

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 April 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>13-14 Hanover Street, London, W1S 1YH,</b>		
<b>Proposal</b>	Redevelopment of 13-14 Hanover Street/6-7 Pollen Street behind retained Hanover Street facade, including excavation of an additional basement, to provide a new building for retail use (Class A1) on basement, lower ground and part ground floors and office use (Class B1) at part ground, and first to part fifth/ part sixth floors with a roof top plant enclosure to 13-14 Hanover Street and a green roof to 6-7 Pollen Street (Site includes 6-7 Pollen Street).		
<b>Agent</b>	Blair Associates Architecture Ltd		
<b>On behalf of</b>	Burlington Capital 1 Limited		
<b>Registered Number</b>	17/10871/FULL	<b>Date amended/ completed</b>	7 December 2017
<b>Date Application Received</b>	7 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

13-14 Hanover Street and 6-7 Pollen Street are unlisted, inter-linked buildings, in mixed retail (Class A1) and office use (Class B1). Permission is sought to demolish the existing buildings behind the retained, and extended, Hanover Street façade; to excavate a new basement and to erect a replacement building on basement, lower ground, ground and six upper floors on Hanover Street, and five upper floors on Pollen Street, for use as a retail shop on basement, lower ground and ground floors and offices in the remainder of the building. The proposal would result in an overall increase in office floorspace and a loss of 266 sqm GIA of retail floorspace.

The key issues for consideration are:

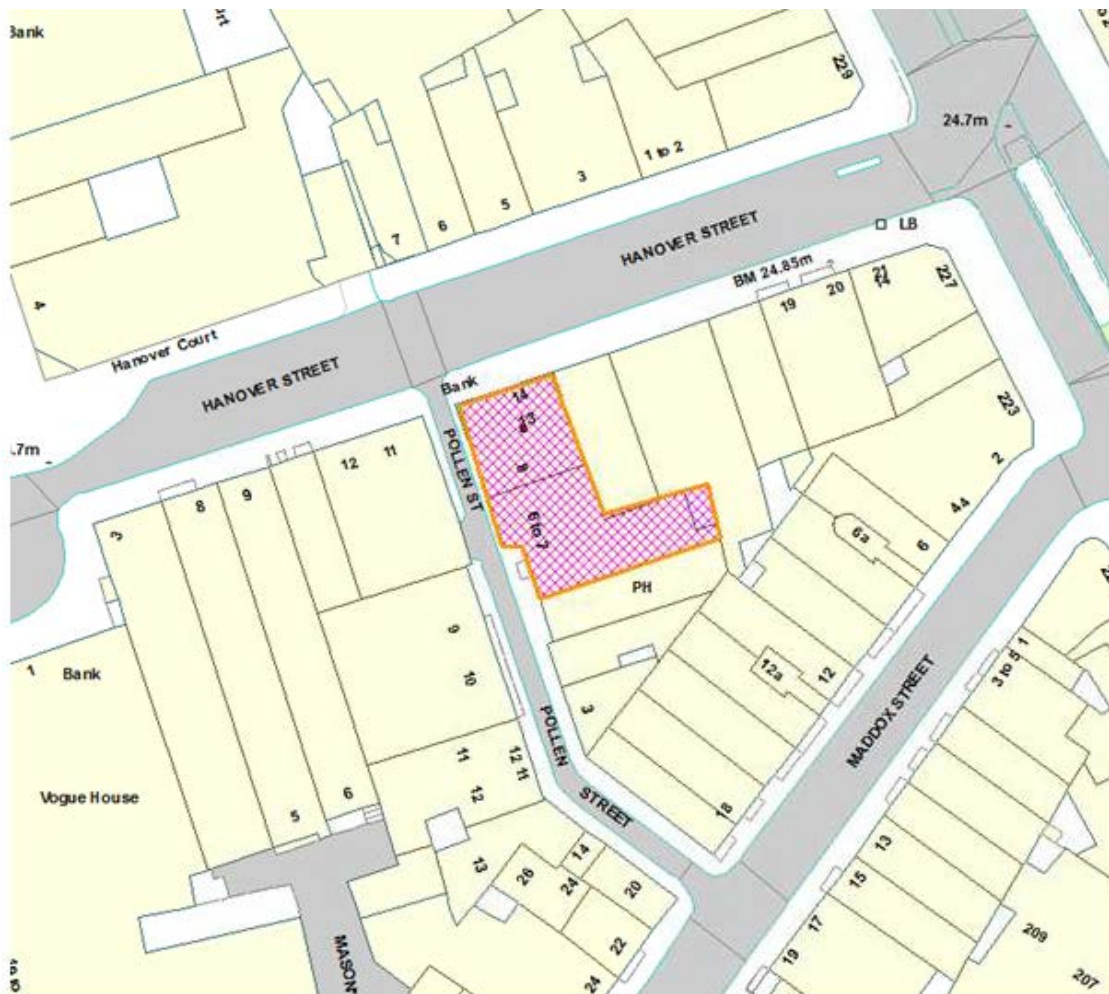
- the impact of the development upon the character and appearance of the Mayfair Conservation Area;
- the acceptability of the loss of retail floorspace and
- the impact of the completed development upon the amenities of neighbouring occupiers.

Item No.
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<b>4</b>
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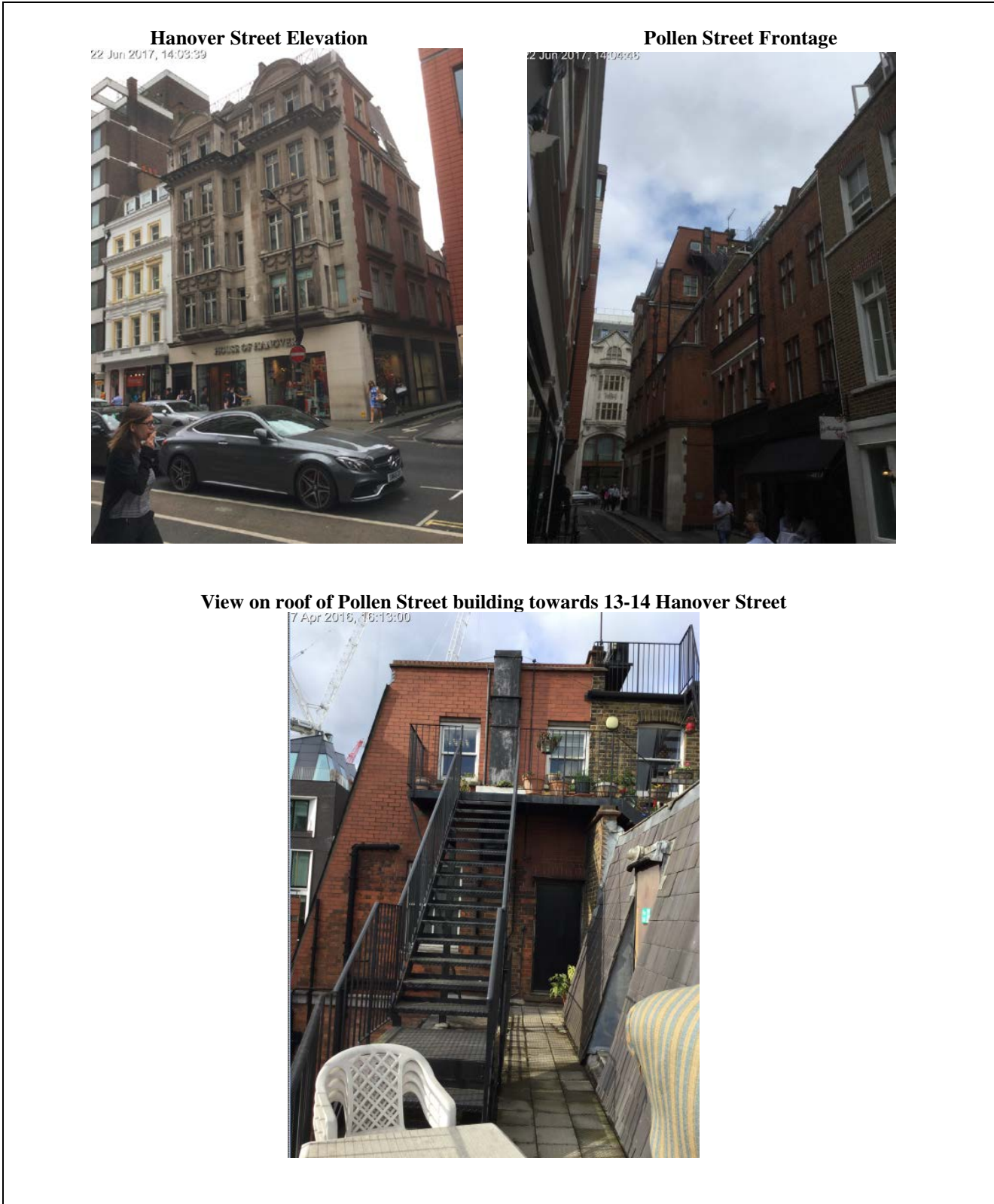
<p>Subject to appropriate conditions, the scheme is considered acceptable in land use, design, highways and amenity terms and the application is recommended for approval.</p>
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### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



## 5. CONSULTATIONS

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

Scheme is in keeping with the buildings' heritage and historical significance and improves their appearance

### CLEANSING

No objection subject to conditions

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### HIGHWAYS

No objection subject to conditions

### BUILDING CONTROL

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 1

No. in support: 1

- Scheme provides high quality retail floorspace, improved office accommodation and would support more jobs

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site lies at the junction of Hanover Street and Pollen Street within the Mayfair Conservation Area, the Core Central Activities Zone (Core CAZ), the West End Stress Area and the West End Special Retail Policy Area.

The site comprises 13-14 Hanover Street, a building on lower ground, ground and five upper floors, and 6-7 Pollen Street, which comprises lower ground, ground and three upper floors, with a rooftop stair access enclosure above. The buildings are linked on lower ground to second floors and have separate entrances on both frontages.

The buildings are in retail use (Class A1) on lower ground to first floors. The remainder of the site is in office use (Class B1).

The surrounding area is predominately characterised by retail uses at street level with and commercial and residential accommodation on the upper floors. Buildings along Hanover Street, to the east and west, and opposite the site are in office use on the upper

floors. No. 5 Pollen Street is occupied as a public house (Class A4) with residential units (Class C3) on the upper floors. Other residential properties are at Hanover Court, 18 Hanover Street; 6-8, 10, 12 and 18 Maddox Street and 3, 4, 5 and 11-13 Pollen Street.

## 6.2 Recent Relevant History

17 September 1979: Permission granted for the demolition and reconstruction of the second floor at 6-7 Pollen Street, the erection of a new third floor roof extension to provide residential accommodation and the use of the ground floor as a bank. Implemented.

1994: Permission granted for the use of the first floor of 13-14 Hanover Street and 6-7 Pollen Street for either office (Class B1) or retail (Class A1) purposes. This permission enabled the first floor to change between the approved uses for a ten-year period. At the end of the ten-year period the first floor was in retail use, which became the lawful use of this floor.

14 February 2018: Certificate of Lawful Use (existing) was issued confirming the lawful use of the third floor of 6-7 Pollen Street as offices (Class B1).

## 7. THE PROPOSAL

Permission is sought for the demolition of the existing buildings behind the retained, and extended, Hanover Street façade and for the erection of a replacement building, incorporating an additional basement level beneath the Pollen Street building and part of the Hanover Street building. The replacement building would comprise basement, lower ground, ground and first to sixth floors on Hanover Street and first to fifth floors on Pollen Street, with extensions to existing flat roofs on rear first to third floors.

The basement and rear lower ground floor to Pollen Street would provide plant, refuse stores and cycle storage for the development, with separate street access. The remainder of these floors, and the ground floor to Hanover Street, would provide a single retail unit. The ground floor to Pollen Street would provide the entrance to offices at first floor and above. Additional plant for future tenants would be located within a roof level enclosure set back from the Hanover Street frontage. A green roof is proposed to Pollen Street.

The application has been revised to alter the fenestration pattern on the Pollen Street facade to reflect the scale and proportions of windows on adjacent buildings

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The existing and proposed floorspace schedule is as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Class A1 (Retail)	879	613	- 266
Class B1 (Offices)	1153	1850	+607
Total	2032	2433	+431

Note

Ancillary accommodation serving both uses has been apportioned to each use.

**Loss of retail accommodation**

The basement to first floors of the building are currently occupied by a retail clothing store. The proposal will reduce the existing retail floorspace (Class A1) on the site from 879 sqm (GIA) to 613 sqm (GIA), a reduction of 266 sqm.

The site is located within the Core CAZ and the West End Special Retail Policy Area (WESRPA). UDP Policy SS5 states that planning permission for the introduction of a non-A1 town centre use on basement to first floor will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality. Under City Plan policy S7, within the WERSPA, retail uses should be retained at these levels. Policy S21 includes a requirement to protect A1 retail shopping floorspace.

The applicants acknowledge that the proposal is contrary to adopted development plan policies but have made the following in arguments in supports of the application, seeking to justify a departure from these policies:

- As the existing building is an amalgamation of two separate buildings, there are four cores and an additional stair between the basement and ground floor retail unit, as well as two retail entrances and two communal entrances serving both the retail and office accommodation. Given the access arrangement and vertical circulation arrangements, the retail accommodation and street level display areas are significantly compromised.
  - The existing retail accommodation is arranged over three floors, configured as a single, L-shaped, store. Given the level of sub-division within the unit, vertical circulation arrangements, split-levels and poor ceiling height on the lower ground floor, it is estimated that only 45% (395 sqm) of the retail area is suitable for trading purposes.
  - Due to the positions of partitions with the basement, and its low ceiling height, which limit public accessibility, the storage area is unnecessarily large. The retail trading area is limited to the rear of the Pollen Street building.
  - The level change towards middle of the ground floor compromises prime trading floorspace. Additionally, two columns in the middle of the floorplate, very close to the entrance, adversely affect the overall layout of the store.
  - The first floor is heavily subdivided by structural walls. Whilst two zones can be utilised for retail purposes, approximately third of the floorspace is in use as ancillary offices.
  - The proposed building would provide, largely unobstructed, rectangular floorplates. Of 613 sqm GIA of the replacement retail floorspace, it is estimated that over 75% (460 sqm) could be utilised as trading area, provided an increase in trading floorspace when compared with the existing situation.
  - The altered access and vertical circulation arrangements would increase the street level display frontages.

Given the above, the applicant contends that the proposal would enhance the retail presence of the site, enhancing the vitality and viability of the shopping frontage.

With the exception of the application premises, no other retail premises on Hanover Street extend to first floor level. There are two hair salons on Pollen Street, but no other 'typical' retail units. Given that retail trading at first floor level is not characteristic of this area, it is not considered that the loss of retail space on this upper level would have a significant impact upon its retail character or function. Notwithstanding the overall reduction in Class A1 floorspace it is considered that the scheme would enhance the site's contribution to the retail character and function of the area and, in these particular circumstances, this aspect of the scheme is considered acceptable in land use terms.

### **Proposed Office (Class B1)**

Policy S1 of the City Plan seeks to promote mixed-use developments within the CAZ and the proposed increase in office floorspace (607 sqm) is acceptable in principle. As the office increase is less than 30% of the existing building area, the scheme does not trigger a requirement to provide new residential floorspace

The office existing office accommodation is only partly occupied. The floorplates are heavily sub-divided, creating inefficient layouts, which limits interest from potential tenants. The proposal would provide unobstructed office floorplates, which could be occupied individually or as a whole, which is likely to prove attractive to a range of tenants.

## **8.2 Townscape and Design**

These are attractive Edwardian buildings in the Mayfair Conservation Area. They are not listed but the Hanover Street façade makes a very positive contribution to the character and appearance of the conservation area and there is a strong presumption to retain it.

The proposal is to redevelop the buildings behind the retained Hanover Street façade, which is to be extended by one storey, in the style of the existing façade, with the roof rebuilt at a higher level. This has a significant, contentious, impact on the architectural integrity of the Hanover Street building, but in this case, it is considered acceptable because of the presence of taller buildings on this side of the street. Providing that the extension to the façade is carried out with high quality details and materials, to match the existing, it is considered that this is acceptable, on balance.

The Pollen Street facades are of lesser interest and make a lesser contribution to the character and appearance of the conservation area. The replacement facade to Pollen Street is modern in character but using traditional materials (Portland Stone and brickwork facade). Following negotiations and revisions reducing the amount of glazing, this design approach is acceptable.

The increase in height and bulk at the rear of the building is significant, although the two upper floors are set back progressively above parapet level (third floor). It will be visible in views along Pollen Street but these views are limited because of the narrowness of the street. It is considered that the increase in bulk is acceptable in this context.



Overall, the scheme is considered to be acceptable in urban design and conservation terms and is compliant with the relevant policies of the City Plan and Unitary Development Plan, including S25, S28, DES 1, DES 4, DES 5, DES 6 and DES 9.

### 8.3 Residential Amenity

UDP Policy ENV13 seeks to protect and improve the residential environment and to resist proposals, which would result in a material loss of daylight or sunlight, increased sense of enclosure to adjoining windows or loss of privacy to adjoining occupiers. Similarly, City Plan Policy S29 seeks to safeguard the amenity of surrounding properties.

#### Sunlight and Daylight

A daylight and sunlight report has been submitted which assesses the impact of the proposal on residential properties in Hanover Court, on the opposite side of Hanover Street; 18 Hanover Street, to the east of the site; 6-8, 10, 12 and 18 Maddox Street to the south and 3, 4, 5 and 11-13 Pollen Street, to the south-west. This report is based on the methodology set down in the Building Research Establishment's (BRE) publication "Daylight and Sunlight: A Guide for Good Practice".

#### Daylight

An assessment of Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. If the VSC value is more than 27%, it is generally accepted that there is sufficient light striking the face of the window for normal habitable purposes. If existing VSC values are less than 27%, and the reduction in percentage terms is more than 20% of the existing value, then the occupiers are likely to notice the change.

All of the properties tested meet the VSC threshold with the exception of:

18 Hanover Street, where two first floor windows to a living/kitchen/dining area would see reductions of 25% (from 0.04 to 0.03%) and 50% (from 4.75 to 2.41%). In this case, the actual losses are limited but the percentage reductions are relatively high as the existing VSC values are poor. However, there are two other windows serving the same room, where reductions would be well below 20% (at 11 and 7%) and where resulting values would be reasonable in this central location (at 11.31 and 9.88%). Consequently, it is not considered that the amenity of this accommodation would be materially affected.

12a Maddox Street, where one second floor window would see a VSC reduction of 21%. The use of this room is unknown. Although the loss marginally exceeds the 20% threshold, this window retains a VSC of 19.61%, which is considered good for this, built up, central London location. In these circumstances, there would be a material loss of amenity to this accommodation.

6-8 Maddox Street, where first floors windows serving a bedroom and a living room currently receive VSC levels of 7.46% and 4.70%. These values would be reduced to 5.73 and 3.18% respectively as a result of the proposals. Whilst the percentage reductions (23.2% and 33.3%) exceed BRE targets, this is because these windows are located directly beneath a balcony to the flat above. BRE guidance recommends that, in this situation, the daylight assessment excludes the effects of the balcony. In this analysis, the VSC losses would be reduced to 12% and 11%, which is within acceptable parameters.

### Sunlight

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values or by more than 4% of APSH over the whole year. Only windows that face within 90 degrees of due south need to be assessed in relation to the sunlight test, in this case 18 Hanover Street. All windows tested would continue to receive annual sunlight levels of 33% and above and winter sunlight values of 8 % or more, far exceeding BRE minimum targets.

### Sense of Enclosure

Given the relationship of the proposed development to neighbouring properties, it is not considered that the increase in bulk and mass at the application properties would be so significant as to result in a material increased sense of enclosure and loss of amenity to neighbouring residents.

### Privacy

There is an existing flat roof at third floor level on Pollen Street. Although this was likely designed to provide access to an escape stair. There is evidence to suggest that it was been used as a terrace.

This scheme includes a flat paved roof at fifth floor level to the rear of the Pollen Street building, to the east of the office lift core. Due to its proximity to residential properties on Maddox Street and its potential amenity impact on the residential accommodation at 5 Pollen Street, its use as a terrace would be unacceptable. As such, a condition is recommended to prevent the use of this roof other than for maintenance purposes or as a means of escape.

A green roof is proposed to the Pollen Street building which predominantly overlooks commercial buildings. Although some windows to the rear of the residential premises along Maddox Street are visible from this location, given the distance between the sites, it is not considered that access to this roof would result in any harmful increased overlooking.

Given the presence of existing windows on all elevations and the relationship between the application site and surrounding residential properties, it is not considered that the new windows or glass blocks serving the new office accommodation would result in a material loss of residential privacy.

## 8.4 Transportation/Parking

### Parking/traffic generation

The site is centrally located and well served by public transport including principal bus routes. Anyone visiting the site by car would be subject to local parking restrictions and the proposal is considered unlikely to have a significant impact on car parking demand and is consistent with UDP policies TRANS21 and TRANS22.

### Servicing

UDP policy TRANS 20 and S42 of the City Plan require off street servicing to be provided as part of new developments. There is no off-street servicing for the existing building nor the proposed development, where it would compromise the ground level retail function and display areas. Single yellow lines in the vicinity allow loading and unloading to take from the street. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

The Highways Planning Manager has requested that a condition be imposed requiring the submission of a Servicing Management Plan to demonstrate how servicing of the development would be managed to minimise its impact on the local highway network and highway users. This would be secured by condition. A further condition is recommended to prevent the use of the shop for retail food sales due to the intensive servicing demands associated with such uses.

### **Cycle parking**

There are currently no cycle parking facilities on the site. To comply with London Plan policy a minimum of 25 cycle spaces would be required to serve the development. The proposal provides 18 spaces, which is not acceptable. The applicant has confirmed that they are willing to accept a condition requiring the provision of all 25 spaces.

## **8.5 Economic Considerations**

Any economic benefits generated by the development are welcomed.

## **8.6 Access**

The pedestrian access arrangements will be altered so that all office access will be via Pollen Street and customer access to the retail unit will be from Hanover Street. There will be level access from street level. The main lobby access provides lift access and stair access to the upper floors,

A separate entrance from Pollen Street provides a stair access down to the basement levels in order to the cycle storage, showers and refuse areas. The office lobby also provides for lift access to the cycle stores. A single flight of stairs, with a cycle channel, also offers an alternative access.

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

### **Plant**

Eight air conditioning units are proposed within a roof level enclosure to the Hanover Street building. The Environmental Health Officer has raised no objection to the proposal and consider that the plant is likely to comply with the City Council's standard conditions relating to noise and vibration. A further condition is recommended requiring the plant screen being installed prior to the operation of the plant. Subject to these conditions, the proposal would comply with UDP policy ENV7 and S32 of the City Plan.

### **Refuse /Recycling**

The application includes internal waste storage at basement level. The storage facilities accord with Council requirements and will be secured by conditions.

### **Biodiversity**

The proposals incorporates a green roof to Pollen Street. This is welcomed and accords with City Plan Policy S38 and ENV17 of the UDP. It is recommended that details of this roof (construction and planting) are secured by condition.

### **Sustainability**

The applicants have submitted a detailed Sustainability and Energy Strategy in support of the proposals.

Policies 5.1 to 5.9 of the London Plan focus on measures to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments, including this scheme, which equates to a 35% reduction in carbon dioxide emissions for non-domestic buildings when compared with part L of the Building Regulations (2013). Policy 5.6 of the London Plan requires development proposals to evaluate the feasibility of Combined Heat and Power (CHP) systems.

In order to reduce carbon omissions the scheme incorporates various measures including the use of thermally efficient building fabric, insulated pipework and ductwork (and air sealed ductwork), energy efficient water, heating, cooling, lighting and ventilation (with heat recovery systems). Through the implementation of these measures, it is estimated that the development would achieve a 19% reduction in site-wide regulated CO<sub>2</sub> emissions beyond the requirements of the Building Regulations Part L (2013) 'baseline'.

The applicants acknowledge that the overall shortfall in CO<sub>2</sub> savings is below the London Plan Policy target, but consider that this level of savings represents the maximum that can be achieved given that the building façade would be, partly, retained. As the roof would house plant for the development and a living/green roof, it is not considered that further measures e.g. the installation of photovoltaic panels could be accommodated. In these circumstances, a shortfall in the level of CO<sub>2</sub> savings can be offset through a financial contribution to the Council's carbon offset fund. This would be secured by condition. It is estimated that the required contribution would be £17,500.

Subject to conditions to secure the sustainability measures proposed and a carbon offset payment, this aspect of the scheme is considered acceptable.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force. These make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether

there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of the development; ensure the development complies with policy requirements within the development plan; and if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures that the overall delivery of appropriate development is not compromised.

The application requires a contribution to the Council's Carbon Off-set Fund, which would be secured by condition.

The estimated Westminster CIL payment is £86,200.

### **8.11 Environmental Impact Assessment**

The environmental impact of the development is discussed elsewhere in the report.

### **8.12 Other Issues**

#### **Basement**

The application involves the excavation of an additional basement level beneath the site, which is dealt with under City Plan Policy CM28.1. The extent of the proposed basement is compliant with CM28.1.

As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. 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.

The City Council is 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.

The application has been assessed by the Building Control Officer who has advised that the proposed structural methodology appears satisfactory and is appropriate for this site. 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.

An informative is recommended advising the applicant of the need to obtain a Technical Approval from the City Council's Highways Engineers before beginning excavation works. This will ensure that the structural integrity of the highway will be maintained.

### **Construction impact**

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the basement construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the construction. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance. A further condition is recommended to control the hours of excavation and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible.

## **9. BACKGROUND PAPERS**

1. Application form
2. Memorandum from Residents' Society of Mayfair and St James, dated 6 April 2018
3. Response from Environmental Health, dated 29 December 2017
4. Response from Building Control, dated 3 January 2018
5. Memorandum from Highways Planning, dated 8 January 2018
6. Memorandum from Cleansing, dated 8 February 2018
7. Letter from the New West End Company, dated 10 April 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: SARA SPURRIER BY EMAIL AT [SSPURRIER@WESTMINSTER.GOV.UK](mailto:SSPURRIER@WESTMINSTER.GOV.UK).

### 10. KEY DRAWINGS

Existing Hanover Street Elevation



Proposed Hanover Street Elevation



**Existing Pollen Street Elevation**

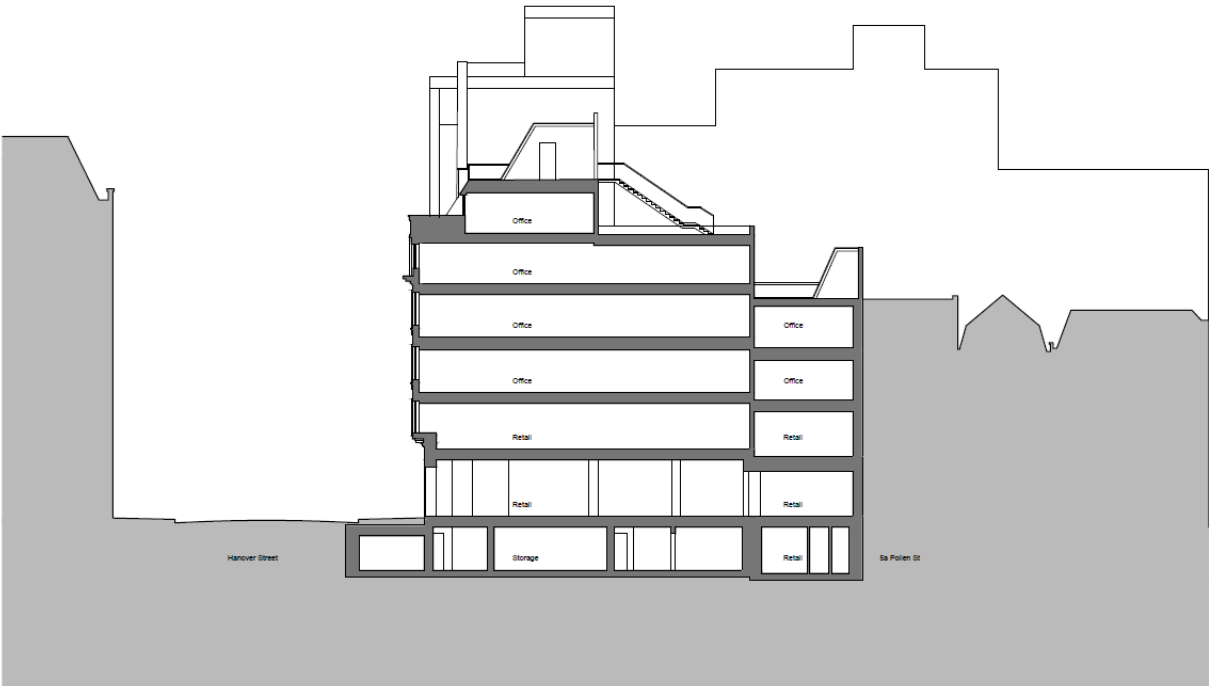


**Proposed Pollen Street Elevation**

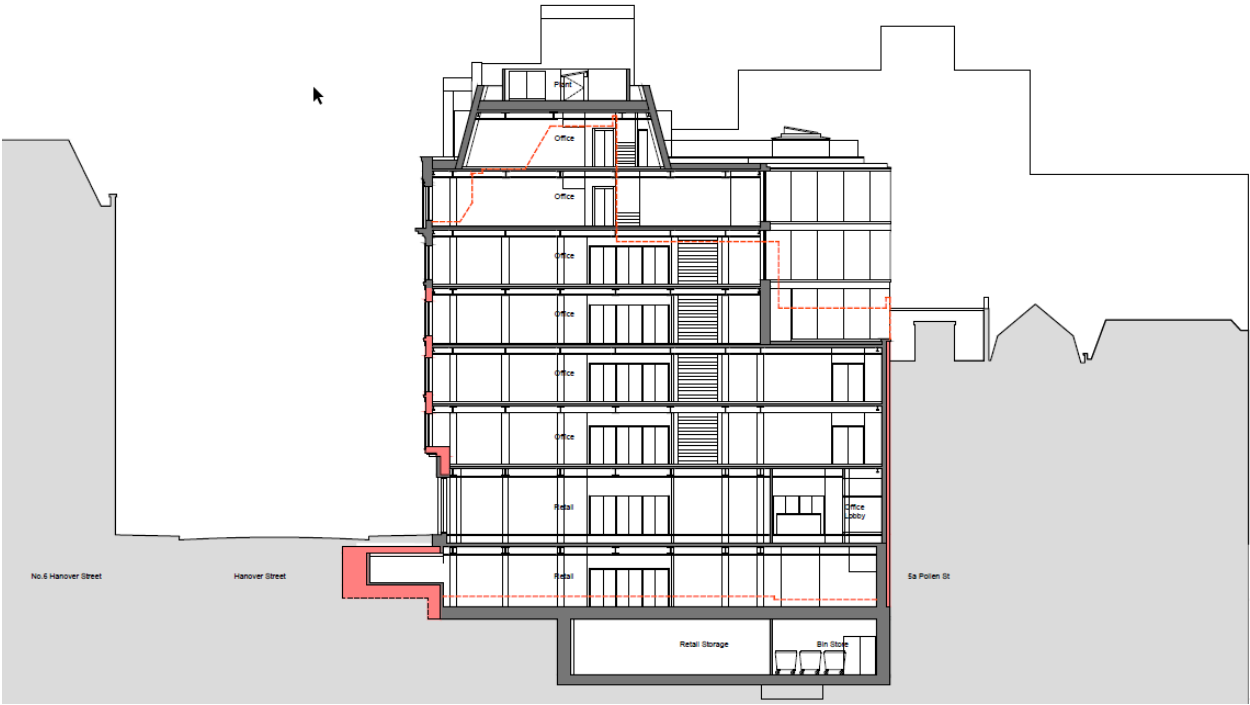




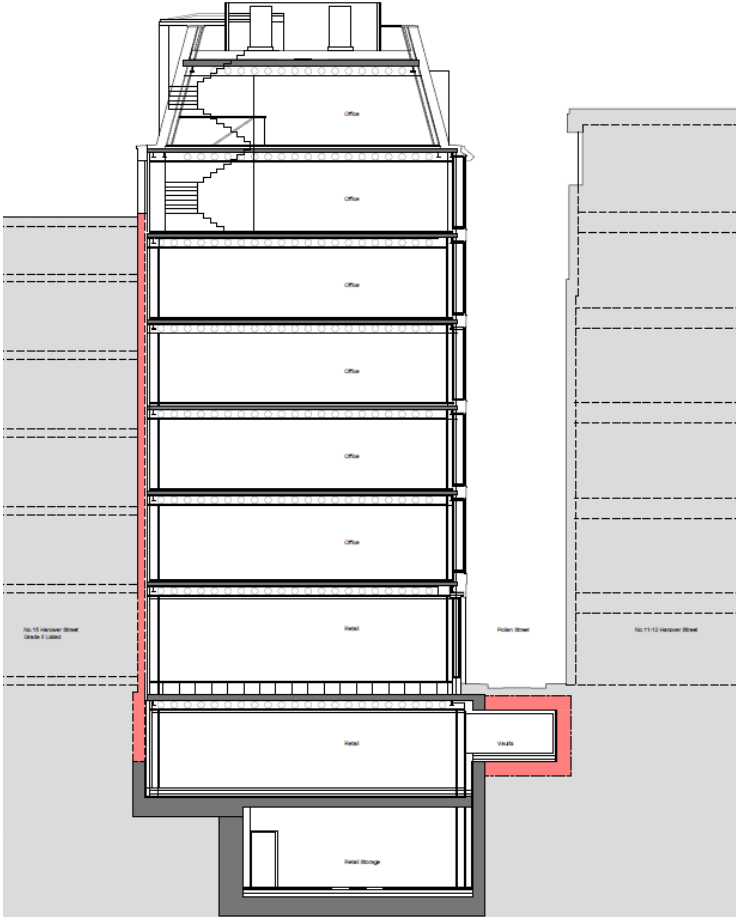
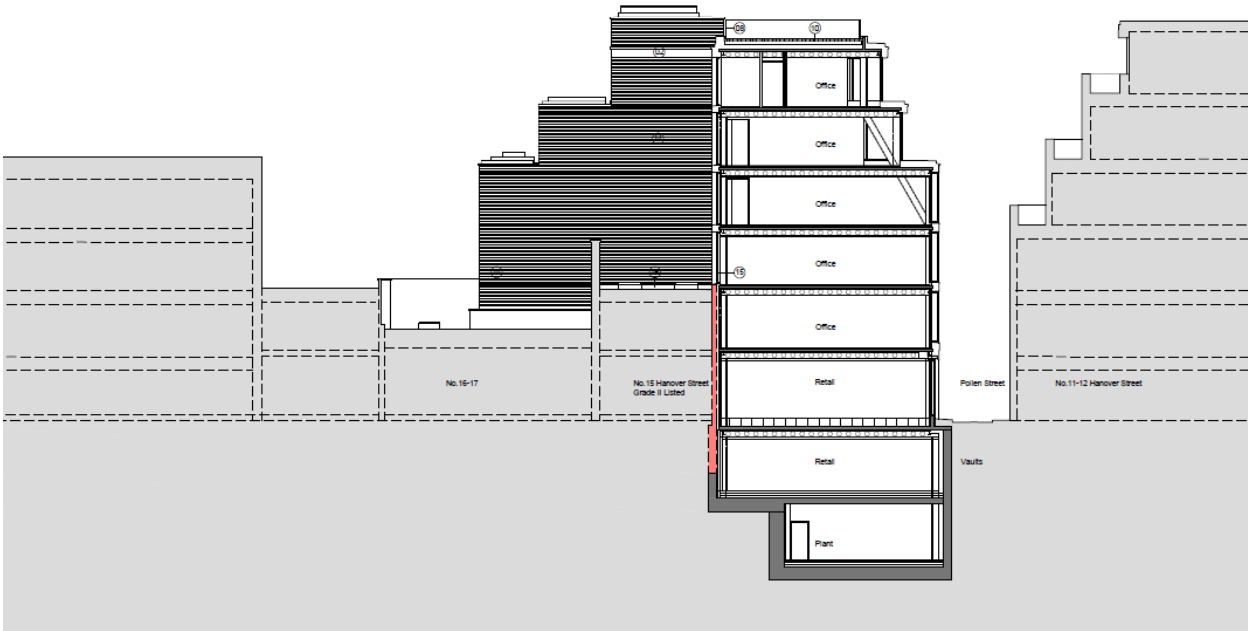
**Existing through Hanover Street**



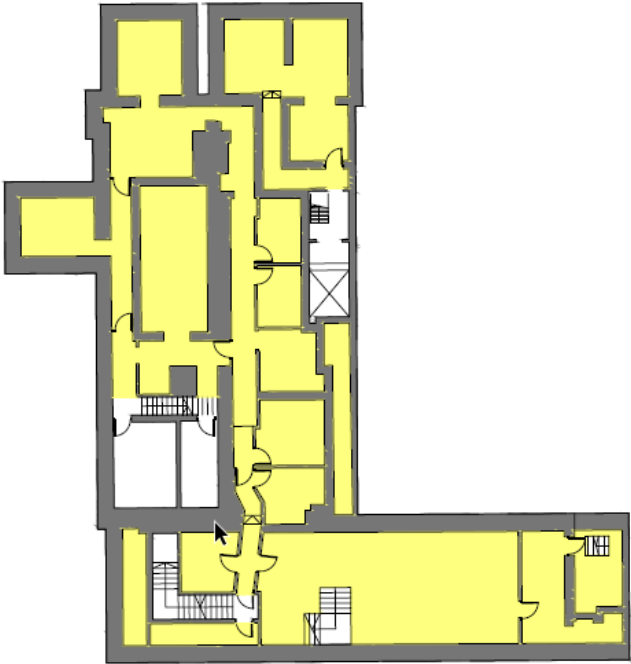
**Proposed through Hanover Street**



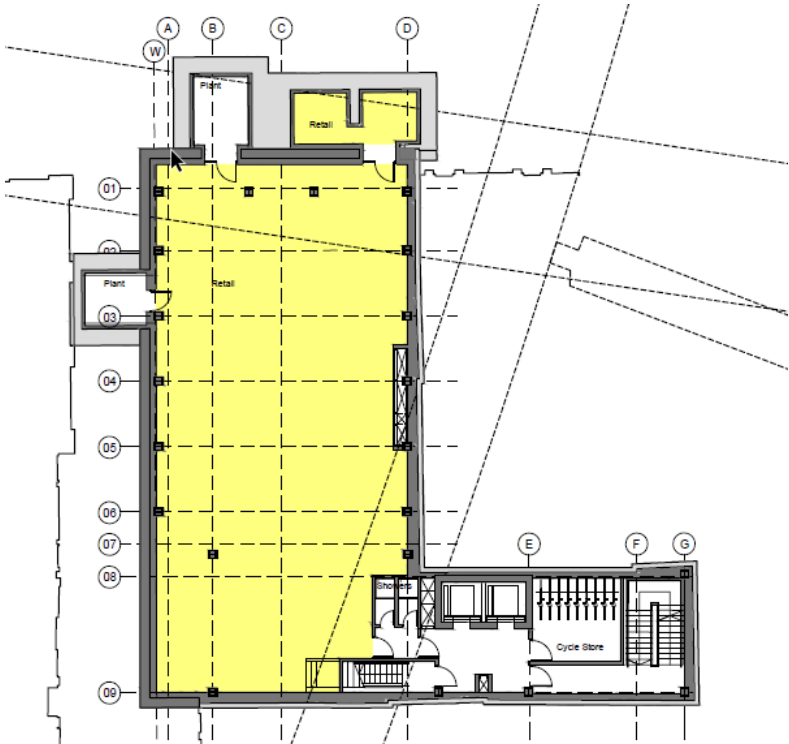
Proposed Sections through Pollen Street



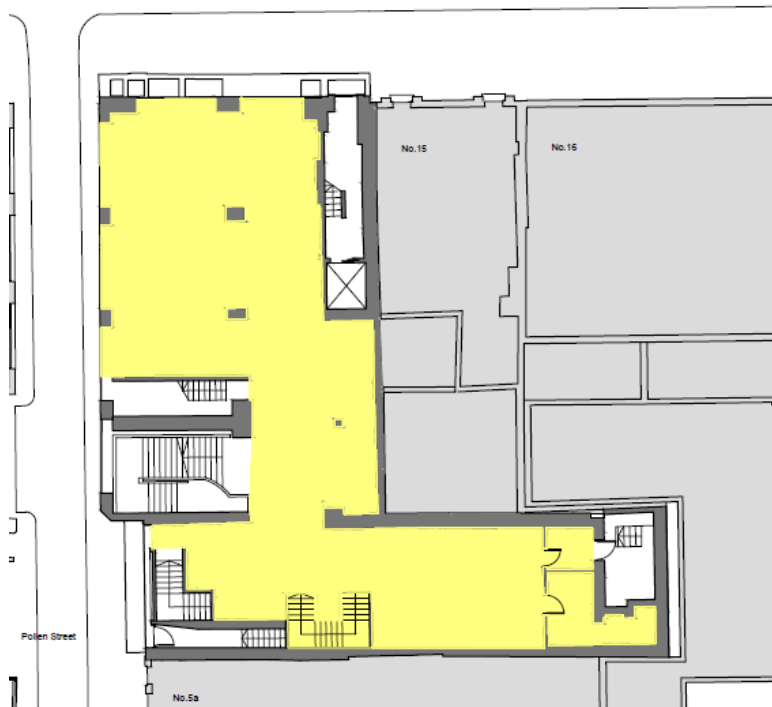
Existing lower ground floor



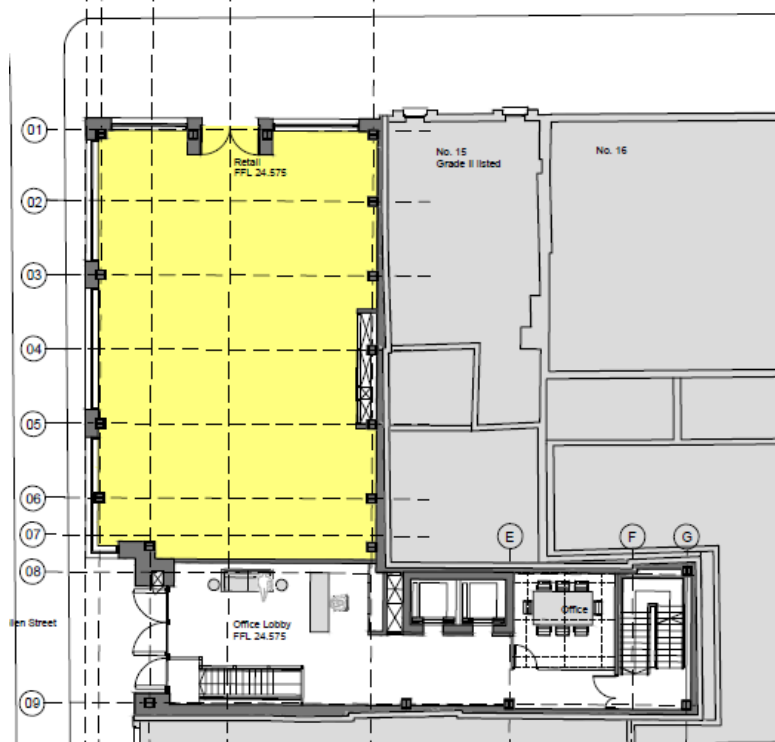
Proposed Basement



Existing ground floor



Proposed Ground Floor



**DRAFT DECISION LETTER**

**Address:** 13-14 Hanover Street, London, W1S 1YH,

**Proposal:** Redevelopment of 13-14 Hanover Street/6-7 Pollen Street behind retained Hanover Street facade, including excavation of an additional basement, to provide a new building for retail use (Class A1) at basement, lower ground and part ground floor level and office use (Class B1) at part ground, and first to part fifth/ part sixth floor with a roof top plant enclosure to 13-14 Hanover Street and green roof to 6-7 Pollen Street (Site includes 6-7 Pollen Street).

**Reference:** 17/10871/FULL

**Plan Nos:** 1524-20-3-001 Rev 03, 1524-20-3-080 Rev 09, 1524-21-3-130 Rev 02, 1524-20-3-0150 Rev 09, 1524-20-3-0110 Rev 09, 1524-20-3-0140 Rev 9, 1524-20-3-0100 Rev 09, 1524-21-3-0100 Rev 03, 1524-20-3-090 08, 1524-21-3-110 Rev 04, 1524-20-3-0120 Rev 09, 1524-22-3-001 Rev 03, 1524-22-3-002 Rev 03, 1524-22-3-003 Rev 01, 524-20-3-0170 Rev 02, 1524-21-3-120 Rev 03, 1524-20-3-0130 Rev 09

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of

Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development:
- (1) Alterations to front facade,
  - (2) All other facades - Typical details at all levels ,
  - (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 **Pre Commencement Condition.**

You must not start any demolition work on site until we have approved either:

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

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

6 You must apply to us for approval of detailed drawings showing the following alterations to the scheme.,

- (1) Hanover Street - Shopfront framework (to be traditional, reflecting the style of the facade above. Dentil cornice to be retained).

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

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)

8 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

9 (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.

- 10 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.

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

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.

- 12 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)

- 13 You must not use the fifth floor paved flat roof to rear of the Pollen Street buildings (to the east of the lift core) for sitting out or for any other purpose. You can however use the roof for maintenance or to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 14 You must provide the waste store shown on drawing 1524-20-3-080 Rev 09 before occupying the office or retail accommodation hereby approved. You must clearly mark them and make them available at all times to everyone using the premises.

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)

- 15 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the living 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 approved what you have sent us. You must carry out this work according to the approved details prior to occupation of any of the residential units hereby approved and thereafter retain and maintain in accordance with the approved management plan.

**Reason:**

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 16 You must apply to us for approval of details of a plan showing the provision of storage for 25 bicycles for both the retail and office accommodation hereby approved. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

**Reason:**

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

- 17 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the retail accommodation hereby approved shall not be used for food/supermarket purposes

**Reason:**

We cannot grant planning permission for unrestricted use in this case because it would not meet TRANS 20 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 18 You must submit a Servicing Management Plan for the City Council's approval prior to the occupation of the retail and office accommodation hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The plan must also demonstrate sufficient holding space for delivery of goods and refuse bins awaiting collection off the highway. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

**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)

- 19 **Pre-commencement condition**

You must not commence development until we have approved appropriate arrangements to secure the following:

- Arrangements to address the shortfall in carbon dioxide reductions

You must only carry out the development according to the approved arrangements.

**Reason**

To make sure that the development provides the planning benefits that have been agreed, as set out in London Plan Policy 5.2

**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 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if complaints are received.
- 3 As the new construction provides support to the highway an informative should be included to remind the applicant to obtain a Technical Approval from the City Council's highways engineers before beginning excavation
- 4 With reference to condition 12, 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
- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 6 Asbestos is the largest single cause of work-related death. People most at risk are those

working in the construction industry who may inadvertently disturb asbestos containing materials (ACMs). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACMs, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)

- 7 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: , ,

\* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

\* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 8 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.,

\* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

\* Internal atria - design these spaces so that glazing can be safely cleaned and maintained

\* Lighting - ensure luminaires can be safely accessed for replacement.,

\* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 9 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)
- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk). Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see [www.equalityhumanrights.com](http://www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit [www.cae.org.uk](http://www.cae.org.uk).

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see [www.habinteg.org.uk](http://www.habinteg.org.uk) , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 12 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following;
- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,\* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the

main part of the treads.

- 13 Under condition 19 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure a payment of £17,500 towards the Council's Carbon Off-set Fund. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition.

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.