



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 3rd August, 2021

Time:

6.30 pm

Venue:

18th Floor, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Robert Rigby (Chairman)
David Boothroyd
Geoff Barraclough

Jim Glen
Louise Hyams
James Spencer



The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams.

Members of the public and press are encouraged to view the meeting virtually using the link to the live meeting.

For those who wish to attend in person admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.

If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Councillor Coordinator.

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To sign the minutes of the last meeting as a correct record of proceedings.

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

Members of the public are welcome to speak on the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. LECONFIELD HOUSE CURZON STREET LONDON W1J 5JB

(Pages 21 - 92)

2. WESTMINSTER HOUSE 7 MILLBANK LONDON SW1P 3JA

(Pages 93 - 154)

**3. 180 PICCADILLY AND 48-50 JERMYN STREET LONDON W1J
9BA**

**(Pages 155 -
220)**

**Stuart Love
Chief Executive
23/07/2021**

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 8th June, 2021**,

Members Present: Councillors Robert Rigby (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and James Spencer

Also Present:

Councillor Murad Gassanly was present for Items 1 and 2 in his capacity as Ward Councillor.

Councillor Liza Begum was present for Item 2 in her capacity as Ward Councillor.

1 MEMBERSHIP

- 1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all six Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report; together with bundles of the letters or e-mails received in respect of this application containing objections or giving support. If an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored.
- 2.2 Councillor James Spencer declared that in respect of Item 2 he knew one of the objectors, however he had not entered into any correspondence with any of the objectors and he would approach the application with an open mind.
- 2.3 Councillor Jim Glen declared that in respect of Item 1 he had met several of the objectors, but he had formed no opinion on the application and he would approach the application with an open mind. He also declared that he was Trustee of the Westminster Tree Trust.

- 2.4 Councillor Boothroyd declared he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. He was precluded from working on any scheme in Westminster under the company's code of conduct.

Gerald Eve and Montagu Evans were planning consultants for some Thorncliffe clients, and were also acting for applicants at the meeting. He did not deal directly with clients or other members of project teams, and planning consultants were not themselves clients.

In respect of item 2, some of those who had made representations, including Cllrs Begum and Talukder, were considered his friends.

- 2.5 Councillor Rigby declared that in respect of Item 1 he had sat on a previous Sub-Committee which had considered the application. In respect of Item 2 he had previously been the Deputy Cabinet Member for Finance, Property and Regeneration and as such had been aware of the application, but he had formed no opinion on the application and would approach it with an open mind. One of the objectors was also a former Westminster City Council Councillor but he had held no discussions with him regarding the application. In respect of Item 3 he had sat on a previous Sub-Committee which had considered an application on the same site.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meetings held on 13 April and 20 April 2021 be signed by the Chair as a correct record of proceedings.

3 PLANNING APPLICATIONS

1 DEVELOPMENT SITE BOUNDED BY EBURY STREET, PIMLICO ROAD, AVERY FARM ROW, EBURY SQUARE AND CUNDY STREET

Application 1 Comprehensive residential-led mixed-use redevelopment, including demolition of Kylestrome House, Lochmore House, Laxford House, Stack House, Walden House and structures attached to Coleshill Flats; tree removal and pollarding; erection of a partial sub-basement, basement and buildings varying in height from five to 11 storeys, to provide affordable homes (Class C3), market homes (Class C3), senior living accommodation (comprising Class C3 and / or Class C2), alongside a range of uses at partial sub-basement, basement and ground floor level including retail (Class A1), restaurants / cafes (Class A3), drinking establishments (Class A4); offices (Class B1), community space (Class D1), cinema (Class D2); use of the lower ground floor of the Coleshill Flats as retail and / or workspace (Class A1 and / or B1); provision of new pedestrian routes; basement car parking; basement and ground floor circulation, servicing, refuse,, ancillary plant and storage;

provision of hard and soft landscaping; landscaping works and creation of new play facilities at Ebury Square; rooftop PV panels; rooftop plant equipment; refurbishment and relocation of Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of the telephone boxes on Orange Square; and other associated works. (This is a phased development for CIL purposes). Application 2 Demolition of structures attached to Coleshill Flats on Pimlico Road; works to the eastern boundary wall at the eastern side of Coleshill Flats on Pimlico Road; minor alterations to the rear facade of the Coleshill Flats at lower ground floor; refurbishment and relocation of the Arnrid Johnston obelisk to elsewhere within the site; refurbishment and relocation of the water fountain on Avery Farm Row; repair and relocation of telephone boxes on Orange Square; and other associated works in connection with comprehensive residential-led mixed-use development.

Additional representations were submitted by The Greater London Authority (25.05.21) and Grosvenor (02.06.21).

Late representations were received from a local resident (07.06.21). The minutes from the Sub-Committee meeting held on 16 February 2021 were also circulated.

The presenting officer circulated the following additional conditions:

Condition 62

You must apply to us for approval of a management plan for the Class C3 independent living units. The management plan should set out the occupancy restrictions for this type of accommodation and should be consistent with condition 63. You must not occupy any Class C3 independent living units until we have approved what you have sent us. Thereafter you must manage Class C3 accommodation in accordance with the details approved.

Condition 63

The primary occupants of the Class C3 independent living units shall only be persons over 65 years of age.

Condition 64

Pre-commencement condition – Notwithstanding the information submitted, you must apply to us for approval of a construction logistics plan. You must not start any work until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

James Wright addresses the Sub-Committee in support of the application.

Anna Bond addresses the Sub-Committee in support of the application.

Councillor Murad Gassanly addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

RESOLVED UNANIMOUSLY:

Application 1

That subject to the views of the Mayor of London, conditional permission, as amended, be granted subject to:

1. An additional informative with regards to the reduced structural slab and the need to ensure there was adequate sound insulation between the floors, subject to Building Control approval.
2. A legal agreement to secure the following:
 - a) Provision of 88 x affordable housing units, made up of 44 x social rent tenure (the new social rent units to be provided on the same terms as flats within Walden House including security of tenure, service charges and rental levels) and 44 x intermediate rent tenure (rents set at London Living Rent values for Churchill ward up to a maximum household income of £60,000.) The units within Building A not to be occupied until all 44 social rent affordable housing units are ready for occupation. The units within Building B1 not to be occupied until all 44 intermediate affordable housing units are ready for occupation. The obligation to be subject to an early and late stage review.
 - b) Undertaking of highways works on Ebury Street, Cundy Street, Ebury Square, Avery Farm Row and Pimlico Road including associated traffic management orders, tree planting, cycle parking, re-paving of all footways, loading pads, changes to parking bays, changes to kerb lines, footway widening, relocated memorial fountain, relocated TfL bus stop on Pimlico Road and any other associated works to accommodate the development. Highway works to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of relevant phase of development.
 - c) A Walkways Agreement to secure access for the public across the site.
 - d) An Employment and Skills Plan, including operational phase employment targets for the commercial elements, and a contribution of £181,973.61 (index linked) to support the Westminster Employment Service (payable and submitted prior to the commencement of development)
 - e) Car club membership for the occupiers of all residential units for a period of 25 years.
 - f) A financial contribution of £220,000 (index linked) towards an extended or new TfL Cycle Hire docking station(s) (payable prior to commencement of development).

g) A financial contribution of £50,000 (index linked) towards cycle improvements as part of Quietway 15 (payable prior to commencement of development).

h) A payment of £15,000 (index linked) for a micro recycling centre in lieu of on-site provision. (payable prior to commencement of development).

i) A financial contribution of £70,000 (index linked) towards tree planting and maintenance, with the planting and maintenance priority order to be:

i. Zone 1: In or close to the locations shown on planning application drawing ref 288_P20.100 Rev B

ii. Zone 2: Within 200m of the development site

iii. Zone 3: Within Churchill and/or Belgravia wards

iv. Zone 4: Any sites outside Zone 1-3 within the administrative boundary of the City of Westminster

j) The submission of an updated energy assessment report and payment of between £989,000 to £1.43m (index linked) towards the City Council's Carbon Off Set fund. (payable prior to commencement of relevant phase of development) and to secure energy monitoring and management over the lifetime of the development.

k) The long term retention, access to and maintenance of any play space within the development.

l) A payment of £100,000 (index linked) for provision and future maintenance of local play space improvements in lieu of the shortfall of play space as required by Mayor of London, Play and Informal Recreation SPG (payable prior to commencement of development) with the priority order to be within the vicinity (200m) of the site and then within Churchill and/or Belgravia wards.

m) The provision of a 154 sqm community space facility to be provided in perpetuity at peppercorn rent.

n) The provision of affordable workspace and / or retail units to be provided at basement level of Coleshill Flats at 50% of the market rate, and 50% service charge, for a 20-year period.

o) Provision of public art to the value of £75,000.

p) The provision of a travel plan and the cost of monitoring the plan.

q) The setting up of a Community Forum for the duration of the development works.

r) The costs of monitoring the S106 legal agreement.

3. That if the legal agreement had not been completed within six weeks of the date of the Committee resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether the permission could be issued with additional conditions attached to secure the benefits listed above. If this was possible and appropriate, the Director of Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that it had not proved possible to complete an agreement within the appropriate timescale, and that the proposals were unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
4. That the Sub-Committee authorised the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land currently adjacent to Ebury Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant would be required to cover all costs of the City Council in progressing the agreement.

Application 2

1. That conditional listed building consent be granted.
2. That the reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision letter be agreed.

2 DARWIN HOUSE, 104 GROSVENOR ROAD, SW1

Redevelopment of the site on a phased basis. Phase 1 - Demolition of 23 garages and former Balmoral Castle Public House. Phase 2 - Erection of a part seven storey, part six storey and part five storey building to provide community supporting housing (Class C3) (Block A). Phase 3 - Demolition of Darwin House. Phase 4 - Erection of part five storey and part four storey building to provide housing (Class C3) (Block B). All together with new public open space, hard and soft landscaping, car parking, cycle parking, plant and other associated works in each phase.

Additional representations were received from the Churchill Gardens Residents Association (02.06.21), Protect Churchill Gardens Residents Group

(04.06.21) and twelve local residents (02.06.21, 27.05.21, 28.05.21, 31.05.21 and 04.06.21).

Late representations were received from Montagu Evans (04.06.21), six local residents (06.06.21 and 07.06.21), the WCC Housing Department (undated), WCC Highways (08.06.21) and Hereward & Co Solicitors (06.06.21).

The presenting officer tabled the following revised and additional conditions:

Revised Condition no.26 (Energy)

~~You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application. Photovoltaic panels. You must not remove any of these features.~~

Condition:

The development shall be carried out in accordance with the energy efficiency measures set out in the approved Energy Statement. You must not remove any of these features.

Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

Revised Condition no. 28: (Bats)

~~**Pre Commencement Condition.** You must apply to us for approval of details of the action you will take to protect bats in the area around the development. You must not start any work until we have approved in writing what you have sent us (after consulting Natural England). You must carry out these measures according to the approved details before you start to use the building. (C43EA)~~

Pre Commencement Condition:

No demolition shall take place in respect of the Balmoral Public House and single storey garage blocks (Phase 1) until the results of two bat emergence surveys have been submitted to and approved by the City Council as local planning authority in consultation with Natural England.

If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site.

If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

Reason:

The submitted ecological report has identified the Balmoral Public House having moderate potential for roosting bats and therefore two emergence surveys are required to demonstrate whether bats are present. Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021) .

Additional Condition no. 29. (Bats)

Pre-Commencement Condition:

No demolition shall take place in respect of Darwin House (Phase 3) until the results of a single emergence survey has been submitted to and approved by the City Council as local planning authority in consultation with Natural England.

If the results of these surveys show that no roosting bats are present in these buildings, works can commence on site .

If the results show the presence of roosting bats, no demolition works shall take place until the applicant obtains a Licence from Natural England and details of the proposed mitigation measures. A copy of this Licence must be submitted to the City Council before any demolition takes place and the development must be carried out in accordance with this Licence at all times.

Reason:

The submitted ecological report has identified that Darwin House has low potential for roosting bats, and to ensure that an additional survey is carried out before any demolition takes place . If the results of these surveys show that no roosting bats are present in this building, works can commence on site . Bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and to ensure that the development complies with Policy 34 of the City Plan 2019-2040 April 2021) .

Additional Condition no. 30 (Ecological Report)

Condition:

The development shall be carried out in accordance with the mitigation details set out in the approved ecological report. Details of the proposed bat and bird boxes and the creation of new habitats shall be submitted to and approved by the City Council as local planning authority before any works commence on Phases 2 and 4. The development shall be carried out in accordance with these approved details and shall be erected prior to the occupation of the buildings .

Reason:

To reduce the impact of the proposed development on biodiversity and to secure improvements for biodiversity as set out in Policy 34 of the City Plan 2019-2040 (April 2021)

Additional Condition no. 31 (Privacy Screens)

Condition:

You must apply to us for approval of details of screens to be installed on the west-facing side of balconies of flats in Block B (i.e. adjacent to no. 105 Grosvenor Road). These screens shall be obscured and extend to not less than 1.8 m above balcony floor level. The approved screens shall be erected in accordance with the approved details prior to the first occupation of the flats and shall be retained for the full lifetime of the development.

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

George Woods addressed the Sub-Committee in support of the application.

Jeremy Evershed addressed the Sub-Committee in support of the application.

Gordon Haggart addressed the Sub-Committee in objection to the application.

Paul Zuckerman addressed the Sub-Committee in objection to the application.

Councillor Murad Gassanly addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

Councillor Liza Begum addressed the Sub-Committee in her capacity as Ward Councillor in objection to the application.

RESOLVED UNANIMOUSLY:

1. That conditional permission, as amended, be granted pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, subject to:
 - i) Completion of a S106 unilateral undertaking to secure the following:
 - a) provision of the 52 x residential units as Intermediate Rented Housing (18 x 1 bedroom flats in Block B) and Community Supportive Social Rented Housing (34 x 1 bedroom flats in Block A) and Intermediate Rented Housing (18 x 1 bedroom flats in Block B) in accordance with the affordability criteria specified by the Housing Development Manager;

- b) provision of car club membership for 25 years for each residential flat;
 - c) walkways agreement to secure access through the site;
 - d) a contribution of £21,090 (index linked and payable on commencement) to the Carbon Off set fund;
 - e) a financial contribution of £6954 to the Westminster Employment Service (index linked and payable on commencement of development) and;
 - f) the cost of monitoring the agreement.
- ii) The following additional conditions:
- a) a requirement that the flat roofs on the building not be used as terraces;
 - b) the development of a site waste management plan; and
 - c) the establishment of a Community Liaison Group to deal with issues in respect of construction.
- iii) The following additional informatives:
- a) The Community Liaison Group to also include representatives from Adult Social Care in order to mitigate the impact of the construction on the amenity of existing elderly residents in Darwin House.
 - b) Applicant to consider whether access off Grosvenor Road was possible during construction, although this would be subject to the views of TfL and it was understood that there were constraints relating to the existing cycle lane and trees. If this was not possible it was suggested that assessments be undertaken on whether construction vehicles going passed the local primary school do so at staggered times to avoid school drop off/picking up times.
 - c) Applicant to consider whether additional greening could be provided, in particular a green wall on the flank elevation of Block B and/or green roofs.

- d) Applicant to look at a Local Lettings Policy for the new units.
 - e) The names of the existing buildings to be re-used in any future planning applications for Street Naming and Numbering.
- 2. That if the S106 unilateral undertaking had not been completed within six weeks then:
 - a) The Director of Place Shaping and Town Planning should 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 Place Shaping and Town Planning was authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning should consider whether permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 50 EASTBOURNE TERRACE, W2

Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Gym, Retail and or Restaurant (Class E).

A late representation was received from the South East Bayswater Residents Association (04.06.21).

Mark Younger addressed the Sub-Committee in support of the application.

Amy Rogers addressed the Sub-Committee in objection to the application.

RESOLVED:

That conditional permission be granted subject to an additional condition to ensure access and egress to the Gym for customers and staff only took place from Craven Road, unless as a means of escape in an emergency, and an additional informative to encourage the use of electric vehicles for servicing.

The Meeting ended at 9.47 pm.

CHAIRMAN: _____

DATE _____

CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 3rd August 2021 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 20/01200/FULL West End	Leconfield House Curzon Street London W1J 5JB	Replacement of existing 7th floor level and roof plant area, excavation of three new basement levels, infilling of windows at the rear, replacement windows and doors at ground and first floor level, new loading doors onto Chesterfield Gardens and refurbishment works, all for use of the building as a 60 to 70 bedroom hotel and private members' club including restaurants, spa/wellness centre and retail (sui generis use), with plant at 6th, 7th floor, roof level and basement level 3 and roof terraces at seventh floor level.	Leconfield House Holdings Limited
Recommendation Refuse permission – Insufficient information submitted to justify loss of Class E use to hotel and private members' club use within the CAZ.				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 21/01508/FULL St James's	Westminster House 7 Millbank London SW1P 3JA	Demolition of existing office building, including dismantling of the facades to Millbank, Dean Stanley Street and Smith Square; erection of new nine storey building using new and reclaimed materials for commercial business and service use (Class E); extension to Smith Square; excavation of new subbasement; formation of external terraces at sixth, seventh and eighth floor levels; new main entrance to Dean Stanley Street with secondary and servicing entrances to Smith Square; installation of plant and associated works.	Baola Properties Limited
Recommendation 1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following: a) Highways works necessary for the development to proceed. b) A payment of £115,541.65 (index linked) to support the Westminster Employment Service (payable on commencement of development); c) A payment of £354,043 (index linked) to the City Council's Carbon Offset Fund (payable on commencement of development); d) A payment of £250,000 (index linked) towards TfL's Lambeth Bridge North scheme (payable on commencement of development); e) London Plan (2021) 'Be Seen' energy monitoring obligation; and f) The City Council's S106 monitoring costs 2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then: a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the				

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 3rd August 2021
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>The Director of Place Shaping and Town Planning be authorised to make a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway on Smith Square to enable the Development to be undertaken and to take all necessary procedural steps to confirm the order.</p>			
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s):</p> <p><u>Application 1</u> 21/01138/FULL</p> <p><u>Application 2</u> 21/01521/LBC</p> <p>St James's</p>	<p>180 Piccadilly and 48-50 Jermyn Street London W1J 9BA</p>	<p><u>Application 1</u> Demolition of existing buildings and redevelopment of the site to create a Class E use building, including basement plant and cycle parking facilities, installation of roof top plant and all other works incidental to the proposals.</p> <p><u>Application 2</u> Alterations and supporting works to the Piccadilly Arcade party wall, in order to facilitate planning application (R N: 21/01138/FULL).</p>	<p>Pontsarn Investments Limited</p>
<p>Recommendation</p> <p><u>Application 1</u></p> <p>1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:</p> <ul style="list-style-type: none"> a) Undertaking of all highways works immediately surrounding the site required for the development to occur, to the City Council's specification and at the full cost to the developer. Highway works to have been agreed prior to commencement of the development; b) The areas where the proposed building line is to be set back from existing, namely at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street, are to be dedicated as public highway prior to the occupation of the development and at no cost to the City Council; c) A financial contribution of £154,500 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development); d) Monitoring and reporting and on the actual operational energy performance of the building, including as-built and in-use stage data; e) A financial contribution of £86,178 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); and f) The costs of monitoring the S106 agreement. <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers <p>3. That Committee authorises the making of a draft agreement pursuant to s38 of the Highways Act 1980 for the dedication of land at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street to enable</p>				

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PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.</p>
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Application 2

1. Grant conditional listed building consent.
2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 3rd August 2021
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 August 2021	Classification For General Release	
Addendum report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Leconfield House, Curzon Street, London, W1J 5JB		
Proposal	Replacement of existing 7th floor level and roof plant area, excavation of three new basement levels, infilling of windows at the rear, replacement windows and doors at ground and first floor level, new loading doors onto Chesterfield Gardens and refurbishment works, all for use of the building as a 60 to 70 bedroom hotel and private members' club including restaurants, spa/wellness centre and retail (sui generis use), with plant at 6th, 7th floor, roof level and basement level 3 and roof terraces at seventh floor level.		
Agent	JLL		
On behalf of	Leconfield House Holdings Limited		
Registered Number	20/01200/FULL	Date amended/ completed	9 April 2020
Date Application Received	19 February 2020		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse permission – Insufficient information submitted to justify loss of office use to hotel and private members' club use within the Central Activities Zone (CAZ).

2. SUMMARY

This scheme which seeks permission to reconfigure and extend the existing building to provide a private members' hotel, including restaurants, bar, health club and retail space was presented to Committee on 16 February 2021. Committee resolved to grant conditional permission subject first to the views of the Mayor and to the completion of a S106 agreement to secure a contribution of £116,902.86 to support the Westminster Employment Service and 50% discounted membership for local residents of Chesterfield House and immediate residents on Curzon Street.

Following this resolution to grant permission, the Mayor's views were received enabling the City Council to determine the application, however, prior to issuing the decision, the City Plan was formally adopted by Full Council on 21 April. The new plan has policies relevant to this planning application, and these are materially different to the comparable ones found in the 2016 City Plan under which the planning application was determined by the committee in February. The City Plan 2019 - 2040 is in accordance with the National Planning Policy Framework (NPPF) (July 2021).

Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city. The application is therefore reported back to the planning committee so that the new policy references can be taken into account.

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The weight to be attributed to material considerations is a matter for the decision maker; the weight attached to recently adopted development plan policies may be expected to be significant.

The policies in the City Plan 2019-2040 that are considered to be materially different to those that the planning application was originally assessed are:

Policy 13 – Supporting economic growth.
 Policy 14 – Town centres, high streets and the CAZ.
 Policy 15 – Visitor economy.
 Policy 16 – Food, drink and entertainment.
 Policy 36 – Energy.
 Policy 45 – Basement developments.

Loss of office use (Policy 13)

The proposed development would result in the loss of 8,610 sqm of office space, and objections have been received to this loss. London Plan Policy E1 supports the redevelopment, intensification and change of use of surplus office space to other uses including housing, provided that the scope for the re-use of otherwise surplus large office spaces for smaller office units and/or lower cost and affordable workspace has been explored.

Policy 13 of the City Plan states that the net loss of office floorspace from the CAZ to hotel use will only be permitted where there is no interest in its continued use for office or any other Class E (commercial, business and service) uses education or community use, as demonstrated by vacancy and appropriate marketing for a period of at least 12 months. The supporting text to the policy at paragraph 13.14 states that “there may also be instances where existing office stock within the CAZ has reached the end of its economic life, and there is no interest in its continued use for such purposes, or for other uses that fall within Class E of the Use Classes Order. In such circumstances, its redevelopment or re-purposing for educational uses, such as new teaching and research facilities, can provide economic benefits in terms of improving skills and contributing to the further growth and clustering of knowledge-based industries. Community uses, such as new health facilities, can help address needs arising from a growing population and provide significant employment opportunities. Where there is also no interest in these uses, well designed and managed hotels can support London’s visitor economy and the strategic functions of the CAZ. Past levels of permissions to convert or redevelop office floorspace from the CAZ to hotel use in Westminster, however, justify only continuing to support such proposals after other reasonable options have been exhausted.”

The building is currently occupied and will not be fully vacant until June 2022. It is understood that the most significant tenant (EFG) has obtained alternative premises and is likely to vacate rather than seek a lease extension. It is also understood that other tenants are in the same position. The applicant states that a commercial decision was taken, following the positive recommendation in the December committee report and repeated in February, and the positive pre-application response in

October 2019, not to seek lease extensions from its tenants or to pursue any further tenancies. The commercial position is understood, but the pre-application advice given makes clear reference to Policy 14 of the then Draft City Plan (2019-2040) which resists the net loss of office floorspace from the CAZ.

The applicant also argues that the impact of the COVID-19 pandemic has resulted in a substantial supply of office space becoming available meaning that office occupiers seek and accept only the best office spaces. The applicant submits that Leconfield House is of a far lower specification than a grade A office commensurate with its area (it has lower ceilings than sought, is encumbered by internal columns typical of its age and has low toilet provision). However, this has not been substantiated by any marketing information demonstrating how and where the application building has been marketed as offices or for any other Class E uses, education or community uses for a period of at least 12 months. Had such marketing information been submitted then the City Council would have had the information verified by independent consultants. Notwithstanding the issues posed by the pandemic, insufficient information has been provided by the applicant to demonstrate that all reasonable options have been exhausted which would justify a loss of office floorspace from the CAZ contrary to Policy 13 D (2) of the City Plan 2021.

The applicant argues that it would be wrong to apply retrospectively the policy requirement to demonstrate 12 months vacancy and marketing and argues that it is in no-one's interests to 'pause' the application for a year of marketing to take place, in circumstances where the Council's extant resolution agrees to the redevelopment of the site. However, the legal position is clear. Planning permission must have regard to the development plan and other material considerations. If the considerations when the permission was granted have changed from those that underpinned the earlier committee resolution, then the permission has not actually been granted having regard to the development plan and other material considerations. This has been considered in a number of cases such as *R (Kides) v South Cambridgeshire*.

The applicant argues that there are powerful material considerations which justify granting planning permission and makes the following points:

- i. The proposals directly respond to the strategic aim of London Plan Policy SD4 (which seeks to protect and enhance the global competitiveness of the London economy and promotes offices and other strategic functions of the CAZ) by proposing a bespoke land use that could only be located in a handful of areas in a handful of cities in the world, one of which being London's Mayfair. The proposals will be defined by their global clientele and global reputation. The impetus to deliver such uses as part of the recovery from the COVID-19 pandemic only serves to strengthen this point.*
- ii. Hotels and hospitality are known to be substantial upskillers of staff starting employment with few qualifications and together with the employment contribution secured in the S106 agreement to the benefit of Westminster's residents, this highly managed proposal can be expected to contribute significantly to Westminster's employment base. This is likely to be around the same per square metre level as a fully occupied office (taken to be 1 worker per 11.3sqm in the City Plan), if not higher given the generous space proportions taken by traditional Mayfair occupiers such as private equity houses at perhaps 14 to 1. Supporting paragraph 13.12 of the City Plan policy notes that the loss of offices risks undermining London's key strategic employment functions. The proposals will in fact support international businesses in the city and be a significant employer in its own right, and this is acknowledged in the GLA Stage 1 report at paragraph 14 which addresses both policies 13 and SD4.*

These arguments are noted, however, it is not unusual for development plan policies to pull in different directions and a judgement has to be made bearing in mind factors such as the importance of the policies which are complied with or infringed. It is recognised that the proposed use would be

an appropriate one in the CAZ (see paragraphs below), but the City Plan also recognises that there is a need to balance the competing functions of the CAZ as both a visitor attraction and global office centre. The City Plan also makes specific reference to the fact that the continued loss of office stock from the city at past rates is unsustainable, and the fact that the plan provides stronger protection for existing office floorspace than has historically been the case. It is also recognised that the proposed use would generate employment and the comments of the Mayor are noted, however, these comments were made in advance of the adoption of the current London Plan which also makes a clear reference to protection of existing office floorspace and the need for evidence of vacancy and marketing for at least 12 months to demonstrate that existing office accommodation is surplus to requirements. It is not considered that the arguments put forward are of such sufficient merit to outweigh the development plan policies relating to the loss of office accommodation.

Proposed Hotel Use (Policies 14 and 15)

City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel and conference facilities (as defined within the NPPF and London Plan). London Plan Policy E10(D) also supports conference facilities within the CAZ, stating, 'The provision of high-quality convention facilities in and around the CAZ should be supported'. London Plan Policy E10(F) states, 'Within the CAZ, strategically-important serviced accommodation [which includes hotels] should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods'. Despite the size of the hotel, it does not fall within the London Plan's definition of 'strategically-important' serviced accommodation, which is limited to accommodation comprising more than 20,000 sqm.

City Plan Policy 15(G) states that, 'New hotels and conference facilities will be directed to:

1. commercial areas of the CAZ; and
2. town centres that are District Centres or higher in the town centre hierarchy'.

Policy MSG1 of the Mayfair Neighbourhood Plan (MNP) also encourages growth within Mayfair, including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units (where subdivision is appropriate), and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public). Policy MSG2 states that growth is 'particularly encouraged' within West Mayfair for mixed use and residential growth.

Objectors refer to the fact that the site is completely unsuitable for a hotel and private members' club as it lies immediately adjacent to a residential mansion block within a unique "pocket of quietness" in Mayfair as identified in the Neighbourhood Plan. Whilst the MNP identifies West Mayfair as a location which is predominantly residential, it also recognises that there are important streets which are not predominantly residential. A land use survey of Curzon Street is included in the MNP at both ground and upper floors. These maps are appended to this report (Appendix 1). The maps show that Leconfield House belongs to a section of the street that is generally commercial in character (although it must be noted that on the ground floor plan that part of Chesterfield House is mistakenly identified in grey/unknown).

In the original report and supplemental addendum report, which are also both appended here, it was determined that the streets within the immediate vicinity of the site are considered to be of mixed character. Objectors, and Councillor Lewis, strongly disagree and Chesterfield House residents also commissioned their own land-use study of the area (from Grade Planning and attached again within

the background papers) which concludes that “between Curzon Street and South Street, South Audley Street is predominantly residential in character; and that Chesterfield Gardens has a predominantly residential character”.

In this case, Leconfield House faces Curzon Street, but also has frontages to Chesterfield Gardens which provides access to the loading bay, and onto South Audley Street, where a staff access is proposed. It is acknowledged that there are a number of residential properties on these streets, including the 105 flats immediately at the rear in Chesterfield House on South Audley Street and Chesterfield Gardens, the single family dwellings at 20 and 21-23 Curzon Street and the flats on the upper floors of 25 and 26 Curzon Street. However, on Curzon Street there are also a number of commercial uses such as offices, casinos (including Aspinall's casino opposite the site, Crockfords Casino at 30 Curzon Street), and banks at 35, 17A and 17B Curzon Street. There are also a number of other commercial uses at ground floor on Curzon Street, some of which provide residential accommodation on the upper floors.

On South Audley Street opposite Leconfield House at 1 Stanhope Gate, is a large office building, and the building behind this at 15 Stanhope Gate is in mixed office and residential use. The Qatar Embassy is at 1 South Audley Street, and the building adjoining 2 South Audley Street is a private members club (at 2 Audley Square).

The buildings on the opposite side of Chesterfield Gardens are occupied by the Egyptian Bureau for Cultural and Educational Affairs at 4 Chesterfield Gardens and as offices within 5-7 Chesterfield Gardens. No. 8 Chesterfield Gardens is in residential use.

Paragraph 15.13 of the City Plan explicitly confirms that in general terms, the CAZ is a suitable location for new hotels. Further guidance to the definition of ‘commercial areas of the CAZ’ is also given with the glossary which defines ‘predominantly commercial neighbourhoods’ as areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity. One of the Topic Papers produced as part of the City Plan examination (and appended to this report at Appendix 2) gives an indication of where residential is the main land use in the CAZ, and this part of Curzon Street is identified as one with commercial floorspace on the ground floor. Given this, and the character assessment of the area as set out above, it is not considered that the introduction of a hotel here would be contrary to Policy 15(G).

The supporting text for Policy 15 at paragraph 15.13 also provides guidance on how proposals for new hotel and conference facilities will be assessed, stating that such assessment will, ‘... take into account the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking. ... Para. 15.14 adds, ‘There is a need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents. Particularly large or intensively used hotels or conference facilities are often not compatible with predominantly residential streets, because the amount of activity they generate can cause amenity problems.’

In this case, despite the location of Chesterfield House immediately at the rear of the site, the entrance to the proposed hotel is on Curzon Street and whilst a loading bay is proposed on Chesterfield Gardens, the existing office accommodation here has traditionally been served from on-street and most of the proposed deliveries will be capable of being undertaken off-street. Had the application been recommended for approval, the operation and management of the hotel and the associated restaurant and bar facilities could have been controlled via an agreed Operational Management Plan to ensure that the amenity of neighbouring residents and businesses and the

quality of the surrounding environment is adequately safeguarded. Hours of servicing, including collection of waste, would also have been controlled by condition to daytime hours to address policy MSD2 of the Mayfair Neighbourhood Plan.

Restaurant Use (Policy 16)

Policy 16 (A) states that “proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.”

In this case, and as set out in the main report and supplemental addendum, members’ clubs form part of the longstanding character of Mayfair and as such the use is considered appropriate in this location. The restaurant floorspace totals 787sqm, which is 7% of the total floorspace and whilst there are some entertainment uses and hotels within the vicinity of the site, it is not considered that the proposed entertainment elements of the use would result in an over-concentration of entertainment uses or adversely affect the character and function of the area.

A number of the objections argue that the proposal would be contrary to the former policy TACE 10 of the now superseded Unitary Development Plan which states that entertainment uses over 500sqm will only be permissible in ‘exceptional circumstances’. However, this policy no longer forms part of the Development Plan and does not hold any weight.

Paragraph 16.4 requires applicants proposing new entertainment uses to set out in their planning statements the benefits that the local community will gain from these uses. In this case, the applicant has agreed to offer a 50% discount on gym membership for the immediate residents, including residents in Chesterfield House, and this will be secured by legal agreement.

Basement Development

Policy D10 of the London Plan states that “Boroughs should establish policies in their Development Plans to address the negative impacts of large-scale basement development beneath existing buildings, where this is identified as an issue locally.”

Policy 45 states:

“A. Basement developments should:

1. incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding;
2. be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area;
3. protect heritage assets, and in the case of listed buildings, not unbalance the building’s original hierarchy of spaces where this contributes to its significance; and
4. conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

B. Basement developments will be supported where they:

- ...3. not comprise more than one storey beneath the lowest original floor level – exceptions may be made on large sites with high levels of accessibility for construction; ... and...

5. not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.”

Since the last report was published, additional comments from the structural engineer instructed by the residents of Chesterfield House have been received. He believes that the depth of the basement is contrary to part B3, that the site has only limited and restricted access; that there is a risk of damage to Chesterfield House from demolition and construction related vibrations which could involve breaking service pipes embedded in the structure and disturbing external brickwork, and that the construction will cause unnecessary noise and disturbance. Concerns are also raised on the grounds that the structural report has not been suitably self-certified, that nothing is known about the foundation details for Chesterfield House and that in view of the high risk associated with the basement development that an independent assessment of the structural reports should have been commissioned.

Regarding part A, as set out in the original report, the applicant has provided a self-certified Structural Engineering report explaining the likely methodology of excavation, as well as the as well as the drainage, groundwater regime and structural stability. A flood risk assessment has also been submitted. 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 structural report has been considered by our Building Control officers who advise that the information provided is more than sufficient for planning stage. With regard to the additional comments raised, Building Control officers comment that the proposed contiguous piled wall is the most suitable construction to avert settlement/undermining of foundations and provides a permanent support to existing structures prior to excavation/ reduction in levels. There may be a need for a required offset of the piling from the existing foundations which would be assessed by the designer, piling contractor and party wall surveyors prior to starting on site.

The former basement policy CM28.1 in the now superseded City Plan 2016 did refer to the need for “in rare cases of higher potential risk” an independent assessment of structural reports. This policy no longer holds any weight, and Policy 45 does not refer to the same need for the commissioning of an independent assessment. In any event, Building Control officers are of the view that the development does not meet the former requirements set out in CM28.1 for an independent third-party structural review (as this is restricted to proposals which “affect listed buildings of high significance or with particularly sensitive historic fabric, or those in high risk locations where basements are located above historic rivers/watercourses or extend into or are adjacent to properties which are close to the level of the Upper Aquifer”).

Regarding part B.3, elaboration is given at paragraph 45.9 where it advises “In some cases, an exception could be made for large sites when they are able to accommodate plant and machinery and include appropriate access (e.g. rear or side access) to enable construction without an adverse impact on neighbouring uses or occupiers.” The policy states that the definition of large sites will depend on individual circumstances, and in this case, the site has a 64m frontage onto Curzon Street and is some 1,260 square metres in footprint and has two other street frontages. The original submission was accompanied by a draft Construction Logistics Plan (CLP) that sets out the provisional construction traffic routes, the majority of which would feed from Park Lane (A4202) via the Euston Road (the A501). Both the A501 and A4202 are key arterial roads that provide direct linking access to strategic road networks and motorways servicing London. The site is therefore well connected by local and strategic roads, capable of carrying large vehicles.

Access to the construction site for vehicles would be on Curzon Street, with a loading-bay proposed also on Curzon Street. The applicant argues construction traffic would then leave the site in a forward gear along Curzon Street and that additionally, the removal of internal floors makes sufficient provision for machinery, including a crane, to be sited on the site in accordance with part B3 of the policy. Additional measures are set out in the submitted CLP including the employment of traffic marshals who would be located at two points along Curzon Street, next to the proposed loading bay on Curzon Street and at the junction of Curzon Street and Chesterfield Gardens. Construction deliveries would be carefully planned with delivery times agreed with each contractor using a web-based booking system to minimise disruption to other road users on the local highway network and wherever possible vehicles would be brought to site avoiding peak traffic periods, with construction vehicle movements restricted to the times previously outlined.

The comments regarding noise and disturbance are clearly understood, and Part A of the policy does require basement developments to be “be designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses”. As set out in the main report, the application is supported by a construction method statement and construction traffic management plan that sets out measures to mitigate noise, dust, vibration and traffic impacts, including:

- * breaking out of existing structures shall be carried out by diamond saw cutting and hydraulic bursting where possible to minimise noise and vibration to the adjacent properties.
- * dust suppression equipment to be used during the demolition process
- * fabrication and cutting of steelwork for the reinforced concrete columns to take place off site.
- * The piled wall will be formed using a non-percussive technique

It is recognised that the construction work will affect local residents and businesses over a four-year period given the scale of the proposal. Had the application been recommended for approval a condition would have been included to ensure that the development complied with the Code of Construction Plan (CoCP), requiring the developer to provide a finalised Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development.

Energy and sustainability

Policy 36 requires all development proposals to follow the principles of the Mayor of London’s energy hierarchy. Part B of the policy requires all major development to be net zero carbon and to demonstrate through an energy strategy how this target can be achieved. Part C states that “where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

Policy SI 2 [Minimising greenhouse gas emissions] of the London Plan requires major developments to be net zero-carbon. The policy also requires that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is met with non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough’s carbon offset fund, or 2) off-site.

The applicant’s energy strategy proposes a 45% reduction in carbon dioxide emissions, of which, 15.7 % would be achieved through energy efficiency measures. This exceeds the minimum on-site carbon dioxide reduction targets set out above.

Given the change in City Plan policy requiring all major development to be net zero carbon, a carbon offset payment is required to address the regulated emissions shortfall to meet zero carbon standard. This has been calculated at £1,268,250 and would, had the application been recommended for approval, be secured through the S106 legal agreement.

Other issues raised

Since the last report was published, further objections have been raised on grounds previously raised relating to the adequacy of the servicing bay, the noise from the roof terrace, congestion and noise from taxis and the adequacy of the operational management plan. For the reasons set out in the original report to committee, officers consider that the proposed development is considered to accord with the relevant policies in the City Plan relating to these matters.

Conclusions

Given the change in City Plan office policy and the strong protection of existing office floorspace, the recommendation is therefore now one of refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING PUBLICATION OF THE 16th FEBRUARY COMMITTEE REPORT (AND PRESENTED TO THE COMMITTEE MEETING)

COUNCILLOR LEWIS

Agree with many of the arguments made by the Mayfair Neighbourhood Forum, the RSMSJ, and many residents. The application is contrary to the MNP which sets out that there are “pockets of quietness” and this development is not suited for this location. The proposed application borders right onto what is a heavily residential area, with possibly the highest density of residential in south Mayfair. Disagree with the officer conclusion that the site for this application is acceptable in land use terms. There are additional factors that weigh strongly against this application, including the fact that servicing and deliveries for such a large operation will cause additional nuisance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

2 Letters of objection (including one on behalf of the residents of Chesterfield House with appendices from Mode Transport, A Billingham Structural Engineer, and Grade Planning and associated land-use map) on the following grounds:

- * the proposal would exceed the normal 500sqm policy limit on entertaining space by over 50%, but no reason is given why an exception should be made
- * this is not an hotel, but a private members nightclub with over 1000 covers and about 65 bedrooms for some of the 700 expected nightly visitors
- * none of the other hotels referred to in the report are attached to a block of over 100 flats
- * no weight is given to the needs of the resident population of this area
- * Chesterfield House relates to the quiet residential streets to the north, Chesterfield Hill, Hill St, South Street, and the southern half of South Audley St, which are of mixed use but there is no entertainment
- * an assessment of the area as a whole, rather than individual streets, has been made which is contrary to the requirements of Policy S23
- * land-use map produced shows the immediate streets being predominantly residential
- * Leconfield House is the wrong building to handle the human and vehicle traffic implicit in having 1000 covers
- * the use of the significant entertainment spaces for noisy events cannot be prevented by a set of operational management rules
- * noise from taxis and cars parked in Chesterfield Gardens
- * no off-road parking for guests
- * inadequate off-street servicing will cause significant highway disruption
- * noise and vibrations caused by the 4 year building phase
- * risks of instability from the basement proposals during construction
- * an independent structural report, in accordance with Policy CM 28.1, should have been provided given the high risk of significant impacts
- * outstanding structural concerns including damage to cast iron pipes embedded in structural elements, damage to waterproofing of adjoining basement
- * emerging Policy 46 restricts developments of not more than one storey but no

appreciable weight is given to this policy

* construction traffic will access from Chesterfield Gardens

ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING THE COMMITTEE ON 16th FEBRUARY 2020

GREATER LONDON AUTHORITY

The application was not considered further at Stage 2, as the reduction in height of the building meant that it was no longer referable.

BUILDING CONTROL

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Letter from applicant addressing the new policies in the City Plan 2019 - 2040 (April 2021)

3 letters of objection (including one on behalf of the residents of Chesterfield House with attaching letter to the Mayor, with previously submitted appendices from Chesterfield House Management Limited, Grade Planning and associated land-use map, Mode Transport, Environmental Equipment Corporation Limited and A Billingham Structural Engineer) raising issues on the following grounds:

- * requests that the development is reviewed
- * the London Plan supports the restriction of large-scale basement excavation
- * Chesterfield House surrounded by basement developments, including the Caudwell Mansion at 8 Chesterfield Gardens, and the Audley Square development
- * noise and disruption and risk of structural integrity of Chesterfield House
- * Westminster should have commissioned an independent assessment of the structural reports
- * no exceptional circumstances for the entertainment space
- * the north side of Curzon St is not an entertaining area like the south side
- * disturbance from deliveries would be substantially greater for an hotel than an office use

DRAFT DECISION LETTER

Address: Leconfield House, Curzon Street, London, W1J 5JB

Proposal: Replacement of existing 7th floor level and roof plant area, excavation of three new basement levels, infilling of windows at the rear, replacement windows and doors at ground and first floor level, new loading doors onto Chesterfield Gardens and refurbishment works, all for use of the building as a 60 to 70 bedroom hotel and private members' club including restaurants, spa/wellness centre and retail (sui generis use), with plant at 6th, 7th floor, roof level and basement level 3 and roof terraces at seventh floor level.

Reference: 20/01200/FULL

Plan Nos: EPR-00-B4-DR-A-02-0096, B3-DR-A-02-0097, B2-DR-A-02-0098 Rev P1, B1-DR-A-02-0099 Rev P1, 00-GF-DR-A-02-0100 Rev p1, 01-DR-A-02-0101, 02-DR-A-02-0102, GF-DR-A-02-0103, 07-DR-A-SK-0510 Rev P1, 08-DR-A-SK-0511 Rev P1, 00-DR-A-SK-0405 Rev P1, 00-DR-A-SK-0406 Rev P1, 00-DR-ASK-0407 Rev P1, 00-DR-A-SK-0408 Rev P1, AA-DR-A-SK-0501 Rev P1, BB-DR-A-SK-0502 Rev P1, CC-DR-A-SK-0503 Rev P1

Demolition drawings: EPR-00-B1-DR-AD-0099, 00-DRA-D-0100, 01-DR-AD-, 0101, 02-DRA-D-0102, 03-DR-AD-0103, 04-DRA-D-0104, 05-DR-AD-0105, 06-DR-AD-0106, 07-DR-A-D-0107, 00-DR-A-D-0401, 00-DR-A-D-0402, 00-DR-A-D-0403, 00-DR-A-D-0404, EPR-ZZ-S0-DR-A-D- 0501, EPR-00-AA-DR-A-D- 0502, EPR-00-CC-DR-A-D- 0503

Structural engineering report and subterranean construction, method statement by Elliottwood dated 18 February 2020 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

Recommended Condition(s) and Reason(s)

1	Insufficient information has been provided to demonstrate that there is no interest in the continued use of the building as offices or any other Class E (commercial, business and service) uses, education or community use and therefore the proposed hotel and private members' club use would be contrary to Policy 13(D) of the City Plan 2019 - 2040 (April 2021) and Policy E1 of the London Plan 2021.
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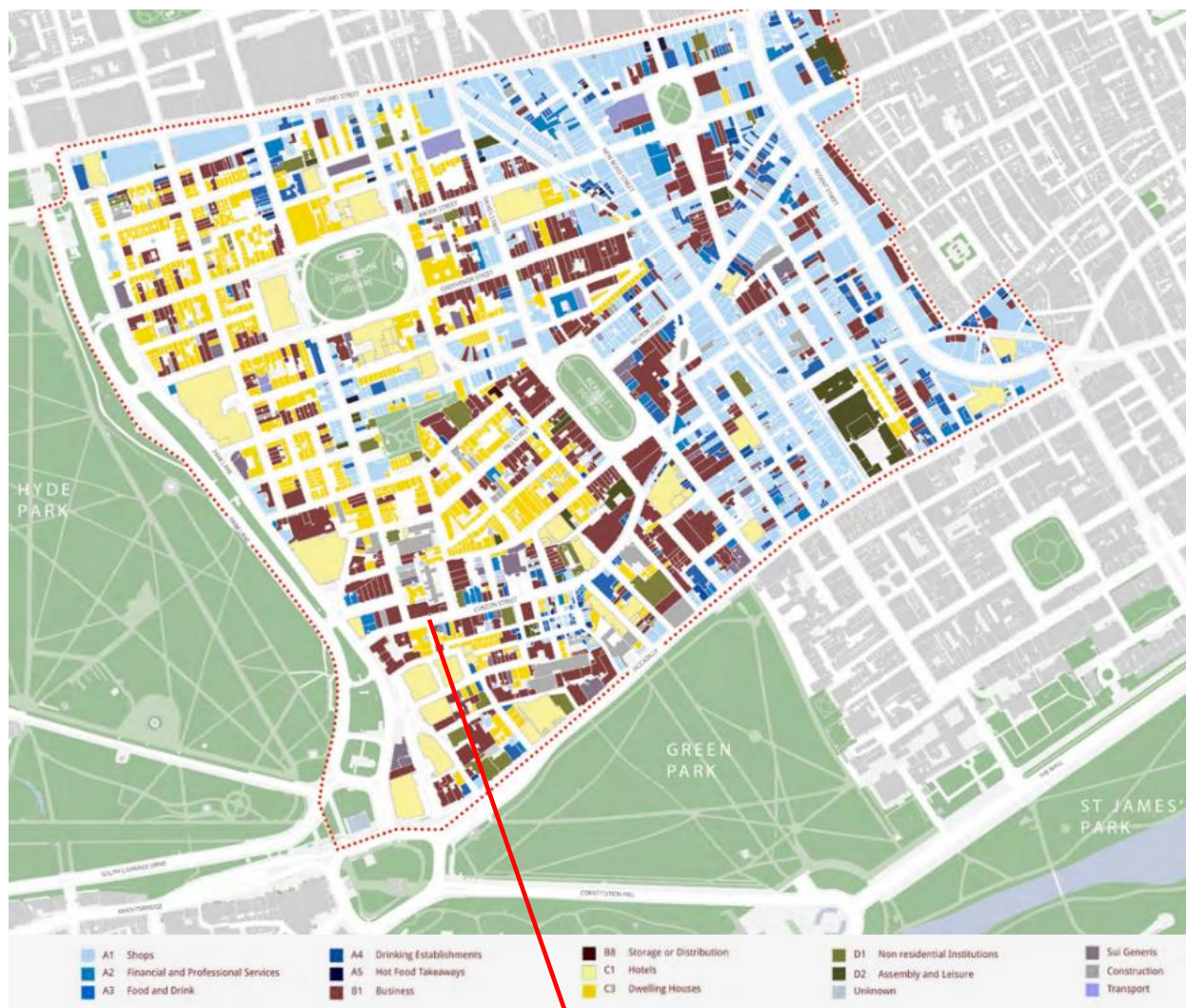
Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

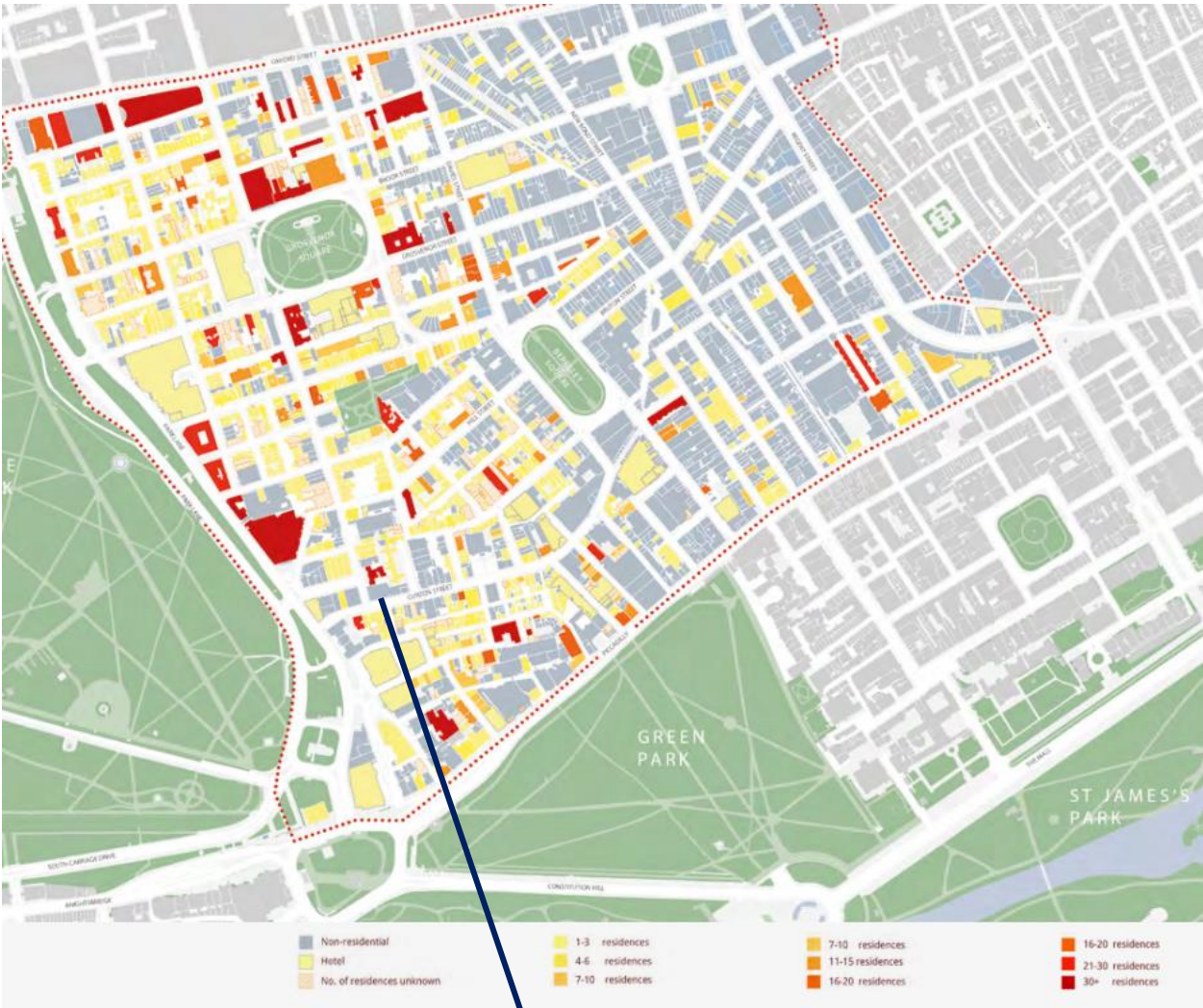
Item No.
1

Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

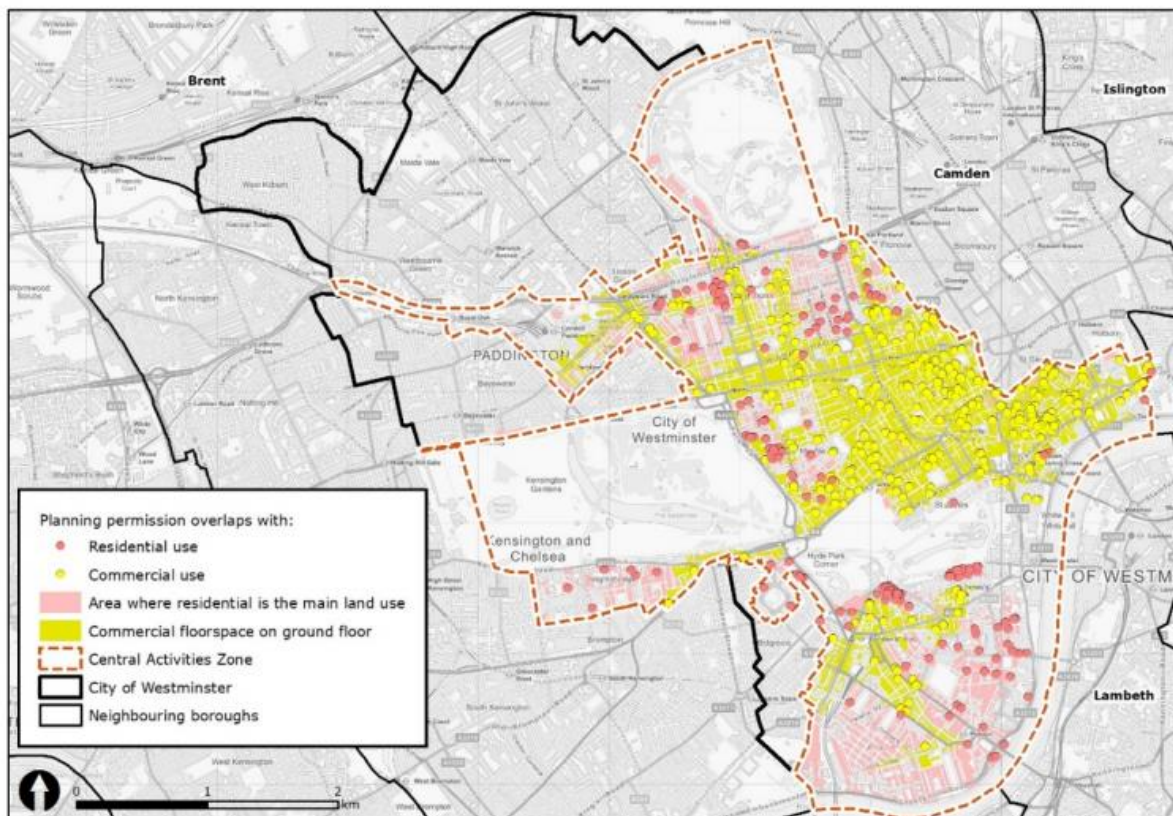
APPENDIX 1 - Land use survey of Curzon Street from Mayfair Neighbourhood Plan (ground floor plan)



Upper floor plan



APPENDIX 2 - Housing Supply Topic Paper Addendum - March 2020

Figure 2: CAZ character areas and planning permissions

Leconfield House



APPENDIX 3 – Supplemental Addendum committee report of 16th February 2021

CITY OF WESTMINSTER

MEMORANDUM

TO:	Committee Officer, Planning Applications Sub-Committee LOCATION: 17th Floor
FROM:	Director of Place Shaping and Town Planning
BEING DEALT WITH BY:	Jo Palmer
DATE:	16.02.21

PLANNING APPLICATIONS SUB-COMMITTEE - 16.02.21Item 2

In the verbal presentation tonight, officers will refer to the amendment to paragraph 8.1 of the report (amendments in **bold text below**)

New Hotel Use

Policy S23 of Westminster's City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. Policy TACE 2 of the UDP is also permissive towards new hotels in the CAZ **in streets which do not have a predominantly residential character**, that do not have a predominantly residential character where (i) no adverse environmental and traffic effects would be generated and (ii) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel. The traffic effects of the hotel are assessed in Section 8.4 below.

Policy MSG1 of the Mayfair Neighbourhood Plan (MNP) also encourages growth within Mayfair, including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units (where subdivision is appropriate), and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public). Policy MSG2 states that growth is 'particularly encouraged' within West Mayfair for mixed use and residential growth.

Objectors refer to the fact that the site is completely unsuitable for a hotel and private members' club as it is adjacent to primarily residential units within a unique "pocket of quietness" in Mayfair as identified in the Neighbourhood Plan. Whilst the MNP identifies West Mayfair as a location which is predominantly residential, it also recognises that there are important streets which are not predominantly residential.

In this case, Leconfield House faces Curzon Street, but also has frontages to Chesterfield Gardens which provides access to the loading bay, and onto South Audley Street, where a staff access is proposed. For the purposes of both TACE 2 and S23, the character of these three surrounding streets needs to be assessed. It is acknowledged that there are a number of residential properties **on these streets**, including the 105 flats at the rear in Chesterfield House on South Audley Street and Chesterfield Gardens, the single family dwellings at 20 and 21-23 Curzon Street and the flats on the upper floors of 25 and 26 Curzon Street. However, on Curzon Street there are also a number of commercial uses such as a number of offices, casinos (including Aspinall's casino opposite the site, Crockfords Casino at 30 Curzon Street), and **banks at 35, 17A and 17B**

Curzon Street. There are also a number of other commercial uses at ground floor on Curzon Street, some of which provide residential accommodation on the upper floors.

On South Audley Street opposite Leconfield House at 1 Stanhope Gate, is a large office building, and the building behind this at 15 Stanhope Gate is in mixed office and residential use. The Qatar Embassy is at 1 South Audley Street, and the building adjoining 2 South Audley Street is a private members club (at 2 Audley Square).

The buildings on the opposite side of Chesterfield Gardens are occupied by the Egyptian Bureau for Cultural and Educational Affairs at 4 Chesterfield Gardens and as offices within 5-7 Chesterfield Gardens. **These streets within this** part of Mayfair **are** therefore considered to be of mixed character, and in these circumstances, despite the strong objections raised, the introduction of a new hotel on this site is considered acceptable in principle in land use terms.

Private Members' club and new Restaurant and Bar Use

Policy TACE 10 of the UDP states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'. The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The plan also acknowledges that there can be considerable variation between the effects of different types of entertainment uses. The London Plan, the Publication London Plan December 2020 (policy HC6) and Culture and Night time Economy SPG 2017, are also material considerations in planning decisions. These support the growth and diversification of the night-time economy, particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seek to protect and support evening and night-time cultural venues.

TACE 10, however, does not prescribe a definitive list of what comprises exceptional circumstances, and it is also accepted that members' clubs form part of the longstanding character of Mayfair, and that their unique nature makes them distinct from other large scale entertainment activities open to the general public. **It is also recognised that the proposed use, a large hotel comprising five floors of bedroom accommodation, clearly has to have restaurant floorspace to be able to support future hotel occupiers. In this case, the restaurant floorspace totals 787sqm, which is 7% of the total floorspace (some 11,852sqm). As set out above, the principle of a hotel in this location is considered acceptable in this location, and the relatively minor proportion of the total floorspace dedicated for restaurant/bar floorspace is considered a functional element of the overall scheme.**

Further, although TACE10 still holds weight as a saved policy, the NPPF and its presumption of sustainable development also applies which requires the planning authority to identify the specific harm caused by the proposals which would make the application contrary to sustainable development objectives. The issue of whether there is any demonstrable harm caused by the new restaurants and bar to residents' amenity and local environmental quality is set out in further detail below.

for Director of Place Shaping and Town Planning

APPENDIX 4 – Committee report 16th February 2021

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 February 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Leconfield House, Curzon Street, London, W1J 5JB,		
Proposal	Replacement of existing 7th floor level and roof plant area, excavation of three new basement levels, infilling of windows at the rear, replacement windows and doors at ground and first floor level, new loading doors onto Chesterfield Gardens and refurbishment works, all for use of the building as a 60 to 70 bedroom hotel and private members' club including restaurants, spa/wellness centre and retail (sui generis use), with plant at 6th, 7th floor, roof level and basement level 3 and roof terraces at seventh floor level.		
Agent	JLL		
On behalf of	Leconfield House Holdings Limited		
Registered Number	20/01200/FULL	Date amended/ completed	9 April 2020
Date Application Received	19 February 2020		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

6. RECOMMENDATION

1. Subject to the views of the Mayor, grant conditional permission, subject to the completion of a S106 legal agreement to secure:

- i. A contribution of £116,902.86 to support the Westminster Employment Service (index linked and payable prior to the commencement of development)
- ii. 50% discounted membership for local residents of Chesterfield House and immediate residents on Curzon Street (subject to them meeting the membership criteria);
- iii. Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

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

7. SUMMARY

Leconfield House is a large 7-storey, plus basement building, consisting primarily of office floorspace with a gym at basement level. The site lies in West Mayfair, fronting onto Curzon Street between South Audley Street and Chesterfield Gardens.

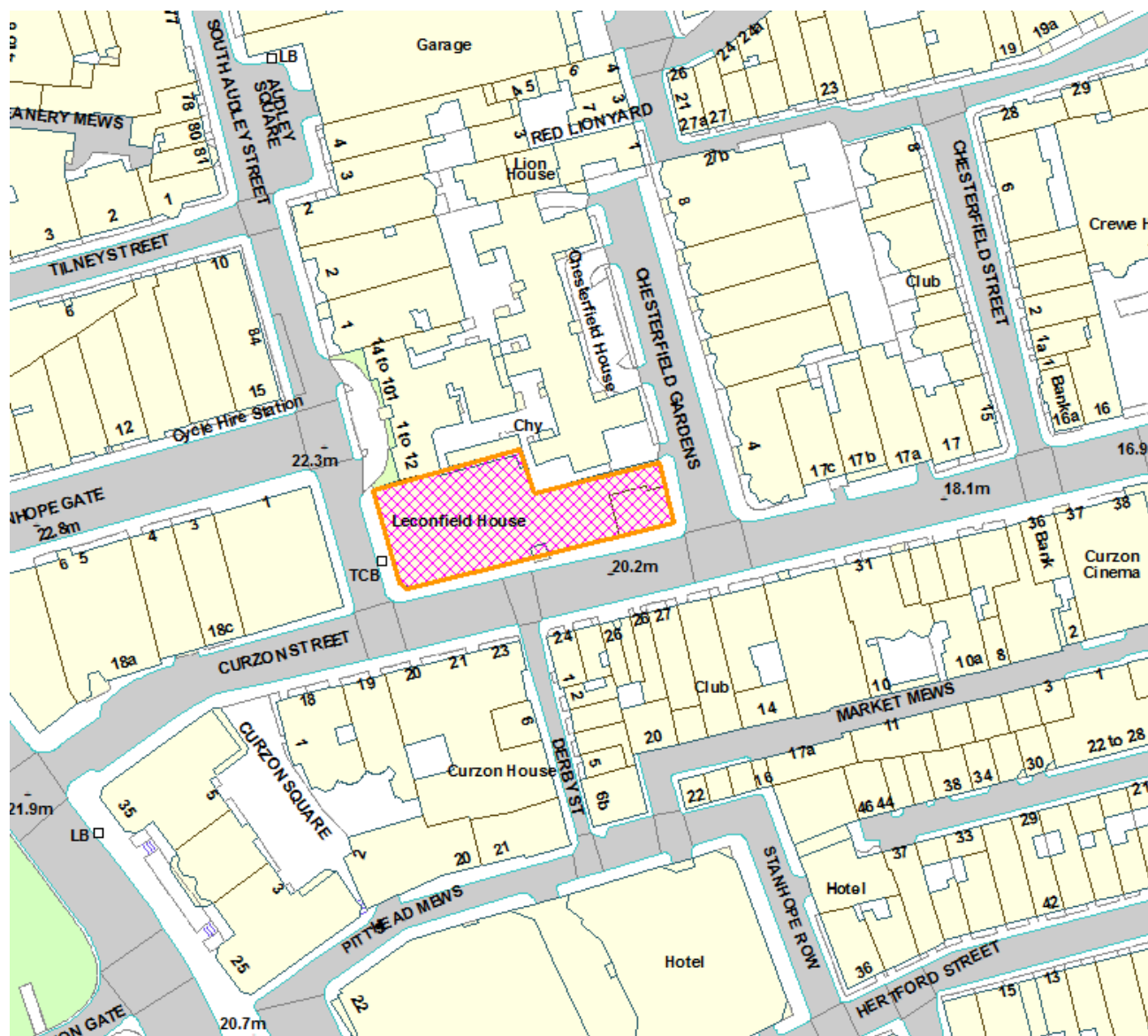
The application seeks to reconfigure and extend the existing building to provide a private members' hotel, including restaurants, bar, health club, spa, gym and retail space. The proposed reconfiguration and extensions include the demolition and replacement of the 7th floor with associated plant equipment on the roof above and the addition of three basement floors.

Objections have been received on land use, highways, amenity and design grounds. The key issues in this case are:

- * The principle of a hotel and private members' club in this location;
- * The impact on residential amenity and quality of the local environment;
- * Highway issues particularly servicing and deliveries and parking implications;
- * The impact of the scheme on the appearance of the building

For the reasons set out in the report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design, heritage and amenity terms. This is subject the conditions as set out on the draft decision letter and the completion of a legal agreement.

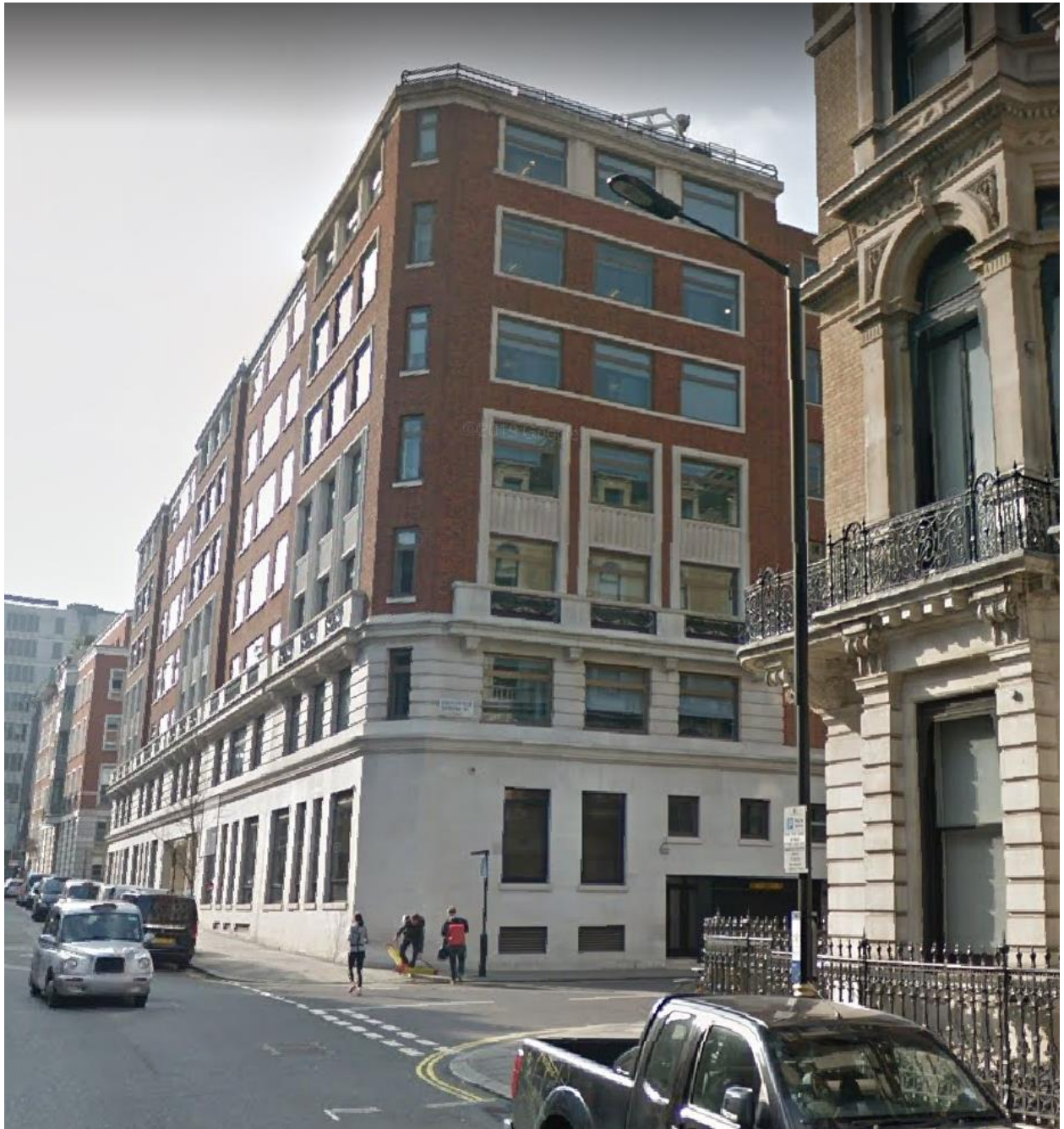
8. LOCATION PLAN



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9. PHOTOGRAPHS





10. CONSULTATIONS

GREATER LONDON AUTHORITY

Consider and support the proposed uses which accord with London Plan Policy 2.11 and Policy SD4 of the Mayor's intend to publish London Plan subject to the gym being publicly accessible; broadly support the design and believe that no harm would be caused to the setting of the conservation area or nearby listed buildings and consider that the strategies for energy, flood risk, SUDs and water efficiency are generally supported in line with London Plan and the Mayor's intend to publish London Plan. Consider that further work should be carried out on the transport assessment to demonstrate how the development would contribute towards the delivery of Healthy Streets and request that various transport-related plans should be secured through planning condition or the Section 106 agreement.

TRANSPORT FOR LONDON

Requests that the Transport Assessment is revised to demonstrate how the development contributes towards the delivery of Healthy Street; cycle parking should be revised to meet the standards of the London Plan and a Travel Plan, Construction Logistics Plan and Delivery and Servicing Plan should be secured by condition.

METROPOLITAN POLICE

No objections raised.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised subject to the imposition of a two-stage archaeological condition which would provide an acceptable safeguard.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Use is inappropriate for the location and will see a significant increase in the night time economy contrary to the Mayfair Neighbourhood Plan. The private nature of the club is not an amenity for local residents. Support the objections from Lewis Silkin on behalf of the residents of Chesterfield House.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM

Believe that the proposals represent a missed opportunity to enhance this part of the Mayfair Conservation Area with no residential floorspace being provided, no affordable housing, no affordable workspace, no public realm improvements, no amenity, retail and no amenities that the community can use unless they become members of the club.

Consider that the proposals fail to adequately address policies MD1 which requires development to be of the highest quality design, MRU2.1 which requires development to respond positively to the character and quality of the particular characteristics of the immediate vicinity and MES 4.1 which states that all new non-domestic developments to be Zero Carbon. Also concerned that unless adequate conditions are incorporated, that the proposals may not be fully aligned with policies MRU1 which requires new entertainment uses to demonstrate how they protect the amenity of nearly residential

units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am; MSM which states that within Shepherd Market new entertainment uses will only be permitted where a) they are small scale, low impact and will not result in an increased concentration of late night activity within the area, or an increase in harm to residential amenity and b) to demonstrate that they are appropriate in terms of their relationship to the existing; and MSD2 which requires all new development of a significant scale to demonstrate that the proposed waste and servicing arrangements will not adversely impact the amenity of neighbouring occupiers.

BUILDING CONTROL

No objections raised.

PROJECT OFFICER (WASTE)

No objections raised.

ENVIRONMENTAL HEALTH

Requests further information relating to internal noise break out.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 295; Total No. of replies: 64

64 letters of objection (including one letter on behalf of the residents of Chesterfield House and one from the General Manager of Chesterfield House on behalf of the 105 flats in Chesterfield House) on the following grounds:

Land use

- *Contrary to policies S24 and TACE 10 introducing a large entertainment use of over 500sqm for which no exceptional circumstances exist
- *Contrary to policy S23 as the site lies within close proximity to residential properties
- *Contrary to policy S18 which states that commercial encroachment is not appropriate in residential streets
- *There is no need for another hotel
- * Only 6% of the proposed building would be retained as office use. Loss of office space is contrary to policy S20 and emerging policy 14D
- *A missed opportunity to provide residential accommodation
- *Contrary to basement policy and the emerging basement policy 46 which restricts excavation to no more than one storey below the original basement
- *Contrary to Mayfair Neighbourhood Plan which protects residential amenity, including areas of 'pockets of quietness' and policies MRU1 and MRU3 which state that only commercial uses that complement nearby residential communities will be supported;
- *No benefits to the local community are set out as required by draft CLP policy 17
- *The public benefits set out in the applicant's planning statement are vague and speculative and raise questionable statements including that the building will be quieter than the existing offices, that the club will add to the international reputation of Mayfair and provides the sensitive addition of new floorspace.

Amenity

- *Loss of privacy and increase in overlooking
- *Overshadowing
- *Excessive noise

- *Noise generated by cars picking up/dropping off customers and from guests arriving and leaving late at night and in the early hours of the morning
- *Noise from roof terrace and from restaurants within the building
- *Live/recorded music on the roof terrace is inappropriate in a residential area
- *High level of activity with 65 guest rooms, covers for 1,000 and 250 staff will harm residential amenity;
- *The noise report has not identified a number of surrounding residential properties and has not demonstrated that internal noise will not exceed 15dB below background noise levels, that plant levels will be below 10dB, that noise breakout would not occur and noise levels for music playback should be accurately assessed;
- *Any window facing Chesterfield House should be non-opening;
- *Noise from roof-top plant
- *Loss of sleep through increased noise and disturbance
- *Contrary to policies S19 and S29 which are aimed at the quality of life of its residents
- *The amount of entertainment space is far too big to cater just for the 65 hotel guests and will form a nightspot for a new large members club
- *Restrictions need to be put in place to prevent disturbance and anti-social activities
- *Daylight and sunlight report identifies 24 windows with a 20% loss, 3 windows suffering a 30-39% loss and 5 windows with over a 40% loss
- *21 windows will fail VSC, 32 rooms NSL and 10 rooms fail BRE guidance for APSH;
- *No window plans, contour plots have been provided with the sunlight/daylight report;
- *Raising the height of Leconfield House would result in a major loss of light and sunlight
- *Additional pollution
- *Existing roller shutter door to servicing bay is noisy

Design

- *Significant impact on a heritage asset and on neighbouring listed buildings within a conservation area;
- *The changes to the stonework at ground floor level would have a negative impact on the existing building;
- *Changes to the fenestration on the Chesterfield Gardens elevation undermines the architectural logic of the building;
- *Roof extensions would be visually intrusive and unsightly;
- *The scheme results in less than substantial harm to the character of the conservation area and the setting of nearby heritage assets without any outweighing public benefits contrary to paragraph 196 of the NPPF.

Highways

- *Increase in traffic, servicing and delivery
- *Congestion from servicing and deliveries and disruption during weekend periods (the Delivery and Servicing plan estimates 31 vehicles per day with each delivery taking 12 minutes, meaning 6 hours of delivery per day
- *Access to Chesterfield Gardens will be blocked
- *Lack of parking and drop-off spaces contrary to Policy S42
- *There is insufficient parking within the area especially since the demolition of the multi-storey car park in South Audley Street.
- *The suitability of the servicing area is doubtful as it appears extremely tight and is tracked by an unsuitable vehicle and there is no evidence that all servicing vehicles will be able to use the lift access into the development;
- *Trip generation appears inaccurate and targets in the Travel plan ambitious;

- *Chesterfield Gardens is not suitable for servicing as it has no turning head and therefore reversing into the road will occur;
- *Any permission should be subject to a thorough Servicing and Delivery strategy to ensure that neighbours can coexist without any nuisance.

Other Issues

- *Noise generated by plant and machinery during the 4-year construction period
- *Noise, dust and vibrations and damage from excavation and construction
- *Foundations of Chesterfield House do not appear to have been assessed;
- *Residents have previously experienced subsidence and cracking walls following recent basement excavations nearby
- *Unclear what hours of work are proposed;
- *Loss of security
- *Proposal is likely to be unnecessary and redundant post Covid 19 and on the ability to operate safely for both local residents, visitors and construction workers;
- *Proposal will only benefit a small group and wealthy party goers
- *Loss of property values
- *Another night club will attract more thieves, pickpockets and drugs

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

Re-consultation following submission of revised plans

HIGHWAYS PLANNING MANAGER

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

No objections raised. Consider that the information submitted is more than sufficient for the planning stage

WASTE PROJECTS OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 65; Total No. of replies: 22 (including one letter from the General Manager on behalf of the 105 flats in Chesterfield House and one from the appointed structural engineer)

22 letters of objection on the following grounds:

A number of objectors refer to the fact that their concerns previously raised remain relevant and state that their previous concerns raised have been addressed.

Amenity

- *The sunlight/daylight report still shows that some windows will experience material losses of light

- *Over shadowing
- *Overlooking and loss of privacy
- *Noise from the extensive terrace on the seventh floor and the terrace on the eighth floor;
- * Music on the 7th floor terrace
- * Smells and pollution from proposed roof level flue
- * The office use of Leconfield House does not create a nuisance but the proposal envisages 1000 people turning up for a night out dining, dancing and drinking, 24 hours a day and 7 days a week;
- *Nuisance from smokers on the 7th floor terrace
- *Noise from the air conditioning plant;
- * The use of bottle crushers up to 23.00 hours will cause nuisance and disturbance.
- *Noise from the large number of customers people entering and leaving and from delivery and waste management vehicles;
- *Ongoing noise and disturbance by contractors, delivery agents, air conditioning plants, club members and their guests as well as staff, 24 hours a day, 7 days per week.
- *The reduction in the size of the terrace will not improve the amenity to residential properties opposite the site
- *The conclusion that the proposals will 'provide a valuable addition to Mayfair without adversely impacting on local residents' is misleading and false
- *Smells and fumes from roof level flue
- * The acoustic screens should be moveable and stored out of sight
- * The permitted number of people in the seventh floor and restaurant should be separated, each with an individual cap and with the cap on the terrace areas being significantly lower than the number permitted in the restaurant
- * It is not necessary for the roof terrace to be in use at 8am
- * Draft condition 28 should be expanded to restrict electronic projection equipment

Highways

- *Congestion and traffic impact particularly on Chesterfield Gardens, from the high volume of private cars, taxis and delivery and waste management vehicles (which due to its size cannot enter the building);
- *The appointed waste management contractors would continue parking vehicles in Chesterfield Gardens, blocking access and egress for residents and their workpeople, contractors and staff.
- * Taxis and private cars idling in Chesterfield Gardens during days and nights
- *Inconsiderate parking and use of Chesterfield Gardens driveway
- *Developers now state that they do not intend to take any measures to control traffic flows into Chesterfield Gardens until one year after the club is opened
- * Some of the reports/comments are post lock down Covid 19 and one can expect transport and traffic nuisance problems to be worse once London returns to normal.
- * None of the previous traffic concerns raised have been addressed and further information is required for:
 - Drop-off/pick-up arrangements;
 - Car parking;
 - Servicing arrangements/Delivery and Servicing Plan;
 - Trip Generation; and
 - Travel Plan

Other Issues

*Disturbance to residents and the potential structural damage to Chesterfield House from the excavation of three storeys below the existing basement.

*Noise and vibration and damage to Chesterfield House foundations and structure.

* Detailed concerns raised regarding the submitted structural report including issues of risk of damage to Chesterfield House from vibrations, that movement of adjacent properties might be expected, and that no consideration as to how stability is currently provided and how it will be maintained.

*Considerable noise would be generated by plant and machinery over four years of construction.

*Dust pollution during construction

*The reference to plant is not clear

*With multiple contractors the risks of potential financial shortfalls and insolvency are great and the project could easily halt partway through

11. BACKGROUND INFORMATION

11.1 The Application Site

Leconfield House is a large 7-storey building, plus basement, consisting primarily of office floorspace with a gym at basement level. The building is located in the Central Activities Zone (CAZ) in West Mayfair, fronting onto Curzon Street between South Audley Street and Chesterfield Gardens. Part of the building adjoins Chesterfield House, a purpose-built mansion block comprising 105 flats.

The site lies in the Mayfair Conservation Area and there are several listed buildings in the immediate vicinity, including the Grade II* listed Curzon House and Grade II listed 1 South Audley Street; 2 South Audley Street; 3 Audley Street; 4 Chesterfield Gardens; 5-7 Chesterfield Gardens; and, 8 Chesterfield Gardens.

There are also a number of neighbouring residential properties. This includes the 105 flats at the rear of the site in Chesterfield House, the single family dwellings at 20 and 21-23 Curzon Street and the flats on the upper floors of 25 and 26 Curzon Street and further properties on Derby Street.

There are also a number of commercial offices and enterprises such as casinos, embassies and diplomatic premises facing or in near proximity to the site

11.2 Recent Relevant History

Planning permission granted in November 2005 for the creation of six new dormer windows at sixth and seventh floor mansard roof level (north facing elevation)

Planning permission granted November 2005 for the use of part of basement as a gymnasium (Class D2) with existing ground floor access.

Planning permission granted October 1988 for two conservatory extensions at 7th Floor level.

12. THE PROPOSAL

The application seeks to reconfigure and extend the existing building to provide a private members' hotel, including restaurants, bar, health club, spa, gym and retail space. The proposed reconfiguration and extensions include the demolition and replacement of the 7th floor with associated plant equipment on the roof above and the addition of three basement floors.

The first floor to fifth floors comprise hotel bedrooms primarily oriented towards Curzon Street. The 6th to 7th floor comprise private members' club rooms including a rooftop restaurant with a south-facing terrace at 7th floor level and a smaller terrace and plant rooms at roof level. Below ground, basement level 1 would comprise kitchen and restaurant spaces and the building's loading bay. A spa and wellness centre is to be located at basement level 4 for use by members' and residents, along with management offices and back-of-house facilities and plant at basement levels 2 and 3.

The existing and proposed land uses can be summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	8,610	302	-8,308
Hotel	0	5,770	+5,770
Retail	0	171	+171
Restaurant/bar	0	787	+787
Gym/spa/health club	147	849	+702
Back of house	0	2,652	+2,652
Plant	0	1,321	+1,321
Total	8,757	11,852	+3,095

It is understood that the use will function as a private members' club and hotel with categories of membership entitling the holder to a certain duration of nightly stays that can be utilised throughout the year. Other than access to the basement gym/spa area there will be no access to the hotel, club facilities to general members of the public.

The application has been amended since it was initially submitted to remove a roof level bar, with a reduction in the amount of proposed terracing and entertainment floorspace and a green wall has been omitted.

13. DETAILED CONSIDERATIONS

13.1 Land Use

Loss of office use

The proposed development would result in the loss of 8,610 sqm of office space. London Plan Policy 2.11 and Policy SD4 of the Mayor's Publication London Plan set out that the central aim of the CAZ is to support and enhance office floorspace. Policy S20 of the Westminster City Plan (WCP) states that the loss of office floorspace to other commercial or community and social uses is acceptable since these uses contribute to commercial activity.

Objections have been received to the loss of office accommodation to hotel/private members club use. As set out above, the City Council has no current policies opposing

the change of use of office accommodation to other commercial uses. As the loss of offices is considered acceptable in the context of the adopted policy framework, objections on this ground cannot be supported.

Objectors also refer to the emerging Westminster City Plan which states that the net loss of office floorspace in the CAZ will be resisted except in specific exceptional circumstances, including where there is no interest in the continued use of the site for office purposes, as demonstrated by vacancy and appropriate marketing for a period of at least 18 months, and the replacement use is for educational, community or hotel use. Whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

Retail use

Part of the ground floor is proposed for retail use which is understood will be occupied as a dedicated cigar shop accessed from the main entrance and thus ancillary to the main use. Policy SS4 (UDP) aims to enhance the retail function and mixed-use character of the CAZ and recognises that redevelopments are an opportunity for introducing new shop-type units in locations which would benefit from additional retail uses. Policy S6 of the City Plan states that the Core CAZ is an appropriate location for a range of commercial uses and it is considered that the part use of the ground floor for retail purposes is appropriate in land use terms activating the existing frontage and providing an appropriate street level frontage that would attract visiting members of the public and enliven this part of Mayfair.

New hotel use

Hotels are important to support the visitor and business economy, and they have strong links with other activities in central London such as shopping, theatre and other cultural and entertainment activities. London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. Policy E10 of the Publication Plan estimates that London will need to build an additional 58,000 bedrooms of serviced accommodation by 2041, which is an average of 2,230 bedrooms per annum. In addition to leisure visitors the needs of business visitors require consideration, including provision of suitable facilities for meetings, conferences and exhibitions in both hotels. Part F of Policy E10 states that within the CAZ, strategically-important serviced accommodation should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods.

Policy S23 of Westminster's City Plan directs new hotels to the CAZ and to those streets which do not have a predominantly residential character. Policy TACE 2 of the UDP is also permissive towards new hotels in the CAZ that do not have a predominantly residential character where (i) no adverse environmental and traffic effects would be generated and (ii) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel. The traffic effects of the hotel are assessed in Section 8.4 below.

Policy MSG1 of the Mayfair Neighbourhood Plan (MNP) also encourages growth within Mayfair, including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units (where subdivision is appropriate), and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public). Policy MSG2 states that growth is 'particularly encouraged' within West Mayfair for mixed use and residential growth.

Objectors refer to the fact that the site is completely unsuitable for a hotel and private members' club as it is adjacent to primarily residential units within a unique "pocket of quietness" in Mayfair as identified in the Neighbourhood Plan. Whilst the MNP identifies West Mayfair as a location which is predominantly residential, it also recognises that there are important streets which are not predominantly residential. In this case, it is acknowledged that there are a number of residential properties within the vicinity of the site, including the 105 flats at the rear in Chesterfield House, the single family dwellings at 20 and 21-23 Curzon Street, the flats on the upper floors of 25 and 26 Curzon Street and further properties on Derby Street, however there are also a number of commercial offices and uses such as casinos (including Aspinall's casino opposite the site, Crockfords Casino at 30 Curzon Street) and embassies and diplomatic premises facing or in near proximity to the site. The building on the opposite side of South Audley Street at 1 Stanhope Gate is in office use and the building on the opposite side of Chesterfield Gardens is occupied by the Egyptian Bureau for Cultural and Educational Affairs (4 Chesterfield Gardens). This part of Mayfair is therefore considered to be of mixed character, and in these circumstances, despite the strong objections raised, the introduction of a new hotel on this site is considered acceptable in principle in land use terms.

Operational Details

It is understood that the hotel operator is likely to be SH Hotels and Resorts Group (part of Starwood Capital Group) who run the recently opened Treehouse London in Marylebone, and the future 1 Hotel Mayfair. The applicant's stated aim is to create a high quality, 5-star accommodation. The hotel will comprise a maximum of 70 bedrooms with a spa/wellness centre at basement level 4, a business floor at sixth floor and restaurants at seventh floor and restaurant/bars at ground and lower ground floor.

Gym/spa area

The proposals involve the loss of the existing gym use at basement level and therefore the application needs to be considered under Policy SOC1 of the UDP and S34 of the City Plan which protect existing social and community facilities. However, in this instance the existing gym is to be replaced with a larger facility which will continue to provide a social and community use. The applicant has agreed to offer a 50% discount on membership for the immediate residents, including residents in Chesterfield House, and this will be secured by legal agreement.

Private members' club and new restaurant and bar use

The scheme includes a restaurant/bar at both ground floor and basement level 1 and a restaurant at 7th floor. The applicant confirms that these facilities will be restricted for use solely by members, residents and their guests. The impact of these entertainment areas therefore need to be assessed against the City Council's entertainment policies.

The proposed restaurant and bar areas in total measure 787sqm. Entertainment spaces of this type and size located within the Core Central Activities Zone would be considered against Policies TACE10 of the UDP and S24 of the City Plan. Policy S24 of the City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500sqm, will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP states that entertainment uses over 500sqm will only be permissible in 'exceptional circumstances'. The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of the various parts of the City, while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The plan also acknowledges that there can be considerable variation between the effects of different types of entertainment uses. The London Plan, the Publication London Plan December 2020 (policy HC6) and Culture and Night time Economy SPG 2017, are also material considerations in planning decisions. These support the growth and diversification of the night-time economy, particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seek to protect and support evening and night-time cultural venues.

It is also accepted that members' clubs form part of the longstanding character of Mayfair, and that their unique nature makes them distinct from other large scale entertainment activities open to the general public.

There have been significant and strong objections from the local community with regard to the likely high level of activity and noise from patrons entering or leaving the premises and taxi movements. Concerns regarding the proposed late opening hours of the restaurants and bar have also been raised. One of the objectors believes that the roof terrace should not be operational before midday and that the capacity of the terraces should be restricted. Relevant policies within the UDP and City Plan seek to protect existing residential occupiers from the introduction of new uses which might detrimentally impact upon their amenity. The adopted Mayfair Neighbourhood Plan also includes policy MRU1 which states; 'proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.'. The applicant initially sought a terminal hour of 03.30 for the basement bar and ground floor restaurant and 01.30 for the seventh floor restaurant. These hours were considered unacceptable on the basis that the activities associated with the arrival and departure of up to 603 persons during these hours could cause material harm to residential amenity. The applicant now seeks the following hours of opening for the restaurant and bar uses:

	Monday – Wednesday	Thursday - Saturday	Sunday	Sundays before Bank Holidays	Capacity
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Basement Level One bar and restaurant	00:00	00:30	00:00	00:30	188
Ground floor restaurant	00:00	00:30	00:00	00:30	204
7 th floor restaurant	23:30	00:00		00:00	211
External terrace	22:00	22:00	22:00	22:00	(Included in the above but subject to a maximum of 60 at any one time)

The proposed opening hours are now consistent with the core hours for entertainment uses in predominantly residential areas which are specified in the UDP. The roof terrace hours (from 08:00 to 22:00 hours) are also considered reasonable hours in this Core CAZ location. It is also relevant to note that the existing roof terrace is unrestricted in the hours that it may be used. It is also considered that the staggered terminal hours that the applicant suggests would also help to ameliorate the impact of the entertainment spaces on the amenity of surrounding residents.

A draft Operational Management Plan (OMP) has been submitted with the application which currently includes the following obligations:

1. Opening hours and capacity

The hotel will be open 24 hours each day and will accommodate a maximum of 1,063 customers at any one time. However, in practice, it is anticipated that the number of customers will be between 600-700 persons.

2. Management of access/guests

The hotel reception will be appropriately staffed at all times to manage the arrivals and departure of guests including. An appointed front of house greeter shall be at the main entrance at all times when the premises is open and trained to ensure patrons leave quickly and quietly without causing disturbance.

A Head Doorman will manage waiting vehicles to ensure no double parking or queuing occurs.

A Reception Manager will greet and sign every customer into the club to ensure no waiting and/or queuing on Curzon Street. The lobby and outdoor covered portico provide sufficient waiting space inside the building. Notices will be posted on the inside doors reminding customers to leave the building quietly.

The building will be closely monitored by CCTV so that arrivals and departures can be supervised and recorded.

Staff will call taxis for departing customers and will manage taxi pick up/drop offs to ensure no queuing or double parking. Customers will be asked to wait inside the premises until their taxis arrive. Staff will only call a taxi if requested to by a customer, to prevent taxis from idling on Curzon Street.

3. Servicing arrangements

All deliveries will primarily take place between 8am and 6pm on Monday to Fridays with a few deliveries on Saturday mornings. Delivery slots will be arranged and co-ordinated in advance by a banksperson. Servicing will take place from a servicing bay at basement level and vehicle waiting will be prohibited on Chesterfield Gardens, with this actively managed by a banksperson.

A waste and refuse store will be provided in the basement. On waste collection day, bins will be transferred from the basement area to the ground floor holding area.

4. Smoking

Customer smoking will be directed to the roof terrace.

A staff handbook will require staff to make their way to a variety of locations to ensure that no congregation, and no smoking outside residential or openable windows will occur.

5. Neighbour Liaison

The operator will provide local residents, businesses, ward councillors and amenity societies with a direct telephone number and contact, in order that any concerns, including the dispersal of patrons at night, can be communicated quickly and effectively to the management. Management will welcome regular feedback from local residents.

Chesterfield House Management raise strong objections to the content of the OMP on the grounds of the 24/7 operation of the hotel, the overall capacity, the use of the 7th floor terrace, including smoking after 10pm, the hours of the restaurants and bar, the continual arrival and departure of cars and vehicles, nuisance from deliveries and waste vehicles and on the grounds that the dispersal policy would be impossible to implement, that patrons would gather on the pavement, that noise, including noise from bottle crushers cannot be controlled and that there would be frequent deliveries preventing access and egress on Chesterfield Gardens.

The applicant has agreed to make a number of changes to the OMP, including revising the hours of the restaurant and bar areas to a terminal hour of midnight for the 7th floor restaurant and 00:30 for the basement and ground floor bar and restaurant. Customers wishing to smoke after 10pm will be directed to a 'cigar lounge' in the basement of the property which is fully enclosed to ensure no noise outbreak but supported by the 'tobacco smoke extract system' to accord with government legislation on smoking indoors. Other amendments involve the requirement for a servicing management plan and restricting music on the roof terrace. The comments from Chesterfield House Management regarding noise from bottle crushers and compliance with the dispersal policy are noted, however, the bottle crushing facility is within an entirely enclosed location at basement level 2 and the proposal benefits from both a large lobby, some 40sqm in size, and an outdoor covered portico some 30sqm in area which are considered sufficient in size to prevent patrons gathering on the pavement. The concerns relating to deliveries are set out in detail below in paragraph 8.4 of this report.

It is acknowledged that the proposed use has the potential to result in an increased noise nuisance to neighbouring residential occupiers and later into the evening than

would be expected from the current office occupier. Objectors also refer to the impact of noise from a proposed 'extensive dance basement'. Whilst a small dance area measuring some 4.5 x 6m is shown at basement level 1, this is considered an entirely ancillary area to the restaurant at this level. The applicant has however also submitted an acoustic report that sets out the measures to control noise from the entertainment spaces. The report proposes a number of mitigating measures including high acoustic performance glazing to ensure that the external facades are designed to minimise noise breakout. Environmental Health have requested conditions requiring compliance with internal noise conditions to ensure that noise break out does not adversely affect nearby residents. It is also recommended that controls are imposed to restrict the layouts/uses of various parts of the premises to those shown, with controls over capacity, the use of the outside spaces, noise levels, and a requirement to keep all doors and windows closed. It is also proposed that the operation and management of the hotel and the associated restaurant and bar facilities are controlled via an agreed Operational Management Plan to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded especially when visitors leave the premises. Hours of servicing, including collection of waste, are also controlled by condition to daytime hours to address policy MSD2 of the Mayfair Neighbourhood Plan. The applicants have submitted a draft OMP at this stage; and it is recommended that a final version is secured by condition.

Character of the area:

Whilst the Mayfair Neighbourhood Forum refer to the requirement in Policy MSM for new entertainment uses to demonstrate that they do not adversely impact on the character and function of Shepherd Market, this site however, falls outside the Mayfair Neighbourhood Plan's defined Shepherd Market area. The adopted entertainment policies do however require proposals to demonstrate that they are appropriate in terms of their relationship to any existing concentrations of entertainment uses and any cumulative impacts.

In relation to other licensed premises in the vicinity these include:

- Aspinall's Casino at 27-28 Curzon Street: Licensed opening of 00:00 to 00:00 Monday to Sunday.
- Crockford's Casino at 30 Curzon Street: Licensed opening of 00:00 to 00:00 Monday to Sunday.
- Curzon Cinema at 38 Curzon Street: Licensed opening of Monday to Saturday; 09:00 - 02:30 and Sunday from 10:00 - 02:30

It is noted that there are a number of other hotels within the south west corner of Mayfair all within walking distance of the application site including the following:

- Park Lane Mews Hotel at 2-6 Stanhope Row
- The Dorchester, 45 Park Lane
- London Hilton Hotel, 22 Park Lane
- The Chesterfield Hotel, 35 Charles Street

Given the number, type and distribution of entertainment and hotel uses in the vicinity, it is not considered that the proposals would have any materially adverse impact on the character and function of the area, nor any materially adverse cumulative impact.

Other land use issues

Objections have been raised on the grounds that the proposals fail to provide residential floorspace, affordable housing, affordable workspace, public realm improvements or any community benefits. However, for the reasons set out above, the development is considered consistent with adopted policies and it would not be possible to insist on the provision of the suggested alternative uses. The development is liable for a CIL payment that could be put to public realm improvements within the vicinity of the site. With regard to comments about the emerging City Plan policy 17, which requires new entertainment uses to provide community benefits, as set out above, the draft City Plan continues to attract limited weight at this present time prior to the publication of the Inspector's report.

13.2 Townscape and Design

Leconfield House was built in the 1930's in a modern classical style. At seven storeys high it is one of the larger buildings in Curzon Street. It has a two-storey stone base, with projecting balconies at second floor, with brick facades above. It is five bays long on Curzon Street, with the second and fourth bays being slightly recessed. It is an unlisted building in the Mayfair Conservation Area, to which it is considered to make a positive contribution. There are listed buildings adjacent on the south side of Curzon Street, the east side of Chesterfield Gardens and north of the site on South Audley Street.

The relevant legislation

The key legislative requirements in respect to designated heritage assets are as follows:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the same Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The proposals

These proposals have been subject to pre-application and post-application discussions with officers and the height and bulk have been reduced and the design has been improved as a result. The proposals now involve the addition of a single storey roof extension and facade alterations.

Objections have been received to the original proposal submitted with the planning application. These include:

- The design of the proposed two storey roof extension.
- The changes to the stone base.
- The changes to the fenestration on Chesterfield Gardens around the original garage and service entrance.

a. The roof extension

As originally submitted the proposal featured a two-storey roof extension, highly glazed, with a plant room above. This was considered unacceptable in urban design and conservation terms by officers, and objections were received from consultees and neighbours. The roof extension was too tall and bulky, and the design inappropriate for this building and its location in the conservation area. This aspect of the proposal has been superseded by the revised submissions.

The roof extension now proposed is single storey, brick clad, with a plant area enclosed within a shallow pitched roof above, clad in pre-patinated bronze. The existing brick parapet is raised slightly. The roof extension is set back from the street facades and its visual impact from street level is much reduced (from the original design) and is now considered acceptable. The extent of glazing has been reduced and set within a brick faced framework, which sits comfortably with the existing facades below. The central part of the roof projects slightly from the rest of the roof, with an open loggia, with a terrace above. This is a relatively modest feature, which gives emphasis to the central bay of the building. It will not be readily visible from street level. It is considered that the proposed roof extension respects the architectural integrity of the existing building and will not harm the character and appearance of the Mayfair Conservation Area and will not harm the settings of adjacent listed buildings.

b. Facade changes

The proposals also involve some changes to the facade at ground and first floor levels. The existing building has a stone base with rustication (recessed horizontal channels) at first floor level and plain stonework at ground floor level. It is proposed replace the existing base with a new natural Portland stone base with rustication on both ground and first floor levels. It is not uncommon for buildings to feature rustication over the whole of the base. Despite the concerns raised by consultees, it is considered that this will not harm the appearance of the building or harm the character and appearance of the conservation area.

The changes at the east and west ends are modest and carried out to respect the existing architectural character of the facade. The existing windows are not original and feature a heavy transom. These would be replaced by new windows with a central mullion. These changes will not harm the appearance of the building or the character and appearance of the conservation area.

Conclusion

It is considered that this is a well-designed proposal which will preserve and enhance the character and appearance of the Mayfair Conservation Area. It will not harm the settings of adjacent listed buildings. It complies with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and policies DES1, DES 5,

DES 6, DES 9 and DES 10 of the Unitary Development Plan. It is also considered to comply with the policies MD1, MD2 and MD3 of the Mayfair Neighbourhood Plan.

13.3 Residential Amenity

Sunlight and Daylight

The closest affected residential properties are the flats in Chesterfield House to the immediate south of the site. There are also residential properties on the opposite side of Curzon Street at 20 Curzon Street, Curzon House (21-23 Curzon Street) and the upper floors of 25 and 26 Curzon Street. A daylight and sunlight report has been commissioned by Point 2 Surveyors which examines the impact on daylight and sunlight conditions to these adjacent residential properties. Following revisions to the scheme, a revised sunlight and daylight report has been received, and although not originally submitted, the report is now supported by window plans and contour plans.

Objections to the originally submitted scheme were received from a number of residents within Chesterfield House and on behalf of the residents of 21-23 Curzon Street.

Daylight

UDP Policy ENV 13 aims to protect and improve the amenity of the residential environment, which includes ensuring that sunlighting and daylighting levels to existing properties are not unreasonably compromised. In implementing this policy, the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used. The report considers the Vertical Sky Component (VSC) and No Sky Line (NSL) in accordance with the BRE guidance. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidance advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The NSL assesses daylight distribution by measuring the area of the room from which there is visible sky. If there are reductions from existing NSL values of more than 20% then the change is likely to be noticeable.

The sunlight/daylight assessment submitted with the application demonstrates that none of the adjoining or adjacent residential properties would see any losses of VSC above the 20% standard set out in the BRE guidelines.

Objections from an occupier of a flat in Chesterfield House and a letter on behalf of the occupiers of 21-23 Curzon Street refer to the fact that the scheme would still result in losses of NSL and that the application should be refused on this basis. Four rooms within Chesterfield House would see losses of NSL of between 20.9 and 28.5%. Two of the rooms serve bedroom accommodation to a flat at eighth floor level, the other two rooms are to a flat at seventh floor level, one serves a bedroom, but it is unclear what the function of this second room is. This second room would see a reduction of 20.9% in terms of NSL values, which is just over BRE tolerances. The other rooms, a bedroom at seventh floor would experience a loss of 21.4%, and the two bedrooms at eighth floor would experience losses of 27% and 28.5% respectively. As these windows serve bedroom accommodation, which the BRE guidelines also state as being less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal.

Three rooms within 21-23 Curzon Street would see losses of between 20-29%. Two of the rooms at third floor level would see NSL losses of 22.6% and 28.1%. One room at lower ground floor level would experience an NSL loss of 20.7%. These three rooms currently experience low existing values in respect of daylight distribution (below 50% of the room). It therefore follows that any additional massing is likely to trigger disproportionate changes in percentage terms – triggering a breach of the BRE test. The third floor rooms appear to serve bedroom accommodation, and given that the BRE guidance gives less importance to daylight distribution in bedroom accommodation, it is not considered that the application could be refused on this basis.

Sunlight

With regard to impact on levels of sunlight, the BRE guidance 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. The guidelines state that where the amount of sunlight to an existing window is already limited and would be reduced by more than 20% as a result of a development, and has a 4% loss in total annual sunlight hours, the window is likely to be adversely affected. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

The habitable windows to the properties on Curzon Street facing the application site do not face within 90 degrees of due south and therefore are not required to be analysed for the purposes of loss of sunlight under the BRE guidelines. With regard to the residential flats at Chesterfield House, all of the windows will comply with BRE guidelines, with a number of windows seeing a subsequent improvement in sunlight hours. Whilst one objector refers to the fact that his property faces south and that the proposals will make his flat feel darker, given that the sunlight and daylight report shows no discernible impacts to sunlight levels, it is not considered that the occupier would experience any adverse material amenity impact.

Sense of Enclosure

With the removal of the originally proposed eighth floor, there is now only a limited increase in height and bulk at seventh floor level, and most of this is created by the new pitched roof to the replaced seventh floor. However, given the relationship between this part of the development and the closest residential at Chesterfield House it is not considered to result in any material increase in the sense of enclosure for neighbouring residential properties.

Privacy and Noise

Part (F) of Policy ENV13 seeks to resist development which would result in an unacceptable degree of overlooking. Objections from residents in Chesterfield House have been received on the grounds of overlooking from hotel corridors at the rear and objections have also been received on behalf of the occupier of 21-23 Curzon Street on the grounds that the proposal would result in overlooking into bedroom and bathroom windows and that screening should be placed on the roof to prevent overlooking from the roof terrace.

The existing building has a number of windows on each floor in the rear elevation that currently overlook Chesterfield House. These are all to be infilled with the exception of eight windows at ground floor level. These windows partly serve the loading bay and a

ground floor reception area and are currently obscure glazed. A condition is proposed requiring these to be retained with obscure glass.

With regard to the concerns regarding overlooking of 21-23 Curzon Street, this property is the opposite side of the street some 16.5m from Leconfield House. Some windows are being reconfigured at ground and first floor level and a greater amount of glazing is proposed in the replaced seventh floor. However, given the existing relationship between the two buildings and the fact that these two buildings are a street widths apart, it is not considered that the proposal would cause any undue additional loss of privacy.

Objections regarding overlooking from the proposed roof terrace are also raised together with a request for the use of screens on the edge of the roof to ensure no overlooking occurs. However, there is an existing roof terrace in this location, which is unrestricted in terms of either capacity or the hours that it may be used. Whilst it is acknowledged that the size of the terrace is increased, and that it is likely to be used more intensively than with the current office use, given that the terrace is proposed at seventh floor, three floors above the top floor of the buildings opposite, any overlooking would be at an oblique angle. On this basis, it is not considered that either the use of screens would be necessary, or that its use would cause such harmful loss of privacy to warrant refusal.

With regard to noise from the roof level terrace, the extent of terracing has been amended since the application was originally submitted. A section of terracing has been omitted from the eastern part of the roof, and the terracing has been reduced in size on the western part of the roof. Objections on behalf of the occupiers of 21-23 Curzon Street comment that these revisions do not overcome their original concerns and residents of Chesterfield House raise strong concerns on the grounds that the use of the terrace, and the playing of music here, will create noise.

A revised noise report has been submitted which sets out that as the terrace is limited to the front and side areas of the building residual noise from road traffic will provide beneficial masking effect of terrace activities. Noise predictions have been made assuming that 40 people are using the terrace talking simultaneously (equivalent to 80 people attending on the terrace). Predictions suggest that noise levels will not exceed 15 dB below the external background noise at the nearest noise sensitive properties. Conditions are proposed restricting access to the rooftop terraces until 22:00, preventing live or amplified music, and limiting the maximum number of customers on the roof terraces to 60.

The original noise report did set out that a 3.3m high acoustic screen should be installed on the northern boundary of the site to prevent noise from the proposed roof terrace. With the shielding provided by the revised design of the replaced seventh floor, and the relocation of the terrace away from Chesterfield House, this acoustic screen is no longer required. A comment has been received about the previously proposed acoustic screen and whether it would be moveable and stored out of sight when not in use. However, as set out, this screen is no longer required.

The report has been assessed by Environmental Health who recommend that the following measures should be conditioned to ensure that any impacts are minimised as far as practicable to address the concerns raised:

- No public access to rooftop terrace, i.e. solely Private Members and Hotel guests will have access.

- Time restrictions to access rooftop terrace, up until 22:00.
- No external live or amplified music will be allowed.
- operational management plan

13.4 Transportation/Parking

Servicing:

S42 and TRANS20 require adequate off-street servicing provision. Currently there is an access into the basement car park from Chesterfield Gardens, via a roller shutter door leading to a ramp. This is also utilised by office tenants and building management as a servicing door, for deliveries in/out and refuse. The existing roller doorway has only a limited headroom which is not suitable for the anticipated servicing requirements of the proposal.

A draft Servicing Management Plan (SMP) and Operational Management Plan (OMP) have been submitted in support of the application. Additional information has also been provided following objections raised on the accuracy of the trip generation data, the acceptability of drop-off/pick-up arrangements and how deliveries will be managed. The SMP calculates that there would be some 34 deliveries per day, a net increase of 19. It is accepted that the existing office accommodation has traditionally been served from on-street as the only existing vehicular access is the one to the car park, which has a headroom of only 2m. The most recent Transport Note suggests that, while most deliveries will be capable of being undertaken off-street, around 8 each day would have to take place on-street. There would therefore be some 8 vehicles per day delivering on-street compared to some 15 with the existing use. The applicant has confirmed that they would be willing to accept a condition capping the number of vehicles that can service from on-street. The Highways Planning Manager believes that such a condition, coupled with a Servicing Management Plan (SMP), would ensure that any issues in Chesterfield Gardens should be minimised to such a degree that there should be fewer issues than there are with the existing office development. The SMP will be required to operate from first occupation, and not after a year of occupation as originally suggested.

The draft Servicing Management Plan will need to be enhanced to specify the 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, in this case. This must be provided for waste collection as well. 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, including the residents of Chesterfield House.

Objections had been received with regard increased noise disturbance from the existing roller shutter door and from servicing of the proposed use but with hours of servicing conditioned between 08:00 and 18:00 on Monday to Friday and between 08:00 and 13:00 on Saturdays it is not considered any noise from the servicing would occur at a sensitive hour and the objections on these grounds cannot be sustained. The existing noisy roller shutter door is also to be replaced as part of the proposals.

Parking:

No car parking is associated with the use and anyone visiting the site by private car would be subject to the on-street parking restrictions, it is envisaged the majority of patrons will visit the site either by taxi or by public transport. The submitted Operational

Management Plan details how the impact of patrons visiting the site will be managed and this has been evaluated in the land use section of this report. There is an area of single yellow line outside the main entrance where this could take place and which could cater for two vehicles at a time.

The applicants Transport Note specifies that departures from the site would be spread throughout the day with 38% of guest trips during the busiest hour, resulting in 291 trips. The applicant estimates that 25% of these trips will be by taxi, which equates to 73 trips by taxi. With at least two people in each car, it is anticipated actual taxi demand would be lower than the forecast 73 vehicles. The Highways Planning Manager has considered the submitted information and determined that this would not cause any traffic or road safety issues, particularly given that it seems that the entertainment spaces would very largely function as restaurants where, while they would have a closing time, guests would tend to leave in small groups across the evening, rather than all at the same time.

A number of objectors have commented on the lack of parking within the area particularly following the demolition of the former National Car park site in South Audley street. Whilst overall trips, compared to the existing development, are predicted to reduce quite substantially, trips by car and taxi are expected to increase by up to 17 and 39 trips per day. The Highways Manager believes that this is not considered objectionable given that it is across the entire day and it is not considered that a refusal on these grounds could be sustained.

Cycle Parking:

The proposal provides a total of 38 off-street cycle parking spaces. This is clearly not in line with either the London Plan standards of 31 long-stay and 56 short-stay cycle spaces, nor with TfL's comments, which have calculated that there should be 18 long-stay spaces and 91 visitor spaces. However, the Highways Planning Manager believes that with regard to short-stay parking it is unlikely that there would be such a large number of visiting cyclists and that it would be difficult to conceive where the City Council could accommodate the extra spaces that would be required on its streets.

The Highways Planning Manager therefore considers that the 38 off-street cycle parking spaces are acceptable, being more than the transport consultant thinks is necessary and more than twice the amount of long-stay cycle parking that TfL suggests would be appropriate.

13.5 Economic Considerations

The economic benefits of the scheme are welcomed.

13.6 Access

The development would be accessed via a ground floor foyer located in the same central part of the Curzon Street frontage as the existing office entrance. Internally, the lobby will give on to either the hotel reception space, the members' club areas including the restaurant and bar areas and the ancillary retailing space. The alterations, including a 'sesame lift' at the main entrance, will for the first time allow full level access to the entire building.

13.7 Other UDP/Westminster Policy Considerations

Plant

An acoustic assessment has been submitted with the application which has been amended during the course of the application to address concerns raised regarding the accuracy of the background noise levels and the location of nearby sensitive receptors. Environmental Health raise no objections in principle and consider that, subject to conditions, it is unlikely that plant associated with this development will result in noise/disturbance or vibration to nearby residents. The majority of the plant will be located at basement level, and within a rooftop enclosure.

Objections have been raised on grounds of smells and fumes, however, in accordance with the Council's standard practice a full height extract duct for the restaurant uses is proposed terminating at roof level. This terminates above the adjoining flats in Chesterfield House and therefore Environmental Health raise no objections.

Refuse /Recycling

Refuse and recycling facilities are proposed at basement level 2 including a Eurobin compactor and glass compactor. A separate holding area for waste is provided at ground floor. The arrangements have been revised during the course of the application and the Projects Officer (Waste) now agrees that the waste facilities are acceptable.

Sustainability

An Energy and Sustainability Strategy have been prepared by Hoare Lea in support of the application. The proposed development demonstrates an estimated carbon dioxide saving of 45.2%. This is against a target emission reduction of 35% over Building Regulations Part L 2013). The Mayfair Neighbourhood Forum object on the grounds that the development fails to meet Policy MES 4.1 which states that all new non-domestic developments to be Zero Carbon. However, the Mayor's Publication London Plan December 2020 states that to meet the zero-carbon target, an on-site reduction of at least 35 per cent beyond the baseline of Part L of the current Building Regulations is required. The development complies with this requirement.

The Energy Strategy sets out several energy efficiency measures that have been incorporated to achieve the 45.2% carbon dioxide saving including the installation of thermal insulation to the external walls, use of heat pumps, provision of low-energy, efficient light fittings throughout in conjunction with lighting control systems and the combination of Water Source Heat Pumps (WSHP) and Reversible Air Source Heat Pumps (RASHP) are proposed as the primary heat generator for the proposed development.

A BREEAM UK refurbishment and fit out 2014 pre-assessment report has also been prepared by Hoare Lea as an appendix to the Sustainability Strategy. This report identifies an anticipated score of 70.11% and a BREEAM rating of 'Excellent'. All mandatory requirements to achieve a BREEAM 'Excellent' have been targeted.

It is understood that there are no district wide heat networks in the vicinity of the site and none are planned. The development will be future-proofed to enable future connection to any district heating scheme.

Other

The site is within the city-wide Air Quality Management Area and the application is supported by an Air Quality assessment report. The report has been assessed by Environmental Health officers who recommend that dust mitigation measures will need to be incorporated into a site-specific Environmental Management Plan (as required by the Council's Code of Construction Practice (CoCP). Setting of current Emission limits during the construction period is also a requirement of the CoCP and therefore any impacts will be mitigated. Compliance with the CoCP (see Section 8.12 below) will ensure that the impact of the construction phase on air quality is minimised.

The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). This is acceptable.

13.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council carried out a consultation process until 18 January 2021 on the main modifications recommended by the Inspectors. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

13.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

13.10 London Plan

This application has been referred to the Mayor of London and the Stage 1 response received from the GLA is summarised in the consultation section of this report. The GLA support the proposed uses, subject to the gym being publicly accessible; and broadly support the design and believe that no harm would be caused to the setting of the conservation area or nearby listed buildings and consider that the strategies for energy, flood risk, SUDs and water efficiency are generally supported in line with London Plan and the Mayor's intend to publish London Plan. In line with the Mayor's request a 'Healthy Streets' Transport Assessment has now been submitted and, as requested conditions relating to servicing management and construction management are to be secured through planning condition.

If Members are minded to approve this planning application, it will need to be referred back to the Mayor again (Stage 2) and allow 14 days for his decision.

13.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition for a written scheme of investigation for a programme of archaeological work and one to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of these conditions.

13.12 Planning Obligations

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

- i. A contribution of £116,902.86 to support the Westminster Employment Service (index linked and payable prior to the commencement of development);
- ii. 50% discounted membership for local residents of Chesterfield House and immediate residents on Curzon Street;
- iii. The costs of monitoring the S106 legal agreement.

The estimated CIL payment is:

Mayoral CIL: £769,753
Westminster CIL: £438,505

Total CIL: £1,208,258

13.13 Environmental Impact Assessment

The scheme is of insufficient size and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

13.14 Other Issues

Basement

The proposal includes the excavation to create three additional basement levels. 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 Code of Construction Plan (CoCP). These have been submitted.

Objectors argue that the proposal will cause subsidence, structural damage to adjoining properties and is contrary to Policy CM28.1 and refer to the fact that part (C) of the policy does not allow the excavation of more than one storey below the lowest original floor level. However, this part of the policy only relates to sites outside the Core CAZ and part (B) of the policy does not restrict the size or the depth of basements within the Core CAZ. Objectors also refer to emerging policy 46 which restricts developments of not more than one storey beneath the lowest original floor level unless the site is large with high levels of accessibility for construction. As set out above, the draft City Plan continues to attract limited weight at this present time prior to the publication of the Inspector's report.

The applicant has provided a Structural Engineering report explaining the likely methodology of excavation, as well as the drainage, groundwater regime and structural stability. A flood risk assessment has also been submitted. 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 residents of Chesterfield House have instructed a structural engineer who has raised a number of detailed comments about the structural report including:

- i. it is not known how Leconfield House was designed or constructed;
- ii. that the report fails to provide sufficient information as to how stability is currently provided and how it will be maintained;
- iii. that there is little regard when the existing roof structure is demolished as to how the demolition material is prevented from tumbling down to lower levels;
- iv. the proposed depth of secant piling can potentially be a source of disturbing and causing damage to Chesterfield House;
- v. that monitoring of Chesterfield House whilst Leconfield House development, if granted, is constructed is essential;
- vi. the construction details are not known for Chesterfield House and there is no safeguard proposed during excavation;
- vii. damage to service pipes and drainage as a result of vibrations;
- viii. movement of adjacent properties is shown to be within 54m of the proposed basements;
- ix. there are differences in the preliminary ground movement analysis, which is based on male and female interlocked secant piles, and the non-interlocked piles shown on Elliott Woods drawings;
- x. to attempt to temporally support the façade using flat jacks to preload the supports is a risk that is avoidable

The applicant's structural engineer have provided further comments including that the building is concrete framed, that column positions are discernible on the existing survey drawings, that additional surveys will be carried out when there is vacant possession of the site, and the results will inform the detailed structural design. They also set out that existing stability is provided by the RC lift and stair cores and that during construction, stability will be provided by lateral propping and cross bracing as indicatively shown on the construction sequence drawings.

The demolition works directly associated with the construction of the basement (e.g. removal of lower floor slabs) are considered in section 13.2 of the submitted structural engineering report. A temporary works strategy, including bracing to prop the retained columns, are indicated in sequencing drawings in both Section 13 and Appendix C. Vibrations associated with the demolition works are considered in Section 14.2. The applicant's structural engineer argues that the type of works which will be undertaken adjacent to Party Walls are common on sites across London. They advise that non-percussive techniques are to be used for cutting out slabs in the near vicinity to Party Walls. In addition, this will all be agreed in detail as party of the Party Wall Award process.

The impact of the basement construction on Chesterfield House has been assessed in detail and quantified by ground movement modelling (GEOFEM GMA report included with Appendix A of the structural report). The applicant acknowledges that the zone of influence from the excavation extends beyond the site boundary but argues that this is not uncommon on basement developments. The results conclude that the displacements (and subsequent strain) generated by the proposals do not cause more than negligible damage to the surrounding buildings and are in line with current guidance for Basement Construction in Central London and Westminster.

They argue that the jacking of the façade loads onto the temporary and permanent supports is not deemed to be an unnecessary risk. Jacking is a commonly used approach to minimise the deflection 'felt' by a structure during the transfer of loads. As the façade is a brittle structure, jacking has been introduced to mitigate the risk of damage.

In line with CDM regulations, the applicants confirm that as the detailed design progresses, they will continue to review the potential for 'designing out' temporary works and any associated risk. However, at this stage, the proposed construction strategy is both achievable and a requirement to safely deliver the proposals for this building.

The structural report has been considered by our Building Control officers who advise that the information provided is more than sufficient for planning stage. They also believe that the engineer has answered the objections raised in sufficient detail for the planning stage.

We are not approving the structural 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.

Construction impact

Many of the objections raised by local residents, and the structural engineer instructed by Chesterfield House, relate to the construction impact and the traffic associated with the redevelopment. Policy MRU4 of the Mayfair Neighbourhood Plan also requires any “new development proposals in Mayfair of a scale and type that will be likely to generate significant construction traffic movements within Mayfair, should demonstrate (through a construction management plan or otherwise) how the impact on traffic and residential amenity will be mitigated.” Policy CM28.1 also states that basement developments will be “be designed and constructed so as to minimise the impact at construction and occupation stages on neighbouring uses”. Whilst it is recognised that planning has limited powers to control the construction process and its impacts and must take account of overlap with other regulatory regimes, applications for basement development must demonstrate reasonable consideration has been given to potential impact of construction on amenity.

The application is supported by a construction method statement and construction traffic management plan that sets out measures to mitigate noise, dust, vibration and traffic impacts, including:

- * breaking out of existing structures shall be carried out by diamond saw cutting and hydraulic bursting where possible to minimise noise and vibration to the adjacent properties.
- * dust suppression equipment to be used during the demolition process to ensure that any airborne dust is kept to a minimum.
- * the fabrication and cutting of steelwork for the reinforced concrete columns and slabs shall take place off site.
- * The piled wall will be formed using a non-percussive technique
- * The contractor will be responsible for ensuring good practice with regards to dust and should adopt regular sweeping, cleaning and washing down of the hoardings and scaffolding to ensure that the site is kept within good order.
- * The Contractor selected will be a member of the Considerate Contractors Scheme.
- * A single loading bay is proposed for the construction works and would be located on the northern carriageway of Curzon Street
- * Traffic marshals would be located at two points along Curzon Street, next to the proposed loading bay on Curzon Street and at the junction of Curzon Street and Chesterfield Gardens.
- * Construction deliveries would be carefully planned with delivery times agreed with each contractor using a web-based booking system to minimise disruption to other road users on the local highway network.
- * Wherever possible vehicles would be brought to site avoiding peak traffic periods, with construction vehicle movements restricted to the times previously outlined.
- * A nominated site manager would be named at the site entrance, with a contact telephone number. The contact name and details would be provided to all the relevant stakeholders

It is recognised that the construction work will affect local residents and businesses over a four year period given the scale of the proposal. A condition is recommended to ensure that the development complies with the Code of Construction Plan (CoCP),

which will require the developer to provide a finalised Construction Management Plan (CMP) and funding for the Environmental Inspectorate to monitor the construction phase of the development. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

A draft Construction Logistics Plan, as requested by Transport for London, has been submitted and will be required to be submitted as part of the CMP to demonstrate compliance with the CoCP.

Crime and security

The Metropolitan Police have been consulted and raise no objections.

Archaeology

The site is within the Great Estates Special Archaeological Priority Area (APA). English Heritage Archaeology has been consulted who have raised no objection to the proposals subject to the imposition of a condition requiring a written scheme of investigation prior to any demolition works taking place.

Other issues

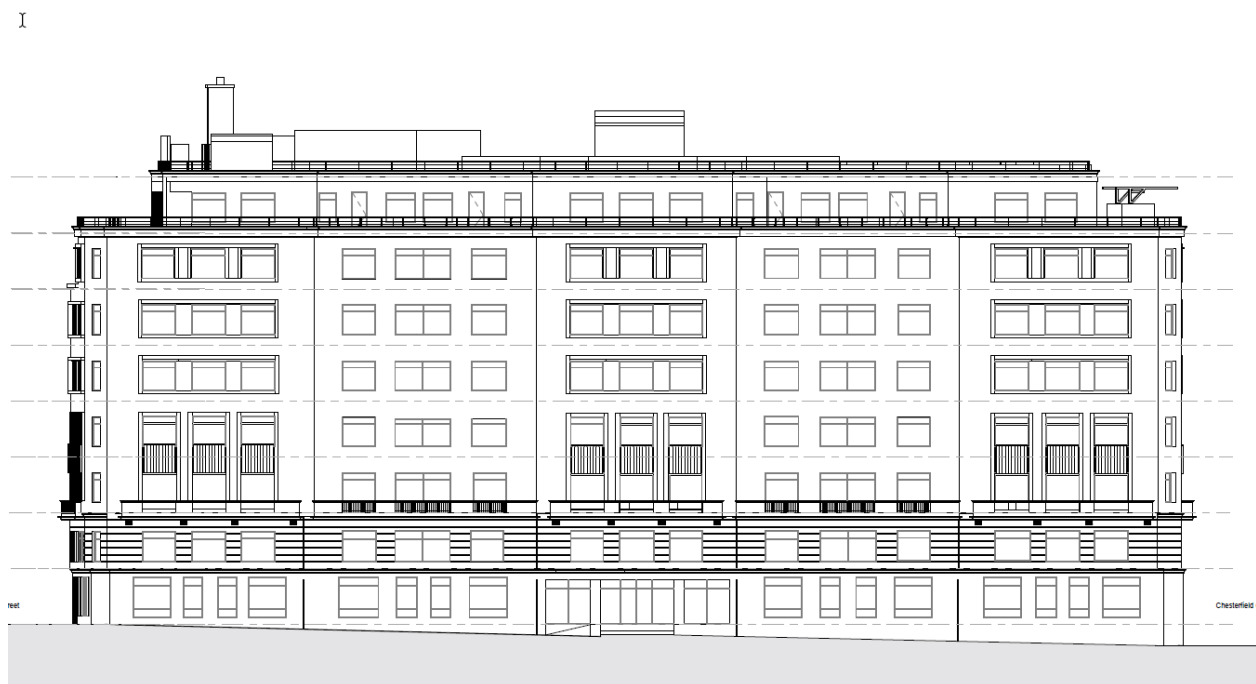
Objections have been raised on the grounds that the development will cause loss of property values, be unnecessary post Covid-19 and will of only be benefit to the wealthy few. The application could not be refused on these grounds.

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

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

14. KEY DRAWINGS

Existing South Elevation



Proposed South Elevation



Existing West Elevation



Proposed West Elevation



Existing East Elevation

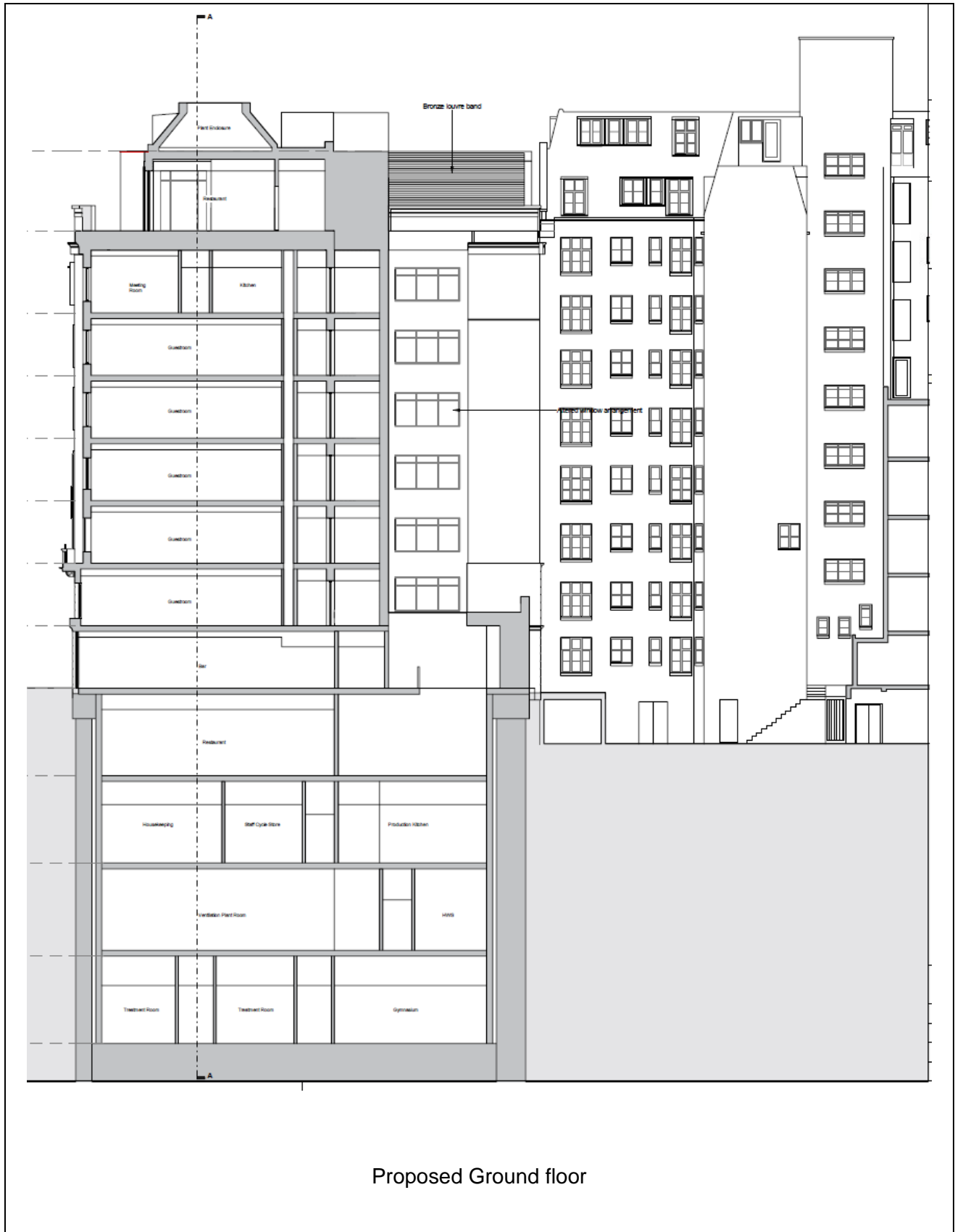


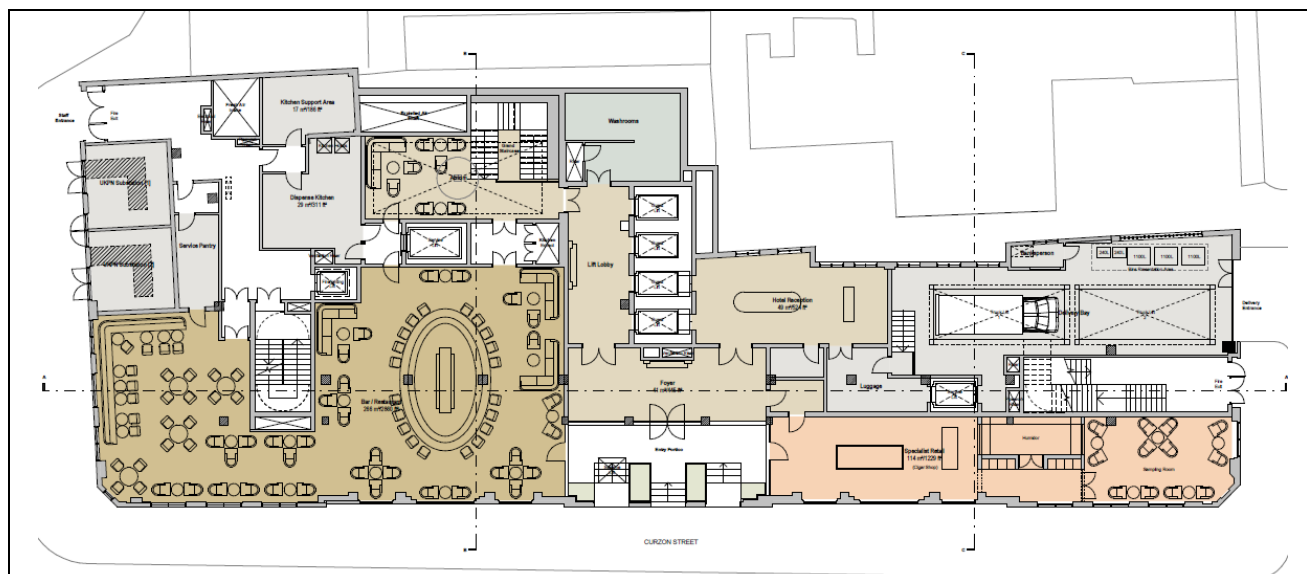
Proposed East



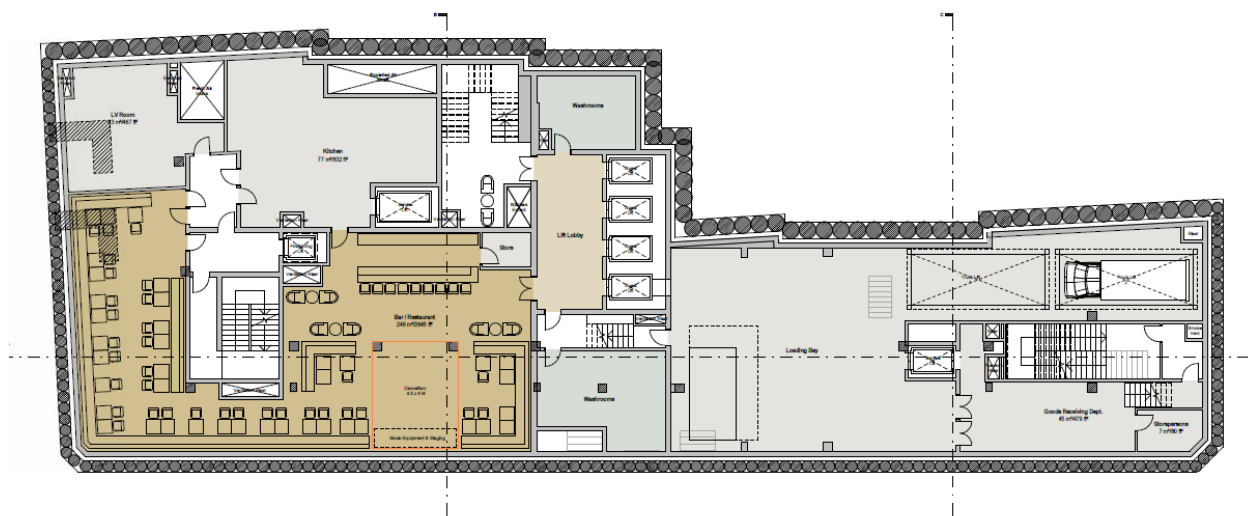
Elevation

Proposed section

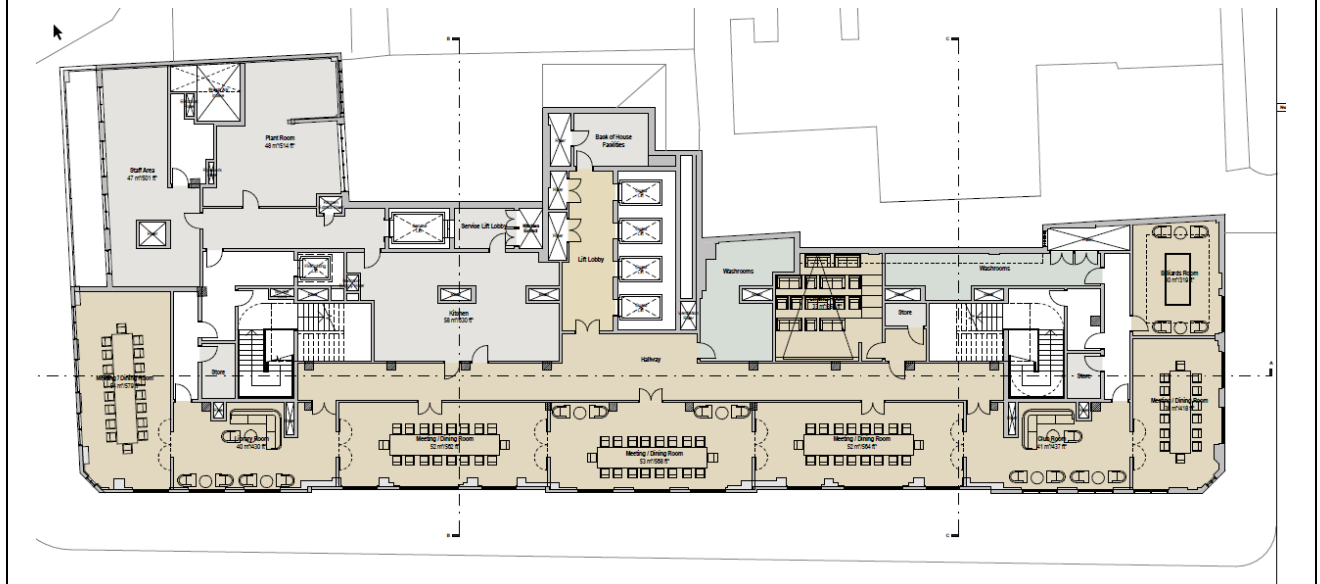


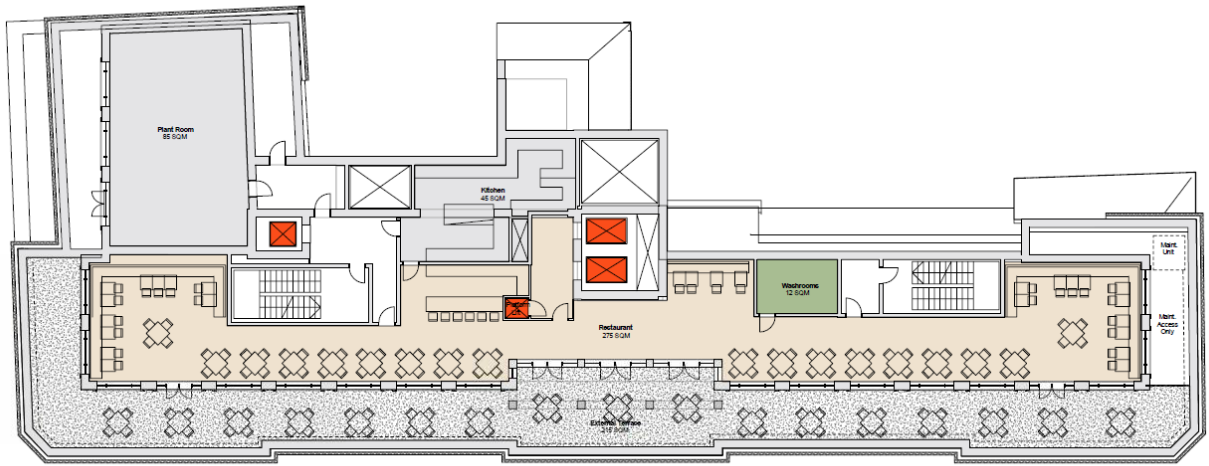


Proposed basement level 1

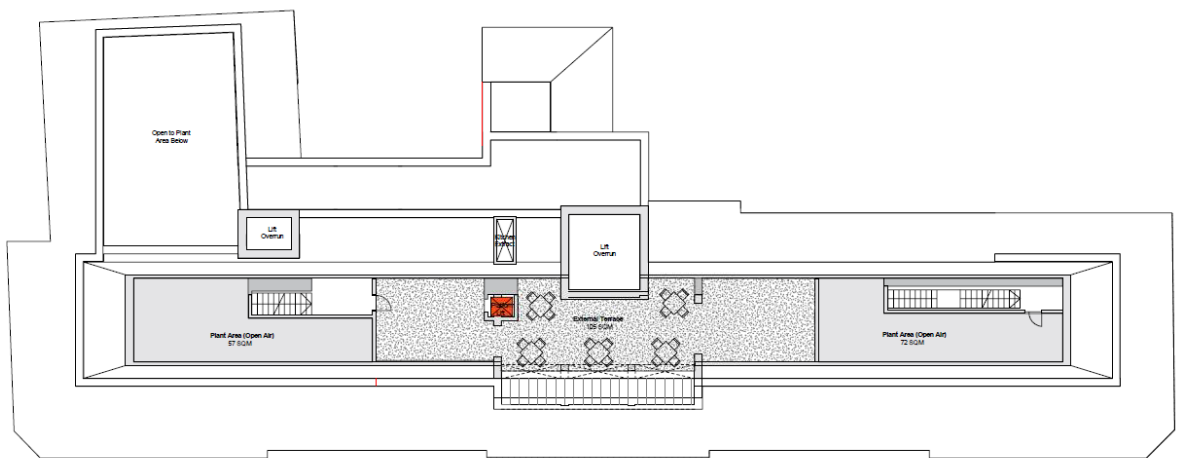


Floors 2-5

Proposed 6th floorProposed 7th floor



Proposed roof plan



DRAFT DECISION LETTER

Address: Leconfield House, Curzon Street, London, W1J 5JB,

Proposal: Replacement of existing 7th floor level and roof plant area, excavation of three new basement levels, infilling of windows at the rear, replacement windows and doors at ground and first floor level, new loading doors onto Chesterfield Gardens and refurbishment works, all for use of the building as a 60 to 70 bedroom hotel and private members' club including restaurants, spa/wellness centre and retail (sui generis use), with plant at 6th, 7th floor, roof level and basement level 3 and roof terraces at seventh floor level. (AMENDED DESCRIPTION OF DEVELOPMENT), ,

Reference: 20/01200/FULL

Plan Nos: EPR-00-B4-DR-A-02-0096, B3-DR-A-02-0097, B2-DR-A-02-0098 Rev P1, B1-DR-A-02-0099 Rev P1, 00-GF-DR-A-02-0100 Rev P1, 01-DR-A-02-0101, 02-DR-A-02-0102, GF-DR-A-02-0103, 07-DR-A-SK-0510 Rev P1, 08-DR-A-SK-0511 Rev P1, 00-DR-A-SK-0405 Rev P1, 00-DR-A-SK-0406 Rev P1, 00-DR-ASK-0407 Rev P1, 00-DR-A-SK-0408 Rev P1, AA-DR-A-SK-0501 Rev P1, BB-DR-A-SK-0502 Rev P1, CC-DR-A-SK-0503 Rev P1

Demolition drawings: EPR-00-B1-DR-AD-0099, 00-DRA-D-0100, 01-DR-AD-0101, 02-DRA-D-0102, 03-DR-AD-0103, 04-DRA-D-0104, 05-DR-AD-0105, 06-DR-AD-0106, 07-DR-A-D-0107, 00-DR-A-D-0401, 00-DR-A-D-0402, 00-DR-A-D-0403, 00-DR-A-D-0404, EPR-ZZ-S0-DR-A-D- 0501, EPR-00-AA-DR-A-D- 0502, EPR-00-CC-DR-A-D- 0503

Structural engineering report and subterranean construction method statement by Elliottwood dated 18 February 2020 (FOR INFORMATION ONLY).

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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. The roof extension
2. Facade alterations at ground floor and first floor level
3. New windows

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 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

6 Pre Commencement Condition. Prior to the commencement of any:,

- (a) Demolition, and/or,
- (b) Earthworks/piling and/or ,
- (c) Construction ,

On site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

7 Pre Commencement Condition.,

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us., ,
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor,

Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA. , ,

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

Reason:

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

- 8 Non-residents hotel guests shall be permitted to access, or remain within, the following parts of the building, at the following times only:

- * basement level one and ground floor bar and restaurant area: between 07.30 and 00.00 (midnight) on Mondays to Thursdays and on Sundays (not including bank holidays and public holidays), between 07.30 and 00.30 on Fridays, Saturdays and Sundays before bank holidays.
- * seventh floor restaurant area: between 07:30 and 23:30 on Mondays to Thursdays and on Sundays (not including bank holidays and public holidays), between 07.30 and 00.00 on Fridays, Saturdays and Sundays before bank holidays.
- * ground floor hotel reception area, lobby, atrium, retail gallery and foyer: between 07.30 and 00:30.
- * private meeting rooms on the sixth floor: between 06.00 and 00:00 (midnight).
- * hotel spa, gym and leisure facilities: between 07.00 and 23.00.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 9 You must apply to us for approval of a revised Operational Management Plan which also includes measures to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy the hotel until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the hotel and private members' club are in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 (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.

(R46AB)

11 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. (R48AA)

- 12 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel and private members' club use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., ,
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel and private members' club use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., ,
- (3) Following completion of the development, 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 including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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. (R47AB)

- 13 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 14 You must install the high level extract duct as shown on the approved drawings before use of the building as a hotel and private members' club can begin. It must thereafter be retained and maintained in situ for as long as the hotel and private members' club is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 15 You must provide the waste store shown on drawing EPR-B2-A-02-00098 Rev P1 and EPR-00-GF-DR-A02-0100 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 16 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)

- 17 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 2016 (R22FA)

- 18 All servicing must take place between 08:00 and 18:00 on Monday to Friday, between 08:00 and 13:00 on Saturdays and not at all on Sundays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C2)

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 With the exception of collecting rubbish, and a maximum of 10 delivery vehicles per day, no other goods that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road.

Before occupation of the hotel/private members' club, you must apply to us for approval of how the number of deliveries undertaken on street will be regulated and monitored. You must not start the use until we have approved what you have sent us.

You must then at the end each of each month, for the first 6 months after first occupation of the hotel/private members' club, provide to us a schedule of all daily deliveries undertaken on-street.

This schedule must thereafter be provided at the end of each third month, for the following year, and thereafter at the end of each calendar year for the life of the permission.

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)

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

Reason:

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

- 21 You must not allow more than:

- * 204 customers in the ground floor restaurant and bar,
- * 188 in the basement level one restaurant and bar, and
- * 211 customers in the combined seventh-floor restaurant and terrace areas (of which a maximum of 60 customers may be on the terrace areas at any one time)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 22 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(s) 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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 (UDP), 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. (R51BB)

- 23 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the sound insulation will be sufficient to protect residential from break-out of internal activity noise and that the development will comply with the Council's noise criteria set out in Condition 12 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

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 (UDP), 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. (R47AB)

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

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 25 You can only use the roof terraces between 08:00 and 22:00 hours daily.

Outside of these hours you can only use the roof to escape in an emergency and/or for maintenance purposes.

Reason:

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

- 26 All windows within the ground floor restaurant/bar shall be fixed shut and all doors and windows to the seventh floor restaurant shall be remain closed between the hours of 22:00 and 08:00

Reason:

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

- 27 The hotel and private member's club use shall only provided in accordance with the accommodation layouts/uses shown on the drawings hereby approved.

Reason:

In accordance with the submitted application and to protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 28 You must not use electronic projection equipment or play live or amplified music on the roof terraces.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007

- 29 At least 10% of all guest bedrooms must be DDA accessible or adaptable.

Reason:

To make sure that there is reasonable access for people with disabilities, as set out in S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 30 The glass that you put in the ground floor windows in the north elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

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, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 5 With reference to condition 6 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 6 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to a contribution towards Westminster's Employment Service and the provision of a discounted local residents membership. (I55AA)

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

CITY OF WESTMINSTER			
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 3 August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	Westminster House, 7 Millbank, London, SW1P 3JA		
Proposal	Demolition of existing office building, including dismantling of the facades to Millbank, Dean Stanley Street and Smith Square; erection of new nine storey building using new and reclaimed materials for commercial business and service use (Class E); extension to Smith Square; excavation of new sub-basement; formation of external terraces at sixth, seventh and eighth floor levels; new main entrance to Dean Stanley Street with secondary and servicing entrances to Smith Square; installation of plant and associated works.		
Agent	Gerald Eve		
On behalf of	Baola Properties Limited		
Registered Number	21/01508/FULL	Date amended/ completed	8 July 2021
Date Application Received	10 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Smith Square		

1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:
 - a) Highways works necessary for the development to proceed;
 - b) A payment of £115,541.65 (index linked) to support the Westminster Employment Service (payable on commencement of development);
 - c) A payment of £354,043 (index linked) to the City Council's Carbon Offset Fund (payable on commencement of development);
 - d) A payment of £250,000 (index linked) towards TfL's Lambeth Bridge North scheme (payable on commencement of development);
 - e) London Plan (2021) 'Be Seen' energy monitoring obligation; and
 - f) The City Council's S106 monitoring costs
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. The Director of Place Shaping and Town Planning be authorised to make a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway on Smith Square to enable the Development to be undertaken and to take all necessary procedural steps to confirm the order.

2. SUMMARY

Westminster House, 7 Millbank is a prominent unlisted building on the north-east side of Smith Square, with street-facing facades on three sides: facing towards Smith Square; onto Dean Stanley Street; and onto Millbank. It comprises a single use commercial office building (Class E) in use by the Parliamentary Estates. The site is located within the Smith Square Conservation Area and the Central Activities Zone.

7 Millbank is an unlisted building of merit within the Smith Square Conservation Area Audit. The site lies close to designated heritage assets, notably the grade I listed Palace of Westminster, which forms part of Westminster's World Heritage Site and on the opposite side of Millbank is Victoria Tower Gardens, a grade II registered garden. There also many listed buildings in the immediate vicinity of the site.

Permission is sought for the demolition of the existing building and for the erection of a new nine storey building for commercial business and service use (Class E). The proposals involve the careful dismantling and rebuilding of the facades around a new steel frame. The replacement building will include a new roof extension, an extension to Smith Square, excavation of new sub-basement, formation of external terraces at sixth, seventh and eighth floor levels and a new main entrance to Dean Stanley Street. In part the proposal seek to address the shortcomings of the existing building including the fact that the building's steel frame is corroding and to provide new high quality commercial office accommodation within an attractive and healthy working environment.

The key considerations of this case are:

- The principle of the demolition of the existing building.
- The impact of the new development on the character and appearance of the Smith Square Conservation Area.
- The impact of the new development on the amenity of adjacent occupiers.
- The sustainability features within the new development.

The proposed development has received a holding objection on behalf of the BBC and ITV who have

television studios in the adjoining building at 4 Millbank. Concerns have been raised about the impact from construction works on the operation of the studios, which are noise sensitive, and the potential for the roof extension to cause permanent interference and degradation to the BBC's and ITV's telecommunication signals. For the reasons set out in the main report it is considered that the construction issue can be satisfactorily addressed through the Council's Code of Construction Practice. In terms of the impact on telecommunication signals, the applicant has submitted additional information which ITV and the BBC are currently assessing.

The proposed development is considered a sensitive one, which introduces a new office building, which is fully accessible, has a significantly improved energy performance over the current building, provides more greening, provides external amenity space and creates a larger amount of modern office accommodation. It manages this while maintaining the positive aspects of the character and appearance of the existing building and causing no adverse impact on the highly sensitive townscape context. By resolving the inherent technical failings of the existing building and its stonework, it secures the long-term future of this building. The proposed development is considered to comply with relevant policies in the City Plan 2019-2040 subject to conditions and subject to the completion of a S106 agreement to secure the benefits set out in the main report

3. LOCATION PLAN



4. PHOTOGRAPHS



Westminster House, 7 Millbank (showing elevations facing Millbank and Dean Stanley Street)



Elevation facing Smith Square

5. CONSULTATIONS

Ward Councillors for St James's
Any comments to be reported verbally.

Waste Project Officer
No objection.

Highways Planning Team - City Highways
No objections. The car free development and provision of 281 cycle parking spaces is welcome. The Servicing Management Plan should be secured by condition. Stopping up is required at the entrance to the north-east of Smith Square. Concern is raised about other Class E uses and the potential impact on servicing.

Building Control - Development Planning
Any comments to be reported verbally.

Environmental Health
No objections subject to conditions including a requirement to sign up to the Council's code of construction practice.

Thames Water Utilities Ltd
No objection subject to condition on piling methods and to ensure the existing water network infrastructure can accommodate the needs of this development proposal.

The Royal Parks
Any comments to be reported verbally.

Greater London Authority
London Plan (2021) policies on land use principle, urban design, transport, and sustainable development are relevant to this application. Whilst the proposal is supported in principle, the application does not currently comply with these policies, as set out in section 8.10 of this report.

Transport for London
The site will directly benefit from TfL's Lambeth Bridge North Roundabout (LBN) and TfL are requesting a contribution of £250,000 towards implementing this scheme. More details are requested about cycle storage; 5% of spaces should be accessible, a contribution towards additional cycle hire capacity maybe required and short-stay cycle parking is required. The Delivery and Servicing Plan should commit to reducing the number of freight trips to the site over time, commit to using safer vehicles, sustainable last mile scheme and support carbon free travel. A Travel Plan should be secured.

Historic England (Archaeology)
7 Millbank is located within the Tier 1 'Westminster and Whitehall' Archaeological Priority Area (APA), an area of potential for archaeological remains of high significance. An archaeological field evaluation report is required. Further information has been requested from the applicant to inform at what stage the necessary field evaluation work should be carried out.

Historic England (Listed Builds/Con Areas)
Do not wish to offer any comments.

Environment Agency

No objection. To improve flood resilience, the agency recommend that, where feasible, finished floor levels are set above the 2100 breach flood level, which is 4.97m AOD.

Designing Out Crime

Any comments to be reported verbally.

Arboricultural Section

No objection following receipt of revised information relating to construction methodology and confirmation that the existing basement walls are to be retained. Tree protection conditions are recommended.

WCC Economy Team

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2019), this scheme needs to provide a Financial Contribution of £ 115,541.65.

London Borough Of Lambeth

No comment.

Thorney Island Society

The Thorney Island Society are worried by the energy intensive implications inherent in the demolition and rebuilding, but understand that the structural problems make this necessary. The Society would have appreciated a clearer statement of the steps taken to mitigate or offset the carbon costs of demolition and reconstruction.

The retention of the building in office use is welcomed. The extra floor and the terraces will affect the view of the Millbank buildings from across the river and Lambeth Bridge. The terraces will affect nearby residential neighbours in Smith Square and Lord North Street. There might be some privacy issues, but the main concern is noise and light pollution.

Westminster Society

The concerns expressed by the Society at pre-application stage have been addressed in the submitted scheme and the Society has no objections. The retention of office use is supported, the new entrance and cycle entrance on Dean Stanley Street has been dealt with sensitively, the society is pleased the deep cornice is being replicated in the re-built elevations, the proposed roof extension helps to simplify the overall roof form and will create a low-key backdrop to the Palace of Westminster (provided this upper floor is not brightly illuminated at night) and the triple mansard extension is considered to be an improvement. For the new roof terraces, we consider there should be restrictions on noise and operation hours to protect neighbouring amenities.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154

Total No. of replies: 2

No. of objections: 0

No. in support: 0

Two letters of concern have been received on behalf of the BBC and ITV who occupy 4 Millbank for audio and video pre-recordings, live national and regional news broadcasts and weather reports at regular intervals across the 24 hours of the day, seven days a week. Whilst not objecting in principle the BBC and ITV object until further details are available regarding the impact from construction activity and the potential for the roof extension to cause permanent interference and degradation to the BBC's and ITV's telecommunication signals.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Westminster House, 7 Millbank is a prominent unlisted building on the north-east side of Smith Square, with street-facing facades on three sides: facing towards Smith Square; onto Dean Stanley Street; and onto Millbank. It comprises a single use commercial office building (Class E) in use by the Parliamentary Estates. The site is located within the Smith Square Conservation Area, the Central Activities Zone, Flood Zone 3 and within a Tier 1 Archaeological Priority Area.

7 Millbank is an unlisted building of merit within the Smith Square Conservation Area Audit. The site lies close to designated heritage assets, notably the grade I listed Palace of Westminster, which forms part of Westminster's World Heritage Site and on the opposite side of Millbank is Victoria Tower Gardens, a grade II registered garden. There are also many listed buildings in the immediate vicinity of the site.

7 Millbank has four entrances. The primary entrance is from Millbank with two secondary entrances from Dean Stanley Street. Deliveries and refuse collection take place on the street from a fourth entrance in the corner of Smith Square.

6.2 Recent Relevant History

On 19 December 2019, planning permission was granted for the partial removal of the 5th floor cornice, associated repairs, and installation of temporary protection prior to reinstatement of the cornice. The works were necessary due to the compromised integrity of the cornice and danger to public safety. (19/08449/FULL)

On 1 May 2018 permission was granted for use of the basement and ground floor levels of 4 Dean Stanley Street for either office (Class B1) purposes or Class A2 professional services. (18/01312/FULL)

On 17 February 2005, permission was granted for the installation of 18 air condenser units at 7th floor roof level behind an existing screen and 19 air condenser units at 8th floor roof level, 8 of these behind a new screen on the Dean Stanley Street frontage. (04/08774/1884)

7. THE PROPOSAL

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Commercial, business and service (Class E)	15,868	19,433	+3,565

Permission is sought for the demolition of the existing building and for the erection of a new nine storey building for commercial business and service use (Class E). The proposals involve the careful dismantling and rebuilding of the facades around a new steel frame. The replacement building will include a new roof extension, an extension to Smith Square, excavation of new sub-basement, formation of external terraces at sixth, seventh and eighth floor levels, new main entrance to Dean Stanley Street with secondary and servicing entrances to Smith Square. In part the proposal seek to address the shortcomings of the existing building including the fact that the building's steel frame is corroding and to provide new high quality commercial office accommodation within an attractive and healthy working environment.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040. Policy 1 and 13 of the adopted City Plan 2019-2040 are relevant. Policy 1 (Westminster's spatial strategy) states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. Policy 13 (Supporting economic growth) states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period. Whilst the West End, along with the Opportunity Areas at Paddington, Victoria and Tottenham Court Road will provide the main opportunities for significant office growth, additional office floorspace is supported in principle in parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character.

The application site is already in office use within Class E and the development proposes a net increase of 3,565sqm office floorspace, increasing from 15,868sqm (GIA) to 19,433 sqm (GIA). The buildings that are immediately adjacent or adjoin the application site along Millbank are in office use and there are other office uses within Smith Square. There are also significant amounts of residential use within the vicinity of the site in Smith Square, Lord North Street and Great Peter Street. There is also a Berkeley Homes development for residential flats under construction at 9 Millbank and Ergon House. Despite the large amount of residential use in the vicinity of the site, the application site is considered mixed use in character. As such the proposed increase in office floorspace is considered acceptable in this location. The replacement building will provide office accommodation designed to a high standard, with fully accessible facilities and constructed to high environmental performance standards which is welcome.

The Mayor has requested that the Council should consider securing floorspace for small to medium sized companies in line with Policy E2 of the London Plan. Policy 13 (C) of the City Plan 2019-2040 supports the provision of affordable workspace throughout the commercial

areas of the city. In this instance given the relatively small uplift in office accommodation proposed, the provision of affordable workspace has not been sought. Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service. It is clear that regard should be had to the objective in introducing Use Class E which is to provide additional flexibility in terms of allowing changes of use within a range of uses without the need to seek an express grant of planning permission. The documentation submitted with the application and therefore the City Council's assessment of the application against relevant City Plan 2019-2040 policies, relates to the building's continuous use in office floorspace rather than other permitted uses within Class E. It is therefore recommended that permission is subject to a condition which restricts the commercial floorspace to office use only and no other purpose within Class E of the Use Classes Order in order to ensure that the scheme complies with policies within the City Plan 2019-2040.

8.2 Townscape and Design

Introductory Text

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the same Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72 of the same Act requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 (K) of the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF (July 2021) require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF (July 2021) clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The Existing Building and Surrounding Townscape

Westminster House is a prominent unlisted building on the north-east side of Smith Square, with street-facing facades on three sides: facing towards Smith Square; onto Dean Stanley Street; and onto Millbank. It is located within the Smith Square Conservation Area. The site also lies close to many other designated heritage assets, notably the grade I listed Palace of Westminster, which forms part of Westminster's World Heritage Site and lies to the north-east; immediately to the east on the opposite side of Millbank is Victoria Tower Gardens, a grade II registered garden that, along with the Palace of Westminster, lies within the Westminster Abbey and Parliament Square Conservation Area. There are also many listed buildings in the immediate vicinity of the site, these are identified within the applicant's Historic Building Report, however, of particular note are the early eighteenth-century former Church of St John's which is the grade I listed centrepiece of Smith Square; and the early eighteenth-century terraced houses in Smith Square and Lord North Street, which are all grade II* listed and in the case of 7-9 Smith Square immediately abut the application site.

The current Westminster House represents the product of several building phases of the twentieth century. The earliest surviving part is the prominent Portland Stone building on the corner of Millbank and Dean Stanley Street. This was built for the British-American Tobacco Company in 1913-15 to designs by Gordon & Gunton. It comprises a basement, ground floor and seven upper floors and has richly articulated stone façades, which primarily rise to the fifth floor, with the upper two floors contained within a mansard roof covered in Westmoreland slate. At each of its three street-facing corners it was further embellished by stone gables at sixth floor and pyramidal pavilion roofs above, creating a composed and attractive roofscape. One of its less obvious but noteworthy features is that, when built, it was regarded as a leading example of advanced steel-frame construction, which enabled clear spans of 40ft internal space. The steel frame rests on reinforced concrete foundations and the building contains reinforced concrete retaining walls and floor panels.

This building was substantially extended to the west in 1929. To designs by Gordon & Gordon, the same, but re-named, practice who had built the original building and for the same client, the building was extended to occupy the extent of the site occupied by the current building, i.e. extending further westward along Dean Stanley Street and also wrapping into Smith Square to abut with the Georgian terraced block at 7-9 Smith Square. The extension was designed in two styles: the immediate addition to the west of the original building was designed to match and thus on Dean Stanley Street the only real evidence of the extension is that the original south-west corner pavilion roof has lost its corner status; the rest of the extension sought to respond to the Smith Square context and in part to the buildings that had preceded it and was designed in a neo-Georgian style with red brick, stone dressings and a clay tiled roof. The effect is that while functioning largely as a single building, its external appearance suggested two architecturally distinct buildings. The ground and basement floor of the neo-Georgian element were originally used for Lloyds Bank, with a separate entrance on Dean Stanley Street.

There have been further modifications and extensions to the building during the second half of the twentieth century, the most notable being at roof level, where a single storey brick extension was added above the neo-Georgian tiled mansard, visible from Smith

Square; and two tall stair towers on the original building and close to the corner roof pavilions – which are visible in longer distance views.

Westminster House is identified as an unlisted building of merit within the Smith Square Conservation Area Audit and while it certainly makes a positive contribution to this conservation area, its townscape value extends beyond the conservation area boundary, complementing the fine range of larger scale twentieth century buildings which run along Millbank and present a fine riverside frontage, principally appreciated from the Lambeth side of the river, even with the dense screen of London Plane trees now largely obscuring the lower levels. Many of these larger river-fronting buildings are listed and Westminster House makes a positive contribution to their setting.

The post-war rooftop additions detract from the overall appearance of the building and the brick extension visible above the mansard in Smith Square has a particularly discordant effect.

The proposals involve complete dismantlement and/or demolition of the current building; with a replacement building which will re-use and re-instate the dismantled facades, but with an entirely new structure and replacement interior. The proposal will involve modifications and extensions at roof level and some façade modifications.

Given the nature of the proposals and the highly sensitive townscape context several design/heritage policies are of relevance as is the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of our City Plan 2019-2040 policies 38, 39 and 40 are of particular relevance and in terms of the London Plan (2021) policies D3, D4, D5, HC1, HC2, HC3 and HC4 are amongst the key policy considerations. Sections 66 and 72 of the 1990 Act are applicable, as is the guidance and policy associated with the NPPF (July 2021).

The Issue of Demolition / Dismantlement

Policy 39 (L) of our newly adopted City Plan 2019-2040 indicates that there will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved and the supporting text indicates that demolition will be resisted unless it can be demonstrated that the public benefits of the proposal, including the quality of the replacement building, outweigh the case for retention. The supporting text also acknowledges that in some cases demolition behind retained facades can provide a way to protect facades of townscape merit while allowing new accommodation to be developed behind and this may be acceptable where the overall integrity of unlisted buildings is maintained in street views.

The applicant has acknowledged the townscape value of this building and thus propose to maintain the character and appearance of the building by retaining its street facing facades, but somewhat unconventionally rather than restraining the facades and demolishing and rebuilding behind them the proposal is to carefully dismantle the facades and to rebuild them utilising as much of the dismantled fabric as possible in the replacement facades.

A number of reasons have been offered for this approach of wholesale dismantlement/demolition. The existing building, in terms of its internal environment is

now considered no longer fit for purpose and needs comprehensive upgrading to deliver modern office accommodation and an improved environmental performance. To achieve this there is a need to:

- Remove the party wall that divides the original building from the 1929 extension;
- Rebuild/replace the circulation cores, none of which currently meet modern standards;
- Upgrade all services – which is significantly impeded by the solid construction of the floor slabs;
- Increase plant which has to be accommodated in an enlarged basement;
- Provide cycle storage;
- Address the issue of embedded steelwork corrosion.

With respect to this last point, the steel frame of the building is embedded within the stone and brick facades and over time the steel has started to corrode, which has resulted in cracking and delamination of the masonry. To such an extent that a piece of the stone fell from the building onto the pavement below in 2016. Since that time works have been undertaken to try and make the building safe and it has been covered in scaffolding for some time to try and do this, however, there remains a need to address the corrosion which is causing irreversible damage to the stone and brick facades.

In reaching the decision to propose dismantlement of the facades, the applicant has submitted a façade study report prepared by stonework specialists and this demonstrates that façade retention and repair of masonry and treatment of steelwork; and repair of stonework and cathodic protection of the steel frame have also been considered as options. In both cases the risk of corrosion will be reduced but could re-occur and the extent of repair would be highly invasive requiring high levels of replacement brick and stone. In the case of the cathodic protection this was feasible but will require replacement overtime and would not obviate the need for façade interventions. The report clarifies the benefits of façade dismantlement, which will remove future risks associated with corrosion, allow opportunity to significantly improve the thermal performance of the fabric and remove the risks and impacts associated with façade retention. The report acknowledges that there will still be a need for some fabric to be replaced rather than re-used but nevertheless concludes that the dismantlement and rebuilding option offers the greatest long-term benefits.

In townscape and heritage terms while the dismantlement of the building will cause temporary harm to the conservation area and to the setting of adjacent designated heritage assets, ultimately the outcome of the scheme would be for the historic facades to be reinstated and it is considered that the applicants have made a persuasive case for this approach. Subject to securing an appropriate mechanism for ensuring the rebuilding phase will occur, the principle of this approach is acceptable.

Demolition versus façade retention: whole life carbon impact

As new developments are large consumers of resources and materials, the City Plan 2019-2040 states that the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.

Despite the deficiencies of the existing building set out above, the applicant advises that at RIBA Stage 2, a facade retention scheme was explored in detail with specialist facade contractors. The applicant states this would require a significant amount of temporary steelwork to support the facade during construction, which would be removed once a new steel frame was constructed within the building and the retained facade would also need extensive intervention works to fully access the steel frame and treat the corroding steelwork, along with replacing any cracked or damaged stone and brickwork.

The applicant's design team undertook an embodied carbon assessment of this solution and the option of carefully deconstructing the existing facades and rebuilding around a new steel frame. The assessment shows that whilst more expensive, deconstructing and rebuilding the facades would have a reduction of over 15% embodied carbon (when measured over 100 years), while still maintaining the same construction programme as a facade retention scheme. A key benefit of the rebuilt facade highlighted by the applicant is that it would provide the building with a long-term solution, removing the need for periodic scaffolding and removal of the existing stone and brick facades to review the condition of the steel frame. The applicant also states that this solution would also provide a highly airtight building, reducing cold bridging, and allow the building to be fully insulated.

Officers acknowledge that the existing building is likely no longer deemed to be fit for purpose and needs a comprehensive overhaul to bring it up to modern standards and improve its performance. Given the whole-life carbon impact study carried out it the applicant has shown that the demolition and rebuild option results in less carbon impact than a facade retention scheme given the continuous maintenance issues that would be required.

The Replacement Building

While the new building will retain much of the external appearance of the existing building, the scheme does introduce a number of alterations.

Perhaps some of the most noticeable changes occur to the rebuilt neo-Georgian part of the site which faces onto Smith Square. Here the canted corner of the existing building is omitted and a simple orthogonal right-angle-corner is introduced, which brings forward the two bays that are positioned on the north side of Smith Square and which are immediately adjacent to the listed 7-9 Smith Square. The pedimented ground floor entrance door is also re-positioned (with the existing unsightly ramp structure removed and level entry provided). Also, at ground floor but in the part on the east side of Smith Square a second office entry point into the building is introduced. At roof level the post-war brick addition is not re-instated and instead the clay-tiled mansard is extruded to form a 3-storey mansard, which would match the 3-storey mansard to 16 Smith Square which lies to the south on the other side of Dean Stanley Street. In introducing these changes the large brick flank wall which rises above no.9 Smith Square is retained in a modified form. One further small change to the neo-Georgian brick extension occurs on the Dean Stanley Street side where the door which formerly provided entry into a bank is altered to a window, matching others in the facade.

With respect to the re-built stone facades of the original 1915 building and its matching

1929 extension, its façade is modified on the Dean Stanley Street where the broken pedimented entrance to the original building is replaced by a larger double-height arched opening which sits at the base of the original corner pavilion. A second entry point is incorporated into the glazing of this façade further to the east to provide an entry point for cyclists. The remaining glazed arched bays to this façade have their sills omitted and the glazing brought to ground level. There are no changes proposed to the rebuilt east façade, which faces onto Millbank and the broken-pedimented door in this façade is retained, albeit now step free.

The main changes to the stone part of the building occurs at roof level where the rebuilt mansard is modified with its height extruded slightly to provide greater headroom to the seventh floor; in addition, the arrangement of dormers is changed, with the sixth floor featuring grouped 3-part dormers. The pyramidal pavilion roofs remain higher and advanced of the mansard roof line and as such maintain their enhanced roofscape quality.

Above the mansard and set back from the roof edges a new eighth floor roof addition is introduced. The height and plan form of this structure has been carefully considered to address river prospect strategic views of the London View Management Framework. The application site sits in the backdrop to the Palace of Westminster in some of these views and is already visible above the silhouette. The new building omits the tall stair towers that previously rose above the rooftop and the new extension is lower than these, with the overall effect being a minor and beneficial change to the strategic views. This new rooftop structure is predominantly glazed to its sides, but nevertheless set within a framed arrangement, although on the north side and to part of its west side it is more solid – faced in white glazed brick. The roof of this structure features green and brown roofs and a small area of photovoltaics.

The eighth-floor structure also contains an area of plant and there are two further rooftop plant enclosures one at seventh floor level and one at sixth floor level – in both cases integrated into the envelope of the replacement building.

The replacement building also seeks to introduce roofs of far greater amenity value for its occupants as well as taking opportunities to introduce greening. As such landscaped terraces of differing forms are proposed at sixth, seventh and eighth floor levels, with the latter providing the largest extent.

The west-facing flank wall adjacent to 9 Smith Square and the north-facing façade which backs onto North Court and 4 Millbank are currently the most utilitarian and secondary facades, very much appearing as the back of the building, albeit the flank wall does have a prominent townscape presence. In the rebuilt building a similar choice of facing materials is proposed (red brick or glazed white brick), but a greater level of detailing and articulation is introduced to ensure these lesser facades are nevertheless acceptably detailed. There is also a reduction in the number of windows to these facades.

The new building omits the courtyard/lightwells of the existing building, thus significantly increasing the quantum of office floor space. The main circulation core of the new building is centred towards the north side of the plan and is associated with a central atrium feature, which brings natural light down through the centre of the building.

Impact on Heritage Assets and Surrounding Townscape

As indicated earlier, the construction phase of this development will have an adverse impact on the site and its surroundings, particularly as the proposal involves full demolition/dismantlement. However, as completed the impact of the proposal on heritage assets and the surrounding townscape is relatively benign or beneficial. Because the main facades are largely re-built to replicate their former condition from many townscape perspectives the changes are relatively modest given the scale of development. At closer quarters perhaps the alterations that are most perceptible are within Smith Square, where longer views are available and the site is prominent within the townscape; the relationship to nearby listed buildings is also most apparent from Smith Square. The changes that are perceptible within Smith Square are generally all beneficial, with the removal of the sixth-floor brick extension and introduction of a 3-storey mansard providing a much improved setting to adjacent listed buildings, representing a far better resolution of the roofscape which is beneficial to the application site and to the wider conservation area. While a high flank wall adjacent to no.9 Smith Square will still be present, its facing material and detailing will be improved and as such no harm is caused as a consequence of the change.

With respect to the eighth-floor rooftop structure this is only perceptible in longer views and non-street level views. The longer views are nevertheless highly sensitive ones being those from along the riverside, many of which being strategic views identified in the London View Management Framework; and in some cases affecting the backdrop and to the Palace of Westminster. The views analysis undertaken indicates that small elements of rooftop will be visible behind the palace or above the London Plane trees to the south of the palace, however, in terms of the silhouette of the palace this is not adversely affected, indeed there may actually be a slight improvement with more sky created; and the effect on the tree line is very minimal and does not harmfully impact upon its role in the setting of the palace. Overall, there is no harmful impact on the significance of the Palace of Westminster or upon the Outstanding Universal Value of the World Heritage Site. It is recommended that an internal lighting strategy is secured by condition to ensure that the night time views of the building are acceptable.

The more detailed external changes, such as the new entrances in Smith Square and on Dean Stanley Street; or the modified dormers and other changes at roof level are all done in a way which is respectful to the original building and again would not have an adverse impact on the appearance of the building.

Thus overall, the proposal, when completed, will ensure that the character and appearance of the building and its contribution to the Smith Square Conservation Area is maintained and/or enhanced; and the scheme will have no adverse impact upon the setting of other designated heritage assets.

8.3 Residential Amenity

Policy 7(A) of the City Plan 2019-2040 states that 'Development will be neighbourly by:

- A. Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.'

Part of the west facing elevation and part of the north facing elevation of the existing building look onto neighbouring residential properties and their gardens, namely 7 Smith Square, 8 Smith Square and 9 Smith Square, 10 and 11 Lord North Street and North Court (which comprises 17 flats). The application scheme proposes to replace the existing roof extension on these elevations with a more coherent 3-storey mansard. Whilst there will be no meaningful increase in height for the replacement building along the west facing elevation, there will be a small increase in height along part of the north facing elevation of 3.27m.

Sunlight and Daylight

Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication 'Site layout planning for daylight and sunlight' (2011).

Two methods of measurement are recommended to measure daylight impacts in the BRE Guidelines: (1) Vertical Sky Component (VSC); and (2) Daylight Distribution (DD). VSC assesses the quantum of skylight falling on a vertical window and DD (also referred to as No Sky Line or NSL) measures the distribution of direct skylight in a room space. VSC is calculated from the centre of a window on the outward face and measures the amount of light available on a vertical wall or window following the introduction of visible barriers, such as buildings. The BRE Guidelines suggests that if the VSC is greater than 27%, enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. Should the VSC with development be both less than 27% and less than 0.8 times its former value, occupants of the existing building are likely to notice a reduction in the amount of skylight they receive. The Guidelines say: "the area lit by the window is likely to appear gloomier, and electric lighting will be needed more of the time". This form of assessment does not take account of window size, room use, room size, window number or dual aspect rooms.

The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. For the NSL assessment the 'working plane' means a horizontal 'desktop' plane 0.85m in height for residential properties. The NSL divides those areas of the working plane which can receive direct sky light from those which cannot. If a significant area of the working plane receives no direct sky light, then the distribution of daylight in the room will be poor and supplementary electric lighting may be required. The BRE Guidelines state that if the area of a room that does receive direct sky light is reduced by more than 20% of its former value, then this would be noticeable to its occupants. The measurement and plotting of NSL requires the knowledge of the internal room layouts and dimensions.

For daylight to be compliant with the BRE Guidelines both the VSC and NSL tests have to be met. If either or both of the VSC and NSL tests are not met the daylighting is likely to be significantly affected.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months (winter PSH). As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum.

If a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly and that in special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified.

The application is accompanied by a Daylight and Sunlight Report. This provides an assessment of the potential impact of the development on daylight, sunlight and overshadowing based on the approach set out in the BRE Guidelines for the following residential properties: 7 Lord North Street, 8 Lord North Street, 10 Lord North Street, 11 Lord North Street, 6 Smith Square, 7 Smith Square, 8-9 Smith Square, North Court (Flats) and 5 Smith Square

With the exception of North Court, all windows and rooms tested experience VSC and NSL alterations of less than 20% which complies with the BRE guidance. In terms of sunlight, all rooms that require testing remain fully BRE compliant.

For North Court 44 of 46 windows and all 18 rooms experience VSC and NSL alterations of less than 20% which complies with BRE guidance. The 2 windows which experience reductions greater than 20% VSC are associated with two living rooms at fourth and fifth floor level. The windows (W2/114 and W2/115) experience reductions of 20.7% and 21.9% respectively.

The affected living room on the fourth floor is served by 4 site facing windows of equal size, the remaining 3 windows experience unnoticeable reductions of VSC. In accordance with the BRE guidance, the mean VSC of windows of equal size may be taken to assess whether the VSC alterations to the room they serve will be noticeable, when this is conducted the mean VSC alteration for the site facing windows serving the living room is 7.3% and so BRE compliant.

The affected living room on the fifth floor is served by a total of 8 site facing windows of equal size and are associated with a bay window. When the mean VSC alteration of these 7 windows is taken, the alteration equates to a mean VSC reduction of 8.9% which is BRE compliant.

In addition to the above, the remaining windows serving these rooms maintain 20% or greater residual VSC and are coupled with BRE compliant alterations of NSL within the rooms. also unnoticeable. The daylight to all flats within North Court is therefore unlikely to be significantly affected.

For sunlight the only the following properties are required to be tested in accordance with the BRE guidance: 10 Lord North Street, 7 Smith Square, 8-9 Smith Square and North Court. All properties tested are BRE compliant with the exception of North Court.

For North Court seventeen rooms are material for sunlight assessment, 16 of which

experience BRE compliant alterations. One derogation occurs within bedroom R1/114, this room will experience a minor derogation from the guidance at 24% Annual Probably Sunlight Hours versus a target of 25%. Given that the room is used as a bedroom (the BRE considered bedrooms to be less important), along with the central London context, the reduction in sunlight is considered acceptable. The bedroom window does maintain sufficient Winter Probable Sunlight Hours at 7% versus a target of 5%.

Overshadowing

Eight amenity spaces associated with 7 neighbouring properties have been assessed due to their proximity to the development site. The assessment provides that the proposal is fully compliant with regard to the BRE guidance and that there are no impacts to any of the amenity spaces as a result of the development.

Sense of Enclosure

The increase in height along part of the north elevation is modest at 3.27m. Given the separation distance between the application site at North Court of approximately 8.9m, it is not considered that there will be any material impact on sense of enclosure.

Privacy

The existing west-facing brick wall has two windows per floor running from ground to level 5. The uppermost storey has a blank façade and no window openings. The size and number of windows in the proposed west facing brick wall have been reduced from the existing including the removal of the ground floor windows. This is welcome in amenity terms. Given that there are already windows in the west facing flank elevation of the existing building, it is not considered reasonable to require these windows to be obscure glazed.

The existing north facing glazed brick wall has multiple windows at each floor. These mostly overlook No. 4 Millbank which is a commercial building. Notwithstanding this, the number of windows in the north facing wall have also been reduced. The top level of windows has been removed entirely and several windows replaced by louvred vents.

Roof terraces

External terraces are proposed at sixth, seventh and eighth floor levels on the proposed building facing onto Smith Square. The largest terrace located on level 8 is divided into two separate areas with terrace A facing Smith Square and terrace B facing Dean Stanley Street and Millbank. The applicant advises that terrace A is likely to provide communal amenity space for all building occupants, while terrace B is likely to provide a private office terrace. The applicant advises that having access to outdoor space is something which a growing number of tenants consider essential when looking for new office premises, to help promote the well-being of their staff.

The principle of roof terraces is considered acceptable in this location subject to mitigation measures to protect residential amenity. It is noted that the existing building has a west facing roof terrace at sixth floor level which is unrestricted in terms of its use. Despite this, the proposed new west facing terraces have the potential to impact on

residential amenity in terms of overlooking and noise and disturbance. The applicant recognises this and the application is accompanied by a Terraces Management Plan that proposes a number of measures to reduce any potential noise and disturbance from these terraces. This includes restricting the hours of use of the terraces (except terrace B) until 10pm at night Monday to Friday, a non-smoking policy and no music. The Terraces Management Plan is provided as a background paper.

The applicant is seeking a terminal hour of 10pm for the terraces on a weekday. The applicant considers that given the existing unrestricted roof terrace at 6th floor level and the activity levels in Smith Square associated the St John Concert Hall and restaurant whose licensing opening hours are 09:00 to 00:00. Whilst this is noted, officers consider that a 9pm weekday terminal hour would be more appropriate for the terraces with reduced hours at the weekend. Given its location away from residential properties, it is not considered necessary to restrict the terrace hours for terrace B. It is recommended that an updated Terraces Management Plan is secured by condition which should details of the number of functions to held on the west facing terraces per month.

Table 2- Operational hour restrictions for terraces

Location	Restrictions to Operational Hours		
	Monday to Friday	Saturday	Sunday
6 th Floor Terrace	08:00 – 21:00	09:00 – 19:00	09:00 – 18:00
7 th Floor Terrace	08:00 – 21:00	09:00 – 19:00	09:00 – 18:00
8 th Floor Terrace A	08:00 – 21:00	09:00 – 19:00	09:00 – 18:00
8 th Floor Terrace B	n/a	n/a	n/a

In terms of overlooking from the terraces, strategically placed landscaped planters are proposed to the north west to create a buffer between neighbouring residential properties. It is considered that with these measures in place the terraces should not cause harm to residential amenity in terms of overlooking or noise and disturbance. It is recommended that full details of the terrace landscaping are secured by condition.

In conclusion, for the reasons set out above and with appropriate conditions, this aspect of the proposed development is considered to comply with Policy 7(A) of the City Plan 2019-2040.

8.4 Transportation/Parking

Servicing

Servicing to the existing building currently takes place from on-street and this is proposed to continue. Whilst Policy 29 requires servicing, collection and delivery needs to be fully met within a development site, the creation of an off-street servicing bay in this location would bring other issues. The Highways Planning Manager has no objection to servicing continuing to be from the street, subject to the implementation of a Delivery and Servicing Plan. It is recommended that this is secured by condition. An informative is advised to encourage the use of low-emission, consolidation and last mile delivery modes within the plan. The Delivery and Servicing Plan will also need to address any access issues should the Holocaust Memorial be granted planning permission following

the public inquiry in 2020.

Parking

A total of 281 long-stay cycle parking spaces are proposed, which meets the quantum requirements set by London Plan (2021) Policy T5; however, no short-stay cycle parking is proposed. This is because there are space constraints in terms of the availability of public realm adjacent to the site. The Mayor in his Stage 1 report has asked the applicant to further investigate alternative locations, however, the Highways Planning Manager does not raise a concern to this aspect of the proposal. It is recommended that the 281 cycle spaces are secured by condition which will allow the spaces to be used by both occupiers of and visitors to the building.

It is proposed to reconfigure some parking bays to allow easier access for cyclists to the proposed dedicated cycle entrance to the building on Dean Stanley Street. This work would need to be agreed by Highways and subject to a separate Traffic Order with its own consultation. It is recommended that the cost of these works is secured as part of the S106 agreement.

The development is proposed as car free which meets City Plan 2019-2040 Policy 27. No blue badge parking is provided which does not meet London Plan (2021) Policy T6, however, on-street blue badge spaces have been identified on Smith Square within 50 metres of the site, which is acceptable in this instance.

As requested by the Mayor in his Stage 1 comments, an updated travel plan is secured by condition. This will seek a higher modal share for walking and cycling for the office use.

Stopping-Up of Highway

There is a small amount of stopping-up proposed at the entrance to the north-east of Smith Square. The Highways Planning Manager agrees that this small area does not really provide any useful function in highway terms and therefore has no objection to it being lost. The authorisation to make a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of part of Smith Square forms part of the recommendation of the officer recommendation. .

8.5 Economic Considerations

The economic benefits associated with the development in terms of short-term construction jobs and the provision of high quality commercial floorspace are welcomed.

8.6 Access

The existing building has access issues which include a stepped entrance on Millbank (with no step free alternative provided), a single stepped entrance on Dean Stanley Street and provision of a temporary external ramp to the entrance on Smith Square. Internally the building is compromised in terms of the width of internal corridors entrance is stepped with a temporary ramp.

In the proposed scheme all entrances have been made step free and the building has been designed to allow easy step-free circulation throughout all floors with no internal level changes requiring steps or ramps with the exception of an internal ramp to the Smith Square entrance and an internal platform lift to the Millbank entrance.

8.7 Other UDP/Westminster Policy Considerations

Plant

Mechanical plant is proposed as part of the development including at roof level. Environmental Health has confirmed that the proposed design criteria is reasonable for the application site. The report has not provided details as to the proposed plant/machinery therefore conditions are recommended to secure a supplementary acoustic report to ensure compliance with our standard noise conditions.

Refuse /Recycling

Policy S37 of the City Plan 2019-2040 seeks to ensure appropriate facilities for the storage of separate waste streams which are safe and convenient to access for deposit and collection, with sufficient capacity for current and projected future use.

Waste is collected from the existing building from the secondary entrance on Smith Square. The proposed development proposes to keep to the same arrangement and will provide a large waste store at ground floor level within the north west part of the development. There waste storage and collection arrangements are considered acceptable.

Trees

The applicant has provided an Arboricultural Impact Assessment (AIA) with their application. This sets out that whilst no trees are to be removed as part of the proposed development, existing trees in Smith Square and along Millbank could be impacted through construction and basement work. Following receipt of additional information relating to construction methodology and clarification that the existing basement walls are to be retained, the Council's arboriculturalist does not object. Conditions are recommended relating to tree protection, arboricultural supervision, construction management and landscaping.

Biodiversity

London Plan (2021) Policies G1 and G5 embed urban greening as a fundamental aspect of site and building design whereas Policy G6 states that development proposals should aim to secure net biodiversity gain. Features such as street trees, green roofs, green walls, rain gardens, and hedgerows should all be considered for inclusion and the opportunity for ground level urban greening should be maximised.

The proposed development would deliver a bio-diversity net gain of 236%, which is welcomed. The applicant has calculated that proposal would achieve an Urban Greening Factor of 0.13 through the proposed green roof at level 9 and extensive planting on the terraces. This falls short of the 0.3 target as set out in London Plan (2021) Policy G5.

The Mayor in his Stage 1 comments considers that the applicant should consider the scope for additional greening measures to achieve the specified target. In response the applicant has advised that they have explored a range of opportunities to maximise urban greening on this constrained site whilst at the same time recognising the need to respect local and strategic townscape views; to provide accessible outdoor amenity space for future occupants of the building; and to incorporate renewable energy technologies at roof level. On balance, given these constraints, the proposed level urban greening is considered acceptable.

Sustainability

Policy 36(B) of the City Plan 2019-2040 states that all development proposals should follow the principles of the Mayor of London's energy hierarchy. The policy requires that major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved.

Policy 37 (Waste Management) of the City Plan 2019-2040 states that developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan (2021) targets and the council's Code of Construction Practice (CoCP).

Policy SI 2 (Minimising Greenhouse Emissions) of the London Plan (2021) states that development proposals referable to the Mayor should calculate whole lifecycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions.

The applicant has submitted a Sustainability Statement prepared by Hilson Moran.

In terms of the Mayor of London's energy hierarchy, the applicant proposes the following measures:

Be lean - The Sustainability Statement sets out that a range of passive and energy efficient measures are incorporated in the design: good levels of internal daylight reducing reliance on artificial lighting, external shading from stone cladding and the solar control glazing, efficient artificial lighting and controls, as well as high efficiency building services.

Be clean - The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. The applicant is therefore proposing a communal heat network supplied by a centralised energy centre. This is to be located in the basement. The proposed development will be design based on the all-electric on site solution. The applicant has provided a commitment that the development is designed to allow future connection to a district heating network and drawings demonstrating how the site is to be future-proofed for a connection to a district heating network have been provided.

Be green - A small roof-mounted photovoltaic (PV) array providing renewable energy is

proposed. The Mayor in his Stage 1 comments considers the PV array to be small for a development of this scale. Given the competing demands for space at roof level, which include the provision for amenity space for the office occupiers, the PV array is on balance considered acceptable.

Be seen - The applicant has provided a commitment that the development will be designed to enable post construction monitoring. It is recommended that this is secured through the S106 agreement.

The regulated carbon dioxide savings after each stage of the energy hierarchy compared to the baseline building is 169.7 tonnes CO₂/Annum which is a 58% improvement. In order to achieve the net zero target required by Policy 36(B) of the City Plan 2019-2040, a cash in lieu payment is required. The value of the payment will be determined by multiplying the emissions shortfall by the local cost of carbon over a period of 30 years. Carbon offset funding will then be allocated to projects that will reduce carbon emissions elsewhere in Westminster. It is recommended that a carbon off-set payment of £354,043 is secured as part of the S106 agreement.

Whole Life-Cycle Carbon

Whole Life-Cycle Carbon (WLC) emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A WLC assessment provides a true picture of a building's carbon impact on the environment. London Plan (2021) Policy SI 2 sets out a requirement for developments to calculate and reduce WLC emissions.

Information provided by the applicant indicates that the proposed development will improve the Whole Life Cycle Carbon impact by minimising both embodied carbon and operational energy. The former will be achieved with an embodied carbon reduction strategy. Further investigation of materials with environmental product declarations (especially on internal finishes) will be carried out during the detailed design. The GLA has raised a number of queries and clarifications with the applicant on the information submitted. The applicant has provided additional information to the GLA who are assessing the information. Any further response from the GLA will be reported to committee. Despite this a pre-commencement condition is recommended requiring the applicant to submit an updated Whole Life-Cycle Carbon Report for the Council's assessment in consultation with the GLA.

Circular Economy

Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

The applicant has committed to certain targets in order to achieve compliance with the circular economy approach as indicated in the London Plan 2021. These relate to: (i) Conserve resources, increase efficiency and source sustainably; (ii) Design to eliminate waste; (iii) Manage waste sustainably and at the highest value. The Circular Economy statement proposes a series of targets to divert a high percentage of demolition waste (95%), excavation waste (95%), construction waste 95% and operation waste (65% by

2030) from landfill.

The GLA has raised a number of queries and clarifications with the applicant on the information submitted. The applicant has provided additional information to the GLA who are assessing the information. Any further response from the GLA will be reported to committee. Despite this a pre-commencement condition is recommended requiring the applicant to submit an updated Circular Economy Report for the Council's assessment in consultation with the GLA.

In addition, as part of the Council's Code of Construction Practice, the applicant is required to produce a Site Waste Management Plan.

Sustainable Urban Drainage

The proposed development includes the following sustainable drainage techniques: rainwater harvesting, green roofs and a bio- retention system at level 9; and surface water attenuation storage at basement level. It is recommended that these measures are secured by condition.

BREEAM

Under BREEAM 2018 New Construction scheme for Offices, Shell and Core the pre-assessment report for the proposed development is targeting an 'Outstanding rating'.

8.8 Westminster City Plan 2019-2040

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan (2021) adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the NPPF (July 2021), the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There is no relevant neighbourhood plan for this part of the Borough.

i

8.10 London Plan

London Plan (2021) policies on land use principle, urban design, transport, and sustainable development are relevant to this application. Whilst the proposal is supported in principle by the Mayor, the application does not currently comply with these policies, as summarised below:

- Land use principle: Overall, the scheme has the potential to contribute to the diversity of high-quality office space within the CAZ and therefore the principle of the proposed land use is acceptable in line with London Plan (2021) Policies SD4 and E1. The Council should consider securing floorspace for small to medium sized companies in line with London Plan (2021) Policy E2.

- Urban design and heritage: The proposed height, massing, architecture, and layout are supported. The proposal would not result in harm to the significance of heritage assets. Key details relating to architecture and materials should be secured.
- Transport: Further work is required on trip generation and a contribution towards the Lambeth Bridge North Roundabout scheme should be secured. Further information should be provided to ensure that visitor cycle parking can be provided on or off-site locally to support active travel.
- Sustainable development: The energy strategy is generally compliant with London Plan (2021) policies; however, the applicant is required to submit additional information. Further information and clarifications are also required with respect to circular economy, whole lifecycle carbon, and urban greening.

8.11 National Policy/Guidance Considerations

The City Plan 2019-2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF (July 2021) unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the following conditions:

- i. Method Statement of measures to protect trees on and close to the site;
- ii. Construction Management Plan for trees;
- iii. Contaminated land;
- iv. Archaeology;
- v. City Council's Code of Construction Practice during the demolition/excavation; and construction phases of the development;
- vi. Construction contract
- vii. Updated Whole Life-Cycle Carbon assessment; and
- viii. Updated Circular Economy Statement

The applicant has agreed to the imposition of these conditions.

8.12 Planning Obligations

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

- a) Highways works necessary for the development to proceed;
- b) A payment of £115,541.65 (index linked) to support the Westminster Employment Service (payable on commencement of development);

- c) A payment of £354,043 (index linked) to the City Council's Carbon Offset Fund (payable on commencement of development);
- d) A payment of £250,000 (index linked) towards TfL's Lambeth Bridge North scheme (payable on commencement of development);
- e) London Plan (2021) 'Be Seen' energy monitoring obligation; and
- f) The City Council's S106 monitoring costs

The estimated CIL payment is:

WCC CIL £879,366.00

Mayoral CIL £659,525.00

8.13 Environmental Impact Assessment

The proposals do not meet the threshold and criteria to constitute EIA development.

8.14 Other Issues

Basement

The propose development includes the excavation of a new sub-basement level to sit underneath the existing basement level. While the upper basement level will extend across the building's footprint, the proposed lower basement is smaller and inset from the boundary. The new basement will allow the building to provide increased space for mechanical plant and the rain attenuation tank.

The proposed sub-basement has been assessed against Policy 45 of the City Plan 2019-2040 which deals with basement excavation. As required by this policy, the proposal will not comprise more than one storey beneath the lowest original floor level. Also 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. Building Control has been consulted on the proposed development and any response is to be reported verbally to committee.

Construction impact

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. The concerns raised on behalf of the BBC and ITV in particular with regard to their noise sensitive operations at the adjoining property at 4 Millbank are fully understood. A television studio is recognised as being a noise sensitive use and accordingly adequate mitigations measures should be in place to minimise any impact of construction noise. Permission could not however reasonably be withheld due to the impact of construction. However, through appropriate controls and careful management it is considered that the impact from construction works can be lessened.

The NPPF (July 2021) is clear that planning decisions should be made on assessment of the proposed resulting development rather than the processes such as construction which is subject to environmental health controls. This is set out in Para 188 of the NPPF (July 2021) as follows. 'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'

The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects. This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their projects. This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel
- pay the charges arising from site inspections and monitoring
- ensure that contractors and sub-contractors also comply with the code requirements.

The CoCP will require the developer to provide a bespoke Site Environmental Management Plan (SEMP) which will need to be approved by the City Council's Environment Inspectorate team. This would need to include site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison. At the request of TfL, a condition is recommended to require the submission of a Construction Logistics Plan.

In response to the concerns raised on behalf of the BBC and ITV, the applicant has produced a Construction Community Charter Summary which sets out the minimum standards the applicant will achieve to minimise the environmental impacts of their developments. The document sets out that the following noise and vibration minimisation measures will include:

- Condition surveys of some adjacent properties will be carried out prior to works and at intervals relevant to proximity, age and type of structure or buildings.
- Application for a Section 61 (prior consent) Notice to be made for the construction works. Contractor to produce a Site Environmental Management Plan, setting out targets, trigger levels and proposals for the reduction of noise and vibration.
- Noise and vibration levels to be monitored regularly and trigger levels agreed and set using base line background readings taken prior to works commencing.
- Construction methods and associated plant selection to consider noise and vibration limits.
- Plant to be fitted with exhaust silencers where possible.
- Use of electric or battery tools rather than air compressed or those requiring petrol or diesel generators are to be encouraged.
- Noisy plant to be kept away from sensitive receptors, such as site perimeter or against party walls.
- Concrete crushing or bursting techniques are to be employed as far as reasonably practicable, in lieu of percussive techniques.
- All external scaffolds will be sheeted to reduce noise transfer beyond the site boundary.
- During demolition sound blankets will also be used, when appropriate to suppress noise.

A copy of the Construction Community Charter Summary has been made available to LSH and no further response has been received. Officers consider that whilst the measures set out in the document are welcome, in addition to the condition which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) a further condition is recommended which will require specific measures as part of the SEMP to control and mitigate construction noise and vibration as experienced by the television studios at 4 Millbank.

Crime and security

A Security Statement has been submitted to support the application. This sets out that prior to submission the applicant engaged with the Designing Out Crime Officer and the Counter Terrorism Security Adviser. The issues raised were the depth of recessed entrances (which ideally should be set back no more than 600mm), the bike store should have additional security and a possible security risk relating to the eighth floor terrace. The applicant advises that these comments have been taken into account in the final design wherever possible. The new building entrance on Dean Stanley Street will have a large recess, however, this would be an actively managed space to deter anti-social behaviour.

Statement of Community Involvement

The applicant has submitted a Statement of Community Involvement (SCI) in support of the application. This sets out that engagement with residents and the wider community has comprised a series of virtual meetings and virtual consultation. There has been engagement with local residents, local amenity societies, ward councillors and

representatives of St John Smith Square. A covering letter and newsletter introducing the proposals, inviting residents to attend a consultation webinar and advertising consultation was sent to a distribution area of c. 718 addresses around the site.

The SCI sets out that responses to the consultation have been broadly positive with many attendees acknowledging that the building would benefit from rejuvenation in order to secure its long-term future. Consultees were particularly keen to understand the Applicant's approach to construction management and the applicant has committed to working closely with local residents and St John's on this issue in order to mitigate any potential disruption.

Air Quality

As part of the submission the applicant provided an Air Quality Impact Assessment and Air Quality Neutral Assessment from Hilson Moran. The reports conclude that the proposed development was found to be compliant in relation to building and transport emissions when compared to the respective benchmarks, therefore the proposed development is air quality neutral and mitigation or additional off-setting is not required. This conclusion is supported by Environmental Sciences. The proposed development is considered to comply with Policy 32 of the City Plan 2019-2040.

Contaminated Land

A contaminated land assessment is recommended to be secured by condition.

Flood Risk

The application is supported with a Flood Risk Assessment (FRA). The site is located within Flood Zone 3a but within an area which benefits from flood defences. No incidences of surface water flooding are reported at, or in close proximity, to the application site. The Environment Agency has been consulted and any response to be reported at committee.

Archaeology

The application is supported by a desk-based historic environment assessment report. Historic England (Greater London Archaeology Advisory Service) recommend a programme of archaeological evaluation leading to appropriate mitigation. Ideally due to the potential for highly significant prehistoric remains (including some waterlogged) and possibly burials on part of the site this would be pre-determination of the application in the first instance. The applicant has set that that because the building is occupied it would not be possible to carry out the necessary field evaluation prior to the determination of the application. Historic England has requested further information from the applicant to inform at what stage the field evaluation work should be carried out. An update on this issue will be reported to committee.

Impact on telecommunications

The proposed development proposes an additional part storey at 8th floor level. The BBC and ITV are concerned that the roof extension has the potential to cause permanent

interference and degradation to the BBC's and ITV's telecommunication signals at 4 Millbank.

In response to this concern the applicant has produced a desktop-based study and baseline reception survey to assess the possible effects and impacts on the reception of television broadcast services from the proposed 7 Millbank development. The study has focused on the reception of the two television broadcast platforms that could possibly be impacted by the proposed development digital terrestrial television and digital satellite television services. The report concludes that the proposed development is not expected to have any adverse effect upon the reception of Freeview television services or digital satellite television. The BBC and ITV have been sent consulted by the Council on this report and no further comments have been received to date.

Fire Safety

A fire strategy has been submitted, prepared by a suitably qualified assessor, which outlines means of evacuation, means of construction, appropriate features to reduce the risk of life and serious injury, access for fire personnel and equipment, fire suppression systems, and building features which would limit fire spread, in line with London Plan (2021) Policy D12.

8.15 Conclusion

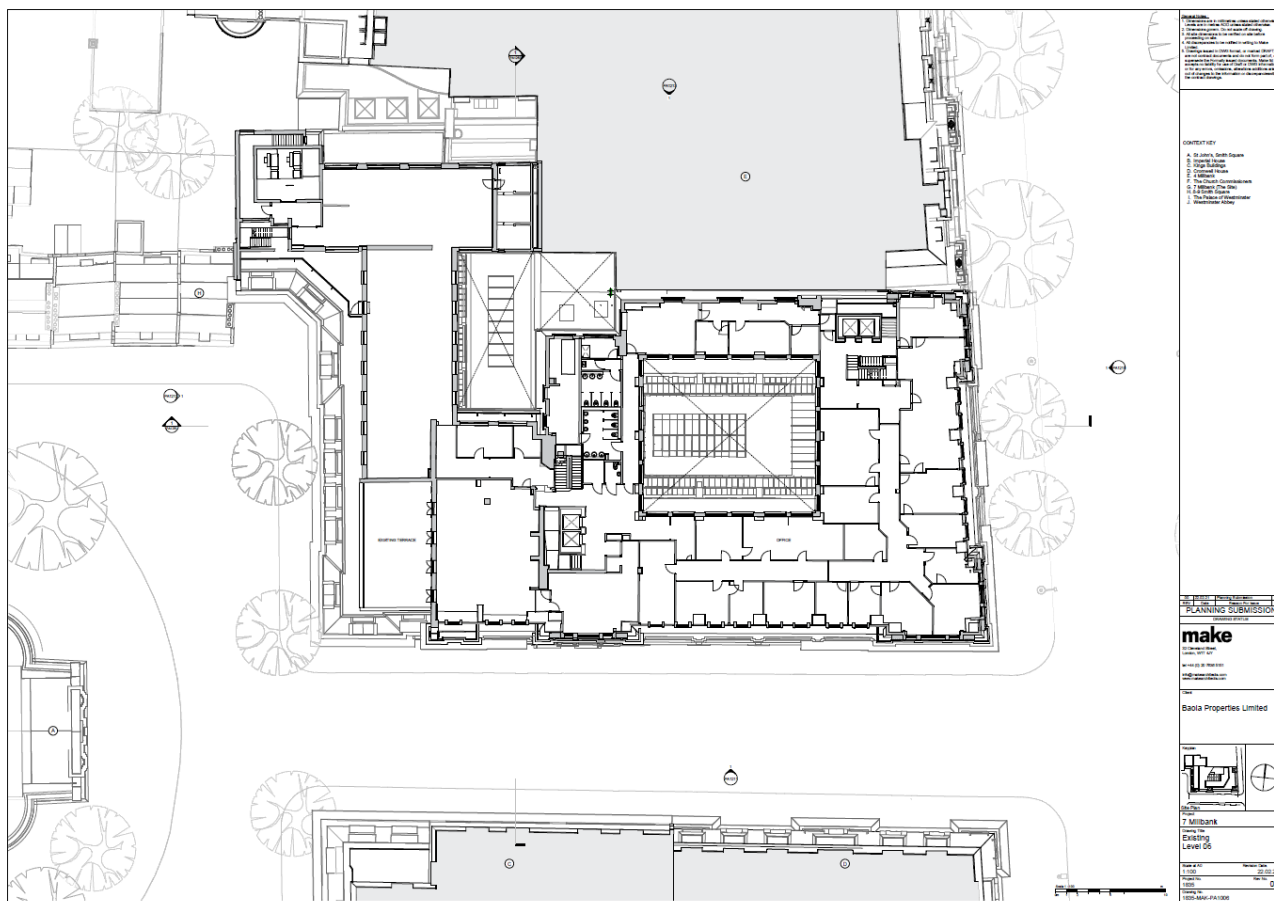
The proposal is a sensitive one, which introduces a new office building, which is fully accessible, has a significantly improved energy performance over the current building, provides more greening, provides external amenity space and creates a larger amount of modern office accommodation. It manages this while maintaining the positive aspects of the character and appearance of the existing building and causing no adverse impact on the highly sensitive townscape context. By resolving the inherent technical failings of the existing building and its stonework, it secures the long-term future of this building. The proposals would therefore accord with the relevant design and heritage policies identified earlier in Section 8.2.

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

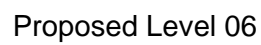
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

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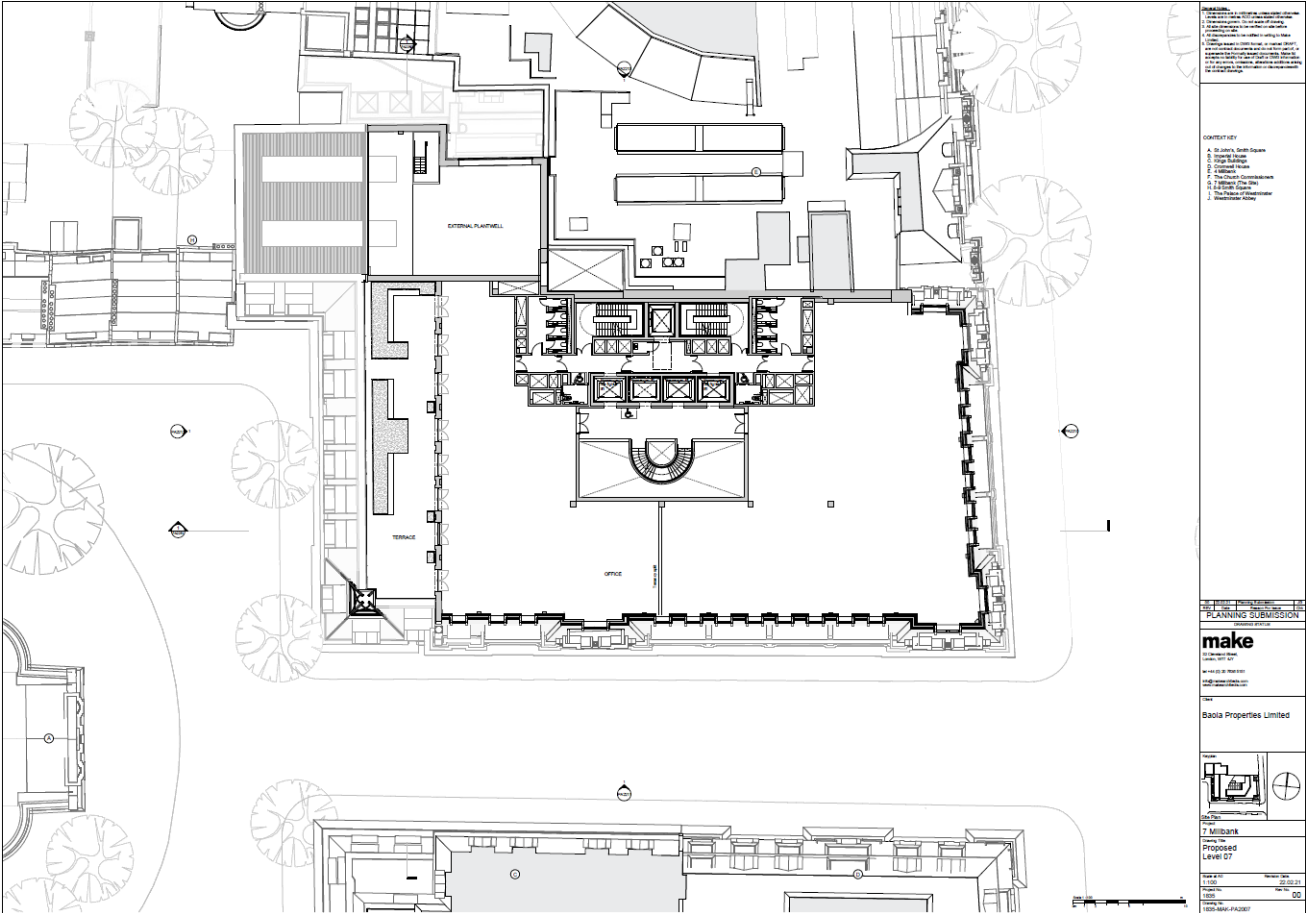




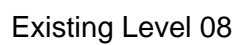
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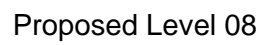


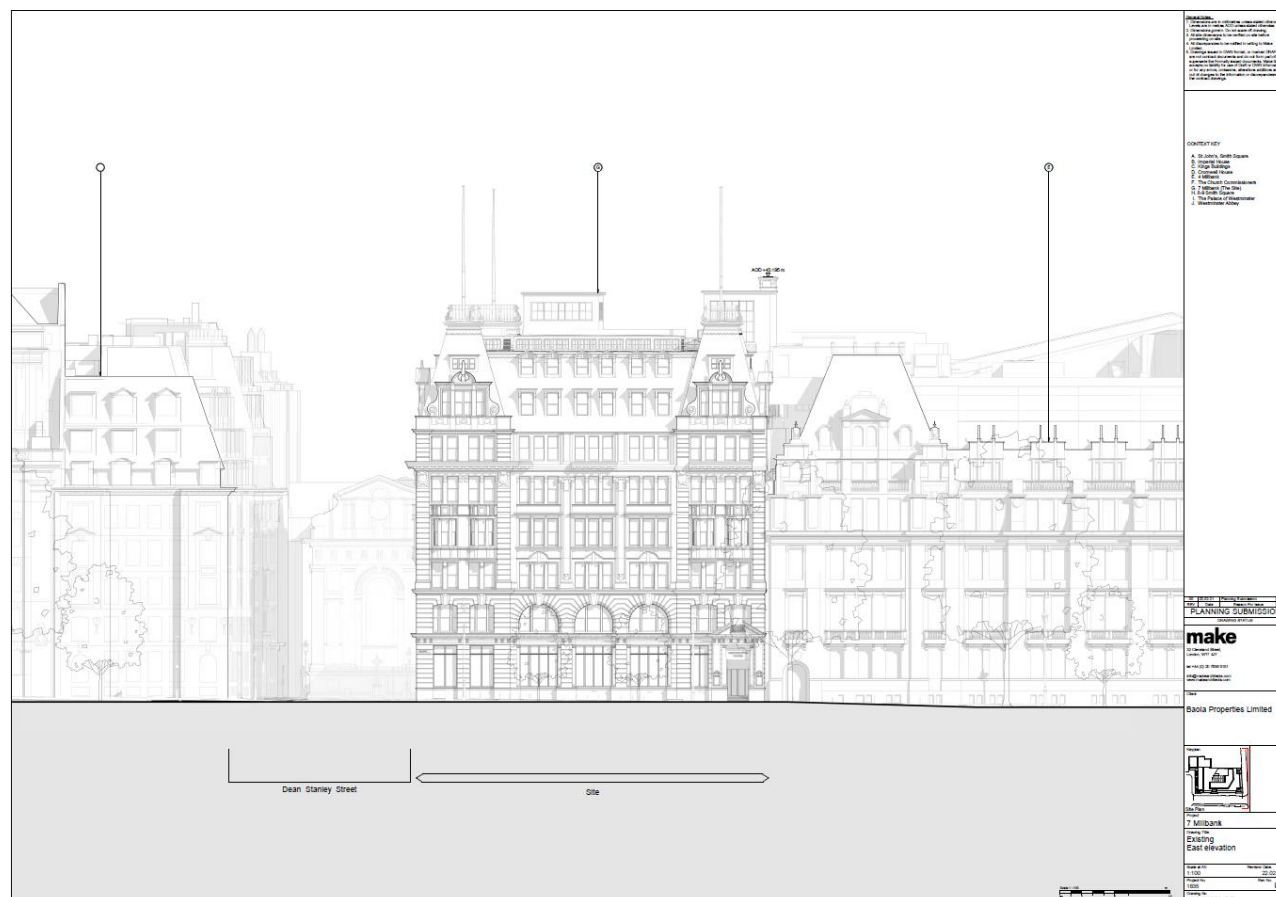




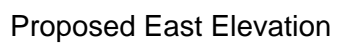
Proposed Level 07

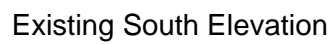






Existing East Elevation







Proposed South Elevation



DRAFT DECISION LETTER

Address: Westminster House, 7 Millbank, London, SW1P 3JA

Proposal: Demolition of existing office building, including dismantling of the facades to Millbank, Dean Stanley Street and Smith Square; erection of new nine storey building using new and reclaimed materials for commercial business and service use (Class E); extension to Smith Square; excavation of new subbasement; formation of external terraces at sixth, seventh and eighth floor levels; new main entrance to Dean Stanley Street with secondary and servicing entrances to Smith Square; installation of plant and associated works.

Reference: 21/01508/FULL

Plan Nos: Site Location Plan - PA 0200 00,
Existing Drawings, PA 0250 00, PA 051 00, PA 0252 00, PA 0253 00, PA 0254 00, PA 0255 01, PA 0256 00, PA 0257 00, PA 0999 00, PA 1000 00, PA1001 00, PA 1002 00, PA 1003 00, PA 1004 00, PA 1005 00, PA 1006 00, PA 1007 00 PA 1008 00 PA 1210 00, PA 1211 00, PA 1212 00, PA 1213 00 PA 1250 01, PA 1251 01., , Demolition Drawings, PA 1599 01, PA 1600 00, PA 1601 00, PA 1602 00, PA 1603 00, PA 1604 00, PA 1605 00, PA 1606 00, PA 1607 00, PA1608 00, PA 1690 00, PA 1691 00, PA 1692 00, PA 1693 00.
Proposed drawings, PA 1998 01, PA 1999 01, PA 2000 01, PA 2001 01, PA 2002 01, PA 2003 01, PA 2004 01, PA 2005 01, PA 2006 00, PA 2007 00, PA 2008 00, PA 2009 00, PA 2210 00, PA 2211 01, PA 2212 00, PA 2213 00, PA 2250 01, PA 2251 01, PA 6100 00, PA 6101 00, PA 6102 00, PA 6103 00, PA 6104 00, PA 6105 00, PA 6106 00, PA 6107 00, PA 6108 00, PA 6109 00, PA 6110 00, PA 6111 00, PA 6112 00, PA 6113 01, PA 6114 00.

Documents: Arboricultural Report (July 2021), Archaeological Desk Based Assessment (March 2021), Daylight and Sunlight Report (March 2021), Design and Access Statement (5 March 2021), Energy Statement (26 February 2021), Fire Statement (1 March 2021), Noise Impact Assessment (26 February 2021), Planning Statement (March 2021), Security Statement (26 February 2021), Statement of Community Involvement (March 2021), Sustainability Statement (26 February 2021), Historic Building Report and Townscape and Visual Impact Assessment Report. (March 2021), Transport Assessment (March 2021), Utilities Report (26 February 2021), Ventilation Statement (26 February 2021),

For information purposes:, Construction Community Charter. CoCP Appendix A, Delivery and Servicing Plan (March 2021), Detailed UXO Risk Assessment (11 January 2021), Circular Economy Statement (26 February 2021), Flood Risk Assessment (March 2021), Structural Method Statement (February 2021), Terraces Management Plan Rev 2 (17 February 2021), Framework Travel Plan (March 2021), Whole Life Cycle Carbon Assessment.

Case Officer: Matthew Mason

Direct Tel. No. 020 7641
07866037944

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 , onot 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any: , , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 You are required to include specific provisions for securing the following: , , - a Construction Logistics Plan; and , - specific measures as part of the SEMP to control and mitigate construction noise and vibration as experienced by the television studios at 4 Millbank, , as part of the site environmental management plan or construction

management plan required to comply with the Council's Code of Construction Practice referred to in condition 3. (C11DA)

Reason:

To protect the noise sensitive environment of the neighbouring occupiers which include television studios. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 5 You must apply to us for approval of an updated Travel Plan prior to occupation. The Travel Plan must include details of targets set in the Plan to encourage a high walking and cycling mode share for the office use and details of how the Travel Plan will be regularly monitored and amended, if necessary. You must carry out the development in accordance with the details approved. , , At the end of the first and third years of the life of the Travel Plan, you must apply to us for our written approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason:

To encourage more sustainable modes of transport as set out in Policy 24 of the City Plan 2019 - 2040 (April 2021).

- 6 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records has been approved as part of the application submitted. (Preliminary Environmental Risk Assessment from Waterman dated February 2021 document reference WIE17294-100-R-4-2-1-PERA), , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 7 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the

site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 8 **Pre Commencement Condition.** You must arrange for an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered, to supervise the development. You must apply to us for our approval of the details of such supervision including: , , o identification of individual responsibilities and key personnel., o induction and personnel awareness of arboricultural matters., o supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., , Your proposals must include the requirement for the arboricultural consultant to send us a written memo within 5 days of each visit.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 9 **Pre Commencement Condition.** You must apply to us for approval of a construction management plan which includes details of site set up, access for vehicles, machinery, cranes and piling rigs, materials storage, demolition and construction methodologies, in relation to the retention and protection of the adjacent trees. The details in the CMP must be in agreement with your tree protection method statement, to be approved under condition 7. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 10 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either: , , (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building., , You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 11 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 12 You must apply to us for approval of details of the relocated plaques from the modified Dean Stanley Street entrance. 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 13 You must apply to us for approval of samples of the facing materials you will use, including glazing and any replacement Portland stone, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - all new external doors and windows;. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 15 Windows to the stone facades shall be timber sash windows and windows to neo-Georgian facades shall be steel multi-pane with casement openings (side and top hung).

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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 16 You must apply to us for approval of details of the following parts of the development - movement joints in rebuilt 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 according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 17 You must apply to us for approval of detailed drawings of the following parts of the development - , , i. Leadwork and copperwork detailing;; ii. Metal railings;; iii. Pyramidal metal structure to corner sixth floor terrace;; , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 18 The framing and subdivision of the glazed bays to the eight floor rooftop structure shall be retained through any design refinement.

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 Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 19 You must apply to us for approval of a sample panel of the following parts of the development - the rebuilt brickwork. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 20 You must apply to us for approval of detailed drawings of a soft landscaping scheme

which includes the number, size, species and position of trees and shrubs within the planters. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 21 You must apply to us for approval of detailed drawings of the planters on the sixth, seventh and eighth floor roof terraces to include their size, appearance and location. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To ensure the planters size and location of the planters is appropriate in the interests of residential amenity and 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 Smith Square Conservation Area. This is as set out in Policies 7, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 22 You must provide details of the soil within the roof top planters, including plan and section drawings showing the soil depth across each area and the drainage layer and confirming total soil volumes in each area. You must include a specification for the soil in these areas and a methodology for importing and laying the soil. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the submitted details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 23 Details of a management plan for all areas of soft landscaping (other than the biodiversity roof) shall be submitted to and approved by us prior to occupation of the building. The areas of soft landscaping as approved shall be maintained according to the management plan thereafter.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 24 You must apply to us for approval of details of the biodiversity living roof habitats. The biodiversity living roof details shall include: , i. - a depth of a range between 100 to 150mm of substrate; , ii. - details on the diversity of substrate depth across the roof to provide contours of substrate. This could include substrate mounded in areas with the greatest structural support to provide a variation in habitat; , iii.-details on the diversity in substrate type and sizes; , iv. details on bare areas of substrate to allow self-colonisation of local windblown seeds and the opportunity for solitary bees to nest; , v. details on the range of native species of wildflowers and herbs planted to benefit native wildlife (it is recommended that this be seeded and plug planted). , vi. locations of log piles/flat stones provided as insect breeding and refuge areas; , vii. details of the management regime to be employed on the roof. , You must not start work on this part of the development until we have approved what you have sent us. The biodiversity features required by this condition shall be completed and managed prior to occupation and in accordance with the approved details. Thereafter the biodiversity living roof habitats shall be retained as approved. (see informative 5)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 25 (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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 26 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 27 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 28 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(s) 25 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 29 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1835-MAK-PA2000 Rev 01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the ****. (C14FC)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 30 Notwithstanding the information provided, you must apply to us for approval of an updated Delivery and Servicing Management Plan. You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the development in accordance with the details approved. (see informative 4)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 31 You must provide 281 cycle parking spaces as shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained, they must be made available at all times to anyone who is working or visiting the building and the cycle space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 32 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 33 You must use the property only as offices to carry out any operational or administrative functions and research and development of products or processes under Class E(g)(i and ii). You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AB)

Reason:

(i) The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as sale of food and drink for consumption (mostly) on the premises. This is as set out in Policy 16 of the City Plan 2019 - 2040 (April 2021). , , (ii) The plans do not include a transport statement and/or an air quality assessment for display or retail sale of goods, other than hot food; sale of food and drink for consumption (mostly) on the premises, indoor sport, recreation or fitness, provision of medical or health services and creche, day nursery or day centre uses. This is to avoid blocking the surrounding streets, to protect the environment and/or to protect air quality. This is as set out in Policies 29 and 32 of the City Plan 2019 - 2040 (April 2021).

- 34 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in, consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 35 No development shall be occupied until confirmation has been provided that either: all water network upgrades required to accommodate the additional flows to serve the development have been completed or a development and infrastructure phasing, plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to no / low water pressure and network reinforcement works

are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

- 36 You must apply to us for approval of details of the following: , , i. an External Lighting Strategy for all the roof terraces at 6th, 7th and 8th floor levels. , ii. an Internal Lighting Strategy for the eighth floor commercial accommodation. , , You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

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 Smith Square Conservation Area and to protect the amenity of residents. This is as set out in Policies 7, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 37 Notwithstanding the information provided, you must apply to us for approval of an updated Terraces Management Plan. You must not occupy any part of the development until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

Reason:

In order to ensure the amenity terraces do not cause harm to nearby residential properties by way of noise and disturbance. This is as set out in Policy 7 of the City Plan 2019 - 2040 (April 2021).

- 38 You may only use the terraces at 6th Floor, 7th Floor and 8th Floor (Terrace A) between the following times: 08:00 - 21:00 Monday to Friday; 09:00 - 19:00 on Saturdays and 09:00 - 18:00 on Sunday, Public Holidays and Bank Holidays. , , ,

Reason:

In order to ensure the amenity terraces do not cause harm to nearby residential properties by way of noise and disturbance. This is as set out in Policy 7 of the City Plan 2019 - 2040 (April 2021).

- 39 You must provide, maintain and retain the following sustainability and energy efficiency measures before you start to use any part of the development, as set out in your application., , - basement communal heat network; , - roof-mounted photovoltaic (PV) array; , - bio- retention system at level 9; and , - surface water attenuation storage at basement level, , You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 40 The development shall achieve a rating of 'Outstanding' under BREEAM 2018 New

Construction scheme for Offices, Shell and Core. Within 6 months of completion you must submit to us for our approval a copy of a Final post Construction Stage Assessment and Certification, confirming that the development has achieved BREEAM New Construction scheme for Offices, Shell and Core 'Outstanding'.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 41 You must apply to us for approval of details of bird and bat boxes showing the number of birds and bat boxes, the location and any maintenance arrangements. , , 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 and thereafter retain and maintain.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 42 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:

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 Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 43 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces at sixth, seventh and eighth floor levels except those shown on the approved drawings. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 44 **Pre Commencement Condition.** You must apply to us for approval of details of a Whole Life-Cycle Carbon assessment for the development in consultation with the GLA. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the scheme approved and it must thereafter be maintained.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 45 **Pre Commencement Condition.** You must apply to us for approval of details of a Circular Economy Statement in consultation with the GLA. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the scheme approved and it must thereafter be maintained.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:, , a) Highways works necessary for the development to proceed;, b) A payment of £115,541.65 (index linked) to support the Westminster Employment Service (payable on commencement of development);, c) A payment of £354,043 (index linked) to the City Council's Carbon Offset Fund (payable on commencement of development);, d) A payment of £250,000 (index linked) towards TfL's Lambeth Bridge North scheme (payable on commencement of

development);, e) London Plan 'Be Seen' energy monitoring obligation; and , f) The City Council's S106 monitoring costs,

- 4 You are advised to encourage the use of low-emission, consolidation and last mile delivery modes within the Delivery and Servicing Plan.
- 5 Condition 24 of this permission requires the submission of detailed information with regard the green roof systems within the development. You are advised that the Council will expect this to be an intensive green roof system and not a sedum roof system as an intensive green roof will have additional biodiversity benefits.

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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 August 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	180 Piccadilly And 48-50 Jermyn Street, London, W1J 9BA		
Proposal	Application 1 (Planning): Demolition of existing buildings and redevelopment of the site to create a Class E use building, including basement plant and cycle parking facilities, installation of roof top plant and all other works incidental to the proposals. Application 2 (Listed Building): Alterations and supporting works to the Piccadilly Arcade party wall, in order to facilitate the planning application.		
Agent	DP9 - Mr Mike Moon		
On behalf of	Pontsarn Investments Limited		
Registered Number	Application 1 (Planning): 21/01138/FULL Application 2 (Listed Building): 21/01521/LBC	Date amended/ completed	7 July 2021
Date Application Received	Planning Application: 24 February 2021 Listed Building Application: 11 March 2021		
Historic Building Grade	180 Piccadilly and 48-50 Jermyn Street: Unlisted Piccadilly Arcade (adjacent): Grade II		
Conservation Area	St James's		

1. RECOMMENDATION

Application 1

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:
 - a) Undertaking of all highways works immediately surrounding the site required for the development to occur, to the City Council's specification and at the full cost to the developer. Highway works to have been agreed prior to commencement of the development;
 - b) The areas where the proposed building line is to be set back from existing, namely at

the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street, are to be dedicated as public highway prior to the occupation of the development and at no cost to the City Council;

- c) A financial contribution of £154,500 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
 - d) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
 - e) A financial contribution of £86,178 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); and
 - a) The costs of monitoring the S106 agreement.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town 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 agreement pursuant to s38 of the Highways Act 1980 for the dedication of land at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street to enable this development to take place. That the Director of Place Shaping and Town Planning, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the dedication and to make the final agreement. The applicant will be required to cover all costs of the City Council in progressing the agreement.

Application 2

- 1. Grant conditional listed building consent
- 2. Agree the reasons for granting listed building consent as set out in Informative 1.

2. SUMMARY

The application site comprises 177-180 Piccadilly (French Railways House) and 48- 50 Jermyn Street. The application buildings contain offices on the upper floors and retail units on parts of the ground and basement floors (all within Use Class E).

In 2008, the City Council granted permission for the demolition of the existing buildings and redevelopment of the site to provide a larger building comprising a mix of office, retail and residential – the owner did not implement that permission, however.

The current application proposes demolition of the existing buildings and a redevelopment to provide a new building similar in scale to that approved in 2008. The new building would comprise basement, eight upper storeys and a roof top plant enclosure. It would be for office and two ground floor retail/restaurant units. The building would include roof terraces, basement plant, cycle parking facilities, roof level green wall, roof top plant, roof top photovoltaic panels and other associated features.

The application buildings are within the St James's Conservation Area. Both are unlisted, 48-50 Jermyn Street is identified as an unlisted building of merit in the St James's Conservation Area Audit. The site is adjacent to the grade II listed Piccadilly Arcade. Opposite the site is the grade II* listed Burlington House (home to the Royal Academy) and the grade II listed Burlington Arcade, which are within the Mayfair Conservation Area. The site is within the Central Activities Zone, the West End Retail and Leisure Special Policy Area, the Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area.

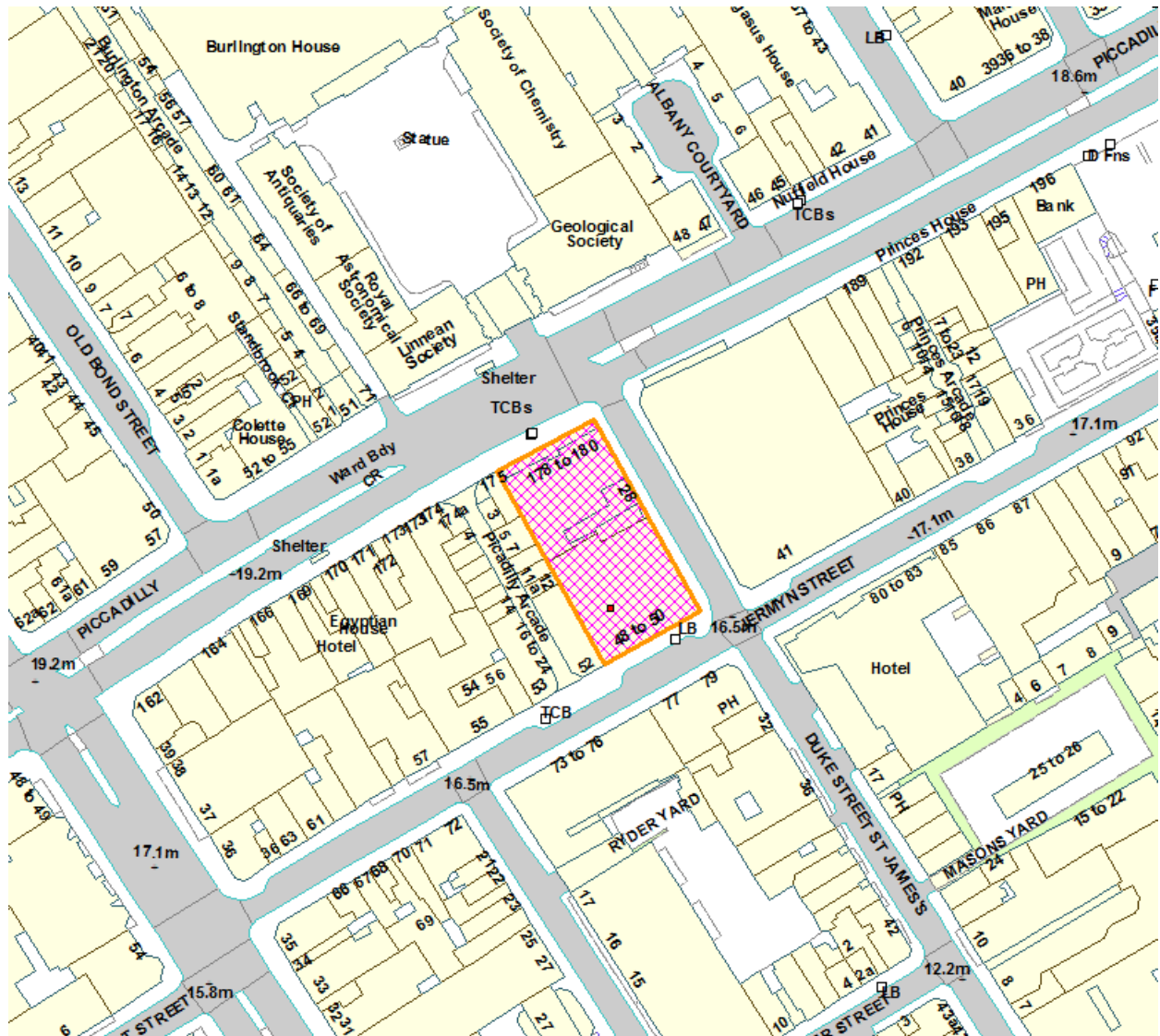
Objectors have raised concern regarding the loss of retail, the impact the building would have on townscape/ heritage, the impact on residential amenity and the impact on the highway network, amongst other issues.

The key issues in this case are:

- The acceptability of the proposal in land use terms;
- The impact of the demolition and new replacement building on the townscape, the character and appearance of the St James's Conservation Area and the setting of other adjacent heritage assets;
- The impact of the proposal on residential amenity;
- The impact of the development on the highway network; and
- The sustainability of the development.

The proposed development is considered against the policies in the adopted City Plan 2019-2040 and London Plan. Commercial floorspace is appropriate in this part of the CAZ and the overall benefits of the proposed scheme, including the greater design quality of the replacement building, result in an acceptable scheme which accords with the Development Plan when read as a whole. While there would be some impact on neighbouring residential amenity in terms of light, the resultant light levels are not unusual for an urban context and are considered acceptable in this instance. The development is therefore recommended for approval subject to the conditions set out on the draft decision letters and the completion of a S106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



180 Piccadilly, French Railways House (above) and 48-50 Jermyn Street (below)





Wider Context on Piccadilly (above) and Jermyn Street (below)



5. CONSULTATIONS

WESTMINSTER SOCIETY:

Disappointment regarding the loss of 48-50 Jermyn Street, but acknowledge that the replacement building is of sufficient quality to replace both buildings. However, there is still scope to make a few improvements to further enrich the elevations with the introduction of projecting cornices at parapet level; more distinctive shopfronts; bolder friezes at fifth floor level and better resolution of the corner on Jermyn Street. Overall, we find the proposals acceptable and an improvement on the previous Consented Scheme.

ST. JAMES'S CONSERVATION TRUST:

In view of the Trust's principles set out in "Architecture Suitable for St. James's" and this site's past case study, as well as the detail and summary of material planning grounds, based on Westminster's past and City Plan policies and justifications, the St. James's Conservation asks for the application to be refused. The Trust is reluctantly objecting for the second occasion since the 2008 proposed development over this site, that the height, scale, grain, balance of ground level uses and character of the development does not meet the challenges of the varied and lower heights, plot width scale variations grain of Jermyn Street to the grand scales of Piccadilly and the needs of high quality retail complementing the streets animation, rather than high density office uses.

In the event of consent granted to the application, The Trust would advise that an extra condition should be added to the other normal conditions, related to planning obligations, that seeks to define in partnership and in conjunction with the St. James's Conservation Trust and local stakeholders, most notably for highways and St. James's Church's regeneration plans for local employment, training and skills, without prejudice and subject to further discussions.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

Any response to be reported verbally.

GREATER LONDON AUTHORITY:

Principle of development: The proposed mixed-use development to provide high-quality office and flexible commercial floorspace within the CAZ is supported. The Council should consider restricting the proposed flexible commercial floorspace to retail-type functions. The Council should further consider securing floorspace for small to medium sized companies as well as provision of affordable workspace within the development.

Urban design and heritage: The proposed height, massing, architecture and layout is broadly supported. The proposed development would not have a harmful impact on the significance of designated heritage assets and is considered to preserve the significance of St James's Conservation Area. The proposal would result in the demolition of a non-designated heritage asset which could be justified having regard to the low significance of the asset weighed against the high quality replacement building and the benefits of the redevelopment. Key details relating to architecture, materials and inclusive design should be secured. Further information in relation to the fire strategy is required.

Transport: Further information on blue badge parking is required. Further justification on

the proposed quantum of short stay cycle parking is required. A Construction Logistics Plan, a Delivery and Servicing Plan and a Travel Plan should be secured.

Sustainable development: Further information on energy strategy, WLC assessment, urban greening, and circular economy strategy is required.

TRANSPORT for LONDON:

The proposed development complies with Policy T2 and Policy T7 of the London Plan. In order to be fully policy compliant, further information is provided regarding the cycle parking layout. Short-stay cycle parking location and blue badge parking. Planning conditions should be included in the grant of planning permission with respect to; delivery and servicing, construction and a travel plan.

TRANSPORT for LONDON (LONDON UNDERGROUND Ltd):

No objection in principle to the planning application, however there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. A condition is requested requiring details of an acceptable detailed design, method statements and load calculations (in consultation with London Underground) are submitted to and approved by the City Council to ensure these assets are protected.

HISTORIC ENGLAND:

The site contains two modern buildings which contribute positively to the character and appearance of the St James's Conservation Area ('the CA'), one identified in the City of Westminster Council's 2002 Conservation Area Audit as an unlisted building of merit. The proposal would demolish both buildings for replacement with a single building of between 5 and 8 storeys, including two within a mansard roof and with basement and rooftop plant enclosure, with facades in a contextual Portland stone and articulated by tall arched window recesses to each bay. The loss of the existing buildings by demolition would entail the loss of their positive contribution to the character and appearance of the CA, but refinements made to the proposal's composition, articulation and handling of its height make it sufficiently contextually sensitive for its architectural interest to preserve the character and appearance of the CA. The proposal would not result in residual harm to the two affected conservation areas nor to the settings of nearby listed buildings.

HISTORIC ENGLAND (GREATER LONDON ARCHAEOLOGY ADVISORY SERVICE):

Although the site lies within an archaeological priority area, the proposed works are unlikely to result in a significant archaeological impact. No further assessment or conditions are therefore necessary.

METROPOLITAN POLICE:

Requests consideration is given to suggested changes to ensure the building is more secure, including the provision of a 'airlock lobby', appropriate internal management of the building and suitable materials for windows and doors.

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds provided conditions and informatives are attached to ensure compliance with the City Council's noise criteria and that a supplementary acoustic report is submitted to and approved by the City Council. The applicant has provided a statement confirming that the development is air quality

neutral for building and transport emissions.

HIGHWAY PLANNING MANAGER:

Proposal involves creation of chamfered corners which is welcomed as it will aid pedestrians, highway works and dedication must to be secured through legal agreement. No off street car parking is proposed which is acceptable. Further long stay cycle parking spaces should be provided and there is no short term cycle parking provided which is disappointing. The proposed on-street servicing would be contrary to policy, however there is a ground floor holding area proposed (although the layout is not ideal) and the applicant has submitted a Servicing Management Plan. This Plan would need to be updated to include further details on how servicing would be delivered to ensure no significant impact on the highway.

PROJECT OFFICER for WASTE:

No objection to waste and recycling storage provisions, subject to a condition to ensure it is provided.

WESTMINSTER EMPLOYMENT SERVICE:

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2019), this scheme should provide a Financial Contribution of £86,178 (index linked).

BUILDING CONTROL:

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. 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 negligible. The basement is to be constructed using a combination of RC Raft for the new foundation and mass concrete underpins for the Party wall. This are considered to be appropriate for this site. The proposals to safeguard adjacent Piccadilly Arcade property during construction is considered to be adequate though it is in outline form. The Structural Methodology Statement gives the outline method by which the basement will be excavated and the existing structures supported during the process.

The means of escape from the basement is acceptable subject to the provision of more detailed plans for the Building Control submission.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 549

No. of objections: 14 (from 13 individuals/ interested parties)

No. in support: 0

Ten neighbouring residents, three neighbouring businesses and one group of businesses object on the following summarised grounds:

Land use:

- Entertainment venues (including restaurants) should not be permitted on the ground floor facing Jermyn Street;
- There would be a harmful reduction in the retail offer of Jermyn Street, particularly in combination with the new Class E;

Design, Townscape and Heritage:

- The proposed building is out-of-scale with the existing buildings in its surroundings, resulting in a dominating affect;
- The proposed building is monolithic and the materials/ design is not appropriate in this context;

Amenity:

- Loss of light and increased overshadowing to neighbouring residential properties and the street;
- Loss of privacy and increased overlooking to neighbouring residential properties;
- Loss of outlook and increased overbearing to neighbouring residential properties;
- Noise levels in the acoustic report are based on pre-pandemic levels and the 'new normal' may be quieter than this and so should be based on lower noise levels;
- Roof terraces would generate harmful noise through social activity;

Transportation/ Highway Impacts:

- Increased traffic, pollution and noise from servicing;

Construction Impact:

- Increased noise, disturbance, pollution and impact on traffic within the area;

Other:

- Loss of views from neighbouring residential properties.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises 177-180 Piccadilly (French Railways House) and 48- 50 Jermyn Street. The site is bound by Jermyn Street to the south, Duke Street to the east and Piccadilly to the north. The application buildings contain offices on the upper floors and retail units on parts of the ground and basement floors (all within Use Class E).

While the buildings abut the streets that bound the site, they are arranged as opposing 'L' shapes (on the upper floors) which creates a large open lightwell which is not visible from the public realm. French Railways House comprises a small sub-basement, basement, ground and 7 upper storeys. 48-50 Jermyn Street comprises basement, ground and 4 upper storeys. The site slopes downwards from Piccadilly to Jermyn Street.

French Railways House was designed by Shaw and Lloyd with Erno Goldfinger and Charlotte Perriand, dating to c1960, whilst 48-50 Jermyn is a TP Bennett building dating to the 1950s. The buildings are within the St James's Conservation Area. Both are unlisted, 48-50 Jermyn Street is identified as an unlisted building of merit in the St James's Conservation Area Audit.

The site is located immediately adjacent to the grade II listed Piccadilly Arcade, and the grade II listed buildings on the south side of Piccadilly numbered 162- 175 beyond that. Opposite the site is the grade II* listed Burlington House (home to the Royal Academy) and the grade II listed Burlington Arcade, which are within the Mayfair Conservation Area. To the east sits Fortnum & Mason which is an unlisted building of merit. In addition, both Piccadilly and Jermyn Street contain other listed buildings and the site is therefore located in a highly sensitive location in heritage asset terms.

The City Plan 2019-2040 identifies the site as being within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA), the Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area. The site is within a Tier 2 Archaeological Area.

6.2 Recent Relevant History

On 23 May 2008, the City Council granted permission for the demolition of existing buildings at 177-179 Piccadilly and 48-50 Jermyn Street and redevelopment to provide a building of sub-basement, basement, ground and seven upper floors comprising retail (Class A1), office (Class B1), eight residential units (2 x 1 bed, 4 x 2 bed and 2 x 3 bed) and car parking for 10 cars and associated works. The site owner did not implement this development.

On 28 May 2013, the City Council granted permission for the infill of the existing colonnade at ground floor level on Piccadilly to create additional retail (Class A1) and office (Class B1) floorspace; use of the existing servicing bay on Duke Street St James's to allow for the creation of a new retail (Class A1) unit at ground floor and basement; external alterations to the Piccadilly and Duke Street St James's facades at ground floor; the creation of new glazed roof at rear first floor level.

7. THE PROPOSAL

The applicant seeks planning permission for the demolition of existing buildings and redevelopment of the site to create a new building comprising basement, eight upper storeys and a roof top plant enclosure for office (Class E) and two ground floor retail/restaurant/café units (Class E); and including roof terraces, basement plant and cycle parking facilities, roof level green wall, roof top plant, roof top photovoltaic panels, and other associated works.

The existing foundations and walls of the basement (and sub-basement) to the buildings would be reused, with some additional excavation to level the differences between the two buildings' existing basements. This repurposed basement would contain cycle and waste storage facilities and plant equipment. The ground floor would contain two flexible commercial units (retail/ restaurant/ café), an office reception and other ancillary entrances/ exits. From the first to the seventh floor the building would contain offices around a core set against the western elevation, and would include roof terraces on the fifth, sixth and seventh floors to the Jermyn Street elevation. An additional roof terrace, as well as a plant enclosure and photovoltaic panels, would be located at roof level. Table 1 summarises the floorspace figures.

The building's facades would be Portland Stone, with arches created from first to the fifth

floor on the Piccadilly and Duke Street elevations, and up to the fourth floor on the Jermyn Street elevation. Within the arch reveals would be stone spandrels. At ground floor, the shopfronts/ office reception would also be framed with stone but with metal detailing. The top of the building would comprise a double mansard roof.

During the course of the planning application, the applicant made several minor changes to their proposal/ submission and provided additional information in light of comments received, including from the Greater London Authority, and after advice from officers. These include:

- relocation of the proposed new office entrance from the corner of Jermyn Street and Duke Street to Duke Street only, allowing an increase in the size of the commercial unit (retail or restaurant) facing Jermyn Street;
- associated external alterations, including alternative treatment to the ground floor facade including a canopy to office entrance, and associated internal alterations including to the cycle and goods entrance;
- an updated Circular Economy Statement;
- an updated Daylight and Sunlight Report;
- minor amendment to the layout and number of cycle parking spaces;
- clarifications regarding fire strategy for the building; and
- clarifications regarding urban greening.

Table 1: Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	4,602	9,290	4,658
Retail (Class E)	2,554	0	-2,554
Retail/ Restaurant/ Café (Class E)	0	540	540
Total	7,156	9,830	2,674

The planning application is submitted concurrently with a listed building application because the aforementioned works require alterations and supporting works to the Piccadilly Arcade party wall, and the Piccadilly Arcade is a grade II listed building.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office Use

Westminster's City Plan 2019-2040 (City Plan) Policies 1, 2, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs, alongside other forms of commercial growth. Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character, including within the West End Retail and Leisure Special Policy Area (WERLSPA).

London Plan Policies SD4 and E1 support growth of office floorspace in the CAZ and the provision of new and refurbished office space and mixed-use development which would

improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies while Policy E3 supports provision of affordable workspace at rents maintained below the market rate for that space.

The new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The site is within a commercial area which is appropriate for commercial growth. It would deliver 9,290sqm of office floorspace, representing an uplift of 4,658sqm, thereby contributing toward the City Plan target in office-based jobs growth within the City. The proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards (particularly in French Railways House where the floor to ceiling height is low).

The GLA considers the Council should consider securing floorspace within the building for small to medium sized companies, in line with London Plan Policy E2. The Applicant has confirmed they would seek to provide an element of the proposed floorspace as flexible office space and the building's layout is such that it would be capable of providing space for small to medium size companies. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

The GLA also encourages the City Council to consider securing affordable workspace, as set out in London Plan Policy E3. The policy requires consideration for this to be given in the following circumstances: where there already is affordable workspace on site; where the site is within an area where affordable workspace is at risk (as identified in the City Plan); or an area where affordable workspace is necessary/ desirable to sustain a mix of business or cultural uses which contribute to the character of an area (as identified in the City Plan).

In this case, there is no existing affordable workspace on site. City Plan Policy 13 states proposals involving the provision of affordable workspace will generally be supported throughout the commercial areas of the city, but the justification goes on to identify two areas in the north of the borough where this will be encouraged. While it also states such provision elsewhere in Westminster could be welcomed, the City Plan does not identify St James as an area where existing affordable workspace is at risk from cost pressures or where affordable workspace is required to ensure the character of the area is maintained. Therefore, while affordable workspace would have been welcomed had the applicant proposed it, given the policy context it is not considered reasonable to require the applicant provide it in this instance.

An unrestricted Class E use would not accord with the City Plan because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that supports the vitality, function and character of the CAZ and the WERLSPA. Further, because Class E contains a wide variety of uses (including restaurants and indoor recreation) and given the amount of office floorspace proposed, conversion to other Class E uses could result in harmful impacts to amenity, local environmental quality and/ or the highway network. Therefore, it is recommended that a condition be attached to ensure the use of the upper floors is maintained as offices, and not changed to other Class E uses.

Retail/ Restaurant/ Café Uses

The application site is located within the WERLSPA, a CAZ Retail Cluster and the St James Special Policy Area. City Plan Policies 2, 14, 16 and 21 supports the provision of retail uses within these locations. Policy 2 supports a range of commercial uses, including retail, in the WERLSPA and policy 14 states CAZ Retail Clusters will provide further large format retail and complementary town centre uses to meet the needs of residents, workers, and visitors. Policy 16 states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. Policy 21 states that developments should enhance the character and function of St James's as a centre for the art trade and luxury retail, through the provision of additional floorspace for use as art galleries, antique trading or luxury retail, which is encouraged.

London Plan Policies SD4 and SD8 also support growth of retail use in this area. London Plan Policy E9 promotes a successful, competitive and diverse retail sector and supports sustainable access to goods and services for all Londoners.

The proposed reduction in retail floorspace and units on the site is regrettable considering the aforementioned policies which envisage/ encourage the provision of additional retail floorspace in this part of the City. Although of course these policies are within a context where the introduction of Use Class E by central government means planning permission is no longer required to change the use of retail premises to other commercial uses within Class E. Indeed, the applicant could change the use of the existing retail units here to offices without permission.

The application proposes to provide two ground floor units (a reduction by two units over the existing) as flexible commercial spaces for retail, restaurant or café uses. These units comprise 540sqm in total. This still is a loss of retail floorspace equating to 2,014sqm. This loss occurs for two reasons: first the basement will no longer form part of the retail units (as is currently the case) to allow improved facilities for the entire building and to locate plant there; and second, additional ground floor space is given to the office entrance and other ancillary areas to improve the quality of the building. St James's Conservation Area Trust, Fortum and Mason and a group of St James businesses have objected to the balance of ground floor uses and the reduction in retail. Some of the objectors were also concerned about the proposed flexible commercial units potentially being used as a gym, but the applicant has since explained this is no longer proposed following advice from officers.

In response to concerns, the applicant increased the amount of retail floorspace but a significant loss remains. Officers consider that the loss of retail floorspace at basement level is required to realise the improvement in quality of the building's facilities. Moreover, the aforementioned policies while encouraging retail provision, do not protect it at basement level. Under City Plan Policy 14, uses that provide active frontages and serve visiting members of the public are required at ground floor – which this proposal would provide given two commercial units at ground floor is proposed. While the office reception would reduce the opportunity for retail floorspace, it would still provide an active frontage on Duke Street. While the loss of the retail floorspace at ground floor is regrettable, given it occurs to support the offices and the proposal would accord with the aim of the City Plan to provide significant jobs growth through commercial-led development, it is not considered sustainable to refuse permission on these grounds.

In terms of providing uses that would compliment the prestigious nature of St James, the proposed units would be capable of providing space for luxury, bespoke or niche retailers or art galleries. The option for restaurant or café uses instead of retail could also complement the character and function of the area, rather than harm it, because such uses contribute to the vibrancy and vitality of an area – which in turn would support the existing niche retailers and art galleries elsewhere in the area.

Some objectors refer to entertainment uses such as a nightclub being proposed, but this is not the case. Others raise concern about the impact a restaurant/ café use could have on residential amenity. City Plan Policy 16 notes that the over concentration of food and drink premises will be resisted where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the area. In this case however, both Jermyn Street and Piccadilly maintain a high number of retail premises. On the block bounded by St James's Street, Piccadilly, Jermyn Street and Duke Street there are two restaurant uses each on Jermyn Street and Piccadilly. There is also a café attached to Fortum and Mason as well a small number of other restaurant/ café uses elsewhere on Piccadilly and Jermyn Street. Given their relatively low number in the area, the potential for additional restaurant/ café uses on the application site would not give rise to an over-concentration of this type use. It is acknowledged that there are other entertainment uses, such as nightclubs, elsewhere on Jermyn Street and the wider area, but it is not considered that a restaurant/ café use here would significantly worsen the impacts associated with these given they would largely operate at differing times. Further still, the proposed new units here are not of a size that would allow significant numbers of patrons to visit. Nonetheless, in order to protect the amenity of nearby residents from harmful impacts a restaurant or café might cause, conditions are recommended to control the use, including opening hours and an Operational Management Plan.

The building has been designed to allow for ventilation and extraction to enable these restaurant or café uses, and the applicant has submitted a ventilation and extraction statement as well as an acoustic report. These have been considered by the City Council's Environmental Health Officers who state the development would not harm neighbours in terms of noise, vibration or odours subject to recommended conditions to control these aspects of the development and these are included on the draft decision notice appended to this report.

Given the above, unrestricted Class E use for the ground floor units would not accord with the City Plan. This is because uses which do not serve visiting members in this location would undermine St James's historic shopping streets which would be harmful to the vitality, function and character of the CAZ, the WERLSPA, the Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area. Therefore, it is recommended that a condition be attached to ensure the ground floor commercial units are maintained for retail/ restaurant/ cafe uses and not changed to other Class E uses.

8.2 Townscape and Design

The site is located within the St James's Conservation Area and is also located in very close proximity to the boundary of the Mayfair Conservation Area to the north from which it is highly visible, forming part of its setting. The application site is also located

immediately adjacent to the grade II listed Piccadilly Arcade along with the remaining buildings on the south side of Piccadilly numbered 162- 175 and it is opposite the grade II* listed Burlington House (the Royal Academy). The site is therefore located in a highly sensitive location in heritage asset terms.

Legislative and Policy Framework

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Section 66 of the same Act requires that *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Section 72 of the same Act requires that *'In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040 requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

In terms of the National Planning Policy Framework, 20 July 2021 Central Government published the latest National Planning Policy Framework (NPPF) and this is a material consideration determining planning applications. This application has been reviewed in the light of this new guidance. The key sections of relevance in assessing this development are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and Enhancing the Historic Environment). In the latter chapter, paragraph 199 makes clear:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

Paragraph 200 states:

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....'

Finally, with regards to non- designated heritage assets, paragraph 203 states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policies 38, 39 and 40 of the adopted City Plan 2019- 2040 are of relevance to this proposal. Policy 38 (Design Principles) requires new development to incorporate *'exemplary standards of high quality, sustainable and inclusive urban design and architecture'* which must *'positively contribute to Westminster's townscape and streetscape'*. Policy 39 (Westminster's Heritage) highlights the importance of Westminster's unique historic environment and requires development to ensure that heritage assets and their settings are conserved and enhanced. Policy 40 (Townscape and Architecture) requires development to be sensitively designed, *'... having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape.'*

Demolition of Existing Buildings

The application site comprises two unlisted buildings at 177-180 Piccadilly (French Railways House) and 48- 50 Jermyn Street, with frontages on to Piccadilly to the north, Duke Street to the east and Jermyn Street to the south. 177- 180 Piccadilly was designed by Shaw and Lloyd with Erno Goldfinger and Charlotte Perriand, dating to c1960, whilst 48-50 Jermyn Street is a TP Bennett building dating to the 1950s. The Piccadilly building is eight storeys in height above a basement, with the uppermost plant storey recessed back from the principal facades. It is a framed structure with a flat gridded facade, clad in Portland stone and metal framed windows, with a mosaic band above fourth floor level emulating the impression of a cornice detail. The Piccadilly building is not considered to be of significant design merit and makes a neutral contribution to the character and appearance of this part of the conservation area, as identified in the adopted conservation area audit. The principle of its demolition is therefore considered acceptable in design terms, providing the new replacement building makes an equal or better contribution to the character and appearance of the conservation area and the setting of nearby heritage assets.

48 – 50 Jermyn Street is a five storey building, above a basement, with a marble clad shopfront at ground floor level. The Jermyn Street frontage incorporates a slightly projecting bay to the first- third floor levels set within horizontal bands, whilst the uppermost level is set within a frame behind the façade plane. It is identified as an unlisted building of merit in the adopted St James's Conservation Area Audit and is considered to make a positive contribution to the character and appearance of the conservation area. Policy 39 of the adopted City Plan 2019- 2040 states that *'non-designated heritage assets (including local buildings of merit, archaeology and open spaces of interest within and outside conservation areas) will be conserved. When assessing proposals affecting non-designated heritage assets, a balanced judgement will be made regarding the scale of any harm or loss of the asset and the benefit of the proposed development.'*

The proposed development involves the demolition of this unlisted building of merit, which requires a balanced judgement to be made regarding the scale of harm and the

wider benefits of the proposed development. Whilst the existing mid- 20th century building is well mannered and of its time, it is considered to make a positive contribution but only at the lower end of the scale. The character and appearance of this part of the conservation area is much derived from the eclectic mix of building typologies and styles. The architectural merit and aesthetic value of 48- 50 Jermyn Street is not remarkable and its architectural interest is considered lower than most of the surrounding buildings. Given that diversity in built form and typologies is an inherent characteristic of this part of the St James Conservation Area, the degree of harm caused by the demolition and replacement of this mid 20th- century building is considered minor, providing the new building is of higher design quality than the existing and makes a better contribution to the character and appearance of the conservation area and the setting of nearby designated heritage assets. The principle of demolition is therefore considered acceptable subject to applying the tests set out in City Plan, which requires the benefits of the proposed development to be weighed against the degree of harm caused by the loss of this non- designated heritage asset.

Permission was previously granted for the demolition and redevelopment of the buildings on this site on 23 May 2008 (07/04261/FULL). In that instance, it was considered that the proposed replacement building would enhance the character and appearance of the conservation area, the setting of the adjacent Mayfair Conservation Area and the setting of nearby listed buildings. The officer's report at that time stated that 48- 50 Jermyn Street *'is considered to be at the lower end of the scale of significance, making at best only a minor contribution to the special interest of the Conservation Area.'* This previous assessment of the building's contribution is maintained in its current context. The City Council's previous decision to approve the demolition of the existing unlisted building of merit should be afforded some weight, subject to assessing the proposals against the current policy framework and the benefits of the current scheme.

Proposed Replacement Building

The proposed single replacement building consists of six storeys to the principal facades, the parapet of which slightly exceeds the adjacent Piccadilly Arcade to the north elevation, as well as two pitched roof storeys and a roof level plant/lift overrun enclosure above. A chamfered corner is proposed to the Duke Street and Piccadilly junction, which echoes similar treatment to the adjacent Fortnum and Mason building directly opposite (albeit this treatment is not extended upwards from the principal façade in the manner proposed). To the south Jermyn Street frontage, the three uppermost storeys are set back from those below, incorporating terraces in the spaces made available at fifth, sixth and seventh floor levels, set behind parapets with glazed balustrades. The double height pitched roof storey incorporates a curved corner to the Piccadilly/ Duke Street corner. A double row of arched dormer window openings are proposed on all sides, with expressed mullions maintaining the vertical expression of the facades below. A roof plant and lift overrun enclosure is proposed above which is chamfered to the corners in order to minimise visibility from street level.

The applicant is intending on reusing some of the existing Portland stone from the site within the face of the arches, with new, textured natural stone forming the window reveals and spandrels. The principal facades are expressed through the use of tall arched bays within deep reveals and the use of spandrel panels seek to balance the verticality of these arched bays with a horizontal layering. To the Piccadilly frontage, the

detailed design involves the use of dark coloured, metal finned spandrels within the window reveals, with a fluted stone spandrel at fifth floor level echoing the attic storey treatment of adjacent buildings. The treatment to the Duke Street and Jermyn Street frontages are subtly more understated in detailed design terms. The south facing Jermyn Street elevation incorporates rippled stone spandrels with a decorative frieze at cornice level, whilst the Duke Street frontage transitions between the two north and south facing facades by continuing the spandrels from Piccadilly, layered over the vertical detailing of the Jermyn Street frontage. The ground floor bronze coloured shopfronts are set on granite plinths to all sides and are set within stone frames, giving the building a greater sense of base level grounding and solidity than the existing buildings, the stone treatment of which does not extend to base level.

Height and Bulk Of Replacement Building

Whilst the proposed development represents a significant increase in height and bulk, the verified views provided in the submission demonstrate that this increase can be accommodated comfortably, given the substantial scale of commercial buildings which characterises the primary route on Piccadilly. Longest views of the proposal are available from the eastern approach on Piccadilly and the verified view 3 demonstrates that the increase in height is resolved neatly given the taller (compared to existing) context of the surrounding buildings. The treatment of the roof level plant enclosure has been heavily negotiated, and is now pitched and curved to the corners, ensuring it now has very limited visibility which will barely be appreciable in long views from the east. There is a broad impression of consistency in building height in this part of Piccadilly, particularly in the group to the west, which the proposed development respects. The roofscape in this group is busy and characterised by double mansard storeys with dormers. The appearance of the proposed double height pitched roof storey, which also incorporates dormer openings, is therefore appropriate in the context of this roofscape. View 1 in the applicant's submission, taken from the western approach on Piccadilly, demonstrates that the development relates well to the grade II listed group within which it is located, respecting the group's height, massing and roof treatment. Whilst the proposed development is taller than the adjacent grade II listed Piccadilly Arcade, its corner location enables the site to read as a 'book end' termination to the slightly lower grade II listed buildings to the west.

To the south side of the site, longer views of the development are less available given the denser and narrower layout of these more intimate, secondary streets. The supporting verified views demonstrate that the increased height of the building on this side is barely appreciable given the narrower viewpoints available and the set backs that have been incorporated into the design of the upper levels. When viewed from the east (see verified view 4), the proposed building is set back from the fifth floor storey upwards, ensuring the significant increase in height on this side is barely appreciable from street level. The use of these set back areas as terraces could result in unattractive visual clutter, which should be controlled via condition. The parapet line on the Jermyn Street frontage relates comfortably to the adjacent group and the verticality of the composition is more sensitive to its context than the horizontal bands of glazing on the existing building. The overall building height of the proposed development is similar to the approved development immediately to the south. However, given the sloping ground level the current proposal will be higher, with the uppermost roof storeys pitched rather than recessed unlike the neighbouring development.

Likewise, the uppermost roof storeys have very limited visibility in views from the west given their set back from the principal south facing façade and the proposed building relates comfortably to typical building heights when viewed from this angle (see verified view 8). The proposed increase in height and massing is more visibly apparent in long views northwards from the south on Duke Street, where the roof storey becomes visible in the foreground with Burlington House visible in the backdrop (see verified view 6). However, the proposed increase in height can be accommodated comfortably in this viewpoint and does not obscure or detract from views of Burlington House beyond, blending more sensitively with its traditional palette and grand, Classical character than the existing 20th century buildings. The asymmetrical arrangement of roof level dormers is not apparent from street level given the oblique views available.

The existing and proposed east facing street elevations demonstrate that the proposed increase in height will exceed that of the tallest central element of grade II* listed Burlington House to the north. The significance of the Burlington House façade fronting on to Piccadilly is high and the height of its central bays contributes to its prominence within the streetscape. Whilst the proposed development will exceed the height of Burlington House overall, it is acknowledged that Piccadilly is a very wide, primary route and the two buildings are not easily appreciable in a single vantage point. Whilst they are in close proximity to each other, the two sites do not have a strong visual connection, other than when viewed northwards from Duke Street as described above. The proposed height increase will have no impact on the prominence of Burlington House on the north side of Piccadilly and, as demonstrated by the verified views, will not unbalance the appearance of each side of the streetscape to a harmful degree. The height and massing of the proposed development is not, therefore, considered harmful to the setting of Burlington House.

Overall, for the reasons set out above, the height and bulk of the proposed development relates sensitively to the typical scale of buildings in the nearby vicinity. The slightly taller building height proposed compared to the adjacent listed buildings on Piccadilly gives the impression of a 'book end' in this corner location and does not appear unacceptably dominant in local views. The recessed treatment of the uppermost levels to the south facing frontage ensures the building appears proportionate to the scale of buildings on Jermyn Street. The height and bulk of the proposed development is therefore not considered harmful to the character and appearance of the conservation area, the setting of the Mayfair Conservation Area and the setting of nearby listed buildings.

Detailed Design

The detailed design of the proposed new building has been heavily negotiated by officers through pre- application discussions. The proposed palette represents high quality materiality and the more extensive use of Portland stone will appear more coherent with the existing surrounding streetscape on both sides of Piccadilly, including those on the north side within the Mayfair Conservation Area, compared to the existing largely glazed Piccadilly building. The richly textured, high quality palette proposed is appropriate to the grandeur of the Edwardian buildings that characterise Piccadilly and the use of dark coloured metal spandrels echoes the ornate painted metalwork and railings of the historic facades, also adding depth and expression to the façade.

The busy horizontal bands of glazing to the existing French Railways House building clash awkwardly with the verticality of building frontages which characterise the south side of Piccadilly (best demonstrated by verified views 2 and 3). In contrast, the strong verticality of the arched bays to the proposed replacement north facing façade will relate more successfully to the streetscape, emphasised by the fluted, dark coloured metalwork. Likewise, the proposed decorative spandrel detail between the fourth and fifth floor levels on the north facade provides some contrast to the otherwise vertical expression of the façade, emulating a horizontal band which echoes the consistent articulation of attic storeys that is characteristic of the adjacent listed group of Edwardian buildings.

The single height ground floor on the Piccadilly frontage enables the double height frontage into Piccadilly Arcade to remain prominent at street level, which is respectful of its setting. The corner of the new building at the junction between Duke Street and Piccadilly is extended upwards from the façade, resulting in a prominent curved dormer set at a chamfered angle, which softens the transition between the facades and terminates the 'book end' of the group, as well as adding architectural interest and animation to this corner. Initial designs for larger, more prominent corner treatments have been negotiated by officers and the resulting proposal is considered more appropriate and less assertive than initial proposals. Earlier proposals for terraces in this position were considered visually jarring in this prominent position and were strongly resisted in design terms.

The vertical bays of the south façade of the proposed building are reflective of those to the adjacent group of historic buildings and relate well to the typical solid to void ratios when viewed from both directions. Given the differential floor levels, this south facing frontage incorporates double height shopfronts. Following negotiations with officers, a strong horizontal band is included as an integral element to the shopfront design in order to divide up this double height frontage. The surrounding stone band also remains slightly lower than the adjacent Piccadilly Arcade, seeking to ensure that it remains the more prominent opening at ground floor level in order to preserve its setting. The decorative metal friezes incorporated into the shopfront design relate well to the grandeur of nearby historic facades.

The ground floor frontages facing on to Duke Street to the east are largely visually impermeable at present and have a deadening visual impact on this narrow street. The proposal development seeks to activate these frontages more successfully with better quality, more transparent retail shopfronts as well as entrance doors leading to the office levels above. The ground floor frontage proposed to this east elevation will make a more positive contribution to the character and appearance of the conservation area compared to the existing arrangement.

Views of the flat, gridded façade at French Railways House are currently available from the Burlington House courtyard which is within the Mayfair Conservation Area, which do little to enhance the outlook from this highly significant building and provide stark contrast to the richly decorated south arch from the Burlington House courtyard. The proposed replacement building will enhance the outlook from the courtyard, with the proposed palette blending more sensitively from this viewpoint than the existing building.

Works to Listed Building

Listed building consent is sought for alterations and supporting works to the adjacent grade II Piccadilly Arcade party wall, in association with the proposed development. The proposals involve underpinning and supporting the party wall.

The significance of this listed building is largely derived from the architectural interest of its street facing elevations and arcade as well as its historic interest as being one of a series of retail arcades constructed on Piccadilly during the early 20th century. The proposals involve underpinning the existing foundations. Details have been submitted of the proposed method, to be undertaken at maximum 1m sequences. The principle of underpinning the existing foundations to the this listed building is not considered harmful to its significance and is considered acceptable.

Consent is also sought to support the party wall, for which two options have been submitted. The more intrusive option, which is preferred by the applicant, involves tying the party wall back to the floor plates, involving the installation of resin anchors at regular intervals. Whilst this proposal would result in a considerable degree of intervention into the fabric of the listed building, the flank wall affected, which would be fully concealed by the adjacent development, is not considered to be of high significance. Supporting the building in the manner proposed would not therefore be considered harmful to its special interest. The second less intrusive option involves supporting the party wall using walling beams and temporary towers, which is considered uncontroversial in listed building terms and would cause no harm. Given that the applicant has not applied for a single option, the imposition of a pre commencement condition requiring clarity as to which option is to be pursued, including a justification based on a site investigation, is recommended.

Conclusion

Overall, the proposed development will better reflect the grain and building composition of the existing streetscene than the starkly horizontal, largely glazed 20th century buildings currently in situ. The use of high quality materials together with layering of stonework and greater façade articulation and depth will result in a building of significant design merit which is more appropriate to its sensitive context than the existing buildings. Given the scale of surrounding buildings and the treatment of the proposed high level massing to the south end of the site, it is considered that the proposed increase in height and bulk can be accommodated without causing harm to the character and appearance of the conservation area, the setting of the adjacent Mayfair Conservation Area and the setting of nearby listed buildings. Views from Burlington House outwards towards the proposal site through the south facing arch will also be enhanced. In addition, the proposed development will enable a more flexible internal layout which maximises the space available more efficiently than the existing layout which incorporates a very large central lightwell void. The better activated frontage on to Duke Street is also a significant design benefit.

Overall, whilst the demolition of the unlisted building of merit at 48- 50 Jermyn Street will cause a minor degree of less than substantial harm to the character and appearance of the conservation area if considered in isolation, the overall benefits of the proposed scheme as a whole and the greater design quality of the replacement building results in no net harm being caused to the affected designated heritage assets. The application is therefore compliant with the requirements of Policy 39 of the adopted City Plan 2019-

2040, which requires a balanced judgement to be made, as well as the requirements of the NPPF. The proposed development will result in a high quality contemporary new building that will make a positive contribution to the appearance of the townscape, which is also compliant with the requirements of Policies 38 and 40 of the City Plan 2019-2040.

The proposed works to underpin and support the party wall of the adjacent listed building at Piccadilly Arcade will also cause no harm to the significance of the listed building, in compliance with Policy 39 of the City Plan 2019- 2040.

Therefore, a recommendation to grant conditional permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The majority of the buildings within the immediate vicinity of the site are non-residential. Residents do reside to the south within 76 Jermyn Street, which contains over 20 residential flats, and there is also a residential penthouse at 52 Jermyn Street, immediately adjacent to the site to the west (above Piccadilly Arcade). Also opposing the site is the Cavendish Hotel located at 81 Jermyn Street – although no guest is understood to reside there permanently.

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

Neighbouring residents have objected on the grounds the proposal would harm their amenity in terms of loss of light, an increased sense of enclosure and loss of privacy. Fortum and Mason and another business have also raised concern about the impact loss of light and increased overbearing would have on the quality of their premises.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide “Site Layout Planning for Daylight and Sunlight: a guide to good practice”. The applicant updated this assessment during the course of the application because officers advised the applicant that the actual layout of the affected flats differed from the assessment’s initial assumptions.

The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms (i.e. living rooms), and it accepts that bedrooms are of less importance.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss would be noticeable.

There are six breaches of the VSC measure and four breaches of the NSL measure at 76 Jermyn Street (there are no breaches at 52 Jermyn Street – while in closest proximity, the windows to this flat do not face toward the application site). The breaches are summarised below:

Table 2: VSC Breaches at 76 Jermyn Street

Floor	Window	Existing VSC	Proposed VSC	Loss	% Loss
Second	W22/F02	16.3	12.7	3.6	22.1%
Third	W21/F03	20.1	15.9	4.2	20.9%
Third	W22/F03	20.8	15.8	5	24%
Fourth	W21/F04	25	19.6	5.4	21.6%
Fourth	W22/F04	25.7	19.4	6.3	24.5%
Fifth	W22/F05	29.9	23.4	6.5	21.7%

Table 3: NSL Breaches at 76 Jermyn Street

Floor	Room	Existing NSL	Proposed NSL	Loss (sqm)	%Loss
First	R14	22.1	15.2	2.1	31.3
Second	R14	42.6	27.4	4.6	35.8
Third	R14	64.7	38.8	7.9	40.1
Fourth	R14	88.4	53.5	10.6	39.5

In terms of VSC, the six breaches affect windows serving four living rooms in four separate flats. These living rooms are located on the second, third, fourth and fifth floor to the most easterly side of the building. Each of these living rooms are served by three windows: two of the living rooms would have two windows breaching the BRE criteria and the other two would have one window breaching the BRE criteria. Therefore, these rooms all retain at least one window which would accord with the criteria.

The breaches are modestly in excess of the BRE criteria, with no window losing more than 25% of their former value. The BRE indicates a 20% loss is the minimum required for the loss to be noticeable, therefore a loss between 20 and 25% is likely to only be slightly noticeable (i.e. a minor adverse effect). Further, the proposed VSC values would not be uncommon in a dense built up area such as this. While the BRE indicate a VSC value of 27% indicates a well-lit window, levels this high are uncommon in dense urban

contexts and values within the mid-teens are generally found instead – and this level of daylight would be maintained here.

The same four flats and same four living rooms are also affected in terms of breaches of the NSL measure. The breaches range from losses of 31% to 40%, which would indicate a moderate adverse effect on the daylighting of these rooms.

The four affected flats currently benefit from 48-50 Jermyn Street part of the application site being lower in height compared to the adjacent building, the Piccadilly Arcade. This means the existing daylighting in the affected rooms is superior to the existing daylighting to similar rooms/ windows further west within 76 Jermyn Street (i.e. parts of the building which do not oppose the application site). As the BRE guide notes, daylighting figures should be interpreted flexibly, and in a dense urban environment like this one, obstruction in excess of the BRE guide may be unavoidable if new developments are to be in line within the prevailing building height/ context. While it is acknowledged that the new building would be slightly higher than its immediate neighbours, it is would not be unreasonably tall within its context (see section 8.2 of this report). The proposed building has also been designed to set away from the 76 Jermyn Street residential properties such that the impact of any additional height would be mitigated. This means that the affected flats would still maintain a level of daylighting similar to the existing situation in the unaffected flats to the west.

Overall, while the breaches of VSC and NSL criteria are regrettable, they are not considered detrimental for the reasons set out above. Therefore, it is not considered that the application could reasonably be refused on the grounds of loss of daylight.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The applicant's assessment found no breaches of the sunlight criteria. This is primarily because the main residential property affected, 76 Jermyn Street, is south of the site (and therefore the windows with a view toward the property are facing in a northerly direction).

Overshadowing

The penthouse flat at 52 Jermyn Street includes a roof terrace, which is formed because the top floor of the building containing the penthouse flat is set back from the Jermyn Street elevation. The applicant's Daylight and Sunlight Report includes an assessment of overshadowing. The BRE guidelines have methodologies to assess overshadowing of

amenity space which involves reference to the sun-on-ground on the spring equinox. This is used to determine the areas which receive direct sunlight and those which do not. This method applies to both new and existing areas of amenity space. The BRE Guidelines suggest that the Spring Equinox (21 March) is a suitable date for the assessment as this is the midpoint of the sun's position throughout the year. It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21 March.

The applicant assessed amenity space at 52 Jermyn Street and found it would comply with the BRE guidelines and therefore would not be unduly overshadowed.

Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment.

The proposed building is both higher than the existing buildings on the site, and slightly higher than those immediately adjacent. The main impact could be to those to the south within 76 Jermyn Street. The impact of the additional height and bulk of the building on the residents within that building would be mitigated by the progressive setbacks on each floor starting at the fifth, with additional set back at each floor up to the roof level. The existing 48-50 Jermyn Street building reaches a height of approximately 21.1 metres above street level currently (excluding roof structures), and the parapet to the new fifth floor roof terrace would reach a similar height of approximately 22.5 metres above street level before the setbacks.

Given the setbacks and given the distance between opposing properties on Jermyn Street is approximately 14 metres, it is not considered that there would be a significant impact in terms of an increase in sense of enclosure on those within 76 Jermyn Street.

Given the penthouse at 52 Jermyn does not contain windows which look directly toward the application site, and the front facing windows are set away from the boundary with the application site, the residents there would not experience undue enclosure within the property. There would be some enclosure of the roof terrace there, but it would still maintain significant openness given the open aspect onto Jermyn Street would remain unchanged.

Overlooking and Noise from Roof Terraces

The proposal includes multiple roof terraces to the Jermyn Street elevation, and the new building would contain additional windows. For most of the north facing flats within 76 Jermyn Street the views would be at an oblique angle, however the views would be more direct for the flats on the most easterly side of 76 Jermyn Street. This would create additional opportunities for the workers at the application building to overlook the residential neighbours within the flats there. However, the distance between the building and these new roof terraces / windows would, at a minimum, be 14 metres – it would increase to approximately 22 metres for the roof level roof terrace. The roof terraces would also be no closer to these residents than the existing windows at fourth floor to the building. Given this, given that roof terraces used in connection with offices are not generally used at anti-social times and given the roof terraces are only approximately 2

metres deep (thereby limiting the numbers of workers who could use it at once) it is not considered likely that these roof terraces would result in determinantal harm to neighbours in terms of overlooking and privacy. In order to ensure that this is the case, conditions are recommended in order to ensure the roof terraces not used at in appropriate times.

Impact on Commercial Premises

The proposal involves building right up to the site boundary with the Piccadilly Arcade, infilling the existing open lightwell area. This would result in the blocking of two existing windows on the flank elevation of the building above the Piccadilly Arcade, which look over the open lightwell. These windows have obscure glazing and serve office toilets. It is not considered that the blocking up of these windows would unduly harm this office premises (which is also in the applicant's ownership). In addition, there are other commercial windows in and above the Piccadilly Arcade which will be affected in terms of light loss and sense of enclosure, but again it is not considered that the impact would be unduly harmful given these windows are to commercial premises.

The other commercial properties that could be affected on Duke Street and Jeremy Street (where the commercial objectors are situated) are further from the application site than the Piccadilly Arcade is because they are on the opposing side of the street. Nonetheless, these would still suffer impacts in terms of light and some increased in a sense of enclosure given the new building is larger than the existing. However again, these impacts are not considered so harmful as to unacceptably worsen the environment for workers and/ or patrons of these neighbouring businesses. While 'rights to light' have been raised by one of these neighbouring businesses, this would be civil matter between the relevant building owners.

In terms of the Cavendish Hotel, the applicant's Daylight and Sunlight Report assessed the impact on this premise and found one breach of the VSC measure, two of the NSL measure and none of the APSH measure. Given the building is non-residential and the breaches are relatively minor and few in number, it is not considered that this would unacceptably harm the internal environment of the hotel. Nor would the proposal give rise to any unacceptable level of enclosure or privacy for the same reasons expressed above in relation to 76 Jermyn Street.

8.4 Transportation/Parking

All bounding roads are managed by the City Council as the highway authority. However Piccadilly forms part of the Strategic Road Network for which Transport for London (TfL) have some management responsibilities. TfL and the City Council's Highway Planning Manager have commented on the proposals.

Building Line

The proposal includes chamfered corners on the Piccadilly/ Duke Street corner and Jermyn Street/ Duke Street corner. The Highway Planning Manager notes that this introduction is a positive benefit for pedestrian and other highway users and is consistent with City Plan Policy 25, given it would aid pedestrian flow around the corners of the building and create a more natural desire line. In order to ensure that this benefit is

realised and maintained, the legal agreement will ensure that these new areas are dedicated as public highway.

Cycle Parking

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. During the course of the application, the applicant increased the number of long-stay cycle parking spaces within the basement to 134 and reconfigured the layout to better meet the design standards as required by the Highway Planning Manager and TfL respectively. In this form, the long-stay cycling parking provision is acceptable.

In terms of short-stay cycle parking spaces, the application does not propose any provision contrary to the London Plan and TfL and the Highway Planning Manager raise concern about this. There is limited scope to provide short stay spaces that are accessible to patrons of the commercial units and guests to the offices because the site does not include public realm areas which could accommodate such storage.

Car Parking

The proposal does not include any off-street car parking provision. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1 – the Highway Planning Manager and TfL raise no objections.

London Plan Policy T6.5 states that developments should provide access to at least one on or off-street disabled persons parking bay. The applicant does not propose any off-street car parking. TfL advise at least one 'blue badge' space should be provided / identified on street within 50m of the site and that the City Council should work with the applicant to ensure this is provided if one is not identified. In this case, there is an existing bay for blue badge holders near 36 Jermyn Street (approximately 97 metres away). The City Council's Highway Planning Manager notes that disabled individuals who meet certain criteria are eligible for a Westminster City Council 'White Badge' which provides various dispensations to park in a wider range of locations on-street (including in resident bays, any paid for parking bay and any disabled bay) for free and there are several spaces which meet this criteria within 50m of the site. Further, the City Council monitors demand for on-street disabled parking and allocates space according. If there was increased demand in the area from specific disabled users then existing highway space may need to be reallocated from a current highway uses to meet that demand, and the City Council would accommodate that, but it is considered unlikely that this development would result in this being required. In these circumstances, the development is considered to comply with London Plan Policy T6.5.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. The proposal relies on on-street servicing, including waste collection, however. While relying on on-street servicing, a ground floor holding area is proposed and this will assist in minimising the time goods and associated vehicles spend

on the highway and enable a more controlled and managed servicing environment for the benefit of pedestrians and other highway users. The Highway Planning Manager raised concern that the amended layout (to allow for increased retail floorspace) may make it more difficult to manoeuvre at the goods entrance because it is narrower. However, because the overall space is larger and there are still areas for goods to be kept upon delivery, this is not considered determinantal. The detail and operation of this would need to be clear for future occupants within the Servicing Management Plan, and it is recommended that this is secured by condition.

Trip Generation

The Highway Planning Manager and TfL agree the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling), and no objections are raised.

Travel Plan

TfL have requested that the applicant's Travel Plan should be secured as part of the legal agreement, however Westminster's Highway Planning Manager does not consider such plans are required for developments involving commercial uses such as those proposed here. Given Westminster City Council is the Highway Authority for the surrounding roads, it is not considered necessary to secure through a legal agreement a Travel Plan.

8.5 Economic Considerations

Once completed, the development would result in economic benefits to the local economy associated with an increased number of office-based jobs on site. There would also be a short-term economic benefit by way of jobs generated as a result of the construction works. These economic benefits are welcomed.

8.6 Access

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. The submitted Design and Access Statement includes an Access and Inclusion Statement within it. This advises that the proposed development has been designed with inclusive access in mind and has taken into account relevant policy, regulations and good practice. Step free access is proposed into each of the uses with lift access to the basement and upper floors.

8.7 Other Westminster/ London Plan Policy Considerations

Energy Strategy/ Sustainability

City Plan Policy 36 and London Plan Policy SI 2 require major development to be net zero-carbon, and follow the energy hierarchy, as set out in the London Plan. Where it is clearly demonstrated that zero-carbon targets cannot be fully achieved on-site, any shortfall can be provided for by a payment in lieu contribution to Westminster's carbon offset fund or off-site. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

The GLA's stage 1 response requested the applicant further model additional energy efficiency measures to meet the zero-carbon target and that the applicant confirm if a Water Source Heat Pump was considered, which the applicant provided and the GLA have raised no objections.

In relation to the 'Be Lean' element of the energy hierarchy, the applicant has provided an Energy Strategy which confirms the development would achieve an 18% reduction in regulated CO2 emissions compared to a 2013 Building Regulations compliance scheme, against a target of a 35% reduction. The applicant demonstrated the target cannot be fully achieved on site and has confirmed the shortfall will be made up through a payment in lieu contribution to Westminster's carbon offset fund, which is recommended to be secured by a legal agreement (see section 8.12 of this report), to allow offsetting of this shortfall off-site.

In relation to 'Be Clean', there are no existing or planned district heating systems in the area which the development could connect to. However, the building is to be designed in a manner to ensure future connection is possible should a district heating system be developed in the area, and this is recommended to be ensured by condition. This would ensure local energy resources could be supplied to the building in future.

In relation to 'Be Green', the applicant has confirmed photovoltaic panels would be installed to generate electricity and a centralised Air Source Heat Pump and electric hybrid system would be used. These features are recommended to be secured through a condition. The GLA requested further details to demonstrate that more Air Source Heat Pump plant can not be put on the roof (to maximise renewables). During pre-application discussions, it was apparent a larger plant enclosure (which this would require) would be harmful and significant work was undertaken to design the enclosure to minimise its size. The renewables on site is considered the maximum that the plant area can successfully accommodate therefore.

In relation to 'Be Seen', the legal agreement (see section 8.12 of this report) is recommended to include an obligation to ensure the operational energy performance of the building is monitored in accordance with the London Plan.

Whole Life-Cycle Carbon Assessment

London Plan Policy SI 2 requires developers to calculate and reduce Whole Life-Cycle Carbon (WLC) emissions, and developments should calculate WLC emissions through a nationally recognised WLC Assessment and demonstrate actions taken to reduce life-cycle carbon emissions. WLC emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A WLC assessment provides a true picture of a building's carbon impact on the environment.

The applicant has submitted a WLC assessment. The assessment is split into four 'life-cycle modules' dealing with various stages over the life of the development, including for product sourcing and construction, the use stage and the end of life stage. For the product sourcing and construction stage, the assessment indicates the development would fall within the GLA's draft guidance benchmark. For the use stage and end of life stage, the assessment indicates the development would be within the benchmark. The applicant has also considered within the WLC assessment and the Circular Economy Statement (see section below) what could happen to the building after it has been dismantled or demolished, which demonstrates the development could facilitate future reuse, recovery and recycling. The GLA requested further regarding the assessment and the applicant provided this during the application. While the GLA is broadly satisfied with the additional information, they seek further clarifications and updates from the applicant, and a revised statement is recommended to be ensured by condition therefore.

A post-construction assessment is also recommended to be ensured by condition. This assessment would report on the development's actual WLC emissions. In addition, City Plan Policy 38 states non-domestic developments should achieve a Building Research Establishment's Environmental Assessment Method (BREEAM) rating of 'excellent'. The applicant confirms in their submission that this is their minimum aspiration for this site. A condition is recommended to ensure that this 'excellent' rating is achieved.

Circular Economy

City Plan Policy 37 and London Plan Policy SI 7 promotes a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible, and contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026.

The application is supported by a Circular Economy Statement, which the applicant updated during the course of the application to address comments from the GLA. The updated statement is welcomed. It sets out a strategic approach and key commitments, which is appropriate, and provides further details for how the applicant will be meeting their targets and commitments. The approach and commitments include:

- priority given to renewable construction materials such as timber;
- diversion of construction waste from landfill;
- maximising the use of recycled or secondary aggregates giving preference to solutions available closer to the site;
- construction resource efficiency;
- "Smart" material choices (prioritisation of durable, biodegradable, recycled / recyclable materials and materials that can be reused or re-purposed, where possible);
- Incorporation of modular elements for higher levels of design flexibility and adaptability;
- Procurement of products as a service – leasing access to a solution instead of buying it;
- Product life extension through improved maintenance, remanufacturing, repairing and upgrading / upcycling; and

- Closed loop / Take back – working with manufacturers who take back used products to recover the value by using them to make new products.

While the Circular Economy Statement is broadly acceptable to the GLA, further information regarding site waste, resource management, a pre-demolition audit amongst other issues is required, and it is recommended that a revised statement be secured by condition, therefore.

As also requested by the GLA, a condition is recommended to ensure the applicant submits a post completion report regarding the Circular Economy setting out the predicted and actual performance against all numerical targets, and provides updated versions of Tables 1 and 2 (which set out the approach and commitments), the recycling and waste reporting form and bill of materials.

Biodiversity/ Urban Greening

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

The applicant proposes green elements, including a green wall and a biodiverse roof around much of the perimeter of the roof where the Building Maintenance Unit tracks are also located. This would increase the Urban Greening Factor from 0 for the existing building to 0.09. While an improvement, this remains below the Mayor's target score.

The applicant considers it is not feasible to achieve the target score, pointing to the fact there is no ground level associated with the building (existing or proposed) where planting could be located, the proposed roof terraces are narrow and much of the roof is required for rooftop plant and photovoltaic panels.

While regrettable further greening could not be achieved here, officers acknowledge that the site is constrained meaning all greening must be located on the building's roofs. Therefore, a balance between the competing elements required to be located at roof level, including on-site renewables and elements for building maintenance, must be reached. Given this, the level of greening proposed in this case is considered acceptable. Conditions are recommended to ensure that it is provided.

Air Quality

City Plan Policy 32 commits the City Council to improving air quality in the city, it expects development to reduce exposure to poor air quality, it expects development to improve local air quality and it expects this to be explained within an Air Quality Assessment.

The applicant's Air Quality Assessment assesses the construction and operational phases of the development. While the construction phases would result in increased dust pollution, through proposed mitigation this would be minimised – the air quality impact of the traffic generated through construction is not considered significant. In

terms of the operational phase, because there would be no combustion emissions on site (except for an emergency generator), local air quality would not worsen to accordance with Policy 32.

Noise/ Plant

The application includes plant to be located in in parts of the basement and at roof level. Environmental Health raises no objection to the proposal but notes that the acoustic report submitted to support the application does not provided information on the specific plant that would be installed, and therefore a supplementary acoustic report is required which is recommended to be secured by condition, in addition to standard noise conditions.

Refuse /Recycling

Waste and recycling storage areas are proposed at basement level, with segregated food waste storage. There would be service lift to allow access from street level and it is proposed that waste collection takes place from Duke Street, outside the service entrance. The Waste Project Officer raises no objection to this arrangement, subject to a condition to ensure it is provided.

Archaeology

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible. The site is within the Tier 2 Great Estates Archaeological Area. This area's archaeological importance relates to the large houses and associated gardens that here. Although the site lies within this archaeological priority area, Historic England Greater London Archaeological Advisory Service (GLAAS) have considered the applicant's assessment and confirmed that the proposed works are unlikely to result in a significant archaeological impact. GLAAS have therefore advised that no further assessment or conditions are therefore necessary.

Education and Skills

City Plan Policy 18 states major developments will contribute to improved employment prospects for local residents, and this will include through financial contributions toward employment, education and skills initiatives. A contribution, in line with the Council's Inclusive Economy and Employment guidance, is recommended to be secured by legal agreement (see section 8.12 of this report).

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined

in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

None are relevant.

8.10 London Plan

On 04 March 2021, Westminster Council notified the Mayor of London of this planning application because of it constituted a development of potential strategic importance and was referable under Category 1C: "Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London" as set out in The Town & Country Planning (Mayor of London) Order 2008.

As required under the provisions of the Order 2008, the Mayor has provided the Council with a report setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view (this response is summarised in section 5 of this report). The Mayor considered the following as relevant strategic issues:

- Good Growth;
- World City role;
- Central Activities Zone;
- Urban design;
- Heritage;
- Inclusive access;
- Sustainable development; and
- Transport and parking.

A summary of the report is provided in section 5. Where relevant, the London Plan Policies relating to these issues are addressed within this report.

8.11 National Policy/Guidance Considerations

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure:

- the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- appropriate arrangements for the demolition and rebuilding;
- details of the development, including method statements and load calculations, to ensure the development does not harm London Underground infrastructure;
- the submission of a report outlining the results of an inspection of the Piccadilly

Arcade party wall, the submission of detailed drawings showing the wall will be supported/ protected and the submission of a justification for the chosen method that is commensurate with the results of the inspection;

- revised Circular Economy Statement; and
- revised Whole Life Carbon Assessment.

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

- a) Undertaking of all highways works immediately surrounding the site required for the development to occur, to the City Council's specification and at the full cost to the developer. Highway works to have been agreed prior to commencement of the development;
- b) The areas where the proposed building line is to be set back from existing, namely at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street, are to be dedicated as public highway prior to the occupation of the development and at no cost to the City Council;
- c) A financial contribution of £154,500 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- d) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- e) A financial contribution of £86,178 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); and
- b) The costs of monitoring the S106 agreement.

The estimated CIL payment is:

Mayor CIL: £1,818,550

Westminster CIL: £1,966,000

8.13 Environmental Impact Assessment

The proposals are not of a large that trigger a requirement for an environmental impact assessment.

8.14 Other Issues

Basement

While the development does not involve excavation to create a new basement, it does involve some excavation to alter parts of the existing basement level floor level. The works accord with City Plan Policy 45 and the submission provides a structural statement which demonstrates the works could be undertaken without harm to adjoining properties. 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. Therefore, 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 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 draft decision letter.

Construction impact

The applicant has submitted a Framework Construction Logistics Plan (CLP). TfL have stated that the final plan should meet TfL's best practice CLP guidance and be secured by condition and signed off by WCC in consultation with TfL. This is required in order to mitigate and manage any impacts to public transport during site construction, particularly to the public transport network. The applicant has also submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would be willing to comply with the code. The CoCP recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts. The CoCP requires approval for all aspects of the demolition and construction, including construction logistics. Given this and given the surrounding roads are maintained by the City Council, a pre-commencement condition requiring evidence be submitted to show the applicant will be bound by the CoCP is appropriate and a CLP would not be required as it would be a duplication of this.

Crime and security

During the course of the application, the applicant discussed their proposals with the Designing Out Crime Officer of the Metropolitan Police Service. The Designing Out Crime Officer made several recommendations to ensure the opportunities for crime is limited.

Fire strategy

The applicant has provided a Fire Statement, which has been produced by a suitably qualified third party assessor. It details how the development is to be built, how adequate means of escape is managed and what features and equipment will reduce fire risk/mitigate fire. A condition is recommended to ensure the measures are implemented.

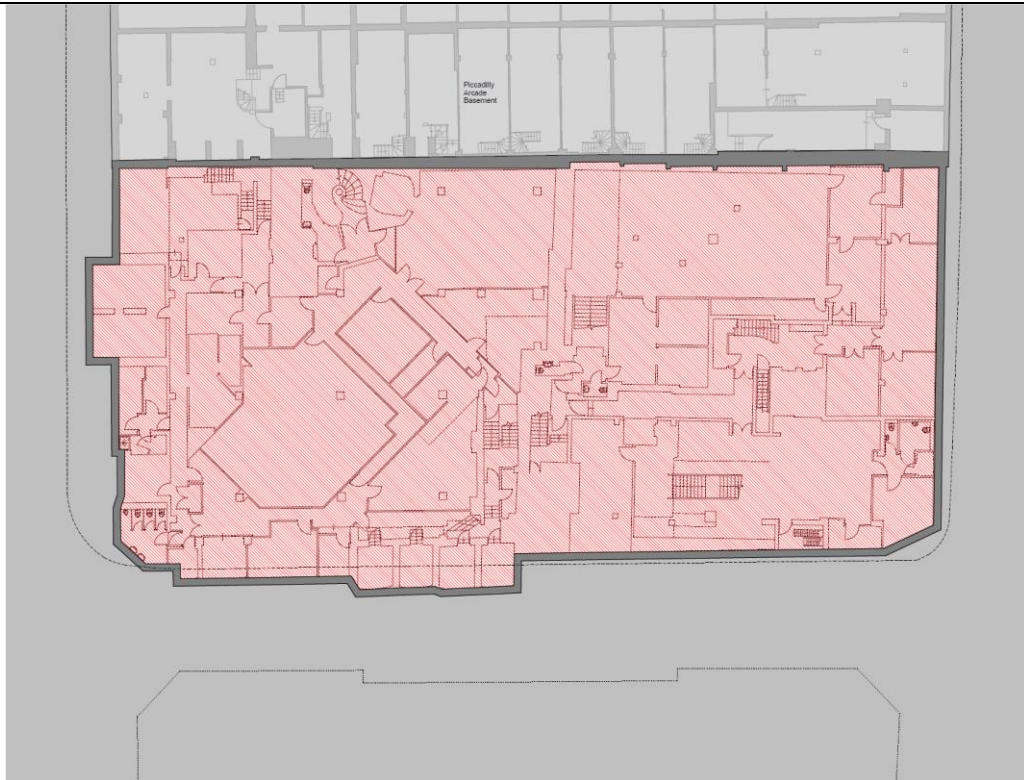
London Underground

London Underground Limited have assets underneath part of the site as the Piccadilly Line runs underneath Piccadilly. To ensure that the underground line is protected, London Underground Limited have requested a pre-commencement be attached to ensure that structural details of the works are approved by them – and the condition is recommended.

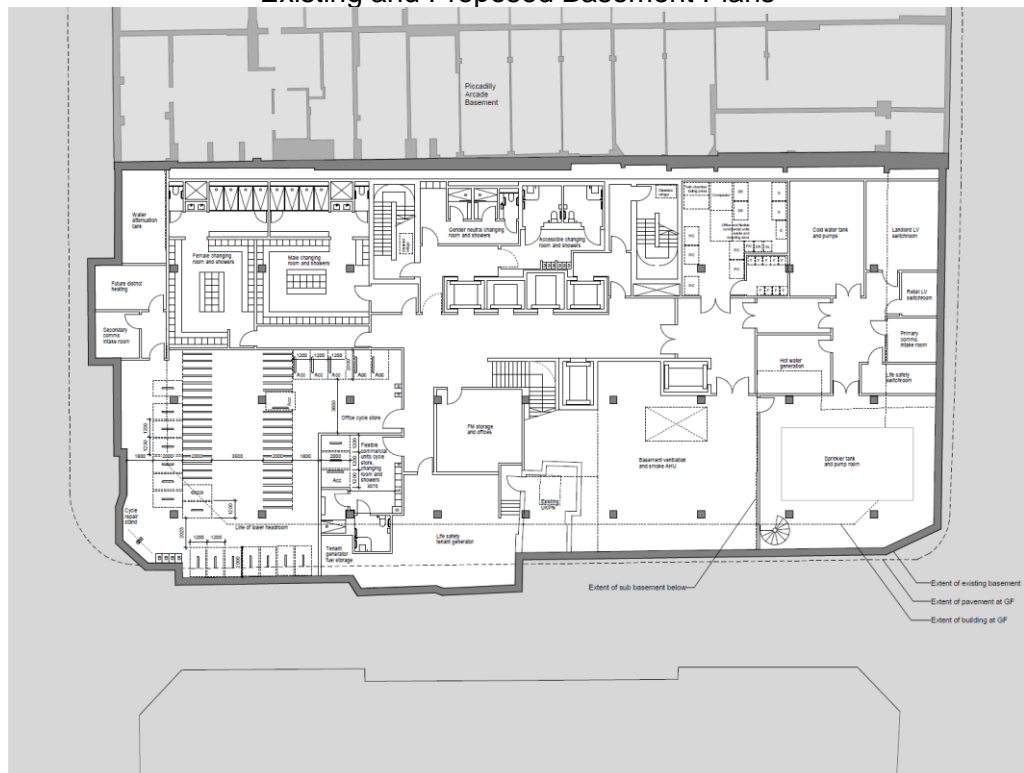
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

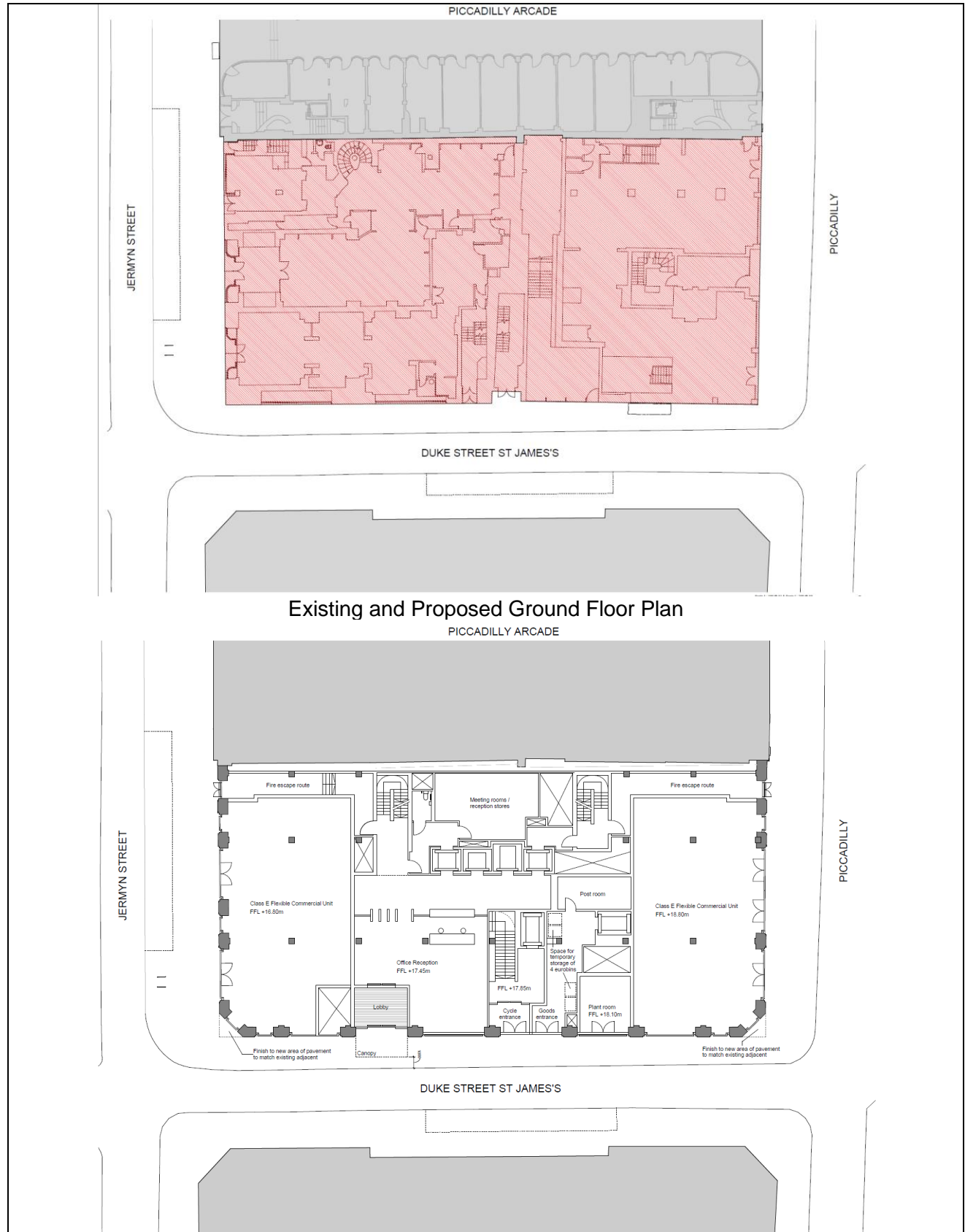
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

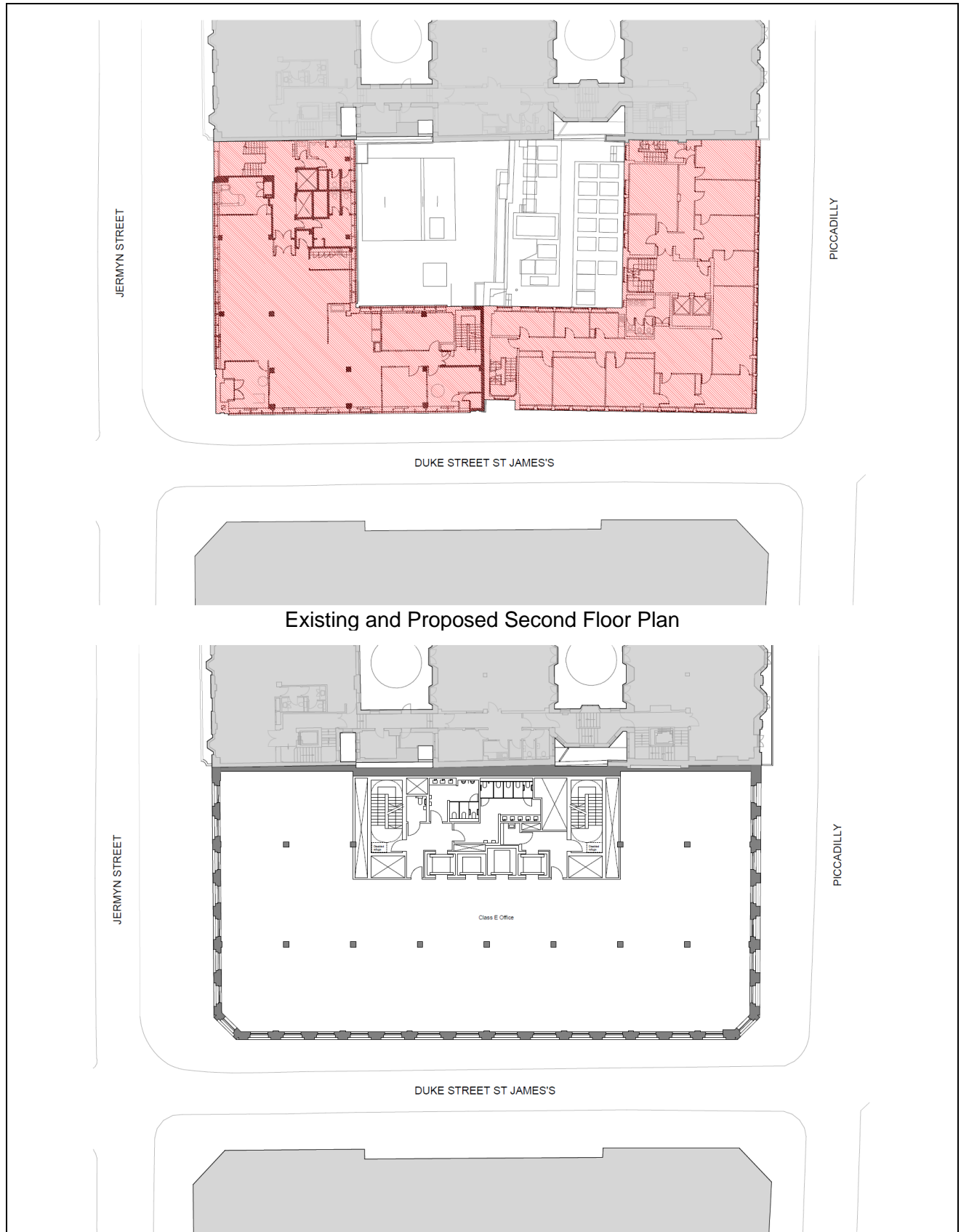
9. KEY DRAWINGS

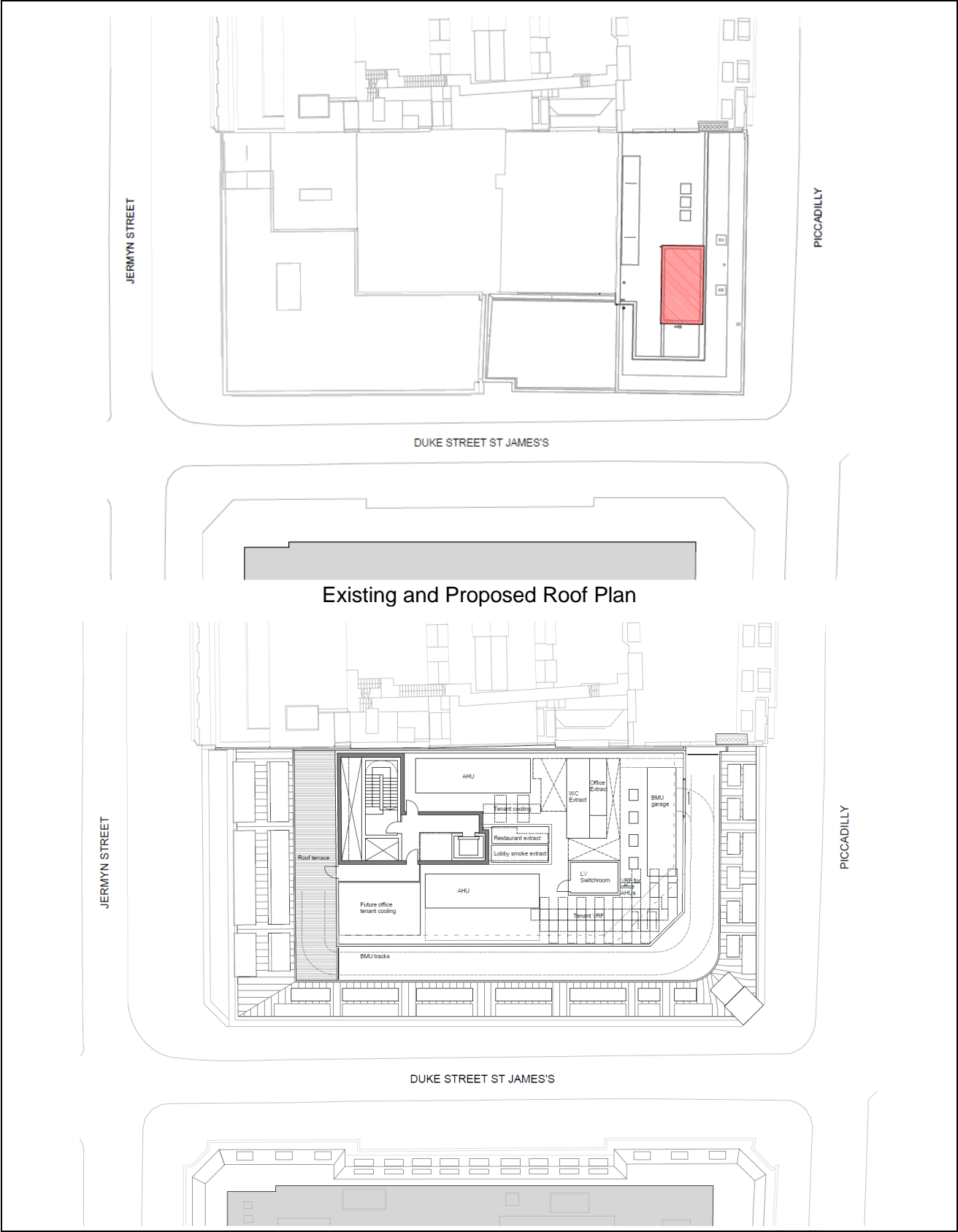


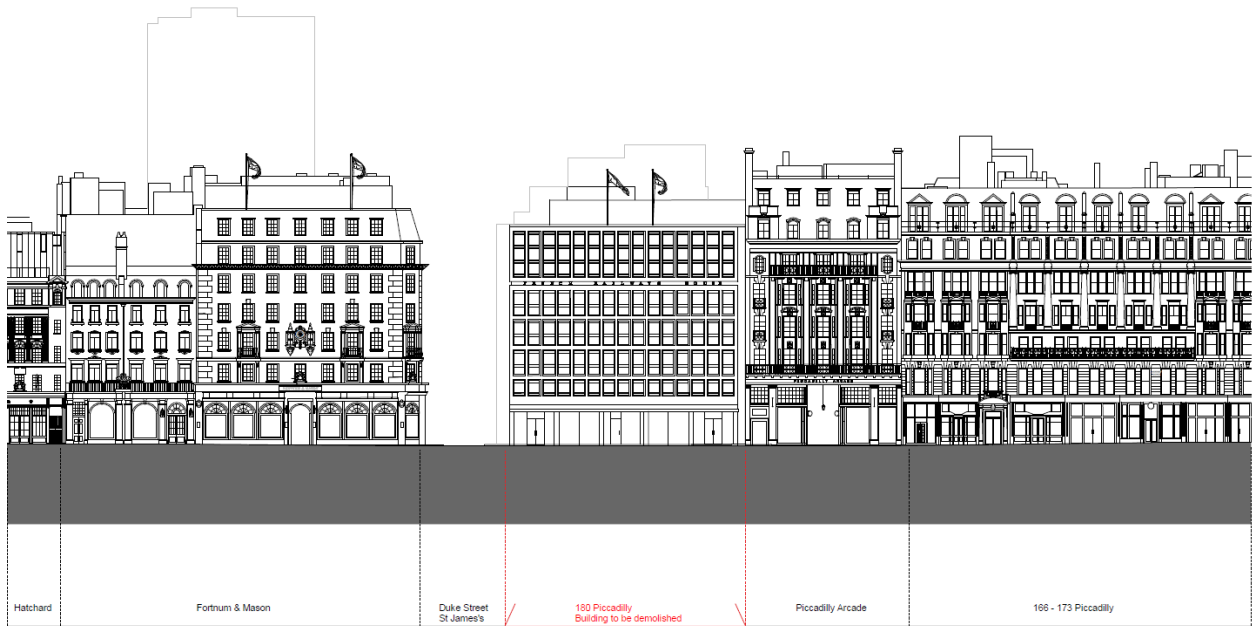
Existing and Proposed Basement Plans





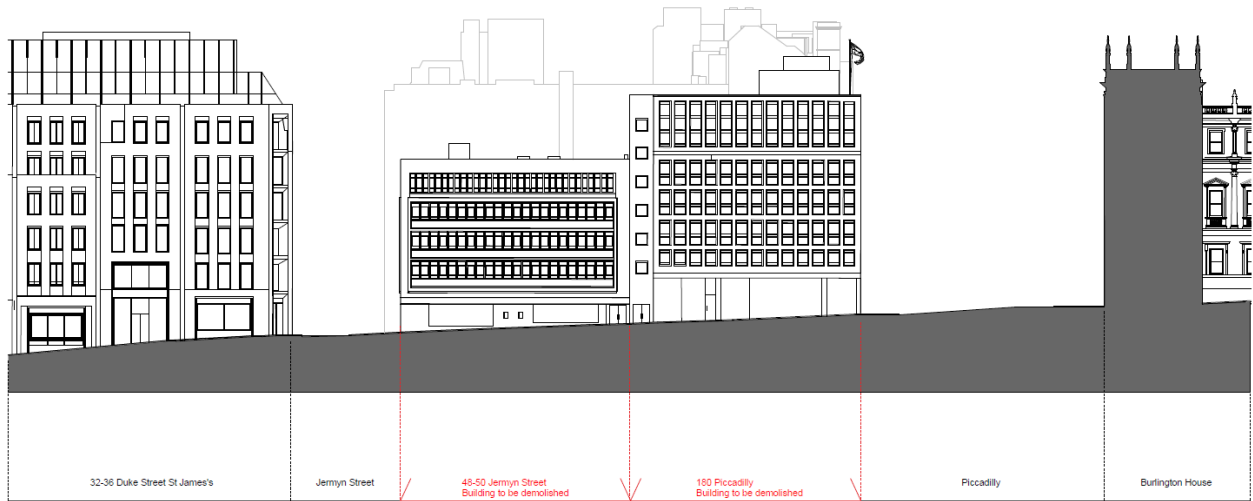




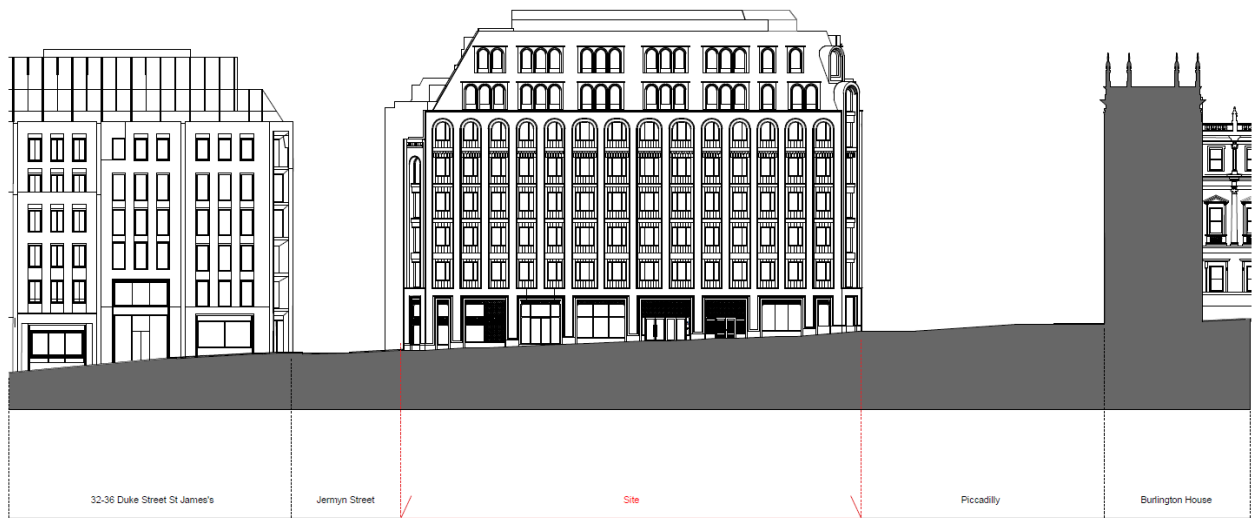


Existing and Proposed Piccadilly Elevation





Existing and Proposed Duke Street Elevation





Existing and Proposed Jermyn Street Elevation



Computer Generated Images





DRAFT DECISION LETTER – Planning (Application 1)

Address: 180 Piccadilly And 48-50 Jermyn Street, London, W1J 9BA

Proposal: Demolition of existing buildings and redevelopment of the site to create a Class E use building, including basement plant and cycle parking facilities, installation of roof top plant and all other works incidental to the proposals.

Reference: 21/01138/FULL

Plan Nos: Existing Drawings:
 1061-MAK-XX-RF-PL-A-P0500; 1061-MAK-XX-B2-PL-A-P0998; 1061-MAK-XX-B1-PL-A-P0999; 1061-MAK-XX-00-PL-A-P1000-M; 1061-MAK-XX-00-PL-A-P1000;
 1061-MAK-XX-01-PL-A-P1001; 1061-MAK-XX-02-PL-A-P1002; 1061-MAK-XX-03-PL-A-P1003; 1061-MAK-XX-04-PL-A-P1004; 1061-MAK-XX-05-PL-A-P1005; 1061-MAK-XX-06-PL-A-P1006; 1061-MAK-XX-07-PL-A-P1007; 1061-MAK-XX-08-PL-A-P1008; 1061-MAK-XX-ZZ-EL-A-P1110; 1061-MAK-XX-ZZ-EL-A-P1111; 1061-MAK-XX-00-EL-A-P1112; 1061-MAK-XX-00-EL-A-P1113; 1061-MAK-XX-ZZ-SE-A-P1200;

Proposed Drawings:
 1061-MAK-XX-B2-PL-A-P1998; 1061-MAK-XX-00-PL-A-P1999 rev 02; 1061-MAK-XX-00-PL-A-P2000 rev 02; 1061-MAK-XX-01-PL-A-P2001 rev 01; 1061-MAK-XX-02-PL-A-P2002; 1061-MAK-XX-03-PL-A-P2003; 1061-MAK-XX-04-PL-A-P2004; 1061-MAK-XX-05-PL-A-P2005; 1061-MAK-XX-06-PL-A-P2006; 1061-MAK-XX-07-PL-A-P2007; 1061-MAK-XX-08-PL-A-P2008; 1061-MAK-XX-09-PL-A-P2009; 1061-MAK-XX-00-EL-A-P2100 rev 02; 1061-MAK-XX-00-EL-A-P2101 rev 01; 1061-MAK-XX-00-EL-A-P2102 rev 02; 1061-MAK-XX-00-EL-A-P2103; 1061-MAK-XX-ZZ-EL-A-P2110 rev 01; 1061-MAK-XX-ZZ-EL-A-P2111 rev 01; 1061-MAK-XX-00-EL-A-P2112 rev 01; 1061-MAK-XX-00-EL-A-P2113; 1061-MAK-XX-00-SE-A-P2200 rev 01; 1061-MAK-XX-00-SE-A-P2201 rev 01.

Documents:
 Cover Letter (19 Feb 2021); Planning Statement (Feb 2021); Design and Access Statement (Feb 2021); Daylight and Sunlight Report dated (May 2021); Heritage, Townscape and Visual Impact Assessment (Feb 2021); Archaeological desk based assessment (Feb 2021); Ventilation and Extraction Statement (Feb 2021); Air Quality Report (Feb 2021); Acoustic Report (Feb 2021); Fire Statement (Feb 2021); Sustainability Strategy (Feb 2021); Whole Life Carbon Assessment (Feb 2021); Circular Economy Assessment (May 2021); Energy Strategy (Feb 2021); Sustainable Urban Drainage Report (Feb 2021).

For Information Only:
 Statement of Community Involvement (Feb 2021); Appendix A Checklist of CoCP; Phase 1 Desk Study and Screening Assessment (October 2020); Utilities Statement (Feb 2021); Structural Method Statement (Feb 2021); Construction Logistics Plan (Feb 2021); Delivery and Servicing Plan (Feb 2021); Framework Travel Plan (Feb 2021); Healthy Street Transport Assessment and Servicing Strategy (Feb 2021).

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

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

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the St James's Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 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 St James's Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 6 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as

set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must not put structures such as canopies, fences, loggias or trellises on the roof terraces hereby approved. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must apply to us for approval of detailed drawings of the following parts of the development:

1. Typical bay details (1:20)
2. External windows and doors including spandrel panels (1:10 and 1:5)
3. Balustrades (1:10)
4. Decorative metalwork (1:10)
5. Shopfronts (1:20)
6. Plant and overrun enclosure (1:20)
7. Dormers (1:10)
8. Cornice and frieze details (1:10)
9. PV panels including section showing relationship to finished height of plant enclosure (1:20)

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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must apply to us for approval of a sample panel of a typical bay showing all stone types proposed, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 11 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- reduction in the size of the office entrance canopy.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings.
(C26UC)

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 St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You can use the first floor level and above of the property for any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) except as:

- E(a) retail;
- E(b) restaurant/ café;
- E(d) indoor recreation;
- E(e) medical/ health services; or
- E(f) Creche/ nursery.

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone and the West End Retail and Leisure Special Policy Area. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 7, 13, 16, 28, 29 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13 You can use the ground floor commercial units for any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) except as:

- E(c) financial/ professional services;
- E(d) indoor recreation;
- E(e) medical/ health services;
- E(f) Creche/ nursery; or
- E(g) Office/ research and development/ light industry.

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would harm the character and function of the Central Actives Zone, West End Retail and Leisure Special Policy Area, Jermyn Street CAZ Retail Cluster and the St. James's Special Policy Area. This would not meet Policies 1, 2, 14, 16 and 21 of the City Plan 2019 - 2040 (April 2021).

- 14 Customers shall not be permitted within the ground floor commercial premises before 07:00 hours or after 00:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 15 No music shall be played within the building such as to be audible outside the premises. No music shall be played on the roof terraces.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 16 The terraces hereby approved shall only be used between 08:00 and 21:00 hours Monday to Friday only.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 17 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing 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 in writing 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 written 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 LA90, 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.
- (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 18 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 19 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(s) 16 and 17 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 20 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set

out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 21 In the event you use a ground floor commercial unit as a restaurant/ cafe, you must apply to us for approval of details of the ventilation system to get rid of cooking smells for that unit, including details of how it will be built and how it will look. You must not begin the restaurant/ café use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 22 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 23 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1061-MAK-XX-B1-PL-A-P1999 rev 00 and 1061-MAK-XX-00-PL-A-P2000 rev 00 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 24 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. 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 Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 25 In the event you use a ground floor commercial unit as a restaurant/ cafe, you must apply to us for approval of an Operational Management Plan for that unit to show how you will prevent customers who are leaving the restaurant/ cafe unit from causing nuisance for people in the area, including people who live in nearby buildings, and how you will prevent any delivery service from causing nuisance in the area. You must not start the restaurant/ cafe use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the ground floor restaurant/ cafe unit(s) are in use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 26 All areas for servicing within the building, including holding areas, access corridors and the service lift in the loading area, must be retained for this purpose for the life of the development and used for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 27 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated Feb 2021 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 28 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Variable Refrigerant Flow system and electric hybrid system; and
Photovoltaic panels.

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 29 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within 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. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 30 **Pre Commencement Condition.** No development shall take place until a revised Circular Economy Statement has been submitted to and approved in writing by the Local Planning Authority, in consultation with the GLA. The development shall not be implemented other than in accordance with the approved details, and thereafter be maintained.

Reason:

In the interests of sustainable waste management and in order to maximise the re-use of materials, as set out in Policy SI 7 of the London Plan (March 2021) and Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 31 Prior to the occupation of the building, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Reason:

In the interests of sustainable waste management and in order to maximise the re-use of materials, as set out in Policy SI 7 of the London Plan (March 2021) and Policy 37 of the City Plan 2019 - 2040 (April 2021).

- 32 **Pre Commencement Condition.** No development shall take place until a revised Whole Life Carbon assessment has been submitted to and approved in writing by the Local Planning Authority, in consultation with the GLA. The development shall not be implemented other than in accordance with the approved details, and thereafter be maintained.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings, as set out in Policy SI 2 of the London Plan (March 2021).

- 33 Prior to the occupation of the building the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the relevant building.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings, as set out in Policy SI 2 of the London Plan (March 2021).

- 34 The building shall be designed to allow future connection to a district heating network and you must provide the intake room shown on drawing 1061-MAK-XX-00-PL-A-P1999 rev 02 prior to the occupation of the building. In the event that connection is made to the district heating network, you must not use the intake room for any other purpose.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 35 Prior to the occupation of the building, you must provide sufficient ducting space for full fibre connectivity infrastructure within the development.

Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness, as set out in Policy SI 6 of the London Plan (March 2021).

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

green wall at roof level and biodiverse roof.

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 37 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green wall and biodiverse 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 and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 38 You must carry out the measures included in your Fire Statement dated February 2021 before anyone uses the building, and you must ensure the fire safety features are installed and adequately maintained.

Reason:

In the interest of fire safety, as set out in Policy D12 of the London Plan (March 2021).

- 39 **Pre Commencement Condition.** Prior to the commencement of the development the detailed design, method statements and load calculations (in consultation with London Underground) must be submitted to and approved in writing by the local planning authority, and this must:

- provide details on all structures, information on the existing foundations and their adequacy for the proposed building;
- accommodate the location of the existing London Underground structures and tunnels impact of the demolition and the subsequent reloading by the new superstructure on the surrounding ground;
- accommodate ground movement arising from the construction thereof load transfer changes to the Piccadilly Line running tunnels; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan (March 2021).

- 40 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and back-up power function. The emergency plant and generators shall be operated at all times in accordance with the following criteria:

(1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 3 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 5 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.
- 6 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 7 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 8 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding

on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

- 9 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 or visit www.ccscheme.org.uk.
- 10 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 11 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 (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, 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 (I80AB)
- 12 Under the Construction (Design and Management) Regulations 2015, 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.

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.

- 13 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 14 Conditions 17, 18 and 19 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 15 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 16 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.
- 17 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Undertaking of all highways works immediately surrounding the site required for the development to occur, to the City Council's specification and at the full cost to the developer. Highway works to have been agreed prior to commencement of the development;
 - b) The areas where the proposed building line is to be set back from existing, namely at the corners of Piccadilly/ Duke Street and Jermyn Street/ Duke Street, are to be dedicated as public highway prior to the occupation of the development and at no cost to the City Council;

- c) A financial contribution of £154,500 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- d) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- e) A financial contribution of £86,178 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development); and
- f) The costs of monitoring the S106 agreement.

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

DRAFT DECISION LETTER – Listed Building Consent (Application 2)

Address: 180 Piccadilly And 48-50 Jermyn Street, London, W1J 9BA

Proposal: Alterations and supporting works to the Piccadilly Arcade party wall, in order to facilitate planning application 21/01138/FULL, for: Demolition of existing buildings and redevelopment of the site to create a Class E use building, including basement plant and cycle parking facilities, installation of roof top plant.

Reference: 21/01521/LBC

Plan Nos: 1061-MAK-XX-RF-PL-A-P0505; 2200302 EWP ZZ B2 DR S 0800 rev P1; 2200302 EWP ZZ B1 DR S 0900 rev P1; 2200302 EWP ZZ 00 DR S 1000 rev P1; 2200302 EWP ZZ 01 DR S 1010 rev P1; 2200302 EWP ZZ 02 DR S 1020 rev P1; 2200302 EWP ZZ 03 DR S 1030 rev P1; 2200302 EWP ZZ 04 DR S 1040 rev P1; 2200302 EWP ZZ 05 DR S 1050 rev P1; 2200302 EWP ZZ 06 DR S 1060 rev P1; 2200302 EWP ZZ 07 DR S 1070 rev P1; 2200302 EWP ZZ 08 DR S 1080 rev P1; 2200302 EWP ZZ 09 DR S 1090 rev P1; 2200302 EWP ZZ XX DR S 2100 rev P1; 2200302 EWP ZZ XX DR S 2101 rev P1; 2200302 EWP ZZ XX DR S 2102 rev P1; 2200302 EWP ZZ XX DR S 2103 rev P1; 2200302 EWP ZZ XX DR S 2104 rev P1; 2200302 EWP ZZ XX DR S 2500 rev P1; 2200302 EWP ZZ XX DR S 2501 rev P1; 2200302 EWP ZZ XX DR S 2502 rev P1; 2200302 EWP ZZ XX SK S 0007 rev P1; 2200302 EWP ZZ XX SK S 0010 rev P2; 2200302 EWP ZZ XX SK S 0011 rev P2; Historic Plans; Cover Letter (10 March 2021); Proposed Alterations to Party Wall Doc (March 2021); Structural Method Statement (March 2021); Heritage Report (March 2021).

Case Officer: Joshua Howitt

Direct Tel. No. 020 7641
07866038007

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 3 **Pre-Commencement Condition** You must submit to us a report outlining the results of an inspection of the Piccadilly Arcade party wall, and you must apply to us for approval of detailed drawings showing how you will support and protect the wall with a justification for the chosen method that is commensurate with the results of the inspection. You must not start work until we have approved in writing what you have sent us. You must then carry out the work according to these drawings. (C28BC)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

Informative(s):

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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