with Newman Street and it is located within the:

- Core Central Activities Zone (Core CAZ);
- West End Special Retail Policy Area;
- Primary Frontage of the West End International Shopping Frontage;
- West End Stress Area;
- Tottenham Court Road Opportunity Area; and
- Two Strategic Viewing Corridors (Parliament Hill to Palace of Westminster).

The site is not located within a conservation area, although the East Marylebone, Soho and Hanway Street are immediately to the west, south and east, respectively. There are also two Grade II listed buildings in the surrounding area; Nos. 105-109 (including 16-18 Hollen Street) Oxford Street to the south-west and No. 54-62 Oxford Street (Evelyn House), to the east of the site.

The site comprises a 1960s building known as Oxford House that faces Oxford Street, behind which there is a raised parking/loading deck. The site backs onto the former Royal Mail distribution centre which has recently been redeveloped to provide a mixed use development comprises offices, flats and ground floor shops / restaurant / bars and is now known as Rathbone Square. The office element of Rathbone Square backs onto the application site.

Oxford House is nine storeys above ground with two basement levels and a rooftop plant room. It is mainly in office use except for the majority of the ground floor and basement levels which are in retail use. The sub-basement level accommodates plant. To the rear is a car parking (partly underground and partly on a raised deck) which has 52 commercial car parking spaces.

Access to the parking/loading area is from Newman Street. There is also a narrow access into the site from Oxford Street, suitable only for cars and not large vehicles. This access route is known as Perry's Place and terminates at the site with no-through access. 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 surrounding buildings are mainly in commercial use. The site opposite on the south side of Oxford Street is being redeveloped as part of the Crossrail project and will accommodate a mixed use scheme with residential flats fronting Oxford Street.

A London Underground tunnel (the Central Line) lies beneath the southern part of the site. This part of the site is also within the Crossrail Safeguarding Area. The entirety of the site is located within Cross Rail 2 Safeguarding Area.

6.2 Recent Relevant History

16/01073/FULL

Demolition of rear first floor car parking deck and associated car lift, stair and ventilation shaft. Erection of replacement two storey structure for use, together with part existing basement, as new restaurant (Class A3). Excavation beneath part of north-west of site to enlarge existing basement level to provide cycle parking and associated facilities to serve the retained office (Class B1) floorspace over second to ninth floor level. Use of part ground as a new retail (Class A1) unit and use of first floor as retail (Class A1) floorspace to extend existing retail units at basement and ground floor levels. Removal and replacement of the existing cladding and associated facade alterations including alterations to shopfronts to create two storey retail frontage to Oxford Street. Alterations to rear courtyard and other associated works.

Permitted – 22 June 2016.

Various 'minor material amendments' to this permission mainly comprising a number of design alterations were approved by the City Council on 18 December 2017 (Ref: 17/05240/FULL).

13/01594/FULL

Extensions and alterations to the building including demolition and replacement of the top three levels with remodelled and extended three floors plus new rooftop plant floor and additional basement excavation, to provide retail (Class A1) floorspace at basement, ground and first floor levels with 89 residential flats (Class C3) on the floors above; car/cycle parking facilities, servicing area, storage, plant and landscaping; associated external alterations.

Permitted – 16 September 2016

Permission was granted on 3 January 1958 for the redevelopment of the site including the erection of a twelve storey building comprising ground, basement, sub-basement and nine upper floors for use as office purposes over part first, second to ninth floors and retail use at ground and basement levels. The remainder of the basement, ground and

first floors were permitted for use as car parking for the commercial occupants of the building.

Proposed Development Site at 54-62, 66 And 68 Oxford Street and 51-58 Rathbone Place (immediately to the east of the application site)

The City Council resolved on 12 December 2017 (Ref: 17/05283/FULL) to grant permission for the demolition of Nos. 66 & 68 Oxford Street and redevelopment behind retained facades of Nos. 54-62 Oxford Street and Nos. 51-58 Rathbone Place to provide a new building comprising four basement levels, ground and seven upper floor levels to provide either entirely retail (Class A1) or a mixture of retail and office (Class B1) floorspace. This resolution to grant permission is subject to the view of the Mayor of London and the completion of a satisfactory legal agreement.

7. THE PROPOSAL

It is proposed to demolish Oxford House in its entirety, including the raised car parking deck to the rear. It is proposed to excavate to substantially enlarge the existing sub-basement to provide separate retail and office cycle centres (195 spaces in total) and associated changing / shower facilities (including lockers), refuse, plant and other ancillary functions. Further excavation is proposed in the north-west section of the site to enlarge the existing basement level. Above these two basement levels, a replacement building comprising seven storeys above ground is proposed which is of very similar height and bulk to the building it proposes to replace. The reduction in the number of floors is a result of more generous floor-to-ceiling heights. The increase in floorspace is achieved through the enlarged basement floors and the proposed building extending deeper into the site.

The basement, ground and first are proposed to be used as retail (Class A1) floorspace providing an uninterrupted retail frontage on Oxford Street. The third to seventh floors are proposed to be used as office (Class B1) floorspace accessed by a new entrance on Newman Street (the existing entrance is on Oxford Street). Flexibility is sought in respect to the second floor, with both retail and office uses sought. Office terraces are proposed at seventh and at roof level. The remainder of the roof comprises a 'green roof', a 'blue roof' (i.e. to collect and store rainwater) and screened plant (above parts of the 'blue roof').

The land use summary of both these options is set out within Tables 1 and 2 below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	8,387	10,821.4	2,434.4
Retail (Class A1)	2,175	5,269.6	3,094.6
Total	10,562	16,091	5,529

Table 1: Existing and proposed land use summary (GIA) if the second floor is used as office floorspace.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	8,387	9,270.4	883.4
Retail (Class A1)	2,175	6,820.6	4,645.6
Total	10,562	16,091	5,529

Table 2: Existing and proposed land use summary (GIA) if the second floor is used as retail floorspace.

In terms of servicing, the service yard to the rear is proposed to be reduced in size, albeit a turntable is added to enhance vehicle manoeuvrability. The reconfigured service yard is proposed to provide a shared off-street facility for deliveries and servicing activities associated with both the rebuilt Oxford House and the scheme that the City Council has resolved to grant permission at Holden House, immediately to the east of the application site. This arrangement is proposed as a result of the owners of this adjacent site having access rights to the service yard.

The application is referable to the Mayor of London as: (i) The proposed building is more than 30m high; and (ii) The proposed development is within two protected vistas from Parliament Hill to the Palace of Westminster.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

The proposal will see an increase in office floorspace of between 883.4 sq.m (GIA) and 2,434.4 sq.m (GIA) which will assist in meeting the target of 774,000 sq.m of additional B1 office floors between 2016/17 and 2036/37 set out within City Plan Policy S20. The site's location within the Core CAZ and within a location that is deeply commercial in character means that this increase in office floorspace is welcome, in accordance with City Plan Policies S6, S18 and S20.

Even if the second floor was used as office floorspace, the net additional B1 office floorspace is 23% of the existing building (i.e. less than the 30% threshold set out within City Plan Policy S1(3)(A) to trigger the 'mixed use' policy). There is therefore no requirement to make any residential provision or payment in lieu of such provision.

Increase in retail floorspace

The relocation of the office entrance to Newman Street (i.e. off the Primary Retail Frontage) will result in an unbroken run of retail units on this part of Oxford Street. This, combined with the additional retail floorspace proposed at basement, ground, first (and possibly second) floors levels, will mean that the development will deliver between an additional 3,094.6 sq.m (GIA) and 4,645.6 sq.m (GIA) of retail floorspace on site. This additional retail floorspace is welcome and will enhance the unique status and offer of the West End Special Retail Policy Area, improve the contribution that this site makes to the character and function of the West End International Shopping Frontage and contribute towards one of the priorities within the Tottenham Court Road Opportunity

Area (i.e. to provide retail use at basement to first floor levels on Oxford Street). The development is therefore in accordance with City Plan Policies S5, S6, S7, S21 and UDP Policies SS3 and SS4.

Type of office floorspace

The Mayor of London has recently published the draft London Plan, Policy E2(C) of which states, '*Development proposals for new B1 business floorspace greater than 2,500 sqm (gross external area) should consider the scope to provide a proportion of flexible workspace suitable for micro, small and medium-sized enterprises [MSMEs]*'. The Mayor requests that the applicant consider provision of flexible workspace for MSMEs. Although this policy is only draft and can therefore not be afforded full development plan weight, the applicant outlines how the proposed office accommodation has been designed to allow for the possibility of occupation by a range of tenant / tenancies and would be capable of subdivision in order to meet a variety of size requirements. It is considered that the proposed office floorspace provides greater flexibility to accommodate MSMEs than the existing office accommodation on site. The proposal is therefore considered to be compliant with draft London Plan Policy E2.

8.2 Townscape and Design

The existing building was built circa 1960 and is one of the tallest at the eastern end of Oxford Street. It is not of architectural merit and it does not contribute positively to the character and appearance of this end of Oxford Street. It is outside but adjacent to, and affects the setting of and views of, the East Marylebone Conservation Area, the Hanway Street Conservation Area and the Soho Conservation Area.

a. Height and bulk

The massing of the proposed building is similar to that of the existing. The visual impact of this on street views will be similar to the existing. The London View Management Framework view from Parliament Hill (Protected vista 2A.2) is already infringed by the top of the existing building. The proposed building has a very similar impact on the view and is acceptable.

The proposed building is bulkier than existing at the rear but this is an enclosed area, south of the new Rathbone Square development and the impact of this extra bulk is uncontentious in urban design terms.

b. Design

The proposed building will comprise a fully glazed two storey base (housing the retail units). The upper floors (second to fifth floors) are framed by precast (glass reinforced concrete) columns and beams. Within the framework are windows flaked by curved, perforated, bronze coloured, metal panels. These act as solar shading to the windows behind. At sixth floor level the recast frame is replaced by a metal framework.

The roof storey is set back behind a glass balustrade and is treated in a simpler fashion, with flush clear glazing and opaque, back-painted fritted glass. (The fritted glass has a pattern of ceramic dots baked onto the glass). The plant areas are set back from the top of the roof storey.

The rear facade is treated in a straightforward, robust manner with flush panels of perforated metal, clear glass and ventilation louvres above base of precast panels. This is a utilitarian approach but acceptable because it is largely unseen because of its proximity to the return (south) facade of Rathbone Square buildings.

The large office entrance on the west facade provides an opportunity for public art. Details will be controlled by condition.

This proposal is considered to be of high design quality and will contribute positively to the regeneration of the eastern end of Oxford Street. It complies with urban design and conservation policies in the City Plan and Unitary Development Plan, policies S28, DES 1, DES 4, DES 14 and DES 15 in particular.

8.3 Residential Amenity

The application site has very few residential properties nearby, with the residential units within the new Rathbone Square development being located to the north of this site. Offices abut the rear of the application site. The considerable distance between the application site and the nearest residential units, together with the reasonable distance between the proposed terraces and the residential properties proposed above the new Crossrail station opposite, means that the proposed new terraces associated with the offices do not raise any amenity concerns in respect to noise disturbance or overlooking. Given their location on a busy commercial road in the heart of the City, it is not considered necessary to control the hours of use of these terraces to safeguard residential amenity.

The modest increase in mass and the relationship between the proposed building and the nearest residential properties means that there will be no material loss of daylight or sunlight as a result of the proposed development.

8.4 Transportation/Parking

Parking

The site is particularly well-served by public transport and will be even more so when the Elizabeth Line opens. There is no policy objection to the loss of the 52 commercial car parking space and it is welcome that the development is car free.

With the application seeking dual office and retail uses at second floor level, the proposals include for provision of more than a worst-case scenario in terms of the number of cycle spaces needed. 195 spaces are proposed at sub-basement level where the two options proposed would require 156 and 140 spaces, 25 of which should be for short-stay visitors. Ideally these spaces would be more accessible to allow some to be used for short-stay spaces. However, this would break up the retail frontage onto Oxford Street which would not be acceptable in land use terms. Given the over provision of long-stay cycle parking and the lack of opportunity to provide short-stay on-site, no objection is made to the lack of on-site cycle parking. There is also no space in the immediate vicinity of the site to accommodate short-term spaces, unless this part of Oxford Street is pedestrianised which is far from certain. The Mayor of London has requested contributions towards Cycle Hire enhancement to mitigate for this failure.

However, no identified new or enlarged docking station is known in the vicinity of the site and therefore such a contribution is not considered appropriate.

Oversailing

The curved corner of the proposed building at the junction of Newman Street and Oxford Street very slightly oversails the public highway. This public highway is also not in the applicant's ownership (although the correct notice has been served upon this owner). This slight oversailing raises no concerns from a highway safety perspective due to the adequate height above the public highway and distance from the carriageway. The applicant will have to seek a licence to oversail the public highway under Section 177 of the Highways Act (1980) which will be assessed separately, as well as secure the agreement of the neighbouring land owner (this is not a planning matter).

Servicing

As set out above, the owners of the site immediately to the east (Nos. 54-62, 66 And 68 Oxford Street and 51-58 Rathbone Place) have access rights to the existing service yard to the rear of Oxford House. This arrangement will continue in the proposed reconfigured service yard even if the site to the east is also redeveloped (the City Council resolved to grant a redevelopment scheme on 12 December 2017 subject to a condition that all servicing undertaken in this service yard will take place between 07.00 and 23.00 daily). This is in order to protect the amenity of neighbouring residents (Newman Street is a one-way street so vehicles will have to travel north upon exiting the site and therefore pass residential properties). The same approach would be sensible in respect to the redeveloped Oxford House.

The main issue is therefore whether the servicing bay is adequate to allow the servicing of both site during these hours without queuing on the public highway being required. The Highways Planning Manager is confident that the servicing bay will be large enough to accommodate both developments, albeit servicing will need to be controlled by a combined Servicing Management Plan for both developments which includes for the consolidation of deliveries for the two sites (amongst other things). This is also subject to highway works to relocate one disabled parking bay from the west to the east side of Newman Street to accommodate the refuse vehicle accessing and egressing the site. The costs of these works and the associated traffic orders is proposed to be secured by legal agreement and the Highways Planning Manager has no objection to the reconfiguration of the on-street parking arrangements.

8.5 Economic Considerations

The economic benefits of the proposed additional office and retail floorspace are welcome.

8.6 Access

The proposed development seeks to incorporate the principles for inclusive design wherever possible through the:

- a. Provision of step free access and level thresholds to the building;

- b. The provision of a step free smooth service yard;
- c. At least one wheelchair accessible shower with each of the male and female changing areas;
- d. DDA compliance access points to the building from the office reception; and
- e. The inclusion of corridors which will allow wheelchairs to easily fit and turn.

8.7 Other UDP/Westminster Policy Considerations

Noise

External plant will largely be installed on the roof of the proposed development. Plant is also proposed within the building at sub-basement and within the plant gantry at rear first to fourth floor levels. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within UDP Policy ENV 7.

Biodiversity and Flooding

The application proposes that the majority of the new flat roof will be either 'living' or 'blue' roofs which will both to add to local biodiversity and to reduce water run-off. The application estimates that the system collectively has the capacity to store 101 cubic metres of rainwater on site, which marginally exceeds the storage requirement when considering a 1 in 100-year rainfall event and a climate change factor of 40%. Thames Water raises no objection to the proposed development. It is therefore concluded that the proposal is in accordance with by City Plan Policies S30 and S38 and UDP Policies ENV 4 and ENV 17.

Air Quality

The site is located with the designated Westminster Air Quality Management Area. The applicant has submitted an Air Quality Assessment that finds that the development will be air quality neutral during its operational phase and no mitigation or additional off-setting is required. Compliance with the City Council's Code of Construction Practice (see Section 8.12 below) will ensure that the impact of the construction phase on air quality is minimised.

Refuse /Recycling

Following discussions with the Cleansing Manager and slight amendments to the scheme including increasing some corridor widths to allow waste movements around the building, there is no objection to the proposed storage arrangement for waste and recyclable material. This is subject to conditions securing the provision and retention of this facility and that waste servicing and collection can only take place within the rear service yard.

Sustainability

An Energy Assessment has been submitted and the three-step energy hierarchy has been implemented. The estimated regulated carbon dioxide saving on site are 11.55% against Part L 2013 through the use of passive design measures, efficient building services, roof level photovoltaic panels and heat pumps. It is expected that the on-site renewable technology will reduce carbon dioxide emissions from the building by 1.99%. The development will also be future proofed to enable future connection to any district heating scheme.

The predicted carbon dioxide savings fall well short of the 35% improvement against Part L 2013 set out in London Plan Policy 5.2 and the reduction by on-site renewable technology also falls short of the 20% reduction required by City Plan Policy S40. The predicted carbon dioxide shortfall equates to 83.34 tonnes per annum of regulated carbon dioxide, equivalent to 2,500.12 tonnes over 30 years, to be offset offsite. The Mayor of London has request that the applicant explore additional measures to achieve further on-site carbon reductions before a carbon off-set contribution is secured.

The applicant argues that, whilst combined heat and power and combined cooling, heat and power were considered, they were deemed unviable due to the low and intermittent heat demand of the proposed building uses. Furthermore, the roof area available for on-site renewables is limited giving the competing demands of the 'living roof', plant, office terrace and building maintenance requirements. The applicant notes that the office element of the proposed development achieves carbon dioxide savings of 26% against Part L 2013. However, the way that the 'shell only' retail parts of the development are assessed under the Building Regulations, means that the improvements of the building as a whole are significantly reduced.

It is considered that the shortfall in carbon savings are not a result of a lack of consideration of on-site savings but are a result of the constraints of the site and the relatively large proportion of the building that will be provided as 'shell only' retail floorspace and the particular way in which this is assessed under the Building Regulations. As such, despite the concerns of the Mayor of London, the development is considered to be acceptable in sustainability concerns subject to the cumulative carbon shortfall set out above being mitigated by a cash-in-lieu contribution of £150,000, secured by legal agreement. Such a payment has been calculated in accordance with the Mayor of London 'Sustainable Design and Construction SPG (April 2014).

8.8 London Plan

As set out above, the application is referable to the Mayor of London who has raised land use, sustainability and cycle parking concerns (as summarised within Section 5 of this report). These issues are discussed within Sections 8.1, 8.4 and 8.7 respectively of this report.

Should the City Council resolve to grant permission, the application will have to be referred back to the Mayor of London for his final decision. The Mayor has 14 days to make a decision to allow the local planning authority decision to stand, to direct refusal, or to take over the application, thus becoming the local planning authority.

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:

- A carbon off-set payment of £150,000 (index linked and payable prior to commencement of development).
- A Crossrail payment of either £541,780 (if the second floor is used for retail) or £619,330 (if the second floor is used for office), minus the mandatory Mayor CIL as permitted by the Crossrail SPG (March 2016).
- The cost of highways works, including relocating a parking bay on Newman Street and associated traffic order making (traffic orders to have been confirmed prior to commencement of development).
- The costs of monitoring the S106 legal agreement.

The estimated CIL payment is:

- Mayor's CIL - £347,112 (index linked).
- Westminster CIL - £1,142,524 (index linked).
- Total - £1,489,636 (index linked).

Neither the Mayor's nor the City Council's Charging Schedule differentiates between different commercial uses and therefore the above CIL payment will be same regardless of the use of the second floor of the proposed development.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require and Environmental Impact Assessment.

8.12 Other Issues

Basement

The applicant has submitted detailed information demonstrating that the basement development has taken into account the site-specific ground conditions, drainage and water environment in the area of the development. Furthermore, the application is accompanied by a detailed structural methodology statement prepared by a suitably qualified engineer that demonstrates that the structural stability of nearby buildings will be maintained during the works. Furthermore, a signed profoma agreeing to comply with the relevant parts of the City Council's Code of Construction Practice has been submitted.

The proposed development is therefore in full compliant with City Plan Policy SM28.1.

Construction impact

The development will be subject to a condition requiring adherence to the Code of Construction Practice that will ensure that the disruption during the course of construction is minimised. The applicant has confirmed that it will comply with the Code of Construction Practice.

Crime and security

Detailed comments have been received from the Metropolitan Police in respect to a number of matters that the applicant will be encouraged via an informative to accommodate this advice within the detailed design of the proposed building.

Impact upon transportation infrastructure

London Underground, Crossrail and Crossrail 2 were all notified of the application due to the site's location above strategic transportation infrastructure and within safeguarding areas. None raises any objection subject to the imposition of conditions protecting existing infrastructure and the future potential for infrastructure beneath the site.

Archaeology

The site lies in an area of archaeological interest. Historic England, however, raises no objection from an archaeological perspective subject to the imposition of a condition requiring a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, following, if necessary, by a full investigation.

9. BACKGROUND PAPERS

1. Application form
2. Response from the Mayor of London, dated 12 December 2017
3. Response from Cross London Rail Links Ltd, dated 24 October 2017
4. Response from Cross London Rail 2 Links Ltd, dated 27 October 2017
5. Response from Historic England, dated 2 November 2017
6. Response from Thames Water, dated 7 November 2017
7. Response from London Underground Limited, dated 8 November 2017
8. Response from Historic England (Archaeology), dated 8 November 2017
9. Response from the Metropolitan Police, dated 17 November 2017
10. Response from London Borough of Lambeth, dated 20 November 2017
11. Response from Building Control, dated 9 November 2017
12. Response from Cleansing, dated 6 December 2017
13. Response from Highways Planning Manager, dated 3 January 2018

(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

10. KEY DRAWINGS

Existing view from Oxford Street (looking east):



Proposed view from Oxford Street (looking east):



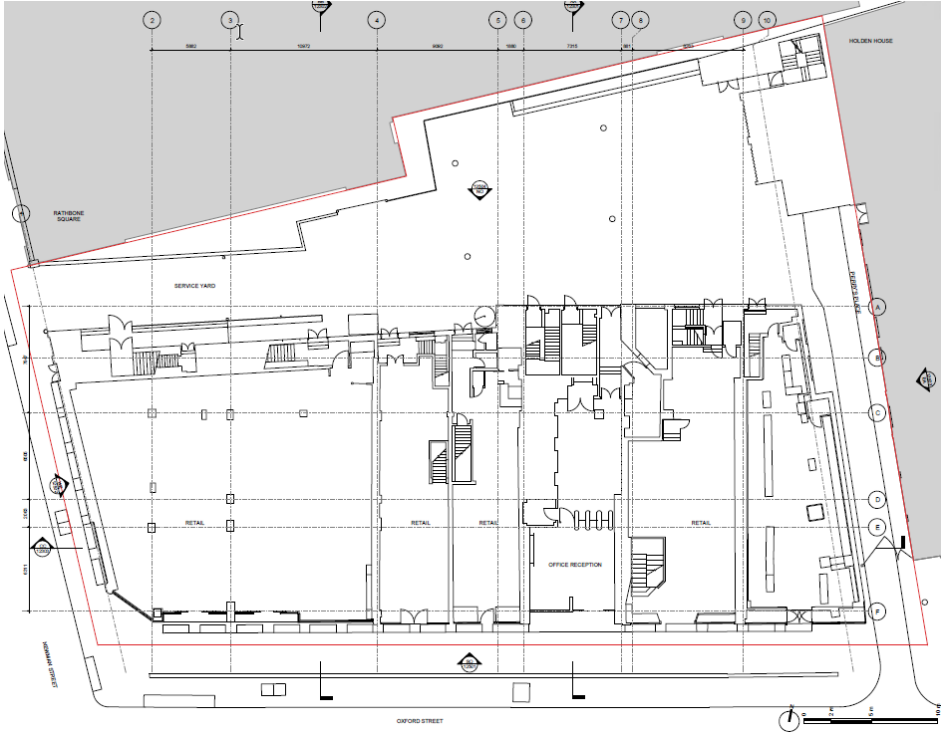
Existing view from Oxford Street (looking north):



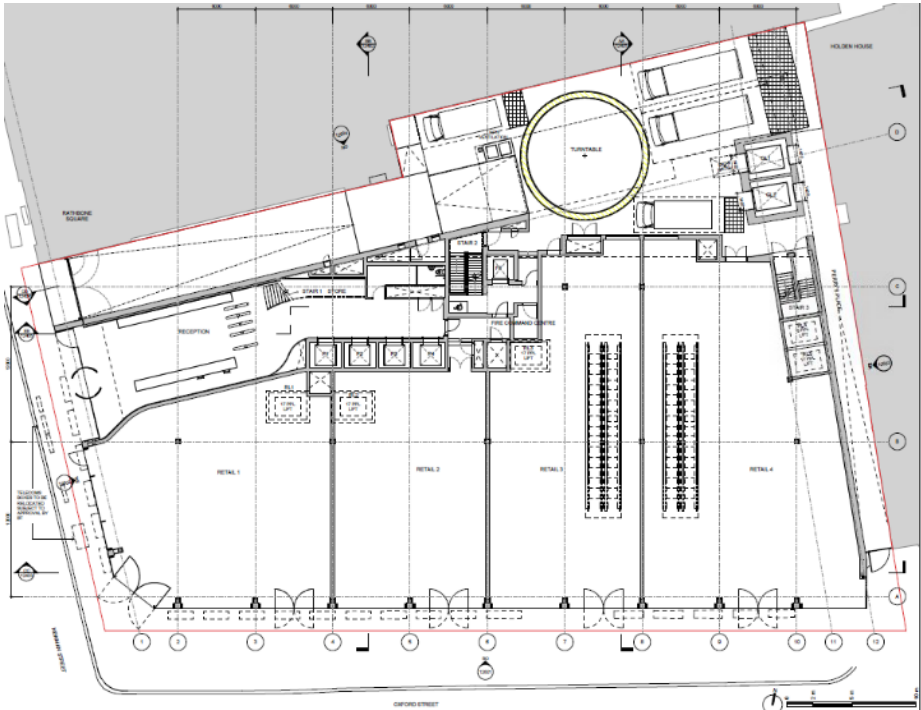
Existing view from Oxford Street (looking north):



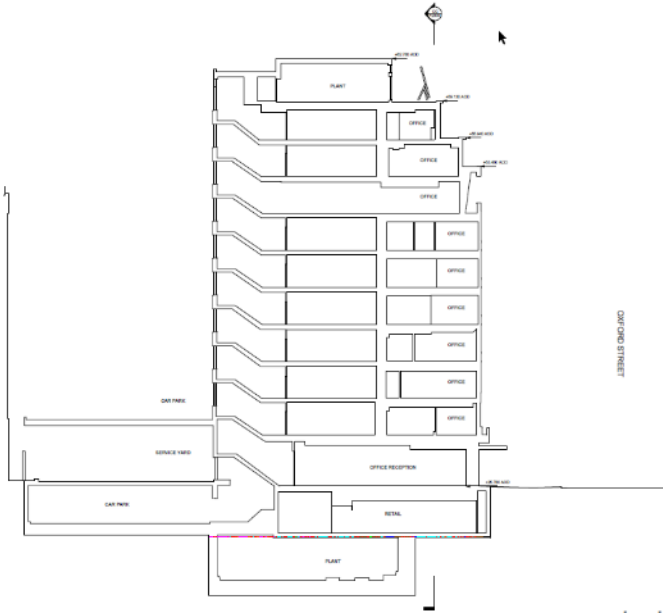
Existing ground floor plan:



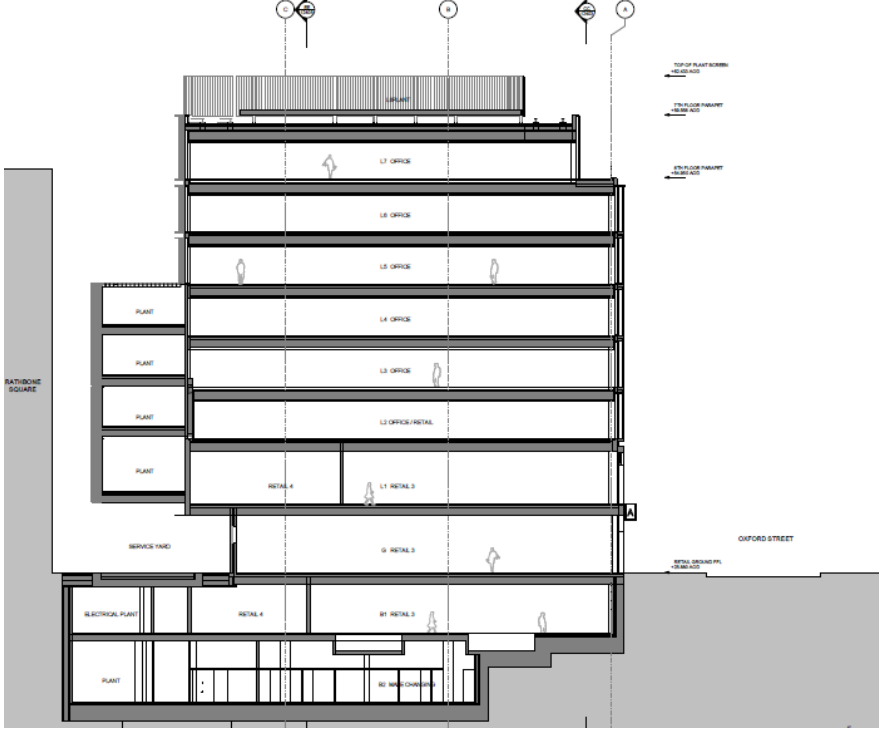
Proposed ground floor plan:



Existing Section A-A:



Proposed Section A-A:



DRAFT DECISION LETTER

Address: 70-88 Oxford Street, London, W1D 1BS,

Proposal: Demolition of 70-88 Oxford Street (Oxford House) and the erection of a new building comprising sub-basement, basement, ground plus seven upper floors and plant level, for the purpose of cycle parking and plant accommodation at sub-basement level, Class A1 (retail) accommodation at basement to first floor levels, a flexible Class A1 (retail) and / or Class B1 (office) use on the second floor and Class B1 (office) accommodation at third to seventh floors; the creation of a rooftop terrace area at plant level; the creation of a service yard to the rear of building and other associated works.

Reference: 17/09219/FULL

Plan Nos: 12002 Rev. P04, 12248 Rev. P11, 12249 Rev. P11, 12200 Rev. P12, 12201 Rev. P10, 12202 Rev. P09, 12203 Rev. P10, 12204 Rev. P07, 12205 Rev. P06, 12206 Rev. P10, 12207 Rev. P09, 12208 Rev. P09, 12209 Rev. P10, 12401 Rev. P07, 12402 Rev. P05, 12403 Rev. P06, 12404 Rev. P08, 12405 Rev. P05, 12601 Rev. P05, 12602 Rev. P05, 12603 Rev. P05, 12604 Rev. P09, 12610 Rev. P05 and 12611 Rev. P03.

Case Officer: Ms Hollington

Direct Tel. No. 020 7641 2523

Recommendation and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents submitted with 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 You must apply to us for approval of the following drawings of the following parts of the development - Typical details of facade at all levels. You must not start any work on these parts of the development until we have approved what you submit to us.

You must then carry out the work according to the approved drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of the City Plan

(November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 3 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the approved development you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 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 guidelines of the following parts of the development - Guidelines for the display of shop advertisements. 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 guidelines. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the grounds floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved by the Local Planning Authority which:-

(i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works.

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

Reason:

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

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

Reason:

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

9 Pre Commencement Condition.

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

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

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

10 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for demolition, foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development, 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 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in 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)

- 12 You must provide each of the 195 cycle parking spaces and the changing and showering facilities (including lockers) shown on the approved drawings prior to occupation. Thereafter these cycle spaces and associated facilities must be retained and the space used for no other purpose.

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 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in 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)

- 14 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. Waste servicing and collection for the development must only take place within the service yard of the development. (C23BA)

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

- 16 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)

- 17 (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.

- 18 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.

- 19 (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.

- 20 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 17 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.

- 21 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 that accommodates the servicing requirement of the adjacent site at Nos. 54-62, 66 and 68 Oxford Street and 51-58 Rathbone Place. All servicing shall be undertaken in accordance with the approved strategy.

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)

- 22 You must provide the waste store shown on drawing 12248 Rev. P11 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

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)

- 23 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)

- 24 You must provide the following bio-diversity and sustainability features as shown on the approved drawings before occupation of any part of the development:

- Green roof.
- Blue roof.
- Rainfall attenuation tank.
- Photovoltaic panels.

You must not remove any of these features

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of the Westminster City Plan (2016), ENV 4, ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (2016).

- 25 You must apply to us for approval of detailed drawings and a biodiversity management plan in relation to the Green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have

Item No.
1

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)

- 26 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 reduce surface water run-off, as set out in S30 of the Westminster City Plan (2016).

- 27 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:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

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

- between 08.00 and 18.00 Monday to Friday; and
- 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)

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 applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.
- 3 In the detailed design of the development you are advised to follow the advice from the Metropolitan Police of 17 November 2017.
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 5 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 6 Conditions 17, 19 and 20 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)
- 7 With reference to condition 16 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. , , 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
- 8 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)
- 9 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:

- A carbon off-set payment of £150,000 (index linked and payable prior to commencement of development).
 - A Crossrail payment of either £541,780 (if the second floor is used for retail) or £619,330 (if the second floor is used for office, minus the mandatory Mayor CIL as permitted by the Crossrail SPG (March 2016).
 - The cost of highways works, including relocating a parking bay on Newman Street and associated traffic order making (traffic orders to have been confirmed prior to commencement of development).
 - The costs of monitoring the S106 legal agreement.
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 11 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the second floor can change between the Class A1 and Class B1 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

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.