



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 15th November, 2022

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Ruth Bush (Chair)
Mark Shearer
Robert Rigby

Paul Fisher
Jason Williams
Nafsika Butler-Thalassis



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. 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 Governance Officer.

**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 virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://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 at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link:

(Pages 5 - 12)

<https://www.westminster.gov.uk/about-council/democracy/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

- | | | |
|----|---|--------------------------|
| 1. | 114-150 QUEENSWAY, 57 AND 97-113 INVERNESS TERRACE, LONDON, W2 6LS | (Pages 23 - 122) |
| 2. | 57 AND 59 GLOUCESTER PLACE, LONDON W1U 8JH | (Pages 123 - 160) |
| 3. | DEVELOPMENT SITE AT 86-110 EDGWARE ROAD AND 163-169 GEORGE STREET, LONDON | (Pages 161 - 240) |
| 4. | DEVELOPMENT SITE AT 26-46 LISSON GROVE AND 18 HAYES PLACE, LONDON, NW1 6TT | (Pages 241 - 302) |
| 5. | SITE 1 DEVELOPMENT SITE BOUND BY BROOK STREET, DAVIES STREET AND SOUTH MOLTON LANE (EXCLUDING 58 DAVIES STREET) AND 10, 15-25, 27 AND 42 SOUTH MOLTON; SITE 2- 14 NORTH ROW LONDON W1K 7DQ; AND SITE 3 -MARLBOROUGH HEAD 24 NORTH AUDLEY STREET LONDON W1K 6WD | (Pages 303 - 406) |

**Stuart Love
Chief Executive
4 November 2022**

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 20th September, 2022**, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Ruth Bush (Chair), Nafsika Butler-Thalassis, Paul Fisher, Robert Rigby, Mark Shearer and Jason Williams

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Ruth Bush 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 on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, 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. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Paul Fisher declared that in respect of Item 2 the site was located within his ward. He had also visited the Premises in a personal capacity, but he had not entered into any discussions regarding the application with any parties and he had paid for the visit personally.
- 2.3 Councillor Robert Rigby declared that in respect of Item 1 he had met the applicant with a Council Planning Officer present and received a presentation on the proposals, but he had expressed no views regarding the application.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 9 August 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 217- 221 HARROW ROAD LONDON W2 5EH

Demolition of the existing building to redevelop the site to provide a part-20 storey and part-9 storey mixed use building comprising residential (Class C3), a commercial unit (Class E), homeless accommodation and facilities (Sui Generis) and associated move-on units (Class C3), landscaping, public realm and other associated works.

Additional representations were received from St Mungo's (15.09.22) and The Greater London Authority (29.06.22).

The presenting officer had also circulated the draft decision letter and the following corrections to the report:

Report Corrections

Carbon Off-Set contribution as referred to throughout the report as £144, 677 should be £126,958 as a result of changes made during the course of the application to the Energy Statement.

On page 70 of the report, reference is made to units being designed as per part 'M4 (3) (2) b', however this should instead refer to 'M4 (3) (2) a'.

On page 30 of the report, the following statement is made "The play space would be provided on the 19th floor residential amenity roof terrace, with parapets and railings enclosing the area ranging from 98.5 centimetres to 2.375 metres high." The architects have confirmed the minimum height of guarding on accessible roofs is 1.8m (railing) and 2.3m (solid wall) – this is referred to in the DAS.

In the land use section of the report, notably the affordable housing section, explicit reference should have been made to the need for a late stage review of the viability assessment and that this is to be secured through the legal agreement.

Late representations were received from Councillor Adam Hug (18.09.22), The Greater London Authority (16.09.22 and 20.09.22), Gerald Eve (20.09.22), Westminster City Council's Economy & Regeneration Team (18.09.22).

The presenting officer tabled the following amendments to the recommendations highlighted in bold:

Revised Recommendations: changes highlighted in bold

- 1) Subject to the concurrence of the Mayor of London, grant Conditional Permission, subject to the completion of a S.106 legal agreement to secure the following
 - a) Provision of 11 move on units and **8** affordable units on site **at London Living Rent**. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
 - b) Provision of an early-stage and **late-stage** viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
 - c) Payment of a carbon offset payment of £144,677 (index linked) **payable on commencement of development**.
 - d) Highways works associated with the development on Harrow Road and Torquay Street.
 - e) Payment of a contribution to the City Council's Economy Team for the provision of Skills and Employment of £ of £88,516.47; **payable on commencement of development**.
 - f) Provision of car club membership for each residential flat for a period of 25 years.
 - g) The cost of monitoring the s106 agreement
- 2) If the s106 agreement has not been completed within three months of the committee resolution then:
 - a) The Director of **Town Planning and Building Control** 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 **Town Planning and Building Control** is authorised to determine and issue such a decision under Delegated Powers; however, if not.
 - b) The Director of **Town Planning and Building Control** shall consider whether permission should be refused on the grounds that it has not proved possible to complete an undertaking 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 **Town Planning and Building Control** is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

The presenting officer also tabled the following amended conditions:

Condition 6:

You must make available contact details (name/ telephone number and email) for the building manager in the facility at 217 Harrow Road to the occupiers of the residential building and these must be kept up to date at all times.

Condition 21:

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.

Phase 1: Desktop study - full site history and environmental information from the public records.

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.

You must apply to us for approval of the investigation reports. You must apply to us and receive our written approval for:

Phases 1, prior to demolition,

Phases 2 and 3 before any piling/excavation/construction work starts, and

Phase 4 when the development has been completed but before it is occupied.
(C18M)

Condition 28:

Prior to construction of development details of a system of mechanical ventilation, shall be submitted to and approved in writing by the LPA. The ventilation system shall be capable of ensuring that:

1. A system of air quality filtration is installed and or inlets are positioned so that the following are not exceeded:

	WHO Targets 2021 (µg/m ³)
NO ₂	10
PM ₁₀	15
PM _{2.5}	5

2. The internal noise levels for the noise sensitive properties do not exceed the noise levels specified in condition C49AA/C49BB
3. The mechanical ventilation is designed in compliance with the current Technical Memorandum produced by CIBSE to prevent overheating when the windows are closed

The approved system shall be installed and operational before occupation of sensitive uses the system shall be checked and maintained in accordance with the manufacturer's specification and retained unless otherwise agreed by the local planning authority.

Rebecca Sycamore, representing St Mungo's, addressed the Sub-Committee in support of the application.

Nick Brindley addressed the Sub-Committee in support of the application.

During discussions the Sub-Committee noted that the applicant was content to meet any reasonable costs associated with the options put forward to maintain access to 209 Harrow Road.

RESOLVED UNANIMOUSLY:

- 1) That subject to the concurrence of the Mayor of London, conditional permission as amended be granted, subject to the completion of a S.106 legal agreement to secure the following
 - a) Provision of 11 move on units and 8 affordable units on site at London Living Rent. The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
 - b) Provision of an early-stage and late-stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
 - c) Payment of a carbon offset payment of £144,677 (index linked) payable on commencement of development.

- d) Highways works associated with the development on Harrow Road and Torquay Street.
 - e) Payment of a contribution to the City Council's Economy Team for the provision of Skills and Employment of £ of £88,516.47; payable on commencement of development.
 - f) Provision of car club membership for each residential flat for a period of 25 years.
 - g) The cost of monitoring the s106 agreement
- 2) If the s106 agreement had not been completed within three months of the committee resolution then:
- a) The Director of Town Planning and Building Control 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 Town Planning and Building Control was authorised to determine and issue such a decision under Delegated Powers; however, if not.
 - b) The Director of Town Planning and Building Control should consider whether permission should be refused on the grounds that it had not proved possible to complete an undertaking 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 Town Planning and Building Control was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2 SITE AT 2-8 TREBECK STREET, 2-5 HERTFORD STREET, 35 SHEPHERD MARKET AND 20 SHEPHERD STREET LONDON W1J 7JQ

Variation to the terms of the Section 106 Agreement in connection with the planning permission of 3 March 2016 (Ref: 14/12430/FULL and as subsequently varied): Namely to require 8 residential units comprising 917 m² to be provided at 217-222 Harrow Road by October 2024, or continue to make payments towards the City Council's affordable housing fund in accordance with the completed legal agreement.

RESOLVED UNANIMOUSLY:

That agreement be provided to the completion a deed of variation to the original legal agreement dated 3 March 2016 to secure the following varied planning obligations:

- i. The provision of 8 residential units comprising 917m² at 217-222 Harrow Road by October 2024;

- ii. In the event that (i) was not delivered, to require the applicant to continue to make annual payments to the Affordable Housing Fund commencing in November 2024.

The Meeting ended at 9.19 pm

CHAIRMAN: _____ **DATE** _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 15th November 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 20/04934/FULL Lancaster Gate	114 - 116 Queensway London	Demolition of 114-150 Queensway and 97-113 Inverness Terrace, and redevelopment to provide two buildings comprising basement, ground and up to six upper floor levels, providing retail use (Class E) at ground floor, residential units (Class C3) and Office (Class E) floorspace at upper floors, with associated amenity space, basement level secure cycle parking, ancillary facilities and plant, with servicing provision to Cervantes Court.	MB QW (Guernsey) Ltd
<p>Recommendation</p> <p>Subject to the concurrence of the Mayor of London, grant conditional permission subject to a Section 106 agreement to secure the following:</p> <ul style="list-style-type: none"> a) Provision of 11 intermediate units on site (5x London Living Rent and 6 x Lower Quartile rents) prior to the occupation of the market units .The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships; b) Provision of an early stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG; c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, on the commencement of development; d) Payment of a carbon offset payment of £ 341,871 (index linked) on the commencement of development. e) Been seen energy monitoring f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) on the commencement of development towards the Westminster Employment Service prior to commencement of development. g) Provision of lifetime (25 year) car club membership for each residential flat; h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up of a small part of the public highway; i) Improvements to the Lady Samuels Garden prior to occupation of the development , including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and improvements to the Garden and at the applicant's cost; j) financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked and payable on commencement of development); k) Public art; l)Provision of S106 agreement monitoring costs. <p>2.If the Section 106 agreement has not been completed within three months of the Committee resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue such a decision under delegated powers ; however if not : 				

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 PLANNING APPLICATIONS SUB COMMITTEE – 15th November 2022
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<p>b)The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proven possible to complete an undertaking 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 Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3 a) That Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on the corner of Porchester Gardens and Queensway.</p> <p>b) That the Director of Town Planning and Building Control or other such proper officer responsible for the highways functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order.</p>				
Item No	References	Site Address	Proposal	Applicant
2.	<p>RN(s): Application 1: 22/05362/FULL Application 2: 22/05363/LBC</p> <p>Marylebone</p>	57 & 59 Gloucester Place, London, W1U 8JH.	<p>Application 1: - Change of use at 59 Gloucester Place and first to fourth floors of 57 Gloucester Place to accommodate residential use (Class C3), existing office (Class E) use retained at ground and basement floors of 57 Gloucester Place, with internal and external alterations including works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, provision of waste storage and replacement plant at roof level and provision of plant basement vaults.</p> <p>Application 2:- External and internal alterations works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, waste storage, basement vaults plant and replacement plant at roof level and provision of plant basement in connection with use of 59 Gloucester Place and first to fourth floors of 57 Gloucester Place for residential use (Class C3)</p> <p>NB/ Linked by way of a land use swap to redevelopment of land at Garfield House, 86 - 110 Edgware Road and Bernard House 163-169 George Street, London, W2 ref. 22/05768/FULL.</p>	The Portman Estate Nominees (One) Limited & The Portman Estate Nominees (Two) Limited.
<p>Recommendation</p> <p>Application 1:- 1. Grant conditional permission, subject to a S106 legal agreement to secure the following planning obligation:-</p> <ul style="list-style-type: none"> i) The residential use at this site as a land use swap from site at Garfield House, 86-110 Edgware Road and Bernard House 163-169 George Street, London W2 (as granted under 22/05768/FULL ii) Provision of lifetime (25 year) car club membership for each residential flat <p>If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p>				

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 15th November 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<p>a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not</p> <p>b) The Director of Place Shaping and Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.</p> <p>Application 2:- 1. Grant conditional listed building consent. 2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Applicant
3.	<p>RN(s): 22/05768/FULL</p> <p>Marylebone</p>	<p>Development Site At 86-110 Edgware Road and 163-169 George Street London</p>	<p>Part demolition and reconfiguration of lower ground floor, demolition of ground and upper floors, for redevelopment comprising lower ground, ground plus 6 storeys plus rooftop room, rooftop plant and equipment and single storey triangle building, for retail, food and beverage, indoor recreation and community use (Sui Generis) at ground floor level, Office (Class E) use at ground and upper floors, community (Class F2) /Office (Class E) use at lower ground floor and associated ancillary space.</p> <p>[Linked to development at 57-59 Gloucester Place RN 22/05362/FULL and 22/05363/LBC]</p>	C/O Agent
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following planning obligations:-</p> <p>i) The residential use to have been relocated as part of a land use swap to 59 Gloucester Place (entirety) and 57 (first to fourth floors) Gloucester Place (As granted under application reference:- 22/05362/FULL) and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.</p> <p>ii) Provision of Community Room for 25 years at Nil cost to the local community.</p> <p>iii) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including creation of footway in Forset Street, provision of additional short stay cycle parking in the vicinity of the site (minimum of 22 spaces), changes or improvements to the footway and associated work (legal, administrative and physical). Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) to the developer. (subject to detail design and the approval of the Highway Authority).</p> <p>iv) Cycle parking survey assessing potential on-street locations for the provision of 69 short stay cycle parking spaces in the vicinity of the site including on Edgware Road and their subsequent provision where agreed by Westminster in liaison with TfL. All of the aforementioned to the Council's specification, at full cost</p>				

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(administrative, legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority). Where the full provision cannot be achieved the shortfall to be mitigated by a financial contribution towards TfL cycle hire scheme (index linked and payable on commencement of development).

v) The area indicatively shown on Drawing number (4571-004-C) must be stopped up prior to commencement of development, at no cost to the Council, subject to minor alterations agreed by the Director of City Highways.

vi) The area on drawing number (4571-004-C), where the building line has been set back from the existing line, must be dedicated prior to occupation of development, at no cost to the Council, subject to minor alterations agreed by the Council

vii) A Financial contribution of £194,066.00 towards the Council's Carbon offset fund (Index linked and payable on commencement of development)

viii) A Financial contribution of £230,295.10 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service, (Index linked and payable on commencement of development).

viii) Provision of Public Art

x Be seen energy monitoring

xi) Monitoring costs

2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:-

a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not

b) The Director Town Planning & Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

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

b). That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the dedication of parts of the land to enable this development to take place.

That the City Commissioner of Transportation be authorised to take all necessary procedural steps in conjunction with the making of the order/s and to make the order/s as proposed if there are no unresolved objections to the draft order/dedication. The applicant will be required to cover all costs of the Council in progressing the stopping up order/dedication.

Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 22/05145/FULL Regent's Park	Developme nt Site At 26 - 46 Lisson Grove & 18 Hayes Place, London	Part retention of existing basement walls and demolition of ground and upper floors at 26-46 Lisson Grove and 18 Hayes Place, and redevelopment to provide a seven-storey building with a single storey basement comprising: office space and retail space commercial uses (Class E), alterations to public realm, servicing, ancillary plant, storage, cycle parking and other associated works.	C/O Agent

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PLANNING APPLICATIONS SUB COMMITTEE – 15th November 2022
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	Recommendation			
	<p>1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:</p> <ul style="list-style-type: none"> i. Provision of a financial contribution of £315,294.37 (index linked) to provide employment, training and skills development for local residents. ii. Highways works necessary to facilitate the proposed development including stopping up and dedication. iii. Provision of a financial contribution of £99,252 to the Carbon Offset Fund (index linked) payable prior to the commencement of development. iv. Be seen energy monitoring; and v. The costs of monitoring the S106 legal agreement. <p>2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-Committee's resolution, then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning and Building Control shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of 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 order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.</p> <p>4. That the Director of City Highways, Executive Director of Environment and 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 making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders.</p>			
Item No	References	Site Address	Proposal	Applicant
5.	<p>RN(s):</p> <p>SITE 1: Application 1. 22/04610/FULL, Application 2. 22/04608/LBC, Application 3. 22/04602/LBC, Application 4. 22/04607/LBC, Application 5. 22/04612/LBC, Application 6. 22/04605/LBC Application 7. 22/04606/LBC</p> <p>SITE 2: Application 1; 22/04502/FULL Application 2: 22/04503/LBC</p> <p>SITE 3:</p>	<p>Site 1 Development Site Bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) And 10, 15-25, 27 And 42 South Molton Street London</p> <p>Site 2- 14</p>	<p>Site 1</p> <p>1. Variation of Conditions 1, 17, 20, 31, 39, 47, 49, 53, 54, 55, 56 and 57 of planning permission dated 8 April 2022 (RN: 20/03987/FULL) (as amended) for, 'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies</p>	<p>Site 1 - Grosvenor Properties</p> <p>Site 2 and 3 - Grosvenor West End Properties</p>

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 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>Application 1: 22/04638/FULL Application 2: 22/04639/LBC</p> <p style="text-align: center;">West End</p>	<p>North Row London W1K 7DQ</p> <p>Site 3 - Marlborough Head 24 North Audley Street London W1K 6WD</p>	<p>Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'; NAMELY, to allow amendments to the approved development.</p> <p>2. Reconfiguration to rear ground floor elevations for access to South Molton Lane, alterations to upper floors to accommodate residential use, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, and other associated works.</p> <p>3. Partial demolition to upper floors to 52-54 Davies Street behind street elevation; internal and external alterations, refurbishment and reinstatement works to 50 and 52-54 Davies Street, and other associated works.</p> <p>4. Demolition of later rear addition to create a ground floor opening and passageway from South Molton Lane to South Molton Street including internal and external alterations to shopfront and façade improvements, fenestration enhancements; and other associated works.</p> <p>5. Reconfiguration to rear ground floor elevations for access to South Molton Lane, alterations to upper floors to accommodate residential, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, and other associated works.</p> <p>6. Reinstatement of historical features, internal and external alterations and localised fabric removal, installation of corner turret and side gables, and other associated works.</p>	
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			<p>7. Demolition of interior, basement and rear walls, enhancement of street elevations and front roofs, and other associated works.</p> <p>Site 2 - Extension to roof, facade amendments, associated works and use of enlarged building to provide Community Infrastructure and Facilities of flexible education training facility (Class F1) or medical centre (Class E).</p> <p>Site 3 - Use of part ground and first to fourth floors as three residential dwellings (Class C3). External alterations including the removal of existing plant and installation of additional plant within acoustic enclosures, creation of a terrace (for use in association with the proposed Flat 1) and green roof at rear first floor level and associated works. Erection of an extract duct routed internally terminating above main roof level. Internal alterations at all levels.</p>	
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Recommendations

Site 1 – South Molton Triangle

1. Grant conditional permission subject to a legal agreement to secure the following:

- a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.
- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not occurred by 7 April 2025.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highway works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management

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/ threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street and Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Street) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highway works to the South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.

- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.
- k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
- l) The provision of the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Building (698 sq.m) and within the entirety of 14 North Row (471.7 sq.m) (both to be ready for tenant fit out) within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street.
- m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).
- o) The costs of stopping up of an area of public highway on the south of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).
- p) The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

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- a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent for all six applications.
 4. Agree the reasons for granting the six applications for listed building consents as set out in Informative 1 of the draft decision letters.

Site 2 – 14 North Row

1. Grant conditional permission subject to a legal agreement or undertaking to secure the following:
 - a) Not to occupy the building as an education training facility (Class F1) or medical centre (Class E) until all three of the permitted residential units at 24 North Audley Street are ready for occupation.
 - b) Undertaking of highways works on the south side of North Row to extend the footway across the width of the site. If undertaken by the owner, highway works to be completed prior to occupation of the building as an education training facility (Class F1) or medical centre (Class E).
 - c) The costs of monitoring the S106 legal agreement.
2. If the S106 legal agreement or undertaking has not been completed within six weeks of the date of this resolution then:
 - a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement or undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consents as set out in Informative 1 of the draft decision letter.

Site 3 – 24 North Audley Street

1. Grant conditional permission.

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| | <p>2. Agree the reasons for granting listed building consents as set out in Informative 1 of the draft decision letter.</p> |
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Agenda Item 1

Item No.
1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS MAJOR COMMITTEE	Date 15 November 2022	Classification For General Release	
Report of Director of Town Planning and Building Control		Ward(s) involved Lancaster Gate	
Subject of Report	114-150 Queensway and 97-113 Inverness Terrace, London, W2 6LS		
Proposal	Demolition of 114-150 Queensway and 97-113 Inverness Terrace, and redevelopment to provide two buildings comprising basement, ground and up to six upper floor levels, providing retail use (Class E) at ground floor, residential units (Class C3) and Office (Class E) floorspace at upper floors, with associated amenity space, basement level secure cycle parking, ancillary facilities, and plant, with servicing provision to Cervantes Court.		
Agent	Turley		
On behalf of	MB QW (Guernsey) Ltd		
Registered Number	20/04934/FULL	Date amended	20 October 2022
Date Application Received	5 August 2020		
Historic Building Grade	Unlisted, although Whiteleys on the opposite side of the road is Grade II listed		
Conservation Area	Queensway		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Subject to the concurrence of the Mayor of London, grant conditional permission subject to a Section 106 agreement to secure the following :

- a) Provision of 11 intermediate units on site (5x London Living Rent and 6 x Lower Quartile rents) prior to the occupation of the market units .The affordable units to be provided at affordability levels to be agreed with the Head of Affordable Housing and Partnerships;
- b) Provision of an early stage viability review mechanism, in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG;
- c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, on the commencement of development;
- d) Payment of a carbon offset payment of £ 341,871 (index linked) on the commencement of development;
- e) Been seen energy monitoring

- f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) on the commencement of development towards the Westminster Employment Service prior to commencement of development;
- g) Provision of lifetime (25 year) car club membership for each residential flat;
- h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up of a small part of the public highway;
- i) Improvements to the Lady Samuels Garden prior to occupation of the development , including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and improvements to the Garden and at the applicant's cost;
- j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked and payable on commencement of development);
- k) Public art;
- l) Provision of S106 agreement monitoring costs.

2.If the Section 106 agreement has not been completed within three months of the Committee resolution, then:

a)The Director of Town Planning and Building Control 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 Town Planning and Building Control is authorised to determine and issue such a decision under delegated powers ; however if not :

b)The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proven possible to complete an undertaking 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 Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 a) That Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of part of the public highway on the corner of Porchester Gardens and Queensway.

b) That the Director of Town Planning and Building Control or other such proper officer responsible for the highways functions, be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order .

2. SUMMARY & KEY CONSIDERATIONS

The application site is located on the east side of Queensway, at its junction with Porchester Gardens, located within the Queensway Conservation Area. Opposite the application site is the Grade II Whiteleys development which is undergoing redevelopment behind the retained facades .The application site is located within the Queensway/Westbourne Grove Major Shopping Area, an area of Open Space Deficiency and in a Surface Water Hotspot.

The application site is currently occupied by a 1950s block laid out over three to four floors a single storey element on the corner with Porchester Gardens, with retail units on the ground floor and 27 residential flats above. The site backs onto Cervantes Court and Aird House with a rear service yard from Inverness Terrace which also serves the retail and residential units on-site.

This proposal is for the demolition of all buildings and the erection of two, seven storey plus a single basement level buildings. Both buildings would include Class E uses (Retail, Restaurant and Office Lobby) at ground floor. The largest of these two buildings, at the southern end of the site will be in office use (Use Class E) on the upper floors and the other building is residential block of 32 units. The application has been amended to include eleven affordable(35%) units all for intermediate rent (5x2 bed units at London Living Rents 56% and 6x 1 beds at Low Quartile Rents 44%) and to make changes to the design of the new buildings by further recessing the upper levels of the office building at the rear and creating recesses at the rear to both buildings in order to mitigate the impact on adjoining residents amenities and to address design concerns.

The applicant proposes introducing access control gates service yard at the rear, and this will provide off street servicing for the majority of the proposed uses.

The application has attracted objections and letters of support including a petition with 29 signatures from local businesses. There is an online petition to save the existing post office at No's 118-120 Queensway and to ensure that an alternative location is found. This petition has not been formally submitted to the Council as part of the consultation responses on this planning application, although officers are aware of its existence.

The objections are primarily concerned with the height and bulk of the proposed buildings and their impact on the character of the conservation area and the amenity of nearby residents; and the construction impact to this development either on its own, or in conjunction with Whiteleys opposite. The letters of support welcome the regeneration benefits this proposal will deliver to the area and the provision of 35% affordable housing. The owners of Aird House have now withdrawn their initial objections on loss of amenity grounds and support the proposal. The GLA in their Stage 1 response are supportive of the principle of this town centre redevelopment from a strategic land use point of view.

The key considerations are:

- The principle of the demolition of the existing buildings and the sustainability of the proposed new buildings in the light of the Council's environmental policies and whole life carbon /circular economy;
- The demolition of the existing buildings as unlisted buildings within the Queensway Conservation Area from a townscape point of view;
- The impact of the proposed new buildings on the designated heritage assets in terms of their scale, massing, and detailed design and whether the less than substantial harm to the designated heritage benefits as a result of the proposed office building is outweighed by the public benefits the overall scheme will deliver;.
- Provision of new residential units, including affordable housing, the new office and retail floorspace in terms of the regeneration of this part of Queensway and in the light of the Council's adopted land use policies;

- Impact on the amenity of local residents, in respect of loss of daylight, sunlight, increased sense of enclosure and overlooking to neighbouring residents, in particular Aird House and Cervantes Court;
- The quality of the new residential accommodation being provided in terms of its light and outlook and relationship with the proposed commercial uses;
- Loss of existing Post Office;
- Servicing arrangements for the new commercial units;
- Acceptability of the proposed single storey basement.

In land use terms, there are no objections to the principle of redevelopment to provide a mixed commercial and residential development which will be in line with London Plan and City Plan policies. The new retail floorspace(although there is a reduction in floorspace) together with a significant amount of new office floorspace are most welcomed in terms of the viability and vitality of this Major Shopping Centre, and the benefits these uses will bring to the local area, the local economy and local employment. The new residential block of 32 units is also acceptable.

The latest revision now includes a policy amount of eleven on site affordable housing (35%) which is supported given the originally proposed scheme included none. Albeit it is accepted that the proposed tenure of the eleven intermediate rent units does not strictly comply with the Council's tenure split(60 intermediate and 40 social rented) in the City Plan . The applicant has now amended their offer for 5x2 bed units at London Living Rent 56% and 6x 1 bed units at Lower Quartile rents 44% .It is recognised that the applicant has significantly improved their affordable housing offer since the receipt of this application and this revised offer is now considered acceptable . This will be secured via legal agreement , in addition to an early stage review.

In respect of the loss of the existing Post Office, the applicant has offered an alternative location at 125 Queensway to address the concerns raised by the local community and are actively engaged with the Post Office and will make all reasonable endeavours to facilitate the retention of the post office in the local area.

In terms of whole life carbon and sustainability. The London Plan Policy S17 Circular Economy Guidance requires applicants to confirm if it is technically feasible for the existing building to be retained as a part or as a whole. The Applicant has explored options in retaining the existing structure, however the existing frame is insufficient to deliver the benefits outlined above and will need additional reinforcement and structural support to extend upwards. It can be agreed with some degree of certainty that the resulting steel exoskeleton to support the additional structure will result in comparable upfront carbon as of a new-built option, while the carbon savings will be insignificant. A detailed pre-demolition audit was submitted and a circular economy strategy was outlined for the existing materials on site, with clearly defined waste streams for re-use and recycle.

the applicant has demonstrated it is not possible to retain/refurbish/extend the existing buildings and generate the public benefits which new commercial and residential development, including 11 affordable housing units will deliver. The proposed new buildings will be highly sustainable in terms of their construction and operational requirements and includes BREEAM Excellent rating for the commercial elements with the potential to achieve Outstanding .The proposed new buildings will use of Cross Laminated Timber (CLT) in construction, Air Source Heat Pumps, natural ventilation , blue/green roofs ,increases in biodiversity, SUD's, no parking, cycle parking

and will be highly sustainable.

There are no design objections to the demolition of the existing 1950's buildings from a townscape point of view which are identified as being neutral in the Queensway Conservation Audit. The proposed residential block is considered acceptable in terms of its height ,massing and detailed design.

One of the key considerations, is the proposed height and bulk of the proposed office building when viewed from the east along Porchester Gardens/Inverness Terrace .The applicant has amended the design to incorporate further set backs to the upper two floors of the office building and recessed elements to the rear façade to both the office and residential buildings. However, a position has now been reached where the applicant advises that any further revisions will make the scheme unviable. Therefore, this revised application is being determined as it stands.

It is considered that the proposed development would result in less than substantial harm to the Queensway Conservation Area; the setting of the Bayswater and Hallfield Estate Conservation Areas and setting of the grade II listed terraces on Inverness Terrace by reason of its overall height, bulk and the horizontality of its design. It is recognised this is a finely balanced assessment and it is the question of identifying and assessing any public benefits to be weighed against the less than substantial harm.

The height, bulk and location of the proposed development results in significant losses of light and increased sense of enclosure for the occupiers of Aird House and Cervantes Court to the rear. A recent letter of support has been received from the owners of Aird House who are now content in respect of the amenity impacts to this block and have withdrawn their previous objections.

It is accepted that the losses of daylight and sunlight to Aird House are well in excess of the BRE guidelines. In the light of the existing arrangement of the windows to the rear which have obscure glazing directly facing the site and have clear glazing to the side and overhanging balconies, it is considered that these losses daylight and sunlight are acceptable when assessing the retained values and the public benefits of the proposal. There will be an increased sense of enclosure but again given the existing circumstances this is also considered acceptable.

In respect of Cervantes Court , the worse affected windows are those on the lower floors and light to these windows are affected by an overhanging balcony/walkway which runs along the rear elevation .At lower ground floor a number of the garages are being converted into flats and given the future redevelopment of this site, it is considered these units can be afforded lesser protection.The resultant daylight levels to flats in Cervantes Court (small kitchens with bedrooms above) is still considered reasonable for this central London location and when the proposal is balanced with the overall public benefits. The same comment to increased sense of enclosure to these residents .It is not considered that the proposal will result in a material loss of privacy to neighbouring residents.

In terms of the standard of the new residential accommodation, this has been retested in the light of the new BRE Guidelines which came out in June 2022 .In general, the levels of light to the majority of the new flats is very good , however a number of the flats on the first and second floors fall below the guidelines .These are the affordable units, and the impacts are as a result

of the proposed balconies and the deep plan form of these flats. Results could be improved by removing the balconies, but this needs to be balanced between the need to provide outdoor amenity space and ensuring the new flats are of a good layout and size . Overall it is considered that lighting levels for these new flats, their outlook and standard are acceptable.

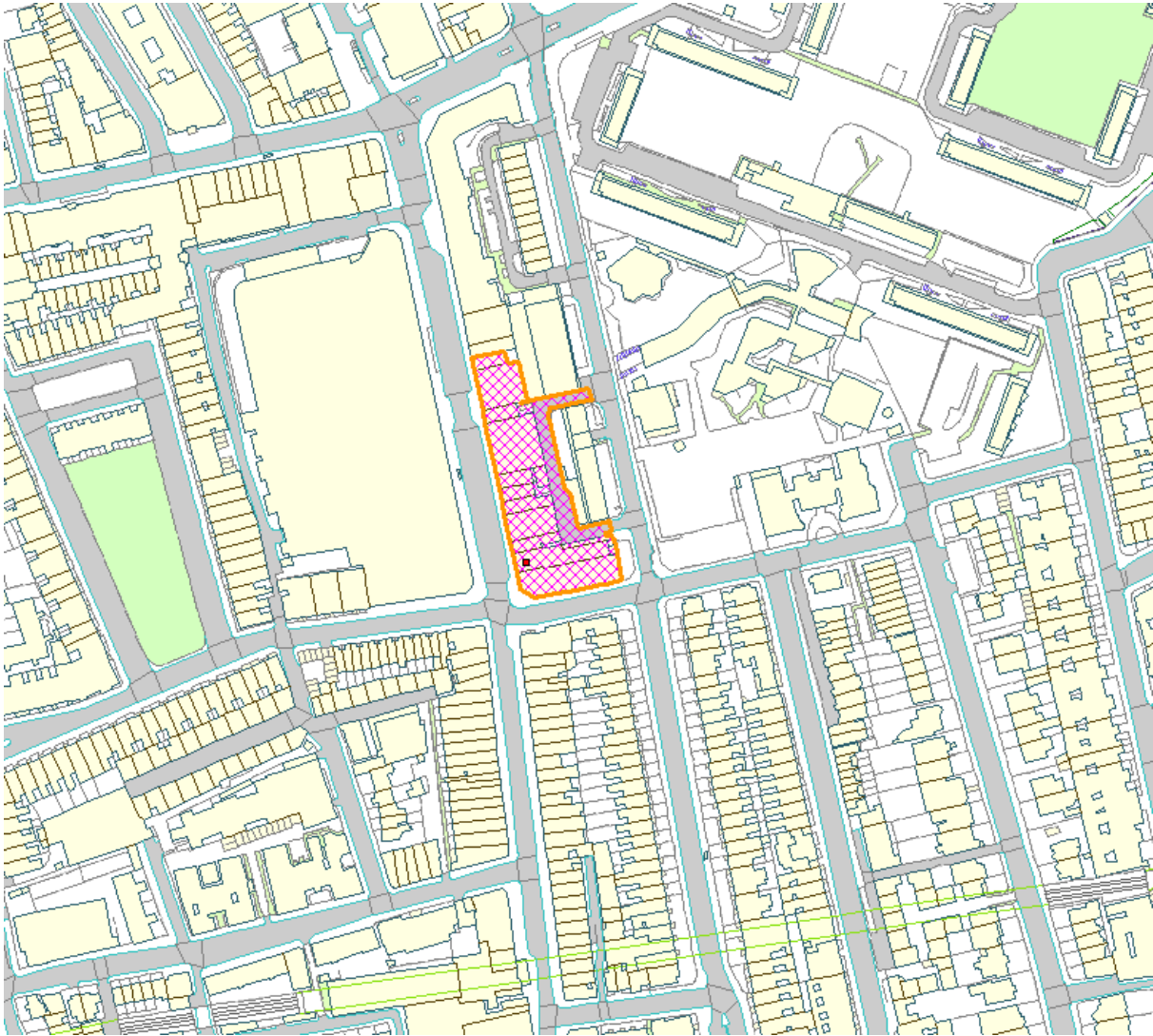
It is recognised that there are several public benefits of the proposed development which align with the strategic aspirations of the City Plan and the London Plan. The proposed development now provides a policy compliant number of affordable units (11) and a net increase of 5 units . The proposal would provide a significant amount of new office space in a town centre location and better quality retail units which will enhance this Major shopping centre .The applicant estimates that this proposal will result in 1110 jobs (a net increase of 990 compared to the existing site) and that new residents of the development and occupiers of the non-residential floorspace will spend approximately £16.3 million a year. Of this, there is likely to be an amount of discretionary expenditure spent with retail businesses within Queensway/Westbourne Grove Major Shopping Centre. This equates to approximately £2.5 million per annum and could support up to 100 additional retail jobs within the local economy. This uplift in commercial floorspace and the mix of uses proposed within this town centre location would be consistent with policies 13 and 14 of the City Plan. These public benefits of the scheme are given considerable weight.

During construction, the applicant estimates that the proposed development would directly generate 100 jobs and indirectly generate another 65 jobs. Opportunities for local employment during construction and demolition would be maximised through a Local Employment and Skills Plan and a contribution of £ 293,977 toward the Westminster Employment Service would also be provided. This would be consistent with policy 18 of the City Plan.

The applicant has also noted that the proposed development would include public realm improvements to Porchester Gardens and Inverness Terrace and improvements to the Lady Samuels Gardens and these can be secured by a Section 106 Agreement. The applicant has recently offered a further payment of £20,000 towards tree planting in addition to the biodiversity measures included within the new development . A financial contribution is also offered towards improvements to play space in the vicinity of the development is also secured .A small area of the highway will need to be Stopped Up. Whilst the Highways Planning Manager objects to this loss of highway , the area is very small and will improve the quality of the public realm.

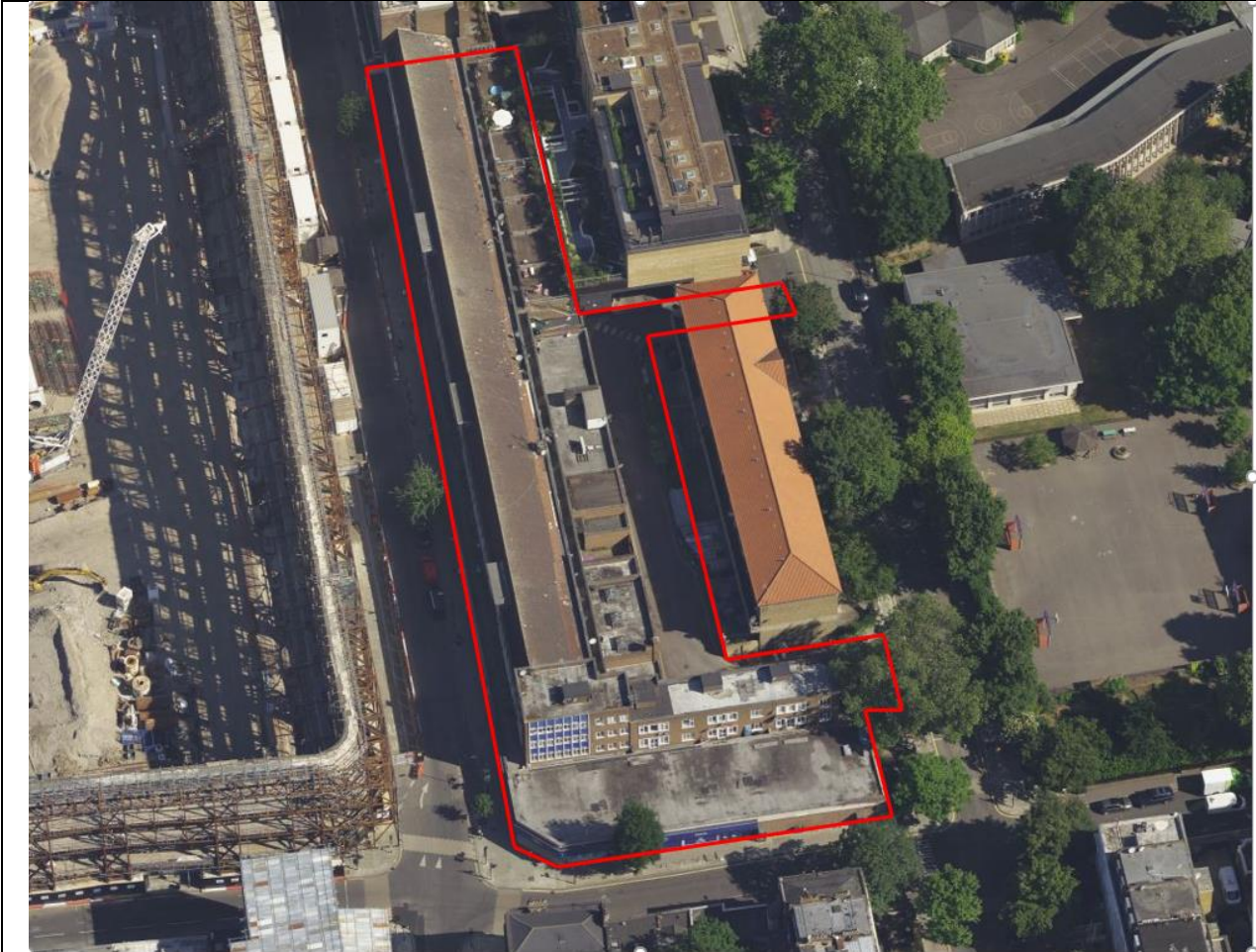
The package of public benefits and their relationship to the development plans aspirations are given significant weight and it is considered on balance that these outweigh the less than substantial harm to the designated heritage assets .Therefore it is recommended that permission be granted subject to Stage 2 referral back to the Mayor of London and the completion of a Section 106 agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS
Aerial view – site outlined in red





Front and rear elevations



Queensway elevation looking south



Rear of the application site – looking towards Cervantes Court and Aird House

Rear elevation of Aird House



Rear elevation of Cervantes Court – garages at lower ground level being converted into 2 flats



5. CONSULTATIONS

FIRST ROUND OF CONSULTATION (EXPIRED ON 9 SEPTEMBER 2020- This proposal had no affordable housing)

WARD COUNCILLORS

No response received.

GREATER LONDON AUTHORITY (GLA)

In their Stage 1 response, the GLA advise that, whilst the proposal is supported in principle, the application does not currently comply with the London Plan and Intend to Publish London Plan.

Principle of development: The redevelopment of this town centre site for commercial-led mix uses is strongly supported in principle, in line with London Plan Policies 2.15 and 4.2 as well as Intend to Publish London Plan Policies SD6, SD7 and E1 and Objective GG2

Affordable housing: The scheme is proposing 0% affordable housing, which is wholly unacceptable. The GLA will robustly interrogate the viability assessment submitted to ensure that the maximum level of affordable housing is delivered and the requisite review mechanisms secured.

Heritage and urban design: Broadly supported as the approach to design in terms of layout, height and massing and appearance is consistent with and relates to the surrounding context, and the significance of the nearby heritage assets would be conserved.

Transport: Broadly supported. However, the applicant should show greater commitment towards providing Healthy Streets improvements and the trip generation should be updated to reflect more recent data.

Sustainable development: Further information is required in relation to overheating, district heating connections and futureproofing, PV and the air source heat pumps.

HISTORIC ENGLAND (ARCHAEOLOGY)

The application site is not within an Archaeological Priority Area (APA) and the applicant's desk-based assessment concludes that the site has low archaeological potential. Note that archaeology condition has been previously recommended but having reviewed the evidence presented in the context of Westminster's revised APA system, this condition is no longer recommended.

Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

HISTORIC ENGLAND (CONSERVATION AND LISTED BUILDINGS)

Based on the information available to date, advise that they do not wish to offer any comments. Advise that views of specialist conservation advisers should be sought.

TRANSPORT FOR LONDON (TfL)

Healthy Streets: The proposed re-development will see an increase in pedestrian and cycle trips to/ from the site and the local area. The development will not provide any car parking and includes works to improve public realm and provide cycle parking. This will contribute towards promoting and encouraging sustainable and active travel which supports Healthy Streets indicators in terms of reducing car dominance and contributing towards clean air. It is also understood from the Transport Assessment (TA) that the proposed Queensway public realm scheme in the vicinity of the site will address most of the areas of improvement identified in the Active Travel Zone (ATZ) assessment. This is welcomed. However, there are areas of improvement identified in the ATZ assessment at routes 4 and 5 that remain unaddressed. TfL request that the applicant commits to contributing towards these improvements in line with policy T2 of the London Plan.

Trip Generation: A trip generation exercise has been undertaken using different methodologies for each of the land uses. Regarding the proposed office space, the methodology used is acceptable with the assumption of 85% daily occupation. However, the employment density used for the proposed development has been derived from the government employment density indicator. The density applied should be London-specific and therefore, the average office density identified in the London Office Policy Review (LOPR) should be applied. In addition, some of the figures used in the office trip generation exercise are outdated, particularly the peak hour arrivals/departures as they are based on data from the 2004 Broadgate Employee Travel Survey (BETS). Surveys done of similar offices in London suggest that 56% of employees arrive between 8-9 am and 57% depart between 5-6pm. It is requested that the applicant applies these percentages to the trip generation exercise to present a more accurate estimation of peak hour trip generation. For the residential element of the scheme, the trip generated has been based on comparable sites within the TRICS database which is acceptable. The above revisions to the trip generation are required to ensure TfL has a robust understanding of the site impact in line with policy T4 of the London Plan.

Car Parking: The car-free nature of the proposed development complies with policy T6 of the London Plan. However, given the site's excellent PTAL, TfL would also expect a restriction on residents applying for parking permits in the local Controlled Parking Zone (CPZ). This should be secured through an appropriate legal mechanism. It is understood that no disabled parking spaces will be provided on site from the outset and that blue badge holders can use an existing disabled parking bay on Queensway. Furthermore, additional disabled parking space is proposed to be provided on-street if demand arises. TfL request that the applicant and City Council identify a location where disabled parking can be provided in the future if needed.

Cycle Parking: A total of 224 long-stay and 78 short-stay cycle parking spaces are proposed which is in line with policy T5 of the London Plan. Long-stay spaces will be located at basement level with changing rooms, showers and lockers for the anticipated staff of the development. Short-stay spaces will be provided within the public realm which is welcomed. TfL understand that cycle parking has been designed and laid out in

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accordance with the guidance contained in Chapter 8 of the London Cycling Design Standards (LCDS), which is welcomed.

Construction: Section 8 of the TA provides brief information on proposed construction arrangements. TfL understand that construction may entail footway closures and use of on-street parking. More details on this should be provided once they are known and should be included in a Construction Logistics Plan (CLP). The final CLP should be secured by condition and be produced having regard to TfL's best practice guidance.

Delivery and Servicing It is understood from Appendix B of the TA that refuse collection and large deliveries will be undertaken within the site on Cervantes Court Road, which is welcomed. Smaller deliveries will be undertaken on Queensway in front of the site. Further details on proposed delivery and servicing arrangements should be provided in a full Delivery and Servicing Plan (DSP). The DSP should be secured by condition and be produced having regard to TfL's best practice guidance.

Travel Plan: A draft Travel Plan (TP) has been provided in Appendix A of the TA. The proposed development will be car-free and therefore the majority of trips generated by the development will be sustainable which is in line with the Mayor's Transport Strategy objectives to shift travel modes to sustainable transport. However, it is recommended that the TP sets mode share targets with an aim to shift travel modes from public transport towards cycling and walking. The final TP should be secured, enforced, monitored and reviewed by the applicant as part of the s106 in line with policy T4 of the London Plan.

THAMES WATER

Raise no objection, subject to conditions to safeguard water infrastructure and ensure sufficient capacity for the proposed development.

NHS CENTRAL LONDON

No response received.

DESIGNING OUT CRIME OFFICER

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Object to no affordable housing being offered either on site or a full financial payment in lieu. Also object to all the shop units not having rear access for deliveries or refuse & recycling collections and this is totally unacceptable on a new development.

Expect hours of opening of shops and restaurants to be no more than Westminster Core Hours policy. Also want all deliveries and refuse and recycling collections to take place between 0800 & 1800 and reduced hours on Sundays & Bank Holidays

BAYSWATER RESIDENTS ASSOCIATION

No response received.

HIGHWAYS PLANNING MANAGER

Subject to conditions, supports cycle parking, lack of non-residential car parking, trip generation, waste storage and canopies/awnings. Concerns raised with lack of on-site residential car parking, servicing arrangements, building line setback and stopping up and public realm works. The Highways Planning Managers comments are discussed in greater detail below.

ENVIRONMENTAL HEALTH OFFICER

Air Quality

The proposed development is situated within an area of poor air quality. Given the sensitive nature of the development and end use with residential properties, mitigation measures are considered necessary to protect future occupiers.

With regards to the construction phase, a dust risk assessment has been completed where it has been confirmed that there is a medium risk for dust soiling and low risk to human health. Mitigation measures to reduce these risks to a point where they will be not significant have been indicated by the applicant. Developments of this size will have to comply with the councils Code of Construction Practice, where a site-specific Site Environmental Management Plan will need to be agreed prior to commencement of the development and this will be required by planning condition.

Predicted vehicle movements associated with construction traffic have not been provided. There is the potential for an adverse impact to local air quality and a detailed assessment should be completed. It is recommended that numbers of vehicles are screened against the IAQM criteria and where it is exceeded, a detailed assessment should be undertaken. It is understood that a construction logistics plan should be implemented to reduce unnecessary traffic movements, although where adverse impacts are predicted harder measures in addition to logistics may be required.

The proposed development is car free and the maximum increase in annual average daily traffic (AADT) is predicted to be 72 light duty vehicles (LDVs) and 8 HDVs. The predicted levels are below the thresholds for significant impact therefore impacts are considered not significant.

Heating and hot water will be supplied by heat pumps and will not have an associated air quality emission. An emergency standby generator is proposed (375kVA) which will only be used for testing and maintenance purposes and the flues are proposed to terminate at roof level. Roof level plans do not indicate the location of the flues and it again had this scheme been considered acceptable it would have been reserved by condition . included.

The Local Atmospheric Emission Inventory (LAEI) has been used to determine local air quality concentrations where it has been reported that the area exceeds the annual mean national objectives for Nitrogen Dioxide (NO₂). The report has recommended that the development should incorporate a ventilation strategy to supply the properties with clean air and it has recommended that NO_x filtration should be included. Where mechanical ventilation is required then the properties should be designed to prevent overheating in accordance with CIBSE TM52.

Roof terraces and balconies are included and in these areas the annual mean is applicable. LAEI data only provides ground floor concentrations and air quality does improve with height but the applicant should predict concentrations for these residential outdoor areas and make assessments against the National AQO

Restaurant uses have been proposed although the ground floor plans do not indicate that there are any outdoor seating areas. If outdoor seating areas are proposed, then the 1-hour mean national objective is applicable. Data presented from the LAEI indicate an exceedance of the annual mean and it can be considered that exceedances of the NO₂ 1-hour objective may occur at roadside sites if the annual mean is above 60µg/m³. The applicant should either confirm that no outside seating areas are proposed and/or, report the predicted concentrations and provide an assessment on the likelihood of the short-term objective being exceeded.

The applicant has confirmed that there will be no car trips from the development, and it is proposed to be car free. It can be agreed that the development is Air Quality Neutral for Transport emissions.

It has been stated that there are no combustion sources therefore no associated emissions and meets the required benchmarks. A back-up generator is proposed that will have associated emissions and it is recommended that emissions from testing maintenance cycles should be calculated and compared against site specific derived benchmarks.

Noise and Vibration

The applicant property has been assessed as being in an area in which existing ambient noise levels exceed WHO Guideline Levels. No objections are raised to the proposed plant on noise grounds, and had this scheme been considered acceptable a condition requiring the submission of an supplementary acoustic report would have been imposed to demonstrate compliance with the Council's noise conditions.

The proposal includes commercial uses which may result in high internal activity and to need to safeguard the amenities of the future residents above. Again this could be reserved by conditions and also details requiring extract ventilation and the emergency generators.

Ventilation & Overheating

With regards to the restaurant uses, it has been stated that all kitchens exhaust discharge will occur at roof level. All the kitchen exhaust air will be treated with UV/HEPA/carbon activated filtration to mitigate cooking smells of the exhaust and these are highlighted on the roof level drawing.

With regards to the residential uses, both the noise report and the air quality assessment confirm that windows may need to be kept closed to prevent ingress of poor air quality and high levels of external noise. The air quality report also advises that NO_x filtration should be incorporated into the design of the system to ensure that air is of suitable quality and again had this scheme been considered acceptable, it could be reserved by condition.

Requiring developments to have closed windows can lead to overheating in the summer months. The proposed mechanical ventilation system should be designed so that it provides adequate cooling. CIBSE TM59 provides a methodology to assess overheating and an assessment should be provided to demonstrate compliance with this standard,

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and again this could be reserved by condition to safeguard the future residential occupiers.

BUILDING CONTROL

No response received.

WASTE PROJECT OFFICER

Separate waste storage for commercial and residential units are located within the basement and temporary waste loading areas located on the ground floor drawing. Waste servicing will be carried out on-site on Cervantes Court. The waste storage capacity and waste servicing proposed is acceptable. However, the applicant has not labelled the bins and the waste equipment within the waste stores located in the basement drawing. The applicant will need to submit revised basement drawing to show the bins and waste equipment indicated within the commercial and residential waste stores labelled appropriately.

ARBORICULTURAL MANAGER

No response received.

AFFORDABLE HOUSING SUPPLY MANAGER

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 671
Total No. of replies: 9
No. of objections: 6
No. in support: 3

In summary, the objectors raise the following issues:

Land Use

- Lack of affordable housing unacceptable;
- Given the large number of vacant shops in the area, the proposed shops are not likely to be viable;
- Post-pandemic, office space is declining and the proposed office floorspace is not likely to be viable;
- Removal of the post office will remove a valuable amenity for local residents and businesses;

Townscape and Design

- Height and/or bulk of proposed building is excessive;

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- Although the existing buildings are not aesthetically outstanding architecture, the replacement building is mediocre and does not warrant their demolition;

Amenity

- The height of the proposed development will significantly block daylight and sunlight to nearby residential properties;
- By reason of its close proximity to properties to the rear, the proposed development will dominate properties to the rear;
- By reason of its close proximity to properties to the rear, the proposed development will cause loss of privacy;

Highways

- Servicing from Queensway will cause traffic delays. The proposed shops should be serviced from the rear, rather than from Queensway;

Other

- Construction noise will be unacceptable on its own or in conjunction with Whiteleys redevelopment; and
- There are several elderly residents living within the building to be demolished who have not been consulted and the applicant has not advised what will happen to them.

In summary, the supporters raise the following issues:

- The architecture is sympathetic to its surroundings;
- The proposal will kickstart and/or contribute to further regeneration of Queensway;
- The proposed development will bring much needed jobs and investment;
- The provision of office space will significantly enhance the daytime economy;
- The design of the scheme is well considered and will complement the area; and
- The scheme should be permit free for all but blue badge holders.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

SECOND ROUND OF CONSULTATION THAT EXPIRED ON 3 JANUARY 2022.

Additional consultation took place following addition of seven affordable residential units; revisions to bulk and massing on Porchester Gardens and Inverness Terrace corner of site; and amendments to façade designs and materials.

FORMER WARD COUNCILLOR -COUNCILLOR BURBRIDGE

Requests that the post office on-site is re-provided elsewhere during construction and/or re-provided within the development at a discounted rent.

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GREATER LONDON AUTHORITY

No response received.

HISTORIC ENGLAND (ARCHAEOLOGY)

No response received.

HISTORIC ENGLAND (CONSERVATION AND LISTED BUILDINGS)

Based on this information, they do not wish to offer any comments. Suggest that the views of Council's specialist conservation advisers are sought.

DESIGNING OUT CRIME OFFICER

No response received.

NHS CENTRAL LONDON

No response received.

TRANSPORT FOR LONDON

Confirm that they will provide comments at Stage 2 when consulted by the Mayor of London.

THAMES WATER

Raise no objection, subject to conditions to safeguard water infrastructure.

BUILDING CONTROL OFFICER

No response received.

WASTE PROJECT OFFICER

Note that separate waste storage for commercial and residential units are located within the basement and temporary waste loading areas located on the ground floor drawing. Waste servicing will be carried out on-site on Cervantes Court. The waste storage capacity and waste servicing proposed is acceptable.

However, the applicant has not labelled the bins and the waste equipment within the waste stores located in the basement drawing

HIGHWAYS PLANNING MANAGER

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Subject to conditions, supports cycle parking, lack of non-residential car parking, trip generation, waste storage and canopies/awnings. Concerns raised with lack of on-site residential car parking, servicing arrangements, building line setback and stopping up and public realm works. The Highways Planning Manager's comments are discussed in greater detail below.

AFFORDABLE HOUSING SUPPLY MANAGER

Eleven affordable homes represents 35% of the new homes and welcomes the on site affordable housing .Prefer that 2 beds should be made available as social housing to meet the Council's primary housing demand and 1 bed units to be intermediate rented housing .However noting the Council's own viability evidence that suggests that 35% affordable housing even at 100% intermediate housing will not be viable , the introduction of lower value social rented units will make the scheme less viable .Therefore based upon this evidence Housing can support a 100% intermediate offer .Housing does have some concerns about potential service charge levels as both the affordable and private will share common entrance and parts and would prefer separate cores/entrance .However the applicant has indicated this is not possible but service charges will be minimised by the design. The intermediate rents will be 5x 2 bed units at London Living Rent (LLR) and 6 x1 bed units .LLR are determined by the GLA according to ward location and are restricted to household incomes up to £60,000 .WLQR are linked to those lower income households registered with the Council for intermediate housing in the City. Qualifying household incomes for these units will be significantly below £60K .

ARBORICULTURAL MANAGER

No response received.

ENVIRONMENTAL HEALTH OFFICER

No response received.

BAYSWATER RESIDENTS ASSOCIATION

No response received.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 671
Total No. of replies: 7
No. of objections: 3
No. in support: 4

In summary, the three objectors raise the following issues:

Land Use

- The proposal would result in the loss of several shops essential to the neighbourhood, including a chemist, supermarket and post office. If these go, people, including elderly residents or those with disabilities, would have to travel out of the area to carry out daily tasks;
- Demolition of existing homes is unacceptable;
- Lack of social housing unacceptable;
- Too much office floorspace is proposed for this town centre location;
- Request the provision of a permanent prayer facility as the current provision in Queensway market is very limited and a prayer space would be beneficial for the area.

Townscape and Design

- Height and/or bulk of proposed building would make Queensway a tunnel blocking out light;
- Height and bulk of the building is out of character with the street;
- Design of the building is not sympathetic to architecture of Bayswater;
- Although the existing buildings are not aesthetically outstanding architecture, the replacement building is mediocre and does not warrant their demolition;

Amenity

- The height of the proposed development will significantly block daylight and sunlight to nearby residential properties;

Other

- Construction noise and disturbance will be unacceptable, particularly in conjunction with or following Whiteleys redevelopment;

There is an online petition organised by Westminster Conservatives to save the existing post office in Queensway which has over 2000 signatures to keep the existing post office open. This petition has not been submitted as part of the consultation responses to this planning application, but officers are aware of its existence and for completeness sake have included reference to it in the Committee report.

Letter with 29 signatures from local businesses on Queensway and Westbourne Grove in support. Three further letters of support have been received from local landowners and a local resident and these are summarised below:

Warrior Capital cites the need for on-going regeneration and investment in both Queensway and Westbourne Grove. Delivery of Queensway Parade is essential to the long term vitality of Queensway and much supported bringing capacity for new jobs, support local shops Number and quality of the affordable housing is a significant benefit.

Existing building is the least attractive building in Queensway and the proposal represents opportunity for change and significant improvement which is welcomed and complete the regeneration of Whiteleys and other developments in Queensway.

DC Properties previously written two letters of objection(owners of Aird House) .Now note the alterations to the scheme and now in the position that the proposal will be significantly beneficial to the locality rather than causing detrimental harm .Previous position regarding the potential loss of daylight and sunlight to the rear facing blocks of Aird House .Assessed the revised proposal and there will not be the significant loss of light which they originally feared and that living conditions for their residents will remain good once the development is completed .Welcome 11 affordable homes in line with policy .Principle of office is supported through policy and supported by local stakeholders. Support the revised design ,its sensitive mix and sustainability credentials. Support redevelopment and much needed office floorspace and provide more job opportunities .Also improve Cervantes Court which has serious issues with crime and anti-social behaviour .

5.2 Applicant's Pre-Application Community Engagement

A meeting was held with Councillor Barraclough (the Cabinet Member) on 10 August 2022 and notes of this meeting are included in the background papers.

An earlier meeting was held with Councillors Green and Rigby on 22 July 2020 where the applicant was advised to include affordable housing within the development and a summary note of this meeting is also included in the background papers.

In addition, the applicant has carried out extensive pre-application engagement with the local community in the summer 2019 with public exhibitions which were well attended by residents. As set out in the applicant's Statement of Community Involvement , a total of 135 residents and stakeholders attended consultation events and the overall feedback was constructive and positive .Many residents agreed with the principle of redevelopment ,the improvements to the public realm and believed that the design was an improvement compared to the existing building . Due to the impact of the COVID -19 pandemic and the inability to hold face to face meetings, the applicant undertook a range of digital consultations .

The applicant has undertaken consultation with the Ward Councillors ,the local amenity groups during the determination of this application and in respect of the proposed revisions.

6 WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 and London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021 .The policies of the City Plan are consistent with national policy as set out in the National Planning Policy Framework(NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster

in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and where relevant, neighbourhood plans covering specific parts of the City

As set out in Section38(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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy and Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found sound and in accordance with the tests set out in paragraph 35 of the NPPF .They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is located on the east side of Queensway, at its junction with Porchester Gardens. The existing buildings are not listed and located within the Queensway Conservation Area. The site is also located within the Queensway/Westbourne Grove Major Shopping Area and in an area of Open Space Deficiency.

It is approximately 0.4 hectares in area and occupies a 'L' shaped parcel of land fronting Queensway and Porchester Gardens. The existing buildings are a 1950s block laid out over three to four floors, with retail to ground floor and residential to upper floors(27 units). There is a small existing basement. The twelve retail ground floor units project out from the upper building line to the rear of the footway on Queensway and Porchester Gardens. The projection of the ground floor is most pronounced facing Porchester Gardens where the entire retail unit projects out from the southern upper floors building line. There are two street naming plates 'Porchester Gardens' located on the existing buildings , one on the corner with Queensway and the other on the corner with Inverness Terrace. There are 2 ATM machines in the Porchester Gardens elevation.

Directly opposite the site to the west on the other side of Queensway is the Grade II listed Whiteleys, which is currently being redeveloped behind its retained façades for mixed retail, hotel and residential uses which is due to completed in 2023.

The site backs onto Cervantes Court, which acts as a service yard for the retail units on-site and shared access for the upper floors and other adjacent buildings.

Cervantes Court is a 3 storey plus lower ground post war building and comprises of flats and a dental surgery in the southern corner . At the rear there are garages at lower

ground floor level. Works are currently taking place to convert four of these garages into 2 flats .

Also, at the rear of the site is Aird House a 4 storey block which is a modern building of a mixed use of residential units and refurbished Tesco's at 138-140 Queensway and contains its supermarket's service yard on ground floor. The windows of the flats in the rear elevation of Aird House which look over the application site have distinctive projecting 2 sided windows which have obscure glazing and a number have small projecting balconies and there are larger roof terraces at the rear and on the main roof.

The rear elevations of the existing buildings are clearly visible from Inverness Terrace and Porchester Gardens to the east (both within the Bayswater Conservation Area). Further to the east on the other side of Inverness Terrace is the Hallfield Estate Conservation Area, and its constituent listed blocks of flats and the Grade II* listed School.

To the south-east of the site are the Grade II listed stuccoed four-storey terraces which front both sides of the southern end of Inverness Terrace, within the Bayswater Conservation Area. There is the public house, a flower stall and a hotel opposite the application site on Porchester Gardens. Also, on the corner with Inverness Terrace and immediately abutting the application site is the 'Lady Samuels Garden' featuring the bust of George Kastrioti Skanderbeg Memorial. There is a plaque on the wall which reads 'this garden was refurbished by Westminster City Council in consultation with the Residents of Bayswater January 1992' .There is also a mature street tree next to the garden, cycle racks and bollards and other street trees next to the site along the frontages.

The application site lies outside the Central Activities Zone(CAZ). It is well served by public transport and has an excellent PTAL of 6B which is the highest . It is located within Flood Zone 1 and within a Surface Water Hotspot.

7.2 Recent Relevant History

17/10151/FULL

Demolition of existing buildings and redevelopment to provide a new building comprising two basement levels, ground and five upper storeys for retail use at ground and part basement levels (Class A1 and flexible A1/A3) with up to 94 residential units (Class C3) on the upper floor levels with associated private amenity spaces, retail servicing access road with planted deck over to the rear, provision of 50 private residential and 36 public car parking spaces, cycle parking and associated basement level plant and servicing provision.

Application Withdrawn

3 August 2020

18/00294/FULL

Demolition and redevelopment of 114-144 Queensway and 97-113 Inverness Terrace, to provide a new building comprising two basement levels, ground floor and five upper storeys, providing retail (Class A1 and flexible A1/A3) with up to 79 residential units (Class C3) at upper levels with associated private amenity space, the provision of 50 private residential and 36 public parking spaces including disabled and electric vehicle charging spaces at basement level, secure cycle parking spaces, associated basement

level plant and servicing provision.
Application Withdrawn

3 August 2020

20/04633/EIASCR

Request for an Environmental Impact Assessment (EIA) Screening Opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) regarding the proposed redevelopment of the site at 114-150 Queensway and 97-113 Inverness Terrace, W2 (Queensway Parade). Advised that due to the scale of the proposed development an EIA not required .

There are a number of applications relating to the current commercial uses, but these have limited weight in the determination of this current planning application .

8 THE PROPOSAL

The applicant proposes demolition of all buildings on the application site and erection of two, seven storey plus basement level buildings. Both new buildings would include Class E uses (Retail, Restaurant and Office Lobby) at ground floor. The largest of these two buildings, at the southern end of the site, would include Offices (Use Class E) on the upper six floors. These offices would be accessed via a double height atrium on the Queensway and Porchester Gardens corner of the site.

The smaller of the two buildings at the northern end of the site would include 32 new residential units. The original submission did not include any affordable housing and was accompanied by a viability report to support the applicant's case that it was not viable at that time to provide any affordable housing.

Following revisions to the proposal, the applicants initially proposed seven intermediate flats and in this latest submission this offer has been increased to eleven flats for intermediate rent located on the first and second floors(778 sq. m). This now represents 35% provision. Five of these flats will be at London Living Rents and 6 at the Lower Quartile Rents

The application site also includes the private road at the rear of the site behind Cervantes Court. The applicant proposes introducing access control gates to Cervantes Court and using it as a service yard for the majority of the proposed uses, and this will follow the existing one way system, entry via the southern arm and exit via the northern arm onto Inverness Terrace. Three dedicated loading bays will be created to accommodate 1x7.5 ton van and 2x10m rigid trucks.

Since the original submission, there have been several design changes. Further amendments have been made to reduce the massing of the southeast wing of the office building. At level 6 , this has been recessed further to create more of a stepping character . There has also been reductions to the massing of the east façade to Cervantes Court , pushing back from Level 1 to Level 6 between the cores to create terrace spaces. The detailed design treatment has also changed; namely to add additional vertical reconstituted stone columns to the southern Queensway corner to increase solidity, additional planting and brick to parts of the rear façade of the office building to tie in with the brick façade to the new residential building.

The proposal is for BREEAM Excellent for the commercial and is targeting BREEAM Outstanding as a highly sustainable building.

The existing and proposed floor areas are set out in Table 1 below:

Table 1: Floor Areas

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail and Restaurant (Use Class E)	3,616	2,216	-1400
Office (Use Class E)	-	10,978	+10,978
Residential (Use Class C3)	2,765(27 units)	3,634(32 units)	+869
TOTAL	6,381	16,828	+10,447

The mix of residential units proposed are set out in Table 2 below:

Table 2: Residential Unit Mix

TENURE	NUMBER OF BEDROOMS					TOTAL
	STUDIO	ONE	TWO	THREE	FOUR	
Market	0	6	12	3	0	21
Intermediate Rent	0	6	5	0	0	11
Social rented	0	0	0	0	0	0
TOTAL UNITS	0	12	17	3	0	32
TOTAL (%)*	0	38%	53%	9%	0	100%

*Total not 100% due to rounding

Amendments to the Application

To address concerns raised by officers, the application was amended on 2 December 2021 as follows:

1. Seven intermediate affordable units were proposed on level 1.
2. The bulk and massing at the south-eastern (Inverness Terrace) corner of the site has been reduced at sixth and seventh floor levels;
3. The two recessed bays on the rear (eastern) elevation at sixth and seventh floor levels have been extended to the full height of the building, and made deeper at sixth and seventh floor level; and
4. Minor amendments to the façade, including the addition of reconstituted stone columns at third, fourth and fifth floor level on the Queensway corner; change from glass balustrades to metal balustrades at sixth floor level; and the addition of brick

infill panels on the rear elevation.

To address further concerns raised by officers, the application was amended again on 14 January 2022 to include 11 intermediate affordable units on levels 1 and 2. Further information has been provided in respect of the Circular Economy and Whole Life Carbon, updated Design and Access Statement and updated BRE report in respect of the new residential accommodation to reflect the changes which came into force in June this year. The applicant has recently updated the affordable housing offer 5x2 bed units will be London Living Rent and 6x1 bed units will be Lower Quartile Rent .

Referral to the Mayor of London

Pursuant to the Town and Country Planning (Mayor of London) Order 2008 (as amended) (“the Order”) this application is referable to the Mayor of London as it is a development which comprises or includes the erection of a building or buildings in Central London (other than the City of London) with a total floorspace of more than 20,000 square metres. Accordingly, this application must be referred to the Mayor of London, following the committee’s resolution, for a final decision. The Mayor’s Stage 1 comments are set out in further detail in this report and included in the background papers.

9 DETAILED CONSIDERATIONS

During the determination of this planning application the City Council adopted its City Plan in April 2021. The City Council has recently adopted its Environmental SPD in February 2022 and the application has been assessed in the light of these adopted policies and London Plan policies and guidance.

9.1 Land Use

9.1.1 Loss of Existing Uses

A former Ward Councillor and three objectors have raised concern with the loss of several shops and in particular the post office at No’s 118-120 Queensway because of this proposal and once the development has been completed . There is an online petition to save the Post Office although this has not been formally submitted in respect of this planning application, due regard has been had to this petition.

Whilst these concerns are understood, the proposed development would provide 11 retail units once the development is completed in better quality units with step free access and with high quality shopfronts.

There are no development plan policies which protect the post office use per se as it falls within Class E of the Use Classes Order and therefore it can change within that Use Class to other uses without the need for planning permission. However, in the light of these objections and the on line petition , the developer has offered an alternative location for the Post Office in 125 Queensway and discussions are on- going.

It is considered that this offer is reasonable and whilst the Council cannot insist via legal agreement or a planning condition that an alternative site must be found prior to the

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demolition of the existing buildings, the applicant is actively seeking to resolve this matter with the Royal Mail and will continue to use reasonable endeavours to facilitate the retention of the post office in the local area. It is considered this is as far as the applicant can go at this stage.

The proposed redevelopment will result in the loss of two ATM's machines .It is recognised that these machines do provide a vital local service, albeit it is also accepted there are ASB issues associated with these units in this location .It is not considered reasonable that a condition be imposed to require their reinstatement in the new building. The proposed new building introduces an active retail frontage along Porchester Gardens which is welcomed compared to its existing dead frontage.

9.1.2 Proposed Retail, Restaurant and Office Uses

Policies 13 and 14 of the City Plan support the principle of retail and restaurant uses at ground floor within town centres like this, provided they maintain active frontages and are open to visiting members of the public. The proposed eleven units with their attractive shopfronts will provide active frontages facing onto Queensway. Whilst there is a 39% reduction in retail Class E floorspace because of this proposal, the proposed replacement shops are considered to be of good size and will complement and enhance the existing retail offer in this Major Shopping Centre. The proposed retail units vary in size from 102 sq. m to 327 sq. m offering the flexibility for anchor tenants and smaller units , and 70% will be for retail uses in Class E1 (a) and 30% flexible retail and restaurants and will be secured by condition .No Class A5 or A5 units are being proposed.

Conditions are proposed to control the Class E uses, their hours of opening(07.00-23.30 hours – the same as Whiteleys) , new shopfronts, extract ventilation and servicing. The proposed retail and restaurant use would be consistent with policies 13 and 14 of the City Plan and are welcomed.

Policies GG5 and E1 of the London Plan supports 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. Accordingly, the proposed office floorspace is supported in principle. Policy 13 of the City Plan also supports the provision of new office floorspace whilst policy 14 of the City Plan also supports the intensification of town centre uses, with offices within designated town centres such as this. Accordingly, the principle of the proposed office floorspace is supported as a mixed use redevelopment.

Policy E2 of the London Plan seeks to ensure that development proposals for larger quanta of B Use Class (Now Class E (g)(i)) floorspace consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small, and medium sized enterprises, and that these proposals deliver office space that is fit for purpose.

Whilst the drawings show that the office accommodation at Levels 1-6 is substantial (8319 sq. m) , this could be divided if there is demand to do so. The proposed development would provide a range of office accommodation which would complement the shopping centre, provide employment opportunities and is considered a public benefit of the proposed development. A condition is also recommended to limit the office

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accommodation within Class E to ensure that it delivers the regeneration benefits and not used by other uses within Class E or be converted to residential accommodation under Class MA at a later date.

One objection has been received requesting this development include a permanent prayer facility as the existing facility within Queensway Market is limited . It is not considered reasonable to require the inclusion of such a sui generis use within the ground floor commercial frontage as it is a Major Centre as the priority is to ensure that any redevelopment protects and enhances the retail viability and vitality of this centre.

9.1.3 Proposed Residential Use

Policy 8 of the City Plan and policies GG4 and H1 of the London Plan support the principle of new residential units throughout Westminster, particularly on brownfield sites like the application site. Policy 14 of the City Plan also supports new residential units above ground floor level in town centres like this. As a result of this proposal 27 existing units would be lost but replaced with 32 new units of which 21 are market and 11 are affordable.

Policy 8 of the City Plan limits the size of new residential units to no more than 200 sqm GIA to ensure that site capacities are optimised. None of the proposed flats exceed 200 sqm, in accordance with policy 8 of the City Plan.

In respect of optimising the residential use of this site, it is recognised that more residential units could be provided, but this proposal is also providing a significant amount of office floorspace which is also acceptable and supported by policy. Therefore, it is considered that the proposed 32 units is reasonable level of provision which is net increase of 5 units together with the 1 intermediate affordable flats.

Affordable Housing

Policy 9 of the City Plan requires that at least 35% of new homes will be affordable. This equates to 11 affordable homes in this instance. Policy 9 requires that these units be provided on-site. In exceptional cases, the affordable units can be provided off-site where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate. A payment in lieu may be acceptable as a last resort if it is demonstrated to the council's satisfaction that no sites are available for off-site provision.

Background to Current Affordable Housing Offer

The applicant originally proposed no affordable units on-site or off-site and no payment in lieu. They instead contended that it would not be viable to do and submitted a viability appraisal by DS2 which was reviewed on behalf of the City Council by Avison Young. Following this review, a further review by the GLA and discussion with the applicant, officers gave little weight to the viability appraisal provided and did not accept that the development was incapable of providing affordable housing on-site and this has been the subject of extensive discussions with the agent.

Current Affordable Housing Offer

The applicant now proposes 11 affordable units on-site all to be intermediate rent .These are located on the first and part of the second floor levels .This would meet the 35% requirement within policy 9 of the City Plan. However, policy 9 also requires that 60% of the affordable units will be ‘intermediate’ affordable housing for rent or sale and 40% will be social rent or London Affordable Rent.

In this instance, all 11 units would be intermediate rent. The Head of Affordable Housing and Partnerships supports the intermediate units proposed, although has raised some concerns about potential service charges for these units as they share a common entrance and circulation space with the private units. This may make the units unattractive to some affordable housing providers.

Whilst the Head of Affordable Housing and Partnerships concerns are noted, paragraph 3.6.7 of the supporting text to policy D6 of the London Plan requires maximisation of tenure integration. Creating separate entrances would not be consistent with this and an objection to the development on this basis would not be sustainable. It is considered that a tenure blind building is a suitable way forward.

The provision of these 11 affordable units will be secured by a legal agreement and shall be provided prior to the occupation of the market units .The proposed development would be subject to early and late stage viability review mechanisms which the applicant has agreed to and be secured in the legal agreement .

Residential Mix

Policy 10 of the City Plan requires that 25% of all new homes be ‘family sized’ (i.e., with 3 bedrooms or more) and limits studio flats to no more than 10% of new homes. In this instance, no studio flats are proposed although only 9% of the proposed flats would be family sized(see Table 2). However, paragraph 10.6 of the supporting text to policy 10 states that the 25% requirement is a strategic target, rather than a site specific one, and there may be circumstances where it is not appropriate to provide family sized homes, due to a site’s small size, location or other practicability issues.

The site is constrained in terms of the potential layout of units by the narrowness of this site and the need to re-provide a minimum level of residential units to replace those demolished to facilitate this development. The application site’s location within a town centre location and on a relatively busy road also makes it a location where a higher proportion of family sized accommodation would not be appropriate. Accordingly, the lower proportion of family sized accommodation proposed is acceptable in this instance.

The same standards of accommodation have been used for market flats and the intermediate and all share a common entrance. Accordingly, the proposed flats are tenure blind and will have the same external appearance. Service charges for these intermediate units will be a concern and this will need to be addressed in the section 106 legal agreement .

Standard of Residential Accommodation

All flats exceed the Nationally Described Space Standards, include 2.5 m floor to ceiling

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heights and the requirements of part F of policy D6 of the London Plan and policy 12 of the City Plan. As noted by the GLA, the cores would be efficient (4 to 7 units per floor), with no single aspect north-facing units and the provision of dual aspect units maximised given the narrowness of the site.

Of the 32 units proposed, 28 would have access to a private terrace or balcony. The remaining four, which are all one-bedroom units facing onto Queensway, would have no external private amenity space. However, this site is a relatively narrow site within a town centre and officers consider the provision of private outdoor amenity space has been maximised whilst at same time preserving the amenities of neighbouring residents. These four units would also significantly exceed the minimum floorspace standards within the Nationally Described Space Standard and this increase in floorspace in lieu of private external space is therefore acceptable.

During this application, the new BRE guidelines came into force in June 2022 which sets out new criteria for the assessment of new residential accommodation. A revised analysis has been submitted. This concludes that expected levels of daylight to these new 32 flats is good for a central London location, and only four bedrooms falling below the 100 lux recommended for their use. These four are on all on the lowest floor and have balconies above which is casting additional shade. Whilst light levels could be increased by removing the balconies above, it is considered that the provision of private amenity space outweighs the losses of light, and these bedrooms are well lit.

In respect of the living areas to the proposed flats, the new BRE guidance advises that half an area within a Living/Kitchen /Diner (L/K/D) should see 200 lux for half of the daylight hours. Due to the position of overhanging balconies and depth of these open plan rooms, 24 of the 32 L/K/D falls short of the recommended targets. The design of these flats has positioned the kitchens to the rear and the living areas to the front which receive the most light. Daylight results could be improved by removing the balconies and reducing the room sizes, but this would be considered detrimental to the overall quality of the accommodation and loss of outdoor amenity space. It is considered that overall, the quality of natural light and outlook /view for these new flats is acceptable.

In terms of sunlight, all but 2 units out of the 32 meet or exceed the BRE criteria. The two units which fall below are again located on the first floor and are affected by the projecting balconies above. Whilst it is recognised that these first floor units are the affordable flats, nevertheless the quality of these units are good and are considered reasonable for central London location.

Play Space Contribution

This site is in an area of play space deficiency and whilst it is not possible to incorporate play space within the new residential block due to the constraints of the site, the applicant is making a financial contribution of £5, 426 in accordance with the agreed formula. This will be secured via the legal agreement, be indexed linked and payable on commencement of the development.

9.2 Environment and Sustainability

9.2.1 Demolition versus Retrofitting

As new developments are major consumers of resources and materials , the possibility of sensitively refurbishing or retrofitting buildings should be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully considered based on whole-life carbon impact resource and energy. In dealing with this application regards have been had to policy 38 in the City Plan, the Environmental SPG , London Plan policies and guidance.

The applicant has demonstrated that the existing 1950's buildings are nearing the end of their lifespan, and whilst it could be possible to refurbish and extend the existing buildings, this would not generate the quantum and quality of the new office floorspace , the replacement retail and the additional residential floorspace including the affordable flats plus the other public benefits which this proposal will generate.

The applicant has submitted a Circular Economy and Whole Life Carbon Statement .A full Pre-Demolition Audit has been undertaken to investigate recycling of the construction, demolition and excavation material can be maximised .This report identifies parts of the existing building and hard standing which can be re-used or recycled, which includes the crushing of the existing concrete for re-use within the proposed development. The applicant is committed to minimise embedded carbon as well as minimising construction waste and diverting at least 95% of the demolition and construction waste from landfill .

The proposal are for two highly sustainable replacement buildings ensuring from both an embodied and operational carbon perspectives , to ensure that the environmental effects are kept to a minimum .These are addressed through a number of core design principles

The office building will be constructed from a steel frame with Cross Laminated Timber resulting in a significant reduction in embodied carbon compared to a building in concrete or steel .The scheme is targeting BREEAM Excellent for the commercial and the scheme is targeting BREEAM Outstanding . Mixed mode ventilation and openable windows are proposed without the need for air condition in the shoulder seasons(spring and autumn months) which will reduce energy consumption by up to 20% . Automated window openings in the evening will allow passive ventilation during the evening and allow passive cooling of the building overnight to reduce energy consumption .The development will include extensive rainwater harvesting , blue roofs, green roofs and biodiversity improvements .It is 100% electric and will operate a net carbon with ASHP on the roofs.

Subject to further assessment of additional information required by the GLA, it is considered that the applicant has made a convincing case for the demolition of the existing buildings and the new development will be highly sustainable.

9.2.2 Energy Performance

Policy SI 2 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 residential development achieving 10 per cent carbon reductions, and 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.

Policy 36 of the City Plan states that all development proposals should follow the principles of the Mayor of London’s energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved. 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.

In the GLA’s Stage 1 response, further information was requested in relation to overheating, district heating connections, PV installation and the proposed Air Source Heat Pumps (ASHP). In response to the GLA, the applicant has responded to the GLA’s comments as follows:

- The proposed buildings will include active cooling and a high level of cross ventilation to prevent overheating.
- The application site is not located near an existing or planned district heating network. Notwithstanding this, a basement plant room adjacent to Queensway would provide a connection point, should a district heating network be installed in the future.
- The applicant undertook a feasibility study on the provision of PV panels and found that ASHP would be more appropriate. PV would achieve an additional carbon reduction of up to 2% but this would result in the loss of the green/blue roofs proposed.
- Additional technical information on the ASHP units and system were provided; and
- A carbon offset payment of £341 871 would be payable in lieu of additional carbon savings.

Table 3 Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	66.4	29%
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	41.5	18%
Cumulative on-site savings	108.0	47%
Carbon shortfall	119.9	-

	Tonnes CO ₂
Cumulative savings for offset Payment	3598.6
Cash-in-lieu contribution	£341 871

Given the above, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

9.2.3 Whole Life Cycle Carbon

The applicant has submitted a Whole Life-Cycle Carbon Assessment (WLCA), as required by Policy SI2 of the London Plan. In the GLA’s stage 1 response, further information in relation to the current status and expected decarbonisation was requested.

The applicant has provided the additional information requested by the GLA. In particular:

- The missing fields and typos within the GLA’s WLCA assessment template have now been completed;
- The applicant has provided clarifications on sequestered carbon.
- The applicant has confirmed that refrigerants have not been specifically included in the WLCA assessment template, but allowance has been made for its carbon impact over the building lifecycle as a % increase. If robust and accurate information becomes available at practical completion stage, this will be included in the final assessment of WLC; and
- The applicant confirms that it is not possible to provide an estimated mass for each individual reusable and recyclable building material at present but could be included in the ‘As Built Practical Completion Assessment’

Given the above, and subject to the Mayor’s Stage 2 report ,the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

9.2.4 Circular Economy

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the 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 submitted a Circular Economy Statement (CES)In the GLA’s stage 1 response, further information was requested on key commitments, recycling and waste reporting, operational waste and plans for implementation.

The applicant has provided an updated CES that provides the information requested by the GLA.

9.2.5 Sustainable Drainage and Flood Risk

Policy SI13 of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that promote multiple benefits including increased water use efficiency, improve water quality, and enhance biodiversity, urban greening, amenity and recreation.

Policy 35 of the City Plan states, amongst other things, that new development must incorporate Sustainable Drainage Systems (SuDS) to alleviate and manage surface water flood risk. Development should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

The application site is in Flood Zone 1 (Low Risk) and within a Surface Water Flood Risk Hotspot. The application is supported by a flood risk assessment, which assessed all sources of flood risk, including surface water flooding.

The assessment concludes that there is a low risk of flooding from all sources. In terms of the drainage strategy, blue/green roofs, permeable paving and geo-cellular attenuation are proposed in accordance with policy . These mitigation measures will be secured by condition .

9.2.6 Air Quality

Policy 32 of the City Plan states that major developments should be at least Air Quality Neutral. The applicant has provided an Air Quality Assessment that indicates that the development will be Air Quality Neutral. This assessment has been reviewed by the Environmental Health Officer.

With regards to the construction phase, a dust risk assessment has been completed where it has been confirmed that there is a medium risk for dust soiling and low risk to human health. Mitigation measures to reduce these risks to a point where they will be not significant have been indicated by the applicant. Developments of this size will have to comply with the Council's Code of Construction Practice, where a site-specific Site Environmental Management Plan to be secured by condition.

Predicted vehicle movements associated with construction traffic have not been provided. There is the potential for an adverse impact to local air quality and a detailed assessment should be completed. It is recommended that numbers of vehicles are screened against the IAQM criteria and where it is exceeded, a detailed assessment should be undertaken. It is understood that a construction logistics plan should be implemented to reduce unnecessary traffic movements, although where adverse impacts are predicted harder measures in addition to logistics may be required.

The code of construction practice can control the number of construction vehicle trips to some extent, although should the development require a vehicle trip rate above the IAQM thresholds, there is little that can be done to mitigate any adverse impacts short or restricting the number of vehicles trips to and from site daily. The applicant is still

recommended to quantify potential vehicle trips, screen against the IAQM methodology and assess impacts to local air quality where appropriate.

With regards to the completed development, the proposed development would be car free and the maximum increase in annual average daily traffic is predicted to be 72 light duty vehicles and 8 heavy duty vehicles. The predicted levels are below the thresholds for significant impact therefore impacts are considered not significant.

Heating and hot water will be supplied by air source heat pumps and will not have an associated air quality emission. An emergency standby generator is proposed (375kVA) which will only be used for testing and maintenance purposes and the flues are proposed to terminate at roof level. These will be controlled via conditions.

The Local Atmospheric Emission Inventory (LAEI) has been used to determine local air quality concentrations where it has been reported that the area exceeds the annual mean national objectives for Nitrogen Dioxide (NO₂). The report has recommended that the development should incorporate a ventilation strategy to supply the properties with clean air and it has recommended that NO_x filtration should be included. Where mechanical ventilation is required then the properties should be designed to prevent overheating in accordance with CIBSE TM52. Again, conditions are recommended to secure filtration and prevent overheating.

Roof terraces and balconies are included and, in these areas, the annual mean is applicable. LAEI data only provides ground floor concentrations and air quality does improve with height. It is considered that these outdoor amenity spaces will be acceptable in terms of air quality .

The Environmental Health Officer noted that outdoor seating associated with the ground floor restaurants may be exposed to high pollution levels. The applicant was advised that they should either confirm that no outside seating areas are proposed and/or report predicted NO₂ concentrations and provide an assessment on the likelihood of the short-term objective being exceeded. The applicant subsequently confirmed that annual mean NO₂ concentrations of below 60µg/m³ in the vicinity of the site are expected and therefore in line with local air quality management technical guidance (LAQM TG16) The short-term objective would therefore be met, should outdoor seating be proposed in connection with the retail units. Any proposal for outdoor seating would require either a planning application or a pavement licence.

The applicant has confirmed that there will be no car trips from the occupants of the new development, and it is proposed to be car free. It can be agreed that the development is Air Quality Neutral for Transport emissions.

It has been stated that there are no combustion sources therefore no associated emissions and meets the required benchmarks. A back-up generator is proposed that will have associated emissions and it is recommended that emissions from testing maintenance cycles should be calculated and compared against site specific derived benchmarks.

Overall, , the proposed development would meet policy SI1 of the London Plan and policy 32 of the City Plan. A range of conditions are proposed to address the points raised by the Environmental Health Officer .

9.2.7 Sustainable Design and Construction

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The application is accompanied by a BREEAM Pre-assessment by an accredited BREEAM Assessor. This demonstrates that the proposed commercial elements development will achieve a BREEAM 'Excellent' rating. The pre-assessment also indicates that a BREEAM 'Outstanding' rating could be achieved, although this would require commitments from the future occupiers of the building for the additional credits. Notwithstanding, the proposed development would meet policy 38 E of the City Plan with an 'Excellent' rating. A post commission condition is proposed to secure this .

9.2 .8 Water Infrastructure

The sustainability statement that accompanies the application indicates that daily water consumption of 105 l/person/day will be targeted, in accordance with policy SI5 of the London Plan. This will be achieved through low flow sanitary fixtures and fittings and metering for throughout the development. Thames Water have also advised that they have no objection to the development, subject to several conditions to protect water infrastructure during construction and these are incorporated in the draft decision notice as conditions and informatives.

9.3 Biodiversity and Greening

Policy G5 of the London Plan states that major development should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments and tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential. This is a mixed office and residential development. The proposal will score an UGF of 0.26 which is just below GLA target of 0.3 .

Whilst the planted terraces to the office building, the green and blue roofs are welcomed it is not possible to incorporate significant areas of new landscaping and greening due to the small size of the site and the service road at the rear. The possible provision of a green wall to the side elevation onto Porchester Gardens could improve the UGF further.

The applicants have advised their offer to replant and improve the Lady Samuel's Garden adjacent to the site on the corner of Inverness Terrace which will offer further opportunities for biodiversity enhancements.

Although no UGF is set within the City Plan, policy 34 requires that developments will, wherever possible, 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. Policy 34 also states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and Policy 34 of the City Plan also seeks to protect trees of amenity, ecological and historic value and those which contribute to the

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character and appearance of the townscape will be protected. The planting of trees will also be encouraged.

No trees are located on the application site or would be removed to accommodate the development. Minimal incursions into the Root Protection Areas of nearby street trees T2 and T7 are required and will require some pruning . Conditions are required to ensure these trees are protected with fencing and an Arboricultural Method Statement in respect of T2 and T7. The submitted ecological survey identifies one street tree as having low potential for roosting bats but this tree is being retained .A condition is recommended to ensure that all trees are adequately protected during construction , and an Arboricultural Method Statement in respect of trees T2 and T7 given the proximity of the proposed basement to the root protection areas of these trees.

The proposed landscaping to the terraces of the building and the green roofs are welcomed and accord with policy 34 in the City Plan and will be secured by conditions. A condition to reserve the inclusion of bird and bat boxes is also recommended.

The application includes a commitment to re-provide Lady Samuel's Gardens in an enhanced form and an outline initial design is included in the Design and Access Statement. Works to improve the Lady Samuels Garden could not be controlled by condition as it is located outside the red line of the application site, and this would need to be secured by a legal agreement . Further details of this would also be the subject of further consultation with local stakeholders and the City Council .It has also been raised whether the garden could remain during demolition and construction , and this will need to be investigated further by the applicant .If the garden does need to be hoarded off during construction, the legal agreement will also secure the safe removal of the existing plaque and statue and reinstatement at the applicant's cost.

Whilst it is recognised that scope for additional tree planting within the application site is heavily constrained by the service road, and the public realm improvements taking place along Queensway , it is considered that a financial contribution towards tree planting in the vicinity of the site would improve greening and benefit the wider area. The applicant has now agreed to a financial contribution of £20,000 index linked and payable on commencement of the development. This will need to be secured via the legal agreement.

9.4 Townscape, Design and Heritage Impact

9.4.1 Introductory Text/Legislative and Policy Context

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.”*

Furthermore 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, considering the statutory duty to have special regard or pay special attention, as relevant. This should also consider the relative significance of the affected asset and the severity of the harm caused.

Policies 38 (Design principles) and 40 (Townscape and architecture) are also of key relevance to this application. Policy 41 (Building height) is not so relevant as the application proposals are not generally considered to be a ‘tall building’ in the local context.

9.4.2 Site and significance

The site is currently occupied by a 1950s block laid out over three to four floors, with retail to ground floor and residential on the upper floors. The retail ground floor units project out from the upper building line. This arrangement of retail podium with set-back upper storeys considerably reduces the bulk fronting this eastern side of the road, but conversely also presents a relatively weak frontage when compared with the bolder frontage of Grade II Whiteleys opposite. It is however consistent with the building line of the adjacent five/six storey Inver Court to the north. The projection of the ground floor is most pronounced facing Porchester Gardens where the entire retail unit projects out from the southern upper floors building line.

The existing building is a long and proportionally low continuous block occupying a considerable length of frontage onto Queensway but facing also onto Porchester Gardens to the south. It is of some limited architectural value in its own right, being consistent with typical mixed-use developments of its period, although opinions on this vary due to its contrasting character with the more traditional local townscape. It is not considered to be an unlisted building of merit, and it makes a neutral to a negative contribution to the character and appearance of the Queensway Conservation Area within which it sits (and settings of the adjacent Hallfield Estate and Bayswater Conservation Areas).

Directly opposite the site to the west on the other side of Queensway is the Grade II listed Whiteleys; currently being redeveloped behind its retained façades, it is the principal retail focus of Queensway and a dominant feature for the street and surrounding area.

The site backs onto Cervantes Court and Aird House. The rear service yard accessed

off Inverness Terrace and serves the retail units and shared access for the upper floors and other adjacent buildings, and consequently it has quite functional and utilitarian character. The rear elevations are clearly visible from Inverness Terrace and Porchester Gardens to the east (both within the Bayswater Conservation Area). Further to the east on the other side of Inverness Terrace is the Hallfield Estate Conservation Area, and its constituent listed blocks and the Grade II* listed Hallfield School.

To the south-east of the site are the Grade II listed stuccoed four-storey terraces which front both side of the southern end of Inverness Terrace, within the Bayswater Conservation Area. Also, on Inverness Terrace and immediately abutting the site is the 'Lady Samuel Garden' featuring the George Kastrioti Skanderbeg Memorial.

9.4.3 Proposals

The application seeks permission to redevelop the site following the demolition of all existing buildings. The new development would consist of two new buildings, both fronted onto Queensway and of differing characters.

To the north end of the site, a new six and seven storey mansion block is proposed, containing retail to the ground floor and residential above. The top two floors (5th and 6th) would be set back from the main frontage.

To the southern end of the site would be a new seven to eight storey blocks, again with retail to the ground floors, but with offices above, including a prominent principal office entrance fronting the corner of Queensway and Porchester Gardens. The top two floors would be stepped back progressively from the principal building line below, presenting a principal cornice line at the same height as that of Whiteleys opposite. The ground floor would be double-height, meaning the building would in fact contain seven functional floors, but would be the height of an eight-storey building.

Both buildings would be built on the existing ground floor frontage line but would not feature the same set back of the upper floors as the existing, meaning that visually the buildings would step forwards of the principal frontage of the existing building, but also that of the adjacent mansion blocks to the north of the site. Due to the slight kink in the line and narrowing of Queensway where it crosses Porchester Gardens, the building line would remain slightly east of the prevailing building line of the buildings fronting the southern end of the road.

The development is proposed to be built using advanced sustainable construction methods to reduce the amount of concrete required, including Cross-Laminated Timber (CLT) slabs supported by a steel frame. This influences the external appearance of the facades which are based around a pre-cast stone frame with deep-set metal windows and spandrel panels. The projection of the stone columns and beams provides a degree of solar shading to the windows, so contributing to the building's sustainable design. The façade has a very conscious horizontal emphasis.

The detailed design of the office façade has been revised by the applicants in response to negotiations with officers and is now presented with a simple decorative moulding to both beams and columns, and with a greater number of columns to the upper floors on

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the corner office entrance, to increase the building's visual solidity. The applicant states that the glass to solid ratio of the façade is comparable to Whiteleys opposite.

A key component of the proposed office building is the retail frontage onto Queensway. This would feature metal and glass shopfronts set into each bay of the façade, each with a projecting retractable awning. The heights of the shopfronts would change from north to south to follow the rise in the road, such that those units to the northern end of the building would be notably taller (more or less double height) than those to the southern end.

The rear elevation of the office building has been revised during the course of the application to change from painted render to now brickwork but remains quite plain and functional and given its context this approach is considered appropriate.

The proposed mansion block façade is more solid and with a vertical emphasis. It is based on articulated brickwork cladding with again deeply set metal windows and spandrel panels, forming inset projecting bays most of which feature balconies. The upper set back floors would be clad in metal and would be stepped again at each end. To the rear these storeys would be sheer with the lower floors below, although recessed elements have been incorporated in the latest set of revisions to mitigate the impact of the proposed development on neighbouring flats to the rear.

The rear elevation of the mansion block is plainer than the front but is based on a brick frame with inset brick and/or metal panels.

The mansion block is also designed to accommodate retail at ground floor level, with a similar but lower scale design to the office building, and again featuring projecting retractable fabric awnings to each bay.

9.4.4 Design quality, and impacts on townscape and heritage

Demolition of existing building

The demolition of the existing building is acceptable in principle from a design and heritage point of view, subject to the comparative architectural merits and impacts of its proposed replacements and highly sustainable replacement buildings. Whilst the existing buildings may have some value architecturally as an example of its period, their contribution to the conservation area is limited, and in some respects is harmful. Many of the comments received support the proposed demolition and redevelopment.

The existing weak frontage onto Queensway, but particularly onto Porchester Gardens, has a decompressive effect on the character of both streets, which otherwise feature quite assertive and architecturally 'proud' frontages. The existing buildings are if anything, too low in scale for the manner in which it addresses the street with a deep podium projecting. From a townscape point of view there are no objections to the proposed demolition of the existing buildings.

Scale and bulk

Notwithstanding the limitations of the existing buildings, both of the proposed new

buildings would represent a very considerable increase in both height and bulk for the site, in excess of the historic scale of most of Queensway and reflecting more the sort of grand high-status retail scale of Whiteleys opposite. Each building is a large singular building, particularly the office building which would be in many respects as large as Whiteleys, including an equal cornice line.

The scale of the office building is the most significant impact of the scheme and has been the subject of considerable negotiations between officers and the developer's team. Some reductions have been made to the stepping of the eastern upper floors, in order to reduce impacts from Inverness Terrace and Porchester Gardens, but the building remains a considerably bulky addition to the local townscape. Despite the progressive stepping of the upper two floors, the proposed new building would be visually very apparent when viewed from the east, showing a breadth of end elevation onto Inverness Terrace which is quite unlike that of adjacent terraced housing. The height and bulk of the new building would dominate views from Porchester Gardens.

The mansion block is generally consistent with the scale and character of the adjacent mansion blocks to the north. It would step forward of their upper floor building line, but in a manner which is generally acceptable and not inconsistent with how this happens with other building lines elsewhere on Queensway. The upper two-storeys of the block would however appear quite prominent despite their set-back, and this could have been lessened by a further step back of the front wall line of the top-most storey, although this would of course have reduced residential floor area by a consequent amount. It is however considered to be acceptable as proposed.

Design quality, landscaping and public realm

Both new buildings are high quality pieces of architecture, particularly following further revisions secured during the course of the application. As architectural compositions in their own rights, each building is very well designed, limited only by the bulk of their upper two floors which from some angles, and certainly from elevated positions, would be somewhat top-heavy.

The shaped mouldings of the pre-cast stone columns and beams of the office building would add an element of simple enrichment to the building. Coupled with good detailing on the metalwork of windows, spandrels and, where relevant, railings the building should be interesting without being too 'loud'. The prominence of the office corner entrance, as modified during the course of the application, would give a good degree of legibility to define it from the retail frontages.

Aside from the issues of scale discussed above however, the principle challenge of the office building's design is its horizontality which is a substantial contrast with the evident verticality of most buildings on Queensway. Whilst the building's columns do break this up into bays, it remains a deliberately horizontal building.

It is noted of course that a horizontal emphasis is a valid way of designing a building, with many cherished examples of art-deco buildings from around the world forming an important page in architectural history. It is also not prescribed that all buildings on Queensway 'must' be vertically proportioned – some already are not. However, in this case, it is evident that the strength of this horizontality does accentuate the building's

size, and particularly its length and breadth, thus not aiding attempts to reduce the impact of its bulk on the surrounding area. To change it however would mean likely a wholesale different approach and one which might arguably be compromised or softened in its architectural composition – the architects will of course consider such a bold horizontality to be a deliberate and effective basis for the building’s design.

A further key point of discussion between officers and the developer’s team has been the extent of glazing or ‘voids’ in the façade. The building’s framed construction is expressed prominently by the vertical columns and beams of its façade, with the windows and spandrel panels set deeply back from the front face of the façade. This has the effect of amplifying the ‘void’ effect of the windows, such that the façade is dominated by the framed form and has a less ‘solid’ appearance than other buildings on the street, which are nearly all predominantly solid masonry facades.

Whilst the developer has shown that the amount of glazing to ‘solid’ materials is comparable to Whiteley’s opposite, this ignores the role that the window framing and spandrels have in this effect, which is similar to that of glazing. Most of the solidity of Whiteley’s facades consists of stonework, whereas the calculation given for the application site relies also on the spandrel panels which are in fact visually composite with the windows. As such the effect is a less solid building, more dominated by glazing (and metal spandrels) than is characteristic in this location. This causes the building to feel somewhat unrooted in its historic context. Overall, the office building’s architectural limitations make it somewhat harmful to the character of the conservation area, and to the setting of the adjacent Bayswater Conservation Area.

The mansion block is more successful overall. It is also a carefully detailed building, with articulated brick columns and inset panels, with inset-projecting metal bay windows. It is a notably more ‘solid’ building than the office building, with window proportions consistent with the surrounding area. Shopfront design is again successful. Its verticality is a more sympathetic means of addressing the prevailing character of the area than the horizontality of the office building, and as such overall it is a more successful building design.

Due to the hard-landscaped character of the street, opportunities for extensive greening on the site are severely limited, particularly at street level. It is however shown that the office building’s terraces would feature as much planting as possible, and that the main flat roofs of both buildings would be ‘blue’ and biodiverse green roofs.

Whilst not part of the application site, the application refers to refurbishing and improving the Lady Samuel’s Garden which would immediately abut the office building’s eastern façade, and this would need to be secured by a legal agreement due to its off-site position.

The positive architectural merits of the proposed new buildings do partly compensate for some of the impacts discussed above in relation to scale and bulk, but not as much as it could have if the office building’s its horizontality and top-level bulk had been better resolved.

Impacts on townscape and heritage assets

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The key impacts which the proposals would have on the local area have been largely addressed above, but it is worth touching on how this translates to an effect on the area's key townscape characteristics, and on nearby designated heritage assets.

As set out above, the new office building would be a dominant new building on the street, particularly when viewed from the south on Queensway, and from the west and east along Porchester Gardens. This would increase the enclosure of the street between the site and Whiteleys, which the proposed new office building could compete somewhat in terms of architectural dominance; it is only Whiteleys grander and more intricate façade, and overall existing historical standing in the street, which means it would remain the dominant feature of the street.

From the east and south on Porchester Gardens and Inverness Terrace respectively, the proposed office development is considered to overbearing, exhibiting a substantial change in townscape character and scale compared to the existing. To some degree, in terms of architectural quality compared with the existing buildings to be demolished, this is welcomed but in others respects it does fail to respect the predominant scale and proportions of Inverness Terrace in particular.

Whilst it is recognised the applicant has sought to recess the upper levels 5 and 6 of the office building in order to address officer's concerns regarding the overall visibility of this extra bulk and height, it is not considered that this changes go far enough to overcome officer design concerns. This would cause some 'less than substantial' harm to the character and appearance of the Queensway Conservation Area, and to the setting of the listed terraces of Inverness Terrace and both the Hallfield Estate and Bayswater Conservation Areas. A better stepping back and/or the omission of the upper two floors, would have helped this difficult transition, and was sought by officers throughout pre-application and application negotiations. It is disappointing that the developer has not made this change, albeit has incorporated further set backs to reduce the visibility of these upper floors. However, the applicant has advised that further revisions are not possible without affecting the overall viability of the scheme. Therefore a decision must be reached on the revised application as it stands.

Overall, considering the balances between harmful elements of the proposals such as its scale, bulk, the building's horizontality, against its positives such as the quality of its detailed design, its sustainability /greening and the positive retail frontages and the land uses, it is considered there remains a degree of 'less than substantial' harm caused to the local townscape/designated heritage assets as set out above. In accordance with paragraph 202 of the NPPF, this harm should be carefully weighed by the decision maker and against the wider package of planning impacts and benefits. This is considered in more detail in the rest of this committee report.

9.5 Residential Amenity

Several objections have been received in relation to potential loss of light, sense of enclosure and privacy to surrounding properties. Although it is now noted that the objections from the owners of Aird House on grounds of loss of light has recently withdrawn and they now support the application. Nevertheless, the impact on neighbouring residents must be fully assessed whether they object or support the proposal.

Policy H6 of the London Plan requires that the design of the development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Policy 7 of the City Plan promotes neighbourly development that protects and, where appropriate, enhances amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking and regard has also been had to policy 33 (A) Local Environmental Impacts and policy 38(C) Design Principles.

9.5.1 Loss of Light

Although not specifically referred to in the above policies, BRE's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" is widely recognised as the appropriate method for measuring light loss and appropriate light levels. The BRE stress 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 an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of neighbouring buildings.

The applicant has submitted a Daylight and Sunlight Report by GIA which has tested the following properties:

- Cervantes Court, Inverness Terrace
- Aird House, 117 Inverness Terrace
- 93 Inverness Terrace
- 95 Inverness Terrace
- 100 Inverness Terrace
- 102 Inverness Terrace
- 104 Inverness Terrace
- 106 Inverness Terrace
- 121 Inverness Terrace
- 123 Inverness Terrace
- 125 Inverness Terrace
- 131 Queensway
- 158 Queensway
- 160 Queensway
- Inver Court, Queensway
- 2 Queensborough Terrace
- 3 Queensborough Terrace
- 4 Queensborough Terrace
- Whiteleys under construction(residential units on the upper floors)

Residential properties beyond these locations do not breach the 25-degree test within the BRE Guide and/or are considered too distant from the subject property to result in potentially unacceptable light loss.

Following the publication of the new BRE guide in June 2022, the applicant has now submitted a revised daylight and sunlight report. The main changes in the new BRE guide relate to the assessment of new residential developments in respect daylight, sunlight and a number of other factors such a view and overheating and the quality of the new residential developments. This is dealt with earlier in this report.

Daylight

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents’ amenity as a result of material losses of daylight. For example, loss of light to habitable rooms such as living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6 square metres) whereas non-habitable rooms such as stairwells, bathrooms, and hallways are not tested.

In terms of loss of daylight, the BRE guidelines advise that diffuse daylighting to an existing building may be adversely affected if the VSC measured from the centre of the window is less than 27% and a loss of 20% or more occurs or NSL losses are 20% or more. As already stated in central London the BRE advice does have to interpreted flexibly.

Of the properties eligible for assessment identified above, 93, 100, 102, 104, 106 and 123 Inverness Terrace; 131, 158 and 160 Queensway; and 2, 3, 4 Queensborough Terrace would not have levels of daylight loss above BRE guidelines. With regards to the remaining sites, the BRE Guide states that losses above 20% are noticeable. Officers consider that losses between 20-30% would be minor; losses between 30-40% would be moderate; and losses over 40% would be significant. The loss of daylight to these sites is summarised in the table below.

Table 4: Summary of Daylight Loss Levels to Neighbouring Residential Properties

Address	Total No. Windows	VSC			Total Below BRE	Total No. Rooms	NSL			Total Below BRE
		Reduction (%)					Reduction (%)			
		20-29.9	30-39.9	>40			20-29.9	30-39.9	>40	
Cervantes Court	37	0	0	37	37	37	1	1	35	37
Aird House	71	4	7	41	52	28	2	2	15	19
95 Inverness Terrace	3	0	3	0	3	3	0	0	3	3
121 Inverness Terrace	12	0	0	0	0	6	1	0	0	1

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125 Inverness Terrace	5	0	0	0	0	3	0	1	0	1
Inver Court	72	0	0	3	3	35	0	0	0	0
Whiteleys	310	20	86	48	154	132	5	1	1	7
TOTAL	510	24 (5%)	96 (19%)	129 (25%)	249 (49%)	244	9 (4%)	5 (2%)	54 (22%)	68 (28%)

As can be seen from the above table ,the worse affected properties are those immediately to the rear in Cervantes Court and Aird House and this will be examined in more detail below.

Cervantes Court is a block of flats and the rear windows that face onto the application site are understood to serve principally bedrooms, hallways and small kitchens. There is a deep overhanging walkway at first floor level which affects light to the windows below. There are flats under construction on the site of four former integral garages at lower ground floor level to create 2 additional flats . These flats as shown on the approved drawings have full height doors which serve bedroom and living room windows and a small courtyard /patio area at the rear enclosed by a tall brick wall .The living rooms are dual aspect with windows fronting onto Inverness Terrace. When permission was granted for this conversion , the applicant was advised in the light of the forthcoming proposals to redevelop the site at the rear , that these windows would be afforded less protection in the light of the future proposals to redevelop Queensway Parade.

At Cervantes Court, significant losses of 60.7-100% VSC and 40.7-100% NSL would be experienced. The most significant losses of up to 100% and retained VSC levels of 0, would be experienced at ground floor level and would impact six small kitchens and six bedrooms. The rear elevation of Cervantes Court does include overhanging balconies which the BRE Guide acknowledges can exacerbate daylight losses and recommends undertaking a separate analysis to determine how much impact these balconies are having on daylight levels. Factoring in the impact of these balconies, significant losses of VSC reduce to 60.7-77.3% and losses of NSL reduce to 45.4-82.9%. Retained VSC levels would be 7.33 at ground, 9.05 first and 7.38 at second floor .

It is accepted that these flats which are approximately 18.5 m away from the proposed 7 storey office building will be significantly affected. The applicant has sought to incorporate sets backs at the rear which has resulted in some improvements in daylighting levels and outlook . It is considered that the retained values of 8.22 VSC on the ground , 9.60 VSC on the first and 8.00 VSC on the second floor (given these are bedrooms are lesser requirement for daylight compared to living rooms) are on balance acceptable when looking at the public benefits this scheme will generate.

At Aird House, this is a modern block of flats, and at the rear there is a landscaped communal garden ,small projecting balconies and roof terraces at roof level . There is already a close relationship between the back of Aird House and the existing buildings and a distance of 5.9 m which separates the main rear elevation of the Queensway buildings with the rear wall of the landscaped terraces and 13.5m, to the main rear wall of Aird House . It is recognised that whilst the existing distances have been maintained in this proposed development , the 7 storey residential and office buildings will have impact on daylight to this building. Because of this close relationship , the rear elevation of Aird House been designed with obscured glazed windows which serves the staircase

cores and projecting full windows/doors which also have obscure glazing on two sides and clear glass to the side, to afford these residents more privacy. Outlook from these flats at the rear is dictated by their current fenestration design.

The windows are the rear serve bedrooms and open plan living rooms. It is understood that 8 flats have a single aspect to the rear , and the rest are dual aspect with windows facing onto Inverness Terrace .There are a total of 20 flats in this block. The proposal will result in significant losses of 41.9-100% VSC and 40.7-77.5% NSL would be experienced, and the worse affected will be those at first floor level and would impact three living rooms. There are small overhanging balconies at second floor which affect light to these windows below and factoring in the removal of these balconies, the losses of daylight will be 41.8-68.9% and losses of NSL reduce to 40.8-72.4%.Retained VSC levels would be 13.27 at first , 17.31 at second and 25.40 at third floor levels.

It is considered after visiting the site and given existing design of the windows which are projecting and the rooms which they serve, it is considered that the retained levels of VSC for these flats are reasonable for this Central London location and these flats will remain well lit .

At Whiteleys which is under construction and has residential flats on the upper floors , the majority of losses are in the moderate category, although significant losses of 40.1-45.8% VSC and 47.5% NSL would be experienced. These losses would affect bedrooms within the approved development, which the BRE Guide acknowledges have less expectation of daylight. The loss of light to these flats which are currently under construction is considered acceptable and lighting levels for these flats will remain reasonable.

With regards to 95 Inverness Terrace, significant losses of NSL would affect three rooms at lower ground floor level, with losses of 73.8-78.2%. Moderate losses of VSC of 33.3-37% would impact the windows to these rooms. This property is in hotel use and it is considered that these losses are acceptable given its commercial use which is afforded less protection compared to residential accommodation.

With regards to 121 and 125 Inverness Terrace, VSC losses would not exceed 20%. However, NSL losses of 21.2% (Minor) and 34.1 (Moderate) would impact rooms within 121 and 125 respectively. These losses are considered acceptable .

Sunlight

The BRE Guide only requires assessment of rooms with a main window facing within 90 degrees of due south. The BRE guidelines state that rooms will appear reasonably sunlit provided that it receives 25% of Annual Probable Sunlight Hours (APSH), including at least 5% of Winter APSH. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of APSH.

The results of the sunlight assessment are summarised in table below.

Table 5: Summary of Sunlight Loss to Neighbouring Residential Properties.

Address	Total No. Rooms Eligible for Testing	Rooms Not Meeting BRE Guidance
Cervantes Court	37	37
Aird House	25	17
100 Inverness Terrace	6	0
102 Inverness Terrace	6	0
104 Inverness Terrace	9	0
106 Inverness Terrace	5	0
121 Inverness Terrace	6	4
123 Inverness Terrace	3	2
125 Inverness Terrace	3	1
93 Inverness Terrace	8	0
158 Queensway	1	0
Inver Court	25	2
160 Queensway	1	0
2 Queensborough Terrace	8	0
3 Queensborough Terrace	7	0
4 Queensborough Terrace	7	0
Whiteleys	42	0
TOTAL	199	62 (31%)

The sunlight assessment indicates that all windows facing the site within Cervantes Court will experience adverse levels of sunlight loss. However, the windows affected all serve bedrooms and kitchens, which the BRE Guide notes are less important in terms of access to sunlight.

Aird House would result in a high proportion of rooms experiences losses of sunlight in excess of the BRE Guidelines .Many windows that serve the living rooms are dual aspect , and whilst there are some living room windows and bedrooms at the rear , bedrooms, given how this block is designed and laid out , it is not considered that the losses of sunlight as so severe to warrant refusal of permission on this ground .

It is also accepted that 121 Inverness and 123 Inverness Terrace 3 storey houses will also experience adverse levels of sunlight loss to the windows at the rear , but again after visiting the site , it is considered that these losses are on balance acceptable.

9.5 2 Sense of Enclosure

The application site would be separated from Whiteleys to the west by the width of Queensway (approximately 20 m). The application site and Whiteleys are also of a similar height and would have a mutual sense of enclosure impact on one another when completed. Accordingly, the proposed development would not have an unacceptable sense of enclosure impact on these future residents.

With regards to Inver Court and 121 Inverness Terrace to the north of the application site, the proposed development would be largely screened from those properties by the flank wall of Inver Court, or only seen in oblique views and will not result in any overlooking issues for these properties.

To the south, 112 Queensway (Prince Alfred Public House) and 95 Inverness Terrace do not contain any residential units that could experience sense of enclosure. No 102 Inverness Terrace to the south east of the application site would be located approximately 28 m from the proposed building, would view it at an oblique angle and would be partially screened from it by a TPO Lime tree. Similarly, the flats above 131 Queensway would be located approximately 33 m from the proposed buildings and would also view it at an oblique angle. Given the above, the proposed development would not result in unacceptable sense of enclosure for the occupants of these sites.

As set out above the worse affected properties are Aird House and Cervantes Court in terms of increased sense of enclosure as result of the height of the new buildings. But it is not considered that the outlook to these flats will be so materially affected to warrant refusal on this ground.

9.5.3 Overlooking and Privacy

The application site would be separated from Whiteleys to the west by the width of Queensway (approximately 20 m) This separation distance, particularly across a street elevation where there is less expectation of privacy, would ensure that the development does not give rise to an unacceptable loss of privacy for the future occupants of the residential units under construction.

With regards to Inver Court and 121 Inverness Terrace to the north of the application site, the proposed development would be largely screened from those properties by the flank wall of Inver Court, or only seen in oblique views. Accordingly, the proposed development would not result in an unacceptable loss of privacy for the occupants of those residential units.

To the south, 112 Queensway (Prince Alfred Public House) and 95 Inverness Terrace do not contain any residential units that could experience significant loss of privacy whilst 102 Inverness Terrace to the south east of the application site would be located approximately 28 m from the proposed building, would view it at an oblique angle and would be partially screened from it by a TPO Lime tree. Similarly, the flats above 131 Queensway would be located approximately 33 m from the proposed buildings and would also view it at an oblique angle. Given the above, the proposed development would not result in unacceptable loss of privacy for the occupants of those sites.

With regards to Cervantes Court to the east, and as noted above, the new office block would be closer and substantially higher than the building it replaces. It would also include terraces at all levels on the rear elevation. However, it would be approximately 14 m from the rear elevation of Cervantes Court and this distance is considered reasonable and the proposal will not result in a material loss of privacy to Cervantes Court.

With regards to Aird House which lies directly to the rear of the site . its rear elevation includes a large private roof garden at first floor level, and three separate roof terraces at main roof level. This garden and the terraces include boundary screening and have evidently been designed to not be overlooked by the existing building on the application site. Similarly, the splayed, floor to ceiling height windows on the rear elevation with obscure glazing were a conscious design decision to minimise overlooking and privacy between the existing flats within the application site and Aird House.

As noted above, the proposed residential block would be closer to Aird House and substantially higher than the building it replaces. Although the existing building includes terraces at first floor level, these are largely screened from Aird House. The new residential blocks rear elevation also includes balconies and roof terraces that directly face Aird House and would be able to see over the screening on that site. Given the close proximity of the new building and the existing flats in Aird House there would be some increased overlooking between the two buildings .However, given the existing arrangement of Aird House, it is not considered that the proposal will result in a material loss of privacy.

9.5.4 Noise and Vibration

It is proposed to install building services plant on the roof of the development. Plant and substations are also located at several positions throughout the development and subject to conditions to safeguard the amenities of future residents and existing residents in order to comply with policies 7 and 33 in the City Plan.

In respect of the proposed commercial uses , hours of opening of the retail units are conditioned along the same hours as Whiteleys . Extract ventilation is included within the design and again should not cause odour or noise disturbance to future residents and neighbouring residents .The terraces to the office accommodation will also be conditioned Monday to Friday to safeguard amenity.

9.5.5 Residential Amenity Conclusion.

As noted above, the proposed development would result in significant losses of daylight and sunlight to several neighbouring properties and increased sense of enclosure to Cervantes Court and Aird House.

It is recognised that the BRE Guide is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites within Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live.

It is considered that these losses are considered acceptable given this central London location and weighed against the significant public benefits which this redevelopment will generate , and therefore the proposals are considered to comply with policies 7, 33 and 38 in the City Plan.

9.6 Transportation Accessibility and Servicing

9.6.1 Highways Stopping Up

The existing highway boundary is the existing building line. The proposed building line is indicated to be set back in several places, particularly in front of the proposed retail unit facades. There are no objections to setting back the building line , and this land will not be dedicated public highway .

The proposal also comes forward of the existing building line on the corner of Inverness Terrace and Queensway. The existing chamfered corner would be extended into the highway to create a more rounded protrusion and therefore this part of the Highway will need to be stopped up. The Highways Planning Manager has raised an objection to this, noting that the proposed development will increase the numbers of pedestrians in the area and any obstruction to highway raises concerns, as there is no benefit to the wider highway network of these proposed changes, and they are solely to accommodate the proposed scheme.

It is considered that the proposed area to be stopped up would have a relatively modest area of approximately 1.7 sqm and project no further forward than 0.6 m from the existing building line. A minimum footway width of approximately 4 m would be retained on the Inverness Terrace frontage, increasing to approximately 5.9 m on the Queensway frontage. Despite this loss, the footway width in both directions would remain significant and appropriate to this town centre location.

As noted above, the applicant also proposes setting back the building line on the Queensway and Inverness Terrace frontages. These setbacks would be up to 0.8 m in depth and would provide significantly more new space than that that would be lost. Accordingly, there would be a net increase in highway and footway. Whilst the Highways Planning Manager's concerns are noted, the proposal is consistent with policies 25 and 28 of the City Plan. The applicant is proposing public realm improvements, and these are welcomed and again can be secured by a legal agreement

9.6.2 Trip Generation/Highway Impact

The Highways Planning Manager and TfL have reviewed the trip generation from the scheme and raise no objection

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g., walking and cycling). Trip generation modelling indicates that the proposed uses will not have a significantly detrimental impact on the safety or operation of the highway network, despite the increase in office floor space.

Provided the ancillary uses (e.g., gym etc) are for occupants of the office building , it will not generate additional trips to the subject site and therefore have no noticeable impact on the highway network. It is not considered that the residential element given no parking is provided will have any noticeable impact on the highway .

Given the wide list of potential uses within Use Class E, certain uses (e.g., education and medical type uses) may generate significant peaks of motor vehicle traffic. This may be unacceptable in trip generation terms, and this is being mitigated by planning conditions-

Overall , the proposal is considered to accord with policies T4 of the London Plan and 24, 25,26and 28 in the City Plan.

9.6.3 Cycle Parking and Storage

The Highways Planning Manager and TfL have raised no objection to the cycle parking proposed.

A total of 224 long-stay and 78 short-stay cycle parking spaces are proposed. Long-stay spaces are to be located at basement level, with changing rooms, showers and lockers for staff. In addition, 5% of the long-stay spaces would be larger spaces .These will be secured by condition.

While short stay cycle parking is referenced, this is within the wider public realm proposals the Council is undertaking will provide some on-street cycle parking. There are also existing on street cycle racks along Inverness Terrace and Porchester Gardens .

Additional short stay cycle parking for the commercial uses is considered desirable, albeit the potential to create more short stay spaces within the curtilage of the site is very limited . The City Council will expect that as part of the public realm improvements offered by the applicant that the opportunities to provide additional short stay spaces be maximised to support this sustainable transport mode for visitors .The detailed design of these improvements will be secured under the legal agreement

9.6.4 Car Parking

The Highways Planning Manager and TfL have reviewed the car parking provision proposed and raised no objection.

With regards to the non-residential elements of the proposed development, no on-site car parking is proposed. The application site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the non-residential elements of the proposal on parking levels will be minimal and consistent with policy 27 of the City Plan.

With regards to the residential units proposed, no on-site car parking is proposed. Policy 27 of the City Plan and policy T6.1 of the London Plan do not require on-site parking for general needs housing and the development would be consistent with this.

However, policy T6.1 of the London Plan states that 3% of all dwellings should have access to disabled car parking space/s. This would equate to 1 space. The applicant should also demonstrate how an additional 7% of all units will have access to a disabled parking space should the 3% prove to be insufficient. This would equate to an additional 2 spaces (total of 3 spaces).

There is an existing disabled parking bay on Queensway which the applicant notes will be retained, and additional on-street disabled parking can be proposed to meet any

future demand. However, this would be subject to approval of the highways authority and is not necessarily secured under this permission.

The Highways Planning Manager has also requested Lifetime Car Club Membership for all residential units to minimise the impact of the proposed development on the adjacent highway and reduce car ownership of future occupiers. The applicant has agreed to this and be secured by the legal agreement .

The GLA and TfL have requested that future residents be prevented from applying for on-street parking spaces, but this is not current adopted City Council policy.

9.6.5 Servicing and Delivery

An existing vehicle area, accessed from the rear of the site via Cervantes Court, would be reconfigured to accommodate all servicing (including waste collection) – except that for two retail units at 148 and 150 Queensway at the northern end of the site which do not benefit from this access. Vehicles will be able to enter and exit the site in forward gear, via a one-way system. The vehicle access at the rear of the property would only be for servicing activity. It is accepted that the vehicle tracking has demonstrated that servicing vehicles will be able to manoeuvre within the Cervantes Court servicing area. The South East Bayswater Residents Association object on the basis that all servicing should take place off- street

A detailed Servicing Management Plan (SMP) has been submitted to support the application. The Highways Planning Manager notes that the SMP is very technical in nature and contains a large amount of information that is usually found within a Transport Assessment. In general, the proposed arrangements for servicing off Cervantes Court is considered acceptable .

It is disappointing that not all the retail units can be serviced at the rear, but it is understood that the constraints of the existing site do not allow this. To allay concerns raised about servicing the applicant has been engaging with the owners of Aird House and through which the existing Tesco store is serviced to come to an agreement to use their back of house areas to service these 2 retail units as much as possible .Further details via a Servicing and Delivery Management Plan can controlled by a condition including hours of use. This SDMP could be the subject of further consultation with the local amenity groups as an approval of details application at a later stage.

It is also recommended that the electric charging points be provided to the three loading bays.

The Highways Planning Manager has requested a condition that prevents delivery services operating from the Class E units proposed. Delivery vehicle parking can reduce the availability of parking for other uses, increase congestion (both on the carriageway and footway) and increases noise and fumes in the area.

However, the City Council has been unsuccessful at recent appeals where conditions have sought to prevent such services operating, including within Queensway (See RN: 19/00475/FULL). Paragraph 16.8 of the City Plan recognises the recent growth in delivery platforms and seeks to control numbers and hours of operation of food deliveries through planning conditions to ensure any such services are ancillary to the primary use of the premises and will seek to promote use of sustainable delivery options.

A condition will limit up to 30% of the retail accommodation to restaurant /café uses , and no Class A4 and A5 uses are proposed . Conditions are recommended to secure an Operational Management Plan and how these can be managed and the use of sustainable delivery vehicles to mitigate their impact on the highway network and the amenity of residents .

9.7 Waste Storage and Collection

As noted above, the Waste Project Officer has objected to the lack of labelling of the proposed bins, although notes the overall capacity proposed is acceptable. However, this will be addressed by condition to ensure consistent with policy 29 of the City Plan.

9.8 Economy including Employment and Skills

Regard has been had to policy 13 supporting economic growth and policy 18 D Education and Skills which states that major development will contribute to improved employment prospects for residents. Policy 18D goes on to state that financial contributions and an Employment and Skills Plan will be secured in accordance with policy.

The applicant has submitted an Economic Impact Assessment (“EIA”) with the application. The EIA estimates that the proposed development would directly generate 1000 jobs during the construction and demolition phase of the application and indirectly generate another 65 jobs from the need to purchase supplies for the proposed development and from the increased expenditure in the locality by the construction workers. Had this scheme been considered acceptable an Employment and Skills Plan would have been secured through a section 106 agreement to maximise opportunities for local employment during construction and demolition a contribution of £ 293,977 toward the Westminster Employment Service to secure employment opportunities for Westminster residents.

Once operational, the EIA estimates that the non-residential floorspace would create an additional 1110 jobs. The EIA estimates that the new residents of the development and occupiers of the non-residential floorspace will spend approximately £16.3 million a year. Of this, there is likely to be an amount of discretionary expenditure spent with retail businesses within Queensway/Westbourne Grove Major Shopping Centre. This equates to approximately £2.5 million per annum and could support up to 100 additional retail jobs within the local economy.

9.9 Access

Policy D5 of the London Plan requires that all new development achieves the highest standard of accessible and inclusive design and can be used safely, easily and with dignity by all.

Policy 38 of the City Plan states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

All residential and commercial units benefit from level access from the street. Ten percent of the proposed residential units are wheelchair user adaptable, as per part M4

(3) (2) b of the building regulations. Approximately 90% of the proposed units also meet part M4 (2) of the building regulations.

Overall, the scheme is considered to comply with policy D5 of the London Plan and policy 34 of the City Plan in terms of accessibility.

9.10 Fire Safety

As this application was made before 1 August 2021, the applicant is not required under Planning Gateway One to produce a Fire Statement and the Health and Safety Executive does not need to be consulted.

However, policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. Further to the above, Policy D5 of the London Plan seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users, with fire evacuation lifts suitable to be used to evacuate people who require level access from the buildings.

The applicant has provided an independent fire statement by H+H Fire. This statement demonstrates that the matters raised in policy D12 have been addressed. In particular:

- The products, materials and methods of construction will meet Regulation 7 of the Building Regulations. The facades of the buildings, constructed mainly from Glass Reinforced Concrete (GRC), mineral wool insulation and aluminium windows systems will be non-flammable.
- Details of the means of escape have been provided. All flats will adopt a 'defend-in-place' evacuation strategy given the high degree of compartmentalisation within the blocks. The commercial units will evacuate directly to the surrounding highway.
- The blocks will have fire alarms and sprinklers throughout, including the basement levels; and
- All sides of the application site are accessible to Fire Tenders. Firefighting stairs, fire lifts for disabled residents, fire mains and smoke ventilation systems are proposed within the blocks

Given the above, the proposed development is consistent with policies D5 and D12 of the London Plan

9.11 Archaeology

This site is not located within an Archaeological Priority Area (APA) and the applicant's desk-based study concludes that the site has low archaeological potential and GLAAS raise no objections, therefore no conditions are required.

9.12 UK Power Networks

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An objection has been raised by UK Power Networks as there is an existing substation at the property and its loss without replacement would have a detrimental impact on the local electricity network. They are only prepared to withdraw this objection once formal agreement has been reached with the applicant .

The applicant advises that the existing substation does not have the capacity to serve this development and the applicant is proposing bringing capacity via the new Whiteleys substation This will require a smaller on site substation on the Queensway Parade site and details can be reserved by condition.

9.13 Basement Development

The proposed development includes a basement level and would be subject to policy 45 of the City Plan. With regards to policy 45 A (1), the applicant has submitted a Structural Methodology Statement (SMS) by a suitably qualified engineer. The SMS demonstrates that the basement levels can be constructed without harming the structural stability of nearby buildings or increasing flood risk. Accordingly, the requirements of policy 45 A (1) have been met.

With regards to policy 45 A (2) and 45 B (3) the application site is a large site with three frontages and therefore high levels of accessibility. A single basement level is being proposed. The applicant has also submitted a signed Appendix A to Westminster's Code of Construction Practice, which demonstrates that the applicant intends to build the basement in a manner that minimises the impact of its construction on local residents and the road network as much as possible under planning law. Construction impacts are also considered further below. Accordingly, the requirements of policy 45 A (2) and 45 B (3) have been met.

With regards to policy 45 A (3), the SMS submitted indicates that nearby heritage assets will be safeguarded as much as possible at the planning application stage. The proposed basement is also not located beneath or immediately adjacent to any heritage assets. Accordingly, it would not harm heritage assets and meets policy 45 A (3) of the City Plan.

With regards to policy 45 A (4), the proposed basement has no external manifestations, such as lightwell and rooflights. Accordingly, it would have no impact on the character and appearance of the Queensway Conservation Area and meets policy 45 A (4) of the City Plan.

With regards to policy 45 B and the extent and depth of the basement, the application site is located within a highly built-up area and therefore does not have a garden and does not provide a garden setting. Notwithstanding, the proposed basement is located entirely beneath the proposed buildings and has a single storey. Although deeper than the 2.7 m floor to ceiling height indicated as appropriate under paragraph 45.9 of the City Plan, this site is a large and highly accessible site and serves the commercial uses, and it is not considered excessive

With regards to policy 45 B (5), the proposed basement level does not project below the adjacent highway.

Overall, the proposed basement would be consistent with policy 45 of the City Plan.

9.14 Construction Impact

Objections have been received from neighbouring properties regarding the impact of construction, including noise, fumes, and traffic. Objectors are also concerned with the cumulative impact of construction from both the application site and Whiteleys development which is under construction.

It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. Whilst the concerns of local residents are well understood, it is established planning law that planning permission cannot be refused due to the impact of construction. It is considered that through appropriate controls and careful management the impact from construction works can be lessened.

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; and
- 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.

The applicant has confirmed their intention to establishing a Community Liaison Group for the duration of the demolition and construction works which will include regular meetings, newsletters and other communications. There will also be engaging with the local amenity societies regarding the design of any construction hoarding and traffic routes.

A Construction Logistics Plan (CLP) condition, CoCP condition and hours of building work condition are recommended.

9.15 Equalities

The Equality Act 2010 places a duty on public bodies, including the City Council, in the exercise of their functions, to have due regard to the need to advance equality of

opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines protected characteristics, which includes age, disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The application site contains no housing used by people with protected characteristics and is not located adjacent to housing or facilities used by people with protected characteristics. Although the existing shops on-site, including the post office, a pharmacy and supermarket be used by people with protected characteristics, the impact of their loss will be minimised by remaining provision in the area, and the applicant has offered an alternative location for the existing post office. Overall, due regard has been had to the Public Sector Equalities Duty, as per section 149 of the Equalities Act 2010.

9.16 London Plan

As noted above, this application is GLA referable. The GLA have advised in their Stage 1 response that whilst the proposal is supported in principle, the application does not currently comply with the London Plan. The applicant has been requested to reconsider the areas of concern to the Mayor and the amendments made in response are set out in the relevant sections of this report.

If Committee resolve to grant permission, this application needs to be reported back to the Mayor, and the Mayor has 14 days to direct approval or refusal.

9.17 Pre-Commencement Conditions

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition(s) (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 the pre-commencement conditions noted in the decision notice. The applicant has agreed to the imposition of the pre-commencement conditions which relate to CoCP, Construction Logistics Plan land contamination, tree protection, Thames Water piling conditions.

9.18 Planning Obligations

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

- a) Provision of 11 intermediate affordable units prior to the occupation of the market housing , at the on-site at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
- b) Provision of early stage review s in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
- c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, payable on the commencement of development.
- d) Payment of a carbon offset payment of £341,871 (index linked) payable on the commencement of development.
- e) Been seen energy monitoring
- f) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) on the commencement of development towards the Westminster Employment Service prior to commencement of development.
- g) Provision of lifetime (25 year) car club membership for each residential flat
- h) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up
- i) Improvements to the Lady Samuels Garden prior to occupation of the development , including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure that safe removal of the existing statue and plaque, their reinstatement and at the applicant's cost
- j) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked) and payable on commencement of development
- k) Public art
- l) Provision of S106 agreement monitoring costs.

The estimated Westminster CIL payment is £3,513,400.00, subject to any exemptions or relief that may be available to the applicant.

9.19 Environmental Impact Assessment

The proposed development is not subject to an Environmental Impact Assessment because of its scale.

9.20 Other Issues

Street Naming and Numbering Plates

A condition is recommended to secure the reinstatement of the Street Naming plates/signs 'Porchester Gardens' on the new office building.

Lack of Public consultation

An objection has been raised that several elderly residents living in Queensway have not received a letter regarding this proposal to demolish their home. The applicant has carried out extensive community engagement and the City Council has sent neighbour letters to existing residents in the building and those neighbouring residents ; therefore, this objection cannot be supported .

10.0 Conclusion and Planning Balance

It is recognised the proposed redevelopment does provide several public benefits and these are supported . It is accepted by reason of the height and bulk of the proposed buildings at the rear and the views from the neighbouring conservation areas that the proposed development would result in less than substantial harm to the Queensway Conservation Area; the setting of the Bayswater and Hallfield Estates Conservation Areas and of the grade II listed terraces on Inverness Terrace. Accordingly, special regard must be had to the statutory requirement to give great weight to the desirability of preserving or enhancing heritage assets when deciding this application.

As such whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040 , given the substantial public benefits that would be delivered , which are the regeneration benefits of this development providing new office floorspace and better quality retail units which will enhance the Major Centre, provide employment benefits and local spend , together with new residential units which now includes a policy complaint number of intermediate rent units . The proposal is a highly substantial replacement building, and which also deliver further public realm improvements including the Lady Samuels Gardens . Therefore, the proposal is therefore considered acceptable in terms of its impact on the designated heritage assets .Therefore the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Building and Conservation Areas) Act 1990.

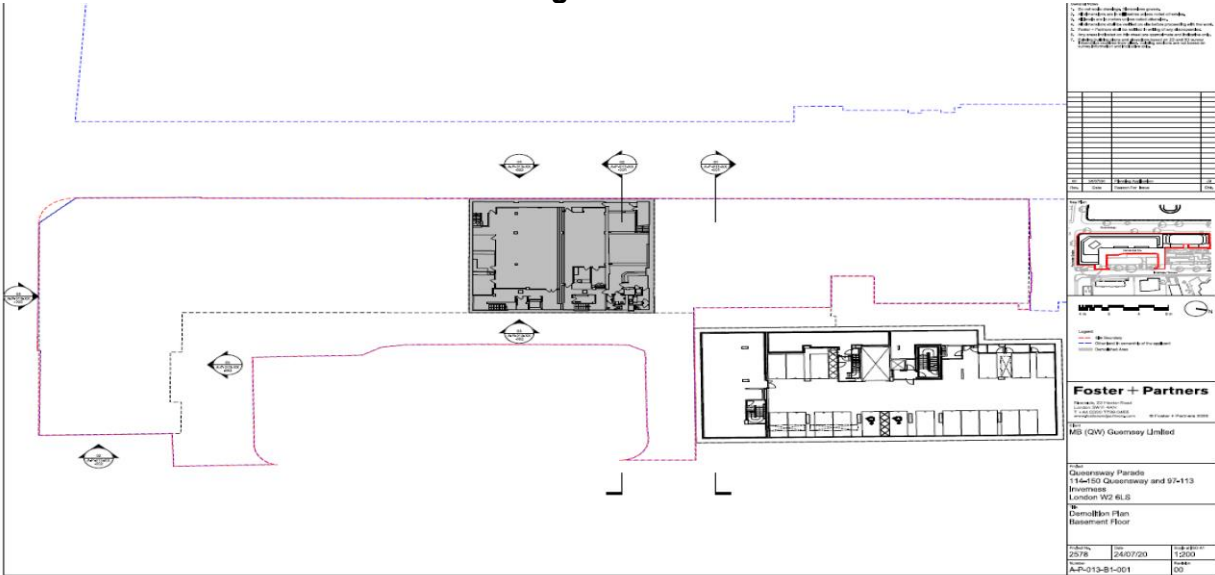
As set out in this report , it is also recognised that the proposal will result in significant losses of light and increased sense of enclosure for the occupiers of Aird House and Cervantes Court to the rear of the application site. It is also accepted that whilst these losses are more than the BRE guidance , the neighbouring residents would receive a reasonable level of daylight and sunlight for a central London location , and this also has to be weighed in light of the regeneration benefits this scheme would deliver.

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

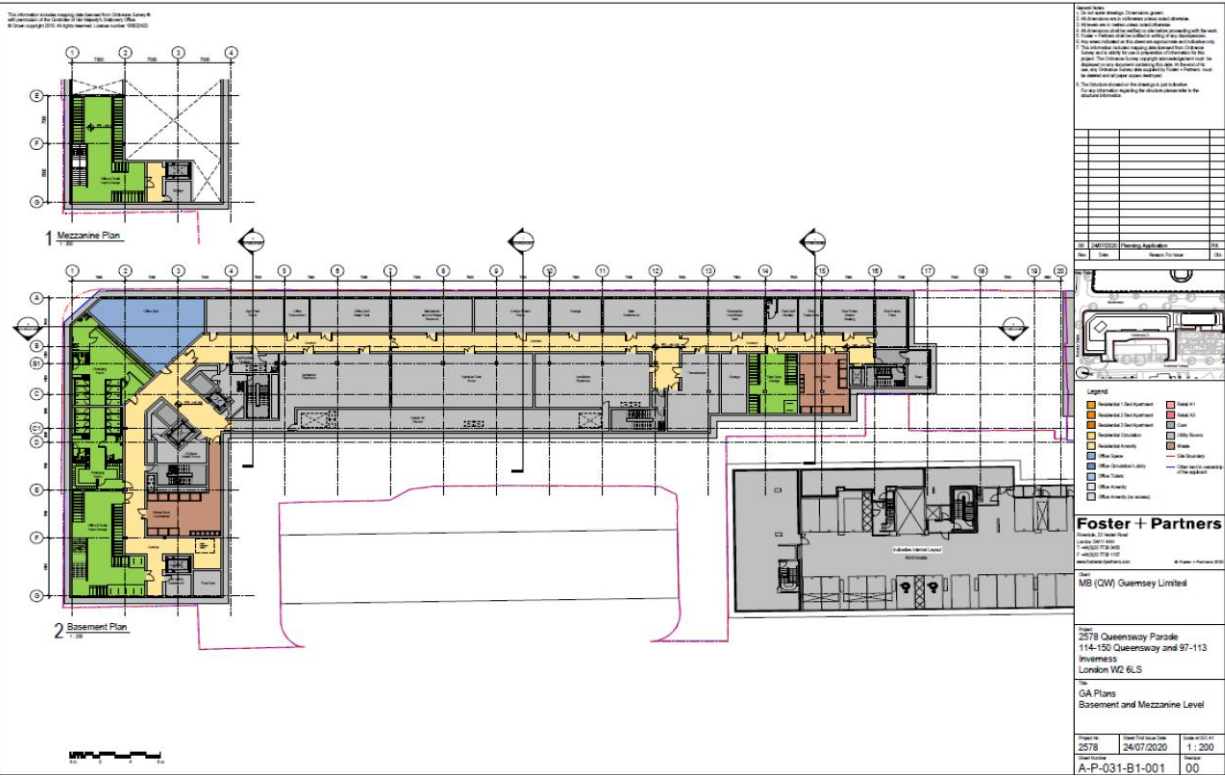
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: AMANDA COULSON BY EMAIL AT acoulson@westminster.gov.uk

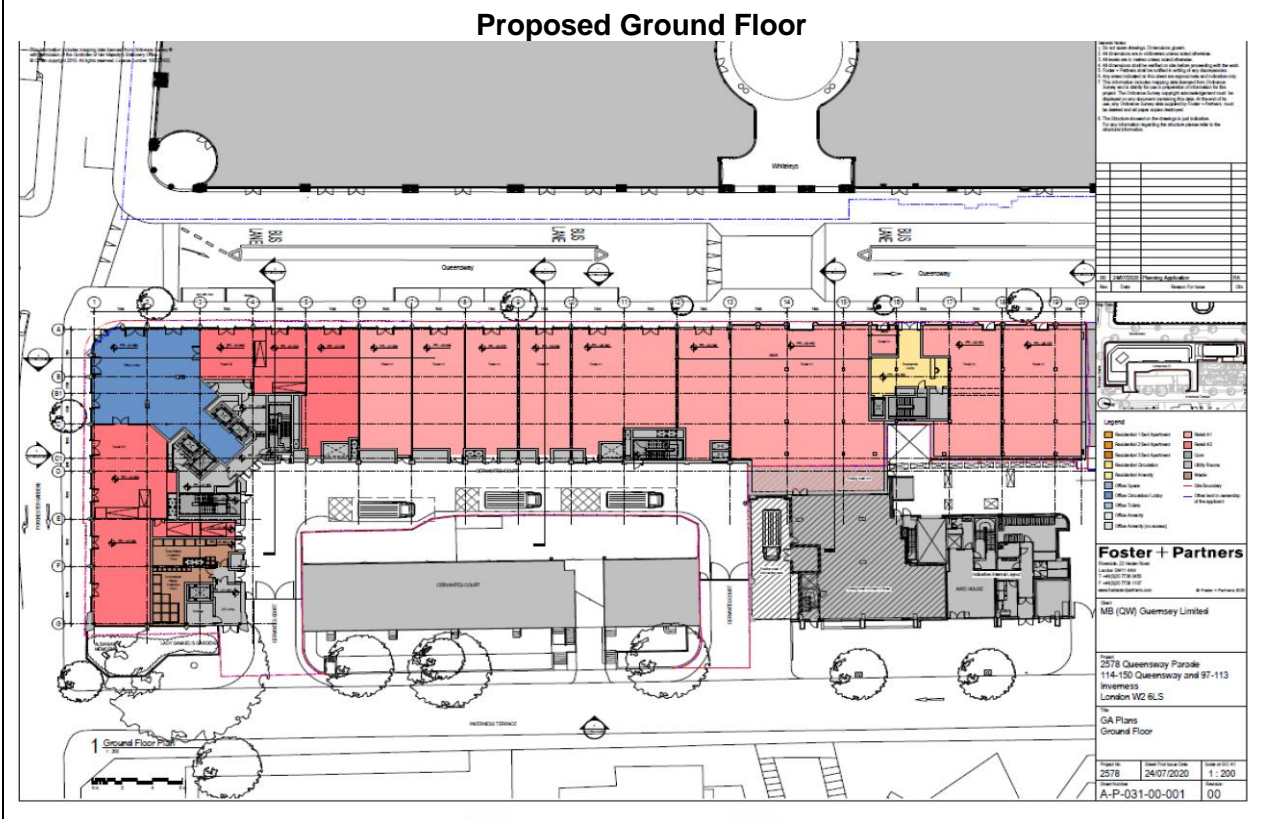
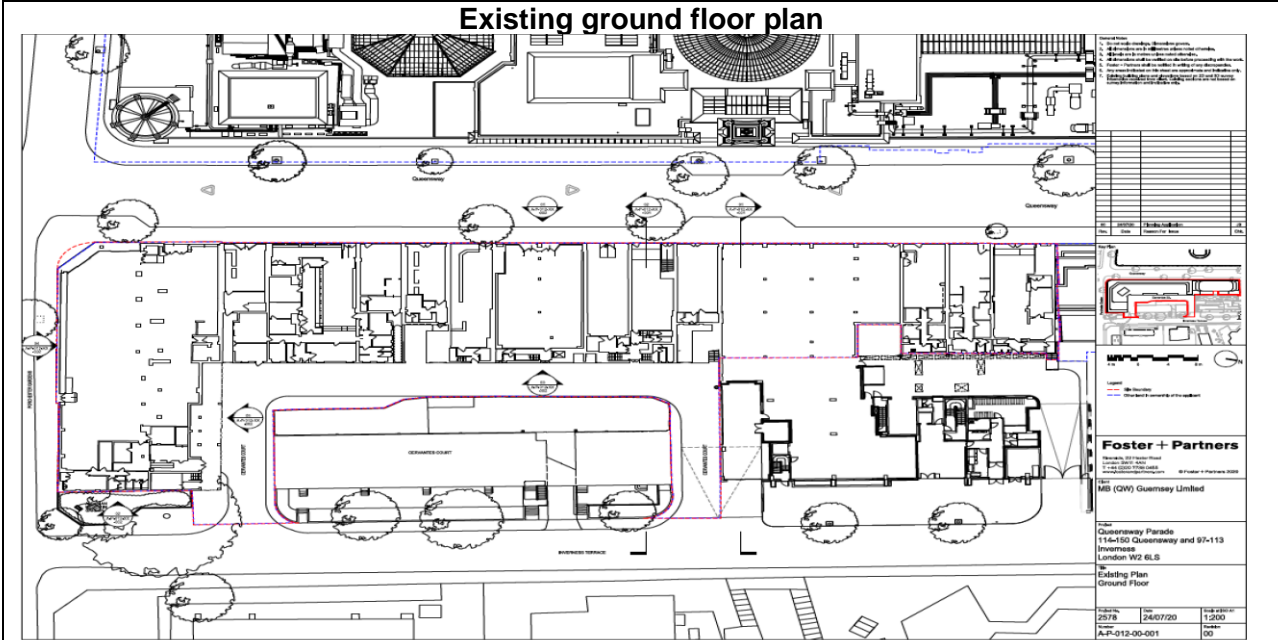
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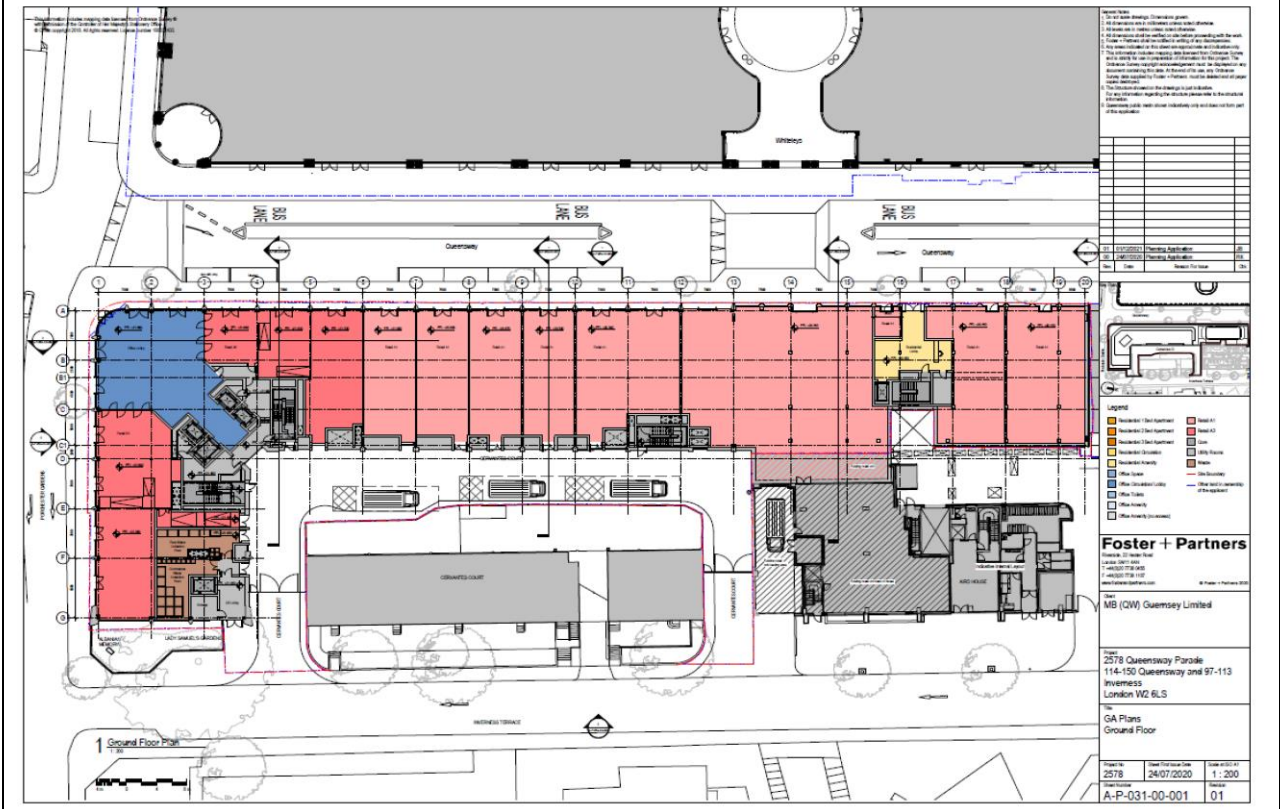
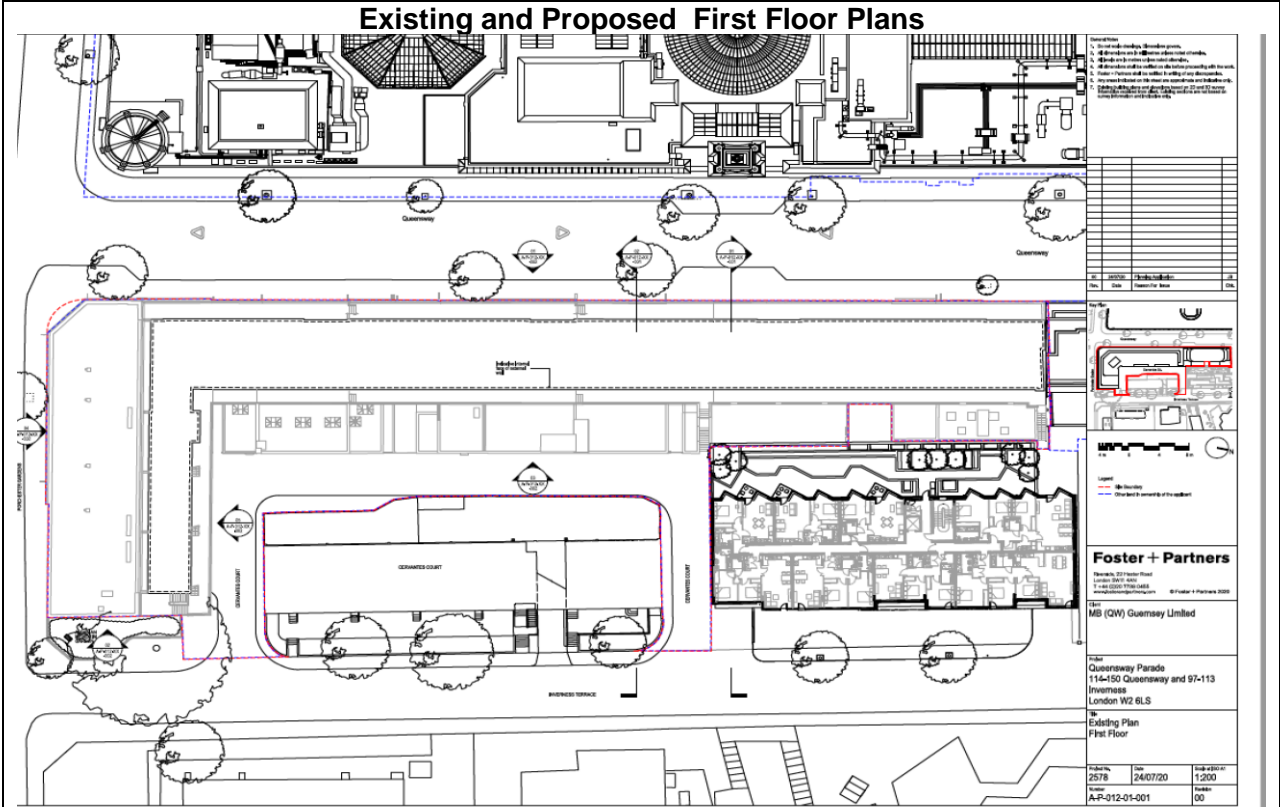
KEY DRAWINGS Existing Basement Plan



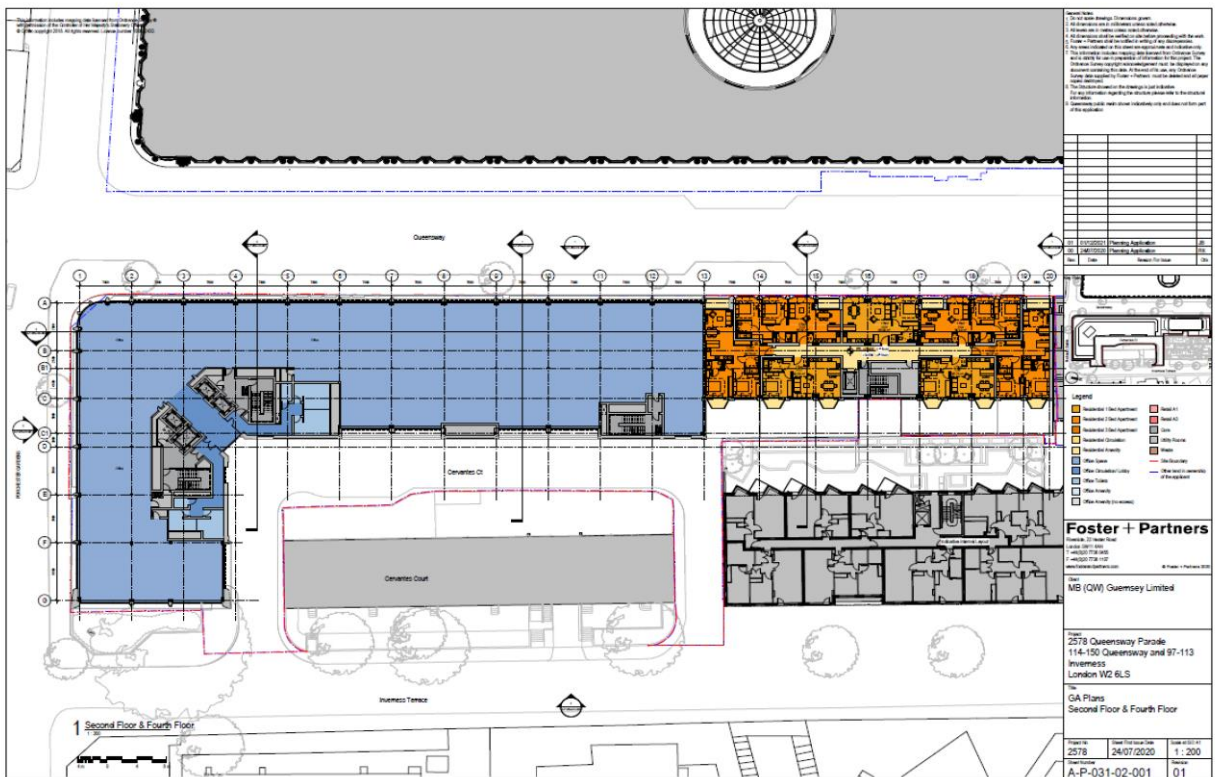
Proposed basement and part mezzanine



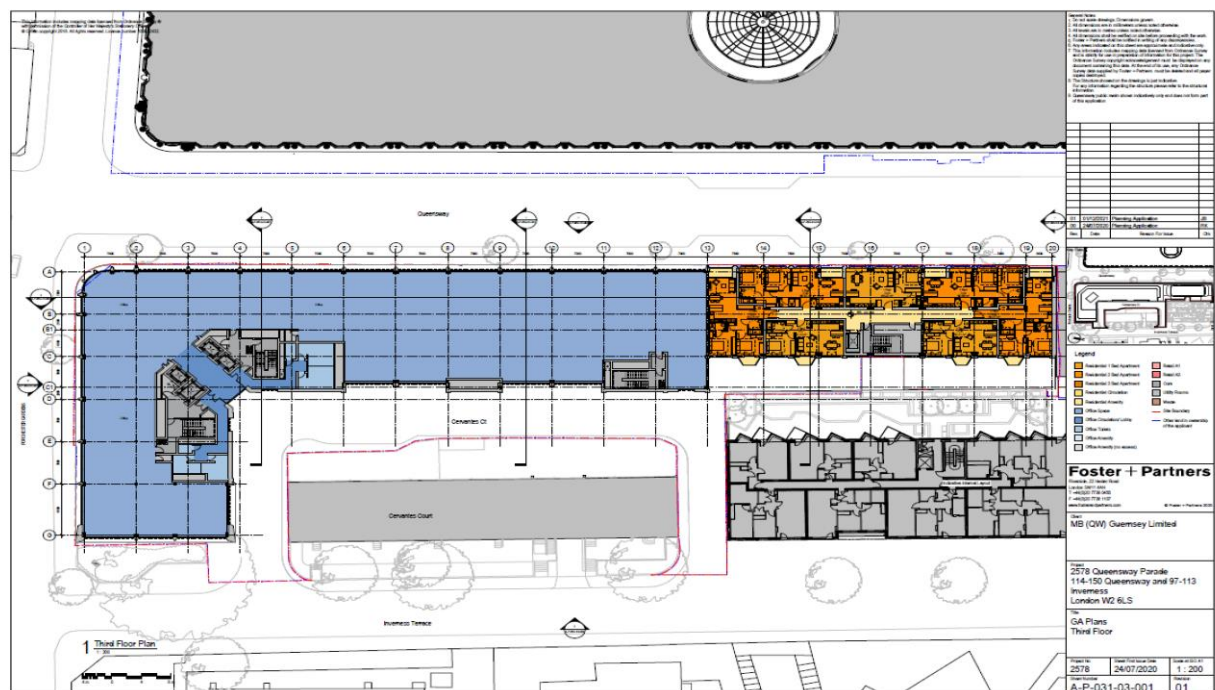




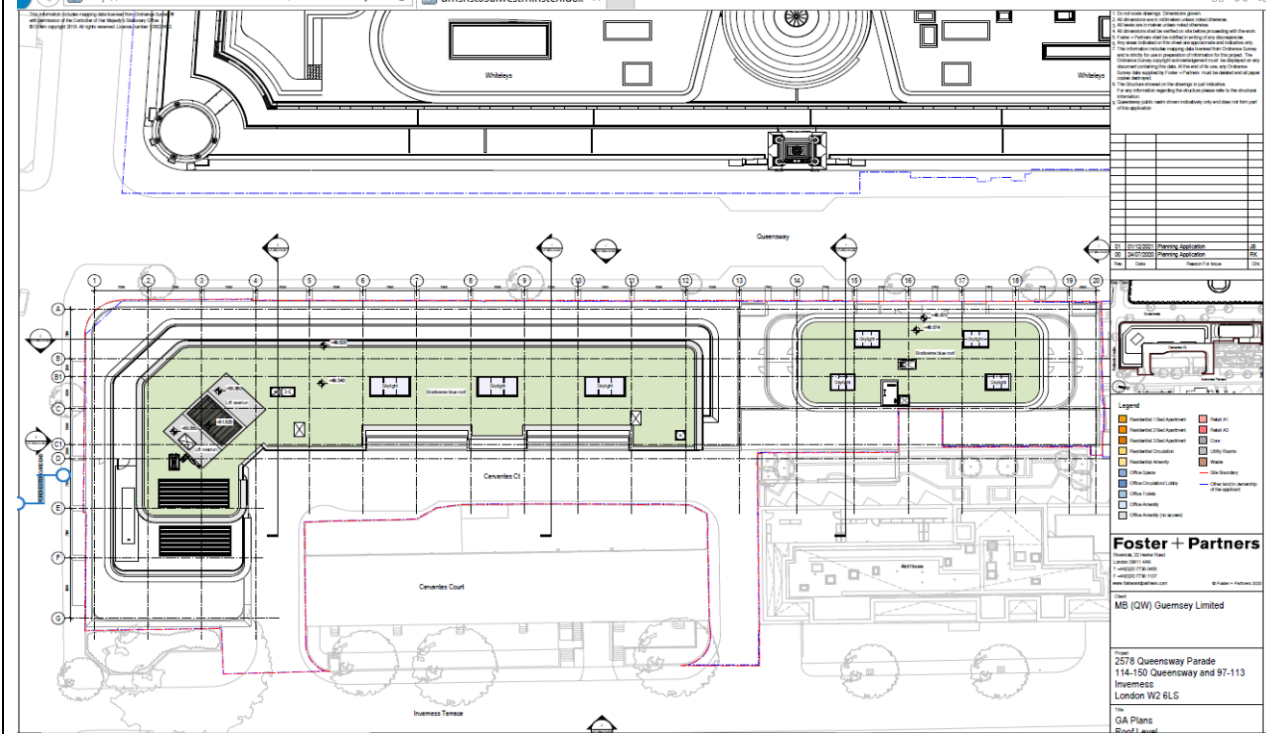
Proposed second and fourth floor plans



Proposed third floor plan



Proposed Roof Plan





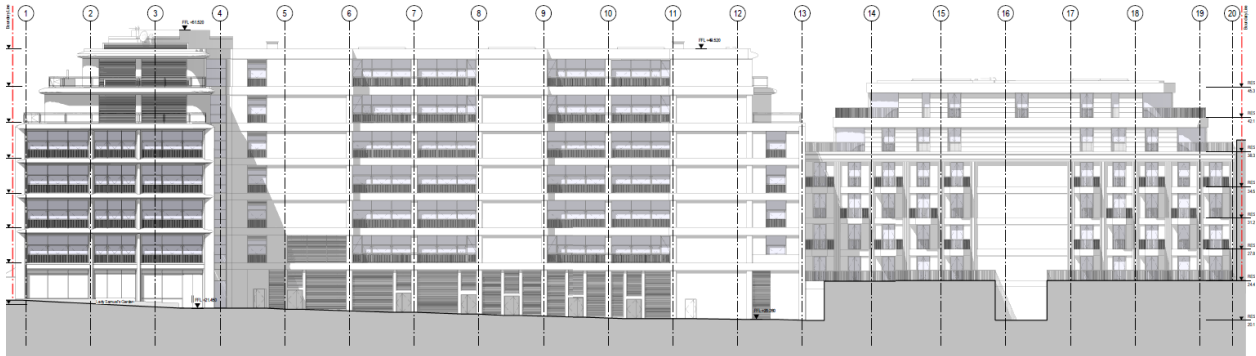
Existing West Elevation



Proposed West Elevation



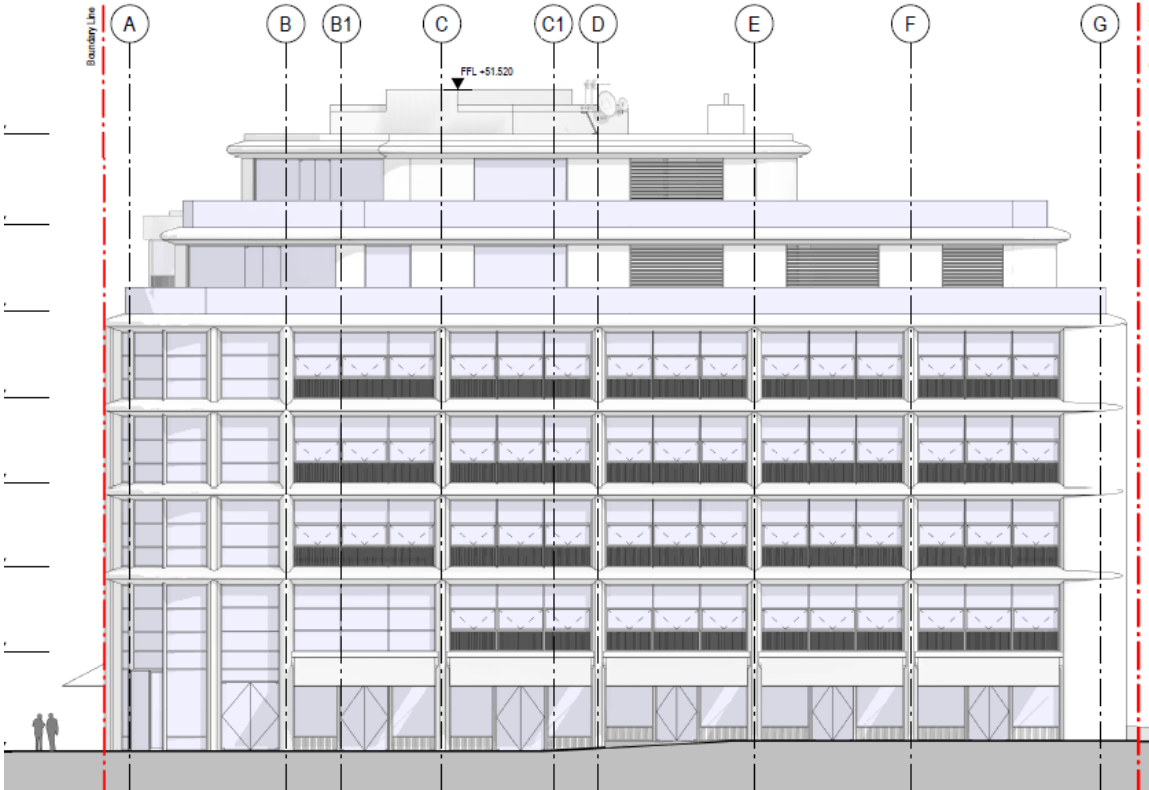
Existing East Elevation



Proposed East Elevation



Existing South Elevation



Proposed South Elevation



Existing North Elevation



Proposed North Elevation



Applicant's Visualisation as Seen from Queensway/Porchester Gardens Junction



Applicant's Visualisation from Queensway Looking South.

Applicant's visualisation from Inverness Terrace looking north-winter



Applicant's visualisation taken from Porchester Gardens looking west towards Queensway



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DRAFT DECISION NOTICE

Address: 114 - 116 Queensway, London, W2

Proposal: Demolition of 114-150 Queensway and 97-113 Inverness Terrace, and redevelopment to provide two buildings comprising basement, ground and up to six upper floor levels, providing retail use (Class E) at ground floor, residential units (Class C3) and Office (Class E) floorspace at upper floors, with associated amenity space, basement level secure cycle parking, ancillary facilities and plant, with servicing provision to Cervantes Court.

Plan Nos: A-P-000-XX-010, A-P-011-XX-001, A-P-011-XX-002,A-P-011-XX-003, A-P-012-00-001, A-P-012-01-001,A-P-012-02-001,A-P-012-03-001, A-P-012-B1-001, A-P-012-RF-001,A-P-012-XX-001, A-P-012-XX-002, A-P-013-00-001 ,A-P-013-01-001, A-P-013-02-001, A-P-013-03-001, A-P-013-BG-001, A-P-013-RF-001,A-P-013-XX-001, A-P-013-XX-002, A-P-031-00-001Rev 01 , A-P-031-01-001Rev 01 , A-P-031-02-001Rev 01 ,A-P-031-03-001Rev 01 ,A-P-031-05-001Rev 01 ,A-P-031-06-001Rev 01 , A-P-031-B1 -001Rev 01 ,A-P-031-RF-001Rev 01 ,AP-053-XX-001Rev 01 , A-P-053-XX-002Rev 01 , A-P-064-XX -001Rev 01 , A-P-064-XX-002 Rev 01 .
 Archaeological Assessment ,Air Quality Assessment , Arboricultural Impact Assessment ,Biodiversity Survey and Report, Circular Economy and Whole Life Carbon Statement Revision 01 and GLA template, Updated Affordable Housing Offer.
 Design and Access Statement (part superseded) by Updated DAS Addendum,
 Internal Daylight and Sunlight Analysis dated 25 August 2022
 DLSL Aird House Presentation , DLSL Contextual Note GIA
 Daylight and Sunlight Report ,Energy Statement , Queensway Parade Economic and Social Value Assessment ,
 Flood Risk Assessment SUDS Strategy Report ,
 Heritage and Visual Assessment(part superseded) ,Noise Impact Assessment ,
 Planning Statement , Structural Method Statement , Structural Report ,Transport Assessment, Ventilation and Extraction Statement Revision 03 ,Utilities Strategy Revision 01

Case Officer: Amanda Coulson

Direct Tel. No. 07866037509

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 **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)

3 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)

4 **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 1, 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.

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)

- 5 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 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 to local underground infrastructure.

- 6 No construction shall take place within 5 m of the water main. Information detailing how the developer intends to divert the asset/align the development , so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water .Any construction must be undertaken in accordance with the terms of the approved information .Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works .

Reason:

The proposed works will be in close proximity to underground strategic water main , utility infrastructure.The works has the potential to impact on Thames Water's local underground water utility infrastructure.

- 7 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 infrastructure and the programme of works) has been submitted to and approved by the local planning authority .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 water infrastructure. Piling has the potential to impact on local underground water infrastructure .

- 8 No development shall be occupied until confirmation has been provided that either:

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- 1 Capacity exists off site to serve the development, or
- 2. A development and infrastructure phasing plan has been agreed in writing with the local planning authority in consultation with Thames Water.
Where a development and infrastructure phasing plan is agreed , no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan , or
- 3. All waste water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:
Network reinforcements may be required to accommodate the proposed development .Any reinforcement works identified will be necessary to avoid sewerage flooding and/or potential pollution incidents.

- 9 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 for the office and the residential buildings . 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 Queensway 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 detailed drawings of the following parts of the development -
 - a) new shopfronts at a scale of 1:20 including cross sections , including details of fascia's and canopies
 - b) typical window details of the new office building scale 1:10
 - c) typical window details of the new residential building scale 1:10
 - d) new balconies for the residential flats scale 1:20
 - e) new metal balustrades scale 1:20
 - f) new gates to service yard

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

- 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 Queensway 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 No demolition of the existing buildings shall take until a Construction Logistics Plan (CLP) to manage all the freight vehicle movements to and from the site has been submitted to and approved by the City Council in consultation with Transport for London in association with the demolition of the existing

buildings and the construction of the new development.
The development shall be carried out in accordance with this approved CLP at all times.

Reason:

To ensure that demolition and construction works do not have an adverse impact on public safety and the transportation networks , and to ensure that the impact is minimised .

- 13 You must use ground and basement retail units for the following uses within Class E

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premises
- E(c) Provision of: E(c)(i) Financial services,
- E(c)(ii) Professional services (other than health or medical services), or
- E(c)(iii) Other appropriate services in a commercial, business or service locality

No more than 30% of the units shall be used for uses falling within Class E(b)

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). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 13 and 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 14 The office building hereby approved shall only be used for the following uses within Class E and for no other purpose

- E(g)(i) Offices to carry out any operational or administrative functions,
- E(g)(ii) Research and development of products or processes.

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). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 15 The roof top terraces of the office building shall only be used between the hours of 0700 and 22.00 hours Monday to Friday other than in the case of an emergency .

Reason:

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

- 16 No amplified or other music shall be played on the office building roof terraces.

Reason:

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

17 Self-closing mechanisms must be fitted on the doors of all the retail units at ground floor level before the retail uses commence and shall be retained .The doors must not be left open except in an emergency or for maintenance purposes .

Reason:
To protect the living conditions of people who may use the property in future as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13DD)

18 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the new development. (C14ED)

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)

19 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 as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

20 Three months prior to the occupation of the commercial units you shall be submit a Servicing and Delivery Management Plan which will be the subject of consultation with the local amenities societies. The development shall be carried out in accordance with this approved Servicing and Delivery Management Plan at all times.

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)

21 Customers shall not be permitted within the Class E premises before 07.00 or after 23.30 each day. (C12AD)

Reason:
To protect the living conditions of people who may use the property in future as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13DD)

22 A post construction BREEAM assessment demonstrating that a minimum target rating of Excellent has been achieved for the commercial uses and ideally should be targeting 'Outstanding ' shall be submitted to and approved by the local planning authority within six months of first occupation The details submitted in the BREEAM assessment shall thereafter be retained .

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)

- 23 The mitigation measures identified in the Flood Risk Assessment /SUD's Strategy report must be provided prior to occupation, and these shall include blue/green roofs, permeable paving and below ground attenuation .These features must be provided and maintained for the lifetime of the development.
- Reason:
To minimise the impact of the proposed development of surface water flooding and to ensure that the SUD's are provided in accordance with policy 35 in the adopted City Plan and the adopted Environmental Supplementary Planning Document 2022.
- 24 Within three months of first occupation of the office and the residential buildings, a certified Post Construction Review , or other validation process agreed with the local planning authority shall be submitted to the local planning authority to demonstrate that the agreed standards as set out in the Energy Statement has been met in consultation with the GLA .
- Reason:
To ensure satisfactory compliance with the submitted energy strategy and in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).
- 25 The development shall be carried out in accordance with the Circular Economy Statement . A Post Completion Report setting out the predicted and actual performance against all numerical targets and provide details of the Recycling and Waste Reporting form and Bill of materials shall be submitted to and approved by the City Council as local planning authority.
- Reason:
In the interests of sustainable development and to ensure that the development complies with policies xxx
- 26 Details of the electric charging points for the servicing vehicles shall be submitted to and approved by the City Council as local planning authority before the occupation of the commercial uses .The approved electric charging points must be provided and not removed unless agreed to in writing .
- Reason:
To ensure the provision of electric charging points for the servicing vehicles.
- 27 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)
- Reason:
To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)
- 28 Within three months of the occupation of the office building , you must apply to us for approval of a Commercial Travel Plan. The Travel Plan must include details of:
- (a) A comprehensive survey of all users of the building;
 - (b) Details of local resident involvement in the adoption and implementation of the Travel Plan.
 - (c) Targets set in the Plan to reduce car journeys
 - (d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets

identified in the Plan are not being met over a period of 5 years from the date the new school buildings are occupied.

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:

In the interests of public safety, to avoid blocking the surrounding streets and ensure reduction in car journeys as set out Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R45AC)

- 29 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 for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 30 You must apply to us for approval of a scheme of public art within nine months of the commencement of the development.

You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details, or within any extension of time to be agreed in writing by the City Council.

You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 31 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 32 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 33 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition(s) 31 and 32 of this permission.

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 Environmental Supplementary Planning Document (February 2022), 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)

34 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 Environmental Supplementary Planning Document (February 2022), 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)

35 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

36 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

37 (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 5 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

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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 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.

(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 L A90, 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. (C47BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in nearby 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. (R47BC)

- 38 All kitchen exhaust discharges must be designed internally and discharge at roof level and all kitchen exhaust air will be treated with UV/HEPA /carbon activated filtration in order to mitigate cooking smells .

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)

- 39 The development hereby approved shall achieve an urban greening factor of at least 0.26 and a report confirming this must be submitted to and approved by the City Council within three months of the completion of the development.

Reason:

To ensure carbon emissions have been minimised and to ensure the provision of green infrastructure in accordance with policies 34, 36 and 38 in the adopted City Plan.

- 40 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which

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includes the number, size, species and position of trees and shrubs to the terraces to the office building . 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 landscaping and planting within one planting season 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 within three years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Queensway Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 41 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green/living roofs 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 reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 42 Details of bird and bat boxes shall be submitted to and approved by the City Council at least 3 months prior to the occupation of the buildings
The approved boxes must be installed prior to occupation and you must not remove these features

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 43 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing in the Arboricultural Report . 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

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)

- 44 **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, namely T2 and T7 . 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 protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 45 All canopies to the retail units need to maintain 2.6 metres vertical clearance to allow pedestrians safe passage and be at least 1 metre from kerb edge to allow sufficient height from vehicles .

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)

- 46 The development shall not be occupied until a lighting strategy for any external lighting has been submitted and approved by the local planning authority including timings . The development shall be carried out in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise disruption to future and neighbouring residents in accordance with policies 38,39 and 40 in the adopted City Plan.

- 47 You must apply to us for approval of details of a security scheme for the commercial units and the service yard 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 according to the approved details before anyone moves into the building. (C16AC)

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Queensway Conservation Area as set out in Policies 38 and 39 of the City Plan 2019-2040 (April 2021). (R16BD)

- 48 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 December 2021 and part superseded 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)

- 49 Prior to the occupation of each 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 each building.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings (Policies SI 2

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and SI 3 of the London Plan (2021) and policy 38 in the City Plan (2021-2040) and the Council's adopted Environmental SPD.

- 50 Prior to the occupation of each building, a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance.
 The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@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 each building.

Reason:
 In the interests of sustainable waste management and in order to maximise the re-use of materials (Policy SI 7 of the London Plan 2022) policy 38 in the City Plan 2021-2040 and the adopted Environmental SPD.

- 51 During the subsequent design stages, procurement and construction following the grant of planning permission, the applicant shall notify the Local Authority of any substantial changes to the design, procurement or overall circumstances around the delivery of the proposed scheme which will result in more than 50% increase in the Embodied Carbon (A1-A5) 600kgCO₂e/m² and/or Whole Life Carbon (A1-C4) 970kgCO₂e/m² benchmarks.

If such significant increase is expected, the Applicant is requested show mitigation strategies to ensure the carbon footprint of the development is kept within the identified benchmarks, and those mitigation measures shall be implemented.

Reason:
 In the interests of sustainable development as set out in policy 38 in the City Plan (2021-2040) and the Council's adopted Environmental SPD.

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 **HIGHWAYS LICENSING:**
 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.
- CONSIDERATE CONSTRUCTORS:**
 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.

BUILDING REGULATIONS:

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/contact-us-building-control

- 3 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.

- 4 Condition 4 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.

- 5 This permission is subject to a Section 106 which covers the following:

- a) Provision of 11 intermediate affordable units prior to the occupation of the market housing , at the on-site at affordability levels to be agreed with the Head of Affordable Housing and Partnerships.
- b) Provision of early and late-stage review mechanisms in accordance with policy H5 of the London Plan and the Mayor's Affordable Housing and Viability SPG.
- c) A financial contribution of £5,546.00 (index linked) towards improvements to play space in the vicinity of the development, on the commencement of development.
- d) Payment of a carbon offset payment of £341 871 (index linked) on the commencement of development.
- e) Submit an Employment and Skills Plan, and payment of a financial contribution of £293,977.00 (index linked) on the commencement of development towards the Westminster Employment Service prior to commencement of development.
- f) Provision of lifetime (25 year) car club membership for each residential flat
- g) Costs of any highways works associated with the development (outside of the scope of the City Council's public realm and highways scheme for Queensway); and including Stopping Up
- h) Improvements to the Lady Samuels Garden prior to occupation of the development , including the feasibility of the keeping the garden in some form during construction and if not feasible to ensure

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- that safe removal of the existing statue and plaque, their reinstatement and at the applicant's cost
- i) Financial contribution of £20,000 for additional tree planting in the vicinity of the development (index linked and payable on commencement of development) cc
 - j) Public art
 - k) Provision of S106 agreement monitoring costs.

- 6 With reference to condition 2 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.

- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 8 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.
- 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 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).
- 11 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 12 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 13 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 14 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.
- 15 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 16 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 17 The approved development is likely to necessitate the removal, re-provision and/or introduction of new street nameplates. The provision of replacement and/or new nameplates is a requirement of Part II, paragraph 8 of the London Building Acts (Amendment) Act 1939. The replacement and/or new nameplates must be installed in accordance with the requirements of the London County Council Street Naming Regulations 1952.

Nameplates should be:

- Fixed within 10 feet of every street corner (excluding the width of the public footway) on both sides of each street and may be placed on part of a building or structure.

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- Installed at a height of between 2.5 and 3.5 metres above ground level for best visibility, where installed on a building.
- Repeated at intervals of approximately 200 yards on alternate sides of the street on straight lengths of street without intersections.
- Placed directly opposite the side street at 'T' junctions.
- Displayed at the point of change if the name of a street changes other than at a junction. Both names should be displayed indicating to which parts of the street the names refer.

In accordance with the regulations, and to ensure consistency of street nameplates across the city, they must be supplied and fitted by the council. For further advice, including the supply and fitting cost, and to request the re-provision and/or introduction of new nameplates, you should contact the Highways Inspector responsible for the management of the application site or you can contact Highways Operations: highwaysoperations@westminster.gov.uk. (I54BA)

- 18 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 19 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)

- 20 Conditions 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)

- 21 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.

- 22 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.

- 23 Condition requires the submission of sound insulation measures and Noise Assessment Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)

- 24 In respect of Condition 5, please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow of you are considering working above or near to Thames Water pipes or other structures
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-our-pipes>

Should you require further information please contact Thames Water .Email
 developer.services@thameswater.co.uk Phone 0800 009 3921 (Monday to Friday 8 am to 5 pm) or write to Thames Water Developers Services, Clearwater Court, Vastern Road Reading, Berkshire RG1 8DB

As required under Building regulations Part H Paragraph 2.36, Thames Water requests that the applicant should incorporate , protection to the property to prevent sewerage flooding , by installing a positive pumped device(or equivalent) on the assumption that the sewerage network may surcharge to ground levels during storm conditions . If as part of the basement development there is a proposal to discharge ground water to the public sewer, this will require a Groundwater Risk Management Permit from Thames Water. Any discharge without a Permit is deemed illegal and may result in prosecution under the Water Industry Act 1991 .Thames Water expect the applicant to demonstrate what measures will be undertaken to minimise ground water discharges into the public sewer .Permits enquiries should be directed to Thames Water Risk Management Team 02035779483 or email
wwqriskmanagement@thameswater.go.uk. Application forms should be completed online via ww.thameswater.co.uk

- 25 In respect of Condition 6 please contact Thames Water to ensure that your development is in accordance with their agreed working practices as set out in Informative 24 above.

- 26 In respect of Condition 7 please read Thames Water's guidance , details set out in Informative 24 above

If you are planning to use mains water for the construction purposes. You must let Thames Water know before you start work, to avoid potential fines for improper use. More information and how to apply can be found online at [thameswater.co.uk/building water](http://thameswater.co.uk/building%20water).

- 27 Thames Water will aim to provide customers with a minimum pressure of 10m head(approx. 1 bar) and a flow rate of 9 litres/minute at the point it leaves Thames Water pipes .The developer should take this into account of this minimum pressure in the design of the proposed development .

- 28 In respect of Condition 8 , you can request additional information from Thames Water to support the discharge of this condition - thameswater.co.uk/pre-planning

- 29 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

- 30 In respect of the design of any decorative construction hoarding , you are recommended to consult with the local stakeholders at an early stage, and need to apply for advertisement consent .

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- 31 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.

- 32 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.

- 33 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

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- * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
- * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
- * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
- * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

34 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

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

35 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

36 This site is inside an 'area of nature deficiency' as set out in Policy 34 of our City Plan 2019-2040 that we adopted in April 2021. So, you should include environmental features that enhance biodiversity, particularly for priority species, when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.

37 When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. (I81CA)

38 Condition 45 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:

- * the order of work on the site, including demolition, site clearance and building work;
- * who will be responsible for protecting the trees on the site;
- * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
- * how you will deal with accidents and emergencies involving trees;

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- * planned tree surgery;
- * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
- * how you will remove existing surfacing, and how any soil stripping will be carried out;
- * how any temporary surfaces will be laid and removed;
- * the surfacing of any temporary access for construction traffic;
- * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
- * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
- * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
- * the place for any bonfires (if necessary);
- * any planned raising or lowering of existing ground levels; and
- * how any roots cut during the work will be treated.

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Agenda Item 2

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 th November 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone	
Subject of Report	57 & 59 Gloucester Place, London, W1U 8JH.		
Proposal	<p>Application 1:- Change of use at 59 Gloucester Place and first to fourth floors of 57 Gloucester Place to accommodate residential use (Class C3), existing office (Class E) use retained at ground and basement floors of 57 Gloucester Place, with internal and external alterations including works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, provision of waste storage and replacement plant at roof level and provision of plant basement vaults.</p> <p>Application 2:- External and internal alterations works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, waste storage, basement vaults plant and replacement plant at roof level and provision of plant basement in connection with use of 59 Gloucester Place and first to fourth floors of 57 Gloucester Place for residential use (Class C3)</p> <p>NB/ Linked by way of a land use swap to redevelopment of land at Garfield House, 86 - 110 Edgware Road and Bernard House 163-169 George Street, London, W2 ref. 22/05768/FULL.</p>		
Agent	Gerald Eve		
On behalf of	The Portman Estate Nominees (One) Limited & The Portman Estate Nominees (Two) Limited		
Registered Number	Application 1:-22/05362/FULL Application 2:- 22/05363/LBC	Date amended/ completed	5 August 2022
Date Application Received	5 August 2022		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Application 1:-

1. Grant conditional permission, subject to a S106 legal agreement to secure the following planning obligation:-

- i) The residential use at this site as a land use swap from site at Garfield House, 86-110 Edgware Road and Bernard House 163-169 George Street, London W2 (as granted under 22/05768/FULL
- ii) Provision of lifetime (25 year) car club membership for each residential flat

If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:

a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing 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 be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

Application 2:-

1. Grant conditional listed building consent.

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

2. SUMMARY & KEY CONSIDERATIONS

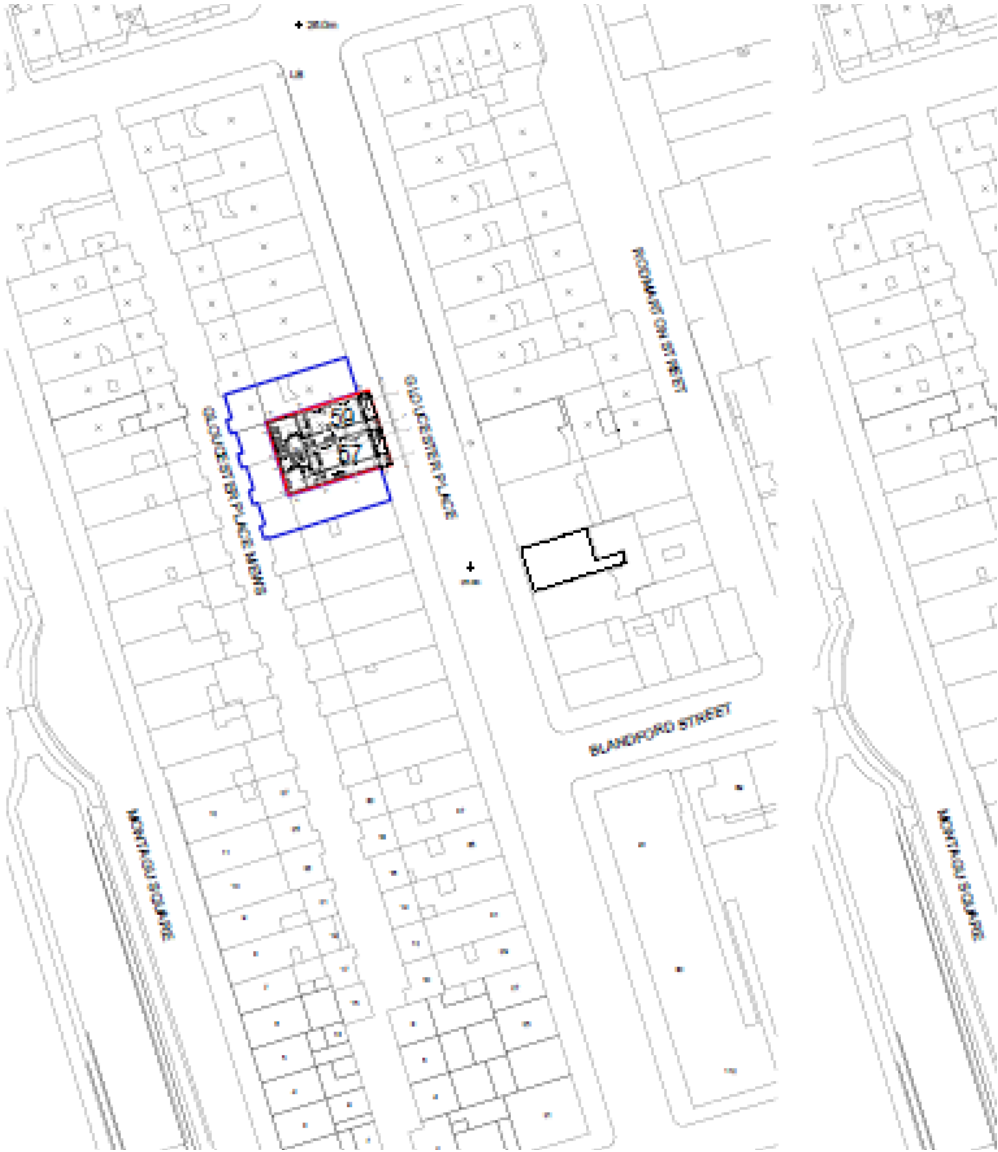
Permission and consent are sought for extensions and external and internal alterations associated with the change of use to residential in connection with a land use swap with a redevelopment site on Edgware Road. No representations of objection have been received. The key considerations in this case are:

- The acceptability of the proposed residential accommodation in terms of its, location, size, mix and accessibility.
- The impact of the proposal on the character and appearance of the Grade II listed buildings and Portman Estate Conservation Area.

The principle of the land use swap to provide additional residential floorspace and significantly higher quality accommodation at this site is supported in principle. Whilst the proposal would result in some less than substantial harm to the listed buildings, it is considered that the benefits of the scheme in

land use, environmental and heritage terms outweigh that harm. As such a favourable recommendation is made, subject to conditions and the completion of a S106 legal agreement to secure the land use swap and car club members for the future residents of the flats.

LOCATION PLAN



3. PHOTOGRAPHS



Front elevation

4. CONSULTATIONS

4.1 Application Consultations

4.2 Applicant's Pre-Application Community Engagement

Whilst pre-application engagement with the local community and key stakeholders in the area prior to the submission of the planning application is encouraged, in accordance with the principles set out in the Early Community Engagement guidance, there is no duty on the applicant to undertake such. The applicant has not advised of any pre-application engagement with the local community, but has held pre-application discussions with the City Council. Notwithstanding the scale and nature of the application this is regrettable. However, it is noted that following the City Council's consultation on this application, no representations have been received from the local community.

5. WESTMINSTER'S DEVELOPMENT PLAN

5.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

5.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

5.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

6. BACKGROUND INFORMATION

6.1 The Application Site

57 & 59 Gloucester Place are Grade II listed Georgian town houses comprising basement, ground and four upper storeys within the Portman Estate Conservation Area.

To the rear of the site lies 38 & 40 Gloucester Place Mews. Both buildings are currently in office use (Class E) and are located just under 500m away from Edgware Road.

6.2 Recent Relevant History

Conditional planning permission and listed building consent granted on 30.05.2002 for external alterations including the erection of ground to 2nd floor rear extension, installation of two air conditioning units at roof level, in connection with use of the whole property as offices (Class B1). (As part of land use swap and package of applications involving 13 properties in Gloucester Place and Rodmarton Street.) (01/04097/FULL & 01/04098/LBC).

7. THE PROPOSAL

Planning permission and listed building consent are sought for external and internal alterations to the building in association with a change of use of 57 Gloucester Place (in its entirety) and 59 Gloucester Place (partial) from office (Class E) to residential use (Class C3).

The proposed change of use is in connection with a land use swap. The swap exchanges the existing residential use at Garfield House 86-110 Edgware Road and 163-169 George Street which is proposed for redevelopment, with existing office use at 57 & 59 Gloucester Place. This would result in the residential floorspace on Edgware Road being relocated to Gloucester Place and the office floorspace at Gloucester Place relocated to Edgware Road.

The Key elements of the proposal are:-

- Change of use from office (Class E) to residential (Class C3).
- Extensions to rear .
- External alterations including replacement of windows and doors.
- Provision of replacement plant and equipment in the basement vaults and at roof level.
- Provision of cycle parking in front lightwell.
- Reconfiguration of external space at rear of building to provide terraces to the rear at ground, first and second floor levels, serving the proposed office space and three of the residential units.
- Internal alterations to facilitate the new residential units and the retained office space and to replace services, improve fabric and insulation and restore decorative features.

Table 1: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	1066m ²	223m ² retained	-843m ²
Residential (Class C3)	0	843m ²	+843m ²
Ancillary	50m ²	55m ²	+5m ²
Total	1116m ²	1121m ²	+5m ²

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are currently 8 residential units (occupied on Assured Short-hold Tenancies) within the linked site at Garfield House, providing within 728m² of floorspace. This residential floorspace is proposed to be relocated to 57-59 Gloucester Place (currently in Class E use) as part of a land use swap involving the relocation of office floor space from Gloucester Place to Garfield House.

Both this application and the planning application for Garfield House form a land use package, which are proposed to be linked by way of a S106 planning obligation to ensure that the swap is implemented and consequently that there is no loss of residential /office floorspace.

The proposed residential floor space at 57-59 Gloucester Place, would result in a small uplift of residential floorspace and would accommodate five residential units, 4x2bedroom and 1x3bedroom family sized unit.

19 of 22 habitable rooms would meet ADV for BRE daylight (86%) and two kitchens and a bedroom at lower ground floor level, as part of a duplex flat, would fall short of the guidelines for daylight. However, given the historic nature of the building and the overall quality of accommodation proposed, including the other benefits of locating the residential floor space to this site, it is considered to be acceptable in this case and overall the flats are considered to provide sufficient daylight and outlook.

All units would be of an appropriate size and layout, with appropriate sound insulation, and three flats would be provided with external amenity space providing satisfactory internal and external residential environment. Given the heritage considerations, the mix of unit sizes and quantum of external amenity space is accepted.

Given the retention of Class E floorspace within the basement and ground floor of 57 Gloucester Place, a restriction of the Class E uses is recommended to protect the amenities of future residential occupiers. The proposal meets Policy 10 (Housing for specific groups) and 12 (Housing quality).

Table 2- Proposed residential size and mix of units

Building	Floor	Unit type	Floorspace (GIA m ²)
57	Basement & ground	Offices with external amenity space	N/A
59	Basement & ground	3 bedroom flat with external amenity space	178m ²
57-59	First floor	2 bedroom flat with external amenity space	145m ²
57-59	Second floor	2 bedroom flat with external amenity space	138m ²

57	Third/Fourth floor	2 bedroom duplex flat, without amenity space	155m2
59	Third/Fourth floor	2 bedroom duplex flat without amenity space	140m2
<i>Total</i>			843m2

There are a number of benefits associated with the relocation of the residential floorspace to this donor site within 500m of the main site on Edgware Road:-

- A small uplift in residential floorspace
- Appropriate use in this location
- Higher quality residential accommodation
- Heritage building with features
- External amenity space for 3 flats
- Better air quality (Outside of Air Quality Focus Area)
- Less busy location
- Upgrades the energy and fire strategy of the building
- Optimum viable use for these heritage buildings
- Refurbishes Heritage buildings which were originally built for residential purposes
- Provision of off street cycle storage

For these reasons the proposed residential land use swap meets the aims and policy objectives of the City Plan (implementation and monitoring) and Policy 8 (Housing delivery), policy 10 (Housing for specific groups) and policy 12 (Housing quality).

Affordable Housing

The proposed land use swap and provision of residential accommodation at this property, does not trigger the requirement for the provision of affordable housing under policy 9 (Affordable Housing).

8.2 Environment & Sustainability

There is no requirement to carry out an Energy Assessment with a minor planning application. Nonetheless, to demonstrate the applicant's commitment to enhancing sustainability in the face of climate change, an Energy and Sustainability Statement has been provided with the application to demonstrate the sustainable design which is proposed. The key elements are summarised below:-

- The majority of the existing building structure and fabric (and therefore its embodied carbon) will be retained
- BREEAM Very Good
- Upgrades to building fabric U values (windows, roofs and non-sensitive elements); Improvements to building air tightness.
- The installation of low carbon and high efficiency heating systems.
- Provision of Air Source Heat Pumps with heat recovery.
- Installation of energy efficient controls and metering measures.
- Installation of PVs at roof level

- Installation of Low Water Use fittings.
- Reduction of regulated carbon emissions in the region of 40% when measured against the existing building at the site

Given the heritage constraints associated with Grade II listed buildings and the scale and nature of the proposal the applicant has advised that it is not possible to provide substantial SUDS measures. Notwithstanding this, overall, the proposal has been designed with sustainability in mind and the energy efficiency of the building is much improved reducing on-site energy demand. As such the proposal is considered to meet with the aims and aspirations of Policy 38 (Design principles) and Policy 36 (Energy).

Air Quality

The site is located outside of an air quality focus area. The combination of sustainability measures optimise the building's energy efficiency, reduce heat loss and on-site Carbon & NOx emissions from on-site emissions. As such Environmental Health Officer has confirmed that the proposal should meet the air quality neutral benchmarks in accordance with Policy 32 (Air quality).

Flood Risk & Sustainable Drainage

Given the location of the site (outside Flood zone 3 and Surface Water Flood Risk Hotspot, together with the scale and nature of the proposed development, there is no requirement for an assessment on these matters under Policy 35 (Flood risk). Notwithstanding this, there is no known reason why the proposal would impact on the existing situation.

8.3 Biodiversity & Greening

Policy 34 (Green infrastructure) seeks wherever possible the greening of developments. Given the heritage constraints associated with Grade II listed buildings and the scale and nature of the proposal, the applicant has advised that it is not possible to provide any substantial greening. The site is limited in scale, with the building occupying the vast majority of its footprint - it does not benefit from any substantial level spaces in which to provide any sizeable, greened areas, the provision of green walls is not feasible and the roof is pitched and occupied by plant equipment and solar panels. The proposed external terraces have scope for planters to make a contribution to greening in line with policy.

8.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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 ('the LBCA Act') 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 LBCA 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 LBCA 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) in 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 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.

57 and 59 Gloucester Place are grade II listed buildings in the Portman Estate Conservation Area. They date from c1790-1800, and form part of the listed terrace running from no 21-75 Gloucester Place. Both buildings retain features that are of significance in listed building terms, both internally and externally, as well as opportunities to undo harmful alterations which have been carried out over the lifetime of the buildings.

The proposed change of use from office to residential is welcome in historic building terms. While the use of the building as separate flats does not bring with it the heritage benefits that a return to two single family dwellings would have done, there is a modest heritage benefit in seeing the rooms used for their original functions.

The scheme proposes a lift rising up the rear of no. 59. External lifts at the rear of listed buildings are often unacceptable. In this instance, the proposed lift is considered to be acceptable in historic building terms, because it would largely replace the existing poor quality later closet wing, and because in townscape terms rear projections of this scale and height (including other lifts) are established in this part of the terrace.

The proposed lift enclosure rises one storey higher than the existing closet wing, and would require the removal of one sash window. However, this window and the surrounding brickwork have evidently been replaced in the past and there would therefore be no loss of historic fabric. The loss of a small amount of 1920s fabric at lower ground floor level in the construction of the lift is considered to be acceptable.

The use of closely matching materials, including both brick and mortar, will be important in the creation of the lift enclosure, and would be secured by condition.

The existing closet wing has two poor quality sash windows. These would be replaced in the proposed scheme by blind brick openings. As currently shown in the drawings these openings are considered to be too small; a revision would be required to show increased blind window sizes.

The staircases of no's 57 and 59 are an important part of the significance of the interior. While the staircase to no. 59 is proposed to be retained and used as the primary vertical circulation, the stair to no 57 is to be closed off at first and second floor levels, making the stair inoperable as a vertical route through the building.

This alteration to the plan form and circulation pattern represents less than substantial harm to the special interest of the building. The applicants have been unable to devise an alternative scheme which retains the use of the stair, while still maintaining the office use at ground and basement levels of no 57. The stair will be retained as is, and the closing off would be reversible, leaving the prospect of its reuse in future. The harm caused by this element of the scheme will therefore need to be balanced against the benefits arising elsewhere.

The proposed layout for the flats involves the creation of bathroom 'pods' within the volume of existing rooms. Bathroom pods are freestanding structures which function as a room within a room, plus allow the volume of the original room (ceiling heights, cornices and other decorations). They are intended to read more as large items of furniture than as architecture. The use of such 'pods' in listed buildings is well established, and can often be acceptable.

In this case the application materials do not give confidence that the pods will be sufficiently subservient to the volumes of the rooms within which they are located (including in one instance, a first floor front room – one of the most important spaces in a Georgian listed building).

The approach to the provision of bathrooms needs to be reconsidered. Further information is required regarding the height of the pods, their materials, and their relationship to the rooms within which they are situated, particularly in relation to room N1.1. The proposed bathroom here fills the entire alcove to one side of a chimney breast. Ordinarily, a partition in this location would be unacceptable, due to its unbalancing effect on the proportions of the room.

The application proposes the replacement of the existing, non-original, one-over-one timber sash windows with double glazed units. In this instance the replacement of the existing, likely Victorian sashes is considered to be acceptable on the basis that the fabric non-original, and that the replacement windows are a more historically appropriate glazing pattern.

Detailed drawings have not been provided showing the new sash windows and double glazed units. The units must be as slimline as possible, preferably no more than 12mm, and individually puttied in to the glazing bars, these details will be secured by condition;

Fire safety

A variety of fire safety measures are required in connection with the change of use to residential.

The replacement of non-original doors with new fire rated doors to match historic examples is acceptable. All new doors should be scholarly replicas of historic doors, and a condition will require details of all new doors.

The loss of existing historic doors is not acceptable, but they may be upgraded by the use of intumescent paint or card, or with intumescent strips in the frames. A condition should require details of where historic doors are being upgraded, and the techniques applied. In some instances, historic doors may be relocated to less fire-critical positions within the building. Again, a schedule of these moves will be required as an approval of details.

Sprinkler systems are proposed throughout the building, with the pipework and sprinkler heads fitted behind false ceilings. The majority of the rooms have very plain ceilings, with little or no decorative cornicing. In these instances, the provision of dropped ceilings is considered to be acceptable. The new ceilings can be provided with more historically appropriate cornices, details to be secured by condition.

The first floor rooms however have apparently historic cornices – the covering over of these genuine contributors to the special interest of the listed building would be harmful to the special interest of the building. Therefore, in these rooms an alternative to ceiling mounted sprinklers will be required.

The benefits of the scheme are:

- Reinstatement of residential use, which is considered to be the optimum use for the buildings
- The reinstatement of the lost fenestration pattern to the townhouses, alongside repair and reinstatement works to the roofs and elevations.
- Reinstatement of lost decorative features, including chimney pieces, skirtings, cornices throughout the building
- Removal of harmful modern elements (poorly located kitchens and WCs, heating / cooling systems, fire lobbying and dropped ceilings)
- Improved sustainability of the building, particularly through photovoltaics and improved thermal performance of the windows.

The harmful impacts of the scheme are:

- The small increase in the size of the rear closet wing of no.59 to house a lift.
- The insertion of false ceilings to accommodate a sprinkler system
- Blocking of the existing main staircase in No.57 Gloucester Place
- Removal of partitions at ground floor

With amending conditions requiring the retention of the ground floor partition in room G2, a revised bathroom pod strategy, revised blind windows and revisions to the sprinkler system for the ground floor, the scheme is considered acceptable in listed building terms. It is considered that the benefits would then outweigh the remaining less than substantial harms.

8.5 Residential Amenity

Daylight and sunlight & sense of enclosure

The applicant has submitted a daylight and sunlight report which assesses the potential impact of the development on the amenities of surrounding residents. Five properties have been assessed 55 and 61 Gloucester Place (13 and 5 windows respectively) and 36 (2 windows) ,38 (1 window) & 40 (4 windows) Gloucester Place Mews. None of these neighbouring residential properties would see any material loss of daylight or sunlight under the BRE guidelines.

Given the scale of development and relationship with neighbouring properties, it is not considered that the extensions and alterations would result in any material loss of amenity by virtue of sense of enclosure or loss of daylight and sunlight, when compared to the existing situation

Privacy

The change in the nature of the use from office to residential will of course change the way the buildings are occupied and use, however, the residential use of the building is not considered to result in any significant loss of privacy to occupiers of Gloucester Place Mews, which back on to the site. The proposed development does not introduce any additional windows and in fact the proposed extension for the lift would result in the removal of some windows. In addition, the Mews buildings contain a varied number of small windows, some of which are located at high level, and some serve non-habitable rooms.

External amenity terraces/spaces are proposed to the rear at ground, first and second floors. The ground floor terrace to 59 Gloucester Terrace and the first floor terrace to 57 Gloucester Terrace have been designed with 2m high screening and planting to mitigate against any significant overlooking to adjacent residential properties. The screens are proposed to be secured by condition.

The remaining terraces at ground (office) and second floors of to 57 Gloucester Terrace are not considered to raise privacy concerns, given the location and size of windows within the Mews and the relationship with the proposed terraces.

For the reasons set out above, the proposal is considered to have been designed to protect the amenities of surrounding residential properties in accordance with Policy 7(Managing development for Westminster's people).

Noise & Vibration

External mechanical plant is proposed in three locations:-roof level, rear lightwell and basement lightwell. The applicant has submitted an acoustic report assessing the noise impact of the plant and the City Council's Environmental Health Officer has confirmed that the plant installation should comply with our standard conditions to prevent noise disturbance. Subject to conditions, the plant is considered to be acceptable in accordance with Policy 33 (Local environmental impacts).

8.6 Transportation, Accessibility & Servicing

Waste & Recycling Storage

The City Council's Waste Project Manager has confirmed that the details of waste and recycling are in line with the council's waste storage requirements. Consequently, subject to a condition to require the provision in perpetuity, the proposal meets Policy 37 (Waste management)

Cycling & Cycle Storage

Ten long-stay cycle parking spaces for use by the residential occupiers of the building, which is the maximum number of spaces which can be accommodated overall. These are located off-street in the lightwell to the front of the site, to ensure they are accessible to all residents. The provision is acceptable in accordance with Policy 25 (Walking and cycling).

The Highways Planning Manager has requested the provision of cycle storage for the occupiers of the retained offices at basement and ground of 57 Gloucester Place. Whilst it is regrettable that provision has not been made, given that the use is existing, it is considered unreasonable to require this.

Parking

No car parking provided for residential or the retained existing office use which is welcomed and supported by Policy 27 (Parking). However, the Highways Planning Manager has advised that the increased residential units in the area will increase demand for on-street spaces and that Lifetime (25 year) Car Club Membership for all residential units should be secured to minimise the impact of the proposed development and reduce car ownership of future occupiers. As such a planning obligation is recommended to secure Car club membership for residents of the five flats.

8.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending. The new residential accommodation proposed will also support the local economy through increased local spending, thereby supporting local employment and services.

Other Considerations

None.

8.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

8.9 Planning Obligations & Pre-Commencement Conditions

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

1. The residential use at this site as a land use swap from site at Garfield House, 86-110 Edgware Road and Bernard House 163-169 George Street, London W2 (as granted under 22/05768/FULL
2. Provision of lifetime (25 year) car club membership for each residential flat

The estimated CIL payment is:

Mayoral Cil : £367.29

Westminster City Council: £2,256.60

9. Conclusion

The principle of the land use swap to provide additional residential floorspace and significantly higher quality accommodation at this site is supported in principle.

It is acknowledged that the proposal would result in some less than substantial harm to heritage assets :-

- The small increase in the size of the rear closet wing of no.59 to house a lift.
- The insertion of false ceilings to accommodate a sprinkler system
- Blocking of the existing main staircase in No.57 Gloucester Place
- Removal of partitions at ground floor

However, there a number of heritage benefits of the scheme are:

- Reinstatement of residential use, which is considered to be the optimum use for the buildings
- The reinstatement of the lost fenestration pattern to the townhouses, alongside repair and reinstatement works to the roofs and elevations.
- Reinstatement of lost decorative features, including chimney pieces, skirtings, cornices throughout the building
- Removal of harmful modern elements (poorly located kitchens and WCs, heating / cooling systems, fire lobbying and dropped ceilings)
- Improved sustainability of the building, particularly through photovoltaics and improved thermal performance of the windows.

With amending conditions requiring the retention of the ground floor partition in room G2, a revised bathroom pod strategy, revised blind windows and revisions to the sprinkler system for the ground floor the heritage benefits would then outweigh the remaining less than substantial harms.

Whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which comprise the heritage benefits listed above and the land use and environmental benefits set out within the report, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional permission and consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

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

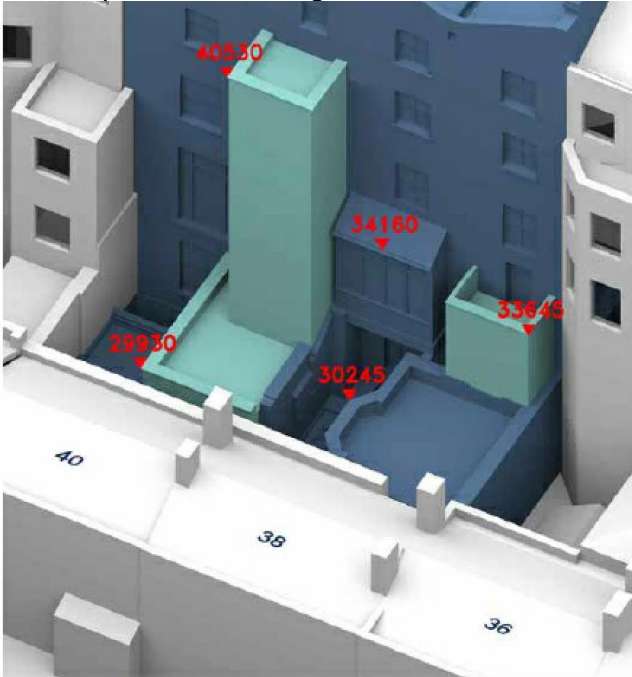
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

10. KEY DRAWINGS

Existing and proposed rear elevations indicating change in envelope to the building



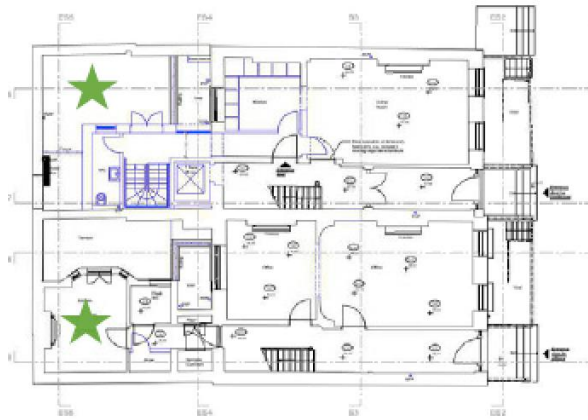
57-59 Gloucester Place rear elevations as existing (modelling image only for the purpose of showing the envelope).



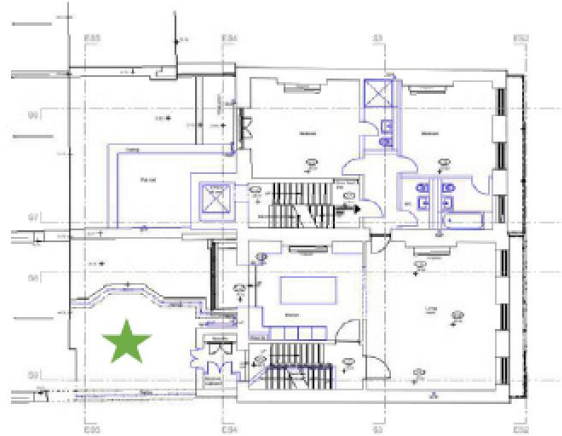
57-59 Gloucester Place rear elevations as proposed (modelling image only for the purpose of showing the envelope).



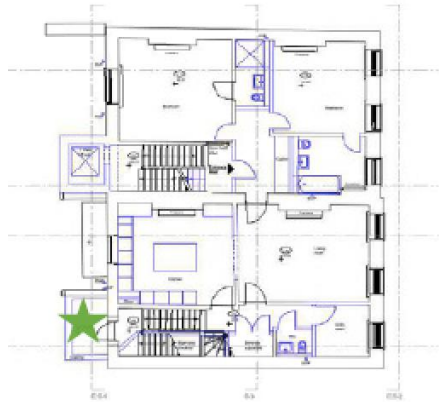
Proposed rear elevation



GROUND FLOOR AMENITY SPACES (serving 1x residential unit (no.59) and office space (no.57))



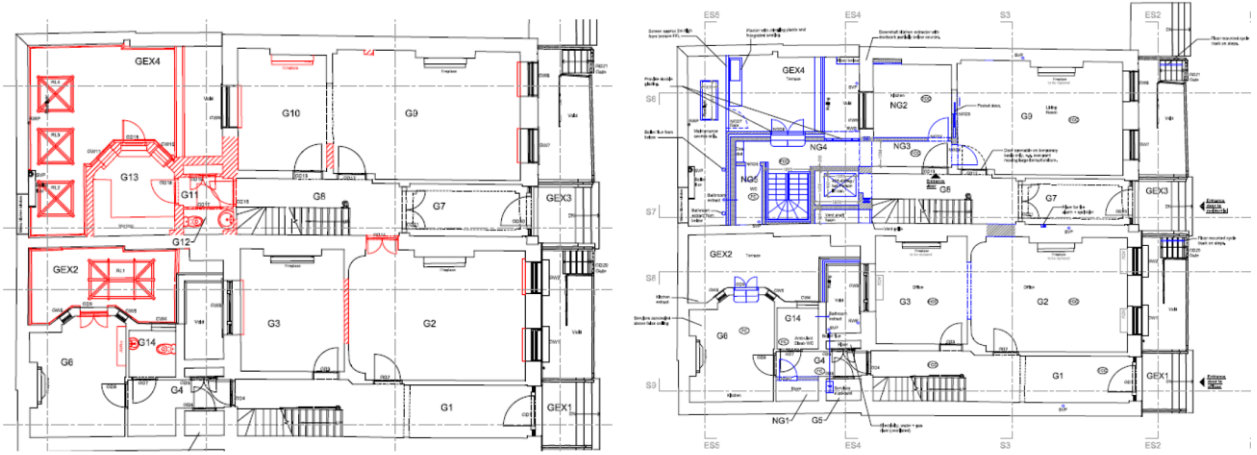
FIRST FLOOR AMENITY SPACE (serving 1x residential unit (no.57))



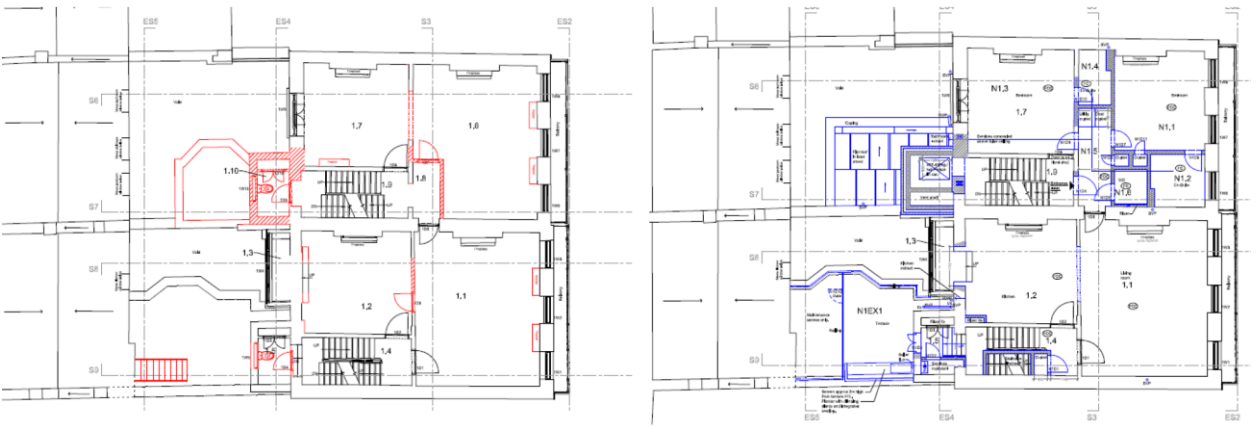
SECOND FLOOR AMENITY SPACE (serving 1x residential unit (no.57))

Proposed amenity areas

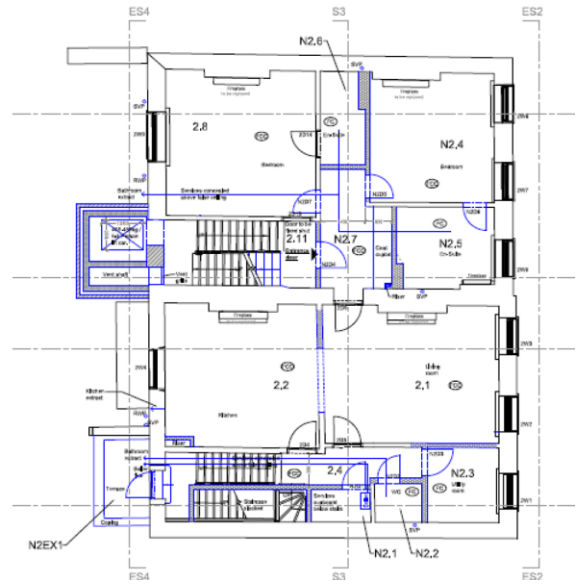
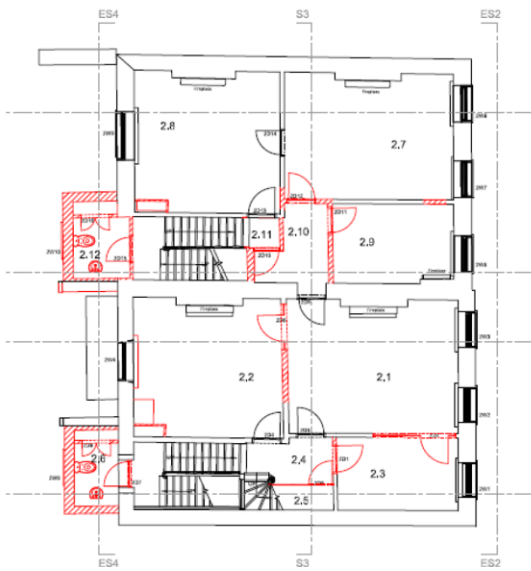
Ground Existing & proposed



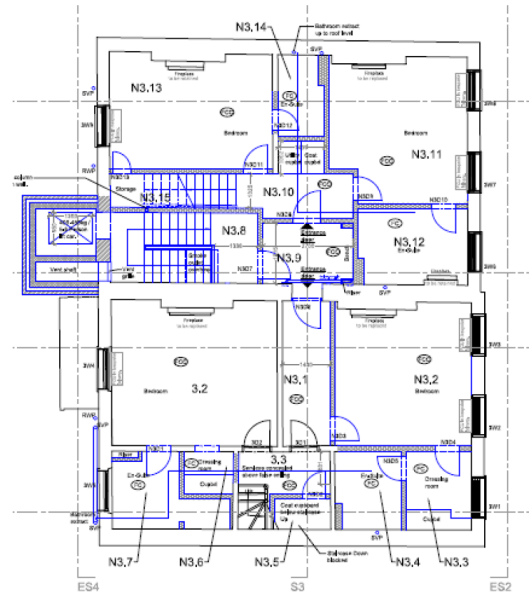
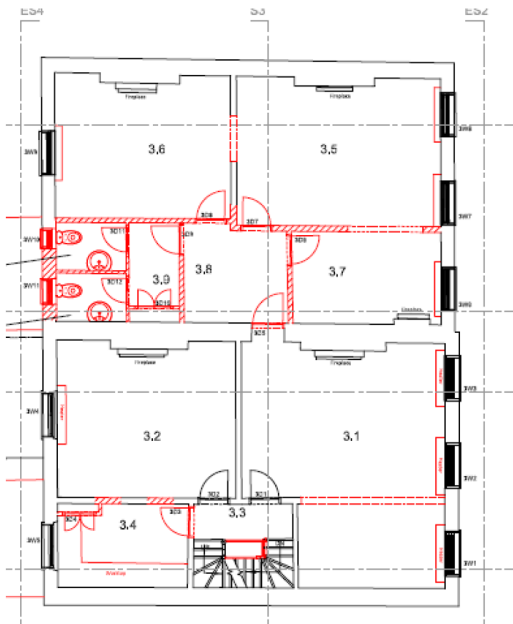
First Existing & proposed



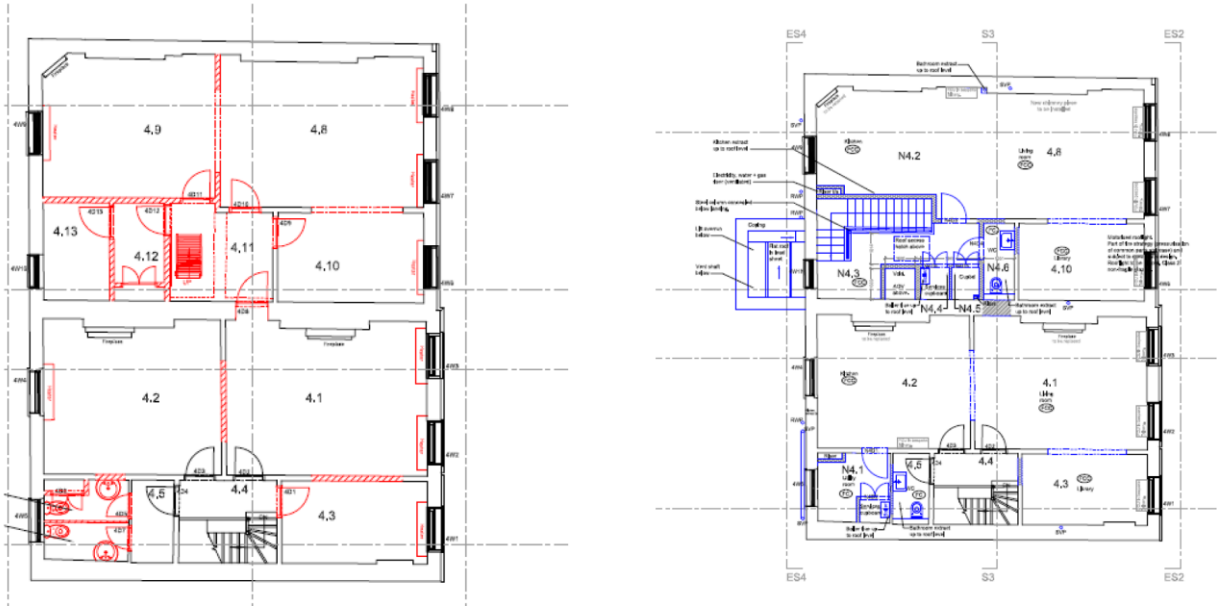
Second Existing & proposed



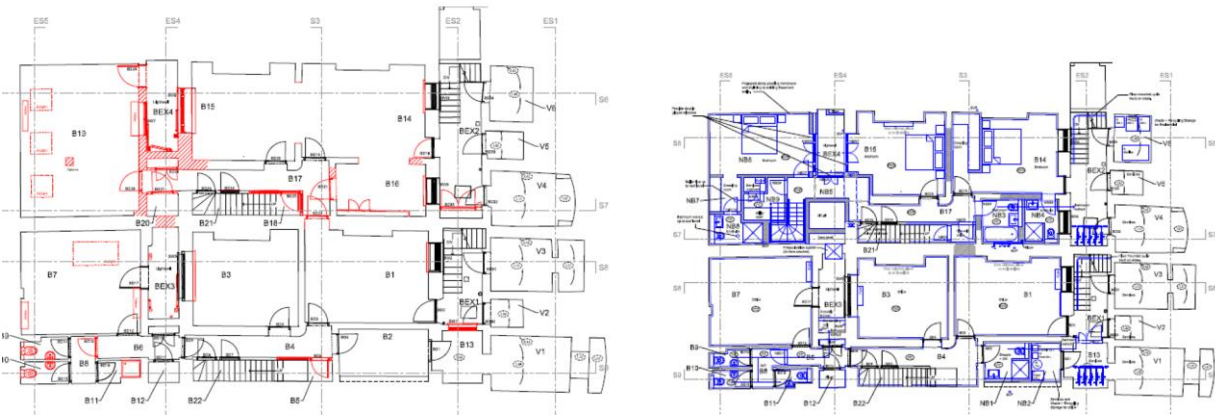
Third Existing & proposed



Fourth Existing & proposed



Basement Existing & proposed



DRAFT DECISION LETTER

Address: 57 Gloucester Place, London, W1U 8JH

Proposal: Change of use at 59 Gloucester Place and first to fourth floors of 57 Gloucester Place to accommodate residential use (Class C3), existing office (Class E) use retained at ground and basement floors of 57 Gloucester Place, with internal and external alterations including internal alterations, external alterations and repair works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, provision of waste storage and replacement plant at roof level and provision of plant basement vaults.[Linked to 22/05363/LBC; Linked to redevelopment of land at Garfield House, 86 - 110 Edgware Road and Bernard House 163-169 George Street, London, W2 ref. 22/05768/FULL]. (Linked to 22/05363/LBC)

Reference: 22/05362/FULL

Plan Nos: Existing, and Demolition drawings:-, 005A, 006A, 009B, 010B, 011B, 012B, 013B,014B,015B, 021B, 023B, 024B, 020B, 030B031B, 032B, 033B, 034B. 149, 150, 151, 152, Proposed drawings:, 049B,050B, 051B, 052B,053B, 054B,055B, 061B, 063B, 064B, 060B, 070B, 071B, 072B, 073B, 074B, 099B, 100B, 101B, 102B, 103B, 104B. , Gerald Eve Letter 27.07.2022, Planning Statement, prepared by Gerald Eve;, Energy and Sustainability Statement, prepared by TPS;, Transport Healthy Streets Assessment, prepared by Caneparo;, Daylight and Sunlight Assessment, prepared by Point 2;, Structural Methodology Statement, prepared by Furness Partnership;, Noise Impact Assessment, prepared TPS;, Heritage Impact Assessment, prepared by Feilden and Mawson;, Design and Access Statement, prepared by Feilden and Mawson;, Site Location Plans, prepared by Feilden and Mawson;, Area Schedule (located within the Design and Access Statement), prepared by Feilden and Mawson.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and

finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

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

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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

- 4 You must apply to us for approval of a sample panel of brickwork, 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , ,
a) All new windows (elevation at 1:10, section at 1:5),
b) All external doors (1:20 and 1:5),
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 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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: , A third blind window, an increase in the size of blind windows and coping store to the parapet of the lift enclosure. 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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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

- 11 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)

- 12 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 13 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 14 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) 12 _ 13 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 Environmental Supplementary Planning Document (February 2022), 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)

- 15 You must apply to us for approval of details of a supplementary acoustic report confirming the selection of primary windows along with the distance between the existing and the secondary glazing. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 16 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 Environmental Supplementary Planning Document (February 2022), 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)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 049/C 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)

- 18 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the 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)

- 19 No development should occur between the highway surface and a depth of 900mm unless otherwise approved in writing by us as Local Planning Authority.

Reason:

This is to ensure sufficient space remains for utilities and in accordance with Policy 45 of the City Plan 2019 - 2040 (April 2021)

- 20 The basement and ground floor of 57 Gloucester Place shall only be used for Office purposes within Class E and for no other use within Class E Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

Reason:

To protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality, policies 7, 25,28, 29, 32, 33, 38,39,40 of the City Plan 2019 - 2040 (April 2021).

- 21 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.
- o BREEAM Very Good
 - o Upgrades to building fabric U values (windows, roofs and non-sensitive elements);Improvements to building air tightness;
 - o The installation of low carbon and high efficiency heating systems;
 - o Provision of Air Source Heat Pumps with heat recovery;
 - o Installation of energy efficient controls and metering measures;
 - o Installation of PV's at roof level,
 - o Installation of Low Water Use fittings.,
 - o Reduction of regulated carbon emissions in the region of 40% when measured against the existing building at the site.
- 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)

- 22 You must apply to us for approval of details of Planters and screens for the external terraces:- Including Details of length, width and depth of the proposed planters and number, size, species density of proposed planting. You must then carry out the development according to the approved details and provide them prior to use of the terraces.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Portman Estate Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

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 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.

- 3 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.
- 4 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained. , Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following: , * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings; , * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase; , * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained; , * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary; , * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 5 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following. , * Window cleaning - where possible, install windows that can be cleaned safely from within the building. , * Internal atria - design these spaces so that glazing can be safely cleaned and maintained. , * Lighting - ensure luminaires can be safely accessed for replacement. , * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission). , More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm. , Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use

equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 6 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.
- 7 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 8 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 9 The term 'clearly mark' in condition 17 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 10 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).
- 11 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.
- 12 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.
- 13 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why

you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)

- 14 The developer will be required to obtain additional licences for the hoarding and any other temporary structure or skip prior to installation. Further advice can be found at www.westminster.gov.uk/licensing/

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

DRAFT DECISION LETTER

- Address:** 57 Gloucester Place, London, W1U 8JH
- Proposal:** External and internal alterations works to elevations, roof and vaults, provision of lift, provision of outdoor amenity spaces at rear, waste storage, basement vaults plant and replacement plant at roof level and provision of plant basement in connection with use of 59 Gloucester Place and first to fourth floors of 57 Gloucester Place for residential use (Class C3)(Linked to 22/05362/FULL)
- Reference:** 22/05363/LBC
- Plan Nos:** Existing, and Demolition drawings:-, 005A, 006A, 009B, 010B, 011B, 012B, 013B,014B,015B, 021B, 023B, 024B, 020B, 030B031B, 032B, 033B, 034B. 149, 150, 151, 152, Proposed drawings:, 049B,050B, 051B, 052B,053B, 054B,055B, 061B, 063B, 064B, 060B, 070B, 071B, 072B, 073B, 074B, 099B, 100B, 101B, 102B, 103B, 104B. , Gerald Eve Letter 27.07.2022, Planning Statement, prepared by Gerald Eve;, Energy and Sustainability Statement, prepared by TPS;, Transport Healthy Streets Assessment, prepared by Caneparo;, Daylight and Sunlight Assessment, prepared by Point 2;, Structural Methodology Statement, prepared by Furness Partnership;, Noise Impact Assessment, prepared TPS;, Heritage Impact Assessment, prepared by Feilden and Mawson;, Design and Access Statement, prepared by Feilden and Mawson;, Site Location Plans, prepared by Feilden and Mawson;, Area Schedule (located within the Design and Access Statement), prepared by Feilden and Mawson.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

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:

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)

- 2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of a sample panel of brickwork, 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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of detailed drawings of the following parts of the development: , a) All new windows (elevation at 1:10, section at 1:5), b) All new doors, internal and external (1:20 and 1:5), c) All new cornices, skirtings and decorative plaster (1:5), d) All new service runs, e) all new chimneypieces, f) compartmentalization of the stair to no 57, g) new stair to no. 59, , 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 drawings. (C26DB)

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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 6 You must apply to us for approval of detailed drawings showing the following alteration to the scheme, ,
 a) A third blind window, an increase in the size of blind windows and coping store to the parapet of the lift enclosure,
 b) an alternative scheme of bathroom provision on the first floor,
 c) retention of the partition between ground floor rooms G2 and G3,

d) omission of the lowered ceiling at first floor level and an alternative to the use of ceiling mounted sprinklers. 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

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)

- 8 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

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)

- 9 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

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)

- 10 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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 has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , 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.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 th November 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone	
Subject of Report	Development Site At 86-110 Edgware Road And 163-169, George Street, London.		
Proposal	Part demolition and reconfiguration of lower ground floor, demolition of ground and upper floors, for redevelopment comprising lower ground, ground plus 6 storeys plus rooftop room, rooftop plant and equipment and single storey triangle building, for retail, food and beverage, indoor recreation and community use (Sui Generis) at ground floor level, Office (Class E) use at ground and upper floors, community (Class F2) /Office (Class E) use at lower ground floor and associated ancillary space. [Linked to development at 57-59 Gloucester Place RN 22/05362/FULL and 22/05363/LBC]		
Agent	Gerald Eve		
On behalf of	Portman Estate		
Registered Number	22/05768/FULL	Date amended/ completed	
Date Application Received	1 August 2022		
Historic Building Grade	Unlisted		
Conservation Area	All of the buildings are unlisted and fall outside of a conservation area, although the Portman Estate Conservation Area lies directly adjacent to the north east and east and the Bayswater Conservation Area to the west.		
Neighbourhood Plan	Not applicable.		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following planning obligations:-

i) The residential use to have been relocated as part of a land use swap to 59 Gloucester Place (entirety) and 57 (first to fourth floors) Gloucester Place (As granted under application reference:- 22/05362/FULL) and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.

- ii) Provision of Community Room for 25 years at Nil cost to the local community.
- iii) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including creation of footway in Forset Street, provision of additional short stay cycle parking in the vicinity of the site (minimum of 22 spaces), changes or improvements to the footway and associated work (legal, administrative and physical). Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) to the developer.(subject to detail design and the approval of the Highway Authority).
- iv) Cycle parking survey assessing potential on-street locations for the provision of 69 short stay cycle parking spaces in the vicinity of the site including on Edgware Road and their subsequent provision where agreed by Westminster in liaison with TfL. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority). Where the full provision cannot be achieved the shortfall to be mitigated by a financial contribution towards TfL cycle hire scheme (index linked and payable on commencement of development).
- v) The area indicatively shown on Drawing number (4571-004-C) must be stopped up prior to commencement of development, at no cost to the Council, subject to minor alterations agreed by the Director of City Highways.
- vi) The area on drawing number (4571-004-C), where the building line has been set back from the existing line, must be dedicated prior to occupation of development, at no cost to the Council, subject to minor alterations agreed by the Council
- vii) A Financial contribution of £194,066.00 towards the Council's Carbon offset fund (Index linked and payable on commencement of development)
- viii) A Financial contribution of £230,295.10 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service, (Index linked and payable on commencement of development).
- viii) Provision of Public Art
- x Be seen energy monitoring
- xi) Monitoring costs
2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:-
- a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not

b) The Director Town Planning & Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

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

b). That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the dedication of parts of the land to enable this development to take place.

That the City Commissioner of Transportation be authorised to take all necessary procedural steps in conjunction with the making of the order/s and to make the order/s as proposed if there are no unresolved objections to the draft order/dedication. The applicant will be required to cover all costs of the Council in progressing the stopping up order/dedication.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the redevelopment of the site (with retained lower ground floor structure) to provide a new 7-storey building along Edgware Road and the corner of George Street for mixed-use comprising Offices and “The Hub” a flexible mixed use space.

Representations of objection have been received from Portsea Hall Residents Association representing the residents of the 126 apartments in Portsea Hall and 7 individual local residents on a number of grounds including land use, design, amenity and transportation.

In contrast, representations in support of the development on land use, design, amenity and transportation grounds have been received from Harrowby & District Residents Association, Marble Arch BID and the Church Commissioners, British Land and Native Land (major land owners in the area) and a local resident.

The key considerations in this case are:

- The principle of redevelopment in sustainability and design terms.
- The acceptability of the proposed building in design terms and on the setting of the Portman Estate and Bayswater Conservation areas.
- The impact on the amenity of neighbouring residential properties.

Notwithstanding the representations of objection, the proposed development is considered to be acceptable with conditions and planning obligations. Whilst it would result in some loss of daylight and sunlight to surrounding residents, the loss is not considered to be so great so as to

warrant withholding permission on this ground. The development would create a highly sustainable new building of high architectural value making a positive impact on the setting of the surrounding conservation areas, with economic, social and wider public benefits as well as positive amenity impacts including significant greening to the rear and the creation of a fully enclosed loading bay. Overall, the proposed development is considered to meet with the aims and aspirations of our City Plan and a favourable recommendation is made, subject to conditions and the completion of a S106 legal agreement to secure a number of planning obligations.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Top: Edgware Road Frontage

Bottom: Existing vehicular access from George Street into Forset Street



5. CONSULTATIONS

5.1 Application Consultations

The application was originally received and registered under reference 22/0526/FULL. However, due to an IT issue with that record, it was deleted and replaced by a new reference 22/05768/FULL and re-consultation undertaken.

GREATER LONDON AUTHORITY

Comment: The Council may proceed to determine the application without further reference to the GLA, as the development does not raise new strategic planning issues. However, the following should be secured:

- Circular economy post-construction report.
- Whole Life-Cycle Carbon post-construction assessment.
- Be Seen energy commitments in the S106; and
- Compliance with the Fire Statement.

TRANSPORT FOR LONDON

Comment: TfL does not object to the proposed development in principle, however TfL is unsatisfied with the details provided, as such the current proposal is not in accordance with London Plan Policies T2, T4, T5, T6 and T7 and there are details that need to be addressed prior to a decision is made before we can be supportive of the proposal

Cycle parking

The proposed long stay cycle parking provision complies in terms of quantum and also quality in terms of security and associated facilities such as showers. "Sheffield" stands, and the provision of accessible parking spaces is supported.

There is a shortfall (60 spaces) in short stay cycle parking provision. The applicant suggests that additional short-stay cycle spaces will be provided on Edgware Road, TfL is happy to look at this but recognises that there is a balance between providing provision and not losing useful pedestrian thoroughfare space and that there is a lack of footway space to accommodate on-footway spaces. A cycle hire contribution could be offered to mitigate shortfall, this should be agreed with TfL and secured via legal agreement.

Healthy Streets

Healthy Streets/Active Travel Zone assessment does not sufficiently address the point of "people feel safe". The assessment relies upon the assumption that there are lots of people in the area and therefore people will be safe. There is no assessment of sufficient lighting, CCTV cameras or possible entrapment spaces. Women's safety was highlighted as an issue within the public consultation report (raised by the Edgware Road Strategy Group). Within the current crime figures for the area, anti-social behaviour, violence and sexual offences make up the 46% of offences within the postcode. It is recommended that a night time ATZ is prepared to assess safety for people walking at night and consider what mitigation measures can be implemented to enhance improve the way that people feel safe on key routes in line with London Plan policy T2 .

The applicant should consider litter collection and some public art which can reduce negative impacts on street scene.

Further information required with respect to bench seating A financial contribution towards streetscape upgrades to be agreed with TfL to pay for the installation of benches should be sought.

A small area of highway George Street /Edgware Road is referred to for adoption, this would require permission from TfL Asset-operations and a Stopping Up Order. An indicative s278 plan needs to be agreed with TfL and WCC and appended to the permission to encapsulate proposed street upgrade, land adoption cycle parking, benches etc.

One key issue is that plans provided at pre-application stage had great ambitions for enhancing Stourcliffe Street including closing this in terms of being a short cut through vehicles going to George Street from to Edgware Road. TfL supported this closure in terms of safety/Vision Zero and healthy streets. Is this option still under investigation?

Trees

Concern regarding construction impact on two TFL trees on Edgware Road. Could smaller site accommodation facilities be used or is there a way to install them without damaging our trees? Please provide an arboriculture method statement for TfL assessment prior to any decision is made.

Deliveries and Servicing

The applicant's description of the red route controls is wrong, the majority of Edgware Road has double reds which means no stopping AT ANY TIME.

It is not clear how the applicant will control the size of vehicles servicing the site as the service yard round the back is constrained.

There is no intention to seek any change to size or operational hours of the red route loading box on Edgware Road, please clarify.

Query whether there are alternative strategies for deliveries if drivers are unable to "hit" a slot time.

Within Section 5.4, there are quite a few "look ats" and "investigates" here so would be good to firm up on concrete actions especially in regard to Cargo bikes. The site layout plan needs to account for cargo bike drop-off/pick-up points, storage and access. Please clarify if/when you wish to discuss a cargo bikes strategy.

Construction Logistics Plan

The final CLP will need to be secured by condition for sign off by WCC in consultation with TfL.

Please check within section 3.8 Construction Traffic Hours, traffic on the IRR (Inner Ring Route) the peak time traffic hours as they are not typical.

The section of covered footway looks relatively short and combined with a minimum 3m width for pedestrians they should be able to avoid problems you often see elsewhere which is positive. Good visibility enhanced by good lighting is key, please clarify the lighting strategy above.

Within 3.15 suspension of existing loading box. Is the current loading bay exclusively used by Tesco but if it is used by others then some alternative servicing provision may be important, especially as servicing provision on ER is quite limited. How will the other businesses be serviced if the "pop-up" pit lane is running?

Framework Travel Plan

To note, bus service planning has not expressed any concern with the submitted documents.

HISTORIC ENGLAND (LISTED BUILDINGS AND CONSERVATION AREAS)

No comment. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection, subject to pre-commencement two-stage condition and informative.

ENVIRONMENT AGENCY

Any response to be reported verbally.

THAMES WATER

No objection, subject to conditions (& informatives) to determine the foul and surface water infrastructure needs of this application. With regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

LONDON FIRE AND CIVIL DEFENCE AUTHORITY

Any response to be reported verbally.

NATIONAL GRID

Any response to be reported verbally.

CADENT GAS

No objection, subject to an informative.

HIGHWAYS PLANNING

Undesirable, but could be considered acceptable. The shortfall of 69 short stay cycle parking spaces for visitors is disappointing and a revised servicing management plan is required to ensure all servicing from internal loading bay to rear and no servicing (apart from refuse and recycling) from the existing on-street loading bay.

All other aspects are acceptable. Recommend conditions, informatives and S106 obligations.

WASTE PROJECT MANAGER

No objection. Recommend condition to secure waste storage in perpetuity.

ENVIRONMENTAL HEALTH1ST Consultation 12.09.2022

Comment. Further information required with respect to the following:-

- Air quality- filtration specification
- Emergency back-up diesel generator – details of flues/outlet/inlet
- Class E- Details of any other Class E uses proposed
- Recommend Consultation with the Environment Agency with respect to Volatile Organic Compounds (VOCs) and risk to controlled waters.

2nd Consultation

No objection subject to conditions

ARBORICULTURAL MANAGER1st Consultation (24.10.2022)

Comment: Further information required with respect to the following:-

- Protection of 4 TFL Lime trees on Edgware Road from construction and development. Extent of pruning to canopies, lifting crowns, construction methodology for demolition and construction, tree (including root) protection, maintenance of glazed canopy and façade cleaning.
- Greening proposals. Details of design and construction, management and maintenance plans, structural details, design construction of green walls, fire risk evaluation for green wall, full details of planters.
- Irrigation- capacity

2nd Consultation

Any response to be reported verbally

ECONOMY AND REGENERATION

Comment: Based on the total net uplift floorspace and on the Inclusive Local Economy Policy (2021), this scheme needs to provide: A Financial Contribution of £230,295.10

LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

WARD COUNCILLORS FOR MARYLEBONE

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

HARROWBY AND DISTRICT RESIDENTS' ASSOCIATION

Support. The proposed redevelopment represents much needed investment in the rejuvenation of Edgware Road. Grateful to be part of the dialogue for the rejuvenation of the site over the past 22 months and we welcome the plans that are aimed at designing-out crime and anti-social behaviour and consolidating servicing arrangements, which will help to enhance our wider neighbourhood and improve safety and security for all.

We also support the proposed improvements to the office accommodation and retail space, which will add to the breadth of offer on Edgware Road and contribute positively, we believe, to enhanced amenity for local residents.

We understand the proposals offer a good level of sustainability in the design and operation and welcome the reduction in air pollution offered by the non-fossil fuel approach. Other greening and biodiversity elements of the proposals are hugely welcome given the challenges of traffic and other noise/pollution on this main arterial route.

MARBLE ARCH BUSINESS IMPROVEMENT DISTRICT (BID) (represents business interests in the Edgware Road district)

Support. Has been part of the dialogue as the ideas and principles of the scheme have evolved over the past 21 months.

The existing buildings are in need of substantial investment, offering a poor-quality design, increasingly outdated office accommodation, and has poor areas in Forset Street to the rear of the site which have suffered from crime and anti-social behaviour for many years.

Excited about the proposed development of Garfield House, particularly the delivery of more wellbeing-led office accommodation, high-quality flexible retail, the flexible 'hub' space, community space, enhancements to servicing arrangements and the efforts to design out crime.

Support the plans to introduce more urban greening in and around the site, as part of the introduction of a high-quality, sustainable, people centred commercial development.

These ambitions align with the adopted strategies of the Marble Arch BID for the rejuvenation of the area. Strongly believe that the proposals would represent a positive contribution to the regeneration of the wider Edgware Road neighbourhood.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS:-

Total No Consulted:-1467

Total No. of Replies: A representation of objection from Portsea Hall Residents Association representing the residents of the 126 apartments in Portsea Hall, 7 individual representations of objection from residents within Portsea Hall and Stourcliffe Close and 4 representations in support.

SITE NOTICE: Yes

ADVERTISEMENT: Yes

OBJECTIONS

Seven Representations of objection from Portsea Hall, including 1 from Portsea Hall Residents Association (representing the residents of the 126 apartments in Portsea Hall) and Stourcliffe Close.

Principle/Land use

- Concerned that this attempt at gentrification will result in local businesses suffering beyond repair.
- Development will cause local businesses to vanish due to the impact on rents i.e., their massive increases - this development does not accommodate local businesses, nor is it intended to.
- Proposal goes some way to destroying the communal Islamic character of Edgware Road for which it is proudly famous for by eradicating local businesses and replacing them with large faceless and soulless corporations which have no connection to the local community.

Amenity

- Significant impact on the quality of life and peaceful enjoyment residential flats
- The higher buildings in the area are residential not offices.
- 41.25m facing Portsea Hall moving to 56.95m i.e., a 38% increase in height is absolutely unacceptable to residents living so close to the proposed development and a too big a change to the massing and feel of the area.
- Loss of light to windows of Portsea Hall, Portsea Place
- A gross underestimate of the loss of daylight as they are based on incorrect assumptions, even though they acknowledge significant light losses.
- Significant increase in size of building creates an overbearing massing of building structure.
- Increasing the size of the building from 3 floors above the ground floor to six floors above the ground floor would create an overbearing massing of building structure.
- Increased commercial use would impact on privacy
- Impact of rooftop leisure facility and terrace and impact on privacy and noise levels
- The size of the building would significantly increase the amount of traffic noise reflected into residential apartments in Portsea Hall opposite.

Design

- Size of building would fundamentally change the neighbourhood feel of the area.
- New building should be no higher than the existing building
- Portman Estate have already developed and enlarged their property adjacent to the proposed development - adding 6 storeys plus to the land directly opposite would cause massing in a very small area. This is not in the best interest of the area.
- Should not have a rooftop social/event/party space or be prevented from use between 22.00-10.00.
- Should not have roof top plant facing flats in Portsea Hall

Transport

- All future deliveries to the new structure should be from the back of the building and not onto Edgware Road.
- The proposal will cause increased traffic flow and noise within a small area that is already quite noisy and prone to high levels of traffic - the additional dwellings and development will further damage the area and its environs.

- Concerned about delivery plans and one access point at rear from Forset Street which is shared by residents accessing George Street mansions underground car park. Hope A gate should be provided to prevent unauthorised vehicles and would like to see cross hatching onto George Street

Trees

- The street trees should not be altered.

Construction

- Two years of demolition and building work would create significant distress to residents of Portsea Hall from noise dust and disruption to walking, cycling and driving.
- The development is not going to be environmentally friendly and will result in years of noise, dust and pollution whilst the demolition and development are carried out - who knows what unforeseen circumstances may occur prior to the development completing.
- Portman Estate could easily refurbish their existing dwellings and perhaps add, at most, another floor without causing the noise disruption and displacement (of people and businesses) that this plan envisages.

Consultation

- The consultation was flawed, not all residents and occupational tenants were given ample opportunity to comment the proposed development.
- A petition is also being prepared and will be sent to you shortly opposing this development.
- Will write to the office of the Mayor of London to raise the above concerns and voice opposition to such a negative development.

SUPPORT

Four representations of support. From British Land (as a major property owner and occupier on the Edgware Road), Native Land (Head leaseholder of Regents House), Church Commissioners (Major freehold owner on the west side of Edgware Road) and a local resident.

Principle/Land use

- Introduce a high-quality commercial building with modern flexible office accommodation and high standards of sustainability.
- The increase in employment space will provide much needed daytime local spending for the local economy and leverage the benefits from the Elizabeth line opening nearby.
- Recognise that the current building is outdated, offers poor-quality retail which fails to animate the site and low grade office accommodation which does not offer the working environment sought by modern commercial occupiers.
- The existing buildings represent a missed opportunity, particularly in the context of the recent investments to the north and south of the site.
- Welcome the proposed introduction of high-quality, flexible office accommodation, modern retail, flexible space in the new 'hub' and improved servicing arrangements - all of which will contribute to the rejuvenation of Edgware Road.

- Represents a significant investment in the rejuvenation of the Edgware Road.
- Support the proposed provision of high-quality office accommodation and active retail space, which will add to the vibrancy and commercial offering of Edgware Road and contribute to the economic success of the local area.
- Have been part of the dialogue for the rejuvenation of the site over the past 21 months, including as members of the Edgware Road Strategy Group,

Design

- Contributes to the ongoing regeneration of Edgware Road and represent a significant improvement on the current building, which detracts from the local area.
- Welcome the proposed active frontages on the ground floor along Edgware Road, and the public realm enhancements, which paired with a retail offer at ground floor, will animate and enhance the local area and design out anti-social behaviour whilst complementing neighbouring development.
- Contributes positively to the ongoing rejuvenation of the historic Edgware Road and wider neighbourhood.
- Acknowledge the improved sustainability credentials of the proposed development as well as the aim to maximise planting and urban greening throughout the site, which would present a significant improvement to the area.
- Welcome the efforts made by the professional team to design-out crime and anti-social behaviour, consolidate servicing arrangement and increase biodiversity and urban greening, which will enhance this important part of Edgware Road.

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance.

The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Early engagement stakeholder meetings. Series of virtual presentations	10 th December to 13 th January 2020		Existing issues with site, local area, emerging ideas for future uses and opportunities.
Follow up meeting	29 th March - 19 th April		Progress and evolving proposals
First stage consultation	15 th December - 4 th February 2022		Meetings with key local stakeholders.
	12 th January 2022		Letters from the Applicant were distributed to neighbours at Stourcliffe Close and George

			Street inviting them to attend online community briefings to discuss and feedback on the initial proposals.
	19th & 23rd January 2022		Online community briefings were held with residents of George Street and Stourcliffe Close, which were held via Zoom.
	4th February 2022		The formal launch of the first stage of wider public consultation.
	4th February 2022 16th February 2022		Launch of the dedicated consultation website, which contained information on the emerging proposals for the site through a virtual exhibition and which enabled residents to provide their feedback online. This also included the launch of a social media campaign directing users to the project website. A newsletter was sent out to c. 2,266 local addresses, to inform them of the proposals and direct them to the dedicated consultation website. Formal closure of the first stage of consultation.
	16th March 2022 – 7th April 2022		Meetings with local stakeholders.
Second Stage of Consultation	14th April 2022		The formal launch of the second stage of wider public consultation with a further designed newsletter sent to 2,325 local addresses.
	14th April 2022 20th April 2022		The consultation website was updated to reflect the latest proposals and changes via a second virtual exhibition. This included the launch of a social media campaign directing users to the project website.
	14th April 2022		A design workshop with

	20th April 2022 3rd May 2022		representatives from the Marylebone Association to discuss the proposed design for the scheme. Formal closure of the second stage of public consultation.
	9th May 2022 – 11th May 2022		Meetings with key local stakeholders, including a site visit, and in-person and online meetings with George Street and Stourcliffe Close neighbours.
	25th July 2022		Meeting with Cllr Ruth Bush, chair of the Planning Committee.

In summary, across the range of engagement undertaken by the applicant the principal issues raised were:-

- Existing Anti-social behaviour/Crime prevention
- Existing Traffic and air quality issues
- Sustainability, greening, sustainable transport and cycle parking
- Edgware Road Cultural Strategy and retail and active frontages
- Deliveries and servicing an issue
- Amenity impact on surrounding residential properties (privacy/overlooking/noise, daylight and sunlight) physical and operational
- Animation of Forset and Stourcliffe Streets
- Landscaping strategy
- Height, Scale and massing
- Proposed use and demand for office space in light of ‘work from home’
- Welcome the plans to internalize servicing and waste
- Removal of the local Tesco
- Questions about the proposed scale
- Design and proposed materials and materiality of facade
- Servicing and retail and waste strategy
- Accessibility of the roof terraces
- Fire safety,
- Project timeframe
- Proposed community space uses
- Construction disturbance

The applicant’s Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

- Set-back of plant
- Fins and blank facades for privacy and operational management plan for terraces
- Agree to Code of Construction Practice

- Sustainability integral to design
- Management plan for greening
- analysis of food retail in area to ensure sufficient provision
- Provision of committee room within development
- Active ground floor to address anti-social behaviour
- Consolidation of servicing within a dedicated internal loading bay

The Harrowby and District Residents Association, Marble Arch BID, British Land, Church Commissioners and Native Land have all welcomed the pre-application dialogue with the applicant.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The proposals site comprises of a number of elements:

- Bernard House (108-110 Edgware Road & 163-169 George Street)
- Garfield House (86-106 Edgware Road)
- Stourcliffe Garage (15 Forset Street)

The site extends along Edgware Road and includes Bernard House on the corner of Edgware Road and George Street as well as Garfield House up to, but excluding Evelyn House which is located on the corner of Stourcliffe Street. The site also includes an area to the rear of these buildings known as Stourcliffe Garage which has vehicular access from George Street and an area to the rear of Evelyn House.

The buildings are in retail use at ground and basement levels including Tesco's supermarket, with the upper floors predominantly used as offices, together with eight residential units (occupied on Assured Short-hold Tenancies) within Bernard House. Stourcliffe Garage is used as a commercial garage operating a private car hire service.

All of the buildings are unlisted and fall outside of a conservation area, although the Portman Estate Conservation Area lies directly adjacent to the north-east and east and the Bayswater Conservation Area to the west.

There is an existing loading bay (operational from 10am to 1pm) located on Edgware Road outside the front entrance of Garfield House. There are also four Lime trees outside of the site on the pavement of Edgware Road which and the responsibility of Transport for London (TFL).

The site is located on the Transport for London Road Network (TLRN) Edgware Road. The nearest section of the Strategic Road Network (SRN) is Oxford Street, approximately 500m south east. George Street is two-way, Stourcliffe Street is one-way to vehicular traffic travelling south. Forset Street is local highway and is located part to the north of George Street and part to the south (to the rear of Bernard House).

Marble Arch Underground Station (Central line) is located 700m south west of the site and Edgware Road further away to the north. The closest bus stop is located 65m northwest on Edgware Road (stop EH George Street) with access to routes 16,23,36,6,7,98, N16, N7 and N98). There are no cycle ways along Edgware Road. There are some borough cycle way markings along George Street. The closest TfL cycle hire station is located approximately 160m North on Nutford Place. The site has a Public Transport Access Level (PTAL) of 5b, on a scale of 0 to 6b where 6b is highest.

The adjoining/adjacent buildings comprise of Evelyn House to the south, on the corner of Stourcliffe Street, and Dudley House further south. To the north on the opposite side of George Street is Regents House. To the east is George Street Mansions, 139-147 George Street and Stourcliffe Close a residential block of flats. To the west, on the opposite side of Edgware Road is Portsea Hall, Portsea Place and other mixed use properties.

The site is designated within the City Plan as being located within a Central Activities Zone (CAZ) Retail Cluster (Edgware Road South), as Air quality focus area and an Archaeological Priority Area (Watling Street Tier II).

The site is also within walking distance to the Paddington Opportunity Area (POA), West End Retail and Leisure Special policy area, the West End International Centre and Church Street /Edgware Road Housing renewal Area.

Related application site

57 & 59 Gloucester Place are unlisted Georgian town houses comprising basement, ground and four upper storeys within the Portman Estate Conservation Area, located just under 500m away from the main site. This application for Garfield House, is linked by virtue of a land use swap with this site at Gloucester Place, it involves the existing residential floorspace at Garfield House relocating to Gloucester Place and the relocation of the office space to Garfield House. The planning application and listed building application for this linked site is also on this same committee agenda.

7.2 Recent Relevant History

None applicable.

8. THE PROPOSAL

The proposals seek to replace Garfield House and Bernard House with a single building of basement, ground, plus six storeys, plus roof level plant. The site includes an area to the rear where a two storey (basement and ground floor) structure is proposed as a double height space, accessible from within the primary building. The building has primarily been designed in response to the amenity constraints surrounding the site and a staggered elevation is proposed to the rear, which includes significant areas of greening.

Key elements of proposal:

- Demolition of Bernard House, Garfield House, Stourcliffe garages and associated structures to rear with the retention of the significant basement area.
- Loss of commercial garage and use
- Loss* of residential use from site as part of a land use swap with and change of use of 57 & 59 Gloucester Place from Offices to residential to re-provide residential floorspace lost from the main site.
- New building to Edgware Road (basement (significant retention of existing structure), ground and 6 upper floors and plant level) with rear terraces at 2nd-7th floors inclusive.
- New “Triangle” building to the rear.
- Increase in Class E floor space on site (ground floor retail, upper floor offices).

Given the scale and nature of the proposed development, the Greater London Authority advise that the development does not give rise to any strategic planning issues.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office – Class E	2605m ²	7651m ²	+5046m ²
Retail- Class E	2203m ²	0m ²	-2203m ²
Café Restaurant – Class E	172m ²	0m ²	-172m ²
Medical use- Class E	12m ²	0m ²	-122m ²
Pharmacy – Class E	125m ²	0m ²	-125m ²

Massage & alt therapy (Sui Generis)	74m2	0m2	-74m2
Commercial car park (Sui Generis)	1065m2	0m2	-1065m2
Residential (Class C3)	728m2	0m2	-728*
Ancillary (Planting, servicing)	263m2	3611m2	+3348
The Hub ** (Sui Generis)	0m2	1205m2	+1205m2
Community use (Class F1)	0m2	35m2	+35m2
Total	7357m2	12502m2	+5190m2

*Part of land use swap to replace office floorspace with residential floorspace at 57 & 59 Gloucester Place. Loss of 728m2 residential floorspace at Garfield House replaced with 843m2 of residential floorspace at 57 & 59 Gloucester Place.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Commercial

Loss of garages, car parking and servicing areas

The existing garage below Stourcliffe Close has been used as a commercial car park, car wash and garage operating as a private car hire service. This use it is not afforded any specific protection in land use terms and given the nature of use, its loss is supported in sustainability and environmental terms.

Loss of supermarket

It is acknowledged that the proposal would result in the loss of a supermarket (Tesco), however there is no protection for individual supermarkets. There are other alternative supermarkets within the vicinity of the site including Waitrose and Marks and Spencer on Edgware Road, Sainsbury's in Marble Arch Place and Co-Op in Baker Street.

Proposed Ground floor Hub

The existing lower ground and ground floor town centre units are proposed to be replaced by a large open plan "Hub" at ground floor level providing a mix of town centre uses for active retail, food and beverage, leisure and community purposes (Sui Generis), within a modern and flexible space. The use maintains an active street frontage with new modern shopfronts and a main entrance with canopy to provide a sense of arrival, which is considered would contribute to the vibrancy and diversity of the area.

The principle of the Hub is supported in land use terms. The applicant estimates a maximum of 811m2 for restaurant use and 914m2 for the remaining uses. However, the final break down/layout/shopfront display/hours of operation, of uses within the Hub will be required by condition to ensure a suitable mix of high street uses, active street frontage and to ensure that the necessary associated facilities to support all of the uses are satisfactorily in place (kitchen extract ventilation, odour control etc).

It will also restrict delivery services. It is also appropriate and necessary to restrict the use to those listed above, as other uses may have implications for travel and transportation, air quality and environmental impact.

Proposed Offices

The proposal would result in a significant uplift in office (Class E) floor space (5,046m²), the principle of which is considered to be appropriate and suitable in this location within the CAZ Retail Cluster Edgware Road South. It would provide commercial growth and intensification in this urbanised location, in accordance with policy 13 (Supporting economic growth), policy 14 (Town Centres, High Streets and the CAZ), policy 16 (Food drink and entertainment). The new office floorspace is provided as high quality modern flexible space with high sustainability credentials, a dedicated entrance reception, off street servicing, external green amenity space for office workers. Whilst the provision of affordable workspace is encouraged, it is not proposed in this instance.

Class E implications

Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission.

Other uses within Class E may have different amenity impacts than the uses proposed, particularly given the large size of the planning units proposed. Conditions are recommended to restrict the uses to prevent potential harmful changes of use within Class E without the need for planning permission.

Social and Community use

A room (35m²) at basement level is proposed to be made available for the local community to use at nil cost for 25 years. This will provide a facility for the local community. An operational management plan is to be sought by condition to understand the days and times that it can be booked by the local community, details of how local amenity societies and residents associations of local residential blocks (George Street Mansions, Stourcliffe Close, Portsea Hall), will be made aware of the facility and booking system, details of access and any rules and regulations for use, including advance booking requirements and the ability to use it for office use, when not booked by the local community. This facility is considered to be a benefit for the local community, supported by policy 17 (Community infrastructure and facilities).

Residential Use

There are currently 8 residential units (occupied on Assured Short-hold Tenancies) within the site provided within 728m² of floorspace. This residential floorspace is proposed to be relocated to 57-59 Gloucester Place (currently in Class E use) as part of a land use swap.

Both this application and the planning application for 57-59 Gloucester Place form a land use package, which are proposed to be linked by way of a S106 planning obligation to ensure that the swap is implemented and consequently that there is no loss of residential floorspace.

The principle of the land use swap is acceptable. A full assessment of the quantity and quality of residential floorspace at Gloucester Place is set out in that separate report. However, there are a number of benefits associated with the relocation :-

- The sites are within the vicinity of one another (500m)
- A small uplift in residential floorspace
- The uses are both appropriate in their proposed location
- Higher quality residential (less busy location; increased quality of accommodation within a heritage building with some external amenity space etc)
- Higher quality officer floorspace.

For these reasons the proposed residential land use swap meets the aims and policy objectives policy 8 (Housing delivery) and Implementation and monitoring section of the City Plan.

Land Use Overview

In land use terms, the proposed mixed-use commercial development is considered to balance the competing function of the location by providing a multi-functional ground floor space with offices above within an existing urbanised area, meeting the relevant land use policies and providing for local neighbourhoods, workers and visitors. The proposal also secures the satisfactory relocation of the residential floorspace. For these reasons the proposal is considered to be acceptable in land use terms in accordance with the relevant land use policies including Policy 1 (Westminster's spatial strategy).

This element of the proposal is also supported by the Harrowby and Districts Resident's Association, Marble Arch BID, British Land, Church Commissioners, Native Land a local resident on grounds that the proposed redevelopment presents much needed significant investment and improvements to office accommodation and retail space in the rejuvenation of Edgware Road.

Whilst representations raise concern that the proposal is an attempt to gentrify the area and erode the Islamic character of Edgware Road, planning permissions run with the land and grant consent for land use and not to individuals. The cost of rent is also a private matter for the owner/landlord.

9.2 Environment & Sustainability

Sustainable Design

The proposed development seeks to retain the basement structure with alterations, together with a full demolition of the remaining existing building and the construction of a new building. The Applicant has justified major demolition based on the following reasoning:- *"The existing basement depths are generally insufficient for the required plant equipment needed. This requires them to be lowered, meaning existing spread foundations will need to be heavily modified, underpinned or removed. This alone makes retention of the existing building difficult and expensive to achieve."*

The basement retention is welcome and the proposed new above ground structure is to be constructed using a hybrid of cross laminated timber and steel and is optimised to achieve small and lightweight grid, showing material efficiency, incorporating sustainable material choices and whole life carbon considerations from the start of the design process. The development includes the following sustainability measures to reduce carbon emissions:-

- Targets Net Zero Carbon in construction and operation
- Embodied carbon (A1-A5) of <775 kgCO₂e/m² and WLC (A1-C4) <1180 kgCO₂e/m² (LETI and RIBA 2020 benchmarks)
- Energy Use Intensity 70 kWh/m² NLA/year
- 48% reductions over Part L 2013
- BREEAM NC 2018 Office Shell and Core – ‘Outstanding’
- Embedding circular economy principles to reduce waste (current benchmark for waste 11.1 tonnes/ 100m² GIA or equivalent to 1 credit under the BREEAM assessment)
- Optimising renewable energy generation on site (PVs) with discussions over additional generation on neighbourhood buildings – ongoing
- Air Source Heat Pump and satisfactory façade performance.
- Biodiversity Net Gain 100%

Accordingly, the scheme demonstrates compliance with Policy 38 of our City Plan.

Energy Performance

The energy strategy includes enhanced fabric performance :-

Element U-Values (W/m ² K)	Part L2A Minimum	Design Values
Roof	0.25	0.10
Floor	0.25	0.10
External Wall	0.35	0.15
Windows/ Glazed Doors	2.20	1.70
Doors	2.20	1.00
Glazing Specifications (%)		
Solar transmittance (G-value) – Office and reception areas	-	30
Visible Light Transmittance (VLT)	-	60

Table 3-2: Fabric Performance for the development

The applicant has sought to improve upon u-values to align with LETI benchmarks whenever possible during detailed design (for example 1.0 – 1.2 W/m²K instead of 1.7).

Air Source Heat Pumps will provide 100% of the heating and domestic hot water (DHW) requirements, in combination with chillers for cooling and variable refrigerant flow (VRF) system + heating, ventilation and air conditioning (HVAC) heat recovery. All occupied spaces meet the requirements to prevent overheating. Furthermore, a bio-solar roof area (98m²) is proposed 98m². The proposed development targets 6 credits for Energy Performance under BREEAM 2018.

The proposed development follows the GLA's Energy Hierarchy reducing the energy consumption of the development with 48% against Part L 2013 'Conservation of fuel, and power' of the Building Regulations.

The table below indicates the carbon savings achieved at each of the three stages.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	24.7	19
Be Clean: Savings from heat network	0.0	0
Be Green: Savings from renewable energy	38.4	29
Cumulative on-site savings	63	48
Carbon shortfall	67.7	-
	Tonnes CO ₂	
Cumulative savings for offset payment	2042.8 @ £95/tonne	
Cash-in-lieu contribution	£194,066.00	

Whole Life Carbon

The scheme follows the RICS methodology for Whole Life Carbon assessment and embodied carbon was a major consideration when designing the proposed structure. The applicant has used PANDA software to conduct a study on a variety of structural options, which shows embedding whole life carbon considerations early to achieve the biggest savings. It is proposed that the timber structure will be most efficient with the minimum amount of steel fixings. Currently results show it will be about 150 kgCO₂e/m². However, the overall embodied carbon for A1-C4 (from product, construction, use, end of life) is estimated to be 1136 kgCO₂e/m², with the highest contribution relating to the superstructure and the steel frame in particular.

During a sustainability consultation with the Council, the applicant was encouraged to engage with steel manufacturers and source structural steel produced from recycled scrap steel and electric arc furnace. The applicant is encouraged to bring down the whole life carbon (A1-C4 -) to 970 kgCO₂e/m² during procurement and construction. The applicant is also encouraged to use timber frame glazing (as opposed to aluminium, or composite) to reduce the embodied carbon of the façade further. Further consideration of this is to be sought through conditions.

The Applicant has committed to explore all the suggested mitigation measures and further consideration of these matters will be sought through conditions. The proposed development in its current form complies with the policy 36 of our City Plan and our Environmental SPD's requirements for reducing the environmental impact of new developments.

Circular Economy

The applicant has provided a Circular Economy statement. This identifies the largest areas of impact (structure, façade, floors and ceilings). 20% recycled content is required for all materials (by value) and it is conditioned through the contractor's preliminaries.

The structural grid is standardised, and opportunities for re-use of structural steel is encouraged. The raised access floors are proposed to be re-used, which is welcomed. During the sustainability consultation with the Council, the team was encouraged to design for disassembly, to ensure carbon sequestration is taken into account considering the amount of timber used. More circularity for the façade elements is also encouraged (lime mortars, disassembly of windows, etc).

The applicant has proposed water saving measures, including efficient sanitaryware, rigorous water leakage detection and sustainable drainage.

A pre-demolition audit was completed, and materials for re-use and recycling identified. The applicant is encouraged to be more specific with the re-usability of the largest bulk of the materials found on site (such as recycled concrete aggregates). The Applicant has committed to hold a Circular Economy workshop with the project construction team before commencing construction which is welcomed.

Summary of Sustainable Design credentials

- Retention of existing elements of basement structure
- Hybrid low carbon steel and cross laminated timber (CLT) Structure
- Facades and glazing enhanced G values, enhanced by greening of building and internal blinds.
- Passive Design through All Electric Energy Strategy
- Passive ventilation via openable windows
- Air Source Heat Pumps and Photovoltaics
- 19% saving (Lean) in carbon emissions, exceeding 15% target
- 48% saving (Green) in carbon emissions, exceeding 35% target
- Targets BREEAM Outstanding, exceeding Excellent target
- Urban Greening Factor of 0.312, exceeding 0.3 target.
- 100% Biodiversity New Gain

Overall, the scheme is compliant with Policies 36 (Energy), 37(Waste Management) and 38 (Design Principles) of the City Plan. Conditions and a planning obligation are recommended to secure the commitments and address the requests of the GLA.

The approach to sustainable design is supported by the Harrowby and District Residents Association, Marble Arch BID, British Land, Church Commissioners and Native Land.

Air Quality

An Air Quality assessment (& clarifications in an email of 25.10.2022) has been submitted in support of the proposed development which is located within an Air quality focus area. The City Council's Environmental Health officer is satisfied that the proposal is acceptable from an air quality perspective based on the following:-

- Emergency Diesel generator flue terminating at roof height,
- The output of the generator is 400kW or less and operates less than 50 days per year as per section 3.4.1 of the report
- The uses are restricted to currently proposed uses.

The proposed development would be an air quality neutral development in accordance with Policy 32 (Air Quality). Air quality neutral development is one that meets, or improves upon the air quality neutral benchmarks published by the GLA. The benchmarks set out the maximum allowable emissions of NOx and Particulate Matter based on the size and use class of the proposed development.

Flood Risk & Sustainable Drainage

A Flood risk Assessment (FRA) has been submitted in support of the proposed development even though the site is less than one hectare, located within Flood Zone 1 (lowest probability of flooding) and outside of a Surface Water Flood Risk Hotspot (although the applicant has noted that it is a critical drainage area).

The proposed development includes the following measures:-

- Rainwater harvesting attenuation tank in basement
- Soft landscaping introduced across of the site - Green roofs, planting

The proposed details are considered to be commensurate to the location of the site and the proposed constraints of the development. Thames Water have not raised objection, seeking only a condition and informative. The proposal is considered to have taken into account and mitigated against the risk of flooding in accordance with Policy 35 (Flood risk).

Light Pollution

The proposal includes a strategy for feature facade lighting, office entrance access lighting and roof terrace lighting. Whilst the principle is acceptable, limited details are provided at this stage. As such a condition is recommended requiring further details of the proposed external lighting scheme, including hours of operation, showing how light spill is avoided and visual amenity will be protected. The condition is imposed to ensure that the proposal meets Policy 33 (Local environmental impacts).

Odour

No details have been provided with respect to the potential impact of any required kitchen extract duct/s, which will depend on the nature of the food offering within the Hub. As such a condition required for submission of an operational management plan for the Hub will require any such details in order to ensure the requirements of Policy 33 (Local environmental impacts) are met.

Land Contamination

A desk study report and risk assessment have been provided. Whilst these documents are welcomed, the City Council's Environmental Health officer has advised that further investigation is required, including as assessment of the risk of Radon gas. Consequently, a contaminated land condition is recommended, but phases 2,3,4 only. This will ensure that this matter is adequately addressed in accordance with Policy 33 (Local environmental impacts).

Environment & Sustainability Summary

The Applicant has committed to delivering a Net Zero Carbon building and the proposed development is policy compliant with respect to Environmental Sustainability, Whole Life Carbon, Energy Performance and Circular Economy. Satisfactory details have been provided at this stage to consider all environmental conditions. Cumulatively, the proposal is policy compliant, subject to conditions to secure further information at later stages, and the delivery of these sustainability measures and benefits. A planning obligation requiring "Be seen" monitoring is also proposed to ensure that the development delivers the carbon savings promised.

The City Council's Environmental Health Officer has confirmed that other environmental aspects have been sufficiently considered subject to conditions and informatives.

9.3 Biodiversity & GreeningExisting

There are four lime trees on the pavement on Edgware Road which are owned and managed by Transport for London (TFL). These are located outside of the site. There are no trees, shrubs or other greening within the site itself.

The details provided with respect to impact on the trees is currently insufficient, as raised by TFL and the City Council's Arboricultural Manager. In the absence of full details there is concern that the development construction could impact upon the trees through root severance, compaction, accidental damage and the impact the building canopy and façade cleaning on their canopies. Tree pruning is also proposed in order to accommodate the development, in the form of cutting back the canopy to three of the lime trees, although the extent of pruning is not clear and further information is required.

Give the above concerns, a pre-commencement condition is recommended to secure further details to ensure that the City Council's arboricultural manager is satisfied that the development will not adversely impact on these street trees.

Proposed planting zones

Green Roofs:-

- Stourcliffe Garage roof
- 7th floor function room roof

Formal fixed planters:-

- To Rear terraces:- 1st, 2nd, 3rd, 4th, 5th, 6th, 7th floors (different quantum/extent), roof of 7th floor function room
- To Front /Edgware Road (1st-6th floors) adjacent to Evelyn Court
- To side to George Street 3rd, 4th, 5th, 6th, 7th, roof of 7th floor function room
- To Rear ground floor adjacent to loading bay entrance

Climbing plant walls:-

- Courtyard walls to ground floor triangle (with ground floor plants)
- Edge of Stourcliffe Garage roof
- Rear of Evelyn Court ground floor boundary wall with Stourcliffe Close (secondary cycle entrance)

The proposal would result in a significant increase in greening of the site /development with an increase in the Urban Greening Factor from 0.0 to 0.312 and a 100% biodiversity net gain which includes habitat panels, bee posts, bird and bat boxes. This is welcome in principle and accords with Policy G5 of the London Plan which sets a target UGF score of 0.3 for developments such as this and policy 34 (Green infrastructure) of our City Plan and our Environmental Supplementary Planning Document (ESPD).

The applicant has indicated that the proposed development has been designed to be structurally capable for the proposed greening and that the Stourcliffe Garage Roof is to be strengthened for this purpose. The planting zones have been considered with respect to microclimatic conditions (full sun, shade etc) However, the following further detail is required:- i) details of design and construction, maintenance and irrigation of the green roofs & walls (also to include fire risk) as well as full details of the proposed planters (length, width depth). These further details are to be required by pre-commencement conditions to ensure that the detailed design can deliver the extent and quality of the urban greening.

The associated irrigation of the planting zones is proposed in the form of harvested rainwater stored within the basement level and is welcome in principle, although further information is requirement to demonstrate that the rainwater collection and storage has sufficient capacity for the proposed planting within the development.

The recommended conditions are considered to satisfactorily address the matters raised by the City Council's Arboricultural Manager.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 72 of the LBCA 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) in 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 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.

Existing Buildings and context

The application site consists of two buildings forming a block at the corner of Edgware Road and George Street. It has secondary frontages at the rear to Forset Street and to the buildings of Stourcliff Close. None of the buildings are listed and none are in a conservation area. However, adjoining the site to the east is the Portman Estate Conservation Area, the setting of which included the site. There are no adjacent listed buildings. The site is also within the Tier 2 Watling Street Archaeological Priority Area. Redevelopment therefore has to be considered in the context of these heritage assets.

The proposed redevelopment of the site involves the demolition of both Garfield House and Bernard House buildings.

Garfield House is an undistinguished four storey building of the late 1950s or early 1960s. It has a reinforced concrete frame with sections of brick and artificial stone cladding. Above shopfronts of no architectural values to Edgware Road, the building consists of two brick pavilions flanking a central stone clad section. Within the pavilions the first and second storey window openings are double height, with the third floor forming an attic storey, while in the central section a stone frame surrounds a largely glazed elevation with spandrel panels between storeys. While characteristic of post war redevelopment, (1945 bomb damage maps show that buildings on the site were severely damaged) the building is of little intrinsic architectural merit. While the materials are consistent with those of other buildings in this part of Edgware Road, the scale and detail of the buildings are at odds with its neighbours. Its loss is not therefore considered contentious.

Bernard House (1924) is more traditional. It is a five storey new-Georgian residential building of stock brick with rendered elements. It is consistent in terms of materials and detail with other residential buildings in the vicinity. However, this building also lacks sufficient architectural interest to require its retention.

The principle of the demolition of these two buildings is considered to be acceptable in design and townscape terms, subject to the design quality of the replacement building.

Bulk, Height & Scale

City Plan policy 40 (Townscape and Architecture) is relevant, stating that ‘Development will 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.

The proposed building is considerably larger than the existing Garfield and Bernard Houses, particularly in terms of its height on the Edgware Road frontage. The additional height is equivalent to approximately three sheer storeys, with rooftop plant set back above this.

While this is a significant uplift in terms of height and bulk, it is considered to be acceptable in this instance. The existing Garfield House is under scaled for its location in Edgware Road. Evelyn House, which adjoins the site, and which is being retained stands a full three storeys taller than Garfield House. The apartment buildings facing the site across Edgware Road are eight storeys. 136 Edgware Road, which faces the site across George Street is four storeys taller. The proposed additional bulk of the new building will be in line with this context of larger scale buildings.

To the rear, the scale of the new building has the potential to be more overbearing to its immediate neighbours. The stepping back of successive floors (at third floor and above) reduces the visual impact of the additional height in relation to the neighbouring buildings a George Street Mansions.

The proposed building is not considered to be a ‘tall building’ in terms of City Plan Policy 41. Building height

Detailed Design

City Plan policy 38 (Design Principles) sets out expectations for the design of new buildings in Westminster. It states that new development should incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.

In particular 38 B requires development to positively contribute to the townscape and streetscape, having regard to the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets.

The elevational design of the new building has been the subject of a great deal of discussion and design development during the preapplication phase.

The proposed facades consist of shopfronts at ground floor with six office floors expressed as three pairs of floors each with double-height fenestration. A strong horizontal emphasis is avoided by the use of the double height windows, with spandrels of back painted and fritted glass, and by the use of projecting fins.

The facades are to be clad in a skin of glazed ceramic tiles derived from glazed stone and earthenware ceramics. The tiles are intended to have a handmade craft appearance, a variety of texture and colour between tiles. There is a significant amount of the building clad in this material. It will therefore be essential to achieve the best possible appearance in terms of colour variation, unit size, grid pattern and texture. A condition will therefore require extensive details, including sample panels, of the proposed cladding material.

The proposed double height windows with white solar shading fins are considered acceptable in design terms. The fins are reused on the rear of the building, but in this position they provide some protection from overlooking rather than solar shading. The back painted and fritted panels will add visual interest and apparent solidity.

At the rear, the building is sheer at ground first and second floors. The third, and each subsequent floor is stepped back to reduce bulk and visual impact. The terraces thus created are to be extensively planted in order to soften the appearance of the rear of the building, as well as for the contribution to biodiversity. The extent of planting would be a welcome contribution to the appearance of the rear of the building (and to the recessed balconies to the front of the building).

Of the seven objections to the scheme (one of which was on behalf of a resident's association of a nearby apartment building), two object to the scale and massing of the proposed building. As set out above, while the height of the new building is significantly taller than Garfield House, the existing four storey building is considered to be an anomaly within the local townscape of much larger buildings. The proposed building would be broadly consistent with the height of its neighbours on Edgware Road, and the massing at high level, particularly in views from the north, is ameliorated by the more shallow floorplates of the upper storeys.

Three objectors stated that they would support a proposal for a new building no higher than the existing building. Notwithstanding the issue of context as noted above, redevelopment of the building without achieving additional floorspace would be unlikely to meet sustainability requirements and would represent an enormous investment in embodied carbon, which would be difficult to justify in terms of the accommodation provided.

Five letters of support have been received, all of which relate in part to design issues. The Harrowby and District Residents association welcomed the sustainability and biodiversity aspects of the proposed development.

The Marble Arch BID consider that the proposed building addresses deficiencies in the design of the existing building, as well as supporting the sustainability credentials and biodiversity improvement of the proposed scheme.

Three other letters of support have been received from land owners / lessees of nearby properties. The consultees consider that the proposed building contributes to the ongoing regeneration of Edgware Road and represents a significant improvement on the current building, which detracts from the local area.

Impact on Heritage Assets

The redevelopment of Garfield House has the potential to have an impact on the setting of the adjacent Portman Estate Conservation Area and the nearby Bayswater Conservation Area.

The increase in height is not discernible from within the Portman Estate Conservation Area except from George Street, where the stepped massing and elevational treatment at the junction of George Street and Forset Street break down the scale of the proposed building.

It is not considered that the increased scale of the building or the elevational treatment of the rear would harm the setting of the Portman Estate Conservation Area in views along George Street.

The site is not intervisible from the Bayswater Conservation Area.

Historic England (Listed Buildings and Conservation Areas) make no comment on the proposed development and do not consider that it is necessary for them to be notified.

Landscaping & Public Realm

Opportunities for improvement to public realm are limited, as the building footprint occupies the majority of site area. Improvements to the paving around the site, including setts to Forset Street represent modest improvements to the quality of the hard landscaping. The proposal is consistent with the aims of City Plan Policy 43 (Public Realm), which requires development to contribute to a well-designed, clutter-free public realm.

The contributions to landscaping are more significant. Each of the terraces to the rear of the building is provided with planting to a greater or lesser degree. While the upper terraces have a relatively modest planters, there are areas of more extensive planting which will make a real contribution to the appearance of the building, to urban greening, and the quality of the landscaping. In particular the large roof of the underground garage creates a very large area for planting.

The terraces at third and fourth floors are also more generously sized, and will provide a welcome greening to the lower parts of the building.

Subject to the provision of further detail regarding the planting and landscaping as set out in the biodiversity section, the proposals would meet the aims of these policies and are welcome in design terms.

Fire Safety

The applicant has submitted Fire Statement which sets out the expected proposed fire strategy for the proposed building and includes an assessment with respect to the use of a mass timber hybrid structure, with exposed cross-laminated timber (CLT) and fire escape strategy. The early consideration of the fire strategy is welcomed and will be considered further at the following RIBA stages of design and during the building control process. For the purpose of planning the proposal has addressed Policy D12 (Fire Safety).

External Lighting

The Design and Access Statement includes a lighting strategy (section 9.2). A good deal of the lighting proposed is internal, but three key elements are external.

The proposed vertical ceramic panels on Edgware Road are each to be lit with a pair of uplighters. The recessed planted balconies between the site and Evelyn House are to be lit, highlighting the planting and soffits. The underside of the Edgware Road canopy is to be lit.

Edgware Road is a busy street with a commercial character, with significant animation from shopfronts at ground floor level. Above ground floor level there is much less illumination.

The illumination of the canopy is therefore uncontentious, as it would appear within a streetscape of similar levels of illumination. Above ground floor level more care is needed. While the lighting of facade elements and the recessed balconies may well be acceptable, it will be important to ensure that the lighting levels are modest, and that illumination ceases at the end of the evening.

A condition is recommended to ensure that further details of façade lighting, ensuring that first floor lighting and above is minimal.

Archaeology

City Plan Policy 39 part O states that applicants for development which involves excavation or ground works in Westminster's Archaeological Priority Areas, or other areas suspected of having archaeological potential, will demonstrate that they have properly evaluated the archaeological potential and significance of the site and assessed and planned for any archaeological implications of proposals.

The applicant has commissioned a desk based archaeological assessment from Museum of London Archaeology. While the assessment found that the likelihood of significant archaeology remaining was low, due mainly to the presence of existing basements, it did identify that there are some parts of the development where new excavation is to take place.

Historic England (Archaeology) therefore recommend a further on-site evaluation of these parts of the site, to be followed by a fuller excavation if necessary, to be secured by a two stage condition.

Public Art

An indicative area on the ground floor George Street façade has been flagged for the potential location of public art. The provision of public art is supported and early consideration of it as an integral part of the development is welcome. A condition is recommended to secure full details of the public art and a planning obligation to secure it in accordance with Policy 43 (Public Realm).

9.5 Residential Amenity

Given the scale of the proposal and the proximity to residential properties, both the physical and operational impact of the proposal must be assessed.

Physical Impact

The physical impact of the proposed development requires a full assessment as to the potential impact on the amenities of residential properties to the rear within Stourcliffe Close and George Street Mansions, to Portsea Hall to the front, Evelyn Court to the south and beyond. Given the commercial use, careful consideration must also be given to the design of the rear of the building to minimise the impact on the amenities of existing residents.

A daylight and sunlight assessment report has been undertaken and contextual section drawings and privacy details provided to aid assessment.

Daylight & Sunlight

The applicant has undertaken a daylight and sunlight assessment in accordance with the Building Research Establishment (BRE) guidelines 'Site Layout Planning for daylight and Sunlight.

With regard to daylight, the report measures Vertical Sky Component (VSC) and No Sky Line (NSL). The 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. The guidance also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The daylight distribution is measured by plotting the 'no skyline' contour which represents the amount of sky visible from a particular height in the room. The guidance suggests that if following construction of a development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value then this will be noticeable to the occupants, and more of the room will appear poorly lit. Greater protection is afforded to living rooms and kitchens with bedrooms being less important.

In terms of sunlight, greater protection is afforded to living rooms and less so for kitchens and bedrooms. In general, the sunlighting of the existing dwelling may be adversely affected if the centre of the window

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between winter months (21 September and 21 March) and
- receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Properties that would experience a loss of daylight and or sunlight beyond the tolerances within the BRE guidelines and that require further consideration are set out in Appendix 1 appended to the end of this report. The affected flats are located within the following buildings:-

- George Street Mansions, 137-149 George Street
- Stourcliffe Close, Stourcliffe Street
- Dudley Court, Upper Berkeley Street
- Evelyn Court, 78-84 Edgware Road
- Portsea Hall, Portsea Place

Representations of objection on these grounds have been received. These comprise of a representation from Portsea Hall Residents Association (representing the residents of the 126 apartments in Portsea Hall) together with seven individual representations, six from Portsea Hall, and one from Stourcliffe Close.

George Street Mansions

Eighteen rooms within George Street Mansions would see a loss of daylight. The various considerations for the assessment of the impact on these windows are:-

- Flank windows on the boundary with Forset Street.
- Breaching VSC method, but meeting NSL method of assessment.
- Dual aspect rooms
- Rooms served by multiple windows
- Some daylight values remain high.

With respect to sunlight, three rooms would see a reduction in sunlight. One living room would see some reduction in winter sunlight, but no significant loss of annual sunlight. Another living room would see a reduction in annual sunlight and the third living room would see a total loss of winter sunlight and a loss of annual sunlight.

Stourcliffe Close, Stourcliffe Street

This building lies to the rear of the site. Thirty seven rooms would see a reduction in daylight. The various considerations for the assessment of the impact on these windows are:-

- Breaching VSC method, but meeting NSL method of assessment.
- Some rooms served by multiple windows
- Some daylight values remain high.
- Some existing low values

In sunlight terms, eleven rooms would see a reduction in sunlight. All of these rooms are living rooms. Three would see a loss of winter sunlight, but not annual. Five would see a loss of annual but not winter sunlight and the remaining three would see a loss of both annual and winter sunlight.

Dudley Court, Upper Berkeley Street

This building lies to the south of the site. Two rooms would see a reduction in daylight using the NSL method, but would meet the guidelines using the VSC method of assessment.

In both cases only 1 window of numerous windows that serve the room would be affected.

The development would have no impact on sunlight to flats within this building

Evelyn Court, 78-84 Edgware Road.

This building lies adjacent to the south of the site.

Two rooms would see a reduction in daylight using both the NSL and VSC methods of assessment.

The development would have no impact on sunlight to flats within this building.

Portsea Hall, Portsea Place

This building contains the most affected number of flats and lies opposite the site on the west side of Edgware Road. Seventy one rooms would see a reduction in daylight. The various considerations for the assessment of the impact on these windows are:-

- Breaching VSC method, but meeting NSL method of assessment.
- Some rooms served by multiple windows
- Some daylight values remain high.
- Some existing low values
- Some percentage losses just exceed 20%
- Significant number of affected rooms are bedrooms

The development would have no impact on sunlight to flats within this building.

Summary of impact on daylight and sunlight

Overall, considering the above factors, whilst the reductions in daylight are likely to be noticeable to the occupiers, it is not considered that the impact would result in an unacceptable material loss of residential amenity given the overall size of the properties affected (i.e. there are many other rooms in the properties unaffected by the development) and the central London context. Whilst representations of objection have been received on these grounds, the impact on the daylight and sunlight to surrounding flats, whilst regrettable, is not considered to be so significant given the site specific circumstances and the central London context, so as to warrant withholding permission on this ground under Policy 7(Managing development for Westminster's people).

Sense of Enclosure

George Street Mansions

Whilst the proposed development would result in an increase in sense of enclosure to the occupiers within George Street Mansions which have flank windows facing the development. Given the nature of the windows, being flank windows on the boundary, and the proximity and scale of the existing building, it is not considered that the impact would be so material so as to warrant withholding permission on this ground.

Stourcliffe Close

Whilst the proposed development would result in a new building of greater scale and bulk, given the distance between the development and the flats within this building, it is not considered that it would result in any material increase in sense of enclosure.

Portsea Hall, Portsea Place

It is acknowledged that the building would be greater in bulk than the existing building when viewed from flats within Portsea Hall, Portsea Place. However, it is considered that there would remain sufficient separation distance such that it would not result in a significant increase to the occupiers' sense of enclosure.

Evelynn Court and Dudley Court

Given the location and relationship between these surrounding properties and the proposed development, it is not considered to result in any significant increase in sense of enclosure.

For the reasons set out, the proposal is considered to be acceptable in terms of impact on sense of enclosure of surrounding properties in accordance with Policy 7(A) (Managing development for Westminster's people) as such the objections raised by Portsea Hall and Stourcliffe Close are not supported.

Privacy

Due to the location of Portsea Hall, Evelyn Court and Dudley House and their distance to and relationship with the proposed development, the proposal is not considered to raise matters of privacy. The objections raised by Portsea Hall are therefore not supported.

With respect to the rear of the proposed development, consideration has been given to privacy implications from the rear fenestration and the external terraces to the occupiers of George Street Mansions and Stourcliffe Close:

- The rear façade has been designed for the messing to step back moving upwards at the east elevation, with the provision of planting to terraces.
- A mixture of accessible and non-accessible terraces, depending on location and proximity to residents
- Obscured glazing in the form of internal horizontal louvres incorporated into bays to obscure views out but let light in (to parts of first, second and third floor levels) where closest to George Street Mansions and Stourcliffe Close.
- Fins to windows

The applicant's strategy is for the windows closest to surrounding residential windows to be obscured using horizontal louvres and the rear of the building to include vertical fins to the side of the glazing to block oblique views. It is also proposed to restrict the use of some of the terraces for maintenance only. Further details of the privacy louvres are to be required by condition.

These measures are welcomed to protect the privacy of residents and subject to final details being sought by condition meet the requirements of Policy 7(A) (Managing development for Westminster's people)

Greening of the Building

The proposed greening of the building (including provision of a green roof to Stourcliffe Garage and planting to the stepped terraces of the rear elevation of the building) not only has environmental and biodiversity benefits, but would also provide a visual amenity for residents in Stourcliffe Close and George Street Mansions.

Operational impact

The operational impact of the proposed development is considered to be acceptable subject to conditions to protect the amenities of surrounding residents. The proposal includes a dedicated purpose built internal loading bay to replace external on-street servicing together with a Servicing Management Plan. Furthermore, Operational Management Plans are proposed to be secured for the building, internal uses and the extent and use of the external terraces, in order to minimise the operational impact of the proposed development.

Noise & Vibration

In support of the proposal for mechanical plant the applicant has submitted a Plant Noise Assessment. The City Council's Environmental Health officer has confirmed that the plant is able to be operated in accordance with our standard noise conditions and will not result in noise disturbance. Due to the size of the development, and the fact the Air Quality Assessment makes reference to emergency plant, a specific condition is recommended with respect to the emergency plant and generator (only be used for the purpose of public safety and life critical systems, restriction on noise levels, essential testing during specific hours). As such the proposal meets policy 33 (Local environmental impacts).

Construction

Due to the scale of the proposed development the developer has agreed to be bound by the City Council's Code of Construction Practice and requirements contained therein for demolition, earthworks and piling and construction. The concerns raised by residents with respect to construction impact are noted and the COCP seeks to minimise potential impact.

Transportation, Accessibility & Servicing

The proposed development would be served by a two bay off street loading bay, long and short stay cycle parking, with no provision of car or motorcycle parking. The City Council's Highways Planning Manager is generally supportive of the proposal, apart from the shortfall in short stay cycle parking. This is on the basis that the proposed uses are restricted to those applied for and does not permit a blanket Class E use. This is because many other Class E uses can have a much more significant impact in transportation terms and further information would be required on those other uses to assess whether they would be appropriate in this location. For this and other reasons, officers recommend a condition to restrict the Class E/F uses within the development and also to prevent any delivery services taking place without our agreement.

Highway Impact

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling) and that the increase in trip numbers is sustainable in this location which has a very good public transport accessibility (level 6b) and the provision of off dedicated street servicing would be beneficial to highways uses.

The proposed vehicle access, given the existing vehicle area in Forset Street and that it supports off-street servicing, is considered acceptable. The detailed design of the vehicle crossover and Forset Street will need to be secured as part of the post planning detail highway design process.

Other highway works to facilitate the proposed development are also required including the removal of smoke vents on the Edgware Road and George Street and new footway on Forset Street. This should create a consistent highway (footway) surface which is welcomed. All highway works immediately surrounding the site required for the development are proposed to be secured by way of a planning obligation.

The proposal involves both the stopping up and dedication of highway. The proposed area of Forset Street to be stopped up does not result in a significant loss of highway or have an adverse impact on vehicle or pedestrian movement and is supported by the Highways Planning Manager.

The proposed amendments to the building line (to be set back) on Edgware Road and George Street will create a consistent building line and pedestrian footway, which is welcomed and these areas will need to be dedicated as highway. These matters will require separate approval of the Highway Authority, as set out in the officer's recommendation.

Accessibility

The access points to the proposed development are summarised below:-

Pedestrian entrance doors to the Hub on Edgware Road & via Stourcliffe Street
 Pedestrian: The office/s- formal reception entrance for on George Street/Forset Street with lift and staircase access throughout all floors of the building.

- Long stay cycle store access (via lift to basement) for staff of Offices and Hub via Stourcliffe Street East for use by wheelchair users and those with adapted cycles.
- Long stay cycle store access (via ramp to basement) for staff of Offices and Hub via Stourcliffe Street South
- Short stay cycle parking for visitors via two points on Stourcliffe Street

The proposal is considered to have been designed to integrate accessibility for all and promotes sustainable transport in accordance with Policy 25 (Walking and cycling)

Servicing and Waste & Recycling Storage

Deliveries to the existing building take place externally at the rear of the building and some (Tesco) are undertaken using the red route loading bay on Edgware Road, Waste is also collected via Forset Street. The proposal would significantly improve on this situation, by providing a purpose built internal two vehicle loading bay integral to the building with a rapid electric vehicle charge point to support electric freight delivery. Vehicle tracking is provided which is considered functional. It is accepted that the servicing arrangement will not adversely impact the adjoining vehicle access in Forset Street significantly. Whilst the applicant has indicated that some servicing may still occur from the existing on-street loading bay in Edgware Road, this is not agreed, as Policy 29 requires off street servicing. As such, conditions are recommended to ensure that all servicing (with the exception of waste) takes place from the internal loading bays.

It is anticipated that the proposed development (office and hub) could generate around 46 deliveries per day. This is based on a worse-case scenario (based on the hub being 100% retail space).

The servicing of these vehicles is proposed to take place within the two vehicle on-site loading bay and would be subject to a time-booking system to ensure management of vehicle arrival times and to prevent any queuing vehicles on-street.

The applicant has suggested that daily servicing will take place between 07:00 – 19:00 Monday to Sunday. However, due to the proximity to George Street Mansions, officers consider that reduced servicing hours should be imposed for Saturdays and Sundays for reasons of residential amenity. As such it is recommended that hours of servicing are restricted to 07.00-19.00 Monday to Friday, 09.00-16.00 on Saturday and 10.00-13.00 on Sundays and that the loading bay door remains in a closed position, except when servicing vehicles are arriving or departing from the loading bay/s. An updated Servicing Management Plan (SMP) is also recommended to be required by condition to act as a practical document for day to day use and secure restrictions and details including those set out above .

Waste collection is undertaken from the rear by vehicles reversing from George Street into Forset Street and this will continue to occur as part of the proposed development, due to the size of these vehicles, but with bins held within the loading bay before collection. The provision of storage for waste and recyclable materials accords with our policy requirements and has satisfied the Waste Project Manager, subject to a condition to require its provision in perpetuity.

Subject to the conditions set out, the proposal is considered to meet with the aims of Policy 29. (Freight and servicing) and Policy 37 (Waste management) and addresses the concerns raised by residents for the deliveries to take place from the rear and for the vehicular access to George Street Mansions to be kept clear which are to be secured through the SMP.

Cycling & Cycle Storage

No formal long-stay or short stay cycle parking is existing within the site. There is therefore opportunity to address this within the proposed development.

The provision of long stay cycle storage (for staff) is set out below:-

- Basement – 156 long stay spaces including 8 accessible spaces for office
- Basement – 13 Long stay spaces for the Hub including 1 accessible space

This long stay cycle storage for 169 cycles for staff of the development is secure and weatherproof and accessible and provided via lift/or ramp options in the form of Sheffield Standards and two-tier spaces as well as accessible cycle spaces. Accessible shower and changing rooms and lockers for the office and the hub are also proposed within the basement. The quantum (169 exceeds the requirement for 163), location and facilities are acceptable and support active travel for staff in accordance with policy and London Plan standards.

The provision of short stay cycle storage (for visitors) is set out below:-

- Street level- Stourcliffe Street East and south – 30 short stay spaces

The short stay cycle storage for 33 cycles is proposed to be provided by Sheffield stands within the development site, at street level in two locations off Stourcliffe Street.

This provision does not meet the London plan requirement for parking for 92 cycles to serve the visitors of the development. Whilst this is disappointing, there are design constraints which provide some explanation for the shortfall. Firstly, the design approach to retain the basement structure and not to excavate a further basement. Secondly, safety and security concerns raised with respect to general public access to the basement.

The applicant has indicated that there may be potential to increase the quantum of existing cycle parking on the highway in Edgware Road, from 6 to 22. If this was found to be possible, the proposal would be able to provide 47 new spaces, and utilise the 6 existing spaces. However, a shortfall would still remain as the policy/London Plan requirement is for 99 spaces. Given the circumstances set out, it is considered that a pragmatic approach is required. Officers therefore recommend that the applicant undertake a cycle parking survey assessing potential on-street locations for the provision of 69 short stay cycle parking spaces in the vicinity of the site including on Edgware Road and their subsequent provision if agreed by Westminster in liaison with Transport for London. Following the findings of the survey, where the full provision cannot be achieved, it is proposed that the shortfall be mitigated by a financial contribution towards TfL cycle hire scheme. This obligation is considered to address the concerns of the City Council's Highways Planning Manager and Transport for London in accordance with Policy 25(Walking and cycling)

Parking

No car parking is proposed to serve the commercial development, and none is considered to be required for the operational reasons. Furthermore, the proposal would result in the loss of 49 existing commercial car parking spaces from the site (Stourcliffe Close Garage) and 7 spaces at the rear of the site. This is welcomed and will eliminate parking from the site in a location which has a high level of public transport accessibility (Pta1 6b) and promotes more sustainable modes of transport in accordance with Policy 27(Parking). The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal and consistent with City Plan 2040 Policy 27.

Healthy Streets/ Active Travel Audit

The applicant has provided an assessment in relation to the above. However, TfL do not consider it to be sufficient and have requested an assessment of the area with respect to CCTV, lighting, possible entrapment spaces and suggest that the applicant consider litter collection, benches and public art which can reduce negative impacts on street scenes. They also note their support of any separate proposals to prevent vehicle travel from George Street to Edgware Road and improve Stourcliffe Street. However, the applicant is proposing public art, with an indicative location for the ground floor elevation to George Street and also a lighting strategy to illuminate the building. Whilst TfL's request is noted, it is not considered that the request is justified in this instance or warrant withholding permission on this ground.

Whilst the applicant has many aspirational plans for the Portman Estate, which include improvements to the public realm, they do not form part of this particular planning application and therefore do not form part of any assessment in this report.

9.6 Economy including Employment & Skills

A financial contribution of £230,295.10 is proposed to be secured for Westminster Employment Service (WES) in accordance with the advice from our Economy and Regeneration Team. However, the proposed development does not trigger a requirement for an Employment and Skills Plan. This complies with Policy 18 of our City Plan.

An Economic and Social Regeneration Statement has been submitted by the applicant in support of the proposed development. It sets out the economic, social and wider impacts that the proposed development is expected to achieve. A summary of these is set out below:-

Construction

- 390 jobs over 2.7 year construction period
- £687,000 constructor worker spending over the 2.7 construction period (local retail, food and refreshments and work/leisure activities)

Operational

- 605-730 jobs (uplift of 345-405)
- £82-86m in Economic activity (GVA per worker) per year (uplift of £53-57m)
- £25-26m in Tax revenues (Business rates, VAT, corporate and income tax) (uplift of £16-23m)

Social

- Contribution towards aims of greener (Green places and clean air), smarter (optimising land use), future (flexible spaces) and together (inclusivity) to activate the area, increase footfall and help develop the areas sense of place.
- More attractive to investment and catalytic impacts for wider area.

Wider impacts

- Extra 5,046m² (GIA) of office floorspace will directly support businesses and employment in the local area. Equates to 24% annual (1% total) of City Plan target.
- Increase in quantum and quality of flexible floorspace with good sustainability, health and wellbeing credentials.
- Higher density in highly accessible location.

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with policies 1 (*Westminster's Spatial Strategy*), Policy 13 (*Supporting Economic Growth*) and Policy 18 (*Education and skills*).

Digital Infrastructure & Connectivity

Policy 19 (Digital infrastructure, information and communications technology) requires major commercial development to provide a communal chamber on-site for telecommunications equipment (or make an appropriate contribution to the cost of providing one nearby). As such a condition is recommended to require details of the provision. This will ensure digital infrastructure and connectivity are made provision for to support future economic growth.

9.7 Other Considerations

Objectors have stated that the consultation of the planning application has been flawed, with residents not given enough time to respond. Full consultation was undertaken in August 2022 including to 1467 local residents. In addition, a site notice was displayed together with a press advertisement. As such it is considered that sufficient time has been given for parties to make representations.

9.8 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.9 Planning Obligations & Pre-Commencement Conditions

Planning obligations

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

- i) The residential use to have been relocated as part of a land use swap to 59 Gloucester Place (entirety) and 57 (first to fourth floors) Gloucester Place (As granted under application reference:- 22/05362/FULL) and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works.
- ii) Provision of Community Room for 25 years at Nil cost to the local community.
- iii) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including in Forset Street, creation of footway in Forset Street, provision of additional short stay cycle parking in the vicinity of the site (minimum of 22 spaces), changes or improvements to the footway and associated work (legal, administrative and physical). Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority).
- iv) Cycle parking survey assessing potential on-street locations for the provision of 69 short stay cycle parking spaces in the vicinity of the site including on Edgware Road and their subsequent provision where agreed by Westminster in liaison with TfL. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority). Where the full provision cannot be achieved the shortfall to be mitigated by a financial contribution towards TfL cycle hire scheme (index linked and payable on commencement of development).
- v) The area indicatively shown on drawing number (4571-004-C) must be stopped up prior to commencement of development, at no cost to the Council, subject to minor alterations agreed by the Director of City Highways.

vi) The area on drawing number (4571-004-C), where the building line has been set back from the existing line, must be dedicated prior to occupation of development, at no cost to the Council, subject to minor alterations agreed by the Council

vii) A Financial contribution of £194,066.00 towards the Council's Carbon offset fund (Index linked and payable on commencement of development)

viii) A Financial contribution of £230,295.10 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service, (Index linked and payable on commencement of development).

viii) Provision of Public Art

x) Be seen energy monitoring

xi) Monitoring costs

Community Infrastructure Levy (CIL)

The estimated CIL payment is:

- Mayoral Cil:- £956,054.84
- Westminster City Council Cil:- £956, 968.56

Pre-commencement Conditions

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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

Condition 3-City Council's Code of Construction Practice

Condition 4- Archaeology

Condition 5- Thames Water

Condition 7 -Construction Logistic Plan for TFL

Condition 33- Land contamination

Condition 37- Street Trees

Condition 38- Whole Life Carbon

Condition 39 – Greening and irrigation

The applicant has agreed to the imposition of these conditions.

10. Conclusion

The redevelopment of the site would provide a new building of high quality, sustainable and inclusive urban design and architecture, incorporating much welcomed urban greening and biodiversity into the site and making a positive impact on Edgware Road and the setting of nearby conservation areas. The significant uplift in commercial floorspace, including a new mixed-use hub within the CAZ Retail Cluster Edgware Road South, balance the competing function of the location by providing a multi-functional ground floor space with offices above, within an existing urbanised area.

It is acknowledged that the proposed development would result in loss of amenity to surrounding residents by virtue of loss of daylight and sunlight, however the report explains in detail that the site specific circumstances and values are not so material as to make the proposed development unacceptable in these terms. Notwithstanding this, there are a significant number of benefits associated with the proposed development including economic, social and wider public benefits as set out within this report

Overall, the proposed development is considered to meet with the aims and aspirations of our City Plan and a favourable recommendation is made, subject to conditions and the completion of a S106 legal agreement to secure the planning obligations set out in the draft recommendation.

(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: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

11. KEY DRAWINGS

5.0 THE PROPOSED DEVELOPMENT (CONTD.)



Fig. 5.6: Illustration of building when seen from George Street showing the stepped form and planted terraces.



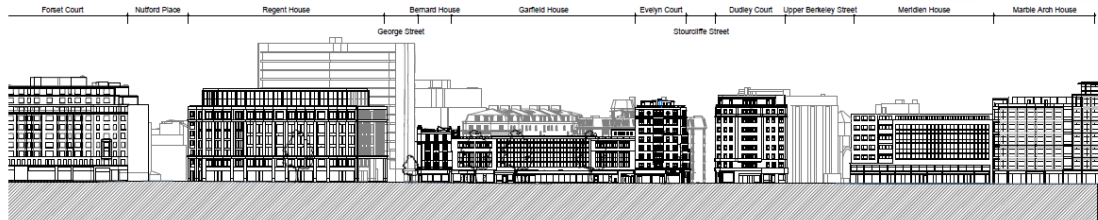
Fig. 5.7: Edgware Road (west) elevation.



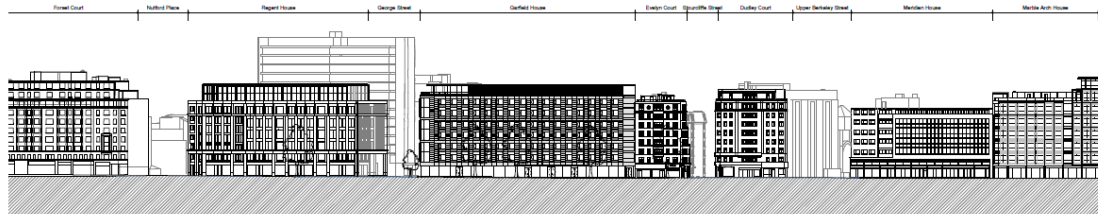
Fig. 5.8: George Street (north) elevation.



Fig. 5.9: Forset Street (east) elevation.

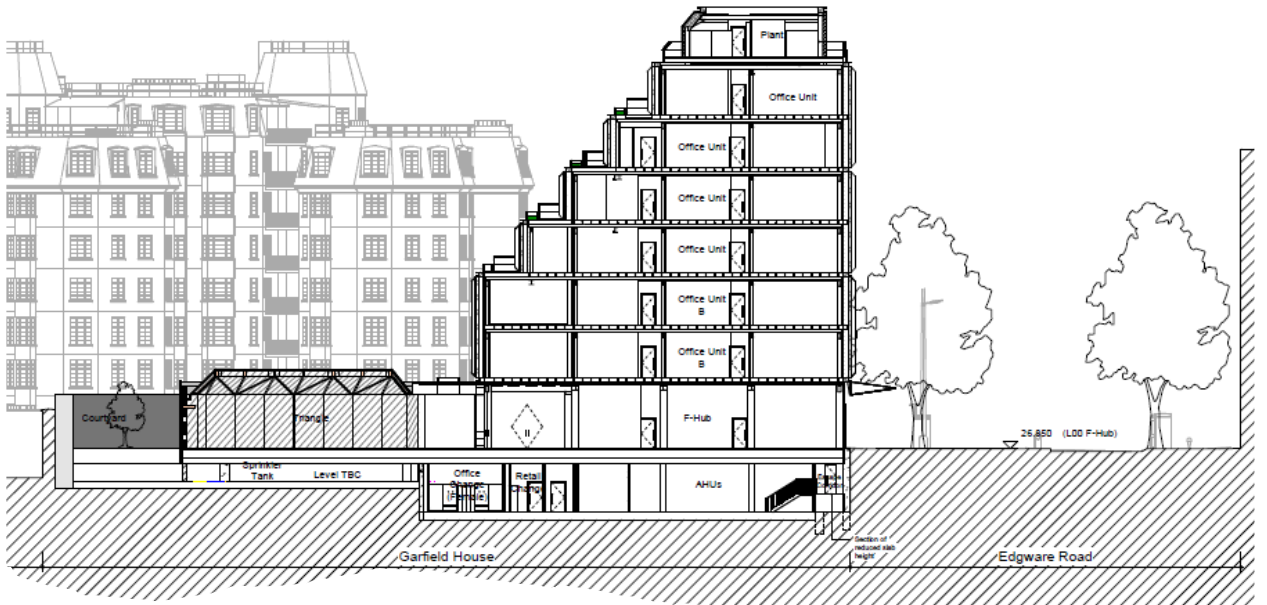


Existing Edgware Road Elevation



Proposed Edgware Road Elevation

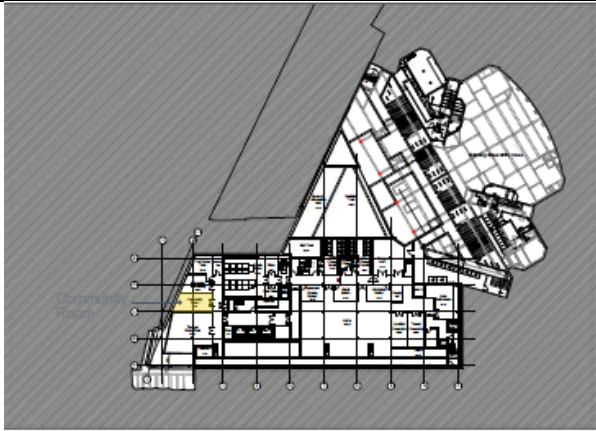
Top: Proposed Development
Bottom: Existing and proposed street view



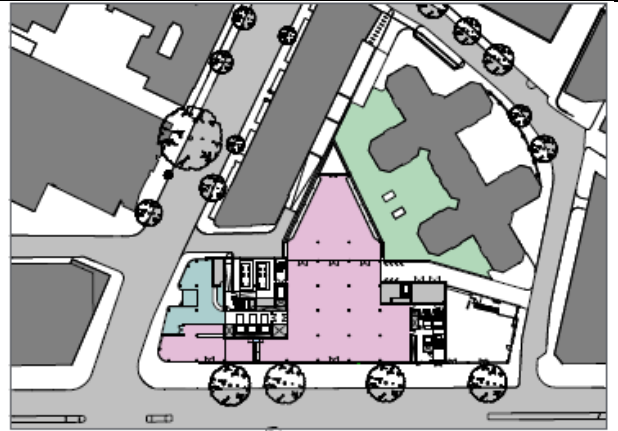
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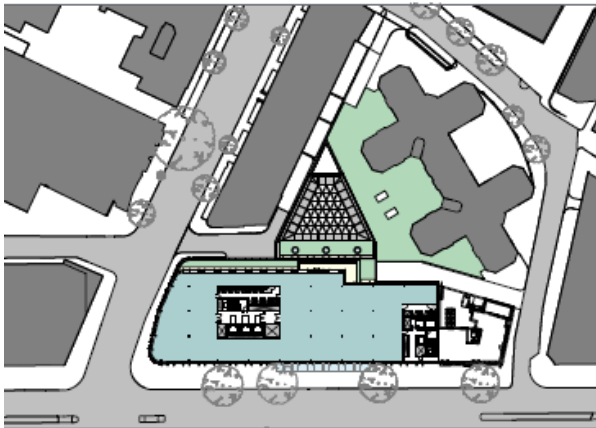
Top: proposed section
Bottom: Proposed rear elevation



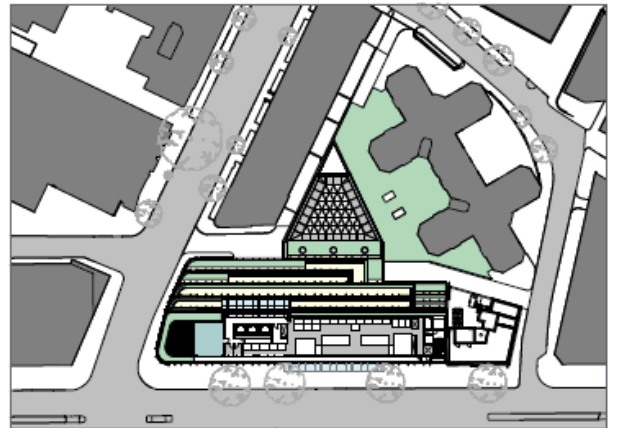
Basement



Ground Floor



4th Floor Level



7th Floor Level

Key Proposed floor plans

Appendix 1**Table 1- George Street Mansions, 137-149 George Street- Daylight & Sunlight**

Property	Room	Number of affected windows	Existing VSC	Proposed VSC	% Loss	Existing NSL	Proposed NSL	%Loss	Comment
Flat 1	Living room	2	18.2 17.5	11.3 11.5	38% 35%	311.4	297.8	Less than 20%	4 windows to room, Meets NSL.
	Bedroom	1	18.9	11.4	40%	80	59.3	26%	Fails VSC & NSL
Flat 8	Living room	3	27.0 26.6 25.3	21.0 15.1 15.0	22% 43% 41%	270.6	236.9	Less than 20%	3 windows to room Meets NSL
	Bedroom	1	27	21.4	21%	125.9	101.8	Less than 20%	Meets NSL
Flat 7	Living room	2	24.3 23.2 17.0 17.3	15.0 15.3 17.0 17.3	38% 34% 0% 0%	308.1	289.9	Less than 20%	4 windows to room Meets NSL
Flat 16	Living room	3	31.4 32.4 31.3	24.7 18.5 18.4	21% 43% 41%	281.3	269.4	Less than 20%	3 windows to room. Meets NSL
Flat 15	Living room	2	30.2 29.0	18.6 18.9	39% 35%	310.0	299.7	Less than 20%	4 windows to room. Meets NSL
Flat 34	Living room	1	20.3	13.9	32%	173.0	154.8	Less than 20%	2 windows to room Meets NSL
Flat 4	Living room	1	17.7	14.1	21%	179.0	156.8	Less than 20%	3 windows to room Meets NSL
	Kitchen	3	16.2 5.8 3.6	12.4 4.5 2.4	24% 22% 33%	68.6	68.5	No loss	3 windows to room Meets NSL
Ground	Kitchen	2	0.4 9.7	0.2 7.0	42% 28%	34.8	23.0	34%	3 windows to room Existing low values
	Bedroom	1	11.4	8.1	29%	82.9	45.1	46%	3 windows to room
	Living room	2	22.6 19.8	15.9 15.1	30% 24%	138.2	122.8	Less than	Meets NSL

								20%	
	Resi	1	18.7	14.2	24%	229.4	160.7	30%	
Flat 24	LKD	2	34.5 33.8	21.7 21.2	37% 37%	283.1	275.4	Less than 20%	3 windows to room. Meets NSL
Flat 23	Living room	2	33.3 32.8	21.4 21.7	36% 34%	310.0	302.7	Less than 20%	4 windows to room. Meets NSL
Flat 32	LKD	2	36.3 36.3	25.7 25.7	29% 29%	284.0	282.8	No loss	3 windows to room Meets NSL
Flat 31	Living room	2	36.2 36.1	25.9 26.1	29% 28%	310.0	306.9	Less than 20%	4 windows to room Meets NSL

Property	Room	Existing Annual and Winter Sunlight hours	Proposed Annual & winter sunlight hours	Loss	Comment winter sunlight	Comment annual sunlight
Flat 1	Living room (4 windows)	9/47	2/26	45%	Some loss	Exceeds BRE guide of 25 hours
Flat 4	Livingroom (3 windows)	0/13	0/4	69%	No change	Loss
Flat 1	Living room (2 windows)	4/36	0/20	44%	Total loss	Loss

Table 2 – Stourcliffe Close, Stourcliffe Street- Daylight & Sunlight

Property	Room	Number of affected windows	Existing VSC	Proposed VSC	% Loss	Existing NSL	Proposed NSL	% Loss	Comment
Flat 33	Living room	1	8.2	6.4	26%	120.2	112.3	Less than 20%	2 windows to room Meets NSL
	Bedroom	1	11.2	7.3	35%	114.9	80.4	30%	3 windows to room
	Bedroom	1	8.2	4.9	40%	58.8	26.6	55%	
Flat 34 Ground	Living room	2	11.8 19.0	6.2 12.5	48% 34%	156.7	108.9	31%	3 windows to room Ground floor

Flat 37 1 st floor	Living room	1	10.5	8.1	23%	258.3	250.5	Less than 20%	4 windows to room Meets NSL
	Bedroom	1	13.5	9.0	33%	136.2	117.5	Less than 20%	3 windows to room Meets NSL
	Bedroom	1	10.0	6.02	39%	77.6	44.1	43%	Existing low values
Flat 38 1 st floor	Living room	1	24.2	16.8	30%	175.1	173.5	Less than 20%	2 windows to room Meets NSL
Flat 8 1 st floor	Kitchen	3	17.8 6.1 3.7	13.7 4.8 2.5	23% 21% 33%	73.1	72.9	No loss	Meets NSL
Flat 5 1 st floor	Kitchen	2	0.5 11.4	0.3 8.5	35% 26%	40.6	35.3	Less than 20%	3 windows to room Meets NSL
	Bedroom	1	13.3	9.8	27%	94.3	65.7	30%	2 windows to room
	Living room	2	25.4 22.5	18.1 17.5	29% 22%	138.7	135.8	Less than 20%	Meets NSL
	Resi	1	21.3	16.5	22%	269.6	229.6	Less than 20%	5 windows to room Meets NSL
Flat 38 1 st floor	Living room	2	15.1 22.8	8.1 15.1	46% 34%	183.7	144.0	22%	3 windows to room
Flat 41 2 nd floor	Living room	1	13.5	10.6	21%	152.3	148.6	Less than 20%	2 windows to room Meets NSL
	Bedroom	1	16.3	11.2	31%	123.0	111.7	Less than 20%	Meets NSL
	Bedroom	1	12.2	7.5	38%	83.2	55.2	34%	
Flat 42 2 nd floor	Living room	1	27.8	19.3	30%	177.0	174.2	Less than 20%	2 windows to room Meets NSL
Flat 12 2 nd floor	Kitchen	1	4.0	2.8	30%	77.8	77.8	No loss	3 windows to room

									Meets NSL
Flat 9 2 nd floor	Kitchen	1	13.2	10.3	22%	48.1	47.7	Less than 20%	3 windows to room Meets NSL
	Bedroom	1	15.5	11.9	23%	99.2	77.4	22%	3 windows to room
	Living room	1	28.1	20.6	27%	138.7	138.7	No loss	2 windows to room Meets NSL
Flat 42 2 nd floor	Living room	2	19.3 26.7	10.6 18.0	45% 32%	184.6	164.8	Less than 20%	3 windows to room Meets NSL
Flat 45 3 rd floor	Living room	1	16.9	13.4	21%	154.5	150.7	Less than 20%	2 windows to room Meets NSL
	Bedroom	1	19.8	13.9	30%	123.0	110.8	Less than 20%	3 windows to room Meets NSL
	Bedroom	1	14.6	9.1	38%	83.1	51.5	38%	
Flat 46 3 rd floor	Living room	4	17.5 24.4 30.7 31.4	13.9 13.8 20.5 21.4	21% 43% 34% 32%	367.2	363.9	Less than 20%	5 windows to room Meets NSL
Flat 17 3 rd floor	Kitchen	1	4.3	3.1	26%	73.2	73.2	No loss	3 windows to room Meets NSL
Flat 14 3 rd floor	LD	1	30.2	23.2	23%	301.7	284.6	Less than 20%	5 windows to room Meets NSL
Flat 49 4 th floor	Living room	1	23.8	17.3	27%	266.1	265.4	No loss	5 windows to room Meets NSL
Flat 50 4 th floor	Living room	1	33.2	23.6	29%	177.5	175.0	Less than 20%	2 windows to room Meets NSL
Flat 21 4 th floor	Kitchen	1	4.4	3.4	22%	79.2	79.2	No loss	2 windows to room Meets

									NSL
Flat 50 4 th floor	Living room	3	22.3 28.7 33.0	17.5 16.7 22.6	21% 42% 31%	184.6	169.0	Less than 20%	3 windows to room Meets NSL
Flat 53 5 th floor	1	Bedroom	28.1	21.8	22%	123.6	121.2	Less than 20%	3 windows to room. Meets NSL
	1	Bedroom	18.4	13.1	29%	89.6	82.9	Less than 20%	Meets NSL
Flat 54 5 th floor	Bedroom	1	31.8	23.3	27%	177.6	175.4	Less than 20%	2 windows to room Meets NSL
	Living room	2	29.5 31.9	17.5 22.5	41% 30%	184.6	179.8	Less than 20 %	3 windows to room. Meets NSL

Property	Room	Existing Annual and Winter Sunlight hours	Proposed Annual & winter sunlight hours	Loss	Comment winter sunlight	Comment annual sunlight
Flat 33	Living room (3 windows)	0/10	0/3	70%	No change	Some loss
	Living room (2 windows)	0/13	0/6	54%	No change	Some loss
Flat 5	Living room (2 windows)	5/40	1/30	25%	Some loss	Some loss
Flat 38	Living room (3 windows)	1/23	1/16	30%	No change	Some loss
Flat 35	Living room (3 windows)	0/10	0/3	70%	No change	Some loss
Flat 8	Living room (3 windows)	0/13	0/16	54%	No change	Some loss
Flat 12	Living room (3 windows)	1/17	0/9	47%	Total loss	Some loss
Flat 79	Living	6/46	1/35	24%	Some	Exceeds

	room (2 windows)				loss	BRE guide of 25 hours
Flat 42	Living room (3 windows)	4/37	4/20	46%	No change	Some loss
Flat 46	Living room (5 windows)	6/49	4/28	43%	Some loss	Exceeds BRE guide of 25 hours
Flat 17	Living room (3 windows)	1/22	0/17	23%	Total loss	Some loss
Flat 23	Living room (3 windows)	1/28	0/24			

Table 3 Dudley Court, Upper Berkely Street- Daylight only (No loss of sunlight)

Property	Room	Number of affected windows	Existing VSC	Proposed VSC	%Loss	Existing NSL	Proposed NSL	% Loss	Comment
Flat 11	Resi	1	14.8	13.9	Less than 20%	191.3	130.7	32%	2 windows to room. Meets VSC
Flat 28	Resi	1	18.6 17.6 18.8 19.5	18.0 16.9 18.3 19.4	Less than 20%	206.4	153.3	26%	4 windows to room. Meets VSC

Table 4 Evelyn Court, 78-84 Edgware Road- Daylight only (No loss of sunlight)

Property	Room	Number of affected windows	Existing VSC	Proposed VSC	%Loss	Existing NSL	Proposed NSL	% Loss	Comment
Resi	Resi	1	12.1	8.5	30%	96.2	64.2	33%	
Resi	Resi	1	14.4	10.77	265	100.2	71.5	29%	

Table 5 Portsea Hall, Portsea Place- Daylight and Sunlight

Property	Room	Number of Affected windows	Existing VSC	Proposed VSC	% Loss	Existing NSL	Proposed NSL	% Loss	Comment
Flat 91	Bedroom	1	23.5	17.5	26%	143.4	85.1	41%	Retained high value
Flat 90	Bedroom	2	26.2 27.0	18.5 19.4	29% 28%	159.3	158.4	Less than 20%	3 windows to room. Retained high value Meets NSL
Flat 100	Bedroom	1	26.9	20.7	23%	153.1	95.4	38%	Retained high values
Flat 99	Bedroom	2	29.0 29.2	20.9 21.4	28% 27%	159.5	158.7	Less than 20%	3 windows to room. Retained high values Meets NSL
Flat 107	Bedroom	2	31.2 31.2	23.2 23.5	26% 25%	159.8	159.0	Less than 20%	3 windows to room. Retained high values Meets NSL
Resi	Bedroom	1	32.8	25.7	22%	159.8	169.6	No loss	Meets NSL
Flat 53	Bedroom	1	19.3	11.2	42%	122.9	40.1	67%	
Flat 52	Bedroom	1	19.4	11.2	42%	118.6	39.0	67%	
	Livingroom	2	24.8 21.3	19.6 15.8	30% 25%	176.3	162.6	Less than 20%	3 windows to room Meets NSL
Flat 58	Livingroom	2	23.1 30.0	17.8 21.8	23% 27%	173.1	163.3	Less than 20%	3 windows to room Retained high values

									Meets NSL
	Bedroom	1	30.4	22.0	28%	122.9	62.4	49%	Retained high value
Flat 57	Bedroom	1	30.4	22.0	28%	118.6	60.8	49%	Retained high value
	Living room	2	30.2 23.2	21.8 17.7	28% 23%	176.8	166.8	Less than 20%	3 windows to room Retained high values Meets NSL
Flat 62	Living room	1	31.8	24.0	24%	173.1	166.3	Less than 20%	3 windows to room Retained high value. Meets NSL
	Bedroom	1	32.1	24.2	25%	123.2	70.1	43%	
Flat 63	Bedroom	1	32.1	24.2	25%	118.9	67.8	43%	
	Livingroom	1	31.9	24.0	25%	176.8	169.5	Less than 20%	3 windows to room Retained high value. meets NSL
Flat 67	Bedroom	1	33.4	26.5	21%	118.9	84.5	29%	Retains high value
	Living room	1	33.2	26.3	21%	176.8	171.9	Less than 20%	3 windows to room Retained high value Meets NSL
Flat 8	Bedroom	1	10.1	8.0	21%	57.9	57.3	Less than 20%	Meets NSL
	Bedroom	2	27.5	19.5	29%	168.8	166.9	Less	Retained

			27.4	18.3	33%			than 20%	high values Meets NSL
	Resi	1	18.9	10.3	46%	57.1	21.9	62%	
Flat 7	Resi	1	18.8	10.4	45%	56.8	20.7	64%	
	Living room	1	26.8	18.9	29%	168.2	167.5	No loss	Meets NSL
Flat 18	Bedroom	2	29.8 30.0	21.4 20.6	28% 31%	169.0	167.5	Less than 20%	3 windows to room. Retains high values Meets NSL
	Bedroom	1	29.8	20.8	30%	57.1	33.5	41%	Retained high value
Flat 17	Bedroom	1	29.7	20.9	30%	56.8	32.8	42%	Retained high values
	Living room	1	29.3	21.1	28%	168.2	167.5	No loss	3 windows to room Retained high values. Meets NSL
Flat 27	Bedroom	2	31.7 31.8	23.5 22.8	26% 28%	169.2	167.8	Less than 20%	3 windows to room Retained high values Meets NSL
	Bedroom	1	31.5	22.9	27%	57.1	38.5	33%	
Flat 26	Bedroom	1	31.4	23.0	27%	56.8	38.2	33%	
	Living room	1	31.1	23.2	25%	168.2	167.5	No loss	3 windows to room Retained high values Meets NSL

Flat 34	Bedroom	2	33.1 33.0	25.9 25.1	22% 24%	169.2	168.1	Less than 20%	3 windows to room. Retained high value Meets NSL
	Bedroom	1	32.88	25.2	23%	57.1	46.2	Less than 20%	Retained high value Meets NSL
Flat 33	Bedroom	1	32.7	25.3	23%	56.8	46.3	Less than 20%	Retained high value Meets NSL
	Living room	1	32.4	25.4	21%	168.2	167.8	No loss	3 windows to room Retained high values Meet NSL
Flat 88	Bedroom	1	12.4	9.0	27%	110.4	77.7	30%	
	Bedroom	1	14.4	10.0	31%	166.1	79.2	52%	
Flat 49	Bedroom	1	13.9	9.8	29%	156.4	86.0	45%	
	Bedroom	1	11.5	8.6	25%	67.4	50.3	25%	
Flat 51	Bedroom	1	0.4	0.3	21%	28.0	25.4	Less than 20%	2 windows to room. Meets NSL
	Bedroom	1	10.3	7.9	23%	48.4	35.6	26%	
	Bedroom	1	13.1	9.5	28%	178.9	88.3	51%	
Flat 10	Bedroom	1	14.8	10.2	31%	166.6	82.3	51%	
	Bedroom	1	13.6	9.5	30%	84.1	56.7	33%	
Flat 5	Resi	1	12.5	10.7	Less than 20%	55.5	37.5	32%	
Flat 10	Bedroom	2	8.7 4.5	6.4 3.1	26% 32%	44.5	33.0	26%	2 windows to room
Flat 5	Resi	1	14.2	13.1	Less than 20%	176.2	93.9	47%	
	Resi	1	20.1	17.7	Less	141.9	88.7	37%	

					than 20%				
Flat 34	Bedroom	2	33.1 33.0	25.9 25.1	22% 24%	169.2	168.1	Less than 20%	3 windows to room Retained high values Meets NSL
	Bedroom	1	32.8	25.2	23%	57.1	46.2	Less than 20%	Retained high values Meets NSL
Flat 33	Bedroom	1	32.7	25.3	23%	56.8	46.3	Less than 20%	Retained high values Meets NSL
	Living room	1	32.4	25.4	81%	168.2	167.8	No loss	3 windows to room Retained high values Meets NSL
Flat 97	Bedroom	1	13.3	10.0	24%	110.7	91.9	Less than 20%	Meets NSL
	Bedroom	1	15.7	11.4	27%	166.5	95.4	43%	
Flat 54	Bedroom	1	15.2	11.2	26%	157.1	99.3	37%	
	Bedroom	1	12.7	9.8	22%	68.2	58.1	Less than 20%	Meets NSL
Flat 56	Bedroom	1	14.3	10.8	24%	180.2	102.1	43%	
Flat 20	Bedroom	1	16.0	11.6	28%	167.1	94.8	43%	
	Bedroom	1	14.6	10.7	27%	84.1	65.6	22%	
	Bedroom	2	9.6 5.4	7.4 4.0	23% 25%	44.8	37.3	Less than 20%	2 windows to room Meets NSL
Flat 105	Bedroom	1	15.0	11.8	21%	79.0	75.7	Less than 20%	Meets NSL. Small reduction over 20%

	Bedroom	1	17.1	13.2	23%	168.5	115.7	31%	
Flat 59	Bedroom	1	16.7	13.1	22%	158.7	120.7	24%	
Flat 61	Bedroom	1	15.6	12.5	20%	182.2	122.9	33%	
Flat 29	Bedroom	1	17.4	13.4	23%	168.7	115.5	32%	
	Bedroom	1	16.3	12.5	23%	81.1	74.9	Less than 20%	Meets NSL
Flat 24	Resi	1	16.7	15.8	Less than 20%	178.1	112.3	37%	
Flat 29	bedroom	2	14.2 9.4	11.1 7.6	22% 20%	102.4	91.7	Less than 20%	2 windows to room Meets NSL
Flat 24	Resi	1	23.3	21.1	Less than 20%	145.4	112.9	22%	
Flat 32	Resi	1	17.9	17.1	Less than 20%	179.1	135.0	25%	

DRAFT DECISION LETTER

- Address:** Development Site At 86-110 Edgware Road And 163-169, George Street, London,
- Proposal:** Part demolition and reconfiguration of lower ground floor, demolition of ground and upper floors, for redevelopment comprising lower ground, ground plus 6 storeys plus rooftop room, rooftop plant and equipment and single storey triangle building, for retail, food and beverage, indoor recreation and community use (Sui Generis) at ground floor level, Office (Class E) use at ground and upper floors, community (Class F2) /Office (Class E) use at lower ground floor and associated ancillary space.-[Linked to development at 57-59 Gloucester Place RN 22/05362/FULL and 22/05363/LBC]
- Reference:** 22/05768/FULL
- Plan Nos:** SITE LOCATION AND EXISTING PLANS:
 GAR-HAL-ZZ-LG-DR-A-1999Rev C01
 GAR-HAL-ZZ-00-DR-A-2000Rev C01
 GAR-HAL-ZZ-01-DR-A-2001Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2002Rev C01
 GAR-HAL-ZZ-ELG-DR-A-2019Rev C01
 GAR-HAL-ZZ-E01-DR-A-2020 Rev C01
 GAR-HAL-ZZ-E01-DR-A-2021RevC01,
 GAR-HAL-ZZ-E02-DR-A-2022Rev C01,
 GAR-HAL-ZZ-E03-DR-A-2023Rev C01,
 GAR-HAL-ZZ-E04-DR-A-2024Rev C01,
 GAR-HAL-ZZ-E05-DR-A-2025Rev C01,
 GAR-HAL-ZZ-ERF-DR-A-2026Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2030Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2031Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2032Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2033 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2035 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2040 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2041 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2042 Rev C01
 DEMOLITION PLANS,
 GAR-HAL-ZZ-ELG-DR-A-2049
 Rev C01, GAR-HAL-ZZ-E00-DR-A-2050
 Rev C01, GAR-HAL-ZZ-E01-DR-A-2051
 Rev C01, GAR-HAL-ZZ-E02-DR-A-2052
 Rev C01, GAR-HAL-ZZ-E03-DR-A-2053
 Rev C01, GAR-HAL-ZZ-E04-DR-A-2054
 Rev C01, GAR-HAL-ZZ-E05-DR-A-2055
 Rev C01
 PROPOSED PLANS,
 GAR-HAL-ZZ-LG-DR-A-2199Rev C01,
 GAR-HAL-ZZ-00-DR-A-2200 Rev C01,
 GAR-HAL-ZZ-01-DR-A-2201 Rev C01,

GAR-HAL-ZZ-02-DR-A-2202 Rev C01,
 GAR-HAL-ZZ-03-DR-A-2203 Rev C01,
 GAR-HAL-ZZ-04-DR-A-2204 Rev C01,
 GAR-HAL-ZZ-05-DR-A-2205 Rev C01,
 GAR-HAL-ZZ-06-DR-A-2206 Rev C01,
 GAR-HAL-ZZ-07-DR-A-2207 Rev C01,
 GAR-HAL-ZZ-RF-DR-A-2208 Rev C01,
 PROPOSED ELEVATIONS/SECTIONS,
 GAR-HAL-ZZ-ZZ-DR-A-2400 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2401 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2402 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2403 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2405 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2450 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2451 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2452 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2600 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2601 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2602 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2603 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2700 Rev C01,
 GAR-HAL-ZZ-ZZ-DR-A-2701 Rev C01

DOCUMENTS, Planning Statement, prepared by Gerald Eve;; Code of Construction Practice Appendix A Form;; Energy and Sustainability Assessment, prepared by Cundall;; Whole Life Carbon Assessment, prepared by Cundall;; Circular Economy Statement, prepared by Cundall;; Air Quality Assessment, prepared by Cundall;; Economic and Social Regeneration Statement, prepared by Volterra;; Transport Healthy Streets Assessment, prepared by Caneparo;; Biodiversity Assessment, prepared by Greengage;; Arboricultural report, prepared by Landmark Trees;; Flood Risk Assessment including Sustainable Urban Drainage, prepared by Price & Myers;; Daylight and Sunlight Assessment, prepared by Point 2;; Structural Methodology Statement, prepared by Price & Myers;; Statement of Community Involvement, prepared by Kanda;; Archaeology Statement, prepared by MOLA;; London Plan Fire Statement, prepared by OFR;; Gateway One Fire Statement, prepared by OFR;; Crime Prevention Statement, prepared by QCIC;; Land Contamination Assessment, prepared by A2 SI;; Noise Impact Assessment, prepared by Sandy Brown;; Townscape, Heritage and Visual Impact Assessment, prepared by City Designer;; Design and Access Statement, prepared by Hopkins Architects;; Development Approach and Sustainability Summary prepared by Stace, Agent Email on Environmental Queries 25.10.2022, Agent letter (response to objectors) 21.10.2022.

Case Officer: Sarah Whitnall

Direct Tel. No. 020 7641
07866036375

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 No demolition or development other than demolition to existing slab level shall take place until:-

(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 any below grade work until we have approved what you have sent us.

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

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

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 5 No development shall be occupied until confirmation has been provided that either:-
1. Foul water Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. As required by Thames Water.

- 6 No development shall be occupied until confirmation has been provided that either:-
1. Surface water capacity exists off site to serve the development or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Or ,
 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. As required by Thames Water.

- 7 A. No development shall take place, including any works of demolition, until a

Construction Logistics Plan has been submitted to and approved in writing by the City Council as local planning authority in liaison with Transport for London.

B. No use shall take place until a Delivery and Service Plan has been submitted to and approved in writing, by the City Council as local planning authority in liaison with Transport for London these documents should detail the traffic impact resulting from construction vehicles and ongoing delivery and servicing vehicles on Edgware Road (part of the Transport for London Road Network (TLRN)). You must then carry out the development in accordance with the approved details.

Reason:

In order to appropriately manage any potential adverse effects on the Transport for London Road Network (TLRN) as requested by Transport for London.

- 8 Notwithstanding that shown on the submitted drawings, any proposed changes to the highway are not agreed and are the subject of separate approvals.

Reason:

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

- 9 Notwithstanding the draft plan submitted, you must apply to us for approval of a final detailed Delivery, Servicing and waste Management Plan in relation to the use of the entire site. It should include but not be limited to:-
- A. Process, internal storage locations, scheduling of deliveries and staffing.
 - B. All servicing to occur from within the off-street servicing area (except for refuse/recycling collection).
 - C. All areas for servicing, holding areas and access corridors, (which must be retained for this purpose for the life of the development and used for no other purpose).
 - D. All clear heights within the servicing area (to be maintained unobstructed).
 - E. No delivery service to operate from the premises.
 - F. Strategy of consolidation of waste collections within the wider estate, other local businesses and stakeholders to reduce the number of vehicles on the local highway network.
 - G. Loading bay doors to be closed at all times, except when a servicing vehicle is arriving or leaving the loading bay.
 - H. Vehicular access to George Street Mansions car park keep clear at all times.

The use of the building must not commence operation until we have approved what you have sent us. You must then operate the use of the building in accordance with the approved Plan at all times for the life of the development.

Reason:

- 10 Prior to commencement of this part of the development, details of a rapid (minimum 50kW) electric vehicle charging point within the loading bay for freight vehicles shall be submitted and approved in writing by the Local Planning Authority. It must be demonstrated that the charging point is suitable for LGV delivery vehicle use. It must then

be installed before first occupation and thereafter maintained in working order.

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)

- 11 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. For the avoidance of doubt this includes:-,
- A. Minimum 154 Long term Cycle Parking spaces for the office staff,
 - B. Minimum 10 Long term Cycle Parking spaces for the retail/restaurant staff ,
 - C. Minimum 30 Short stay Cycle Parking spaces for visitors to the development ,
 - D. Showers and changing facilities for occupiers of the development,

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).

- 12 You must operate the development in accordance with the following waste strategy:- , ,
- A. Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number GAR-HAL-ZZ-LG-DR-A Rev C01 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.
 - B. No waste should be left on the public highway

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)

- 13 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)

- 14 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, signage, awnings, canopies and flags.

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)

- 15 No development should occur between the highway (footway) and a depth of 900mm.

Reason:

This is to ensure sufficient space remains for utilities and in accordance with Policy 45 of the City Plan 2019 - 2040 (April 2021).

- 16 With the exception of collecting rubbish, no goods (including fuel) 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. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

- 17 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

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)

- 18 All servicing must take place between the following hours:-, 07.00-19.00 Monday to Friday, , 09.00-16.00 on Saturdays , 10.00-13.00 on Sundays and Bank Holidays, , Servicing includes loading and unloading goods from vehicles and waste collection.

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)

- 19 The use of the building must be used and operated in accordance with the following:- , ,
 A. You must only use the 1st- 6th floors and part of the ground floor (office entrance) for office use. You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).
 B. You must only use the ground floor and part of the basement annotated as "Hub" for uses including retail, restaurant, community in accordance with the Operational

Management Plan to be approved under condition 31 .You must not use them for any other purpose, including for any other use within Class E, Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

C. You must only use the community room in the basement as a community room (Class F2) and or Office (Class E) and for no other use within Class F2 Part A, Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it).

Reason:

To protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality, policies 7, 25,28, 29, 32, 33, 38,39,40 of the City Plan 2019 - 2040 (April 2021).

- 20 Prior to the use of any of the external terraces, you must apply to us for approval of an operational management plan to show how you will maintain the terraces and minimise noise from their use causing nuisance for people in the area, including people who live in nearby buildings., , The operational management plan shall include, but not be limited to, the following measures:-,
- A. Only the external areas left white on the floor plans and annotated "accessible office terrace", shall be used as external amenity areas for sitting out and these areas shall not be used unless the planters shown on the landscaping drawings have been installed and the soft, landscaping planted.
 - B. The areas for maintenance access and planting shall not be used as external amenity areas and only maintained between 09.00-19.00 Monday to Friday.
 - C. The useable areas under A. above shall only be used between 09.00-19.00 Monday to Friday and not at all on Saturdays and Sundays (including cleaning, tidying and maintenance) unless used for emergency/escape access purposes,
 - D. The planters and soft landscaping shall be installed/planted before use of the terraces and thereafter maintained as such in perpetuity.
 - E. No live, amplified or recorded music.
 - F. No external lighting outside of approved operational hours of the terrace.
 - G. Maintenance of the hard and soft landscaping (including planters, green wall/ climbers and green roofs) on the terraces.
- You must not use the external terraces until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the terrace is in use.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 21 You must put a copy of this planning permission and all its conditions at street level outside the building for as long as the work continues on site. You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21KA)

Reason:

To make sure people in neighbouring properties are fully aware of the conditions and to protect their rights and safety. (R21GA)

- 22 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 23 You must apply to us for approval of a final Operational Management Plan for the use of the building. It should include, but not be limited to:-
- o Hours of use of the building,
 - o No delivery service,
 - o Pedestrian Access and Egress Arrangements,
 - o Fire evacuation details and meeting point/s/Fire strategy
 - o No Smoking to rear of site ,
 - o Control of dropping off/picking up/courier deliveries,
 - o Security control for cyclists,
 - o Contact details for complaints.

The use of the building/s must not commence operation until we have approved what you have sent us. You must then operate the use of the building in accordance with the approved Plan at all times.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 24 Prior to occupation of the proposed development you must provide evidence of Secure by Design Accreditation.

Reason:

To ensure that the development has been built with suitable security measures in place to minimise the risk of crime and anti-social behaviour in accordance with Policies 38 and 43 of the City Plan 2019 - 2040 (April 2021).

- 25 The living green roof to the Stourcliffe Close garage shall not be used as a terrace or for sitting out and shall only be accessed for maintenance and in the case of an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 26 A) You must apply to us for approval of drawings of the proposed ceramic tile cladding showing unit size, bond pattern, panel jointing, colour variation and texture.
B) Following agreement of the drawings, you must apply to us for approval of a sample panel of the ceramic tiles to be provided on site.

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 drawings and samples., (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 27 Notwithstanding the requirements of condition 26 you must apply to us for approval of samples of the remaining 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 28 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, unless otherwise agreed in writing by the Local Planning Authority

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

1. Typical facade details (at scales 1:20 and 1:5) ,
2. Office entrance ,
3. Shopfronts,
4. Service bays including doors / gates.
5. Roof plant enclosure,
6. Edgware Road canopy

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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 30 You must apply to us with details of your proposed external lighting scheme, including hours of operation, showing how light spill is avoided and visual amenity is protected.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 31 1. Prior to the use of any of the Hub (including the triangle), you must apply to us for approval of an operational management plan for the Hub to show the following:-, , The operational management plan shall include, but not be limited to, the following details/measures:-,
- A. Proposed floor plan annotated for specific quantum of each use ,
 - B Hours of use ,
 - C. Details of shopfront display, to show no painting, obscuring or blocking of shopfront,
 - D. Ground floor Hub only for use for retail, restaurant, fitness uses and no other uses within Class E or F2,
 - E. No delivery use,
 - F. Details of any required kitchen extract/ ventilation/sound insulation including drawings, acoustic/odour report.,

You must not use the external terraces until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the terrace is in use.

2. Prior to any use of the Hub, you must apply to us for approval of an operational management plan for the community room to show the following. The operational management plan shall include, but not be limited to, the following details/measures:
- A. Use of basement room 35m2 for community room and or offices and no other uses within Class F2 or E.,
 - B. Hours of use,
 - C. Days and times available for use by the local community and procedure for office use when not booked by local community,
 - D. Details of booking system,
 - E. Details of how local amenity societies and residents associations of local residential blocks (George Street Mansions, Stourcliffe Close, Portsea Hall), will be made aware of the Nil cost facility and booking system.,
 - F. Details of access arrangements and any rules and regulations for use, including advance booking requirements.

You must then operate the Hub and community room in accordance with these details.

Reason:

To ensure the uses operate in a way to meet the aims of our land use policies and protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality, policies 7, 14,16, 25,28, 29, 32, 33, 38,39,40 of the City Plan 2019 - 2040 (April 2021).

- 32 You must apply to us for approval of details of a communal chamber on-site for telecommunications equipment.,

Reason:

To ensure digital infrastructure and connectivity are made provision for to support future economic growth in accordance with Policy 19 (Digital infrastructure, information and communications technology) of the City Plan 2019 - 2040 (April 2021)

- 33 **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. (Noted as agreed as part of original submission)
- 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)

- 34 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 35 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 Environmental Supplementary Planning Document (February 2022), 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)

- 36 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) 34 and 35 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 Environmental Supplementary Planning Document (February 2022), 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)

- 37 **Pre Commencement Condition.** Notwithstanding the details submitted in relation to the four Lime trees on Edgware Road. 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 in relation to the matters listed below. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details.

- A. Details of Tree Pruning (cutting and lifting canopies) & associated Site set up plans and a construction methodology including scaffold/ gantry arrangement on Edgware Road, site hoarding, access and other site arrangements.
- B. Tree protection measures associated with demolition and construction activities.,
- C. Details and revised root protection area, and tree protection measures associated with development & associated underground services on Edgware Road, installation and maintenance of glazed canopy and details of façade cleaning.
- D. A revised method statement explaining the measures you will take to protect the trees.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 38 a) Prior to demolition;,
 b) Following commencement of demolition and prior to construction;,
 c) Prior to occupation.

The applicant shall notify the Local Authority of any substantial changes to the design, procurement or overall circumstances around the delivery of the proposed scheme which will result in more than more than 50% increase in the Whole Life Carbon (A1-C4) benchmark of 970kgCO₂e/m². If such significant increase is expected, mitigation strategies to ensure the carbon footprint of the development is kept within the identified benchmarks, and those mitigation measures shall be set out and agreed first by the local planning authority and implemented thereafter., ,

Reason:

To ensure sustainable procurement and construction are continuously implemented in accordance with Policy 36 (Energy) and 38 (Design Principles) of the City Plan 2019 - 2040 (April 2021).

- 39 **Pre Commencement Condition.** Notwithstanding the details submitted in relation to greening proposals and irrigation. You must apply to us for approval of the following details:-
 A. Green Roofs:-Details of the depth and specification of the substrate, the number, size, species and density of the proposed planting ,
 B. Green Walls: Details of design construction and management, Public safety, security, maintenance, fire risk evaluation,
 C. Planters:- Details of length, width and depth of the proposed planters, number, size, species density of proposed planting, C. Green Infrastructure Maintenance Plan (frequency of operations, timing of operations and who is responsible),
 D. Irrigation strategy to demonstrate sufficient capacity to serve the development.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 40 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.
- o Retention of existing elements of basement structure,
 - o Hybrid low carbon steel and cross laminated timber (CLT) Structure,
 - o Facades and glazing enhanced G values, enhanced by greening of building and internal blinds.,
 - o Passive Design through All Electric Energy Strategy,
 - o Passive ventilation via openable windows,
 - o Air Source Heat Pumps and Photovoltaics,
 - o 19% saving (Lean) in carbon emissions, ,
 - o 48% saving (Green) in carbon emissions,,
 - o Targets BREEAM Outstanding,
 - o Urban Greening Factor of 0.312,

- o 100% Biodiversity New Gain, , 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)

- 41 Notwithstanding the submitted details. Full details of the proposed privacy measures shall be submitted for approval and thereafter installed before the office floorspace is occupied and retained in perpetuity, unless otherwise agreed by us in writing. This shall include:-, ,
- A. Plan and elevations and sections showing the windows to contain privacy measures.,
 - B. Final design for the internal horizontal louvres to specific fenestration to the rear elevation ,
 - C. Mock up/Sample of internal horizontal louvres to fenestration, C. Plan, elevation and section of a typical fenestration to rear with privacy fin, D. Plans of All Terraces annotated to show perimeter planters and the area of the terrace to be accessible/ non accessible for maintenance and fire escape only. ,

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:-, , i) The residential use to have been relocated as part of a land use swap to 59 Gloucester Place (entirety) and 57 (first to fourth floors) Gloucester Place (As granted under application reference:- 22/05362/FULL) and not to occupy the development until the land use swap has been physically completed in all material respects to a standard ready for residential occupation and evidence has been submitted to the City Council to confirm completion of such works. , , ii) Provision of Community Room for the lifetime of the development (25 years) at Nil cost to the local community., , iii) All highway works immediately surrounding the site required for the

development to occur prior to occupation of the development, including in Forset Street, creation of footway in Forset Street, provision of additional short stay cycle parking in the vicinity of the site (minimum of 22 spaces), changes or improvements to the footway and associated work (legal, administrative and physical). Changes to on-street restrictions (to be agreed as part of detailed design) including the relocation of any on-street parking bays, with no loss in number. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority). , , iv) Cycle parking survey assessing potential on-street locations for the provision of 69 short stay cycle parking spaces in the vicinity of the site including on Edgware Road and their subsequent provision where agreed by Westminster in liaison with TfL. All of the aforementioned to the Council's specification, at full cost (administrative, legal and physical) of the developer.(subject to detail design and the approval of the Highway Authority). Where the full provision cannot be achieved the shortfall to be mitigated by a financial contribution towards TfL cycle hire scheme (index linked and payable on commencement of development). , , v) The area indicatively shown on Drawing number (4571-004-C) must be stopped up prior to commencement of development, at no cost to the Council, subject to minor alterations agreed by the Director of City Highways., , vi) The area on (4571-004-C), where the building line has been set back from the existing line, must be dedicated prior to occupation of development, at no cost to the Council, subject to minor alterations agreed by the Council, , vii) A Financial contribution of £194,066.00 towards the Council's Carbon offset fund (Index linked and payable on commencement of development), , viii) A Financial contribution of £230,295.10 [or such figure as is confirmed by the Council's Economy Team] to support the Westminster Employment Service, (Index linked and payable on commencement of development)., , viii) Provision of Public Art, , x) Be seen monitoring, , xi)Monitoring costs

- 3 Condition 4- Archaeology, This condition is necessary to safeguard the archaeological interest on this site. Approval of the WSI at a particular stage provides clarity on what investigations are required and their timing in relation to the development programme. WSI will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The town and Country Planning (Development Management Procedure)(England) Order 2015.
- 4 Cadent Gas, The site is in close proximity to our medium and low pressure assets. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to , Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to., Your responsibilities and obligations Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a , number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement., This informative does not constitute any formal agreement or consent for any

proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications. Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you need any further information or have any questions about the outcome, please contact , plantprotection@cadentgas.com or on 0800 688 588 quoting your reference: LSBUD Ref: 26786143 WCC: 22/05768/FULL

- 5 Conditions 5 & 6- Thames Water, a. The developer can request information to support the discharge of this conditions by visiting the Thames Water website at thameswater.co.uk/preplanning., b. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater., c. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>., d Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at, the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 7 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 8 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.

- 9 The term 'clearly mark' in condition 12 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 10 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).
- 11 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Louisa Augustine (laugustine@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 12 Condition 9 - SMP, The SMP should contain clear information on how servicing (including the transfer of deliveries) would be managed in such a way as to minimise the impact on other highway users (including pedestrians) and be undertaken in a safe manner. It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity, locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users (including pedestrians). The SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the, delivered items spend on the highway will be minimised, in this case.
- 13 The applicant will require a pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place. The Highway Authority maintains an objection to the stopping up of Highway where there is not a demonstrated need or benefit.
- 14 The Developer is encouraged to undertake positive community liaison through the Code of Construction Practice process.
- 15 In relation to condition 38 part (c), the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk), , To support

the results provided in the template, the following minimum evidence requirements should be submitted at the same time: , a) site energy (including fuel) use record , b) contractor confirmation of as-built material quantities and specifications, c) record of material delivery including distance travelled and transportation mode (including materials for temporary works), d) waste transportation record including waste quantity, distance travelled and transportation mode (including materials for temporary works) broken down into material categories used in the assessment, e) a list of product-specific EPDs for the products that have been installed. The data collected at this stage will provide an evidence base that could help inform future industry-wide benchmarks or performance ratings for building typologies. , The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. A copy and confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

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.

Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Regent's Park	
Subject of Report	Development site at 26 - 46 Lisson Grove & 18 Hayes Place, London, NW1 6TT		
Proposal	Part retention of existing basement walls and demolition of ground and upper floors at 26-46 Lisson Grove and 18 Hayes Place, and redevelopment to provide a seven-storey building with a single storey basement comprising: office space and retail space commercial uses (Class E), alterations to public realm, servicing, ancillary plant, storage, cycle parking and other associated works.		
Agent	Miss Lucy Hale		
On behalf of	C/O Agent		
Registered Number	22/05145/FULL	Date amended/ completed	28 July 2022
Date Application Received	28 July 2022		
Historic Building Grade	Setting of Grade II listed buildings including the St Edward's Convent of Mercy and Marylebone Station		
Conservation Area	Bordered by the Lisson Grove Conservation Area to the north and west		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:
 - i. Provision of a financial contribution of £315,294.37 (index linked) to provide employment, training and skills development for local residents;
 - ii. Highways works necessary to facilitate the proposed development including stopping up and dedication;
 - iii. Provision of a financial contribution of £99,252 to the Carbon Offset Fund (index linked) payable prior to the commencement of development;
 - iv. Be seen energy monitoring; and
 - v. The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-

Committee's resolution, then:

- a) The Director of Town Planning and Building Control shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of 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 order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
4. That the Director of City Highways, Executive Director of Environment and 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 making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the demolition of the existing buildings on the site, which comprise Ground, first and second floors, recessed third floor and plant rooms, and for the erection of a replacement building, set over ground, first to sixth floor level where the three top levels are set back (in part) from the main front elevations, with an extended basement level. Terraces and green roofs are proposed on the upper recessed levels. The building is proposed to primarily be used as offices with commercial/retail at ground and basement floor levels. The extended basement will also house ancillary service areas and cycle storage and additional office/commercial space. Through pulling the building line back from the existing, additional public realm will be achieved on the Lisson Grove frontage. A dedicated off street servicing bay is proposed at the northern end of the site, which will be accessed from Hayes Place.

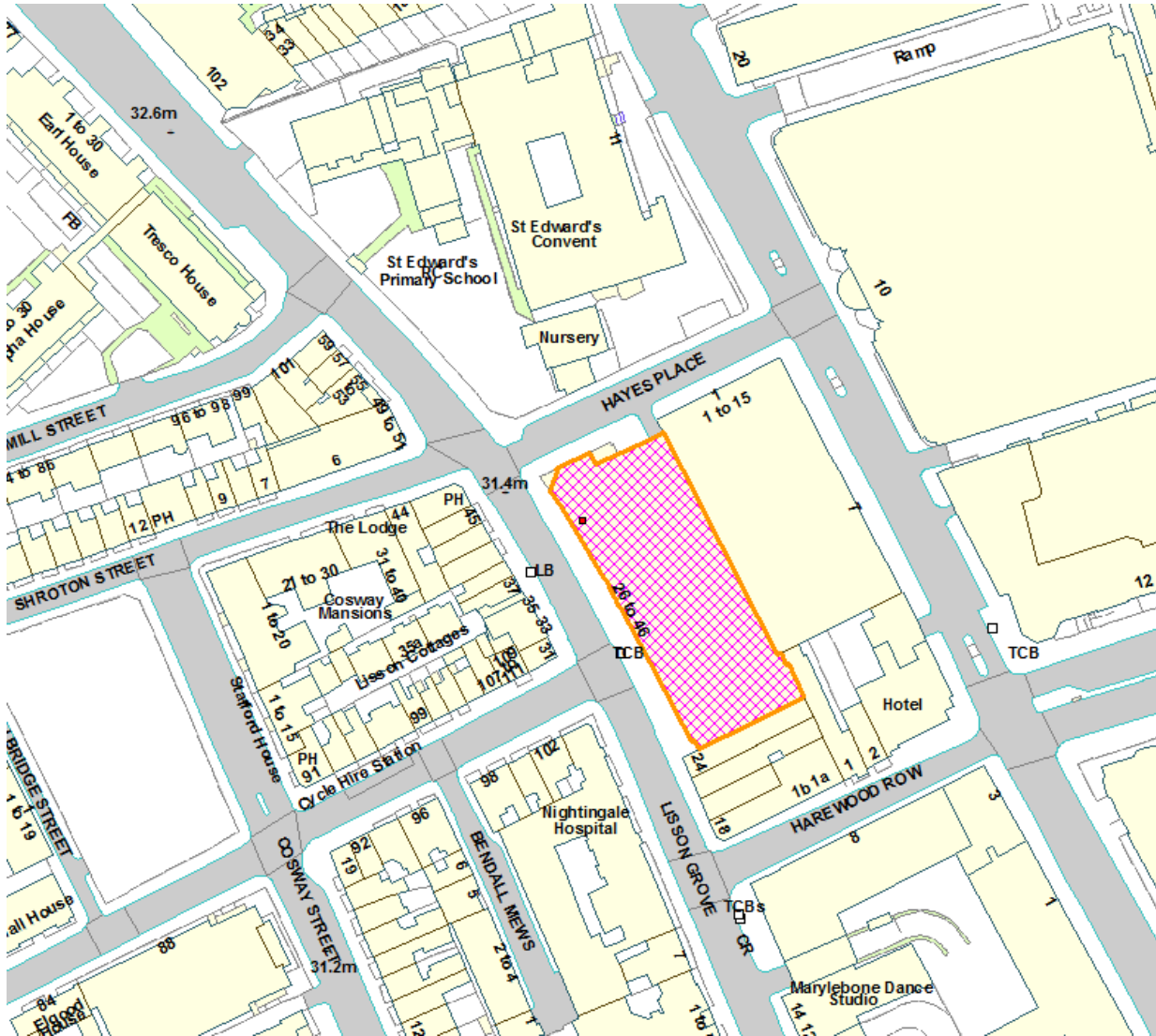
The key considerations in this case are:

- The acceptability of the development in terms of its environmental impact and energy performance.
- Whether the development has delivered sufficient biodiversity net gain.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the adjacent Lisson Grove Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed St Edwards Convent buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the development in highways terms.

The proposed development is considered against policies in the City Plan 2019-2040 (adopted April 2021). As set out within this report, the proposals are considered to be acceptable in relation to the

key considerations set out above, subject to the conditions on the draft decision letter and the obligations secured in a section 106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View looking south down Lisson Grove with site on left



Photograph of rear of site (centre and left) and rear of 7 Harewood Avenue on right



5. CONSULTATIONS

5.1 Application Consultations

WARD CLLRS FOR REGENTS PARK
Any response to be reported verbally.

WARD CLLRS FOR CHURCH STREET
Any response to be reported verbally.

MARYLEBONE ASSOCIATION
Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY
Any response to be reported verbally.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)
Any response to be reported verbally.

DESIGNING OUT CRIME
Any response to be reported verbally.

LONDON UNDERGROUND LIMITED
No objection, however given the sites close proximity to underground tunnels conditions recommended in relation to:

- the development will not have any detrimental effect on our tunnels and structures either in the short or long term;
- the design must be such that the loading imposed on our tunnels or structures is not increased or removed;
- we offer no right of support to the development or land.

TRANSPORT FOR LONDON

- Request that TfL infrastructure Protection Team has been consulted
Public Transport and cycle hire:

- The submitted swept path analysis does not identify the offside bus stands on Hayes Place north side. Further information required to demonstrate that servicing vehicles can operate with buses in the stands.
- Further information required to demonstrate how bus stand and bus services will operate during construction.
- There are two cycle docking stations in proximity. Further comments to follow.

Parking:

- 147 long-stay and 33 short stay cycle parking is provided, in accordance with the London Plan.
- Internal office short stay cycle parking must be easily accessible and well sign-posted. Details of how these spaces will be accessible to visitors required.
- Majority of cycle parking is within the basement. Ground floor would be preferable for ease of access. If basement is required, two rather than one cycle lifts or a ramp should be provided, with minimum size standards of 2.3mx2.4m and 1m wide door.
- Concerns that the proposed 4 on street Sheffield cycle stands at the southern end of the site may create a pinch point.

- Cycle facilities such as changing areas and showers is welcomed and should be secured.
- The development is car-free which is welcomed. Two on street disabled bays are proposed, which is not indicated as having a negative impact on street parking stress and should be secured by S106.

Public Realm:

- Improvements along Lisson Grove and Hayes Place should compliment the C51 scheme in line with the Mayor's Healthy Streets approach.

Delivery and Servicing:

- An onsite loading bay is proposed from Hayes Place, which will be controlled and shuttered with 34 deliveries a day. Vehicles will reverse off Hayes Place. Developments should seek to design out reversing and it must be robustly demonstrated that this is not possible, with suitable measures implemented to minimise conflict between different modes. Particularly the aforementioned bus stand.

Trip Generation:

- The increase in floorspace has identified an increase in the number of trips to the site. The London Plan Mayors Transport strategies seek to promote sustainable and active travel and reduce car dominance. The applicant should make a site-specific contribution towards improving the sustainable and active travel environment within the vicinity of the site, such as towards C51.

Travel Plan:

- The submitted travel plan should be secured. It is recommended it is updated to include free cycle hire membership for employees of the office space

NETWORK RAIL

Any response to be reported verbally.

NATIONAL GRID (Cadent)

No objection subject to informative to ensure developer is aware of proximity of Caden assets and to ensure development does not infringe on legal rights of access.

LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

THAMES WATER:

Comments and conditions in relation to waste, water, sewage and piling.

WASTE PROJECT OFFICER

Objection as the proposals are not in accordance with council waste storage requirements. Following the receipt of additional information, confirm details are acceptable and should be secured by condition.

HIGHWAYS PLANNING OFFICER

Servicing:

- The existing site has off street servicing. Off street servicing is provided and welcomed.
- A servicing management plan has been provided however it is technical in nature and not considered a practical document for day to day use. Limited freight consolidation commitments, and the bay may be able to be used by other sites within

- the vicinity. An updated SMP should be secured by condition.
- A rapid charging point should be provided in the loading bay and should be secured by condition.
 - Waste will be collected internally from within the loading bay, which will assist in contributing to an improved highway and public realm.

Trip Generation and Travel Plan:

- Only relates to retail and office use and not wider Class E uses.
- Given that other uses within Class E have not been considered, it is recommended that the use is restricted, as further information (including staff numbers, hours of operation, capacity, trip generation etc) would need to be submitted on other proposed use/s for consideration and approval for uses that were not retail or office.
- A travel plan is not required for office and retail use given the location.

Car Parking:

- Reduction in car parking welcomed
- Site is within Controlled Parking Zone, therefore anyone who does drive to site would be subject to those restrictions.

Cycle Parking:

- The proposed long and short stay cycle parking within the site is in accordance with Policy requirements.

Canopies & Flags

- Any structure over the highway must maintain 2.6m vertical clearance, and be set back 1m back from the kerb edge. If within 1m of the kerb edge, 5.3m vertical clearance required.

Highway Works including public realm, building line, vehicle access, on-street changes:

- The existing vehicle access to the site in Hayes Place will need to be modified.
- Removal of the on-street servicing bay will be significantly reduced, which will significantly improve the highway environment for pedestrians, cyclists and highway users. The works should be secured as part of the S106/S278 legal agreement.
- The setting back of the building line will also improve the pedestrian environment, the highway should be dedicated as part of any legal agreement. Where the building line is amended the areas will need to be formally stopped up and dedicated.
- The proposed materials for the public realm are not considered consistent with the local highway network. Further discussions on this are required to ensure all highways users are accommodated.
- It is unclear if the proposed layout on Lisson Grove is functional, including the placement of cycle parking.
- Doors currently are shown opening over the highway which would cause an obstruction. This should be conditioned.

ARBORICULTURAL OFFICER:

- Three lime trees on Lisson Grove are owned and managed by the City Council. Their safe retention is essential.
- Pruning to the trees is proposed, however it is unclear if this will be sufficient to allow for demolition and construction activity.
- A detailed construction methodology is required to demonstrate that the trees will be safeguarded during demolition and construction.
- Amendments are required to the root protection areas shown on the submitted documents.
- Suitable details of green roofs and walls required

BUILDING CONTROL

Request further information in relation to site investigation and basement construction method statement. Following the receipt of additional information, no objection to the proposals.

ECONOMY TEAM

A contribution of £315,294.37 is required.

ENVIRONMENTAL SCIENCES:

No objection. Comments regarding the following:

Air Quality:

- Development will be air quality neutral for buildings and transport
- During construction, impact from dust classed as medium risk. Demolition and construction should be carried out in accordance with relevant IAQM guidance. Residual effects are negligible.
- Impact on surrounding areas local air quality classified as 'insignificant' and considered to be 'not significant' by officers.

Contaminated Land:

- The submitted report provides sufficient detail to address Phase 1 of the councils standard condition. Phases 2, 3 and 4 should be secured by condition.

Mechanical Plant:

- Further assessment of the buildings service noise will need to be carried out as the detailed design progresses. Based on the predicted noise levels, no objection is raised subject to standard noise conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 576

No. of responses: 4

No. of objections: 1 raising the following concerns:

- Due to the height of the building it will result in a loss of light.
- Concerns in relation to damage to adjacent buildings during construction.

No. neither supporting or objecting: 2 with the following comments:

- Overall there is a benefit from the development

Concerns regarding:

- Multiple vehicle service requirements for both the retail and office tenants. With existing bus parking and proximity to school raises concerns in relation to noise and pollution in general.
- It will be noise for the duration of the construction/demolition works. Trust that hours of work and site traffic will be minimised to prevent blocking of Hayes Place.
- Query if the Tesco will be retained.

No in support of the proposal: 1

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in table 1 below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Presentation	13.12.21	Cllr Arzymanow	Introduction to scheme & feedback
Meeting	14.12.21	Cllr Rigby & Swaddle	Introduction to scheme & feedback
Meeting	17.12.21	St Marylebone Society	Introduction to scheme & feedback
Meeting	20.01.22	Cllrs Toki, Less and Noble	Introduction to scheme & feedback
Meeting	26.04.22	BNP Paribas	Introduction to scheme & feedback
Presentation	16.05.22	St Marylebone Society	Update & feedback
Meeting	27.05.22	Cllr Rigby, Oteh-Osoka	Update and feedback
Presentation	30.05.22	Harewood Row Residents	Update on plans and feedback
Meeting	31.05.22	Cllr Noble, Less and Toki	Update & feedback
Website	19.01.22 – 7.02.22	347 website hits	12 surveys completed and 3 emails
Flyer	20.01.22	966 addresses	Introduction and summary
Website	13.05.22 – 31.05.22	76 website hits	Update to proposals. 4 surveys undertaken
Flyer	13.05.22	966 addresses	Update to proposals

In summary, across the range of engagement undertaken by the applicant the principal issues raised were in relation to:

- Concerns in relation to height and mass of building
- Impact of development on light to adjacent occupiers.
- Tesco's and its retention
- Job centre retained as access to central London difficult
- possibility for front of building for restaurant / seating
- development site could be used for housing rather than office space given increase in working from home and limited need for offices due to COVID-19 pandemic.
- hope the development would improve anti-social behaviour around the site
- disruption during construction concerns

In response to the feedback amendments were made to the massing of the building to align with adjacent buildings to the east; that they would sign up to the councils CoCP; sustainable construction techniques would be used; provide flexible ground floor uses, which could include a replacement supermarket; and the provision of a dedicated

servicing bay.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site is split into two parts: 18 Hayes Place comprises a service entrance to the basement and a yoga studio on part ground, first, second and third floors (Class E); At 26-46 Lisson Grove, the building is in use as offices (Class E) on the upper floors and part ground floor, and a job centre and Tesco occupy the remainder of the ground floor.

It is located on the east side of Lisson Grove, south of Hayes Place and terminates Bell Street to the west. The main Lisson Grove building dates from 1957 and is four storeys including a set back top floor. Its western façade curves outward to the corner of Hayes Place and Lisson Grove. The building is slightly raised on a brick plinth with 2 raised entrances, which meet the ground poorly. It was originally developed as a Government Labour Exchange – a precursor to the modern Job Centre Plus - and was one of the largest exchanges in central London.

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18 Hayes Place is slightly set back from the street and is a relatively non-descript brick building, which provides access to a Yoga studio and has back of house service entrances and louvred screens.

Whilst outside of a conservation area, the site is bordered by the Lisson Grove Conservation Area to the north and west. The Lisson Grove Conservation Area is centred on Bell Street and comprises predominantly residential terraces, interspersed with a number of institutional developments and some 20th century infill. The Georgian, Victorian, and Edwardian terraces define the character of much of the area. The site is also located in the wider setting of several Grade II listed buildings including the St Edward's Convent of Mercy and Marylebone Station.

The site is also located above the London Underground and is within the Westminster Central Activities Zone and Lisson Grove Local Centre.

7.2 Recent Relevant History

26-46 Lisson Grove

On 9 December 1955 (Ref. 8974/C) permission was granted for the use of the building as auction rooms and offices, with ancillary residential flat on the third floor and storage and car parking at basement level. Following this permission there are no applications of relevance to this application for 26-46 Lisson Grove.

18 Hayes Place

On 10 April 2008, planning permission (application ref.07/03696/FULL) was granted for the use of part of the ground floor as a convenience shop (Former Use Class A1) (Tesco Express) with associate external works.

On September 2009, an application (application ref.07/04626/FULL) for the use of part of the ground, first floor and second floor as offices (former Use Class B1) and alterations to the Hayes Place entrance was recommended for approval. A S106 agreement was never signed and accordingly planning permission never granted.

On 8 September 2010, planning permission (application ref.10/06031/FULL) was granted for the dual/ alternative use of part ground, first and second floors as an auction house (sui generis) or a yoga studio/ health and fitness centre (former Use Class D2) and for the dual/ alternative use of the third floor as either a caretaker's flat (Use Class C3) or yoga treatment room (former Use Class D2) (application ref. 10/06038/FULL). Both permissions were limited to a period of 10 years. The permission includes an informative which state that the lawful use of the floors after the 10 year expiry date will be the use the floors are in on 9 September 2020. The part ground, first and second floors of 18 Hayes Place were in use as a yoga studio and the third floor is in use as a yoga treatment room.

On 11 March 2020, planning permission (application ref.19/10021/FULL) was granted for the use of the basement as part of the yoga studio former Use Class D2.

8. THE PROPOSAL

The application proposes the demolition of the existing buildings on the site, which comprise ground, first and second floors, recessed third floor and plant rooms. The proposed development includes the following works:

- Erection of a replacement building, set over ground, first to sixth floor levels where the three top levels are set back (in part) from the main front elevations.
- Extended basement level.
- Use of part of flat roofs at fourth, fifth and sixth floor levels as terraces.
- Installation of biodiverse green roofs to all flat roofs, with enhanced soil depth provided to the main roof of the uppermost level.
- Use of the building as Class E accommodation for offices on the upper levels and commercial/retail at part ground floor level. The basement will house ancillary service areas and cycle storage and additional office/commercial space.
- Provision of enlarged public realm on the Lisson Grove frontage through pulling the building line back from the existing.
- Provision of a dedicated off street servicing bay at the northern end of the site, which will be accessed from Hayes Place, with associated alterations to the highway.

Table 2: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
Office (Class E)	4,971	10,201	+5,230
Retail (Class E)	408	423	+15
Yoga Studio (Class E)	813	0	-813
Total	6,192	10,624	4,432

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy 1 of the City Plan relates to Westminster’s Spatial Strategy and seeks to promote intensification and optimisation of densities in order to promote jobs and commercial growth. This will need to balance competing functions within the Central Activities Zone and shopping frontages. This will need to be achieved in association with mitigating the effects of climate change, and enhancements to the natural environment and public realm. Growth will primarily be delivered within the CAZ, West End and Town Centre Hierarchy.

Policy 13 supports economic growth through new and improved office floorspace to increase capacity for jobs within targeted parts of the borough, including the CAZ and town centre hierarchy.

Policy 14 relates to town centres, high streets and the CAZ. The site is located within both Westminster’s Central Activities Zone and the Lisson Grove Local Centre. The policy supports the intensification of town centre uses, subject to their impact on townscape and heritage. It requires uses which provide an active frontage and serve visiting members of the public at ground floor level and will be of an appropriate scale, type and format to enhance the function of the centre which it serves.

Policy 16 relates to food, drink and entertainment uses and seeks to ensure that an over-

concentration of such uses will be prevented where it could harm residential amenity, vitality and character of an area, or the diversity which defines the function of a local centre.

Policy 17 seeks to protect existing community infrastructure and facilities. The supporting text states that these can include sports and leisure facilities which are publicly or privately owned.

9.1.1 **Land Use Overview**

It is proposed that the whole development will be Class E. Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. Class E is split into 11 sub-categories a-g (inclusive of subsections).

Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission. For instance, the existing ground floor supermarket could flip to office accommodation without the need for planning permission. Given the breadth of uses which fall within Class E, and the implications that a change of use would have on factors such as the character, environment, servicing and highways implications, conditions are recommended to limit what uses can occupy the building.

The building proposed is to be a mix of office and commercial uses, with offices taking up the vast majority of the floorspace (Class E (g)), but with some retail provided at ground floor level in a similar location as the existing Tesco, with the remainder of the ground floor used as an office reception space and more offices.

9.1.2 **Loss of Yoga studio**

Currently part of 18 Hayes Place is used as a Yoga studio (Class E (d)), which could be considered as a community use in the context of Policy 17. The policy states that such uses will be protected unless it has been demonstrated that the loss is necessary, there is no demand, where other uses are provided, or within the CAZ and town centre where other active town centre uses are provided. While none of these requirements are met, there are other planning balance considerations, given the total redevelopment of the site and benefits such as improved public realm and street fronting frontages that the development will bring. These are discussed further below.

9.1.3 **Office use**

The local area has a very mixed character with offices, educational, retail and residential uses in the immediate vicinity. The proposals for a largely office led scheme with retail and opportunities to increase activity at ground floor level are generally considered to fit with the local character of the area.

The proposals result in an increase in office floorspace by 5,230sqm, which given the

location with Westminster's CAZ, is considered to be in accordance with policies 1 & 3 of the City Plan.

9.1.4 **Retail uses**

It is unfortunate that more of the ground floor of the development has not been prioritised for retail units, given the location of part of the site within the Lisson Grove Local Centre. However, the local centre only includes the southern half of the site with the other area of the centre located to the north on the other side of Lisson Grove. The main proposed retail unit is at the northern end of the site which is located outside of the local centre. This unit is slightly larger (15sqm) than the existing Tesco supermarket. While it has not been stated that this unit will again be a supermarket, is it of a similar size to the existing. It is noted from the early engagement exercise, and 1 response to the planning application, that the existing supermarket is valued, however given the limited number of responses, it is not considered to be of particularly high community value. While the reprovision of a supermarket in this location would be welcomed, it is not considered that limiting it only to a supermarket could be sustained. It is however recommended that a condition is imposed to limit the unit to only uses falling with Class E (a) "Display or retail sale of goods, other than hot food" or (b) "Sale of food and drink for consumption (mostly) on the premises" or (c) financial, professional or commercial services.

The applicant has stated that the large central office reception area will appear welcoming and engaging and help to activate the frontage and is likely to include an ancillary café/ flexible workspace to help ensure the frontage is active.

While it does serve visiting members of the public, the existing job centre at the southern end of the site is set well back and does not have a welcoming feel. The proposal is for a ground floor office in a similar location to the Job Centre.

As existing the building is generally unwelcoming at ground floor level, due to both the blank and closed off nature of the frontage and due to the ramped entrances to access the building due to different internal levels. The retail unit will have a similar character to the existing Tesco, with an improved frontage and increased area of public realm. The central office reception has level access and an improved relationship with the street, with glazing and double doors providing access to the ground floor. The office to the south will not have as active a unit in terms of people coming and going as the Job Centre, however the building will have an improved frontage and will still maintain an open frontage with dedicated office entrance and will therefore not be 'dead'.

While it is a regrettable that additional retail uses are not provided at ground floor level, it is noted that the proposed scheme will provide an improved pedestrian environment, with more open and welcoming frontages, and an improved and enlarged public realm through pulling the frontage back at the northern end. In order to ensure that the development provides the retail unit and large open office entrance, conditions are recommended to limit the use of these spaces to as shown on the submitted plans. Given the loss of the existing Yoga Studio, it is also recommended that the ground floor office and basement could also be used for sport, recreation or fitness (Class E (d)), however if such a use is desired, further details in relation to Operational Management and in relation to noise and vibration details must be submitted to and approved first by the City Council to ensure that such a use would not have a negative impact on the local area or adjacent occupiers. It is also recommended that such information is submitted

should a restaurant use be proposed.

Conditions are recommended for the following:

- To ensure that the upper floors of the building are only used as offices Class E (g i).
- That the retail unit is only used as such, namely Class E (a), (b) or (c).
- For details to be provided to indicated how the area marked as 'reception' on the plans will be laid out to ensure that it is open and welcoming, and to be restricted to uses within Class E (a), (b), (c) or (g i)
- That the office area at ground floor level is restricted to Class E (a), (b), (c), (d) or (g i).
- That the basement is restricted to Class E (a), (b), (c), (d) or (g i).
- That no primary cooking is undertaken at the development site unless suitable details of ventilation have been submitted to and approved by the City Council in consultation with the Environmental Sciences Team.
- Should a sport, recreation or fitness or a restaurant use be proposed (Class E (d) or (b)) an Operational Management Plan and details of noise and vibration mitigation measures shall be submitted to and approved by the City Council in consultation with the Environmental Sciences Team.

9.1.5 **Affordable Housing**

The development does not trigger the requirement for affordable housing.

9.1.6 **Land Use Conclusion**

The loss of the yoga studio and the limited amount of retail at ground floor level is regrettable. It is however also appreciated that the existing Yoga studio is not protected and could change use within Class E as existing without prior permission. In order to provide flexibility and allow for additional retail or a sports use at ground or basement level, conditions are recommended to include such uses should such a use wish to utilise these areas in the future. Subject to these conditions, and the benefits of the scheme in terms of improved public realm and street frontages, the proposals are considered acceptable in land use terms.

9.2 **Environment & Sustainability**

9.2.1 **Principle of demolition**

The Applicant proposes 'an exemplar development which looks to support WCC's City Plan and provide future proofed sustainable development' as stated in the Design and Access Statement. During the course of the application officers requested further justifications to support the Applicant's claim that substantial demolition is required to meet the energy and floor space requirements for contemporary office space. The Applicant confirmed that the existing structure is inefficient and substantial demolition is required to allow for the new building services and plant space in the basement to be provided. The Applicant commits to reduce the carbon footprint of the proposal as much as feasibly possible. The existing basement is retained and extended. The Applicant also commits to incorporate Circular Economy principles and measures to reduce demolition waste, identifying waste streams (based on pre-demolition reports) and potential revenues for upcycling materials (Refer to section on Circular Economy below).

A hybrid cross laminate timber and steel structure is proposed, with reinforced concrete cores, while retaining the existing basement and foundations, minimising as much as

possible, at this stage of the design, the upfront carbon. The architects have confirmed that the building frame allows for significant alterations and so is suitable for alterations in the future should alternative uses be proposed, lengthening and future proofing the building. The Applicant has committed to comply with the GLA's 'Aspirational' benchmark of 970kgCO₂e/m², and the Council will be seeking to validate that commitment through planning conditions.

The development is targeting the following:

- BREEAM 2018 'Outstanding' Shell and Core (Office), with 'Excellent' as a minimum
- Urban Greening Factor (UGF) target of 0.3.
- Waste diverted from landfill of minimum of 95%.
- Health and Wellbeing aspects are addressed under the WELL Certification commitment. The targeted credits are focused on internal air quality, healthy construction practices, sustainable material specifications, natural ventilation and thermal comfort.

Based on the above information, and subject to conditions/S106 including for 'Be Seen' and 'Whole Life Carbon', the proposed demolition and re-development is considered to comply with Westminster's City Plan Policy 38.

9.2.2 Energy Performance

The proposed development complies with the Approved Documents Part L2A (Conservation of Fuel, and Power) of the Building Regulations 2013 as shown on the Table below.

Table 3: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	27.1	21.0
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	33.8	26.0
Cumulative on-site savings	60.9	47.0
Carbon shortfall	34.8	
	Tonnes CO ₂	
Cumulative savings for offset payment	£99,252	
Cash-in-lieu contribution	£99,252	

The GLA has released a cover note (15th June 2022) regarding the recent update to Part L, in which they have acknowledged the increased difficulty with achieving the improvement targets.

“Initially, non-residential developments may find it more challenging to achieve significant on-site carbon reductions beyond Part L 2021 to meet both the energy efficiency target and the minimum 35% improvement. This is because the new Part L baseline now includes low carbon heating for non-residential developments but not for residential developments.”

The Applicant has confirmed that under the new guidance the total cumulative savings will be 20%.

The Applicant is advised to improve upon the proposed Energy Use Intensity benchmarks during design stage through reduction of future tenant energy use via Building Use Guides, Green Lease etc.

9.2.3 Whole Life Carbon

The proposed development is a 6 storey commercial office-led scheme with one level of basement. Reinforced Concrete (RC) raft foundation over the entire site, new RC retaining walls to existing and new basement, RC basement columns and RC ground floor slab and part of first floor. Steel frame and cross laminated timber (CLT) slabs. RC lift cores providing stairs, lifts, WCs and service risers. Reducing the embodied carbon of the structure must be priority in all new built proposals. The highest impact as identified by the Applicant within their Whole Life Carbon Assessment is within the structure (substructure + frame), accounting for almost 40% of the overall emissions for the building. The Applicant is relying on two main mitigation strategies in reducing the embodied carbon of the structure:

- Cement replacements in the RC substructure, namely ground granulated blast-furnace slag (GGBS)
- Recycled content and use of electric arc furnace (EAF).

Both mitigation measures depend on manufacturer input, contractor procurement methods and resource availability (GGBS). The Council has flagged that these measures hold potential risk of non-compliance and therefore a condition is proposed to monitor if the embodied carbon is kept within the proposed benchmarks through all stages to practical completion.

Additionally, the proposed development is treated as ‘exemplary’ and a condition is recommended, following GLA guidance to Local Authorities to secure Post-Construction Whole Life Carbon Assessment to be submitted in the interests of sustainable development and data transparency.

Reporting on Module D (which relates to reused & recycled construction materials), and carbon sequestration is available within the Whole Life Carbon Assessment for the proposal. The quantities of engineered timber used are significant and design for deconstruction measures are strongly encouraged (e.g. use screed substitute to CLT floors to ensure the highest value reusability at the end of life).

9.2.4 Circular Economy

A Circular Economy Statement has been provided during the course of the application which complies with the GLA Policy SI7 ‘Reducing waste and supporting the Circular Economy’ for 2021. A pre-demolition audit has also been provided, identifying the existing materials on site (See table below).

The Applicant has identified potential Waste Management Streams for the metal and timber elements. There is currently no information on the hardcore, concretes and carpets re-use. During the course of the application, a commitment to developing further their Circular Economy Strategy has been agreed to maximise the re-use potential for all identified elements.

Table 4: Pre-demolition Audit by Keltbray - results.



Appendix 2 – Site Pre-Demolition Audit Finding Results

Material Type (expected in the building)	Forecast	Unit
Soft Strip		
Hardcore and concrete	1800	m ³
WEEE – Waste	0.5	Tonne
Carpet tiles	2000	m ²
Rubbish – Mixed	1	Tonnes
Glass	3	Tonnes
Plasterboard	15	Tonnes
Timber	4	Tonnes
Non Ferrous Metals	80	Tonnes
Ferrous Metals	150	Tonnes

*Hazardous Waste to be defined with full R&D Surveys

The Circular Economy Statement complies with the GLA Circular Economy draft guidelines from September 2020 which was available at the time of the application.

9.2.5 Air Quality

The application is supported by an 'Air Quality Assessment Report' by Sweco UK Ltd dated July 2022. The report establishes that the proposed development is air quality neutral for buildings and transport. During the construction phase the impact of dust has been classed as medium risk. The demolition and construction should be carried out in accordance with relevant IAQM guidance. The residual effects of the construction phase are negligible. The development will be subject to Westminster's Code of Construction Practice, which is agreed prior to starting work with the Environmental Inspectorate. This will be secured by condition.

Regarding the impact of the proposals on the surrounding area, a screening assessment of the operational phase was undertaken in line with EPUK/IAQM guidance. The conclusion of this assessment is that the impact of the proposed development on local air quality would be 'insignificant'. The air quality effect of the proposed development is considered to be 'not significant' and therefore there are no constraints to the proposed development in the context of air quality.

9.2.6 Flood Risk & Sustainable Drainage

The site is not located within a designated Surface water flooding hotspot. The

Environment Agency Flood Maps for Planning (River and Seas) indicates that the site is located within Flood Zone 1 (Low Risk) with a less than 0.1% chance of flooding from rivers.

A Flood Risk Assessment has been submitted with the application. The report includes recommendations to reduce surface water runoff from the development site, namely rainwater collection on the green roofs and with attenuation tanks. These will reduce discharge rates from the development site in the event of heavy rainfall. These are recommended to be secured by condition.

9.2.7 **Light Pollution**

Policy 33 relates to local environmental impacts and seeks to ensure that developments are designed to minimise glare and light spill on local environments. The Planning Statement notes that a detailed lighting strategy has not yet been developed and can be secured by way of a condition. Given the location of residential windows around the site, such a condition is recommended to ensure that the environment of adjacent occupiers is considered and mitigated through suitable lighting design.

9.2.8 **Odour**

The development does not include any uses which would generate significant levels of odour. As mentioned within the Land Use section of the report, a condition is recommended to ensure that no primary cooking is undertaken on site unless suitable details of ventilation are submitted to and approved by the City Council in order to comply with Policy 33(D) "Local environmental impacts" and the Environmental Sciences Supplementary Planning Guidance in relation to ventilation.

9.2.9 **Land Contamination**

A Land Contamination Assessment report by Campbell Reith dated July 2022 has been submitted. The report provides sufficient detail to address Phase 1 of the contaminated land condition. In section 6.4.1 of the report there is mention of previous historic industrial uses including garage, engineering works, printing works, manufacturers, and railways. Given these prior uses, Environmental Sciences has recommended the councils standard contaminated land condition is applied for additional information to be submitted during and after the development process (namely phases 2, 3 and 4).

9.2.10 **Environment & Sustainability Summary**

Based on the documentation provided and the subsequent correspondence provided during the application process, the scheme is considered to be policy compliant in relation to Environmental and Sustainability subject to conditions to ensure that the development maintains its exemplar credentials through to fruition.

9.3 **Fire Safety**

The development does not include a 'relevant building' for the purposes of requiring a Gateway One Fire Statement. It does however require a Fire Strategy in accordance with the London Plan of which Policy D12 requires that developments proposals must achieve the highest standards of fire safety. Policy D5 states development proposal should achieve the highest standards of accessible and inclusive design. They should be designed to incorporate safe and dignified emergency evacuation for all building users.

The proposed building will include measures such as the provision of two evacuation lifts, which will be located centrally within the main passenger lift bank and will be designed and installed in accordance with the relevant provisions in BS EN 81-20 and BS EN 81-70. Fire safety systems both passive and active above a standard prescriptive approach are proposed given the presence of Cross Laminated Timber (CLT) on the scheme which includes increased fire detection and alarm systems, sprinkler protection and increased level of compartmentation. Hydrants will be provided within 90m of the dry riser inlets and fire service vehicles access will be no more than 18m.

The proposed systems are considered to be suitable at this stage and will be further interrogated as part of Building Regulations approval.

9.4 Biodiversity & Greening

Policy 34 of the City Plan relates to Green Infrastructure, which seeks to protect and promote greening within Westminster. It also seeks to protect trees of importance and those which contribute to the character and appearance of the townscape. There are three street trees (Limes) along the Lisson Grove frontage of the building and the development include the use of green roofs and a green wall at sixth floor level. The development will contribute to an Urban Greening Factor of 0.301 to accord with London Plan Policy for commercial developments (requires 0.3).

Trees:

Pruning of the street trees is proposed in order to accommodate the development, to which the councils arboricultural officer does not raise objection. However it is unclear if the extend of pruning is sufficient to allow for the anticipated demolition and construction. Concerns have also been raised in relation to the potential damage to the trees during demolition and construction. While officers requested this information at application stage, it has not been forthcoming and although unfortunate, it is considered that the information can be suitably secured by condition, subject to these being prior to commencement (including demolition) conditions.

Green roofs and walls:

The drawings indicate that the flat roofs at fourth, fifth, sixth and main floor levels will include green/biodiverse roofs with the main roof level featuring a thicker substrate with deeper areas to allow for larger shrub species. The elevations also show that the parapets will include a metal planter around the roof edge, with integrated metal balustrade. Following officers queries on the intent for these roofs, it has been confirmed that they are all to be biodiverse green roofs with a minimum of 150mm of substrate, which will allow for a semi intensive/intensive green roof which is welcomed and in line with the Environment SPD.

The arboricultural officer also requested that the perimeter planters are increased in size from a width of 500mm, however for design reasons this was not possible. The provision of these green boundaries is however in general welcomed increasing greening.

The arboricultural officer has requested details of the planting mix, irrigation, planting system for the green wall and maintenance at application stage, so that these can form part of the approved documentation. The applicant has stated that such information will come forward as part of the further design stages of the development. It is not

considered that refusal on the grounds that this information has not been provided with the application, as it is considered that it can be secured through a suitably worded planning condition.

9.5 Townscape, Design & Heritage Impact

The application proposals could affect the setting of a listed building and the Lisson Grove Conservation Area. Therefore, there are a number of key legislative and policy requirements in respect to designated heritage assets that must be considered, 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.”*

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 protect their settings and to take opportunities to enhance their settings, wherever possible. Furthermore Chapters 12 and 16 of the NPPF require great weight to be placed on design quality and the preservation of designated heritage assets including their setting. This applies to listed buildings and conservation areas. 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. In considering the effect on the setting of heritage assets it is useful to note the definition of ‘setting’ given in the Glossary to the NPPF: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.”*

The Development Plan for the consideration of this application consists of the Westminster City Plan 2019-2040, and The London Plan 2021. Each include policies which relate to the application site. Of particular note in relation to design and heritage considerations however are Policies 38 to 43:

- Policy 38 – Design principles
- Policy 39 – Westminster’s heritage
- Policy 40 – Townscape and architecture

9.4.1 Demolition of the existing building

The principle of the demolition of the existing building is acceptable in design and conservation terms. The existing building is of poor aesthetic and urban design quality with its appearance detracting away from the wider surroundings and setting of the conservation area. Moreover, at ground level it meets the street poorly with an inactive frontage.

9.4.2 **Scale and massing**

The design of the building has evolved through extensive Officer negotiation and consists of a total height of 7 storeys with terraces and setbacks introduced at the buildings southern end to better integrate it with the smaller scale residential buildings adjacent. The building is set back from the location of the existing and helps to provide breathing space within the street.

The overall massing increases to the northern end of the building helping provide a stronger presence on the corner and to bookend the development and contribute to the richness and interest within the streetscape. The introduction of the chamfered corner in this area provides a link to other buildings within the surrounding area such as The Globe public house.

The proposed massing sits comfortably with the adjacent building on 1-15 Hayes Place. The use of setback storeys helps to mitigate the additional height of the building when viewed in long distance views and ensures it integrates successfully in the townscape.

The plant equipment is largely integrated into the main building- it is acknowledged that there will be two lift shafts that will pop up above the existing massing. However, owing to the location of these they will not be visible from the street.

The proposed height is appropriate for its setting. Policies 38 and 40 of the City Plan 2019-2040 require development to have regard for the prevailing scale and heights of the surrounding townscape and at an overall height of 7 storeys the building is considered to achieve the aims of these policies.

9.4.3 **Architecture and materiality**

The façade articulation is broken up into five volumes with the tallest on the corner of Lisson Grove and Hayes Place. Within these volumes, it is divided into a series of bays in order to reflect the surrounding proportions of the Georgian and Victorian terraces. The street facing facades consist of brick clad piers and horizontal pre-cast concrete cills located at every floor level to counteract the vertical orientation created by the piers. The profiled spandrels are included above the full height windows providing interest and relief to this structural element. The profile of the spandrels link in with the brick dentil cornices found within nearby buildings and provide a link to interesting architectural elements found on nearby.

The use of 3 distinct brick types lightens the tone as the buildings sets back from the pavement edge and allows a visual hierarchy as the massing increases in height from south to north along Lisson Grove. There is an increased horizontal emphasis with each projection capped successfully with a chunkier pre-cast concrete element. The elevational treatments provide a clear base, middle and top to the composition. The use of Flemish bond would be preferable to that of stretcher bond as this would provide more visual interest in the brickwork. However, as this is a modern building outside of a conservation area, the use of stretcher bond in this instance is considered acceptable.

The greening of the terraces created by the setbacks is visible and helps to lighten the top of the building and successfully incorporates greening into the scheme. Moreover, a bio-diverse roof will cover the majority of the roofs.

The ground floor is faced in pre-cast concrete and provides a sense of solidity to the building. The use of stallrisers ensures that the details pick up on that of traditional shops within the vicinity.

The east and south boundary elevations are simpler elevations reflecting the adjacent Georgian terraces. A single light-coloured brick is proposed with recessed small windows punched into them. Glimpses of the southern elevation on Harewood Row will be visible but considered acceptable within the townscape. In this location, this architectural approach is considered to work successfully and blend harmoniously with adjacent buildings.

It is recommended that full materials are conditioned to ensure that the material and detailed design sit comfortably within the surrounding townscape.

9.4.4 **Setting of heritage assets**

The site is not located within an archaeology priority area. The site is however located nearby a number of listed buildings, including:

- St Edward's Convent of Mercy, And School, Harewood Avenue (Grade II)
- Marylebone Station, Melcombe Place (Grade II)
- Manor House, 1-53, Marylebone Road (Grade II)

The TVIA has confirmed that the proposed building would only appear to be visible from the St Edward's Covenant of Mercy and School. Whilst it is acknowledged that the height would be similar to that of the building at 1-15 Hayes Place. The positioning of the new building will backdrop the chapel and appear over the top of the roof. This is considered to be harmful to the setting of the listed building. This harm is assessed to be less than substantial and therefore triggers para 202 of the NPPF (2021) requiring the harm to be weighed against the public benefits of the proposed scheme.

The application site is not located within a conservation area but is located within the setting of the Lisson Grove Conservation Area. The building will appear in views along Harewood Avenue, Bell Street and Lisson Grove.

The proposed building will appear in long distance views from Harewood Avenue but owing to the building at 1-15 Hayes Place will not have detrimental townscape views and the uniformity of the terraces and setting of listed school and chapel is preserved.

The building marks an important termination points at the end of Bell Street. This view is identified as an important view within the Lisson Grove Conservation Area audit. The proposal is considerably larger than the existing but is considered to represent an improvement by creating a more successful termination point rather than the existing building being backdropped by the substantially taller building at 1-15 Hayes Place.

9.4.5 **Landscaping & Public Realm**

At ground floor the building is set back from the public highway and increases the breathing space at street level. In design and conservation terms the proposed surface treatment is acceptable, however is subject to detailed samples and Highways approval. Consideration should be given to integrating public art into the pavement in this location to add to the interest within the street, a condition for submission of details of public art is recommended.

The landscaping at upper levels involves the use of deep planters of which greenery will be visible from street level, helps to provide interest to the façade and contributes to the biodiversity of the scheme. The green roofs involving flush terrace planting is acceptable in principle subject to further details. The use of an extensive bio-diverse roof finish on to the main roof is acceptable subject to further details confirming the depth of the maintenance and planting mix.

9.4.6 **Conclusion**

The building is considered to represent high quality design and is appropriate for the location. The proportions and regular fenestration pattern ensure that the new design sits comfortably with the adjacent Georgian, Victorian and Edwardian buildings. The building is considered to preserve the setting of the Lisson Grove Conservation Area and provide a suitable termination point along Bell Street. However, there is harm to the setting of the Grade II listed Chapel of St Edward's Convent of Mercy. Overall, the proposed building is considered acceptable in design and conservation terms and provides an exciting new building that positively contributes to the townscape.

9.6 **Basement development**

The application involves the extension of the basement level to underneath the whole building. City Plan Policy 45 relates to basement developments. It is noted that the site is not located within a Flooding Hotspot area or within an Archaeological Priority Area.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the of the appearance of the existing building, garden setting and the surrounding area.

The applicant has provided a Structural Methodology Statement relating to the basement prepared by an appropriately qualified structural engineer. Additional site specific detail has been provided during the course of the application at the request of the building control officer.

The documents have been reviewed by Building Control who advise that the submitted Structural Method Statement is compliant and accepted. The Site investigation shows gravel and a London clay foundation soil and ground water was encountered. Flood risk for the site is minimal. The new basement construction using a combination of Secant piles to southern half of site and traditional underpinning which is considered to be appropriate for this site. The scheme is justified structurally and the proposal is considered to be viable. From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the 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. 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.

The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agree with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The entire basement excavation would be under the footprint of the building meaning that there would be no requirement for soil depth above the basement or any margin of undeveloped land and the basement would meet the requirement that it does not extend underneath 50% of garden land. The proposed basement is only one storey.

The basement would not extend under the highway.

The basement extension is considered to be acceptable and compliant with City Plan Policy 45.

9.7 Residential Amenity

Development that could result in a change to the amenity of neighbouring occupiers are assessed against Policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant, which seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise, odour and construction impacts. The applicant has submitted in support of the application a daylight and sunlight assessment by Lumina, which sets out the surrounding buildings which have been tested.

An objection has been received from a resident raising issues of daylight and sunlight.

9.5.1 Daylight & Sunlight

Daylight

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window and represents the direct daylight received by a window, expressed as a percentage of 'visible sky' that can be seen from the window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) 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 BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. In light of this officers have given weight to an alternative 15% VSC, which has been accepted on other similar sites across the City. Properties that are affected by reduced daylight that see retained VSC values in the mid-teens may be considered to have a reasonable amount of daylight in the context of this particular urban location. This approach is supported by policy D6 of the London Plan, which sets out that the design of a development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

The BRE notes that where room layouts are known, then the no sky line (NSL) can be calculated. The NSL method describes the distribution of daylight within rooms by calculating the area of the 'working plane' which can receive a direct view of the sky and hence 'sky light'. If following the construction of a new development, the NSL moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value this will be noticeable to occupants, and more of the room will appear poorly lit. It states that this does however also need to be applied flexibly.

The following properties have been tested and will be taken in turn:

- 47 Lisson Grove
- 41-45 Lisson Grove
- 37-39 Lisson Grove
- 33-35 Lisson Grove
- 24 Lisson Grove
- 22 Lisson Grove
- 20 Lisson Grove
- 18 Lisson Grove
- 1 Harewood Row
- 2 Harewood Row
- St Edwards Convent (School)
- 7 Harewood Avenue (Office)

47 Lisson Grove

Located at the junction of Lisson Grove and Shroton Street, this property will be in full compliance with the BRE Guidelines.

41-45 Lisson Grove

Located on the west side of Lisson Grove and facing towards the site, these properties have a restaurant on the ground floor with residential accommodation above at first second and third floor levels.

Table 5: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R2/LKD	W4	30.08	23.57	21.64	25.09
R3/LKD	W5	29.28	22.32	23.77	23.38
R3/LKD	W6	28.89	21.58	25.3	23.38
Second					
R2/BED	W4	32.95	25.94	21.27	12.01
R3/BED	W5	32.36	24.79	23.39	16.73
R3/BED	W6	32.03	24.11	24.73	16.73
Third					
R3/BED	W6	33.37	26.22	21.43	27.19

As indicated by the figures above, windows currently experience a very good level of light, with VSC figures around 30. While the losses of light listed above are in excess of what the BRE recommends, the light retained to each of the windows will remain good for an urban context, in excess of 20. It is also note that the rooms at second floor level will achieve good lighting with the NSL figures meeting the BRE guidelines.

37-39 Lisson Grove

This property includes commercial units on the ground floor, and assumed residential accommodation above. It has not been possible to ascertain the room uses.

Table 6: Windows with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R1	W1	28.49	20.76	27.13	48.53
R2	W2	28.14	20.11	28.54	48.13
R3	W3	27.92	19.67	29.55	47.26
Second					
R1	W1	31.96	23.68	25.91	45.84
R2	W2	31.61	23.02	27.17	49.30
R3	W3	31.34	22.56	28.02	48.37
Third					
R1	W1	33.98	26.37	22.4	54.03
R2	W2	33.81	25.84	23.57	53.72
R3	W3	33.52	25.36	24.34	53.51

Again, all windows will retain VSC levels of in excess of 20, which is considered to be a good level of light for an urban context. Due to the depth of the rooms, they will however see quite high NSL losses, but around half of the rooms will remain suitably lit.

33-35 Lisson Grove

The ground floor of this building is in use as an estate agent, with residential flats on the upper levels. It has not been possible to ascertain the room uses.

Table 7: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R1	W1	27.21	18.82	30.83	49.30
R1	W2	27.17	18.71	31.14	49.30
R2	W3	27.12	18.5	31.78	51.10
R2	W4	27.11	18.43	32.02	51.10
Second					
R1	W1	30.71	21.66	29.47	49.9
R1	W2	30.64	21.54	29.7	49.9
R2	W3	30.55	21.35	30.11	53.9
R2	W4	30.52	21.27	30.31	53.9
Third					
R1	W1	32.89	24.48	25.57	22.59
R2	W2	32.78	24.25	26.02	24.04

VSC losses for this property are high at around 30%. Rooms at first and second floor levels will also see the daylight distribution in the rooms significantly affected with around 50% losses. However the existing levels of light are very good for the urban context, and the retained levels of light are considered acceptable given the urban context. The NSL figures indicate that around half of the rooms will retain good levels of light.

24 Lisson Grove

This property is located directly adjacent to the development site to the south. Its rear facing windows will be affected by the development due to the additional bulk proposed.

Table 8: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R1/Bed	W1	22.32	16.76	24.91	0.82
Second					
R1/Bed	W1	25.37	20.29	20.02	1.98

Due to the considerable additional bulk located to the north on the development site, a bedroom located at first floor level sees the highest VSC losses, however the room only experiences very small losses in terms of NSL and therefore the daylight distribution with the room will remain largely the same as existing. Given the use of the room as a bedroom, and as the retained levels of VSC and NSL the impact is considered acceptable.

18, 20 & 22 Lisson Grove

Located further to the south of the development site, all of the windows and rooms within these property will be in full compliance with the BRE Guidelines.

1 Harewood Row

Located to the south east of the development site, records indicate that this property is in use as offices on the lower levels with flats above. The long plot has been largely infilled at lower ground floor level, but has windows in relatively close proximity within the closet wing at first floor level which serves a bedroom.

Table 9: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R2/Bed	W2	22.39	16.85	24.74	22.92
Second					
R4/Bed	W4	25.44	20.27	20.32	6.93

The aforementioned bedroom at first floor level is the worst affected room, with a retained level of VSC of 16.85. However the daylight distribution remains good for the room, with the majority remaining lit. Given the use of the worst affected rooms being bedrooms, which have a lower requirement for light than main living spaces, and given the level of light retained are relatively good for an urban context, the losses are considered acceptable.

2 Harewood Row

This is a large single family dwelling, set over lower ground, ground and three upper levels with a fourth floor located within a mansard roof extension. It has a garden to the rear including mature Plane tree.

Table 10: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
Basement					
R3/Games	W2	13.59	10.69	21.34	26.66
Ground					
R1/Kitchen	W1	15.97	12.8	22.98	49.88
R1/Kitchen	W2	16.89	12.84	23.98	49.88

The daylight and sunlight report indicates that the basement/lower ground floor rear windows serve a games room. From the plans, this would appear to be more of a TV room, however the property does also have a living area to the front at ground floor level and a drawing room at first floor level. While the report confirms that the rear windows at ground and lower ground floor levels will see losses of both VSC and NSL in excess of what the BRE recommends, the property has aspects to both the front and rear, with all other windows retaining good levels of light and are in accordance with the BRE. Therefore when taken as a whole, the impact on this property is considered acceptable.

St Edwards Convent School

Located to the north of the site, and while the BRE Guidelines usually relate to residential properties, using the same criteria, all windows and rooms will meet the BRE's guidance.

7 Harewood Avenue Offices

This is an office building with large floorplates located directly to the east of the site. It has a large expanse of glazing within the west facing elevation which faces the site. Its boundary is hard up against the development site, as such these windows will see very high losses of light both in terms of VSC and NSL. The worst affected window is at second floor level which will see almost 95% of its VSC lost from 16.61 down to 0.91 and will therefore retain virtually no light. Other windows at this level will also see significant losses down from around 28 down to a VSC of around 4.

The daylight sunlight report notes that the figures are somewhat misleading, as the windows are pitched and are measured as true Sky Component, rather than on the vertical as is traditional for a window. This results in figures well in excess of 40% as existing. The high losses are a result of their location, with close proximity to the boundary. The report has noted that should the office building be mirrored so that the same mass and location was build on the development site, the impact would be similar to that proposed. Given the location of the windows within close proximity to the boundary, the 'mirror image' consideration, and the use as an office, which has lower levels of protection than residential properties, the impact is considered acceptable.

Sunlight:

In terms of sunlight to an existing dwelling, the BRE advises it may be adversely affected if the centre of a main window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours (APSH) between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4 % of annual probable sunlight hours.

No residential properties have windows which face within 90 degrees of due south which would be affected, and therefore the BRE guidance does not apply.

The school to the north does have windows facing in due south, but the report indicate that these will not see significant losses of sunlight.

The main impact will be to the office at 7 Harwood Avenue, which has a large glazed elevation which faces towards the development site. The report indicates that these windows will see significant losses of sunlight, particularly on the lower levels, which will see losses of up to 82%. However, as noted within the report, the above BRE criteria is generally applied to habitable residential accommodation. They note that the roof currently suffer from solar gain and glare, requiring rooms to have solar shading and blinds within the east facing elevation. While the impact on this property will be high, rooms will still received sunlight. Given the close relationship of the site with this building, and as offices are not protected in the same was as residential rooms, the impact is considered acceptable.

9.5.2 **Sense of Enclosure**

11-19 & 31-47 Lisson Grove

One objection has been received from an occupier within these buildings stating that the proposed development is too large, and a maximum height of 4/5 floors would be acceptable.

Located to the west of the site on the other side of Lisson Grove, the proposals will result in an increased sense of enclosure through the additional bulk. In order to limit this, the upper two floors of the development have been stepped back. In addition the building currently curves as it goes north, narrowing the street at the top of the site. As proposed, it the building will be squared off, providing additional public realm at ground floor level and chamfering the corner of the building at the junction of Lisson Grove and Hayes Place. This will result in the gap between the front elevations on either side of the street increasing from circa 16m to 19m. At the southern end, the building line has also been set back slightly increasing the distance from around 18m up to 19m. The relationship will be approximately the same at the centre point of the building.

While it is appreciated that the properties on the upper levels will experience an increased sense of enclosure, the pulling back of the building line and stepping back of the upper levels is welcomed and the impact is considered acceptable in this urban context.

24 Lisson Grove

The windows in the rear of this property will experience an increased sense of enclosure as the development proposals provide considerable additional bulk in place of an existing low level flat roof. In order to reduce this impact the building line is stepped back. The aspect from these rear windows will remain relatively open, overlooking the existing low level infills to the rear of 20, 22 and 24 Lisson Grove and beyond. While the views to the north will be negatively impacted, these are oblique and given the slight set back, it is not considered that these will be so negative as to warrant refusal.

1&2 Harewood Row

Similar to 24 Lisson Grove, these two properties have oblique views of the site and currently enjoy an open aspect over the large low level flat roof and gardens to the rear of their properties and the development site to the northwest. The closest windows are those within the end of the closet wing of No 1 Harewood Row. According to records, the rear ground floor window/ door serves a commercial property and provides access onto a large roof terrace. The first floor window serves a bedroom. These rooms look north, however due to the size and existing low level of buildings the proposed building will increase their sense of enclosure. In order to reduce this, the building steps back slightly from the site boundary. The remaining windows are located further away and will be less affected. While resulting in considerable additional bulk, due to their separation and maintained aspect to the north and east, the impact is not considered to be so significant as to warrant refusal.

Travelodge Harewood Row

This hotel is located on the junction of Harewood Row and Harewood Avenue and has rear facing windows towards the development site. Due to the separation, it is not considered that these windows would be so significantly affected to warrant refusal. Given their use as a hotel, they are also not protected to such an extent as residential windows.

7 Harewood Avenue

As mentioned within the light section of this report, the windows within the office building are in close proximity to the boundary of their site. The development does pull away from boundary in the central section, however at the northern end there is bulk which builds

straight up along the boundary. The lower levels of this office building will be most affected as the upper levels pull away as the rear roof pitches away from the development site. Given the existing bad relationship with the site boundary, and the non-residential use of the building, the impact is on balance considered acceptable and mutual.

St Edwards Convent School

The nearest main elevation of the school sits around 33m above from the development site on the other side of Hayes Place. Given the separation and relationship, it is not considered that the impact will be significant and is therefore acceptable.

9.5.3 Privacy

Windows are proposed on all elevations. To the main street facing elevations on Lisson Grove and Hayes Place there are existing windows serving the existing uses. While the proposed building is larger and will therefore include additional windows, it is not considered that their impact will be so significant, given the relationship with neighbours on the other side of the streets as existing. There will also be mutual overlooking to the rear to the offices at 7 Harewood Row, however given that these are offices, this is considered acceptable. There are south facing windows which will be in closer proximity to rear windows of 24 Lisson Grove and the rear windows of 1&2 Harewood Row, however these are set back slightly from the site boundary. No objection has been received from these occupiers. Given the separation and largely daytime use of offices, these windows are considered acceptable in privacy terms.

Terraces are also proposed to use the flat roofs at fourth, fifth and sixth floor levels. In order to limit overlooking and to improve biodiversity, only part of the roof at each level is proposed as a terrace, with the remainder being provided as a green roof. The terrace at fourth floor level is limited to the south western part of the roof so that it overlooks the roof of 24 Lisson Grove and limits views into their rear windows. At fifth floor level, the terrace runs along the southern end and around onto the street facing elevation. It has been pulled back from the edge, again to limit overlooking to the south. The largest terrace is accessed from at sixth floor level and wraps around the east, south and west of the top storey. None of the flat roofs with an aspect to the north are proposed as terraces to limit views over to the school.

In order to mitigate any impacts in terms of noise and anti-social behaviour from the proposed roof terraces, a condition is recommended for the submission of an Operation Management Plan, which will include details such as management, security and a direct telephone number which residents can use in the case of any issues. A condition is also recommended to limit the hours of use of the terraces to Monday to Friday 07:00 – 21:00. This will ensure that any future occupier of the building can stipulate these conditions of use and they can be enforced by the City Council in the event of a breach.

9.3.4 Noise & Vibration

Each office floor will have a plant room housing an Air Handling Unit (AHU) and a Mechanical Ventilation with Heat Recovery (MVHR) unit and the basement plant room will house three AHUs serving the shower rooms, basement office space and the communal spaces. All atmospheric ducts will terminate on the rear façade of the building, and there will be three Air Source Heat Pumps (ASHP) located within a screened area on the roof. The plant equipment will include attenuation such as screens

and attenuators. In addition to the attenuation, the noise report submitted with the application notes that all plant shall be limited to office hours only unless further assessment demonstrates suitability for plant run at other times of the day.

The Environmental Sciences Officer raises no objection to the development proposals subject to standard Westminster Noise conditions, including a requirement for a supplementary acoustic report to be submitted following plant selection as the design of the development moves forward. A condition to limit the hours of operation of the plant is also recommended unless otherwise demonstrated that it will comply with noise conditions.

9.8 Transportation, Accessibility & Servicing

There are changes to the ground floor building alignment, including proposed public realm interventions. Servicing for the existing building takes place from an on street loading bay on Hayes Place. The existing building line is the current highway boundary. The proposed development includes off street servicing from Hayes Place

9.7.1 Highway Works (Public Realm)/Building Line/Vehicle Access/On-Street Changes

The existing vehicle access to the site on Hayes Place will need to be modified for the revised off street servicing bay. The revised crossover access will be at footway level to ensure pedestrian priority is maintained.

There is an existing on-street servicing bay on Hayes Place, which principally exists to provide servicing to the existing retail unit (Tesco). With the proposed scheme providing off-street servicing, including for the ground floor retail unit, the demand for the on-street bay will be significantly reduced. Removal of the existing on-street loading bay would significantly improve the highway environment for pedestrians, cyclists and other highway users. The applicant should commit to delivering these as part of the highway works required to amend the existing vehicle access and shall be secured as part of a s106/s278 legal agreement.

The existing building (and steps) line is the highway boundary (not the red line drawn on the submission drawings). The proposal sets back the building line, particularly at the corner of Lisson Grove and Hayes Place. This is considered positive and will assist with pedestrian movement in the immediate area. It would be usual for the area to be dedicated, in accordance with Policy 28. Dedication of highway must occur prior to occupation. A requirement for and dedication shall form part of the legal agreement and include a provision to cover the Council's associated costs. Where the building line is brought forward, these areas will be required to be formally stopped up.

The submission documents also contain a range of details over proposed hard landscaping at street level, including within the highway. While third party funded public realm improvements are welcomed, they must accommodate all highway users and not a single development proposal. The details of the hard landscaping, including materials, are not considered consistent with the local highway network. It is unlikely the Highway Authority would take forward the highway works, as proposed, given significant design concerns. However, the Council would welcome further discussions on the proposed works at street level which accommodate all user's needs and fit within the local highway network. It is noted the submission documents have been updated but have not altered

the approach to hard landscaping and it is likely what is indicated on the submitted drawings would not be taken forward in the form indicated. As such a condition for further details of the hard landscaping is recommended.

No level change to the existing highway will be able to be made. Any level changes will need to be accommodated within the site itself.

From the drawings provided, it is unclear if the proposed layout at street level on Lisson Grove is functional, including providing 2.0 metres clear widths for pedestrians to pass. This includes the placement of the short term cycle parking. Any works will also need to protect and maintain the existing street trees. A condition is recommended for detailed drawings to be provided to show the location of cycle stands to ensure that they are suitably placed to allow for a successful widened public realm for users of the pavement.

On balance, while some of the proposed changes are possible in some form, they will need to be subject to the detail highway design process. Such details are considered to be appropriately secured through planning condition and legal agreements, to which the applicant has agreed.

9.7.2 Servicing

Policy 29 requires off-street servicing and freight consolidation. The existing site has off-street servicing provision. Deliveries, goods left and waste collection on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

Off-street servicing is provided and this is welcomed (however see comments above on changes to the highway) and is considered it will assist in contributing to an improved highway and public realm environment for pedestrians and other highway users.

An objection has been received from TfL in relation to lack of a sweep path analysis for vehicles entering the off-street servicing bay and their impact on the bus stop located on the opposite side of Hayes Place. Westminster Highways Officers have confirmed that Vehicle tracking has been provided and is considered robust and demonstrates that the maximum size vehicle would be able to enter and exit into the loading bay with minimal impact on other highway users.

TfL has also raised objection in relation to the servicing, including that vehicles will have to reverse onto the site. As mentioned above the provision of the off-street servicing bay will provide improvements to the public realm and improve this secondary frontage. The site is not on a road managed by TfL, and Westminster Highways Officers have confirmed that they are happy with this principle (subject to suitable details). It is therefore not considered that TfL's objection can be sustained.

In order to mitigate against highways issues, the applicant has supported the application with a Servicing Management Plan. However, the document is technical in nature and contains many overarching principles on how servicing will be managed and repeats large amounts of information found in the Transport Statement. It is not considered to be a practical document for ongoing day to day use. There are limited commitments to freight consolidation. The loading bay may be able to provide for other sites within the

vicinity, including consolidation waste and recycle collection. An updated SMP is recommended via condition with additional detail on Freight Consolidation to be included. It is noted the applicant is agreeable to this and this is welcomed.

The scheme would benefit from a rapid charge point within the loading bay. A rapid charge (minimum 50kW) would be provided to support electric freight delivery vehicle, allowing for top up charging. The provision would be consistent with London Plan, City Plan 2019-2040 policies and supports wider Council climate response strategies. Details of an Electric Vehicle Charge Point and provision will be secured by condition. It is noted the applicant is agreeable to this and this is welcomed.

9.7.3 Waste & Recycling Storage

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to City Plan 2019-2040 Policy 25. It would also have an adverse impact on the public realm. Waste storage location is indicated. The provision and retention of this should be secured via condition.

Waste will be collected internally from within the loading bay. This is welcomed and will assist in contributing to an improved highway and public realm environment for pedestrians and other highway users.

9.7.4 Cycling & Cycle Storage

Long stay cycle parking will support active travel options by staff. Long term staff cycle parking must be secure, accessible and weatherproof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1 space per 75m² for B1 office and 1 space per 175m² of 'A class' retail (most comparable uses).

Based on 10793m² of office a minimum of 144 long stay cycle parking spaces would be required as well as 3 long stay spaces for the 442m² retail unit.

For the office, an additional 11 spaces are provided within the basement to meet the short stay parking standard. The location of the short stay cycle parking at basement level is not ideal and concerns have been raised by TfL. They have also raised concerns that only one cycle lift is provided if storage is to be within the basement. The applicant has stated that visitors who wish to use the short term spaces will need to either pre-register or contact reception staff to aid users with access. While not as ideal as a ground floor store, Westminster Highways Officers welcome the additional short stay provision with the main cycle store, and note the challenges and impact on space at ground floor level. In addition, the scheme also includes 22 short stay spaces external to the site at street level. The quantum is also welcomed and will be subject to further review once details have been secured by condition as discussed within section 9.7.1 above.

The provision of cycle support facilities, including showers, is welcomed and secured by condition.

9.7.5 Car Parking

It is acknowledged that the existing site has existing car parking within the basement area. Policy 27 supports the reduction in off-street car parking. It is accepted that in

this location, any reduction in non-residential car parking would be consistent with Policy 27 and welcomed

Policy 27 supports development without car parking provision. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal and consistent with City Plan 2040 Policy 27. The Highways Planning Manager has confirmed that if any disabled parking is required, the applicant would need to make a separate application for this to be provided on-street and would be considered as a standalone highways matter on its merits.

9.7.6 Canopies/Signs/Flags

Any structure over the highway (including building overhangs, public art, flags, signage, awnings and canopies) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. An informative is recommended to this effect, with any such additions to the building requiring separate permissions / consents.

9.7.7 Doors/Gates Over the Highway

The proposed drawings have been amended to indicate the doors will now not open outwards over the public highway (which would cause an obstruction, contrary to City Plan 2019-2040 Policy 25 and the Highways Act (s153)). This amendment is welcomed and doors not opening over the highway will be conditioned.

9.7.8 Trip Generation and Travel Plan

It is noted the application is specifically for an office and retail use and no information is provided to support other uses within the wider Class E use class.

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling).

Given the wide list of potential uses within Class E concern is raised that certain uses may generate significant peaks of activity. The Highways Planning Officer has therefore recommended that a specific restriction is placed upon the uses, given the varied uses within the use class and the information provided to support this application being limited to office and retail uses. Further information (including staff numbers, hours of operation, capacity, trip generation etc) would need to be submitted on other proposed use/s for consideration and approval for uses that were not retail or office.

Given the sites proposed uses and location, a travel plan is not required for the office and retail uses. It is noted that TfL have requested such a plan, however Westminster Officers do not consider one is required for the proposed uses. If other uses such as a school, nursery or medical were proposed a travel plan specific to them would be required.

Conditions are recommended to limit the uses of the building as discussed within the Land Use section of this report. It is also not considered that the proposed flexibility to allow for a leisure use such as a gym or Yoga studio would have such a negative impact in highways terms so as to be unacceptable, subject to details being secured by

condition.

9.9 Economy including Employment & Skills

The proposals result in an uplift of 4432sqm of new commercial floorspace. The new development is expected to generate 640 full time jobs. This represents an increase of 540 jobs compared to the existing situation. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing 330 temporary jobs during construction; 540 additional jobs; £80.8m in gross additional GVA as a result of operational employment; 320 jobs across London from direct and indirect effects supporting £33m annual GVA; c. £1.9m annual for Westminster through business rates. (figures from Economy Statement)

The development will trigger the requirement for a contribution of £315,294.37 to provide employment, training and skills development for local residents. An employment and skills plan is not triggered as the uplift is under 10,000sqm.

9.10 Other Considerations

Thames Water have requested a series of conditions and informatives in relation to waste water and sewage to ensure the development is suitably designed to integrate into existing infrastructure, which are considered acceptable.

Given the application is for major redevelopment and to ensure that the demolition and construction process is mitigated as far as practicable, the applicant has accepted adoption of the councils Code of Construction Practice. This will ensure that the developer works with the council and stakeholders/adjacent occupiers to limit disruption. This is required, and welcomed and will be secured by condition.

9.11 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.12 Planning Obligations & Pre-Commencement Conditions

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

- i. Provision of a financial contribution of £315,294.37 (index linked) to provide employment, training and skills development for local residents;
- ii. Highways works necessary to facilitate the proposed development including stopping up and dedication;
- iii. Provision of a financial contribution of £99,252 to the Carbon Offset Fund (index linked) payable prior to the commencement of development;
- iv. Be seen energy monitoring; and

- v. The costs of monitoring the S106 legal agreement.

The estimated CIL payment is:

Borough CIL - £221,600

Mayoral CIL - £816,400

Total CIL = £1,038,000

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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

- City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- Details of Highway visibility splays;
- Contaminated land;
- Whole life carbon assessments;
- London Underground construction / piling.

The applicant's agreement to the imposition of the conditions has been agreed.

10. Conclusion

As discussed within the design and heritage section of this report, the development is considered to preserve the character and appearance of the Lisson Grove conservation area, but will cause less than substantial harm to the setting of the Grade II listed Chapel of St Edwards Convent of Mercy.

As such, whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which include the provision of a modern and sustainable building, economic benefits including additional jobs and public realm and townscape improvements, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

11. KEY DRAWINGS

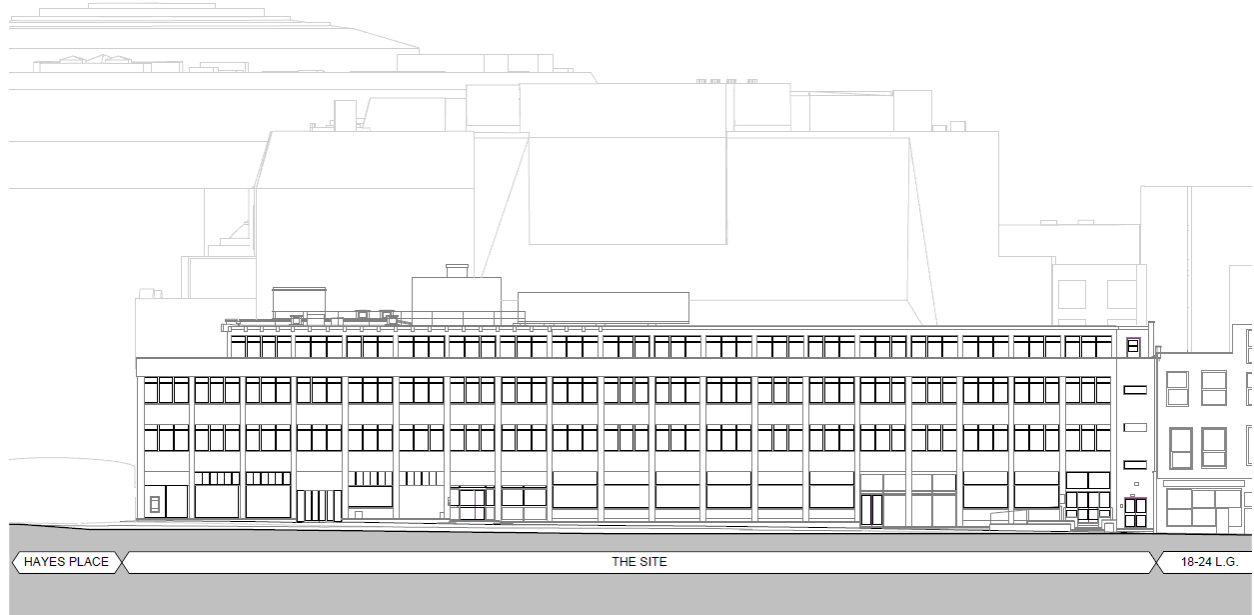
Existing and proposed verified view looking north east on Lisson Grove



Existing and proposed verified view looking south east on Lisson Grove



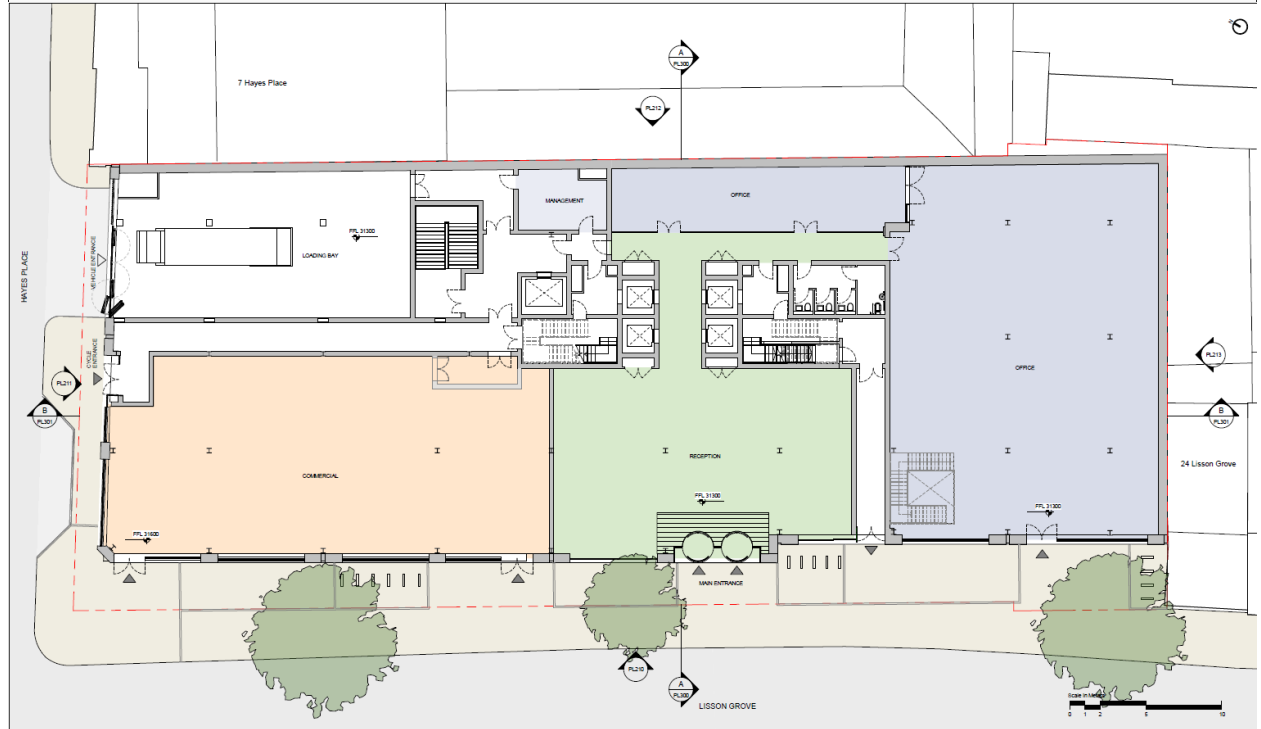
Existing and proposed west elevation



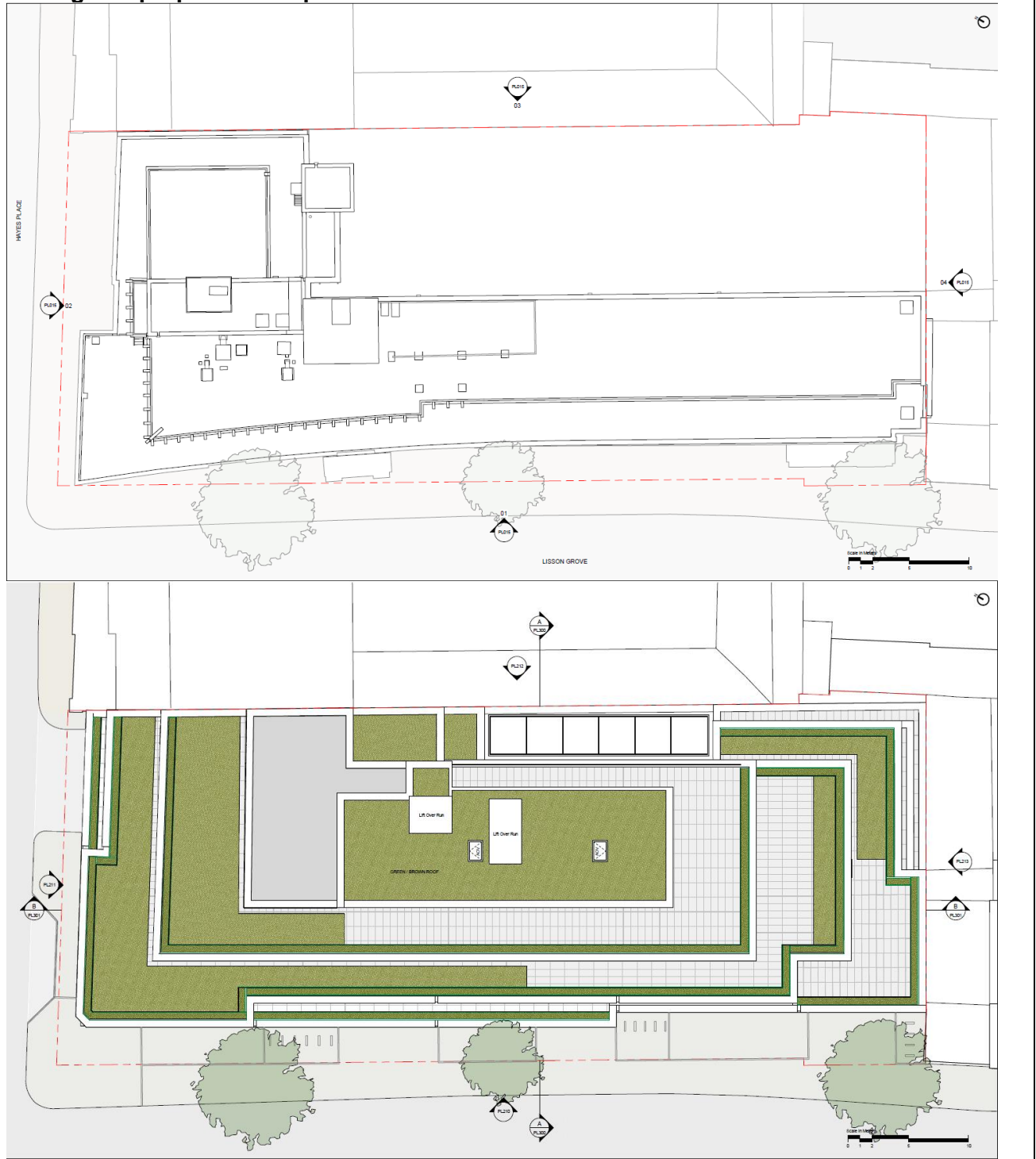
01 Existing West Elevation
1 : 200



Existing and proposed ground floor



Existing and proposed roof plan



Item No.
4

DRAFT DECISION LETTER

Address: Development Site At 26 - 46 Lisson Grove & 18 Hayes Place,, London, ,

Proposal: Part retention of existing basement walls and demolition of ground and upper floors at 26-46 Lisson Grove and 18 Hayes Place, and redevelopment to provide a seven-storey building with a single storey basement comprising: office space and retail space commercial uses (Class E), alterations to public realm, servicing, ancillary plant, storage, cycle parking and other associated works.

Plan Nos: 18033_PL001_P00; 18033_PL002_P00; 18033_PL003_P00; 18033_PL004_P00; 18033_PL009_P00; 18033_PL010_P00; 18033_PL011_P00; 18033_PL012_P00; 18033_PL013_P00; 18033_PL014_P00; 18033_PL015_P00; 18033_PL020_P00; 18033_PL021_P00; 18033_PL022_P00; 18033_PL023_P00; 18033_PL099_P01; 18033_PL100_P01; 18033_PL101_P00; 18033_PL102_P00; 18033_PL103_P00; 18033_PL104_P01; 18033_PL105_P01; 18033_PL106_P01; 18033_PL107_P01; 18033_PL200_P00; 18033_PL201_P00; 18033_PL210_P01; 18033_PL211_P01; 18033_PL212_P01; 18033_PL213_P01; 18033_PL220_P01; 18033_PL221_P01; 18033_PL300_P00; 18033_PL301_P00; Flood Risk Assessment and Drainage Strategy prepared by Campbell Reith dated 11 August 2022

For information only: Design and Access Statement prepared by AHMM dated 14 October 2022; Planning Statement prepared by Gerald Eve LLP dated July 2022; Signed Appendix A Checklist Code of Construction Practice dated 11 July 2022; Geotechnical and Geoenvironmental Desk Study prepared by Campbell Reith dated July 2022; Structural Method Statement prepared by Campbell Reith dated October 2022; Energy Statement prepared by SWECO dated 11 July 2022; GLA WLC Assessment Template dated 04 July 2022; Utilities Statement prepared by SWECO dated 12 July 2022; Air Quality Assessment prepared by SWECO dated 07 July 2022; Noise Impact Assessment prepared by SWECO dated 19 July 2022; Fire Safety Statement prepared by SWECO dated July 2022; Ecological Impact Assessment prepared by SWECO dated 13 July 2022; Arboricultural Impact Assessment prepared TMA dated 12 October 2022; Transport Assessment prepared by TPHS dated July 2022; Travel Plan prepared by TPHS dated 10 October 2022; Delivery and Servicing Management Plan prepared by TPHS dated 18 July 2022; Operational Site Waste Management Plan prepared by TPHS dated 18 July 2022; Townscape, Heritage and Visual Impact Assessment prepared by KM Heritage dated July 2022; Verified Views prepared by Cityscape dated July 2022; Daylight and Sunlight Report prepared by Lumina dated July 2022; Statement of Community Involvement prepared by Kanda dated July 2022; Crime Prevention Statement prepared by QCIC dated 4 July 2022; Economic Statement prepared by Regeneris dated July 2022; and Electromagnetic Field Survey prepared by EMF Inspections Ltd dated 29 June 2022.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 **The development shall not be commenced** until detailed design and method statements (in consultation with London Underground) have been submitted to and approved in writing by the

local planning authority which:

- provide details for all of the demolition, foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent)
- accommodate the location of the existing London Underground structures and tunnels- There should be full and ongoing consultation with TfL Engineering Infrastructure Protection regarding any structural or civil engineering works to ensure that such works do not impart a risk to London Underground's operational railway
- accommodate ground movement arising from the construction thereof - A ground movement analysis will be required and possible associated monitoring scheme
- details of any changes in loading to London Underground's infrastructure because of the works or temporary works are to be issued to TfL Engineering Infrastructure Protection for review and approval
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels- No claims to be made against TfL or London Underground by the Local Authority, purchasers, tenants, occupants or lessees of the development for any noise or vibration resulting from London Underground running, operating and maintaining the adjacent railway
- Provide details on the erection and use of tall plant (e.g. tower cranes, mobile cranes and piling rigs) prior to commencement of works.
- Site specific Risk Assessments and Method Statements (RAMS) to be agreed with TfL Engineering for any activities (e.g. tunnelling groundworks, excavations, piling, scaffolding, cladding, craneage etc.) which TfL may deem to be a risk to LU. The RAMS should be issued a minimum of 6 weeks prior to the individual activity commencing.

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

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

5 **Pre Commencement Condition.**

- a) Prior to demolition;
- b) Following commencement of demolition and prior to construction;
- c) Prior to occupation.

The applicant shall notify the Local Authority of any substantial changes to the design, procurement or overall circumstances around the delivery of the proposed scheme which will result in more than 50% increase in the Embodied Carbon (A1-A5) 600kgCO₂e/m² and/or Whole Life Carbon (A1-C4) 970kgCO₂e/m² benchmarks.

If such significant increase is expected, mitigation strategies to ensure the carbon footprint of the development is kept within the identified benchmarks, and those mitigation measures shall

be set out and agreed first by the local planning authority and implemented thereafter.

Reason:

To ensure sustainable procurement and construction are continuously implemented in accordance with Policies 36, 37 and 38 of the City Plan 2019-2040 (April 2021)

- 6 A post construction BREEAM assessment demonstrating that a minimum target rating of 'Excellent' has been achieved. If 'Outstanding' has not been achieved confirmation of why and how this target was failed. This shall be submitted to and approved by the local planning authority **within six months of first occupation**. The details submitted in the BREEAM assessment shall thereafter be retained.

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).

- 7 **Prior to the occupation of the building**, the mitigation measures identified in the Flood Risk Assessment report must be provided, and these shall include green roofs and attenuation tanks. These features must be provided and maintained or the lifetime of the development, unless otherwise agreed first in writing by the LPA.

Reason:

To minimise the impact of the proposed development of surface water flooding and to ensure that the SUD's are provided in accordance with policy 35 in the adopted City Plan and the adopted Environmental Supplementary Planning Document 2022.

- 8 **The development shall not be occupied** until confirmation has been provided in consultation with Thames Water that either:-
 1. Combined waste water Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 3. All combined waste water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 9 **The development shall not be occupied** until confirmation has been provided in consultation with Thames Water that either:-
 1. Surface water capacity exists off site to serve the development or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development

and infrastructure phasing plan. Or

3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 10 **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.

- 11 Before anyone occupies into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PL100 Revision P01 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)

- 12 **Prior to occupation of the development** a Servicing Management Plan is required to be approved followed/maintained for life of development, unless a revised strategy is approved first (in writing) by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing plus freight consolidation. The SMP must thereafter be maintained and followed by the occupants for the life of the development.

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)

- 13 No delivery service shall operate from the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 7, 29 and 33 of the City Plan 2019 - 2040 (April

2021). (R23AD)

- 14 **Prior to the occupation of development**, details of a rapid (minimum 50kW) electric vehicle charging point within the loading bay for freight vehicles shall be submitted and approved in writing by the Local Planning Authority. It must be demonstrated that the charging point is suitable for LGV delivery vehicle use.

Reason:

To improve air quality and to protect the environment of as set out in Policy 30 and 32 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 15 **Prior to the commencement of development (excluding demolition)**, detailed design of the service bay vehicle entrance and exit and adjoining walls shall be submitted for approval to ensure adequate visibility splays can be achieved to other highway users, including pedestrians.

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)

- 16 **Prior to occupation of the development** The following cycle parking and facilities will be provided:

- A minimum of 144 long term and 11 short term cycle spaces for the office
- A minimum of 3 long term spaces for the retail
- The cycle changing room facilities on the approved basement plan PL099_Rev P01

These facilities and spaces will be provided and maintained for the life of development. All long stay cycle parking must be secured, weather proof, accessible and within the development site.

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).

- 17 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)

- 18 No development should occur between the highway (footway) and a depth of 900mm.

Reason:

To ensure sufficient space for infrastructure and utilises is retained as set out in Policy 45 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

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

- 20 (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 Environmental Supplementary Planning Document (February 2022), 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)

21 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

22 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 Environmental Supplementary Planning Document (February 2022), 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)

23 The plant/ machinery that we have allowed (other than to carry out the survey required by this condition) **must not operate** until you have carried out and sent the LPA a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 20 and 21 of this permission and any mitigation measures, such as limiting the hours of use of the plant. The plant equipment must then operate in accordance with this plan or any subsequent plan submitted to and approved first by the LPA.

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 Environmental Supplementary Planning Document (February 2022), 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)

- 24 The building shall only be used as the following:
- i. The first to sixth floors as offices - Class E (g i)
 - ii. The ground floor area marked as 'commercial' on drawing PL100 Rev P01 as retail - Class E (a), (b) or (c)
 - iii. The ground floor area marked as 'reception' on drawing PL100 Rev P01 as office or retail - Class (a), (b), (c) or (g i)
 - iv. The ground floor area marked as 'office' on drawing PL100 Rev P01 as office, retail or leisure - Class (a), (b), (c), (d) or (g i)
 - v. The basement as office, retail or leisure - Class (a), (b), (c), (d) or (g i)

You must not use the building 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).

Reason:
 To protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality. To accord with policies 7, 25, 28, 29, 32, 33, 38, 39, 40 of the City Plan 2019 - 2040 (April 2021).

25 **Prior to the occupation of the building** plans shall be submitted to the local planning authority of the area marked 'reception' on drawing PL100 Rev P01 to indicate how the area will be laid out and uses to promote an active frontage. The area shall then be laid out in accordance with the agreed plan and retained as such thereafter, unless an alternative arrangement is submitted and agreed first in writing.

Reason:
 To ensure that the unit has an active frontage and to enhance the character, vitality and function of this part of the City. This is in line with Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05FD)

26 **Prior to the first use and each subsequent use** of the ground and/or basement as a use

falling within Use Class E (b) or (d) the following information must be submitted to the Local Planning Authority and approved first in writing

- i) An Operational Management Plan
- ii) Noise and vibration mitigation measures to confirm that noise to adjacent occupiers within and adjacent to the site will be acceptable.

The measures will then be implemented prior to first use and maintained unless other measures are submitted to and approved first by the LPA. The alternative measures will then also be implemented and maintained.

Reason:

To ensure that the operation, design, structure and acoustic insulation of the development will provide sufficient protection for occupiers of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

- 27 A. You must apply to us for our written approval of a detailed written and photographic materials schedule of the facing materials you propose to use, supported by annotated versions of the approved plans / elevations showing where each material would be used.
- B. Following, or at the same time as, our approval of part A, you must prepare on-site for our inspection a trial panel of the main facing materials agreed under Part A, which should measure no less than 1sqm in area for each of the façade materials proposed. A record of this should be submitted to us for our written approval.

You must not start any work relating to the façade of the development until we have approved what you have sent us for both Parts A and B. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 28 You must apply to us for approval of detailed elevations, plans, sections and manufacturers' specifications (as applicable) of all visible façade elements up to 4th floor parapet / balustrade, to demonstrate the appearance and longevity of, as a minimum, the following components:
- a. External doors and windows, including reveals, cills, and heads;
 - b. Shopfronts and ground level street entrances to offices, including any associated surrounds and canopies / awnings;
 - c. Vents and spandrel panels;
 - d. External balustrades;
 - e. Structural and non-structural masonry cladding, including expansion joints;
 - f. Typical façade and roof drainage measures;
 - g. Façade lighting;
 - h. Signage and wayfinding strategy;
 - i. Gates and railings;
 - j. Plant enclosures and Building Maintenance Units.

You must not start any work on the related parts of the facades until we have approved

what you submit to us. You must then complete the development according to the approved details and panels.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 29 You must not paint the external masonry of the new buildings without permission of the LPA. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 30 **Prior to occupation**, you must apply to us for approval of a scheme of public art to include one-off commissions by an artist(s) prominently fixed to / incorporated into an elevation of the building and/or in a position off the building in front of or beside the new building. You must not start work on each piece of public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must install each component of public art that we approve according to the approved details within six months of occupation of the market housing part of the development. You must then maintain the approved public art on this site in perpetuity.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38, 40 and 43 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 31 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme (including the public realm) which includes the species for the green/biodiverse roofs and materials for hard landscaping (in consultation with highways planning). **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 landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes and is suitable with the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 32 The areas shaded in grey and labelled as terraces on the plans hereby approved shall only be used between the hours of 07:00 - 20:00 Monday to Friday. The roofs of the building not

marked as terraces shall not be accessible outside of these hours for sitting out or for any other purpose. You can however use the roofs for maintenance or to escape in an emergency at any time.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 33 **Prior to occupation**, an Operational Management Plan shall be submitted to and approved by the City Council to indicate how the roof terraces will be managed, to include no amplified or other music shall be played on roof terraces. The terraces will then be managed in accordance with the plan for the lifetime of the development, or in accordance with any replacement Operational Management Plan, approved first in writing.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 34 **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 as submitted within Land Contamination Assessment report by Campbell Reith dated October 2022.

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)

- 35 There shall be no primary cooking within any unit on site (such as a restaurant unit), such that you must not cook raw or fresh food, unless details of a ventilation system to get rid of cooking

smells, including details of how it will be built and how it will look, has been submitted to and approved first by the LPA. The ventilation system shall be installed and maintained in accordance with 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)

- 36 The development hereby approved shall achieve an urban greening factor of at least 0.3 and a report confirming this must be submitted to and approved by the City Council **within three months of first occupation** of the development

Reason:

To ensure carbon emissions have been minimised and to ensure the provision of green infrastructure in accordance with policies 34, 36 and 38 in the adopted City Plan.

- 37 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green/living roofs to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details **prior to occupation** and thereafter retain and maintain them in accordance with the approved management plan.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 38 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing PL100_Rev P01. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

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)

- 39 You must apply to us for our approval of any work you want to carry out on any trees. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 40 **Prior to occupation of the development**, a lighting strategy for any external lighting shall be submitted and approved by the local planning authority including timings. The development shall be carried out in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise disruption to future and neighbouring residents in accordance with policies 38, 39 and 40 in the adopted City Plan.

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 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

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/contact-us-building-control

- 3 With regard to condition 4, the applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting

- 4 In relation to condition 5, you are advised to support the results provided in the template with the following minimum evidence requirements, which should be submitted at the same time:
- a) site energy (including fuel) use record
 - b) contractor confirmation of as-built material quantities and specifications
 - c) record of material delivery including distance travelled and transportation mode (including materials for temporary works)
 - d) waste transportation record including waste quantity, distance travelled and transportation mode (including materials for temporary works) broken down into material categories used in the assessment
 - e) a list of product-specific EPDs for the products that have been installed. The data collected at this stage will provide an evidence base that could help inform future industry-wide benchmarks or performance ratings for building typologies.

The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. A copy and confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

- 5 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 6 The developer can request information to support the discharge of conditions 8 and 9 by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval

- 7 In relation to condition 10 Please read Thames Waters guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact

Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921
(Monday to Friday, 8am to 5pm) Write to: Thames

- 8 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 10 Despite what is indicated on the submitted drawings, any proposed changes to the highway are not agreed due to separate approvals being required.

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).

- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 11 You are advised that any structure over the highway (including building overhangs, public art, flags, signage, awnings and canopies) must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure.
- 12 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 13 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).
- 14 The SMP should contain clear information on how servicing (including the transfer of deliveries) would be managed in such a way as to minimise the impact on other highway users (including pedestrians) and be undertaken in a safe manner.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users (including pedestrians).

The SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case.

- 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 Condition 34 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk
- 17 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.
- 18 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.

- 19 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 20 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 21 Any tree surgery approved under condition 39 will need to be carried out by the City Council's tree contractors or such other tree contractors agreed by us, at your expense.
- 22 Landscaping, green roof and green wall details submitted in order to satisfy conditions 31 and 37 should include details of the depth and specification of the substrate, the number, size, species and density of the proposed planting, and details of maintenance regime (frequency of operations, timing of operations and who is responsible), and irrigation. The irrigation provided should be sustainable (i.e. not mains water). Green wall proposals should be accompanied by a fire risk evaluation.
- 23 When you apply to discharge condition 38 you should ensure the tree protection methodology is informed by detailed demolition, site set up and construction methodologies, including details of underground services, site access and scaffold and gantry arrangements. You must also make provision for an auditable system of arboricultural supervision following the recommendations in section 6.1.2 and 6.3 of British Standard BS5837: 2012

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER		
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 15 November 2022	Classification For General Release
Report of Director of Town Planning & Building Control		Ward(s) involved West End (all sites)
Subject of Report	<p>Site 1: Development Site Bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and 10, 15-25, 27 And 42 South Molton Street</p> <p>Site 2: 14 North Row</p> <p>Site 3: 24 North Audley Street</p>	
Proposal	<p>Site 1: Variation of Conditions 1, 17, 20, 31, 39, 47, 49, 53, 54, 55, 56 and 57 of planning permission dated 8 April 2022 (RN: 20/03987/FULL) (as amended) for, 'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'; NAMELY, to allow amendments to the approved</p>	

	<p>development. (Application under Section 73 of the Act).</p> <p>Site 2: Extension to roof, facade amendments, associated works and use of enlarged building to provide Community Infrastructure and Facilities of flexible education training facility (Class F1) or medical centre (Class E).</p> <p>Site 3: Use of part ground and first to fourth floors as three residential dwellings (Class C3). External alterations including the removal of existing plant and installation of additional plant within acoustic enclosures, creation of a terrace (for use in association with the proposed Flat 1) and green roof at rear first floor level and associated works. Erection of an extract duct routed internally terminating above main roof level. Internal alterations at all levels.</p>		
Agent	<p>Site 1 and 2 – Gerald Eve Site 3 – DP9</p>		
On behalf of	<p>Site 1 - Grosvenor Properties Site 2 and 3 - Grosvenor West End Properties</p>		
Registered Number	<p>Site 1: 22/04610/FULL 22/04602/LBC – 50-54 Davies Street 22/04605/LBC – 40-46 Brook Street and 40 South Molton Lane 22/04606/LBC – 1-7 Davies Mews and 28-30 South Molton Lane 22/04607/LBC – 10 South Molton Street 22/04608/LBC - 15-21 South Molton Street 22/04612/LBC – 24 and 25 South Molton Street</p> <p>Site 2: 22/04502/FULL and 22/04503/LBC</p> <p>Site 3: 22/04638/FULL and 22/04639/LBC</p>	Date amended/ completed	8 July 2022

Date Application Received	8 July 2022		
Historic Building Grade	Grade II – 14 North Row, 24 North Audley Street, 1-7 Davies Mews and 28-30 South Molton Lane, 50-54 Davies Street, 40-46 Brook Street and 40 South Molton Lane and 10, 15, 16, 18, 19, 20, 21, 24 and 25 South Molton Street. Grade II* - 17 South Molton Street		
Conservation Area	Mayfair (all sites)		
Neighbourhood Plan	Mayfair Neighbourhood Plan (all sites)		

1. RECOMMENDATION

Site 1 – South Molton Triangle

1. Grant conditional permission subject to a legal agreement to secure the following:

- a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.
- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not occurred by 7 April 2025.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highway works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street and Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed

in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Street) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highway works to the South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.

- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.
- k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
- l) The provision of the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Building (698 sq.m) and within the entirety of 14 North Row (471.7 sq.m) (both to be ready for tenant fit out) within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street.
- m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).
- o) The costs of stopping up of an area of public highway on the south of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).
- p) The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

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

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

3. Grant conditional listed building consent for all six applications.

4. Agree the reasons for granting the six applications for listed building consents as set out in Informative 1 of the draft decision letters.

Site 2 – 14 North Row

1. Grant conditional permission subject to a legal agreement or undertaking to secure the following:

- a) Not to occupy the building as an education training facility (Class F1) or medical centre (Class E) until all three of the permitted residential units at 24 North Audley Street are ready for occupation.
- b) Undertaking of highways works on the south side of North Row to extend the footway across the width of the site. If undertaken by the owner, highway works to be completed prior to occupation of the building as an education training facility (Class F1) or medical centre (Class E).
- c) The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement or undertaking has not been completed within six weeks of the date of this resolution then:

- a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that it has not proved possible to complete an agreement or undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

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

Site 3 – 24 North Audley Street

1. Grant conditional permission.

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

2. SUMMARY & KEY CONSIDERATIONS

All three sites are located within the Mayfair Conservation Area and the Central Activities Zone (CAZ).

Site 1 (South Molton Triangle – SMT) is bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and also includes 10, 15-25, 27 and 42 South Molton Street. Within the application site are a number of listed buildings – 50-54 Davies Street (Grade II), 1-7 Davies Mews and 28-30 South Molton Lane (Grade II), 40-46 Brook Street and 40 South Molton Lane (Grade II), 10, 15, 16, 18-21, 24 and 25 South Molton Street (Grade II) and 17 South Molton Street (Grade II*). The site can be split into four parts: (i) The South Block; (ii) The North Block; (iii) 40-46 South Molton Lane and 40 South Molton Lane; and (iv) The South Molton Street Properties.

Site 2 (14 North Row) is Grade II listed. The lawful use is as garage storage (Sui Generis) at ground floor level, with two residential (Class C3) above. The site has been vacant since 2017.

Site 3 (24 North Audley Street) is Grade II listed and is in use as a public house (Sui Generis). The basement and ground floors comprise the publicly accessible bar and dining areas, whilst the upper floors comprise ancillary accommodation including a kitchen and staff accommodation.

In respect to the SMT site, permission and listed building consent were granted on 8 April 2022 for the comprehensive transformation of the site, including: (i) The redevelopment of the North Block and South Block behind partially retained facades to create two new large office buildings to the north and south of Davies Mews, as well as flexible retail / café / restaurant units on the ground and basement floors, and re-provision of community infrastructure and facilities floorspace within the ground, basement and sub-basement of the North Block; (ii) The conversion of 40-46 South Molton Street and 40 South Molton Lane into a hotel; and (iii) Various alterations to the South Molton Street Properties to create a new passageway between South Molton Street and South Molton Lane at 10 South Molton Street, to convert the upper floors into 33 x flats, of which eleven are affordable, and to make changes the rear to open up and animate the South Molton Lane frontage.

The legal agreement secures, amongst other matters, extensive highway works to South Molton Lane, Davies Mews, Brook Street, Davies Street and to the South Molton Passage. The applicant's aspiration is to make changes to the traffic orders so that South Molton Lane becomes single direction, for Davies Mews to only be open to servicing traffic between 07.00 and 12.00 (Monday to Saturday) and the existing on-street parking within Davies Mews to be relocated.

The application under Section 73 of the Act at the SMT site seeks to make a number of 'minor material amendments' to the approved development following further design work and the applicant's desire to improve the functionality and sustainability of the approved development. A number of other changes to the wording of conditions are also sought. The most substantive changes are as follows:

- The overall height of the North Block and South Block are proposed to be increased by 460mm and 500mm, respectively.
- The Basement 2 level within the North Block which currently forms part of the re-provision of the community infrastructure and facilities floorspace from another part of the site is proposed to be omitted.
- The existing public house at 50 Davies Street is proposed to be extended into the basement floors of 52-54 Davies Street and the ground and first floors of 52 Davies Street. This is proposed

to replace the approved flexible retail / café / restaurant floorspace.

- The approved flexible retail / café / restaurant floorspace within the ground floor of 54 Davies Street is proposed to be replaced by an extension to the approved office reception within 56 Davies Street.

Alongside this application, six applications for listed building consent to make alterations and extensions to the listed buildings on site have been submitted.

The proposed omission of the Basement 2 level within the North Block means that the SMT development would no longer re-provide in full the community infrastructure and facilities floorspace lost from 48 and 56 Brook Street in the form of the vacant Vidal Sassoon hairdressing training centre.

In order to address this conflict with City Plan Policy 17, permission is sought to convert 14 North Row (Site 2) into an education training facility (Class F1) or a medical centre (Class E).

The two flats on the upper floors of 14 North Row that would be lost as a result of this proposed change of use are proposed to be re-provided at 24 North Audley Street (Site 3) through the conversion of the upper floors of this public house into three flats.

The main issues for consideration are:

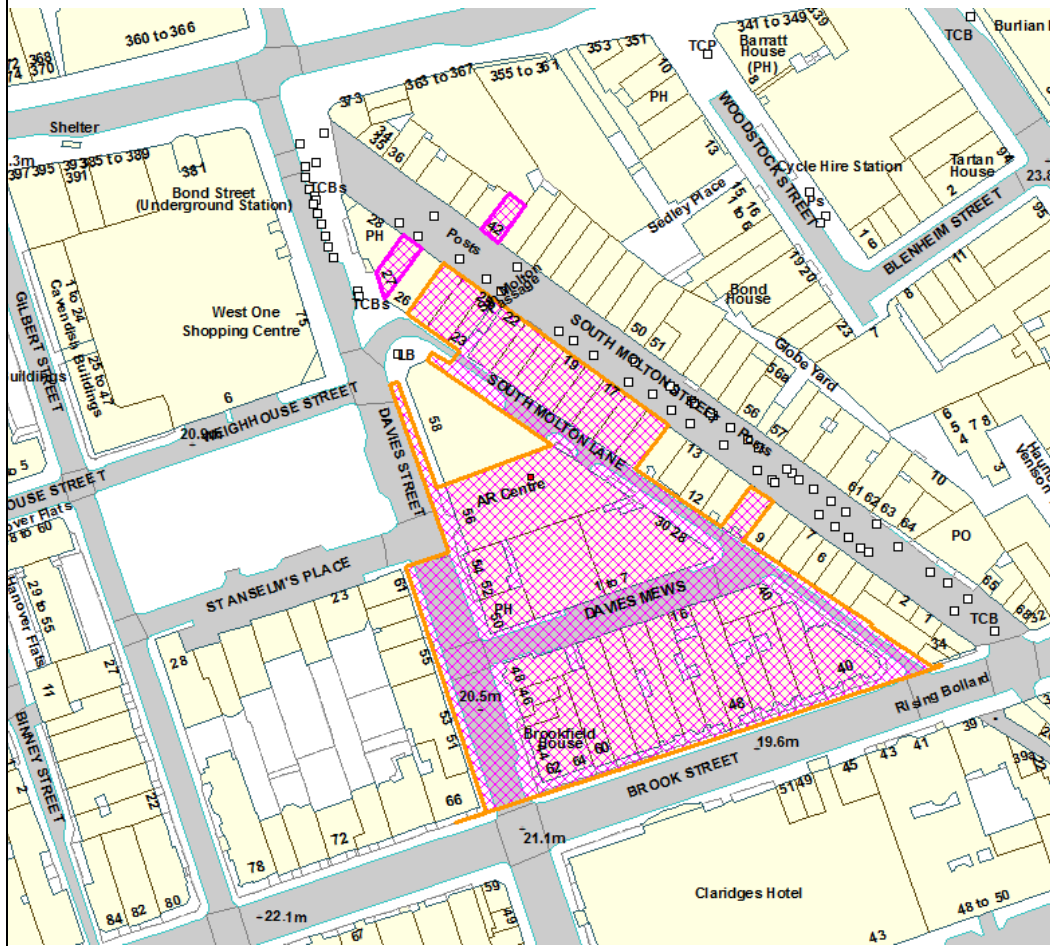
- Whether there is still clear and convincing justification for the heritage harm proposed at the SMT site and whether the public benefits derived from the development remain sufficient to outweigh this less than substantial heritage harm. The statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must be fulfilled when undertaking this balancing exercise.
- Whether the proposed expansion of the existing public house at 50 Davies Street into the basements floors of 52-54 Davies and the ground and first floors of 52 Davies Street is acceptable in terms of its impact upon the character of the area and upon the amenity of neighbouring residents.
- Whether the re-provision of community infrastructure and facilities floorspace across the SMT site and at 14 North Row represents an acceptable replacement for the former Vidal Sassoon hairdressing training centre at 48 and 56 Davies Street.
- Whether the conversion of the upper floors of the public house at 24 North Audley Street would compromise the viability or function of this public house and, if so, whether the proposed residential units are an acceptable replacement for those proposed to be lost at 14 North Row.

The proposals are considered to be acceptable in land use, amenity and transportation terms, complying with the policies set out in the London Plan, City Plan and Mayfair Neighbourhood Plan in these respects. Whilst the proposals still do not fully comply with all the urban design and conservation policies and will still cause less than substantial harm to the significance of a number of designated heritage assets, it is considered that there remains clear and convincing justification for this harm and that the public benefits derived from the proposed development still outweigh this less than substantial heritage harm.

For these reasons, it is recommended that conditional planning permission be granted in respect to the proposed development at Sites 1, 2 and 3. This is subject to the completion of a legal agreement securing the items listed within this report in respect to Sites 1 and 2. Furthermore, it is recommended that listed building consent (x 8) be granted.

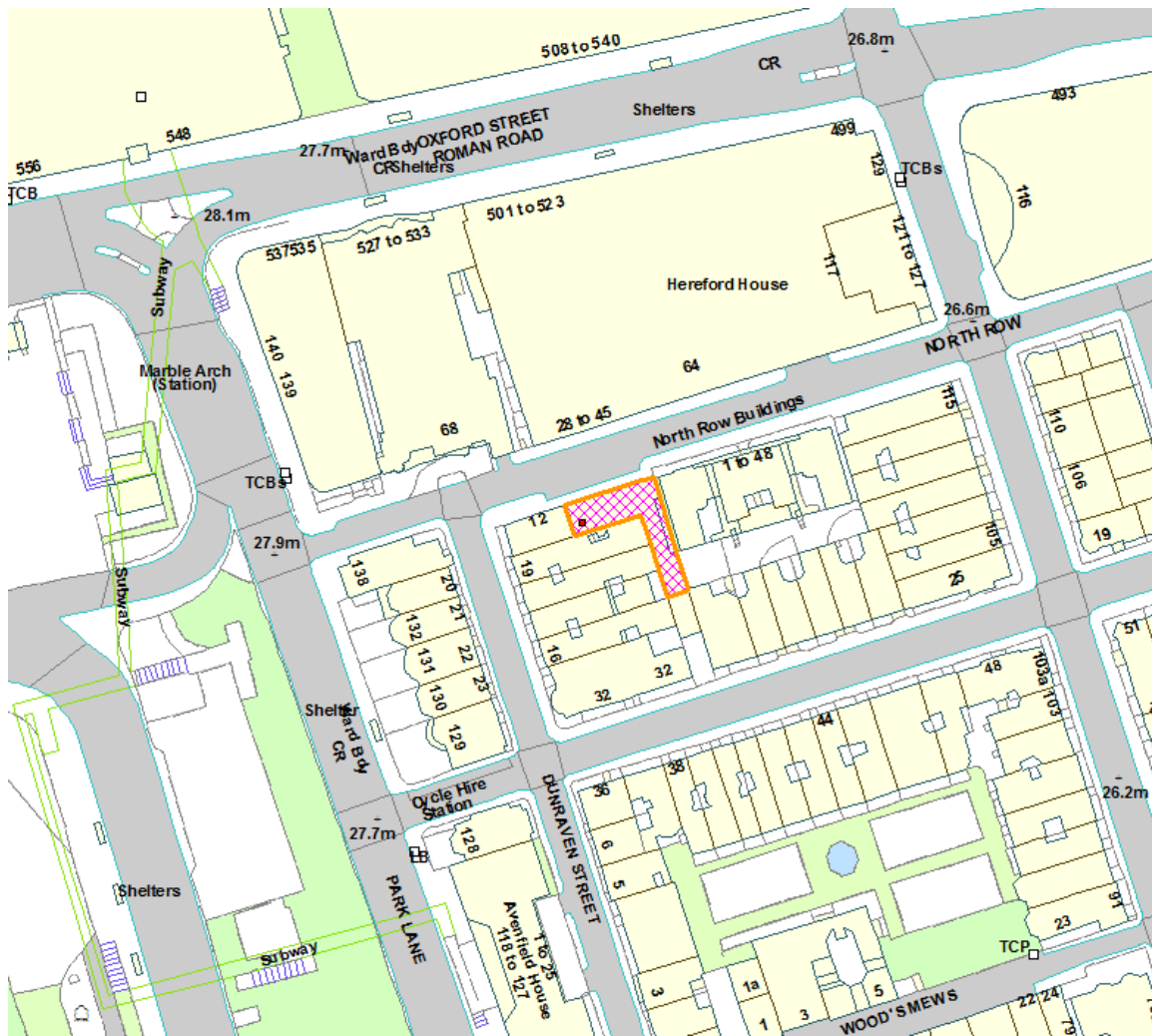
3. LOCATION PLANS

Site 1 – South Molton Triangle



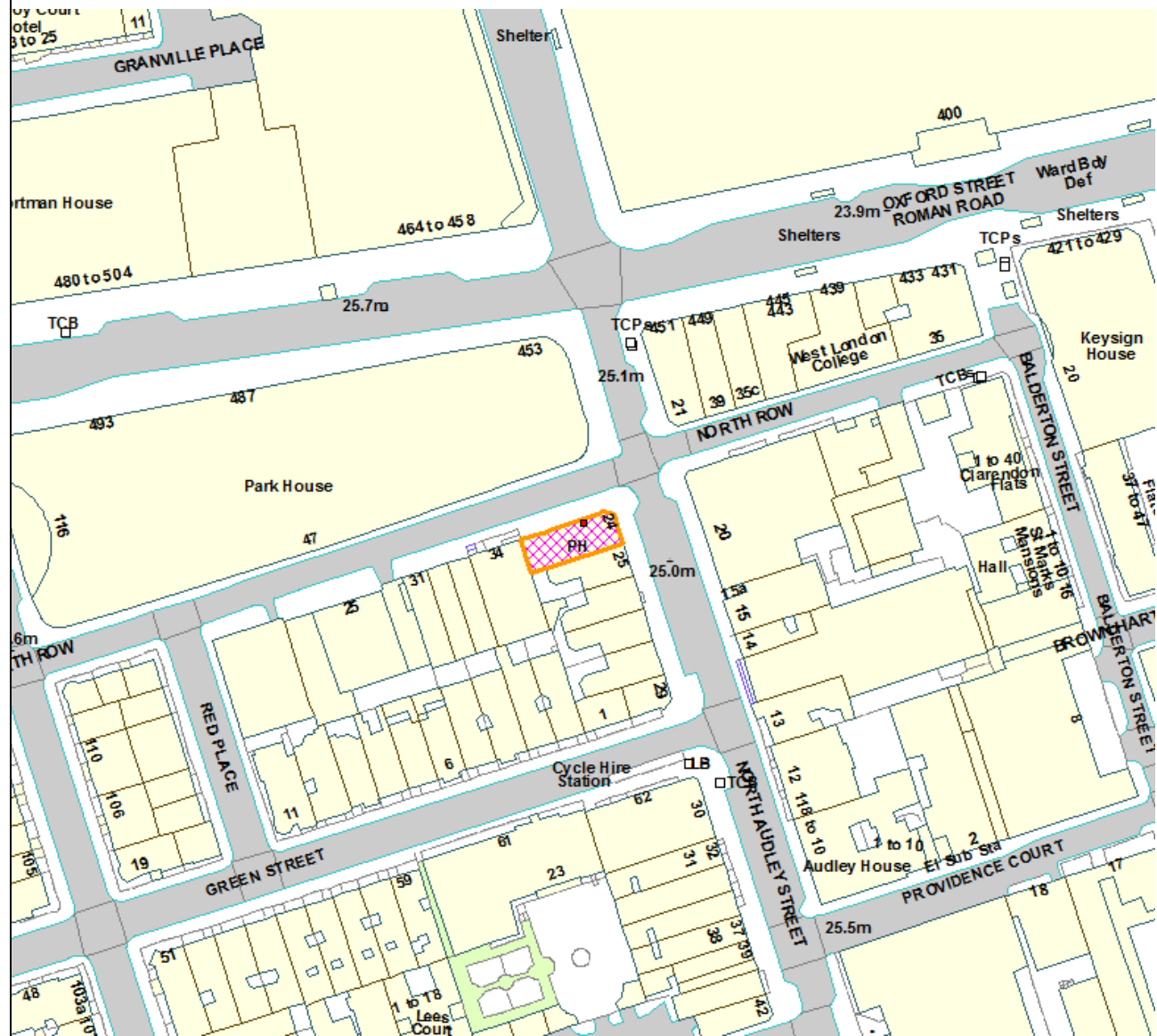
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Site 2 – 14 North Row

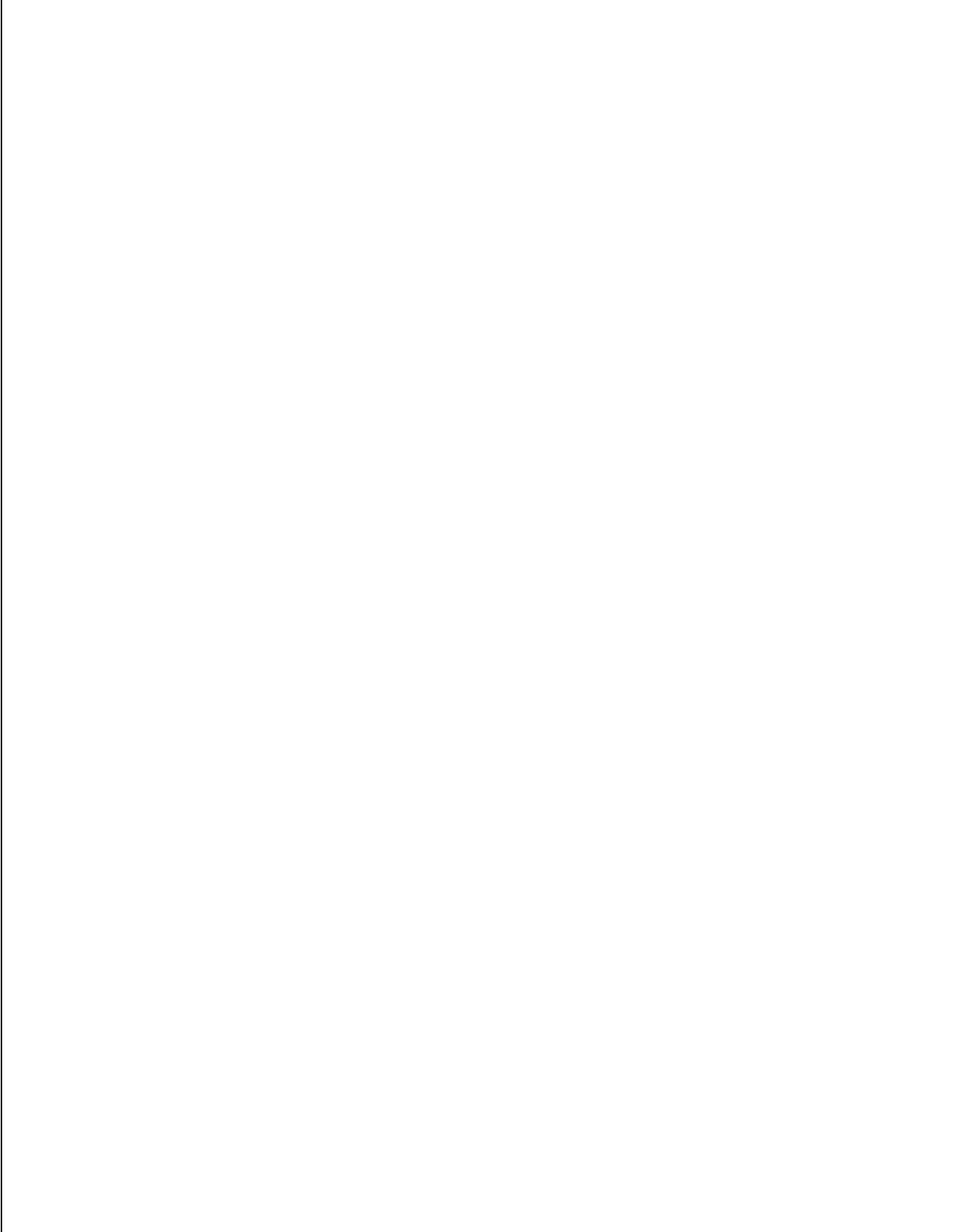


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Site 3 – 24 North Audley Street



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PHOTOGRAPHS

Site 1 – South Molton Triangle

Brook Street – looking west:



Davies Street – looking north-east:



Davies Mews – looking west:



South Molton Lane – looking north:



South Molton Street– looking north-west:



Site 2 – 14 North Row



Site 3 – 24 North Audley Street



4. CONSULTATIONS

4.1 Application Consultations

Site 1 – South Molton Triangle

GREATER LONDON AUTHORITY:

- Given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.
- Authorises that, under Article 5(2) of the above Town and Country Planning (Mayor of London) Order 2008, the Mayor of London does not need to be consulted further on this application. The City Council may, therefore, proceed to determine the application without further reference to the GLA.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM:

- Any response to be reported verbally.

CROSS LONDON RAIL LINKS:

- Requests that the pre-commencement conditions imposed upon the original permission (i.e. Conditions 45 and 46) be imposed should permission be granted.

WASTE PROJECTS OFFICER

- No objection to the revised waste details submitted. The details are in line with the council waste storage requirements.

HISTORIC ENGLAND:

- No comment (planning application).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 15-21 South Molton Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 50-54 Davies Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 10 South Molton Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 24-25 South Molton Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 40-46 Brook Street and 40 South Molton Lane).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 1-7 Davies Mews and 28-30 South Molton Lane).

HISTORIC ENGLAND (ARCHAEOLOGY):

- The proposed reductions in basement excavations might somewhat reduce the archaeological impact of the scheme but Condition 52 of the original permission is still needed to secure appropriate mitigation for remaining impacts.

HIGHWAYS PLANNING:

- Any response to be reported verbally.

METROPOLITAN POLICE SERVICE:

- Any response to be reported verbally.

THAMES WATER:

- No comment.

ENVIRONMENT AGENCY:

- Confirms that there are no environmental constraints falling within its remit at this site and therefore makes no comment on the application.

NATURAL ENGLAND:

- States that is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.
- Advises that it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

ARBORICULTURAL MANAGER

- Any response to be reported verbally.

WCC ECONOMY TEAM

- Any response to be reported verbally.

TRANSPORT FOR LONDON:

- The proposed variation of the planning permission does not create any new strategic transport issues.
- Providing that the previously approved transport planning obligations and conditions approved in the extant permission are re-imposed, no objection to the application.

THE GEORGIAN GROUP:

- Any response to be reported verbally.

THE VICTORIAN SOCIETY:

- Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 787

Total No. of replies: 3

No. of objections: 2

No. in support: 1

One making no objection to the proposed development in respect to the buildings at 1-7 Davies Mews and 28-30 South Molton Lane. However, raising serious concerns with, and objects to: (i) The significant changes proposed to the streets, pavements and signage on Davies Street and South Molton Lane; (ii) The shorter and longer term impacts resulting from traffic, noise, dust, vibration and general disruption; and (iii) The impact upon the viability of a neighbouring business. Requests that, should permission be granted, strict conditions are imposed to ensure that neighbouring businesses are protected during the construction period.

One objecting on the ground that the opportunity has not been taken to use 17 South Molton Street as a visitor attraction that celebrates and promotes the life and works of William Blake, the painter and poet who lived in this Grade II* listed building between 1804 and 1820.

One letter of support from Soho Housing supporting the proposed development and confirming that: (i) It is the registered provider for the 11 x affordable housing units at 23-25 and 27 South Molton Street; and (ii) The proposal maintains the required mix of affordable homes and this fits well with its requirements as a registered provider.

PRESS NOTICE/ SITE NOTICE: Yes

Site 2 – 14 North Row**RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:**

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM:

- Any response to be reported verbally.

HIGHWAYS PLANNING:

- No objection.

PROJECTS OFFICER (WASTE):

- Objection on the grounds that: (i) A separate waste store is not provided; and (ii) The proposed waste store is not correctly labelled on the proposed drawings.

HISTORIC ENGLAND:

- Authorisation provided to determine the application as the City Council sees fit.

THE GEORGIAN GROUP:

- Any response to be reported verbally.

THE VICTORIAN SOCIETY:

- Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY):

- Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE: Yes

Site 3 – 24 North Audley Street**RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:**

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM:

- Any response to be reported verbally.

HIGHWAYS PLANNING:

- Any response to be reported verbally.

PROJECTS OFFICER (WASTE):

- No objection.

ENVIRONMENTAL SCIENCES:

- No objection.

HISTORIC ENGLAND:

- Authorisation provided to determine the application as the City Council sees fit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 82

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE: Yes

4.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning applications in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance
Letters to 260 local addresses summarising proposed changes to the SMT development (Site 1) and issuing an invitation to the online briefing (see below).	27 May 2022	N/A
Letter to local addresses providing an update to the proposed changes to 14 North Row (Site 2).	13 June 2022	N/A
Letter to local addresses providing an update to the proposed changes to 24 North Audley Street (Site 3).	13 June 2022	N/A
Online briefing	15 June 2022	5
Online survey		One person gave feedback stating that the proposed changes were, 'Understandable tweaks as development proceeds'.

Rather than specific concerns, a number of queries were raised. Each of which was responded to individually. The full details are set out within the submitted Statement of

Community Involvement Addendum.

5. WESTMINSTER'S DEVELOPMENT PLAN

5.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 5.2).

As set out in Section 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.

5.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. 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 later in this report.

5.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

6. BACKGROUND INFORMATION

6.1 The Application Sites

Site 1 – South Molton Triangle

This comprises a triangular site bound by Brook Street, Davies Street and South Molton Lane (excluding Grays Antique Dealers at 58 Davies Street) and includes a number of buildings on the west side of South Molton Street (i.e. 10, 15-25 and 27 South Molton

Street) and one building on the east side of South Molton Street (i.e. 42 South Molton Street). Davies Mews runs through the centre of the site, linking Davies Street and South Molton Lane.

The site is located within the CAZ and the West End Retail and Leisure Special Policy Area. With the exception of the South Molton Street Properties which are located within 'East Mayfair', the majority of the site is located within 'Central Mayfair', as defined within the Mayfair Neighbourhood Plan.

The site is located in the Mayfair Conservation Area and includes numerous listed buildings, of which 1-7 Davies Mews and 28-30 South Molton Lane; 50-54 Davies Street; 40-46 Brook Street and 40 South Molton Lane; and 10, 15, 16, 18-21, 24 and 25 South Molton Street are Grade II listed. 17 South Molton Street is Grade II*.

The proposed development would affect the setting of the Grade I listed Grosvenor Estate Office (66 Brook Street and 53 Davies Street) which is to the west of the site at the corner of Brook Street and Davies Street; 58 Davies Street (Grade II) to the north; Claridges Hotel (Grade II), 41-43 Brook Street (Grade II) and 39 and 39a Brook Street and 22 Avery Row (Grade II*) which are to the south; and 11, 12, 14, 26, 41, 50 and 63 South Molton Street (Grade II) to the east. The Stratford Place Conservation Area is to the north of Oxford Street.

The following buildings within the site are considered to be unlisted buildings of merit which contribute positively to the character and appearance of the Mayfair Conservation Area:

- The Army Reserve Centre, 56 Davies Street (North Block)
- 60 Brook Street (South Block)
- 48 and 50 Brook Street (South Block)
- 52 and 54 Brook Street (South Block)
- 56 and 58 Brook Street (South Block)
- Davies Mews, South Side (South Block)
- 64 Davies Street (Brookfield House) (South Block)
- 22, 23, 27 and 42 South Molton Street

Records indicate that the nearest residential properties to the site are 11x flats within 59 Davies Street, a number of residential properties on St. Anslem's Place and on the upper floors of a number of properties on South Molton Street (i.e. Nos. 8, 13, 26, 28, 37, 40a, 46, 52 and 55).

To the west of the application site is the recently opened Bond Street West Elizabeth Line Station. Once complete, the over-station development that will provide office floorspace. To the north-west of the site is Bond Street Underground Station. 56 Davies Street is located within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008), with the remainder of the site being within the Safeguarding Limits. The platform tunnels linking Bond Street West Elizabeth Line Station and Bond Street East Elizabeth Line Station (located at the north-west corner of Hanover Square) run below the northern part of the site.

The site is located within the Great Estates Archaeological Priority Area (Tier 2).

The site can be split into four area of development: (i) The South Block; (ii) The North Block; (iii) 40-46 Brook Street and 40 South Molton Lane; and (iv) The South Molton Street Properties.

North Block

On the north side of Davies Mews, the North Block comprises three Grade II listed early Victorian townhouses at 50-54 Davies Street, the Grade II listed early twentieth century 1-7 Davies Mews and 28-30 South Molton Lane that makes up the northern frontage to Davies Mews and part of the South Molton Lane frontage, and the unlisted mid-twentieth century stone fronted 56 Davies Street with stock brick garage elevation making up the remainder of the South Molton Lane frontage.

52-56 Davies Street make up the former Territorial Army Reserve Centre and Rifles Club (*sui generis*) that occupied the site between c.1890 and March 2018. The three buildings became vacant when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly. Pursuant to permissions granted in July and November 2019 and July 2022, the three buildings are currently in use as an immersive theatre space and ancillary uses (*sui generis*), albeit for a temporary period until 30 June 2024. At the end of this period, the lawful use of the three buildings will revert to their former use as an army reserve centre (*sui generis*).

50 Davies Street is in use as a public house (The Running Horse).

1-7 Davies Mews and 28-30 South Molton Lane was occupied by Grays antiques as an indoor antiques market until it vacated on 31 May 2018. With the exception of a flat at the corner of Davies Mews and South Molton Lane, the first floor of the application site is in office use. The second floor is in use as four flats.

South Block

Three pairs of unlisted townhouses (48-58 Brook Street) front onto Brook Street. They are of varying design, materials, heights and building lines. All are topped with mansard roofs. 60 Brook Street comprises a much-altered unlisted early Georgian townhouse. All these townhouses are accompanied by two and three storey mews buildings fronting onto Davies Mews. Terminating the western end of the South Block is Brookfield House (44-48 Davies Street and 62-64 Brook Street) comprising a taller stone-faced unlisted building dating from the early twentieth century.

The lawful use of the 48 Brook Street and 14-15 Davies Mews and the basement, rear ground, ground floor mezzanine and rear first floor level of 56 Brook Street are as educational training facilities for hairdressing, being occupied as a training school for Vidal Sassoon until it vacated on 30 June 2017 and the operation relocated to 58 Buckingham Gate. Whilst temporary permission has been granted to use these buildings as an art studios and workshops (*sui generis*) for temporary period until 30 June 2023 and 30 September 2023, respectively, the lawful use of these building reverts to an educational training facility for hairdressing at the end of these temporary periods.

50, 52 and 54 Brook Street are in office use.

The front first, second, third and fourth floors of 56 Brook Street are in office use.

The basement and ground floor of 58 Brook Street are in retail use, the first to third floors are in office use, whilst the fourth floor is in use as a flat.

The lower floors of 60 Brook Street are in retail use and the third floor is in use as a flat.

Brookfield House is in use as retail over ground and part-basement and as offices as part-basement and the upper floors.

South Molton Street Properties

This part of the development is made up of 14 buildings. With the exception of 42 South Molton Street, all are located on the south-western side of South Molton Street. The South Molton Street buildings are all four storey Georgian terraced houses (built in the mid-18th century) except for No.18 which is Victorian. Most of these buildings are Grade II listed, with the exception of No.17 which is Grade II* listed (because of its association with the artist and poet William Blake) and Nos. 22, 23, 27 and 42 which are not listed.

These buildings are all in retail use over the entirety of the basement and ground floors, with some retailing taking place over first floors levels (Nos. 23, 24, 25 and 27). With the exception of two flats at third floor levels of 21 and 24 South Molton Street, the remainder of the floorspace over the upper floors is in office use.

40-46 Brook Street and 40 South Molton Lane

These comprise four Grade II listed former dwellinghouses and associated mews building dating from the late-19th century.

The buildings are connected internally and are entirely in office use.

Site 2 – 14 North Row

14 North Row is a grade II listed building in the Mayfair Conservation Area to which it makes a positive contribution. It is in the Great Estates Area of Special Archaeological Priority and the CAZ. Immediate to the south is 16-19 Dunraven Street, also Grade II listed.

It stands on the south side of the street and is of two-storeys plus an attic storey within the roof space. There are wide dormer windows in the slate roof with prominent chimneys. It has garage doors at ground floor level. The building has been extended eastward and has a somewhat incongruous flat roof.

The lawful use is as garage storage (Sui Generis) at ground floor level, with two residential (Class C3) above. The site has been vacant since 2017.

Site 3 – 24 North Audley Street

24 North Audley Street is Grade II listed and is in use as a public house (Sui Generis). The basement and ground floors comprise the publicly accessible bar and dining areas, whilst the upper floors comprise ancillary accommodation including a kitchen and staff accommodation.

The site is located within the CAZ and the West End Retail and Leisure Special Policy Area.

The building forms the end building of this nineteenth century listed terrace at 24-29 North Audley Street. The terrace was constructed as purpose-built of flats over shops with basements to designs by Thomas and Frank Verity, architects noted for their work on West End theatres, and widely used by the Grosvenor Estate at this time. The terrace forms part of a set piece of late Victorian development in this part of Mayfair.

6.2 Recent Relevant History

Site 1 – South Molton Triangle

20/03987/FULL

Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Class D1 (Non-Residential Institutions) and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works.

Application Permitted 8 April 2022

The above permission was amended on 15 June 2022 (Ref: 22/03379/NMA) in the following ways:

1. To revise the description of development to omit reference to Class D1 (Non-Residential Institutions) and replace this with the phrase 'Community Infrastructure and Facilities';
2. To amend the wording of Condition 31 to allow uses within Class F1, Class E(e) or Class F(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to occupy the floorspace; and
3. To revise the description of development to include reference to the removal and

reinstatement of certain building features to the façade of 56 Davies Street.

The approved description of development therefore now reads:

'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), ~~Class D1 (Non-Residential Institutions)~~ Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'.

Condition 31 now reads:

'Prior to the commencement of the use of the part ground and part basement unit within the North Block annotated as D1 - N.D1 (and prior to any subsequent materially different use), full details of the nature of the use of this unit, under Class F1, Class E(e) or Class E(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it), shall be submitted for the City Council's approval. The use of this space (and any subsequent materially different uses) shall be in full accordance with the details approved by the City Council'.

50-54 Davies Street (Ref: 20/03901/LBC)

Partial demolition to second and third floors behind retained Davies Street elevation, partial demolition of rear elevation and demolition of roof, reconstruction of second and third floor to form part of new building of up to 9 storeys; all to 52-54 Davies Street. Internal and external alterations, refurbishment and reinstatement works, and other associated works.

Permitted – 8 April 2022

40-46 Brook Street and 40 South Molton Lane (Ref: 20/03902/LBC)

Excavation to deepen rear basement level and extend beneath Davies Mews, reinstatement of historical features, internal and external alterations and localised fabric removal, installation of corner turret and side gables, installation of roof plant, and other associated works.

Permitted – 8 April 2022

1-7 Davies Mews and 28-30 South Molton Lane (Ref: 20/03903/LBC)

Demolition behind retained Davies Mews and South Molton Lane facades and front roofslopes, enhancement of street elevations and front roofslopes, and other associated works. Excavation of new sub-basement and redevelopment to form part of new building over sub-basement, basement, ground and eight upper floors.

Permitted – 8 April 2022

10 South Molton Street (Ref: 20/03907/LBC)

Demolition of later rear addition to create a ground floor opening and passageway from South Molton Lane to South Molton Street, internal and external alterations, shopfront and facade improvements, fenestration enhancements, and other associated works.

Permitted – 8 April 2022

15-21 South Molton Street (Ref: 20/03909/LBC)

Reconfiguration to front and rear ground floor elevations, alterations to upper floors, removal of staircase to No. 19, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, installation of roof level plant and other associated works.

Permitted – 8 April 2022

24-25 South Molton Street (Ref: 20/03910/LBC)

Installation of replacement front and rear shopfronts of No. 25, alterations to front and rear elevations on upper floors including installation of replacement windows, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, and other associated internal and external works.

Permitted – 8 April 2022

Site 2 - 14 North Row

None.

Site 3 - 24 North Audley Street

None.

7. THE PROPOSAL**Site 1 – South Molton Triangle**

The application at Site 1 is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to development land without compliance with the conditions previously attached. The decision letters of the original planning permission and how this was amended on 15 June 2022 (Ref: 22/03379/NMA) are included as background papers.

Following further design review related to detailed RIBA design stages, a number of amendments are proposed to the approved development to enhance the scheme's functionality and environmental performance. The application seeks the substitution of

the approved drawings with the revised drawings showing the proposed amended development. This is achieved through amending Condition 1.

The most significant of the proposed changes by development phase are as follows.

North Block

- The overall height is proposed to be increased by 460mm.
- The approved Basement 2 level that forms part of the re-provision of the community infrastructure and facilities floorspace approved to be lost from 48 and 56 Brook Street is proposed to be omitted. The floor-to-ceiling height of the Basement 1 is proposed to be increased from 3.5m to 4.6m. A small mezzanine is also proposed to be introduced between an enlarged ground floor entrance and Basement 1 level.
- In respect to this proposed reduced community infrastructure and facilities floorspace, the application seeks the wording of Condition 31 to be amended to both reflect the proposed updated drawings and to add uses within Class E(d) (i.e. for indoor sport, recreation or fitness) to the range the permitted uses for this floorspace. This is in addition to the approved Class F1 (i.e. learning and non-residential institutions), Class E(e) (i.e. medical or health services) or Class E(f) (i.e. creche, day nursery or day centre).
- A small flexible retail / café / restaurant on the South Molton Lane frontage is proposed to be omitted in order to allow for a larger ground floor entrance to the subterranean community infrastructure and facilities use.
- The basement retaining wall of 1-7 Davies Mews and 28-30 South Molton Lane onto Davies Mews is now proposed to be demolished.
- Minor design changes are proposed to 1-7 Davies Mews and 28-30 South Molton Lane, including the replacement of non-original windows.
- Minor changes are proposed to the size and proportion of the new windows within the re-build Davies Street façade of 56 Davies Street.
- A brickwork chimney and the roof structure to the turret of 1-7 Davies Mews and 28-30 South Molton Lane at the corner of Davies Mews and South Molton Lane is now proposed to be demolished and reconstructed to match existing (it is approved to be retained).
- The layout of Basement 1 is proposed to be altered, with the bike store relocated and the service corridor that provides access into the rear of 50-54 Davies Street omitted.
- The detailed design of the upper floors is proposed to be altered, with a greater proportion of glazing on the upper floors.
- Three rather than four flexible retail / café / restaurant commercial units are proposed on the Davies Mews frontage.
- The approved flexible retail / café / restaurant floorspace within the basement, ground and first floor of 52 Davies Street and the basement and ground floors of 54 Davies Street are proposed to be replaced by: (i) An extension to the public house at 50 Davies Street to provide additional dining capacity within the basement of 52-54 Davies Street and the ground and first floors of 52 Davies Street; and (ii) The ground floor of 54 Davies street is proposed to be converted into office floorspace as an extension to the approved office reception within 56 Davies Street. The entrance to the approved overnight accommodation on second and third floors of 50 Davies is proposed to be relocated to 52 Davies Street so that this accommodation has its own entrance, separate from the bar of the public house.

South Block

- The overall height is proposed to be increased by 500mm.
- The fenestration to the proposed rebuilt Brookfield House is proposed to be realigned.
- It is proposed to extend the perimeter of the roof top plant screen.
- Alterations are proposed to the Brook Street basement frontages at 48-54 Brook Street.

40-46 Brook Street and 40 South Molton Lane

- The approved excavation beneath Davies Mews is proposed to be omitted.
- Minor internal layout changes are proposed.

South Molton Street Properties

- Single storey extensions are proposed at rear second floor level of 20 and 22 South Molton Street, although no additional habitable rooms are proposed.
- 10 South Molton Street - the detailed design of the gates on either end of the new passageway are proposed to be altered, additional plant is proposed at roof level and minor changes are proposed to the design and width of the passageway.
- Alterations to the detailed design of some shopfronts are proposed.
- Less excavation is proposed in the basement levels of 21-25 South Molton Street, resulting in a reduction in flexible retail / restaurant / café floorspace.
- Additional mechanical plant is proposed at 10, 27 and 42 South Molton Street to allow for the entire site to be powered by electricity only.
- Minor changes to the approved layouts of the new residential accommodation are proposed, including additional detail on fire compartmentalisation and acoustic separation.
- Where windows are replaced, double glazed windows are now proposed instead of the approved secondary glazing.
- Ventilation grilles to the South Molton Lane frontages and within some of the shopfronts on South Molton Lane are proposed in order to allow air exchange (but not kitchen extracts).

In addition to the amendments to Conditions 1 (approved drawings) and Condition 31 (use of approved re-provided community infrastructure and facilities floorspace), the application also seeks to vary the wording of several other conditions.

The majority (i.e. Conditions 20, 47, 49, 53, 55 and 57) are proposed to be simply amended so that the drawings referenced in these conditions reflects the proposed amended drawings. A number of other conditions also need minor updates to reflect the proposed amendments to the approved development.

More substantive are the proposed amendments to the wording of Conditions 17 and 39.

Condition 17

Condition 17 secures that the primary use of at least 50% of approved floorspace within the non-office commercial ground and basement units within the North Block (excluding 50 Davies Street), the South Block, the commercial units at basement and ground floors of Nos. 10, 17-25, 27 and 42 South Molton Street, and the commercial units at ground floor of Nos. 15-16 South Molton Street shall be for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Up to 50% of the remainder of the floorspace of these units may be used for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. This is secured by Condition 14.

The reason for the imposition of Condition 17 is to secure a balance in the development between retail and restaurant / café floorspace so that the development would not become solely a restaurant / café destination, whilst ensuring that the applicant was also given flexibility in the distribution of shop / café / restaurant uses (albeit that the primary use of the ground and basement floors of 23-25 South Molton Street and 27 South Molton Street are only permitted to be for the display or retail sale of goods, other than hot food, principally to visiting members of the public. – Condition 14).

The applicant is seeking that the wording of Condition 17 be amended to remove from its scope the proposed extended public house within the basement of 50-54 Davies Street and ground and first floors of 50-52 Davies Street. The result of this proposed amended condition is that the minimum amount of floorspace within the development that must be primarily used for the display or retail sale of goods, other than hot food, principally to visiting members of the public would reduce from 2,948 sq.m to 2,803 sq.m.

Condition 39

This condition ensures that noise emitted from internal activity is at least 10 dB below the minimum external background noise level at a point 1m outside any window of any residential or other noise sensitive property. This threshold increases to 15 dB below the minimum external background noise when the noise contains tones.

The application seeks that the extended public house within the basement of 50-54 Davies Street and the ground and first floor of 50-52 Davies Street are excluded from the scope of Condition 39.

The combined effect of the proposed amendments in land use terms is summarised in Table 1 below:

Land Use	Existing floorspace (sq.m GIA)	Approved floorspace (sq.m GIA)	Proposed floorspace (sq.m GIA)	Net between existing and proposed (sq.m GIA)	Net between approved and proposed development (sq.m GIA)
Retail (Class E)	5,372	At least 3,136 sq.m and up to 6,272 sq.m	At least 2,803 sq.m and up to 5,605 sq.m	Between -2,569 and +233	-333
Café and restaurant (Class E)	0	Between 0 sq.m and 3,136 sq.m	Between 0 sq.m and 2,803 sq.m	Between 0 and +2,803	-333
Public House / Bar (<i>Sui Generis</i>)	425	506	797	+372	+291
Office (Class E)	9,556	18,947	19,140	+9,584	+193
Hotel (Class C1)	0	3,168	3,083	+3,083	-85
Residential (Class C3)	940 (9 x units)	2,923 (33 x units)	2,907 (33 x units)	+1,967 (+24 x units)	-16 (-)
Flexible Community Infrastructure and Facilities (Class F1 / Class E)	1,205	1,208	698	-507	-510
Overnight guest accommodation above the Running Horse Public House (<i>sui generis</i>)	0	150	146	+146	-4
Army Reserve Centre (<i>Sui Generis</i>)	2,930	0	0	-2,930	-
Waxing Salon (<i>Sui Generis</i>)	165	0	0	-165	-
UKPN sub-station (<i>Sui Generis</i>)	19	99	55	+36	-44
TOTAL	20,613	33,273	32,431	+11,818	-842

Table 1: Existing and proposed floorspace totals, ignoring temporary uses.

In parallel, six listed building consent applications have been submitted to reflect the changes proposed within the S73 application. These applications will provide alternative consents to the listed building consents granted on 8 April 2022.

Site 2 – 14 North Row

As Table 1 shows, the SMT application proposes a 510 sq.m GIA reduction in the approved flexible 'community infrastructure and facilities' floorspace. The result is that the development no longer re-provides the community infrastructure and facilities floorspace lost from 48 Brook Street and 56 Brook Street (1,205 sq.m GIA) in the form of the Vidal Sassoon hairdressing training centre.

In order to compensate for this provision, this application proposes to extend and alter 14 North Row and to use this building to provide community infrastructure and facilities floorspace in the form of an education training facility (Class F1) or a medical centre (Class E).

A summary of the existing and proposed floorspace is set out within Table 2 below:

	Existing floorspace (sq.m GIA)	Proposed floorspace (sq.m GIA)	Net
Residential (Class C3)	158.8 (2 x units)	0	-158.8 (-2 x units)
Garage / Storage (<i>Sui Generis</i>)	346.6	0	-346.6
Flexible education (Class F1) or medical facility (Class E)	0	471.7	+471.7
TOTAL	523.4	471.7	-51.7

Table 2: Existing and proposed floorspace.

As a result, the proposed 510 sq.m GIA reduction in flexible 'community infrastructure and facilities' proposed at SMT would be reduced to a 38.3 sq.m reduction when assessed as a land use package with the development proposed at 14 North Row.

As part of the proposed conversion of the building to provide community infrastructure and facilities floorspace, a number of alterations are proposed to this building. At ground floor level, the five garage doors are proposed to be replaced with door sets comprising of part timber panels and part glazed windows. At roof level, the hipped and slate clad roof is proposed to be extended over the non-original extension's flat roof, with a dormer window added to the front elevation to match the two existing dormer windows. This roof extension necessitates a small rear extension at second floor level.

Despite the roof extension that enlarges the second-floor level, the proposal will result in a small (-51.7 sq.m) loss of floorspace due to the creation of an external courtyard at rear ground floor level.

Site 3 – 24 North Audley Street

The two residential units (158.8 sq.m) proposed to be lost as a result of the conversion of 14 North Row into either an education training facility (Class F1) or a medical centre (Class E) are proposed to be re-provided at 24 North Audley through the conversion of the upper floors of this public house into three flats. These flats would have their own separate access, independent of the public house.

A summary of the existing and proposed floorspace is set out within Table 3 below:

	Existing floorspace (sq.m GIA)	Proposed floorspace (sq.m GIA)	Net
Residential (Class C3)	0	324.4 (3 x units)	+324.4 (+3 x units)
Public house (<i>Sui Generis</i>)	767	364.4	-402.6
TOTAL	767	688.8	-78.2

Table 3: Existing and proposed floorspace

When assessed as a land use package alongside the proposal at 14 North Row, the proposals would see a net increase in one residential unit and an increase in residential floorspace of 165.6 sq.m.

8. DETAILED CONSIDERATIONS

Application Context

The application at Site 1 is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to develop land without compliance with the conditions previously attached. Section 73(2) of the Act states:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application'.

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. An obvious example of such a wider consideration is that the City Council must reassess if the development would result in any harm to the significance of heritage assets and, if it remains the case that such harm is less than substantial, then the weighing exercise of this harm against any public benefits of the amended development must be undertaken again.

All three applications for planning permission, including that submitted under Section 73, must be determined in accordance with the development plan (i.e. the London Plan (adopted March 2021), the City Plan (adopted April 2021) and the Mayfair Neighbourhood Plan (adopted December 2019)), unless material considerations indicate otherwise. The development plan remains unchanged from that used in the assessment of the original application at Site 1. The NPPF (adopted July 2021) also remains unchanged. The original permission at Site 1 represents a fall-back position that carries great weight in the decision-making process.

8.1 Land Use

8.1.1 Omission of Basement 2 level within the North Block of Site 1 and use of 14 North Row (Site 2) for community infrastructure and facilities floorspace

Education, sports and recreation, and health facilities all fall within the City Plan's definition of 'community facilities / infrastructure'.

There is no land use objection to the provision of flexible education (Class F1) or medical (Class E) facility at 14 North Row, with City Plan Policy 17(a) stating, '*New community infrastructure and facilities will be supported where there is an identified present or future need*'. This is subject to conditions that the education facility will be for tertiary education only and that the permission will be restricted to the uses sought only and for no other uses within Class E or Class F1. The loss of the off-street car parking is welcome.

The approved SMT development fully off-sets the loss of the community infrastructure and facilities floorspace in the form of the vacant Vidal Sassoon hair dressing academy at 48 and 56 Brook Street. The same is not true of the proposed amendments to the SMT development.

The proposed omission of the Basement 2 level within the North Block and therefore reduction (-510 sq.m) in approved community infrastructure and facilities floorspace is not fully off-set by the proposed re-provision of such floorspace at 14 North Row (+471.7 sq.m). This small (-38.8 sq.m) reduction in such floorspace when the land use package is considered as a whole is contrary to City Plan Policy 17(c) that protects existing community facilities and floorspace except in two circumstances, neither of which are applicable in this instance.

Despite this technical policy conflict, the provision of two higher quality community infrastructure facilities close to each other in north Mayfair is considered to provide greater benefit to the local community when compared to the single, poorer quality replacement facility in the approved SMT development. The proposal would also see 14 North Row brought back into active use. These factors are considered to represent a compelling material consideration that justifies the conflict with City Plan Policy 17.

At 14 North Row, the replacement of the blank garage doors at ground level with door sets comprising of part timber panels and part double-glazed windows will provide an animated ground floor frontage that will provide visual interest and better engage with the streetscene, in accordance with City Plan Policy 14(B). This is a significant benefit of the proposal.

A legal agreement is recommended to secure the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Block at Site 1 and the entirety of Site 2 within 8 years of the commencement of demolition of either 48 or 56 Brook Street. This timeframe remains unchanged from that secured in the legal agreement for the approved SMT development.

8.1.2 Amendment to the wording of Condition 31 to allow a wider range of community infrastructure and facilities floorspace with the North Block (Site 1)

Given that sports and recreation also fall within the City Plan's definition of 'community facilities / infrastructure', there is no objection to the wording of Condition 31 at Site 1 being amended to allow for the inclusion of uses within Class E(d) (i.e. for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public). The exact nature of the eventual use (and any subsequent materially different uses) of the floorspace will still be subject to approval by the City Council. Such an approach is compliant with City Plan Policy 17.

8.1.3 Expansion of existing public house at 50 Davies Street and amendments to the wording of Condition 39 (Site 1)

City Plan Policy 2 supports the intensification of the West End Retail and Leisure Special Policy Area, alongside an improved retail and leisure experience that responds to innovation and change in the sector and a diverse evening and night-time economy and enhanced cultural offer. These objectives need to be balanced against the requirement to protect residential amenity and local environmental quality, as set out within City Plan Policy 7.

City Plan Policy 14(A) seeks to enhance and diversity the office of existing town centre as places to shop, work and spend leisure time. City Plan Policy 14(B) requires uses that provide active frontages and serve visiting members of the public throughout the town centre hierarchy (this includes the West End Retail and Leisure Special Policy Area). City Plan Policy 14(C) requires all development to be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed, with the West End Retail and Leisure Special Policy Area providing a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy. London Plan Policy HC6(B)(6) states that planning decision should, '*protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues*'.

In terms of the impact of the proposed expansion of the existing public house at 50 Davies Street, City Plan Policy 16(A) states, '*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*'.

The proposed expansion of the existing public house at 50 Davies Street into the basements of 52-54 Davies Street and the ground and first floors of 52 Davies Street will enhance the dining offer and provide a dedicated entrance to the approved overnight accommodation over second and third floors. The expanded public house will also be more accessible through wider access doors and a lift between basement and ground floor levels. It is considered that its proposed expansion would support its continued viability and enhance its contribution to the evening economy of this part of the West End Retail and Leisure Special Policy Area. Furthermore, the ground floor of 52 Davies Street will continue (compared to the approved development) to provide an active frontage for visiting members of the public, in accordance with City Plan Policy 14(B).

Although residents do live close by, including within St. Anslem's Place and directly opposite at 59 Davies Street, it is not considered that the scale and type of this expanded public house will be harmful to the amenity of these local residents. Furthermore, there is no overconcentration of such entertainment uses in this part of the CAZ and the nature and scale of the proposed expanded public house is not considered to be harmful to the character of this part of the CAZ, in accordance with City Plan Policies 7 and 16. This is subject to a condition requiring the windows at basement floors of 52-54 Davies Street and the ground and first floors of 52 Davies Street to remain closed after 23.00 daily.

The current wording of Condition 39 controls noise outbreak from the approved development. The application seeks that the wording of this condition be amended to remove from its scope both the existing public house at 50 Davies Street and the proposed extension to the public house (i.e. the basements of 52-54 Davies Street and the ground and first floors of 52 Davies Street). Removing the existing public house from Condition 39's scope is uncontroversial given that this is a longstanding existing use that should not have been subjected to new control. Furthermore, it is accepted that it would be difficult to enforce this condition if only part of a planning unit was subjected to its control. For this reason, it is recommended that the wording of Condition 39 should be amended to omit both the existing and proposed expanded public house from its scope. It is considered that noise outbreak from the expanded element can adequately be mitigated by the imposition of a condition requiring the windows at basement floors of 52-54 Davies Street and the ground and first floors of 52 Davies Street to remain closed after 23.00 daily, as set out above.

8.1.4 Amending the wording of Condition 17 to exclude the floorspace within the proposed expanded public house (Site 1).

The proposed amendment to Condition 17 would mean that the minimum amount of floorspace within the development that must be primarily used for the display or retail sale of goods, other than hot food, principally to visiting members of the public would reduce from 2,948 sq.m to 2,803 sq.m. Although the expansion of the public house does not necessitate this amended wording, the impact upon the mix of uses within the development will not be readily perceptible. The development will still result in an acceptable mix of retail and restaurant / café for this part of the West End Special Retail and Leisure Policy Area, in accordance with City Plan Policies 1, 2, 14 and 16.

8.1.5 Use of the ground floor of 54 Davies Street as an extension to the North Block office entrance (Site 1)

The proposed replacement of the approved flexible retail or restaurant / café unit at ground floor of 54 Davies Street with meeting rooms / waiting area in association with the adjacent office lobby within 56 Davies Street is disappointing. It is considered that this represents a lost opportunity to provide greater interest to this part of Davies Street and a use for passing commuters, visitors and residents. This is contrary to City Plan Policy 14(B) as the proposed use fails to provide an active frontage at ground floor level and a use that serves visiting members of the public.

However, this ground floor does not currently serve visiting members of the public and

therefore there is no actual loss of an active frontage / use, only a lost opportunity. Furthermore, this building does not enjoy level access, and as set out within Section 8.4 of this report, the configuration of the ground floor of 54 Davies Street represents an improvement in heritage terms when compared to the approved development as it creates a better sense of that building's original plan form. For these reasons, this proposed alteration is considered to be acceptable.

8.1.6 Omission of flexible retail / café / restaurant on the South Molton Lane frontage of the North Block (Site 1)

This unit's loss is a consequence of the applicant's desire for a larger entrance to the community infrastructure facility within the basement of the North Block. The entrance to this unit will also provide an active frontage and a use that serves visiting members of the public, in accordance with City Plan Policy 14(B). As such, the proposed amended development will continue to activate South Molton Lane to the same extent as the approved development. For these reasons, this amendment is considered to be acceptable.

8.1.7 Proposed extensions to the market housing at 20 and 22 South Molton Street (Site 1)

Despite the proposed small extensions to two of the approved market flats, the proposed amendments to Site 1 would see a reduction in the residential floorspace of 16 sq.m. This is a result of the reduction in the area dedicated to plant and cycle stores (although the provision remains unchanged). There are no changes to the number of residential units proposed, bedrooms or habitable rooms.

The scheme still provides 35% affordable housing by habitable room and by floorspace. This proposed amended development is therefore still in accordance with London Plan Policies H4 and H5, as well as City Plan Policies 1(A)(2) and 9(B).

The tenure split of the affordable homes proposed remains unchanged; seven social housing units where rents charged will be at London Affordable Rents (LAR) and four units let as intermediate rented housing where rents are set at London Living Rent (LLR) levels. The tenure split remains between social and intermediate forms of affordable housing remains as approved at 64:36 by units and 75:25 by habitable room.

8.1.8 Re-provision of residential units / floorspace lost from 14 North Row at 24 North Audley Street (Site 2 and 3)

There is no objection to the loss of the two residential units (158.8 sq.m) on the upper floors of 14 North Row subject to the three flats (324.4 sq.m) at 24 North Audley Street being ready for occupation prior to the commencement of the flexible education training facility (Class F1) or medical centre (Class E) at 14 North Row. It is recommended that this be secured by legal agreement. The proposed units are of good quality, adequate size and include the provision of one family sized unit.

The upper floors of the building are not publicly accessible. The first-floor level is used for general storage of non-pub related items with a small staff area. The second floor is utilised as the kitchen serving the pub at lower levels with a large mechanical flue exiting

the rear window. The third and fourth floors are in use as low quality ancillary staff accommodation.

City Plan Policy 16 states, '*Replacement of ancillary spaces on upper floors to public houses, such as function rooms or accommodation, may be acceptable where it can be satisfactorily demonstrated that loss of this floorspace will not compromise the viability or function of the public house*'.

It is accepted that the ancillary uses of the upper floors of the building are not vital to the continued function of the public house. There are also functionality benefits to relocating the kitchen to the lower ground floor, as well as giving the opportunity to install a full height kitchen extract which is a considerable improvement over the current kitchen extract arrangements.

Environmental Sciences has reviewed the submitted air quality assessment and advises that there is no objection to the introduction of new residential units in the location and that mitigation measures to protect future occupants of the new flats are not required.

In addition, Environmental Sciences has reviewed the proposed measures to mitigate the transfer of noise from the retained public house at ground and basement levels. Environmental Sciences has advised that the result of the testing undertaken by the applicant indicates that the internal noise levels within the proposed flats will be policy compliant. This will both to ensure good quality residential accommodation but also to ensure that the introduction of this noise sensitive use does not fetter the future operation of the public house below.

8.1.9 Use of 17 South Molton Street (Site 1)

An objection has been received from the William Blake Fellowship in relation to No.17 South Molton Street. This is a grade II-Star listed building with a plaque recording it as the home of William Blake. The objection notes, "*That this building as the home of William Blake is of National interest is without doubt*" and it is quoted that, "*During the autumn of 1803 the Blakes moved to 17 South Molton Street. It is a short street running north at an oblique angle into Oxford Street about a mile from Blake's birthplace in Soho. Here they took up a small flat, up one flights of stairs...*" where the Blakes lived "*...usually in cheerful obscurity, for the next 17 years.*"

The significance of the building and its connection with Blake is not in dispute. The root of the objection is that the opportunity has not been taken, in heritage asset terms, to better reveal the significance of the building as William Blake's home which could be achieved by, as the objector suggests, making the building into an education and visitor centre.

Noting the quote that the 'flat' was up one flight of stairs, it may reasonably be assumed that the rooms occupied by the Blake's were at first floor level. While these rooms have been heavily modernised, they still contain historic decorative features such as cornices, dado rails, skirtings, doors, and chimneypieces. The upper floors are plainer, as is to be expected, but still contain various features of interest including a cast-iron fireback. The staircase is good, of its type, despite some unsympathetic alterations.

In both the current and previously approved scheme, the building's special historic and architectural interest will be maintained. A museum use may be better fit for this building in heritage asset terms, offering the opportunity to considerably enhance the significance of the building and to provide public access (which would be a substantial public benefit). Furthermore, it would complement other museums nearby, such the Handle House Museum. However, the use of this building as a museum and visitor centre does not form part of the approved development and this remains unchanged in this application.

Given that the scheme in its current form still meets the statutory tests (i.e. it preserves the building and any features of special architectural or historic interest which it possesses - Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990), it is not considered to be sustainable to refuse permission on the ground that the opportunity has not been take to use this building as a museum and visitor attraction.

A meeting has taken place between the applicant, officers and a representative from the William Blake Fellowship. The applicant is aware of the historical importance of 17 South Molton Street. Officers will continue to provide input on how some or all of the Fellowship's aspirations for this building can be achieved.

8.2 Environment & Sustainability

Site 1 – SMT

The legal agreement for the original development is the third of the background papers to this item. No change to the approach for maximising operational regulated carbon savings is proposed as part of this application (please see Section 9, Schedule One of this legal agreement).

The proposed reduction in basement excavation and the re-designing of the steel frame for the North and South Blocks to reduce the quantum of steel used is expected to result in a 11.95% reduction in the quantum of carbon dioxide equivalent associated with the construction of the development. The result is that the carbon dioxide equivalent emitted during the construction of the development is expected to be lower than the aspirational whole life carbon benchmark set out within the GLA's Whole Life-Cycle Carbon Assessments guidance (adopted March 2022).

The applicant has also committed to an additional target for the retail or restaurant / café floorspace at basement and ground floor levels of the South Molton Street Properties to achieve at least BREEAM 'Very Good' or, if possible, BREEAM 'Excellent'. There is no target for this retained floorspace in the approved development. Such a commitment represents a welcome addition to the sustainability credentials of the scheme and the necessary changes to Condition 59 to achieve these targets are recommended to be made.

8.3 Biodiversity & Greening

Site 1 – SMT

No change to the scheme is proposed in this respect.

Site 2 - 14 North Row

A 31.8 sq.m bio-diverse living roof is proposed above the cycle store at rear ground level. This is proposed to be planted up with a range of wildflower, grasses and sedums. This will provide much-needed habitat for a range of species.

Site 3 – 24 North Audley Street

A bio-diverse roof is proposed at rear first floor level, along with a green wall and planting. This will provide much-needed habitat for a range of species.

8.4 Townscape, Design & Heritage Impact

8.4.1 Legislative & Policy Context

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.”*

Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of ‘sustainable development’ where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at Paragraph 199 that when considering the impact of a proposed development on a designated heritage asset (which includes its setting), local planning authorities should give ‘great weight’ to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significant of a designated heritage asset should require clear and convincing justification and substantial harm or total loss should be exceptional. In the case of Grade II* or Grade I listed or registered assets or World Heritage Sites, substantial harm or loss should be wholly exceptional (Paragraph 200).

Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, Paragraph 202 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

In considering these proposals the key urban design and conservation policies relate to the protection of conservation areas, listed buildings, views, and the quality of new design, and alterations to existing buildings. These include City Plan Policies 38, 39 and 40. The City Council's supplementary planning guidance 'Repairs and Alterations to Listed Buildings', 'Development and Demolition in Conservation Areas', 'Roofs' and 'Design Matters' is also relevant.

8.4.2 Site 1 – South Molton Triangle

Building height and roof level alterations

With regard to the proposed increase in the height of the North and South Blocks (+500mm and +460mm, respectively, these increases judged against the approved development are very slight and views provided indicate the visual impact of the changes will be negligible in comparison to the approved scheme. There is no additional harm in heritage asset terms to this alteration when compared to the approved development.

The replacement of the rooftop glass balustrade at 56 Davies Street in favour of a more visually sensitive, painted metal, balustrade to reduce its visibility and reflectivity is welcome. The handrails are proposed to be set back so that they are less visible from the street.

The approved glazed balustrades at Brookfield House were omitted from the consented scheme drawings in error. They are now included as part of this application and are shown on the updated verified views submitted with the application.

Mechanical plant

A number of buildings within the site incorporate rooftop plant in the approved scheme. It is now proposed to extend the rooftop plant screen of the South Block to future-proof the building for additional tenant plant. There is no objection to this additional plant area and screening in design or heritage asset terms. Additional plant is proposed along the roofs of the South Molton Street properties, which accommodate more air source heat pumps. The proposed rooftop plant, and plant screening, is not visible from South Molton Street and is in-keeping with the design and appearance of the approved scheme.

Windows

Additional windows are proposed to the office units on the upper floors of the North Block. It is also proposed to change the doors to the fifth floor of the North Block office building from individual side hung doors to tripartite sliding doors. The doors are set back from the brick parapet, so that only the upper section of the doors is visible from the street. Therefore, they will appear little different from the approved development.

At Brookfield House and 56 Davies Street, further design consideration has been given to the window proportions and the retained facades of the buildings. The window-to-wall ratios are proposed to be amended to better reflect a consistent approach between

existing and proposed elevations, whilst also providing improved daylighting to the internal spaces where window proportions have increased.

At 56 Davies Street, the slight increase in window size compared to the approved scheme ensures the proposed façade maintains the proportions of the existing building and the relative proportions of solid-to-void.

At 48-60 Brook Street it is now proposed to lower the lower ground and basement level windows to improve their relationship with the new ceiling heights within.

The approved development includes retention and refurbishment of a number of windows which are in poor condition, as well as the installation of secondary glazing. Following further review and investigation of their condition, it is now proposed to replace rather than refurbish windows to improve the thermal and acoustic performance of the buildings. Existing timber casement and sash windows will be replaced at the unlisted 48, 50, 56, and 58 Brook Street.

It proposed to retain and refurbish the single glazed leaded windows at 52-54 Brook Street and install secondary glazing to improve their thermal and acoustic performance, because the existing windows are a significant feature of the building and their characteristic, multi-faceted, appearance cannot be recreated with double-glazing.

Furthermore, a number of amendments to windows are proposed in the buildings along South Molton Street including the installation of double-glazed windows where windows are to be replaced, as well as the retention of single-glazed windows with secondary glazing installed in parallel.

There is no objection to these alterations in design or heritage asset terms, and they will preserve the buildings' special interest and maintain the character and appearance of the surrounding conservation area. This complies with City Plan policies 38, 39, and 40, and with policy MD of the Mayfair Neighbourhood Plan.

South Molton Street & South Molton Lane Alterations

There is no objection to the omission of the approved basements at 20 – 25 South Molton Street which will retain additional existing building fabric. There is similarly no objection to the retention of additional internal fabric to 17, 18, 21 and 25 South Molton Street.

The new residential accommodation has been replanned to retain historic fabric, and accommodate services and storage requirements. In particular, new openings are proposed to connect the residential front rooms to the adjacent kitchens to whilst retaining historic plan form in 18, 20, 21, and 25 South Molton Street. A cased opening, doors will, frame the new opening. There is no objection to these proposed alterations from a historic building perspective.

Fire door upgrades are proposed in 10, 15-25, 27 and 42 South Molton Street. There are a number of historic and/or original internal doors with their architraves that are currently situated within the listed buildings which are proposed for removal as part of the plan rearrangement of the first to third or fourth floors of the South Molton Street buildings. Mostly, they are in 24 and 25 South Molton Street which are grade II listed, and in 17

South Moton Street (Grade II-Star listed). It is proposed that the affected doors and their architraves will be retained on site and relocated into new openings within the same property and where possible on the same floor. Where there are doors of different status their new home will reflect that - for example a hallway door to a main room might be relocated to a bedroom door whereas a WC door would be relocated to a bathroom or services cupboard.

The residential accommodation within 10, 27 and 42 South Molton Street will be provided with their own independent heating system via air source heat pumps as these units are located separately from the main terraced property group. The South Molton Street buildings have been changed over the years to suit commercial uses, consequently there are a number of existing risers which will be reused where suitable. However, there is a significant increase in the services requirement (over the existing), in order to provide for the new residential and commercial accommodation, and fire suppression systems. These risers require common access, and so are best sited in locations which can be accessed from the common stair. The proposed services strategy therefore seeks to combine the existing risers, with new localised wall-chases, as well as the creation of lined-out risers. These will be sensitively located so as to maintain circulation around stairs and entrances, as well as to reduce their visual impact in heritage asset terms.

1-7 Davies Mews and 28-30 South Molton Lane

As with the approved scheme, the existing windows will be retained and refurbished. It is proposed to install secondary glazing behind them to improve thermal and acoustic performance. At roof level, it is now proposed that the solid timber semi-circular front fascia of the arched dormer windows is replaced with glazing to improve the daylighting into the rooms they serve, and the roof behind the parapet of the corner tower on South Molton Lane, along with a chimney, will be taken down and reconstructed to match.

Internally, it is proposed to install a breathable insulation layer on the walls comprising a spray-applied lime render with cork particles that is capillary active and vapour permeable to mitigate the risks of interstitial condensation. This would be finished with a lime-based plaster.

It has become apparent that the original front basement wall, if retained, would have to be completely encased within concrete with a drained cavity due to structural necessity and a high-water table. In order to simplify the structural design, improve the construction methodology and to facilitate services routes between the north and south buildings, it is now proposed to remove this basement wall. The wall contributes little to the significance of the building and therefore its removal will result in a low level of less than significant heritage harm.

50-54 Davies Street

It is now proposed to carry out further alterations to create connections, laterally, to 52 and 54 Davies Street, thus making the areas more functional, to provide a dedicated entrance via 52 Davies Street for guest rooms on the upper floors of 50 Davies Street, to make the ground and basement floors across 50-54 Davies Street more accessible by the introduction of a lift, and to reinstate central bar feature on the ground floor of the pub.

These alterations have been designed to minimise their impact on the buildings' special interest as far as possible and the alterations have a neutral impact on the buildings' special interest. The lift provides a public benefit, and the proposed configuration of the ground floor of 54 Davies Street is an improvement to the approved scheme as it creates a better sense of that building's original plan form.

40-46 Brook Street

The alterations now proposed are a necessary variation of those approved, after a side access chamber to the South Molton Lane sewer was discovered under Davies Mews. The basement plan has been reconfigured to avoid this feature, resulting in a slightly different arrangement of rooms in the basement and ground floor.

There is no objection to these alterations in design or heritage asset terms.

Alterations to rear facades in South Molton Lane

The approved development allows numerous changes to the street level frontages in connection with enhanced accommodation for commercial units, and this application seeks approval for minor amendments to the approved design. The changes are acceptable in design and heritage asset terms and will maintain the attractive, historic, functional character and appearance of the buildings facing on to South Molton Lane.

Rear extensions to 18 and 20 South Molton Street

The rear façades of buildings in South Molton Street are of a highly varied character. Therefore, in this case there is more than usual scope to provide modest extensions without harm to the character or appearance of the conservation area. The proposed extensions are sensitive to both buildings' special interest, and considered cumulatively with the other approved alterations, the heritage impact of these proposed alterations is considered to be no different from the approved development.

Internal alterations to the upper floors of the South Molton Street Properties

The applications for listed building consent have been amended to provide further detail on the required fire compartmentation and acoustic separation. While some of the properties are listed for 'group value only', this does not mean their interiors are devoid of interest or that they may be treated as insignificant in heritage asset terms. On the whole, all of the listed buildings contain features contributing to their special interest and these include, amongst other things, their plan form, historic carpentry, joinery, plasterwork, and staircases. Of greatest sensitivity, in this regard is the interior of the Grade II-Star listed No.17. However, this building has, along with the others, been heavily modernised in the past.

The proposed design strategy is invasive and will affect the special interest of all of the listed buildings. Nevertheless, in general, the strategy set out in the document is considered sufficiently sensitive to the special interest of the buildings. Therefore, subject to careful refixing of existing historic details such as skirtings, architraves, dados, etc., on the face of any new wall linings, and the authentic replication if any details that have to be concealed such as cornices, then the upgrade works are acceptable in heritage asset terms.

Alterations to the passageway and shopfronts at 10, 15, 17, 18, 22, 23, 25, 27 and 42 South Molton Street

10 South Molton Street - The proposed changes to the approved passageway are very minor and acceptable. The setting out and details of the shopfront vary slightly from the consented scheme. This takes into account design development of the technical details of the shopfront, increasing the width of the passageway and developing the design of the gates.

15 South Molton Street - The design of the shopfront varies from the approved scheme to account for the level of the first floor structure. The details then reflect this adjustment, as well as the design development of the technical design of the shopfront.

17 South Molton Street - The proportions of the replacement ground floor shop window are proposed to be amended to give the proposed new bay window better proportions in relation to the door, and to maintain the primacy of the entrance door. Two existing low level ventilation grilles in the facades, which were to be removed as part of the approved scheme are now to be retained to provide ventilation to the retail unit.

18 South Molton Street – The amended design seeks to retain the clerestory and side entrance, bringing the door forward to reduce the opportunity for anti-social behaviour. The modern part of the glazing is proposed to be replaced with sliding folding timber frame glazing above the stall riser with integrated decorative vent grilles.

22 South Molton Street - The revised proposals seek to retain the clerestory and side entrance, bringing the door forward to reduce the possibility of public nuisance. The modern part of the glazing is proposed to be replaced with sliding folding timber frame glazing above the stall riser with integrated decorative vent grilles.

23 South Molton Street - The proposed changes include the re-instatement of the glazed corner and return to the retail unit, to bring activation to the passageway entrance.

25 South Molton Street - The proportions of the proposed shopfront at No. 25 vary slightly from the approved design to accommodate the level of the first-floor structure behind the fascia. The revised details then reflect this adjustment, as well as incorporating ventilation grilles in the stall riser to service the retail unit. At the rear of No. 25, the design has been reconfigured to retain more of the existing building fabric when compared to the approved scheme.

27 South Molton Street - The proposed changes include increasing the openable part of the new retail entrance from a single to a double leaf door.

42 South Molton Street - The proposed changes are to replace the existing glazing adjacent to the residential entrance with new fire resisting glazing to permit safe exit from the upper floors.

All of these changes are considered to be acceptable in design and heritage terms.

8.4.3 Assessment of Public Benefits against Heritage Harm (Site 1)

The proposal is still considered to cause less than substantial harm to varying levels of less than substantial harm to the character and appearance of the Mayfair Conservation

Area and to the listed buildings and their settings. The higher levels of less than substantial harm are caused by the height and bulk of the new office buildings.

Para. 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

When undertaking this weighing exercise, the Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 8.2.1 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant, all of which remain largely unchanged by the proposed amendments to the proposed development:

Housing and Affordable Housing

The provision of 33 x good quality dwellings, of which eleven will be genuinely affordable.

Public Realm

The transformation of South Molton Lane and Davies Mews from poor quality backstreets with narrow pavements that are unattractive to pedestrians into an engaging, animated and well thought out public realm using good quality materials, intelligent lighting and greater greening (including potentially 11 x new trees) that will attract visitors, better integrate with the surrounding streetscape through the inclusion of the new passageway within 10 South Molton Street and create a destination.

Public realm and highways improvements are also proposed to Davies Street, Brook Street (north side), South Molton Passage and to the pavement lights to some of the South Molton Street properties. All of this will create a significantly improved public realm which, again, represents a public benefit. Given that the works to the public highway need to be agreed separately by the Director of City Highways (or the Cabinet Member for Environment and Highways) and the Oxford Street District Team, it is likely that the details of the works may change. It is clear, however, that the applicant is committed to producing the highest quality public realm that will greatly enhance the appearance and function of this part of Mayfair.

Heritage Benefits

The opportunity to make improvements to the buildings on site has been taken, with a number of improvements proposed to restore historic features lost over time (e.g. the portico and front entrance door to 54 Davies Street), restore the appearance of the buildings (e.g. replacement shopfronts, reinstatement of traditional windows, reinstatement of internal features, removal of harmful modern accretions), or replace

unsuitable modern railings with traditionally designed replicas. These are of public benefit.

Economic

The provision of greater quality and quantum of office floorspace accommodation in this highly accessible location immediately adjacent to the Bond Street West Elizabeth Line station represents a public benefit by contributing to the job targets set out within City Plan Policy 13.

The applicant estimates that the development would:

- Support 680 net additional jobs.
- Generate £1.6m additional worker expenditure in the local area each year.
- Generate £5m total visitor expenditure outside of the proposed hotel each year.

Overall, the development would provide growth through intensifying the CAZ and the West End Retail and Leisure Special Policy Area through providing a commercial-led development that provides significant growth in office, retail, and leisure floorspace with associated net additional jobs, alongside new homes (including a policy-compliant quantum of affordable homes) and an enhanced pedestrian environment. This accords with City Plan Policies 1 and 2.

These public benefits are still considered to outweigh the less than substantial heritage harm, in compliance with NPPF Para. 202. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with NPPF Para. 200. Furthermore, the recommendation to grant conditional permission and consent (x 6) is compliant with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As with the approved development, the delivery of these public benefits is secured by legal agreement or condition.

8.4.4 Site 2 - 14 North Row

The extension of the building in a manner sympathetic to its original design is acceptable and the addition of a pitched roof in place of the existing incongruous flat roof is a welcome improvement. The new doors at ground floor level facing the street are also sympathetic to the historic character and appearance of the building and surrounding conservation area.

Internally, the building has been heavily modernised in the past and the current proposals are acceptable in the context of an interior already much altered.

The proposed drawings indicate secondary glazing will be provided, therefore it is not clear why it is proposed to remove the original windows on the street frontage, for example. The existing historic windows should be retained and refurbished with secondary glazing. A condition is recommended to be imposed stating that, contrary to what is shown on the demolition drawings, a schedule of which windows are to be

repaired and retained and which are proposed to be replaced be submitted to the City Council for approval.

8.4.5 Site 3 – 24 North Audley Street

External works

The proposed works include various external changes, most particularly the removal of a first-floor pub sign, which is currently blocking a window opening, and the reinstatement of former door openings on the North Row elevation, currently blocked.

There is no in-principal objection to the reopening of the blocked entrances. Historic plans, and differences in fabric observed on site, clearly demonstrate the position of the former entrances. While these door openings have been blocked for some considerable time, the infills are not historic, and beyond sharing a broadly consistent palette of materials, do not have any heritage value in their own right.

Similarly, the blocking up of later openings will not harm the special interest of the building; it is considered a modest benefit, provided that the detailing and materials used are scholarly replicas of the original historic fabric. The materials and details will be secured by condition.

On the west (roof terrace) elevation, a number of harmful accretions are reversed. A sash window inserted in place of a poor quality, replacement window, a poor flue is removed and architectural detail is restored. A former window opening, long infilled, is to be reopened to form a set of French windows to the new roof terrace. While this may involve the loss of a small amount of historic fabric, in the context of the significant improvements being made to this elevation, the minor harm caused is considered to be acceptable.

The location of air source heat pumps on the flat roof, providing they are suitably screened, is welcome in sustainability terms. A condition is recommended secure details of the planted screens.

Lower ground floor

The proposed works reordering of lower ground floor partitions to create a dining area, kitchen, staff facilities and insertion of WCs into the under-pavement vaults is acceptable. There is very little remaining historic fabric at this level, and no remnant of historic plan form.

The vault layout is to be retained, which preserves what interest in layout of the building remains at this level.

Ground floor

At ground floor the existing arrangement has been reconfigured and refurbished over the years. Originally subdivided into separate lounges, the ground floor has since been opened up to form a single space. There are no remaining historic bar fittings or furniture.

The existing, late twentieth century bar fittings are broadly consistent with a late nineteenth century pub interior, and thus contribute to the character of the interior. It is expected that any future fitout to make a similar contribution, and this element is recommended to be reserved by condition.

The existing ceiling is proposed to be dropped by approximately 180mm to allow for new sound insulation to prevent noise transfer to the new flats above. The existing ceiling fabric is retained, and there is no historic cornice. The proposals include the creation of an architecturally appropriate cornice for the ground floor rooms, the provision of which will offset any minor harm caused by the lowering of the ceiling. The floor to ceiling height in the ground floor is sufficient that the proportions of the room will not be harmfully altered.

First floor

At first floor level there is greater survival of historic fabric. As shown in the 1930s plans, the first floor had originally been used as a large dining room. However, later subdivision (albeit using similar panelling) has obscured this plan form. The historic wall panelling remains, which seems likely to represent the survival of a scheme from the late nineteenth or early twentieth century, along with later modifications and insertions. The application proposals retain the historic panelling, and insert new, alternative partitions to create a two-bedroom flat at this level.

The proposed works retain the existing timber panelling, while new partitions form the rooms. Given that this floor has been previously altered, that the historic panelling is retained, the continued subdivision of the first floor is considered to be acceptable.

The first-floor floor is proposed to be insulated to prevent sound from the bar passing through to the first floor flat. The proposals involve the building up of insulating material on top of existing floorboards, and the provision of new skirting boards at the revised floor level. As the existing floorboards are retained, and the existing skirting is of no historic significance, the insulation is considered to be acceptable.

Upper floors

The creation of flats at second, third and fourth floors is considered to be acceptable in listed building terms. These floors do not retain significant amounts of historic fabric. The proposed flats at third and fourth floor retain the historic plan form, whilst at second floor the modern kitchen is replaced with an acceptable arrangement of partitioned rooms.

Harm and benefit

Overall, while there is some degree of harm at first floor level, the heritage and public benefits are considered to outweigh this harm, particularly:

- The opening up of the corner window at first floor
- The reopening of blocked doors at ground floor level
- Removal of harmful works from the west elevation
- The creation of additional residential accommodation.

The proposals are therefore acceptable in terms of their impact on the character and appearance of the Mayfair Conservation Area and the special interest of the listed building.

8.5 Residential Amenity

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

Site 1 - SMT

The Daylight / Sunlight Assessment undertaken for the approved development has been updated to reflect the proposed increase in the height of the North and South Blocks. The analysis reveals that there will be some very small additional losses in daylight, daylight distribution and sunlight. These additional losses are sufficiently small so as not to be perceptible to the residents of these affected dwellings. For these reasons, the proposal remains acceptable in this respect.

Site 2 – 14 North Row

A Daylight / Sunlight Assessment has been submitted in order to assess the impact of the proposed roof extension upon the daylight and sunlight received:

- To the windows within the flank walls the North Row Buildings, located immediately to the east of the application site.
- To the rear windows within 31 Green Street, located to the south of the application site.

The analysis reveals that the proposal will not result in any material losses of daylight or

sunlight to these neighbouring windows.

It is expected, however, that the development will see material changes in the distribution of daylight within two rooms within the neighbouring building.

The first is located a lower ground floor level. It is expected that the proposed development will see the area of the existing room that receives direct skylight to be reduced from 12% to 9%. Although in absolute terms this loss is only 3%, this does exceed the 20% that the guidance states will be noticeable. In reality, however, the very small absolute reduction in the daylight area of this room will not be noticeable.

The second is located at first floor level and is expected to see the area of the existing room that receives direct skylight to be reduced from 68% to 48% (a 29% reduction). However, given the elevated outlook from this room, the daylight distribution within this room will remain good. As such, the impact upon the quality of this residential accommodation will be very limited and thus the amenity of the occupant of this dwelling preserved.

8.6 Transportation, Accessibility & Servicing

8.6.1 Servicing and Waste & Recycling Storage

Site 1 – SMT

The proposed removal of the service corridor at basement level between the North Block and the public house at 50 Davies Street means that this link to the refuse store at ground floor level on the South Molton Lane frontage is no longer available. The retained public house was always proposed to be serviced separately from the approved development.

It is proposed to store the recycling and refuse bins in one of the pavement vaults. They will be transported to street level via a hoist platform lift via the existing barrel droptrap doors. Once at street level the bins will be wheeled to the main waste store on South Molton Lane, via Davies Mews.

This proposed has been discussed with the Highways Planning Manager and the Waste Projects Officer who raise no objection to this revised approach. A condition securing the submission of a management plan (including hours) for the City Council's approval is recommended to ensure that waste is transferred in a well-managed manner and in a way that will not cause noise nuisance to neighbouring residents, including those within the development.

Site 2 – 14 North Row

The additional information provided by the applicant and the addition of a clinical waste store on revised drawings if the site is used as a medical centre, addresses the objection from the Projects Officer (Waste). Conditions are recommended to be imposed securing the provision and retention of these waste stores, including the clinical waste store in the building is used as a medical centre.

Site 3 – 24 North Audley Street

The proposed arrangements for the storage of waste and recyclable material are acceptable.

8.6.2 Cycle Parking

The proposed cycle parking at Site 1 (SMT) remains policy compliant.

The provision of 23 x secure cycle parking spaces that are readily accessible via a ramp at Site 2 is policy compliant and recommended to be secured by condition.

The provision of cycle parking within the front pavement vault for the occupants of the proposed new flats at 24 North Audley Street (Site 2) is acceptable. As is staff cycle parking at basement level.

8.7 Economy including Employment & Skills

The economic benefits of the SMT development are set out in Section 8.4 of this report. As in the approved development, the legal agreement will secure an Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service.

8.8 Other Considerations

None.

8.9 Environmental Impact Assessment

Site 1 - SMT

The consented scheme at Site 1 was subject to an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted in support of the application. By virtue of amending the consented scheme, this S73 application is also subject to an EIA, and an ES Addendum accompanied with the application.

The proposed amendments required the re-assessment of a limited number of topic areas as follows:

- Air Quality – reassessment
- Archaeology – reviewed and updated
- Built Heritage, townscape and visual – reassessment
- Climate Change – reassessment
- Daylight and Sunlight – reassessment
- Ecology and Biodiversity – reviewed and updated
- Ground Conditions and Contamination – reviewed and updated.
- Noise and Vibration – reviewed and updated
- Socio-economics – reviewed and updated

All the publicity has been undertaken in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in order to ensure that the public were given effective opportunities to participate in the decision-making procedures.

The City Council sought independent advice from Waterman Infrastructure & Environment Ltd on the adequacy of the ES. Following responses to a number of requests for clarification, Waterman Infrastructure & Environment Ltd has advised that the ES is a suitably robust document which satisfactorily supports the planning application. The environmental impacts of the development are not materially different from the approved development.

8.10 Planning Obligations & Pre-Commencement Conditions

Regulation 122(2) of the CIL Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

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

Site 1 – SMT

The draft 'heads' of agreement set out in detail within Recommendations 1 (a) to (p) have been updated to:

- Adjust the deadline for 'substantial implementation' to be three years from the approved development rather than three years from the date of the decision letter for this application (Recommendation 1(b)).
- Include the provision of the replacement community infrastructure and facilities floorspace within 14 North Row (i.e. Site 2) within the same timescale as secured within the approved development (Recommendation 1(l)).

The remainder remain unchanged from the approved development.

The applicant has agreed to the imposition of the pre-commencement conditions.

Site 2 (14 North Row)

In order to ensure the delivery of the three residential units at 24 North Audley Street (i.e. Site 3) it is necessary to secure that these are ready for occupation prior to the occupation of 14 North Row for either of the uses sought.

The extension of the footway in front of the site is necessary to ensure that students or patients are able to access the site safely and to realise the opportunity to improve the pedestrian environment now that there is no requirement for vehicles to access the site.

9. Conclusion

The proposed amendments to the SMT development will result in a better functioning development that has a lower carbon impact. The provision of two sites (i.e. SMT and 14 North Row) offering community infrastructure facilities in north Mayfair represents improved provision when compared to the approved single and lower quality facility. The quality and quantum of residential accommodation at 24 North Audley Street also represents an improvement over 14 North Row and will not result in the retained public house being compromised.

For these reasons it is recommended that all eleven applications are grant permission / consent.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

Site 1 – SMT



Existing view looking north-east from Davies Street.



Proposed view looking north-east from Davies Street.



Existing view looking east from St. Anselm's Place



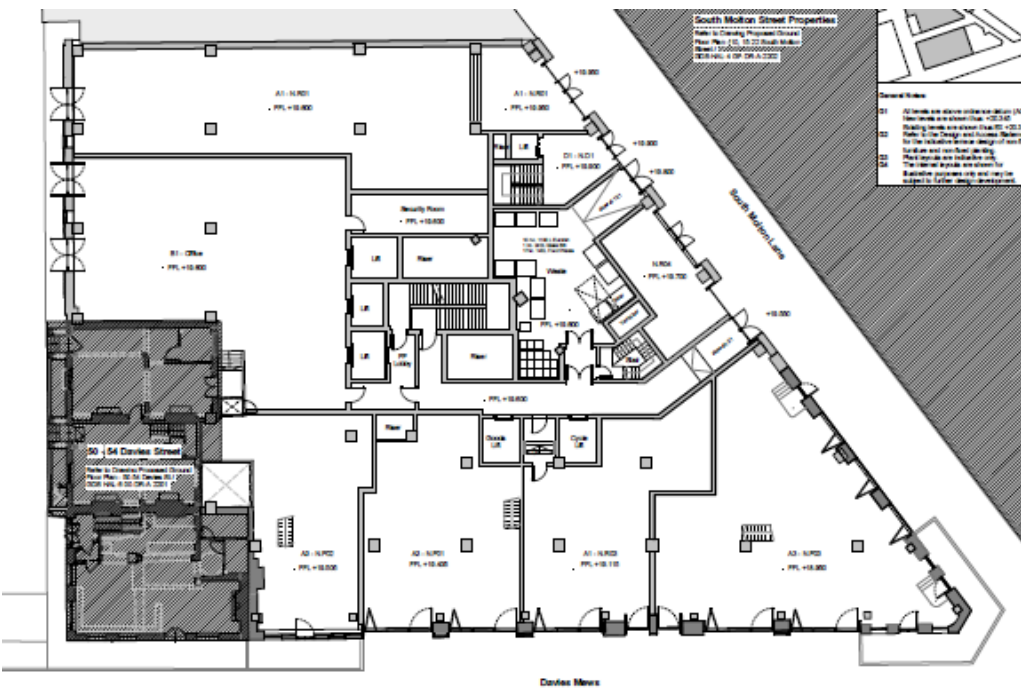
Proposed view looking east from St. Anselm's Place (cumulative impact with the completed development at 65 Davies Street)



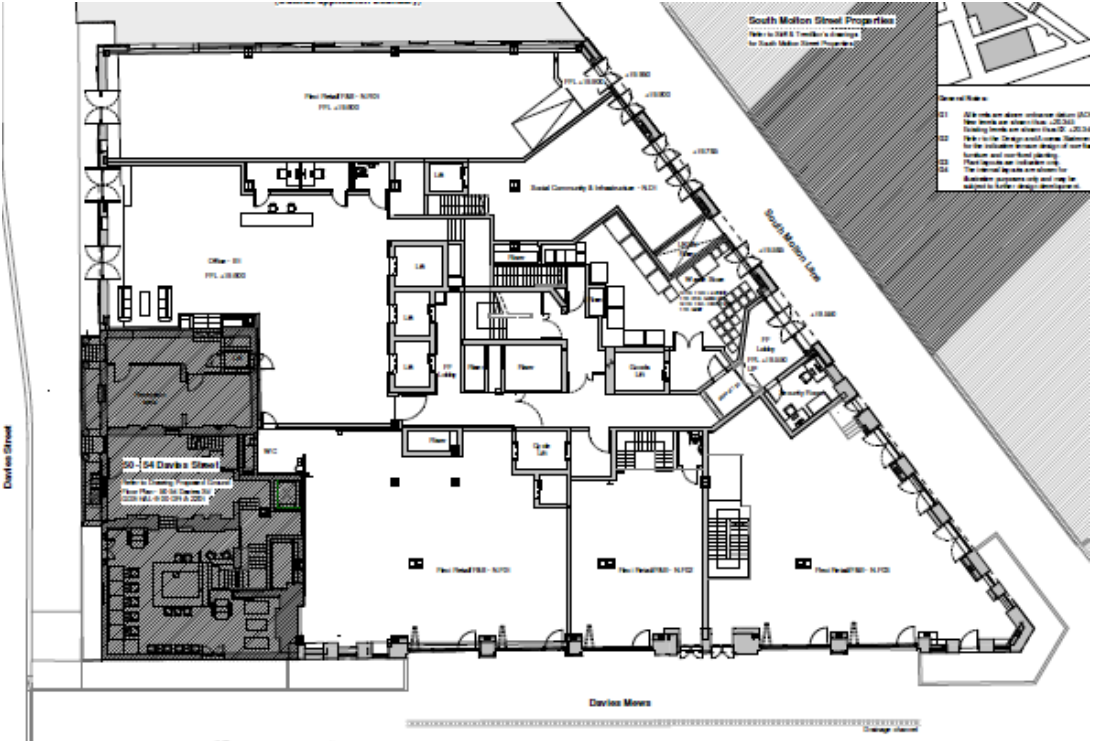
Existing view from South Molton Lane looking west along Davies Mews.



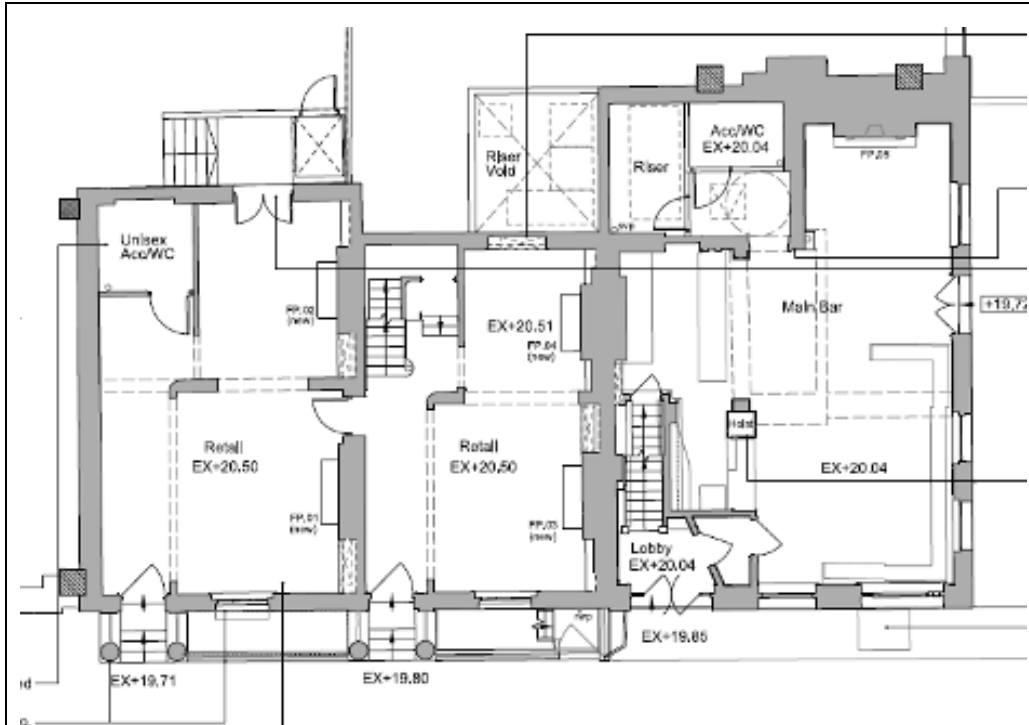
Proposed view from South Molton Lane looking west along Davies Mews.



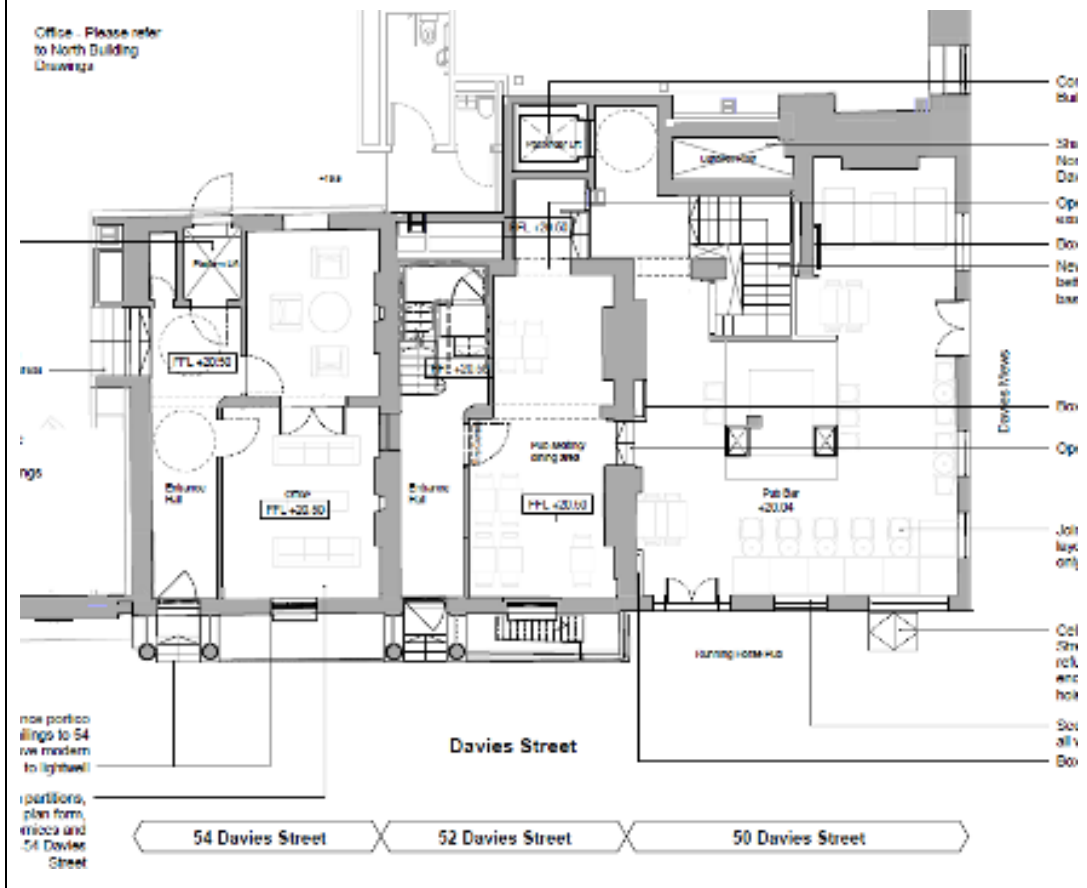
As approved ground floor of the North Block



As proposed ground floor of the North Block

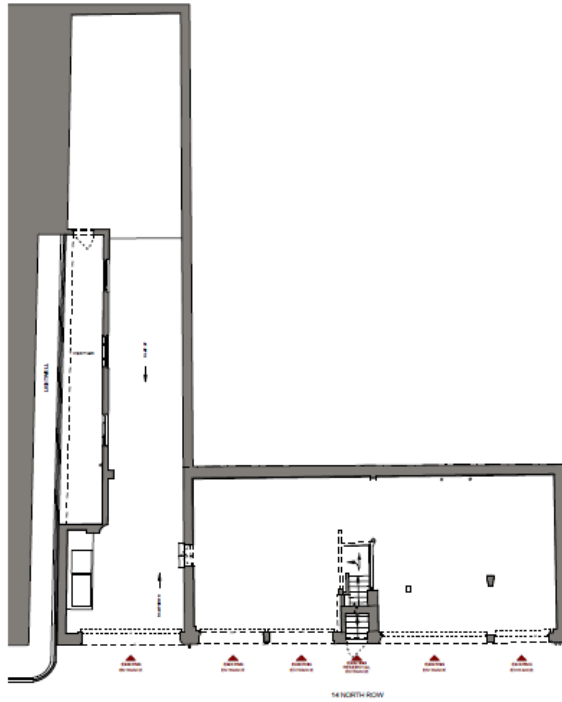


Approved ground floor plan of 50-54 Davies Street

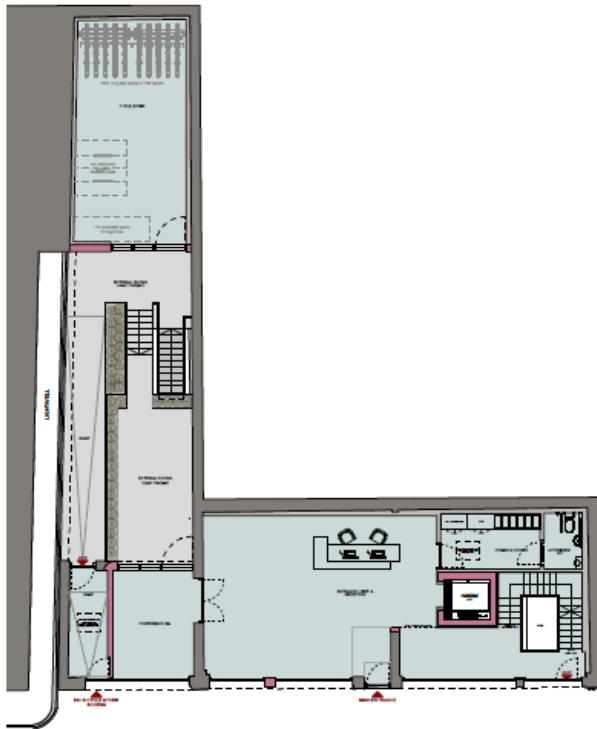


Proposed ground floor plan of 50-54 Davies Street

Site 2 – 14 North Row



As existing ground floor plan.



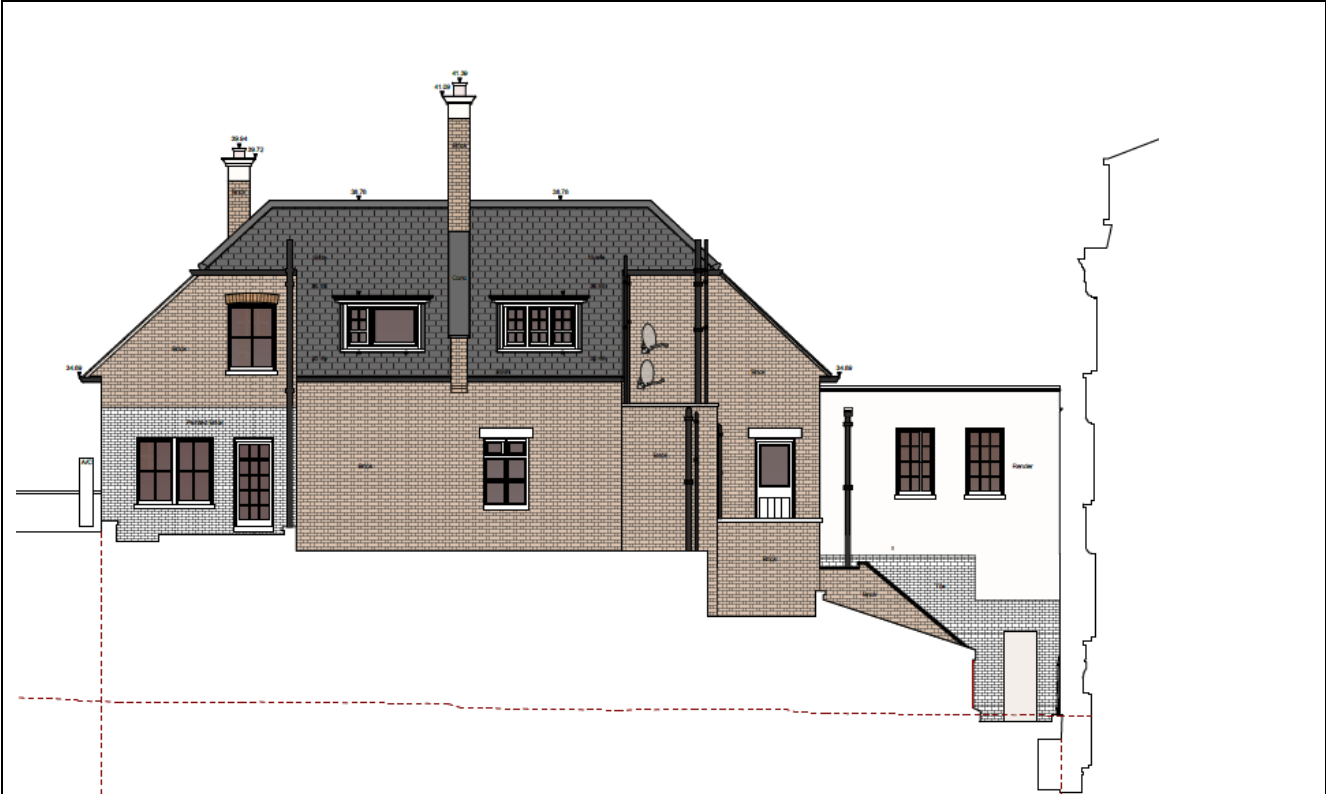
As proposed ground floor plan.



As existing north elevation



As proposed north elevation

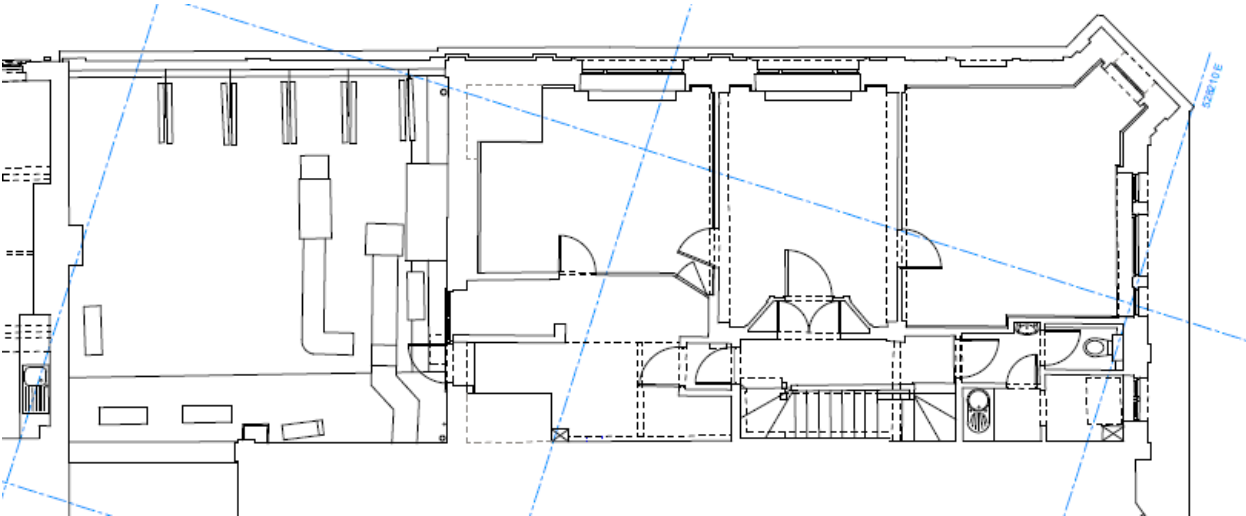


As existing south elevation

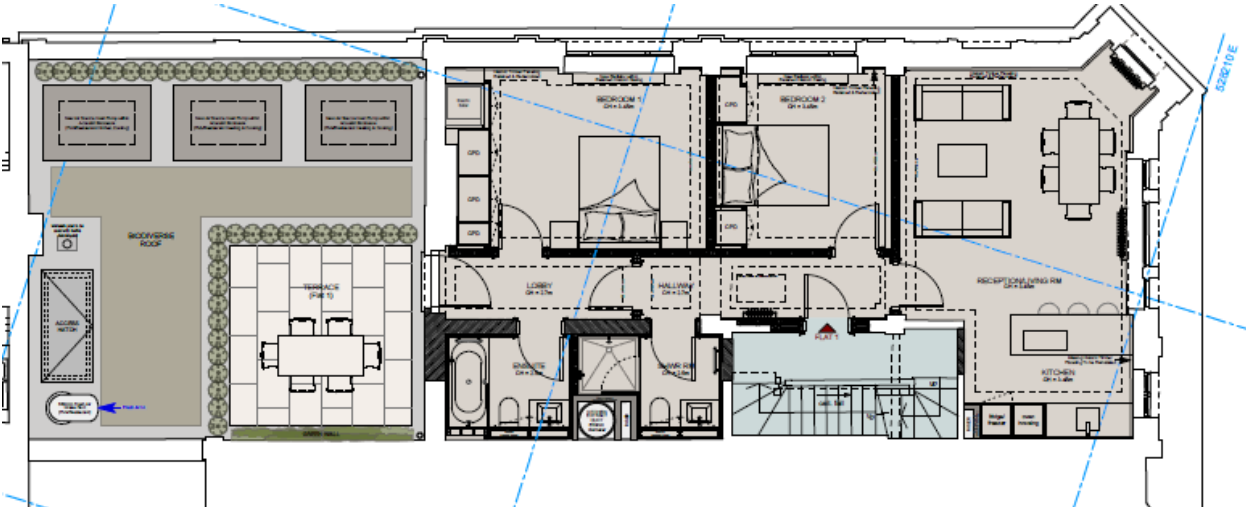


As proposed south elevation

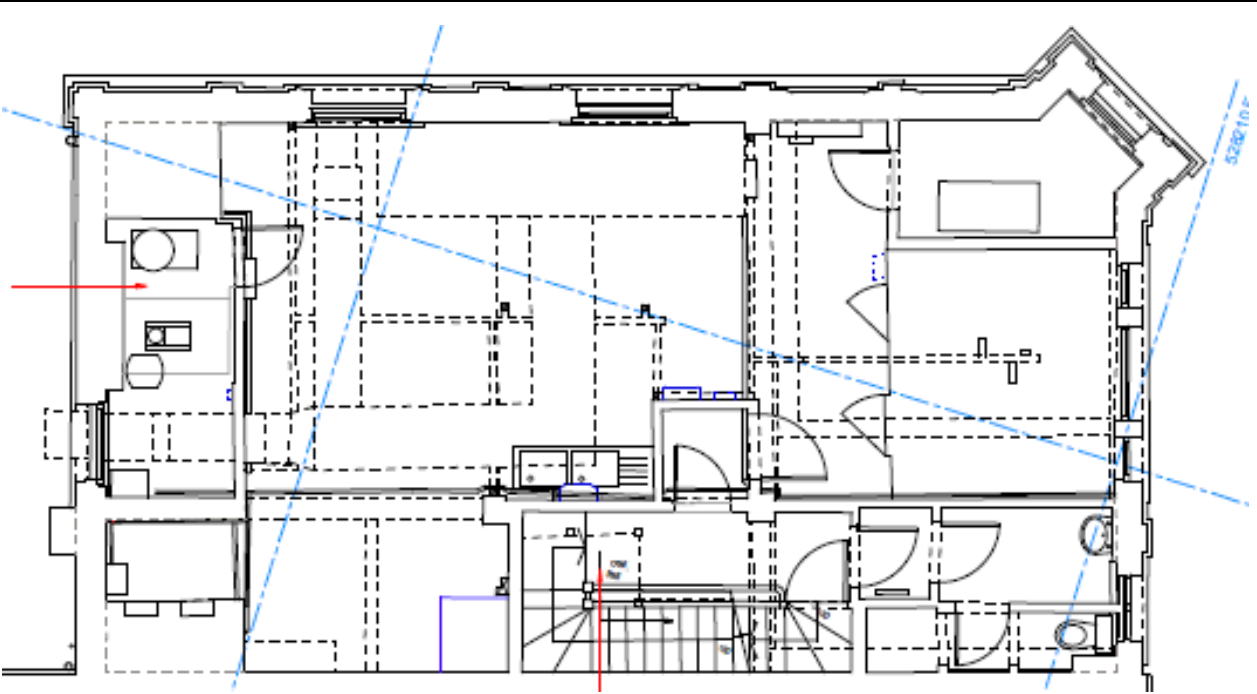
Site 3 – 24 Nourth Audley Street



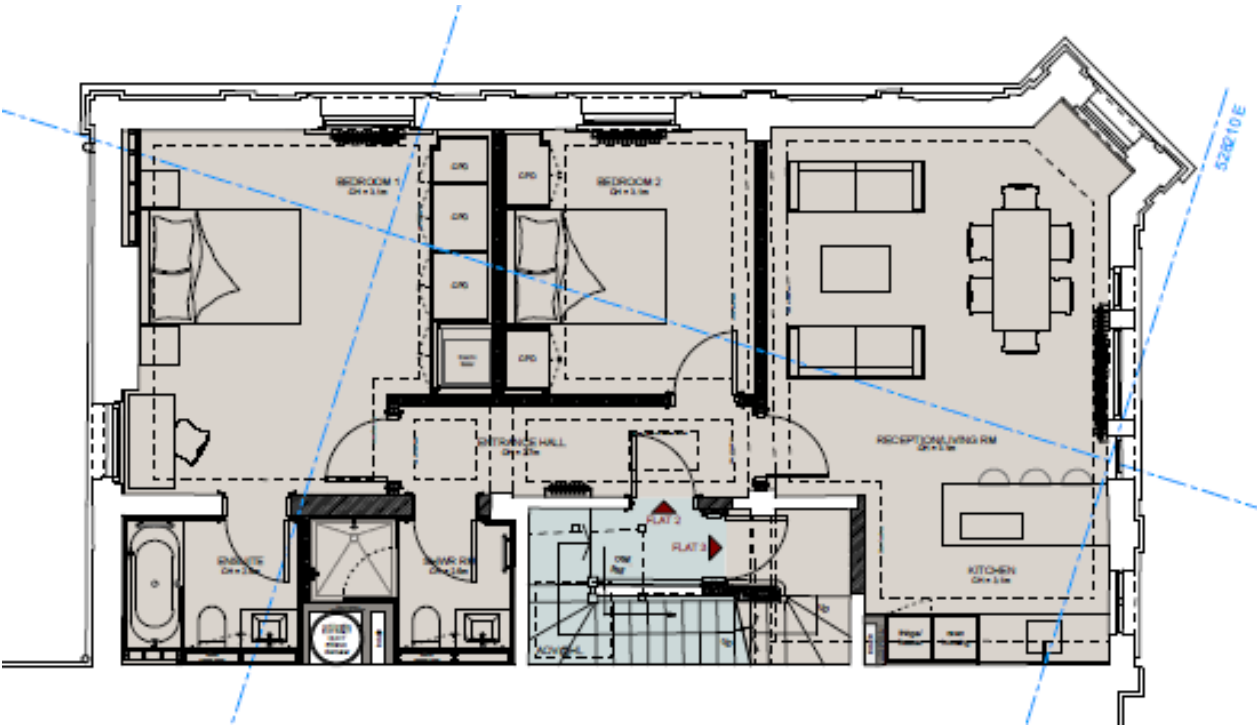
Existing first floor plan



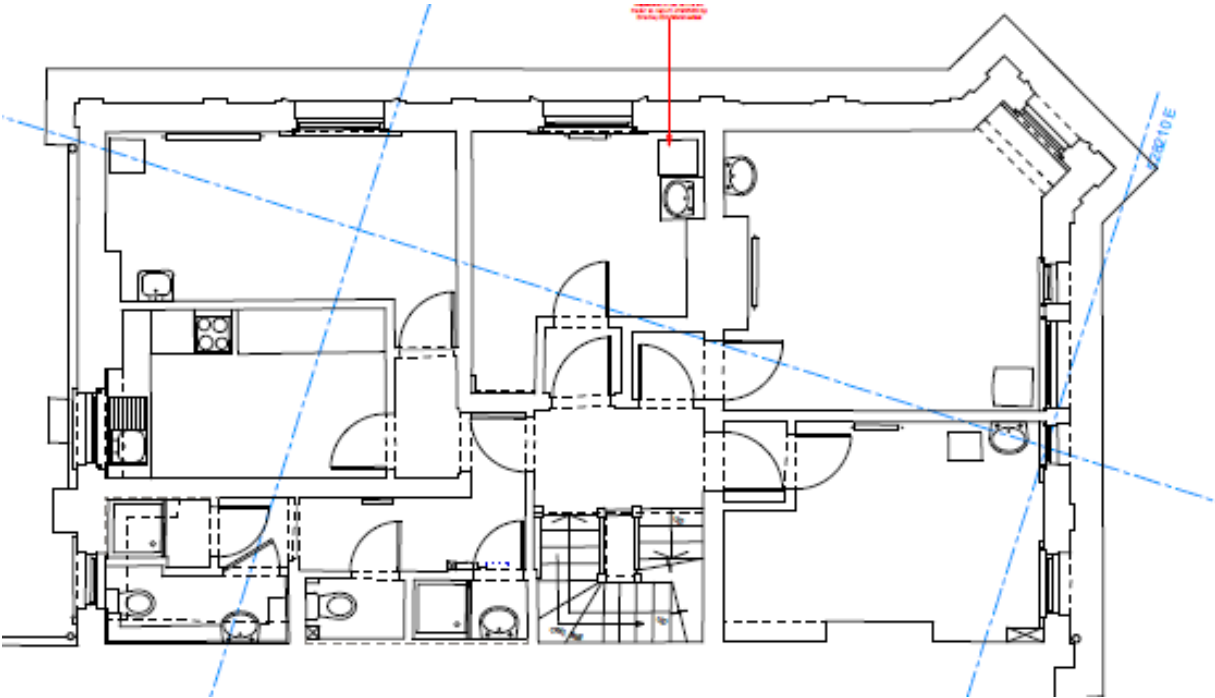
Proposed first floor plan



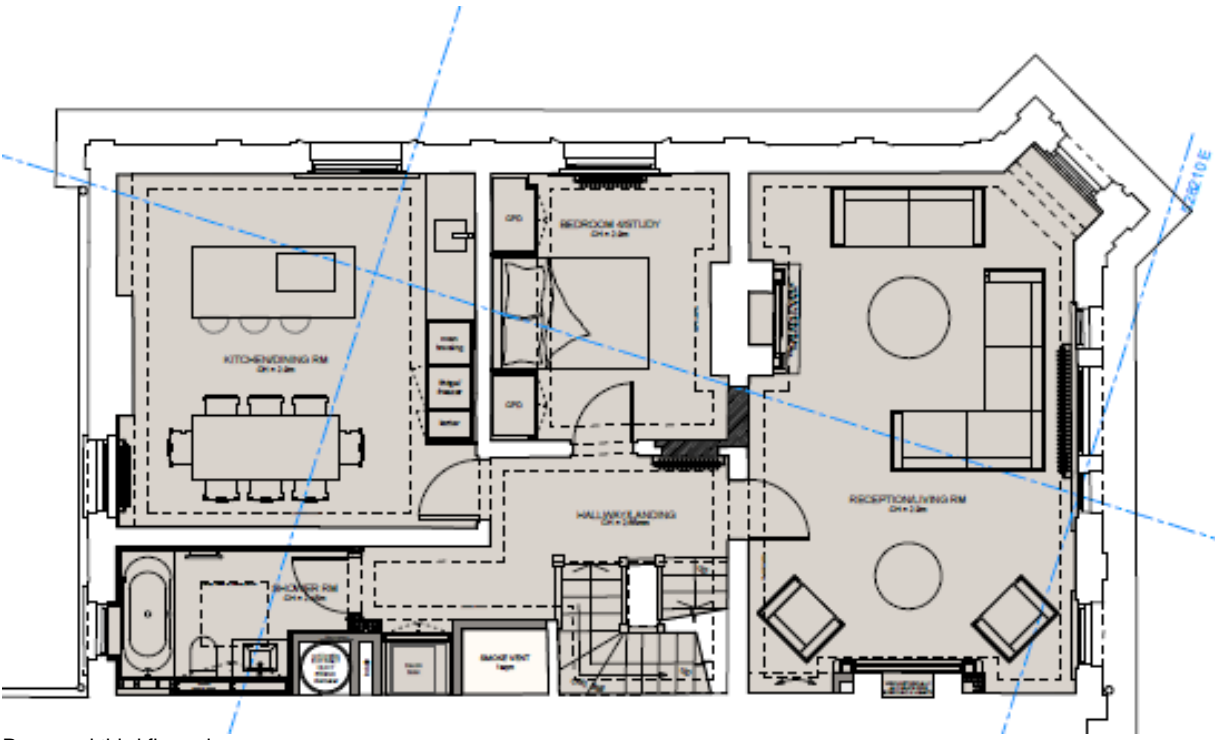
Existing second floor plan



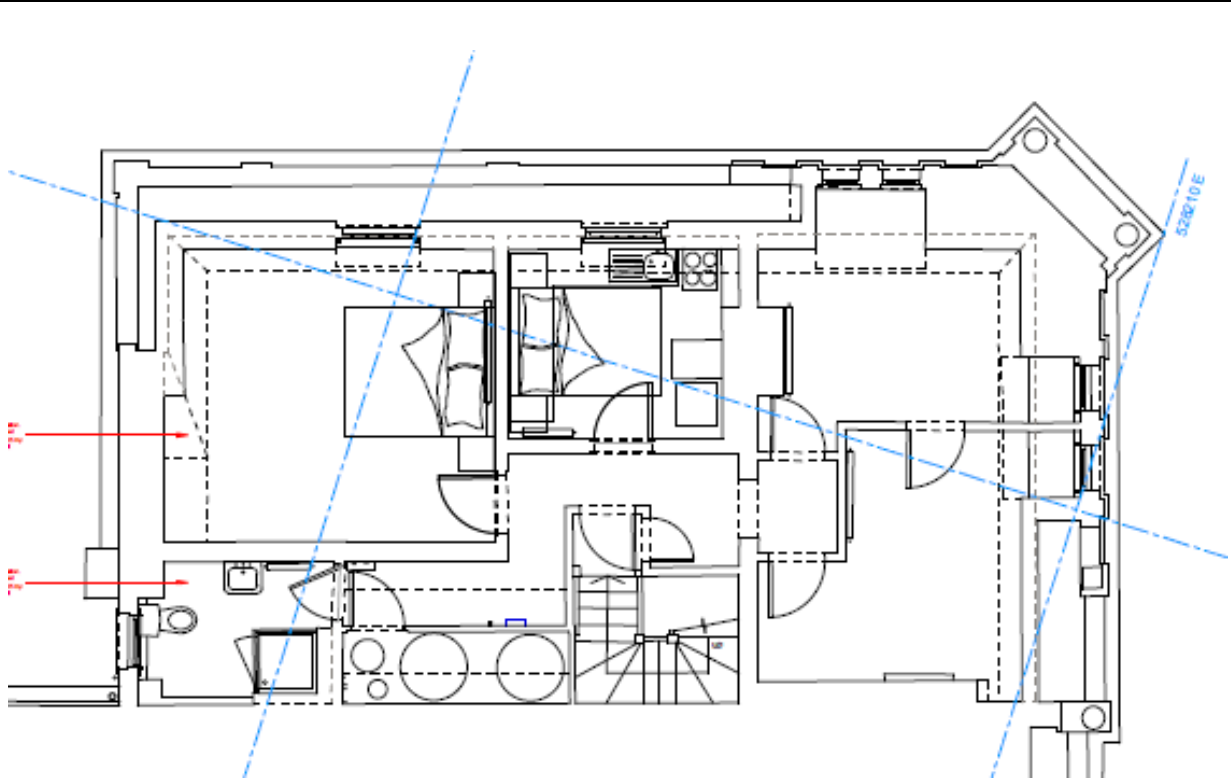
Proposed second floor plan



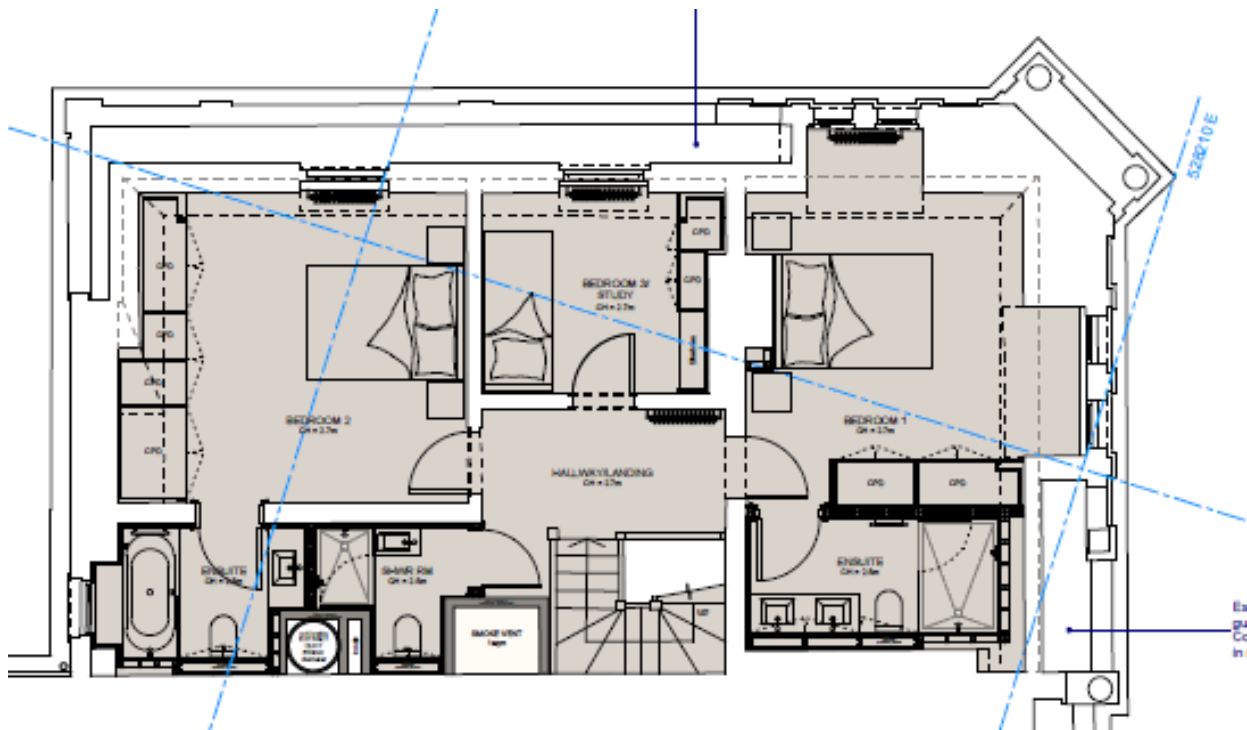
Existing third floor plan



Proposed third floor plan



Existing fourth floor plan



Proposed fourth floor plan



Existing rear elevation



Proposed rear elevation

DRAFT DECISION LETTER (APPLICATION UNDER SECTION 73 AT SITE 1)

- Address:** Development Site Bound By Brook Street, Davies Street And South Molton Lane (excluding 58 Davies Street) And 10, 15-25, 27 And 42 South Molton Street, London, ,
- Proposal:** Variation of Conditions 1, 17, 20, 31, 39, 47, 49, 53, 54, 55, 56 and 57 of planning permission dated 8 April 2022 (RN: 20/03987/FULL) (as amended) for, 'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'; NAMELY, to allow amendments to the approved development. (Application under Section 73 of the Act). (This is an EIA development and is accompanied by an Environmental Statement, which may be viewed online).
- Plan Nos:** North and South Blocks, 1-7 Davies Mews and 28-30 South Molton Lane

Demolition drawings

2100 Rev. P05, 2101 Rev. P05, 2102 Rev. P05, 2103 Rev. P05, 2104 Rev. P05, 2105 Rev. P05, 2106 Rev. P03, 2107 Rev. P04, 2150 Rev. P06, 2151 Rev. P04, 2152 Rev. P05, 2153 Rev. P06, 2154 Rev. P05, 2158 Rev. P05, 2159 Rev. P05, 2160 Rev. P05, 2170 Rev. P04, 2171 Rev. P04 and 2172 Rev. P04.

Proposed drawings

2200 Rev. P05, 2201 Rev. P06, 2202 Rev. P06, 2203 Rev. P06, 2204 Rev. P06, 2205 Rev. P06, 2206 Rev. P06, 2207 Rev. P06, 2208 Rev. P06, 2209 Rev. P06, 2210 Rev. P06, 2211 Rev. P06, 2300 Rev. P06, 2301 Rev. P05, 2302 Rev. P05, 2303 Rev. P05, 2304 Rev. P05, 2305 Rev. P04, 2309 Rev. P05, 2310 Rev. P05, 2400 Rev. P05, 2401 Rev. P05, 2402 Rev. P05, 2510 Rev. P05, 2515 Rev. P05, 2516 Rev. P05, 2520 Rev. P05, 2521 Rev. P05, 2525 Rev. P05, 2527 Rev. P05, 2528 Rev. P04, 2529 Rev. P02, 2530 Rev. P02, 2531 Rev. P02, 2532 Rev. P01 and 2600 Rev. P02.

10, 15-22 and 42 South Molton Street

Demolition drawings

2100 Rev. P10, 2101 Rev. P10, 2102 Rev. P11, 2103 Rev. P11, 2104 Rev. P11, 2105 Rev. P10, 2106 Rev. P10, 2109 Rev. P10, 2150 Rev. P10, 2151 Rev. P10, 2152 Rev. P10, 2153 Rev. P10 and 2154 Rev. P10.

Proposed drawings

2201 Rev. P10, 2202 Rev. P10, 2203 Rev. P11, 2204 Rev. P11, 2205 Rev. P11, 2206 Rev. P10, 2207 Rev. P10, 2208 Rev. P10, 2209 Rev. P10, 2300 Rev. P10, 2301 Rev. P10, 2302 Rev. P10, 2303 Rev. P10, 2304 Rev. P10, 2305 Rev. P10, 2306 Rev. P10, 2310 Rev. P10, 2311 Rev. P10, 2312 Rev. P10, 2313 Rev. P10, 2314 Rev. P10, 2315 Rev. P10, 2316 Rev. P10, 2317 Rev. P10, 2318 Rev. P10, 2319 Rev. P10, 2321 Rev. P10, 2322 Rev. P10, 2400 Rev. P11, 2401 Rev. P11, 2402 Rev. P11, 2403 Rev. P11, 2404 Rev. P11 and 2405 Rev. P10 and 2253 Rev. P10.

40-46 Brook Street and 40 South Molton Lane

Demolition drawings

2100 Rev. P04, 2101 Rev. P04, 2102 Rev. P04, 2103 Rev. P04, 2104 Rev. P04, 2105 Rev. P04, 2106 Rev. P03, 2152 Rev. P03, 2153 Rev. P03, 2154 Rev. P03, 2170 Rev. P03, 2171 Rev. P03 and 2172 Rev. P03.

Proposed drawings

2201 Rev. P04, 2202 Rev. P04, 2203 Rev. P04, 2204 Rev. P04, 2205 Rev. P04, 2206 Rev. P04, 2207 Rev. P03, 2300 Rev. P03, 2303 Rev. P02, 2205 Rev. P03, 2400 Rev. P04, 2401 Rev. P04 and 2402 Rev. P03.

50-54 Davies Street

Demolition drawings

2100 Rev. P05, 2101 Rev. P05, 2102 Rev. P05, 2103 Rev. P05, 2104 Rev. P05, 2105 Rev. P05, 2106 Rev. P05, 2140 Rev. P05, 2142 Rev. P03, 2170 Rev. P05 and 2173 Rev. P05.

Proposed drawings

2199 Rev. P01, 2200 Rev. P05, 2201 Rev. P05, 2202 Rev. P05, 2203 Rev. P05, 2204 Rev. P05, 2205 Rev. P05, 2206 Rev. P05, 2300 Rev. P05, 2301 Rev. P05, 2302 Rev. P05, 2400 Rev. P05, 2401 Rev. P05, 2402 Rev. P05, 2403 Rev. P05 and 2404 Rev. P05.

23-25 and 27 South Molton Street

Demolition drawings

2100 Rev. P10, 2101 Rev. P11, 2102 Rev. P11, 2103 Rev. P11, 2104 Rev. P11, 2105 Rev. P10, 2106 Rev. P10, 2107 Rev. P10, 2110 Rev. P10, 2111 Rev. P10 and

2112 Rev. P10.

Proposed drawings

2200 Rev. P10, 2201 Rev. P10, 2202 Rev. P11, 2203 Rev. P11, 2204 Rev. P11, 2205 Rev. P10, 2206 Rev. P10, 2207 Rev. P10, 2300 Rev. P10, 2301 Rev. P10, 2302 Rev. P10, 2310 Rev. P10, 2311 Rev. P10, 2312 Rev. P10, 2400 Rev. P10, 2401 Rev. P11, 2402 Rev. P11 and 2403 Rev. P11.

Heritage Benefits Schedule dated 8 December 2020

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:

A. South Block (New building and retained Brook Street facades)

1. New facades at all levels - Typical details
2. Roof level plant
3. Shopfronts
4. New windows

B. North Block (New building)

1. New facades at all levels - Typical details
2. Roof level plant
3. Shopfronts
4. 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

Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 3 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:
- a. 40-46 Brook Street and 40 South Molton Lane
 - 1. Alterations at roof level - Turret and Gables
 - 2. New windows
 - 3. Roof level plant and screening
 - 4. Alterations to mews facade - new shopfront (including degree of opening)
 - 5. Ramp on Brook Street
 - 6. New access to basement in front area on Brook Street
 - 7. Sunken garden on South Molton lane
 - b. Brook Street retained facades
 - 1. Alterations to facades
 - 2. Windows
 - 3. Shopfronts
 - c. 1-7 Davies Mews and 28-30 South Molton Lane
 - 1. Shopfronts (including degree of opening)
 - 2. New windows
 - 3. Other alterations to retained facades
 - d. 52 - 54 Davies Street
 - 1. Alterations to street facades, including new portico
 - 2. Dormers
 - e. 10 South Molton Street
 - 1. Shopfront
 - 2. New windows
 - 3. Roof level plant and screening
 - 4. Passageway
 - 5. Vents in facades
 - f. 15-21 South Molton Street
 - 1. Shopfronts
 - 2. New windows
 - 3. Roof level plant and screening
 - 4. Rear extensions, including roof terraces
 - 5. Vents in facades
 - 6. Refurbished / replacement pavement lights (including interface with adopted public highway)
 - g. 22 and 23 South Molton Street
 - 1. Roof extension and roof alterations
 - 2. Shopfronts
 - 3. New windows
 - 4. Alterations to South Molton Street facades

5. Alterations to passageway
 6. Alterations to South Molton Lane facades
 7. Refurbished / replacement pavement lights (including within South Molton Passage) (including interface with adopted public highway)
- h. 24, 25 and 27 South Molton Street (as applicable)
1. Shopfronts
 2. New windows
 3. Roof level plant and screening
 4. Rear extensions, including roof terraces
 5. Replacement pavement lights (including interface with adopted public highway)

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. And in the interests of public safety. This is as set out in Policies 24, 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of sample panels of brickwork, stonework and ceramic cladding which shows the colour, texture, face bond and pointing. You must not start 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 the approved samples.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 7 You must apply to us for approval of drawings and full particulars of the following parts of the development:

1. Site-wide public art strategy.
2. Detailed public art proposals
3. Strategy for the display of advertisements

Following commencement of the development in relation to each development phase, with the exception of 50 Davies Street, no part of the development hereby approved shall be occupied until we have approved a site-wide public art strategy. Before occupation of the relevant phase within which the public art is located, you must carry out the public art according to the approved public art strategy and detailed public art proposals submitted to and approved by the City Council. You must maintain the approved public art and keep it on this site. You must not move or remove it.

In respect of the advertisements, you must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this approved strategy.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building and/or public realm is suitable. This is as set out in Policy 43 of the City Plan 2019 - 2040 (April 2021).

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

1. All street lighting equipment attached to the buildings

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must not start any demolition work on the buildings within the North Block or South Block phases of the development 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 separate construction contracts for each of the North Block and South Block phases of the development, or
 - (b) an alternative means of ensuring we are satisfied that demolition on the North and South Block phases of the development will only occur immediately prior to development of the respective new buildings on the North Block and South Block phases of the development.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Mayfair 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)

- 10 You must not carry out demolition work on the North and South Block phases of the development unless it is part of the complete development of each of these phases. You must carry out the demolition and development to each of these phases without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in 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 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings.

This condition may be discharged on a phase-by-phase basis.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 12 No primary cooking shall take place within the basement and ground floor commercial units of Nos. 10, 15-25, 27 and 42 South Molton Street such that you must not cook raw or fresh food on the premises. This is unless details of kitchen extraction (or recirculation) for identified units have otherwise been submitted to and approved by the City Council. The approved kitchen extraction (or recirculation) systems shall be installed prior to any primary cooking taking place

within these identified units and the kitchen extraction (or recirculation) systems shall be retained in situ and operated in accordance with the approved details at all times that primary cooking is taking place.

Reason:

The plans do not include any kitchen extractor equipment. For this reason, we cannot agree to unrestricted use as people using or living in neighbouring properties and people using the public realm would suffer from cooking smells. This is as set out in Policies 7, 16, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

1. The design of the gates to the passageway to be more decorative.

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

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 14 Following commencement of the development in relation to each of the following parts of the development hereby approved, the primary use of the commercial units at basement and ground floors of 23-25 South Molton Street and 27 South Molton Street shall only be for the display or retail sale of goods, other than hot food, principally to visiting members of the public. You must not use these units for any other purpose, including 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).

Following commencement of the development in relation to each of the following parts of the development hereby approved, the commercial units at basement and ground floors of 10, 17-22 and 42 South Molton Street, the commercial units at the ground floors of 15 and 16 South Molton Street and the non-office commercial units within the North and South Block (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street) shall only be used, or part used, for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. You must not use these units for any other purpose, including 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).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have

different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits of an enlivened Davies Mews and South Molton Lane are delivered, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

15 Pre Commencement Condition.

Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, including all buildings outlined on the approved plans (or any subsequent approved revisions thereafter), shall be submitted for the City Council's approval. References to "phase" in this phased planning permission and the conditions attached to it shall mean the phases as identified in the phasing plan. The development shall be built out in accordance with the approved phasing plan

Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved. (R02AA)

- 16 The South Block office entrance at ground floor level on the Brook Street frontage (annotated as Office - B1 on the approved drawings) and the upper floors of the South Block shall be used only as offices and for no other purpose 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).

The North Block office entrance at ground floor level on the Davies Street frontage (annotated as Office - B1 on the approved drawings), the ground floor of 54 Davies Street, and the upper floors of the North Block (excluding 50 Davies Street and the first floor of 52 Davies Street) shall be used only as offices and for no other purpose 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).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the economic public benefits of the development are delivered, in accordance with in accordance with Policies 1, 2, 7, 13, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 17 The primary use of at least 50% of approved floorspace within the non-office commercial ground and basement units within the North Block (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street), the South Block, the commercial units at basement and ground floors of Nos. 10, 17-25, 27 and 42 South Molton Street, and the commercial units at ground floor of Nos. 15-16 South Molton Street shall be for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Reason:

To ensure that the development is carried out in accordance with the uses sought and assessed, to ensure that a minimum amount of retail provision is made within the development and to ensure that an appropriate mix of uses is secured, in accordance with Policies 1, 2, 14 and 16 of the City Plan 2019 - 2040 (April 2021).

- 18 With the exception of the basement and ground floor unit within the South Block at the corner of Davies Mews and Davies Street (annotated as S.R01 on the approved drawings), none of the non-office commercial units within the development shall exceed 500 sq.m (GIA) in size.

Reason:

To ensure that the development is carried out in accordance with the uses sought and assessed and to ensure that units are not amalgamated to create units that may not be suitable for the location, in accordance with Policies 7, 14, 16 and 33 of the City Plan 2019-2040 (April 2021).

- 19 Prior to any of the non-office commercial units at ground and basement floors within the North and South Block undertaking any primary cooking, kitchen extracts shall be installed so that they rise internally to the full height of the building to discharge at roof level.

Reason:

To ensure that cooking odours are adequately dispersed, in accordance with Policies 7, 32 and 33 of the City Plan 2019-2040 (April 2021).

- 20 After 22.00 daily, the windows and doors within the South Molton Lane elevation of the commercial unit within the North Block at the corner of Davies Mews and South Molton Street (annotated as N.F03 on the approved drawings) shall be fixed shut and customers accessing or exiting this unit after this time shall use the doors on Davies Mews. This is with the exception of fire escapes.

Reason:

To protect the environment of people in neighbouring properties, as required by Policies 7, 16 and 33 of the City Plan 2019-2040 (April 2021).

- 21 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 22 With the exception of the basement unit within Nos. 15 and 16 South Molton Street, if a bar and bar seating is provided in any of the units, it must not take up more than 15% of the floor area of each unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019-2040 (April 2021).

- 23 Customers shall not be permitted within the bar hereby approved within the basement of Nos. 15 and 16 South Molton Lane before 07.00 or after 00.00 (midnight) on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

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)

- 24 Customers shall not be permitted within the commercial units at basement and ground floors of Nos. 10, 17-22, 27 and 42 South Molton Street and the commercial units at ground floor of Nos. 15-16 South Molton Street that are wholly or partly in use for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises before 07.00 or after 23.00 on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 22.30 on Sundays, bank holidays and public holidays.

Customers shall not be permitted within the non-office commercial units within the North and South Blocks (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street) that are wholly or partly in use for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises before 07.00 or after 00.00 (midnight) on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

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)

- 25 The retractable door and secondary hotel restaurant access at ground floor level of 40 South Molton Lane shall be fixed shut after 22.00 daily and customers shall access and exit the hotel restaurant and bar via Brook Street after this time. This is with the exception of fire escapes.

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)

- 26 Non-residents shall not be permitted within the hotel at 40-46 Brook Street and 40 South Molton Lane before 07.00 or after 01.00 (the following morning) daily.

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)

- 27 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the bar hereby approved within the basements of Nos. 15 and 16 South Molton Street from causing noise and nuisance for people in the area, including people who live in the same and nearby buildings. You must not start the bar 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 bar is in use. (C05JB)

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)

- 28 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

- 29 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)

30 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.

This condition may be discharged on a phase-by-phase basis.

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)

31 Prior to the commencement of the use of the part ground and part basement unit within the North Block annotated as N.D1 (and prior to any subsequent materially different use), full details of the nature of the use of this unit, under Class F1, Class E(d), Class E(e) or Class E(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it), shall be submitted for the City Council's approval. The use of this space (and any subsequent materially different uses) shall be in full accordance with the details approved by the City Council.

Reason:

To ensure that a suitable replacement social and community floorspace use for the lawful hairdressing training school within Nos. 48 and 56 Brook Street and to ensure that the use does not cause any unacceptable amenity or highways impact, in accordance with Policies 7, 17, 29

and 33 of the City Plan 2019-2040 (April 2021).

- 32 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the buildings are suitable and that they contributes to the character and appearance of this part of the Mayfair Conservation Area, as set out in Policies 7, 16, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021).

- 33 You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them and the commercial uses below at basement and ground floor levels. The details submitted should demonstrate that internal noise levels for the flats will comply with the requirements of Condition 21. 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 approved details before anyone moves into the flats and thereafter retain the sound insulation measures installed. (C13GA)

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). (R13ED)

- 34 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 35 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 36 (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 in addition to an annual three-hour check, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

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 Environmental Supplementary Planning Document (February 2022), 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)

- 37 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) 34 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 Environmental Supplementary Planning Document (February 2022), 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)

- 38 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 39 With the exception of the operation of the public house within the basement of 50-54 Davies Street and the ground and first floor of 50-52 Davies Street:

(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 uses 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 uses 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 Environmental Supplementary Planning Document (February 2022), 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)

- 40 Prior to the commencement of development on each phase of the development hereby approved, details of all external ground levels doors (including any external bollards and / or planters associated with the doors) shall be submitted to the City Council for approval. Each

phase of the development shall be constructed in accordance with these approved details and these approved details shall be adhered to for the life of the development.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 41 1. Prior to the occupation of any of the office floorspace within the North Block:
- (i) The refurbished / replaced pavement lights to Nos. 15-22 South Molton Street shall be completed in their entirety in accordance with the detailed drawings pursuant to Condition 3(f)(6) and Condition 3(g)(7) of this permission; and
 - (ii) The works set out within the Heritage Benefits Schedule dated 8 December 2020 to Nos. 10, 15-22 and 42 South Molton Street; Nos. 1-7 Davies Mews and 28-30 South Molton Lane; and Nos. 50, 52 and 54 Davies Street shall be completed in their entirety in accordance with the approved drawings.
2. Prior to the occupation of any of the office floorspace within the South Block:
- (i) The refurbished / replaced pavement lights to Nos. 23-25 and 27 South Molton Street and within South Molton Passage shall be completed in their entirety in accordance with the detailed drawings pursuant to Condition 3(g)(7) and Condition 3(h)(5) of this permission; and
 - (ii) The works set out within the Heritage Benefits Schedule dated 8 December 2020 to Nos. 23-25 and 27 South Molton Street and Nos. 54, 56 and 58 Brook Street shall be completed in their entirety in accordance with the approved drawings.
3. Prior to the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel, the works set out within the Heritage Benefits Schedule dated 8 December 2020 to these buildings shall be completed in their entirety in accordance with the approved drawings.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 42 The gates on either end of the passageway within 10 South Molton Street hereby approved shall be closed and locked between 22.00 and 07.00 daily, with access only for the occupants of the flats on the upper floors of this building.

These gates shall be hung so that they do not open over the public highway.

Full details of the access arrangements (including control over the gates) for these residents shall be submitted for the City Council's approval. These approved arrangements shall be installed in full prior to the occupation of the flats hereby approved within 10 South Molton Street and they shall be retained for the life of the development.

Reason:

To ensure that this new passageway represents a safe environment and in the interests of public safety, in accordance with Policies 2, 7, 24, 25, 26, 28 and 38 of the City Plan 2019-2040 (April 2021).

- 43 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 City Council. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

This condition may be discharged on a phase-by-phase basis.

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.

- 44 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 water infrastructure, and the programme for the works) has been submitted to and approved in writing by the City Council. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

This condition may be discharged on a phase-by-phase basis.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 45 **Pre Commencement Condition.**

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

- (i) Accommodate the location and of the Crossrail structures including temporary works,
- (ii) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and (iii) of this condition shall be completed,

in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

46 Pre Commencement Condition.

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

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

- 47 Before the occupation of any part of the North Block (excluding 50 Davies Street), you must provide the separate store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P06. You must clearly mark it and make it available at all times to each tenant of the North and South Block, with the exception of the public house at 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street whereby times at which the waste store is accessed will be agreed under Condition 66. With the exception of ground floor unit N.R01, all waste and recyclable material generated by units within the North and South Block shall be transported to this waste store within the building. You must not use the waste and recycling store for any other purpose.

In the event that the South Block is ready for occupation prior to the store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P06 being ready for use, details of a temporary store for waste and materials for recycling shall be submitted to the City Council for approval. The approved temporary store for waste and materials for recycling shall be provided prior to the commencement of use of any part of the South Block and made available at all times to each tenant of the South Block. This approved temporary store for waste and materials for recycling shall be retained and this space used for no other purpose until the store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P06 is ready for use.

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)

- 48 Waste shall only be collected from the waste store within the North Building (or the temporary waste store within the South Building) and the presentation area for the hotel's waste between 07.00 and 12.00 daily. This is unless the waste collection service is provided by the City Council.

Reason:

To protect neighbouring residents from noise nuisance and to ensure that South Molton Lane is used as little as possible so that the public benefits of enhanced public realm are fully realised, as set out in Policy 33 of the City Plan 2019-2040 (April 2021).

- 49 Before the occupation of the hotel hereby approved, you must provide the separate store for waste and materials for recycling shown on drawing number GDS - HAL - 5 - B01 - DR - A - 2201 Rev. P04. You must clearly mark it and make it available at all times. You must not use the waste and recycling store for any other purpose.

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)

- 50 You must apply to us for approval of details of how waste and recycling is going to be stored within:

(i) Each of the 11 x residential units within Nos. 23-25 and 27 South Molton Street hereby approved. You must not occupy these residential units hereby approved until we have approved what you have sent us. You must then provide the waste and recycling stores in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellings.

(ii) Each of the 22 x residential units within Nos. 10, 15-22 and 42 South Molton Street hereby approved. You must not occupy these residential units hereby approved until we have approved what you have sent us. You must then provide the waste and recycling stores in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellings.

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)

- 51 You must not occupy the bar use hereby approved within the basement of 15-16 South Molton Street until you have submitted to us for approval details of how waste and recycling is going to be stored on the site and we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark

it and make it available at all times to everyone using the bar. You must not use the waste and recycling store for any other purpose.

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)

52 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.

This condition may be discharged on a phase-by-phase basis.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

53 You must provide each cycle parking space with the North Block Bike Store and the associated changing / shower rooms and the cycle lifts shown on the approved drawings within the basement of the North Block prior to the occupation of any part of the North Block (with the exception of 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street). Thereafter these areas must be retained and the space used for no other purpose.

You must provide each cycle parking space with the South Block Bike Store and the associated changing / shower rooms and the cycle lifts shown on the approved drawings within the basement of the South Block prior to the occupation of any part of the South Block. Thereafter these areas must be retained and the space used for no other purpose.

The cycle entrance doors within the North and South Blocks on Davies Mews and South Molton Lane shall be fitted with a mechanised door entry system and the doors between these entrances and the cycle storage areas goods lift and cycle storage area shall all be 'hold open'

fire safety doors.

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)

- 54 You must provide each cycle parking space and the staff changing / shower facilities shown on approved drawing number GDS - HAL - 5 - B01 - DR - A - 2201 Rev. P04 prior to commencement of the hotel use hereby approved. Thereafter these facilities must be retained and the space used for no other purpose.

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)

- 55 1. If no additional affordable housing units are secured following the outcome of the Early Stage Review Mechanism (if triggered):

(i) You must provide each of the 22 x cycle parking / buggy storage spaces shown on approved drawing number SMS-STA-07-B1-DR-AR-02200 Rev. P10 prior to occupation of any flats within Nos. 23-25 and 27 South Molton Lane.

(ii) You must provide each of the 40 x cycle parking spaces shown on approved drawing number SMS-STA-07-B1-DR-AR-02200 Rev. P10 prior to occupation of any of the 22 x flats hereby approved within Nos. 10, 15-22 and 42 South Molton Street.

Thereafter these facilities must be retained and the space used for no other purpose. The cycle entrance doors off South Molton Passage and the doors to the cycle / buggy stores shall be fitted with a mechanised door entry system.

2. If additional affordable housing units are secured following the outcome of the Early Stage Review Mechanism:

(i) Prior to occupation of any of the flats hereby approved, you must submit for our approval drawings showing a reconfigured cycle / buggy storage area within (part) basement of 23-24 South Molton Street that reflects the change in the housing mix between market and affordable housing.

You must install these cycle parking / buggy stores in accordance with the approved drawings prior to occupation of any of the flats hereby approved. Thereafter these facilities must be retained and the space used for no other purpose. The cycle entrance doors off South Molton Passage and the doors to the cycle / buggy stores shall be fitted with a mechanised door entry system.

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)

56 (i) You must submit a Delivery and Servicing Management Plan (including hours) for the North and South Blocks for our approval. With the exception of 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first of 52 Davies Street) no parts of these buildings shall be occupied until we have approved what you have sent us. You must adhere to the approved Delivery and Servicing Management Plan for the life of the development.

(ii) You must submit a Delivery and Servicing Management Plan (including hours) for the hotel use for our approval. The hotel use shall not commence until we have approved what you have sent us. You must adhere to the approved Delivery and Servicing Management Plan for the life of the development.

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)

57 You must apply to us for approval of: (i) Detailed drawings of a planting scheme which includes the number, size, species and position of plants for both the North and South Blocks; and (ii) Management arrangements for this planting. You must not occupy the North Block (except 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first of 52 Davies Street) or the South Block until we have approved the respective drawings and arrangements for each building. You must then carry out the planting within one planting season of completing the respective building and you shall adhere to the approved management arrangements for the life of the development.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Mayfair Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

58 You must provide the following sustainability features as shown on the approved drawings before occupation of any part of the North or South Blocks (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first of 52 Davies Street):

- A 340 cubic metre capacity rainwater attenuation tank at basement level 2 of the South Block
- Allowance for connections to any future heat network in the vicinity of the site.

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). (R44AD)

59 Pre Commencement Condition.

(a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on each respective phase of the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing that:

- (i) The North and South Blocks (Offices) will achieve an 'outstanding' rating or, if this is not possible, justification for it achieving an 'excellent' rating.
- (ii) The North and South Blocks (Non-office commercial) will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (iii) 40-46 Brook Street and 40 South Molton Lane will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (iv) South Molton Street Properties (residential conversions) will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (v) South Molton Street Properties (retail / cafe / restaurant units) will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.

If you use another method, you must achieve an equally high standard.

You must start work on each respective phase of development until we have approved what you have sent us.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that each phase met the rating approved in Part (a) of this condition. This report shall be submitted to us within six months of the occupation of any part of each phase of the development. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible and minimises carbon dioxide emissions, as set out in Policy 38 of the City Plan 2019-2040 (April 2021), Policy SI 2 of the London Plan (March 2021), and Policy MES4 of the Mayfair Neighbourhood Plan.

- 60 All staff working with the 'micro-retail units' on South Molton Lane shown on the approved drawings shall be given access to the 'Staff Acc. WC' within the basement of 24 South Molton Street at all times.

Reason:

To provide basic amenities for these staff where the commercial units are too small to provide such facilities.

- 61 You must apply to us for approval of detailed drawings and/or full particulars of the following

parts of the development:

1. Extent of reuse of natural Portland stone from the existing Brookfield House in the facades of new Brookfield House
2. Extent of reuse of natural Portland stone from the existing 56 Davies Street in the facade of new 56 Davies Street

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 / particulars.

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 Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 62 The privacy screens to the terraces to the rear of the South Molton Street Properties shall be erected in accordance with the approved drawings prior to occupation of the relevant residential units and shall remain in situ for the life of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 63 You must apply to us for approval of material samples, detailed drawings showing the threshold levels and interface with the adopted public highway, and the programme for delivery of the following parts of the development -

- (i) The forecourt to the west of 56 Davies Street.
- (ii) The land on South Molton Lane that is not currently public highway.

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 in full according to these approved materials, detailed drawings and programme.

Reason:

To make sure that the appearance of this part of the site is suitable, that it contributes to the character and appearance of this part of the Mayfair Conservation Area, so that level access is achieved, the public benefits of improved public realm are realised, and in the interests of public safety. This is as set out in Policies 2, 24, 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 64 This permission must be commenced no later than 7 April 2025.

Reason:

This permission authorises amendments to the original planning permission granted on 8 April 2022 (RN: 20/03987/FULL) which must be commenced no later than the above date. (R03HA)

- 65 Upon commencement of the expanded public house, the windows within the Davies Street frontage of the basement of 52-54 Davies Street and the ground and first floors of 52 Davies Street shall be fixed shut after 23.00 daily.

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)

- 66 You must apply to us for approval of a waste management plan (including hours) to show how waste will be transferred from 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floor of 52 Davies Street to the waste store shown on approved drawing GDS-HAL-0-00-DR-A-22002 Rev. P06 in a way that will not cause a noise nuisance for neighbouring residents or a safety risk to users of the public highway. You must not occupy the basement floor of 52-54 Davies Street or the ground and first floors of 52 Davies Street as a public house until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan for the life of this part of the development.

Reason:

To protect the environment of residents and the area generally, as well as in the interests of public safety, as set out in Policies 7, 24, 27, 25 and 33 of the City Plan 2019 - 2040 (April 2021).

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 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) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.
- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not occurred by 7 April 2025.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highway works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street and Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Street) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highway works to the South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.
- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the

passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.

k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.

l) The provision of the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Building (698 sq.m) and within the entirety of 14 North Row (471.7 sq.m) (both to be ready for tenant fit out) within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street.

m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.

n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).

o) The costs of stopping up of an area of public highway on the south of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).

p) The costs of monitoring the S106 legal agreement.

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 4 With reference to condition 30 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.

- 5 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.

6 You are encouraged to investigate incorporating within the development:

- (a) Communal storage for food waste for the residential element of the development hereby approved so that it can be collected by the City Council's waste collection contractor; and
- (b) Publicly accessible toilets.

DRAFT DECISION LETTERS TO FOLLOW FOR:

- **THE SIX APPLICATIONS FOR LISTED BUILDING CONSENT AT SITE 1 (SMT);**
- **THE APPLICATION FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT AT SITE 2 (14 NORTH ROW); AND**
- **THE APPLICATION FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT AT SITE 3 (24 NOURTH AUDLEY STREET).**

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.