

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 March 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	Airwork House, 35 Piccadilly, London		
Proposal	Demolition and redevelopment of existing building to provide a new building comprising two sub-basement levels, ground and eight upper floors. Use of part basement and ground floor for retail (Class A1) purposes and use of part of rear ground floor as for either dual/alternative retail (Class A1) or restaurant (Class A3) purposes, use of the remainder of the building for office (Class B1) purposes. Installation of plant at sub-basement level -2, seventh, eighth and roof level. Creation of a terrace at eighth floor level.		
Agent	CBRE		
On behalf of	The Crown Estate		
Registered Number	17/11171/FULL	Date amended/ completed	19 December 2017
Date Application Received	19 December 2017		
Historic Building Grade	Unlisted		
Conservation Area	Regent Street		

## 1. RECOMMENDATION

1. Grant conditional permission, subject to referral to the Mayor and subject to a S106 legal agreement to secure the following:

- i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
- ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
- iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
- iv. To provide and permanently maintain the servicing of development from One Vine Street;
- v. Carbon offsetting through retrofitting other properties in the Crown Estate portfolio;
- vi. Crossrail payment (currently calculated at £277,000 but will be reduced to approximately £138,384.48 following offset against Mayoral CIL as allowed by the SPG) (index linked)
- vii. An employment and training strategy for the construction phase of the development;
- viii. S106 monitoring costs.

2. If the S106 legal agreements has not been completed within six weeks of the date of the

Committee resolution, then:

(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

(b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up and dedication of parts of the public highway to enable this development to take place.

4. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

## 2. SUMMARY

Airwork House is an island site bounded by Piccadilly, Swallow Street, Vine Street and Piccadilly Place. There is a bank on the corner of Piccadilly and Piccadilly Place and this covers the majority of the ground floor. There is a retail unit on the opposite corner of Piccadilly and Swallow Street and a restaurant at basement and ground floor level on Piccadilly Place. The site includes an off-street servicing bay, which is used by the restaurant. The upper floors are in use as offices.

The building comprises ground and six upper storeys (including a large plant room) on Piccadilly, stepping down to ground and four upper storeys on Vine Street, with the third and fourth floor set back on the Swallow Street and Piccadilly Place elevations.

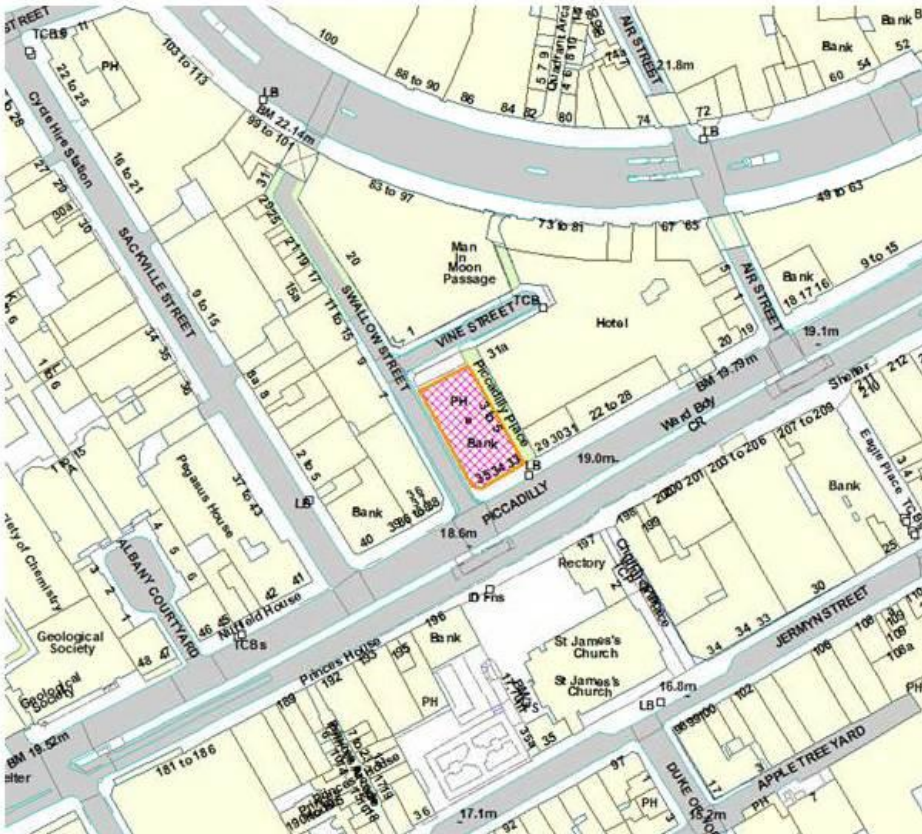
Permission is sought for the demolition of the building and redevelopment to provide a building comprising two sub-basement levels, ground and eight upper floors. The elevations on Swallow Street and Piccadilly Place will be brought forward to the occupy the full building footprint. The two upper floors will be set back from the rear elevation and the eight floor will be set back from the front elevation.

The key issues for consideration are:

- the height, bulk and detailed design of the new building;
- the amenity of neighbouring occupiers;
- the use of residential land use credits to address the increase in office floorspace at the site;
- the loss of the off-street servicing bay and the proposed servicing arrangements.

The proposal is considered acceptable and complies with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan).

### 3. LOCATION PLAN



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

#### 4. PHOTOGRAPHS

Front elevation from Piccadilly



View from Swallow Street looking south towards Piccadilly



View from Vine Street looking towards Swallow Street





## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Principle of the application is supported.

- Uplift in office floorspace in the CAZ is strongly supported;
- The design, height, scale and architectural quality of the development is supported;
- The shortfall in carbon dioxide reductions must be provided through either a carbon offsetting payment or offset elsewhere; and
- A suitable location for one disabled person's parking bay to serve the development should be sought.

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

No objection, subject to appropriate conditions to ensure the quality of architecture and workmanship is ensured.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

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

Any response to be reported verbally.

### ST. JAMES'S CONSERVATION TRUST

Any response to be reported verbally.

### HIGHWAYS PLANNING MANAGER

Objection – loss of public highway on Vine Street

### ENVIRONMENTAL HEALTH

Concern over the lack of a full height extract duct.

### BUILDING CONTROL

No objection

### CLEANSING

No objection

### DESIGNING OUT CRIME

Any response to be reported verbally.

### TRANSPORT FOR LONDON

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 210

Total No. of replies: 2

No. of objections: 2 raising all or some of the following:

**Amenity**

- loss of natural light to offices;
- increase sense of enclosure to offices; and
- loss of privacy.

**Design**

- height of proposed building not in keeping with buildings with the character of the area;
- design of the building is not in keeping with surrounding buildings.

**Other**

- disruption during building works on businesses in the area;
- loss of trade due to street closures

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

Airwork House is an island site with elevations on Piccadilly, Swallow Street, Vine Street and Piccadilly Place. The building comprises ground and six upper storeys (including a large plant room) on Piccadilly, stepping down to ground and four upper storeys on Vine Street, with the third and fourth floor set back on the Swallow Street and Piccadilly Place elevations.

The unit on the corner of Piccadilly and Piccadilly Place is current in use as a bank (Class A2). The unit on Piccadilly/Swallow Street was until very recently used as a bureau de change (Class A2), but is now in use as a retail unit (Class A1). There is a restaurant (Class A3) over the basement and ground floors on Piccadilly Place. The remaining floorspace is used for office (Class B1) purposes.

There is an existing off-street servicing yard, which is located to the rear of the site on Vine Street.

The nearest residential are duplex apartments located over the fifth and sixth floor levels of 83-97 Regent Street. They have windows overlooking Regent Street, but the rear windows face south, but due to curve of Regent Street, they do not directly overlook the site.

The site is located close to the Grade II star listed Piccadilly Hotel which also has a frontage onto Piccadilly Place. The application site can be seen in long views (from the south) over St James's Church, which is Grade I listed.

The site is located within the Mayfair Conservation Area and the Core Central Activities Zone.

## 6.2 Recent Relevant History

The original building was demolished as a result of significant bomb damage during WW2.

Planning permission was granted in 1949 for the existing building on site, which was erected in 1956.

## 7. THE PROPOSAL

Planning permission is sought for the demolition of the existing building and redevelopment to provide a building comprising two sub-basement levels, ground and eight upper floors. The elevations on Swallow Street and Piccadilly Place will be brought forward to the occupy the full building footprint. The two upper floors will be set back from the rear elevation and the eight floor will be set back from the front elevation.

Basement level -2 will be used as plant rooms and ancillary facilities for the uses on the upper floors. The front part of basement level -1 will be used for retail (Class A1) purposes, with the rear part used for cycle parking, waste and recycling. A substation is proposed to the rear this basement level. The front part of the ground floor will be used for retail purposes and this will have frontages on Piccadilly, Swallow Street and Piccadilly Place. An office entrance is proposed on the corner of Swallow Street and Vine Street. It is also proposed to create a retail or a café unit on the corner of Vine Street and Piccadilly Place.

The existing off-street servicing bay to rear on Vine Street will be removed and the building will be serviced from an existing servicing bay opposite (known as One Vine Street) which is operated by the applicants.

Land use table.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	19	669	+650 (potentially +690)
Retail (Class A2)	675	0	-675
Restaurant	168	0	0
Flexible retail/restaurant (Class A1 or Class A3)	0	40	+40
Office (Class B1)	2,255	4,390	+2,135
Total	3117	5099	+1982

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Increase in office use

There is an increase of office floorspace (2,135sqm) as a result of the proposals. City Plan policy S1 seeks to encourage development which promotes Westminster's World



City functions, manages its heritage and environment and supports its living, working and visiting populations. City Plan Policy S20 states that new office development will be directed to the Core CAZ. The proposed increase in office floorspace is considered acceptable.

### **Mixed use policy**

As a result of the proposals there is an increase of net additional floorspace over 50% therefore Policy S1.3 (C) applies. This states that where the net additional floorspace is more than 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be provided, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

The proposal generates a requirement for 1,200sqm of residential floorspace.

Policy S1.3 (C) goes on to state that the residential floorspace will be provided in accordance with the following cascade:

- i) on-site or in the immediate vicinity of the site;
- ii) off-site, including by mixed use credits on a site in the vicinity of the development site;
- iii) off-site, including by mixed use credits elsewhere within the CAZ, the housing provided must be of a higher quality than would be possible under i) or ii);
- iv) provision of an appropriate payment in lieu to the Affordable Housing Fund, which would equate to £2,793,280.

The applicants have stated that the provision of residential floorspace on-site would compromise the proposed office and retail uses. The addition of a second access and core for the residential accommodation would impact on the quality and efficiency of the office floorplates. The second access and core would also result in the removal of the flexible retail/café unit, which is considered to benefit the scheme. The applicants have drawn up the potential residential scheme on-site and this would provide two-2 bedroom units on site over the 7<sup>th</sup> and 8<sup>th</sup> floor level. However, they have concluded that the inclusion of residential floorspace would compromise the efficiency and quality of the proposed offices.

The arguments put forward by the applicants are accepted.

Points ii) to iii) will be addressed below.

### **Residential credit – Morley House (314-322 Regent Street)**

Planning permission was granted in April 2016 for the demolition and redevelopment behind retained Regent Street and Little Portland Street frontages to provide retail and 44 residential dwellings. This scheme has not been implemented, but will provide 4,413sqm of new residential floorspace, it also included the loss of 4,203sqm of office floorspace.

It was resolved that 442sqm (GEA) of the residential accommodation would be used to provide the residential accommodation arising from the commercial development at 5-9 Cork Street and 12-14 New Bond Street. The remaining residential floorspace can be used to address Westminster's mixed use policy requirements that may arise from future

commercial development schemes (effectively a residential credit) subject to the following parameters:

1. The credit would last for seven years from the date of grant of planning permission for the residential redevelopment of Morley House;
2. The credit can be used in relation with not more than five individual commercial redevelopment schemes;
3. The credit can only be used in connection with a commercial redevelopment scheme where The Crown Estate is the applicant and/or freeholder of the site this relates to; and
4. The credit can be used in relation to an application relating to a property within the vicinity of Morley House.

In addition to the above, it was also resolved that:

5. As well as the residential credit to offset commercial increases elsewhere, the Council will factor the proposed loss of office floorspace at Morley House into any calculations that establish a residential requirement arising from other future commercial schemes.

The applicants have stated that the total amount of credit available to them is 8,616sqm, which is based on the creation of 4,413sqm of new residential floorspace, together with the loss of 4,203sqm of office floorspace at Morley House.

As mentioned above, 442sqm (GEA) of the credit has already been used. As City Council polices now relate to GIA floorspace measurement, this figure reduces to 398sqm, therefore resulting in 8218sqm of residential credit remaining.

The uplift in office floorspace is 1,200sqm and Policy S1.3 (C) ii) states that the required residential floorspace can be provided by mixed use credits in the vicinity of the site. The applicants have requested that the residential credit is used to address the uplift at the application site. It is considered that the application site is in the vicinity of Morley House and therefore this approach is acceptable.

The Morley House credit was agreed prior to the adoption of the credits policy (policy CM47.2). However, it is considered that the use of credits for this scheme complies with City Plan policy and will be secured via S106.

### **Financial and professional floorspace**

There is an existing bank (Class A2) located on the corner of Piccadilly and Piccadilly Place. There are no policies within the UDP or City Plan that seek to protect financial and professional uses where it is being replaced by a use which will serve residents, workers and visitors. The loss of the A2 floorspace is acceptable.

### **Restaurant floorspace**

There is an existing restaurant (Class A3) comprising 168sqm, over basement and ground floor level. The entrance to the restaurant is via Piccadilly Place. There are no policies protecting restaurant floorspace.

The proposal includes a flexible retail or restaurant use comprising 40sqm, therefore if this unit is implemented as a restaurant use, there would be a loss of 128sqm of Class A3 floorspace.

It is likely that the flexible unit would be utilised as a café, with a limited number of covers. A full height extract duct is not proposed, and therefore a condition to prevent primary cooking is recommended. Due to its location, the café is likely to serve visitors and workers in the area and therefore the hours of operation is limited to 07.00 – 21.00 each day. The loss of restaurant floorspace is considered acceptable.

### **Retail floorspace**

The proposal introduces retail floorspace over part basement and ground floor level. City Plan policy S6 encourages retail floorspace throughout the Core CAZ. The proposed retail unit comprises 669sqm over the basement and ground floor levels. The proposed shopfront will provide active frontages on Swallow Street, Piccadilly and Piccadilly Place and it is considered this will help enliven these streets and encourage pedestrian movement.

## **8.2 Townscape and Design**

### **Demolition**

The existing building dates from the post war period and is not of particular interest. It is similar in design to the building on the west side of Swallow Street and together they create a balanced entrance to the street from Piccadilly. It is considered to make a neutral contribution to the character and appearance of this part of Piccadilly and the Mayfair Conservation Area. Therefore, in accordance with the City Council's urban design and conservation policies and the NPPF, demolition could be acceptable provided that the proposed building preserves or enhances that character and appearance.

The building is immediately to the west of Norman Shaw's Piccadilly Hotel, 21-31A Piccadilly, a grade 2 star listed building, and to the east of 39-40 Piccadilly, listed grade 2, and so is within their setting. It is also within the setting of St James's Church, a grade 1 listed building and 196 Piccadilly, a grade 2 star listed building.

### **The proposed building**

#### **Height and bulk**

The proposed building is nine storeys high, a significant increase on the existing. The Piccadilly facade has a parapet line approximately half a storey above the existing parapet. It is at roof level that the main increase in bulk occurs. The first roof storey is set back behind the parapet and takes a curving form. The second roof storey is set back approximately 12 metres from the Piccadilly facade.

In views along Piccadilly from the west the top floor (eighth) is not visible. From the east the lower roof storey (seventh) is only just visible and the top floor is not visible at all, as it is hidden behind the gable of the hotel. In long views southwards along Regent Street, the building is not visible above the Regent Street roofline. These impacts are all considered acceptable. The main visual impact of the roof storeys is on views from the south, from Jermyn Street and St James's Square. In the latter view the roof storeys

are visible above the ridge of St James's Church. This causes some harm to the setting of the church. It is not considered that the proposal causes harm to the settings of the other listed buildings in the area.

On Vine Street the existing building is only five storeys high and so there is a very substantial increase in height here, but the proposed height is similar to the rear of the hotel immediately to the east. In this context the proposed massing is acceptable.

### **Design**

The proposed façade to Piccadilly comprises a series of arched bays. The base of the façade is two storeys high, above which are semi-circular openings and then a three storey section of tall arched bays. The semi-circular openings reappear at sixth floor level. The corners of the façade would be curved on plan at the base and sixth floor, but the façade features a re-entrant angle on the intermediate floors (second to fifth). The facades have a carefully considered balance of horizontal and vertical emphases, with defined base, middle and top, characteristic of more traditional buildings in Piccadilly. The horizontals align approximately with the horizontal elements of the hotel façade adjacent.

Although the application is not explicit with respect to the choice of facing stone, it is considered essential that the Piccadilly and Swallow Street façades are clad in natural Portland stone. This is because natural Portland stone is the stone which characterises Piccadilly and Regent Street, and indeed the West End as a whole. On Vine Street and on Piccadilly Place precast stone cladding (also known as reconstituted stone) is to be used. In conservation area terms this is an inferior cladding material and is only considered acceptable because these are secondary facades which have a lesser impact on the character and appearance of the conservation area. The façades feature vertical stone 'fins' which extend over the window openings appearing to act as stone mullions. These give the façades an appropriately significant degree of modelling and richness. The façades will be illuminated at night with discreet light fittings.

The base of the building comprises double storey arched openings. At ground floor level, the building has bronze finished metal shopfronts and active uses on Piccadilly and Swallow Street. On Piccadilly Place the retail unit has a two bay frontage but inevitably much of the façade is taken up with servicing, creating a rather dead frontage. The façade is clad in horizontal metal fins, finished light grey. The design treatment reflects that of the roof (see below).

There is a small adjustment of the building line on Piccadilly, in order to create a symmetrical façade. This is considered acceptable in architectural and urban design terms as it allows the creation of a better facade composition, without detriment to the public highway overall.

The roof level comprises two storeys. The lower storey has a curved profile made with horizontal fins, light grey in colour, which hide partially the glazing behind. The fins are irregularly spaced to allow views out, but also give the roof a degree of solidity when viewed from street level. The glazing is to incorporate fritting (ceramic dots permanently fused onto the glass surface) which will increase opacity and reduce reflectivity. The rear of the roof space is occupied by plant.

**Conclusion**

It is considered that the proposed replacement building is of high design quality, carefully composed and detailed, using materials appropriate to its context. It is clearly modern, but makes reference to more traditional commercial buildings in the West End. It will make a positive contribution to, and will enhance, the character and appearance of Piccadilly and the Mayfair Conservation Area. The proposed building is considered to cause some harm (less than substantial harm) to the setting of St James's Church when viewed from the south.

That harm has to be set against the public benefits of the scheme, whilst paying special regard to the preservation and enhancement of the character and appearance of the conservation area and the preservation of the settings of adjacent listed buildings including the design qualities of the new building. It is considered that overall the benefits of the new building and its contribution to the conservation area outweigh the harm identified, and the scheme as a whole is acceptable in urban design and conservation terms. It complies with the City Council's policies including S25 and S28 of the City Plan, and DES 1, DES 4, DES 9 and DES 10 of the Unitary Development Plan.

**Archaeology**

The site lies within the Tier 2 Archaeological Priority Area of 'The Great Estates' with the potential for post-medieval remains of former structures and possibly earlier remains including prehistoric finds within the natural gravels. As the proposal includes an additional basement level, a stage programme of archaeological work is recommended. Historic England have commented that the proposal is likely to cause harm to archaeological interest, but not sufficient to justify refusal of planning permission provided that a condition requiring an investigation be undertaken.

**8.3 Residential Amenity**

The nearest residential properties are located to the north of the application site over the fifth and sixth floor levels within 87-93 Regent Street. The flats are dual aspect with windows overlooking Regent Street and sixth floor windows facing south. As the flats are located within the part of the building that follows the natural curve along Regent Street, the rear windows do not directly overlook the application site. A daylight and sunlight report has not been submitted with the application, however as the flats are 45m away from the application site, it is not considered that the proposal will have an adverse impact on daylight and sunlight levels to these windows.

**General Amenity**

UDP Policy ENV13 is primarily designed with regard to residential accommodation; the City Council may apply them to other uses, such as schools and other activities where loss of daylight/sunlight, sense of enclosure and overlooking may prejudice the present use of the premises.

St James's Church is located to the south of the application site. It is set back from the road by an open courtyard. Due to its positioning south of the site, it is unlikely that there will be an unacceptable impact to the daylight levels within the church.

An objection has been received from the office occupiers of the fourth floor of 36-38 Piccadilly, on the grounds that the new building will have on natural light and increase sense of enclosure and loss of privacy. The objectors windows are at the same level of the fourth floor windows in the application site on the Swallow Street elevation. Beyond the application site is the taller Piccadilly Hotel, which comprises nine upper floors (above ground floor). The proposed building will be lower than the Piccadilly Hotel, therefore as the new building will be set within the outline of the larger hotel building it is not considered that there will be an adverse impact on natural light. The objectors property and the application site are separated by Swallow Street and although the proposed building will be taller, it is not considered that there will be an increase sense of enclosure to the office windows where the same relationship between the buildings exists on the lower floors. There is already mutual overlooking between the office windows, and although there will be new windows at fifth floor level and above, it is not considered that this will lead to an increase overlooking to an unacceptable degree to justify refusing the application.

#### **8.4 Transportation/Parking**

##### **Servicing**

The existing off-street servicing bay to the rear of the site in Vine Street will not be replaced. The bay is only used by the existing restaurant use and only one vehicle at a time can be accommodated due to space constraints. There are four deliveries per day to the existing bay. City Plan policy S42 and UDP policy TRANS20 require off-street servicing and the Highways Planning Manager has objected to the proposal on these grounds.

The applicant proposes to service the building from an existing off-street servicing facility at One Vine Street, which is opposite the application site. This facility was constructed as part of redevelopment proposals in 2005/6, (One Vine Street) and was designed to accommodate deliveries and servicing for the retail, office and residential uses within the One Vine Street development. The servicing yard also accommodates waste from Le Meridien Hotel and the restaurants in Swallow Street. One Vine Street provides space for two large goods vehicles, and one 7.5T vehicle, alongside waste storage and recycling equipment including compactors and balers. The applicants have stated that 20 vehicles visit the servicing yard per day (the yard is open 24 hours a day) and they predict that the proposed development will generate two additional servicing vehicles per day.

It is considered that servicing from the application site can be accommodated within One Vine Street. However, there are no details relating to how goods will be transported from the building to the servicing yard and vice versa. The submitted draft Servicing Management Plan (SMP) is not sufficiently detailed and it is considered that an updated SMP be secured by condition. It is also considered necessary to secure the use of One Vine Street for the servicing of the application site via S106.

##### **Changes to the boundary lines**

The existing boundary line to the rear on Vine Street is not straight and it is proposed to straighten this elevation. However, this results in the loss of highway of 0.25m increasing to 0.8m. The Highways Planning Manager has objected to this alteration as it will reduce the footway width to below the 2m minimum width and therefore have an impact on

pedestrian safety. This is noted, however, Vine Street is not a busy thoroughfare and there will still be space between the proposed building and the road. The Highways Planning Manager has also stated that the existing highway layout in Vine Street is not ideal and it is likely that bollards to protect the new building and pedestrians will be required. The applicants accept this statement, but have stated that there are existing bollards, which will be relocated, and the impact on the highway will be negligible.

The loss of public highway is regrettable, but the benefits the proposed building and proposed uses will have on this part of the Mayfair Conservation Area are considered to outweigh this harm.

### **Cycle parking**

Cycle parking is provided over the basement levels, 48 spaces are proposed. The Highways Planning Manager has raised concern as the submitted drawings appear to only show 29, the applicants have confirmed that the cycle spaces will be double stacked, therefore the number proposed is in line with London Plan policy.

Transport for London and the GLA have advised that short stay cycle parking should be provided for those people using the building. The applicants have confirmed that they are investigating locations for short stay cycle spaces near the site and within the wider Crown Estate portfolio.

The GLA have also commented that the proposal is not in line with the draft London Plan and the applicant should work with the City Council to identify a location for one disabled person's parking bay to serve the development.

## **8.5 Economic Considerations**

Any economic benefits generated by the scheme are welcomed.

## **8.6 Access**

Level access is provided to all the proposed uses from pavement level. Lift and stairs access is provided to the basement and upper floors.

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

### **Plant**

Plant is proposed at basement level and at 7<sup>th</sup> and 8<sup>th</sup> floor level. The plant is likely to comply with the City Council's standard noise conditions, however as the plant has not been chosen a supplementary noise report is secured by condition.

A substation is proposed at sub-basement level, the applicants have stated that they have negotiated the location with UKPN and this is considered acceptable.

### **Sustainability**

The London Plan requires non-domestic building to be 35% below Part L 2013 of the Building Regulations.



The submitted documents indicate that the non-domestic elements of the proposal will be 23.3% below Part L 2013 of the Building Regulations. To address the shortfall the applicants are willing to address the shortfall elsewhere in their estate's portfolio, this is compliant with the Mayor's guidance and will be secured by a legal agreement.

The submitted Sustainability Statement indicates that the new building will achieve a BREEAM Excellent rating for the office part of the development and a rating of Very Good for the retail element. This is welcomed and secured by condition.

In terms of on-site renewables, photovoltaic panels are proposed at roof level, and these will be secured by condition.

## **8.8 London Plan**

The application is referable to the Mayor of London as the building will extend over 30m. The Stage 1 report strongly supports the proposals. However, there are elements of the scheme that do not fully comply with the London Plan and draft London Plan, but these have been addressed in the relevant sections of the report.

## **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. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
- ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
- iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
- iv. To provide and permanently maintain the servicing of development from One Vine Street;
- v. Carbon offsetting through retrofitting other properties in the Crown Estate;
- vi. Crossrail payment (currently calculated at £297,000 but will be reduced to approximately £158,204.48 following offset against Mayoral CIL as allowed by the SPG) (index linked);
- vii. An employment and training strategy for the construction phase of the development; and
- viii. S106 monitoring costs.

The estimated CIL payment is : £482,471.53 (£139,095.52 to Mayors CIL and £343,376.01 to WCC CIL).

## **8.11 Environmental Impact Assessment**

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

## 8.12 Other Issues

### Basement

The proposal includes excavation to create an additional sub-basement level under application site. City Plan Policy CM28.1 does not restrict the size or the depth of basements within the Core CAZ.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

Part C (c) of the policy states that basement development to non-residential development adjoining residential properties where there is potential for an impact on those adjoining properties outside Core CAZ; will not involve the excavation of more than one storey below the lowest original floor level. Therefore, as the site is located within the Core CAZ, the excavation of more than one basement level complies with this section of the policy.

This impact of basement excavation is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

### **Flood Risk**

The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be low.

### **Construction impact**

An objection has been received to the impact of the construction and the associated noise/dust and disruption and the impact on the highway. Planning permission cannot reasonably be withheld on these grounds.

Prior to June 2016, CMP's would have been secured by planning condition, however, this is now covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 1 development. Level 1 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objector about the construction process are fully addressed.

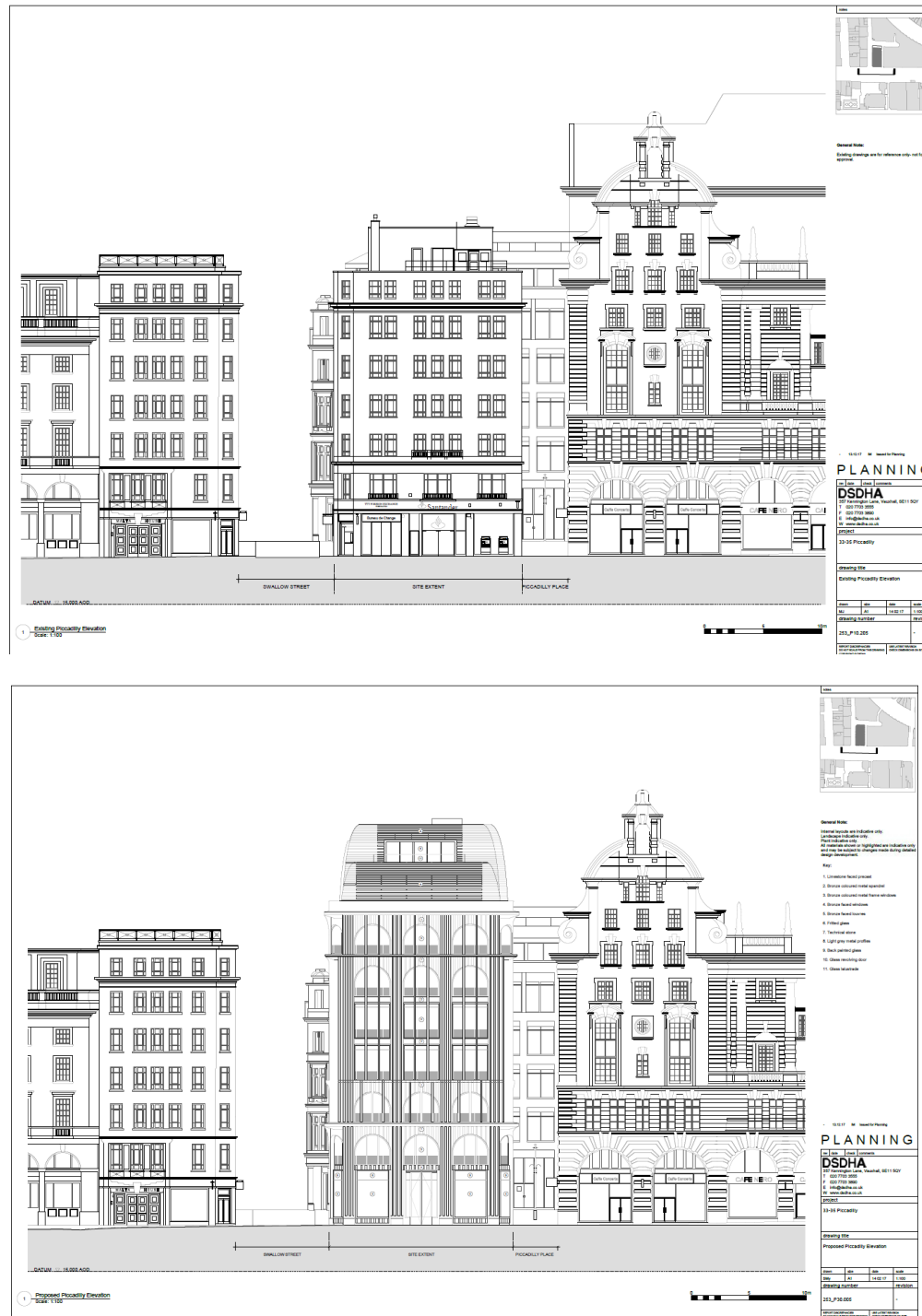
## **9. BACKGROUND PAPERS**

1. Application form
2. Response from the Greater London Authority, dated 5 March 2018
3. Response from Transport for London, dated 2 February 2018
4. Response from Historic England (Listed Builds/Con Areas), dated 12 January 2018
5. Response from Historic England (Archaeology), dated 31 January 2018
6. Response from Environmental Health, dated 9 January 2018
7. Response from Cleansing, dated 12 January 2018
8. Response from Building Control, dated 19 January 2018
9. Response from Highways Planning Manager, dated 28 February 2018
10. Letter from occupier of 3-5 Swallow Street, dated 8 January 2018
11. Letter from occupier of 36-38 Piccadilly, London, dated 24 January 2018

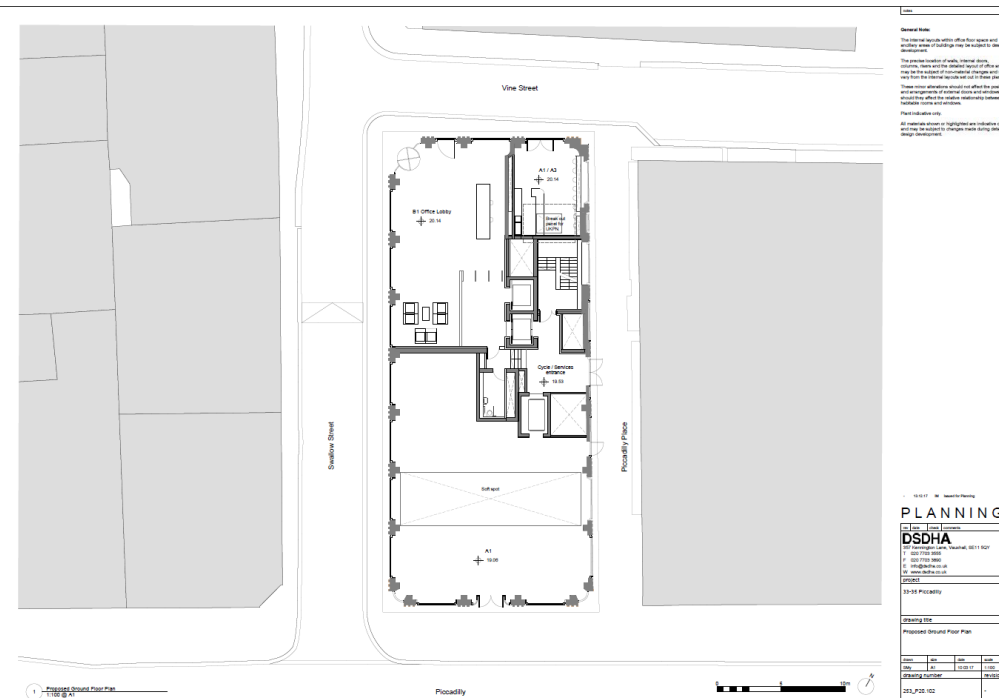
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

Existing and Proposed Piccadilly elevation.





[illegible]





**DRAFT DECISION LETTER**

**Address:** Airwork House, 35 Piccadilly, London, ,

**Proposal:** Demolition and redevelopment of existing building to provide a new building comprising two sub-basement levels, ground and eight upper floors. Use of part basement and ground floor for retail (Class A1) purposes and use of part of rear ground floor as for either dual/alternative retail (Class A1) or restaurant (Class A3) purposes, use of the remainder of the building for office (Class B1) purposes. Installation of plant at sub-basement level -2, seventh, eighth and roof level. Creation of a terrace at eighth floor level.

**Reference:** 17/11171/FULL

**Plan Nos:** 253\_P20.001, 253\_P20.100, 253\_P20.101, 253\_P20.102, 253\_P20.103, 253\_P20.104, 253\_P20.105, 253\_P20.106, 253\_P20.107, 253\_P20.108, 253\_P30.001, 253\_P30.002, 253\_P30.003, 253\_P30.004, 253\_P30.005, 253\_P30.006, 253\_P30.007, 253\_P30.008, 253\_P40.001, 253\_P40.002, Structural Method Statement (INFO ONLY)

**Case Officer:** Helen MacKenzie

**Direct Tel. No.** 020 7641 2921

**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 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. Natural Portland stone shall be used for the Piccadilly and Swallow Street facades. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 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 detailed drawings (scales 1:20 and 1:5) of the following parts of the development.

1. Typical façade details at all levels
2. Roof storeys
3. Shopfronts.

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 detailed drawings.  
(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 Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 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 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)

- 6 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)

- 7 (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.

- 8 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.

- 9 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 7 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.

- 10 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)

- 11 You must provide each cycle parking space 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.

- 12 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 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)

- 13 In the event a restaurant (Class A3) is implemented within the unit on the north-east corner of the site (as shown on plan 253\_p20.102), you must not cook raw or fresh food on the premises. (C05DA)

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan (November 2016) and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 14 In the event a restaurant (Class A3) is implemented within the unit on the north-east corner of the site (as shown on plan 253\_P20.102), you must not allow more than 15 customers into the property at any one time.

## Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 15 In the event a restaurant (Class A3) is implemented within the unit on the north-east corner of the site (as shown on plan 253\_P20.102), customers shall not be permitted within the restaurant premises before 07.00 or after 21.00 hours each day.

## Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 16 The floorspace identified as 'retail' on the approved drawings shall only be used for that purpose but not as a foodstore(s) or supermarket(s).

## Reason:

To ensure maximum retail provision is made of the appropriate type that does not involve the use of large delivery vehicles which cannot be accommodated within the servicing yard at One Vine Street and may block surrounding streets. This is in accordance with policies S21 and S41 and S42 of our Westminster's City Plan that we adopted in November 2016 and STRA25, SS4, TRANS20 and TRANS21 of our Unitary Development Plan that we adopted in January 2007.

- 17 You must apply to us for approval of details of the following parts of the development:  
- servicing management plan which clearly sets out how the development will be serviced, including how goods will be transported from the servicing bay to the development. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

## Reason:

To 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 You must provide the photovoltaic panels as shown on drawing 253\_P20.108

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)

- 19 You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating for the office part of the proposals and 'very good' rating for the retail part of the proposals. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44BC)

- 20 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included in the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and , A. 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 and 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 WSI.

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)

- 21 You must provide the waste store shown on drawing 253\_P20.101; before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the waste store. 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)

**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 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
  - i. To utilise 1,200sqm of a residential land use credit granted for the development at Morley House on 28 April 2016 (RN: 15/07483);
  - ii. The costs relating to Highway alterations including works immediately surrounding the site required for the development to occur;
  - iii. Dedication of the highway at the junction of Piccadilly Place and Piccadilly where the building line has been set back from the existing building line;
  - iv. To provide and permanently maintain the servicing of development from One Vine Street;
  - v. Carbon offsetting through retrofitting other properties in the Crown Estate portfolio;
  - vi. Crossrail payment (currently calculated at £277,000 but will be reduced to approximately £138,384.48 following offset against Mayoral CIL as allowed by the SPG) (index linked),
  - vii. An employment and training strategy for the construction phase of the development;
  - viii. S106 monitoring costs. (I55AA)
- 3 In relation to Condition 20, the written scheme of investigation will need to be prepared and implemented by a suitably qualified professional accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 In relation to Condition 17, the SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised. This must be provided for waste collection as well., , It should clearly outline how servicing will occur

on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users. The SMP should inform the occupant on their requirements to minimise the impact of their servicing on the highway (ie set out how the occupant is expected to service the unit/s). A supplier instructions sheet is a helpful part of the SMP.

- 5 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor unit on the north-east corner of the development can change between the retail (Class A1) and restaurant (Class A3) 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)
- 6 With reference to condition 5 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
- 7 Under condition 13 you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. But you can reheat food by microwave or convection oven as long as you do not need extractor equipment., , If you want to remove this condition you will need to send us full details of all the extractor equipment needed to get rid of cooking fumes. We will also consider the design and effect on neighbouring properties of any new ducts. (I72AA)
- 8 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

Item No.
<b>2</b>

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.