

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB - COMMITTEE	Date 11 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	1 - 1A Great Cumberland Place and 1- 4 Marble Arch, London, W1H 7AL		
Proposal	Demolition and redevelopment behind retained façade to provide a building of two basements, ground, part mezzanine and eight upper storeys accommodating retail (Class A1), office (Class B1) and flexible retail / office (Class A1 / B1) floorspace, alterations to retained facades including replacement shopfronts; provision of plant and associated works.		
Agent	Gerald Eve LLP		
On behalf of	The Portman Estate Nominees (One) Limited And The Portman Estate Nominees (Two) Limited		
Registered Number	17/02923/FULL	Date amended/ completed	31 March 2017
Date Application Received	31 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

1. RECOMMENDATION

1. Grant conditional, subject to a S106 legal agreement to secure the following:

- i) a financial contribution of £78,744 (index linked) for the City Council's carbon offset fund, to be paid on commencement of development;
- ii) a Crossrail payment of approximately £222,070 (adjusted to account for the Mayoral CIL);
- iii) a requirement to investigate the relocation of some of the parking bays on the south side of Bryanston Street to Great Cumberland Place, subject to securing a Traffic Management Order, and all associated costs.

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

- a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if

so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The existing building occupies a prominent position on the corner of Great Cumberland Place and Marble Arch. Designed to mirror the Cumberland Hotel opposite, it is mainly occupied as offices with some retail, restaurant and financial services uses on the ground floor. Immediately to the west, the new Marble Arch Place development is currently under construction.

The offices are outdated and permission is sought to redevelop the building by creating new accommodation behind retained facades. This includes infilling existing lightwells and extending at roof level.

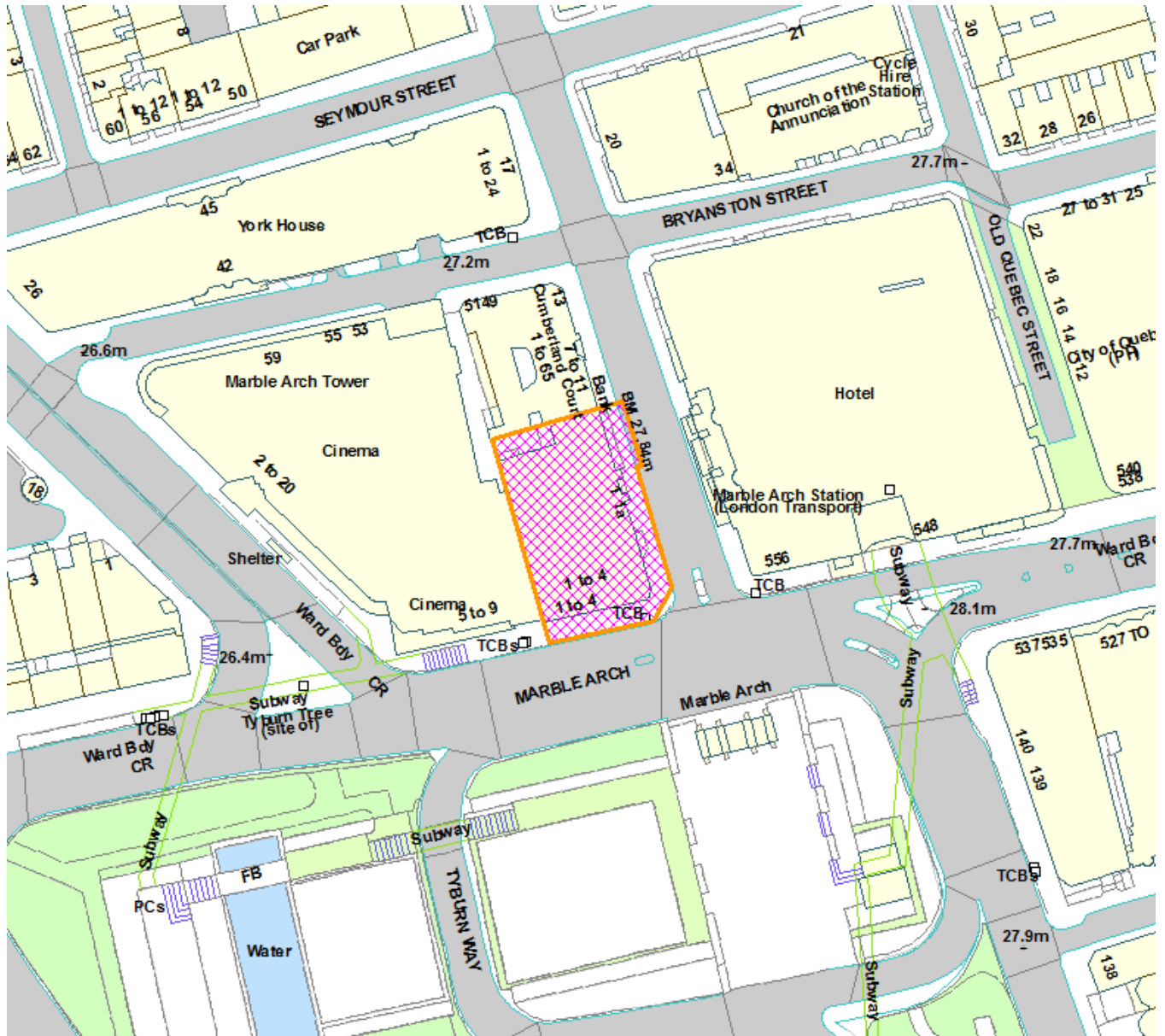
The scheme includes a significant increase in the amount of retail floorspace, which is welcome in this location, within the West End Special Retail Policy Area. There is also an increase in the amount of office floorspace but this is below the trigger that would require the provision of residential accommodation.

The scheme is acceptable in design and transportation/servicing terms.

The main issue is the impact on the adjoining residential Cumberland Court (though there have been no objections from residents in this building).

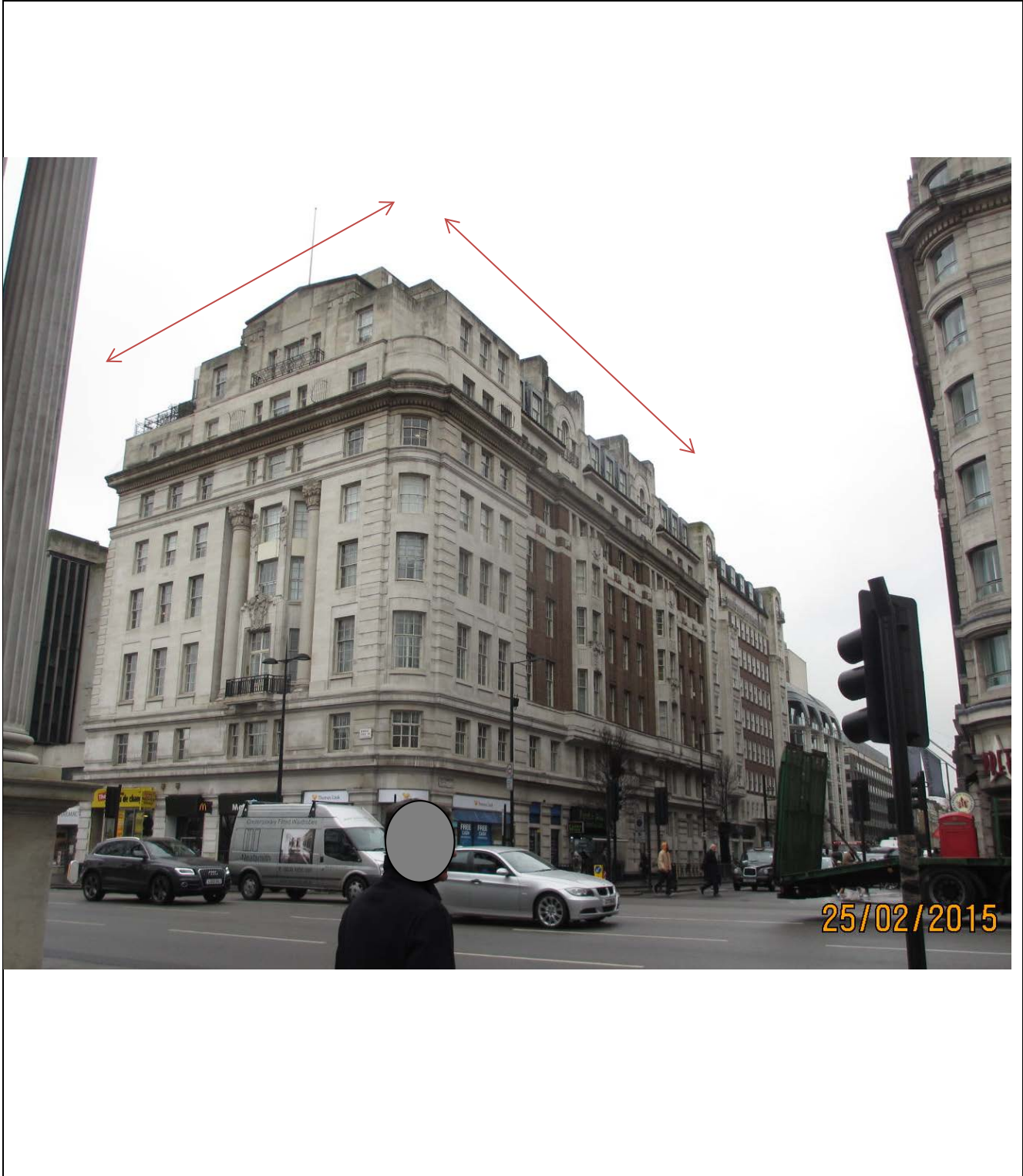
For the reasons set out in the main report, the proposals are considered to be acceptable and in compliance with relevant Council policies with regard to land use, design, amenity and highways matters.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

Advise that there may be some archaeological remains and request that a condition is attached to the draft planning decision.

MARYLEBONE ASSOCIATION

No objection

THE ROYAL PARKS

Any response to be reported verbally

ENERGY STRATEGY OFFICER

No objection in principle; confirms that a carbon offset payment of £78,744 will be required.

HIGHWAYS PLANNING

Queries about the proposed servicing from Bryanston Street and reduction in depth between pavement and enlarged basement. No objection subject to these matters being addressed by legal agreement and /or condition.

PROJECTS OFFICER, CLEANSING

No objection to the proposed storage arrangements for waste and recyclable materials, subject to conditions.

ENVIRONMENTAL SERVICES

No objection to the application on environmental noise or nuisance grounds, subject to conditions.

DESIGNING OUT CRIME

Objection: has discussed the proposals with the scheme's architects but due to limited detail about the security measures cannot accept this as an adequate security design.

LONDON UNDERGROUND LIMITED

Confirm that the applicant has had discussions with London Underground engineers. No comment to make except that the applicant should continue to work with their engineers.

BUILDING CONTROL

Proposed works are in close proximity to underground tunnels and sewers and appropriate approvals should be obtained from the relevant statutory authorities. As the new structure provides support to the highway an informative is required to remind the applicant to obtain Technical Approval from the highways engineers before beginning excavation. No objections raised to the proposed basement works.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 154; Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

1 Great Cumberland Place, which includes 1-4 Marble Arch, has frontages on both streets and comprises basement, ground and seven upper floors. Originally built in the 1920s, it has been subject to various alterations since this time. The property is not listed but there are several buildings in the immediate vicinity, including Marble Arch itself (Grade I). The site is within the: Core Central Activities Zone; West End Special Retail Policy Area (though not on the Oxford Street Primary Shopping Frontage); Edgware Road Stress Area; The Portman Estate Conservation Area; and the recently designated Watling Street Archaeological Priority Area. The site is located within Flood Zone 1 but is not in a surface water flood risk hotspot.

At ground floor, level the existing building contains two Class A1 retail units (Thomas Cook and Marble Arch Food & News), a Class A2 unit in financial and professional use (The Money Shop) and a (Class A3) restaurant unit (McDonalds). The upper floors are occupied as Class B1 offices.

The site is well placed for access to public transport, being located less than 50m west of Marble Arch Underground Station. Oxford Street, while Park Lane and Edgware Road provide a number of bus routes very close to the site. The site has a Public Transport Accessibility Level of 6b.

The surrounding area is characterised by a mix of uses with retail uses dominating the ground floors along Oxford Street and Edgware Road. Office uses can be found on the upper floors of buildings, with residential uses present on the upper floors of the buildings to the north of Oxford Street. The extensive open space of Hyde Park is found to the south west of the site.

6.2 Recent Relevant History

The site has been subject to a number of applications, over the years, but these are mainly for new shopfronts, plant and telecommunications equipment.

7. THE PROPOSAL

Planning permission is sought for the redevelopment of the existing building behind the retained façades fronting Great Cumberland Place and Marble Arch, to deliver a greater quantity and quality of retail and office floorspace. The proposal includes associated alterations to the building facades, including new shopfronts for the retail units (which will now extend to first floor level), with a roof extension and the installation of new plant. The changes in floorspace are summarised in the table below.

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
B1 Offices	6,404	8,350	+1,946 (+30.4%)
A1 Retail	620	2,018	+1,398 (+225.5%)
A2 Professional Services	122	0	-122
A3 Food & drink	834	0	-834
Flexible A1 retail/B1 office space	-	325	+325
TOTAL	7,980	10,693	2,713 (33.9%)

8. DETAILED CONSIDERATIONS

8.1 Land Use

Increase in office floorspace

The site is located within the Core Central Activities Zone and, under the terms of policy S1 and S20 of the City Plan, an increase in office floorspace is acceptable in principle. The applicants advise that the existing accommodation is outdated and that the provision of modern floorspace that will help contribute to the area's economic function, which is welcomed.

Policy S1 also states that "where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required". As the proposed office increase is 24.4% of the total floorspace, the scheme does not trigger a residential requirement. (When the 325 sqm flexible B1/A1 floorspace is included, the total B1 increase still be below the 30% threshold, at 28.5%.)

Increase in retail floorspace

Although the site is just beyond the western end of the Primary Shopping Frontage, it is within the West End Special Retail Policy Area. Policy S7 of the City Plan encourages improved retail space and retail growth throughout this area and policy S6 also encourages retail floorspace throughout the Core CAZ. The significant increase in retail floorspace is therefore welcomed. The applicants have advised that their objective is to proposals is to facilitate the occupation of the larger retail units by a high quality retailer, and this will strengthen the retail presence at this end of Oxford Street.

The increase in retail floorspace does not trigger a requirement for residential floorspace.

The applicant wishes to provide a small flexible retail 'café' unit at ground floor level that could be occupied either as an independent unit, under Class A1, or in association with the Class B1 office use adjoining it. Accordingly, flexible use of this area is sought, to allow for a range of appropriate uses and minimise any risk of the space being unlet. It would only occupy a short stretch of the Great Cumberland Place frontage and, given the

significant increase in retail floorspace within the development, this is considered to be acceptable. Flexible retail/office use is also sought for part of the first floor.

8.2 Townscape and Design

The building is a good early twentieth century classical commercial building. It is the western half of a pair of buildings flanking Great Cumberland Place. It is unlisted but makes a positive contribution to the Portman Estate Conservation Area and to the setting of the grade 1 listed Marble Arch to the south. It is visible in long views from Hyde Park.

The proposal to redevelop behind retained facades is acceptable in principle in conservation area terms. The main design issues relate to alterations to the facades and extensions at roof level.

The installation of well-designed modern shopfronts at ground floor level is welcomed. The replacement of the existing fenestration at first floor level is considered to cause some harm to the architectural integrity of the building, but this is outweighed by the overall benefits of improving the ground floor level frontage.

At roof level there is an additional storey, which appears on the west side of the building in views from the south and west. This extension would be recessed and designed to harmonise with the existing building and is therefore relatively unobtrusive. The proposed plant room above this is set back over 15 metres from the south (Marble Arch) facade, and so its visual impact is limited. The completion of the Marble Arch Place/Tower scheme to the west will make these extensions even less apparent in many views. The replacement of the mansard roof on the eastern facade, with a vertical extension in the style of the existing building, is considered acceptable.

It is concluded that this is a high quality scheme which will contribute positively to the character and appearance of the Portman Estate Conservation Area. Notwithstanding some reservations about the replacement of the existing fenestration at first floor level, the scheme as a whole complies with the City Council's urban design and conservation policies, including strategic policies S25 and S28, and Unitary Development Plan policies including DES 1, DES 5, DES 9 and DES 10.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Sunlight and Daylight

The application is supported by a daylight and sunlight report based on the guidance published by the Building Research Establishment (BRE). The nearest residential accommodation is in the building immediately to the north, Cumberland Court. The applicants have also tested the effect on the approved residential accommodation in the tower which is part of the development site immediately to the west (Marble Arch Tower).

Opposite the site, on the east side of Great Cumberland Place, is the Cumberland Hotel, which is not considered to be a light sensitive property.

There have been no objections from residents in Cumberland Court. This has a small lightwell facing the north side of the application site. Plans provided by the applicant show that this lightwell contains windows serving kitchens, bathrooms and bedrooms. There is also a fire escape that occupies much of the lightwell, thereby reducing the amount of daylight reaching the windows behind and below it. The applicant advises that regarding the layouts of the Cumberland Court flats, although the lease plans referred to above show them to be bedroom units, there is evidence from estate agents plans that some may have been converted to two bedroom units by changing the kitchen adjacent to the boundary with the application site to a bedroom, and moving the kitchen to create a dual aspect open plan living kitchen dining area. As the applicant does not know where these conversions have taken place, the daylight analysis for the Cumberland Court flats has been done on the basis of the layouts on the lease plans. The windows that directly face the application site appear to serve a communal staircase.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which 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 window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

A second commonly used measure is the daylight distribution test. This plots the 'no sky line' - points on a working plane (in residential accommodation this is the horizontal 0.85m high) in a room which can and cannot see the sky. 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.

The BRE guidelines do advise that they should be applied sensibly and flexibly.

Daylight assessment – Cumberland Court

Because the Marble Arch Place ("MAP") site has been cleared, the applicants have tested the potential effect of the proposed development on the adjacent existing building at Cumberland Court in a 'future baseline' scenario, assuming that the MAP scheme is already built-out. (The applicant has also tested the situation before the demolition of the Odeon buildings, but this is no longer considered to be relevant as the Marble Arch Place scheme is under construction.)

Cumberland Court is the residential apartment block located immediately to the north of the site. It comprises residential accommodation on all floors and contains windows within a light well immediately adjacent to the site. It is important to note that not only are the windows relevant for assessment located in close proximity to the site boundary within a light well, they are behind a fire escape stair that serves the building. This context limits

existing light levels, especially for the windows at lower levels, which makes them particularly sensitive to increases in arising from the proposed development.

In the 'future baseline' scenario (i.e. assuming the adjacent MAP proposed scheme is built in the existing and proposed conditions), the VSC results show that the majority (64%) of the lightwell windows tested will satisfy the BRE guidelines,. The remaining windows and rooms will not satisfy the VSC test, retaining less than 0.8 times their former value. However, these windows are already compromised by their position within the lightwell and VSC values are very low, with the majority of windows receiving values of 1%, or less. This means that even small losses in VSC in absolute terms manifest as disproportionately large percentage reductions beyond the recommendations of the BRE guideline. In reality, the changes would be so small as to not be noticeable to the occupants.

Where baseline VSC values are higher (at approximately 9% to windows to the two rooms on the north side of the lightwell at eighth floor level and between approximately 16% to 25% to the rooms at ninth floor level) retained values would be between 0.65 to 0.75 times their former values. Although this is below the BRE target of 0.8, these windows are very sensitive to change given their location close the boundary with the application site and the effect of the fire escape within the Cumberland Court lightwell.

The position with regard to daylight distribution results is similar. The very low existing baseline VSC values confirm that very little sky is visible from the majority of rooms in the lightwell and because the daylight distribution contour defines the points beyond which it is possible to see no sky at all, even the loss of a very small area of the sky visibility over the Site will cause the daylight distribution contour to move. However, in reality there unlikely to be any discernible difference in the overall daylit appearance of the room.

Half (50%) of the rooms served by the lightwell windows will meet the suggested targets for daylight distribution. The two eighth floor rooms on the north side of the lightwell would retain 0.66 and 0.71 times their baseline daylit areas respectively. At ninth floor level, all four rooms tested would meet the daylight distribution targets in the BRE guide.

From the layouts shown on the lease plans for the Cumberland Court flats, it appears that the affected windows serve kitchens (or they may be bedrooms if flats have been converted and the layout changed). It is unclear from the lease plans whether the rooms tested to the north of the bathrooms contain habitable space, but they lead off the common parts, so will contain circulation areas. The same is true if the area has been converted to provide a dual aspect open plan living kitchen dining area. In either case, the circulation areas would be on the north side of the area tested, which is the area where daylight distribution losses would occur (as conformed by the contour plans). The principal living rooms are understood to face east and west and thus will be unaffected by the development.

Daylight assessment – Marble Arch Place

The applicants have also considered the potential effect of the proposed development on the light levels within the adjacent MAP scheme, which is based on the planning approval for the demolition of the existing building and erection of two new buildings of mixed use: 'Building 1' is eight-storeys (plus roof plant) and fronts Marble Arch, while 'Building 2' is

eight storeys with a tower element extending up to nineteen storeys (plus roof plant) and fronts Edgware Road. There is proposed residential accommodation within Building 2 from second floor upwards and therefore, the applicants have tested a sample of rooms, with windows facing the site, to assess the potential effect on the light levels received. The applicants have assessed the impact using the Average Daylight Factor based on the ADF methodology used for new development because the property has not been built. The BRE guide acknowledges that the ADF methodology can be appropriate in these circumstances. (ADF is the measure of overall amount of daylight in a space, with recommended minimum values of 2% ADF for kitchens, 1.5% for living rooms and 1% for bedrooms). Although this measurement is not normally used by Council officers when assessing the daylight impact of a development, it is considered to be a valid approach in this case.

The assessment is based on a sample of 21 rooms within the second, third and fourth floor levels – the three lowest residential floors - where light levels will be lower. The applicant has tested the retained daylight and sunlight values both in relation to the existing buildings on the application site and the proposed development. The applicants have used the ADF reflectance values based on a pale internal décor.

The ADF results reveal that all of the sample rooms tested satisfy the BRE guidelines when assessed in relation to the existing building at 1 Great Cumberland Place. When assessed in relation to the proposed development, the analysis show that all of the rooms will satisfy the suggested ADF targets with very minor differences between the “as existing” and “as proposed” situations, with a maximum reduction of 7%. The impact on light levels will therefore be negligible.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

Sunlight assessment – Cumberland Court

In accordance with the BRE guide, only windows which face within 90° of due south have been tested. The sunlight analysis reveals that 14 of the 18 (78%) of rooms tested will satisfy the BRE guidelines i.e. either they retain at least 0.80 times their former values or the loss of sunlight over the whole year is no greater than 4% APSH.

The rooms that do not are the two rooms each at eighth and ninth floor level on the east side of the light well. The windows serving these rooms face close to due west so can only receive sun for half the day in any event and their proximity to the site makes them sensitive to changes in massing. All but the ninth floor kitchen would lose access to winter sun. Retained total sunlight figures for these four rooms would range from 1% to 23%.

It is inevitable, with any meaningful development of the site, that rooms within this light well will be affected as their windows, which face close to due west, are heavily dependent on sunlight over the Site. Furthermore, many of these rooms are kitchens or potentially bedrooms, which the BRE guidelines states are both less important than living rooms in terms of sunlight availability. With this in mind, the impact on these few rooms is considered acceptable.

Sunlight assessment – Marble Arch Place

APSH results confirm the rooms tested would not meet the BRE targets of 25% total APSH with 5% available during the winter months with the existing building on the site. In the main, winter sun figures are low but total APSH figures range from 3% to 32%. With the introduction of the proposed development there will be some reductions in APSH figures (maximum 1% for winter sun and 5% total APSH). If one were to use the same criteria in the BRE guide for APSH to established neighbours to compare the two sets of results, 18 of the 21 rooms tested would meet the BRE recommendations. Of the three rooms that would not, two are bedrooms (which the BRE guide describes as “less important” than living rooms). The large north living room which will retain 20% total APSH compared to the BRE target of 25%. The proposed development makes little or no difference to the Winter APSH values to these three rooms which are low in the baseline, but their total APSH values in the proposed conditions are good for an urban location so the effect of the proposed development is considered acceptable.

Sense of Enclosure and Privacy

Part (F) of Policy ENV13 seeks to resist developments that would result in an unacceptable degree of overlooking or increased sense of enclosure. The development will enclose the small lightwell at the southern edge of Cumberland Court but this is already enclosed , largely by its own fire escape. The most affected windows appear to serve a communal staircase, though there are kitchen, bedroom and bathroom windows at right angles to the development. The sense of enclose is not considered to be so great to justify a refusal.

The new building does step back opposite the lightwell to Cumberland Court at sixth, seventh and eighth floor levels and two small terraces are shown at sixth and seventh floor levels. Although largely enclosed, given the proximity of the terraces to windows in the lightwell that serve bedrooms in Cumberland Court, it is considered to be appropriate to restrict the hours that these terraces may be used. A condition therefore restricts their use to between the hours of 08.00 and 21.00 hours Mondays to Saturdays and not at all at any other time. They can however be used at any time to escape in an emergency.

8.4 Transportation/Parking and Servicing

Servicing

Policy S42 of the City Plan encourages servicing to be undertaken off-street. Where the council considers that this is not possible, servicing should be undertaken in a way that minimises the adverse effects on other highway and public realm users, and other residential or commercial activity. In this case there is no opportunity to provide an

off-street service bay and the existing situation will need to be retained, namely servicing from the street.

Given the large reduction in A3 use it is considered that the overall level of servicing associated with the building is unlikely to increase. A servicing management plan is sought by condition.

However, whereas servicing currently takes place from Great Cumberland Place the applicant now proposes to undertake all servicing from on-street in Bryanston Street via the new vehicular lane' that forms part of the new MAP development. This lane would replace an existing alleyway that stretches from Bryanston Street to the rear of the block. This lane will cater for all the servicing, residents' parking and cycle parking associated with the MAP development, as well as all the servicing associated with this development. The Highways Planning Manager is concerned that there may be some conflict between vehicles using the new access and staff helping to make deliveries to the development, but considers that the lane is wide enough and the traffic flows will be low enough, and that these activities should be able to co-exist.

However, the Highways Planning Manager has commented that there is only limited space on Bryanston Street for vehicles to stop to serve both of these developments. Ideally, it would help if some of the existing pay-by-phone bays from the south side of Bryanston Street (where it is proposed to service this development from) were relocated to the west side of Great Cumberland Place (where there is currently an on-street service area). Great Cumberland Place is wide enough to accommodate these parking bays given these are currently used for the servicing of this property.

It is therefore proposed that the legal agreement requires that the applicant to investigate this option, paying for all associated costs with applying for a traffic order and the physical works associated with moving the parking bays from Bryanston Street to Great Cumberland Place and their associated replacement with single or double yellow lines.

The proposed changes to on-street restrictions will be subject to the formal Traffic Management Order process. This is a separate legal process, involving consultation, under the Roads Traffic Regulation Act 1984. It is worth noting that the final decision on on-street parking is for the Council as Traffic Authority. As it a separate legal process, their outcome cannot be guaranteed and all representations as part of that process will need to be carefully considered. This is emphasised by the separate statutory process under the Road Traffic Regulation Act 1984. The commencement of the use could not occur until all the Traffic Orders had been confirmed.

In the event that the parking bays cannot be moved to enlarge the servicing area on Bryanston Street, the current proposals are, on balance, considered to be acceptable.

Basement under the Highway

Some of the existing basement vaults extend beneath the pavements on Great Cumberland Place and Marble Arch and the proposals show these being enlarged. The Highways Planning Manager is concerned that the proposal would reduce the distance between the top of the basement and the surface of the footways to less than the 900mm required by UDP policy TRANS 19. This would not leave enough room for the foundations

for any street furniture that the Highway Authorities may need to place in those areas, nor leave enough space for potential utilities' services. It is proposed to address this issue by an amending condition that requires the submission of revised drawings which secure at least 900m between the surface of the highway and the top of the basement.

Cycle parking

The Highways Planning Manager welcomes the provision of 110 cycle parking spaces for staff but would like to see further details of how these cycles are going to fit in the space provided. A condition requires the submission of a detailed drawing showing the layout of the cycle storage. Twelve additional spaces are proposed for visitors: although it is not ideal that these are provided at basement level 2, and would preferably be at a more accessible ground floor location, this is however considered to be acceptable.

Refuse /Recycling

The new development provides sufficient space for storage of refuse and recycling, which will be secured by condition.

8.5 Economic Considerations

The general economic benefits arising from the replacement of outdated office accommodation with new accommodation, and the significant improvement in retail floorspace at this end of Oxford Street, are welcomed.

8.6 Access

The proposal will be more accessible than the existing building, with level access to all main entrances. Internally, all changes in level are negotiable by either lift or ramp, in addition to steps.

8.7 Other UDP/Westminster Policy Considerations

Plant

The NPPF contains guidance on noise management in planning decisions. Paragraph 123 states that decisions should aim to avoid noise giving rise to significant impacts on quality of life as a result of development, and mitigate noise impacts. This paragraph contains recognition that development will 'often create some noise'. Policy 7.15 of the London Plan, 'Reducing Noise and Enhancing Soundscapes' aims to support the Mayor's Ambient Noise Strategy. The reduction of noise resulting from developments, and screening of them from major noise sources, is sought under this policy. The reduction of noise pollution is covered in Westminster's City Plan: Strategic Policies by Policy S 32. Improvements to the borough's sound environment will be secured, as will the minimisation and containment of noise and vibration in new developments. Developments should provide an acceptable noise and vibration climate for occupants. UDP Policy ENV 6 describes policy to address noise pollution issues. Design features and operational measures which minimise and contain noise from developments are required. Residential developments should be appropriately protected from background noise.

A noise survey report is provided as part of the application package, which identifies surveyed background noise levels and identifies the maximum plant noise emission limits for the proposed rooftop plant, in accordance with Westminster City Council's standards, so as to prevent any adverse noise from the plant adversely affecting the amenity of residents in the vicinity of the site. The proposals have been assessed by the Council's Environmental Health officer who has no objections to the proposals, subject to standard conditions.

Energy, Sustainability and Biodiversity

Sustainability and Energy Statements have been submitted to accompany the planning application. These assess the proposals' compliance with policies and principles for sustainable development and energy efficiency. Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. Developments are required to make the fullest contribution to tackling climate change by minimising carbon dioxide emissions (be lean), adopting sustainable design and construction measures and prioritising decentralised energy (be clean), including renewables (be green). London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO₂ emissions over the baseline emissions to be achieved by the development.

The energy strategy that has been developed incorporates energy demand reduction measures and low carbon technologies which resulted in 18.1% reduction of CO₂ emissions over Building Regulations 2013.

Policy 5.7: Renewable Energy of the London Plan requires all major development consider on-site renewable energy generation, within the framework of the Energy Hierarchy. Policy S40 of the City Plan encourages the maximum use of renewable energy generation to achieve at least a 20% reduction of carbon dioxide emissions and where feasible towards zero carbon emissions except where it is not appropriate due to the local historic environment, air quality and/or site constraints.

The feasibility study for the development concluded that photovoltaics are viable for the development with 59m² of the roof to be utilised for photovoltaic panels: this will result in a 3.1% reduction of CO₂ emissions over Building Regulations 2013 baseline.

London Plan Policy 5.6 Decentralised Energy in Development Proposals requires investigation to connect to existing district heating networks. If this is not feasible, then on site combined heat and power facilities (CHP) with export of excess heat should be considered or, finally, CHP design for future connection should be implemented. Policy S39 of the City Plan also seeks to encourage decentralised energy and ensure that major developments make provision for site wide decentralised energy generation and where possible connectivity. However, the applicant advises that the potential of connecting the development to existing district heating networks was found to be limited. Provisions should be made for connection to future networks, and this can be secured by condition. On-site CHP is not viable for the Development, due to the low domestic hot water load.

London Plan Policy 5.9: Overheating and Cooling requires major development proposals to reduce potential overheating and reliance on air conditioning systems, implementing

the Cooling Hierarchy. The proposed energy strategy has followed the cooling hierarchy and resulted in 38.73% reduction of the cooling demand, in comparison to the notional building.

On the basis that the retail element of the proposals is to be provided as 'shell-only' and is therefore excluded from assessment, the proposals will secure an overall 18.1% reduction in CO₂ emissions compared to the Building Regulations 2013 baseline. Overall the office accommodation has been designed to achieve a BREEAM 2014 'Excellent' rating as detailed in the submitted BREEAM Pre-Assessment Report.

Because the scheme does not meet the full policy requirement for the reduction in CO₂, the applicant is offering to offset this shortfall with a financial contribution towards the Council's carbon offset fund. This financial contribution amounts to £78,744 and would be secured as part of the legal agreement.

The proposals also include provision of a new green roof, which will promote biodiversity, in accordance with Policy 7.19 of the London Plan, Policy S38 of the City Plan: Strategic Policies and policies ENV4 and ENV17 of the UDP.

8.8 London Plan

This application raises no strategic issues and is not referable to the Mayor of London.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

On 06 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

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

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

From 06 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations

relating to planning permissions granted by the City Council have been entered into since 06 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i) a financial contribution of £78,744 (index linked) for the City Council's carbon offset fund, to be paid on commencement of development;
- ii) a Crossrail payment of approximately £222,070 (adjusted to account for the Mayoral CIL);
- iii) a requirement to investigate the relocation of some of the parking bays on the south side of Bryanston Street to Great Cumberland Place, subject to securing a Traffic Management Order, and all associated costs.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance with the City Council's adopted City Plan and London Plan policies and they do not conflict with the Community Infrastructure Levy Regulations (2010 as amended).

The proposed development is also liable for a Mayoral CiL payment, and Westminster CIL payments – the applicant estimates (prior to indexation) that the Mayoral CIL will be £135,650 and the Westminster CIL £542,600.

8.11 Other Issues

Basement

With regard to basement policies, the Council adopted the basement revision in July 2016 and incorporated it within the City Plan document. Policy CM28.1 states that all applications for basement development will need to demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment in the area of the development. The City Council also adopted a Supplementary Planning Document (SPD) in October 2014 which sets out guidance for applicants intending to carry out basement works. Building Control have been consulted and have no comments to make on the basement works (other than to refer to the close proximity to underground tunnels and sewers).

In line with policy CM28.1 of the City Plan, a Structural Survey and Basement Impact Assessment (BIA) is submitted as part of the application. The document demonstrates that the site-specific ground conditions, drainage and water environment and impact on surrounding structures has been taken into account. In line with part (A) of Policy CM28.1:

- I. The BIA demonstrates that the proposed basement design has taken into account the site-specific ground conditions, drainage and water environments in the area of the development;
- II. The applications are accompanied by a detailed Structural Methodology Statement and BIA, and a Townscape, Heritage and Visual Assessment, assessing the impact on heritage assets within and surrounding the site;
- III. The application is accompanied by a completed and signed proforma Appendix A in relation to the Code of Construction Practice;
- IV. The BIA demonstrates how the structural stability of nearby buildings and other infrastructure would be safeguarded in relation to the development of the new basement level;
- V. The Flood Risk Assessment demonstrates how the proposal would not increase or otherwise exacerbate flood risk on the Site or beyond; and
- VI. The Structural Statement and BIA demonstrates how the basements would be designed and constructed so as to minimise the impact at construction and occupation stages.

The applicant is in discussion with London Underground, with regard to the proximity of the Central Line underground tunnel. London Underground have confirmed that they have no comment to make on the application, except that the applicant should continue to work with their engineers.

Flood Risk

The NPPF aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Under policies S30 of the Westminster's City Plan: Strategic Policies and ENV2 of the UDP, the City Council requires that all development proposals should take flood risk into account. New development should reduce the risk of flooding.

The site is located within Flood Zone 1 (and not in a surface water flood risk hotspot), and is therefore defined as being at low risk of flooding. The proposed uses are defined as 'less vulnerable' uses, and are therefore considered to be suitable within flood zone 1. The proposed development therefore passes the Sequential Test.

The proposed development would incorporate a green roof, which would reduce peak surface water runoff, as well as an attenuation tank which would reduce the peak discharge rate to a 'greenfield' run-off rate of 5 litres per second. The Flood Risk Assessment submitted with this application concludes that the proposal will not increase flood risk elsewhere. The proposal is therefore considered to accord with planning policy in relation to flood risk.

Construction impact

The proposals constitute a level 2 type development and the applicant will sign up to the Council's Code of Construction Practice, to be secured by condition. An Appendix A checklist has been submitted as part of the application submission.

Archaeology

The site is within the recently designated Watling Street Archaeological Priority Area (APA), which is effectively Edgware Road. English Heritage Archaeology has been consulted and a response is awaited. However, as a safeguarding measure, in view of the additional basement excavation, it is considered appropriate to attach the relevant archaeological condition on the draft planning decision.

Crime and security

There has been an objection from the Designing Out Crime Officer: this is on the grounds that the proposal has little information about what security measures are proposed. The applicant's architects have met with the Crime Prevention Design Officer and have confirmed it is their intention to continue liaising with him, as part of the continuing design of the proposal. On this basis, the objection is not considered to be sustainable.

9. BACKGROUND PAPERS

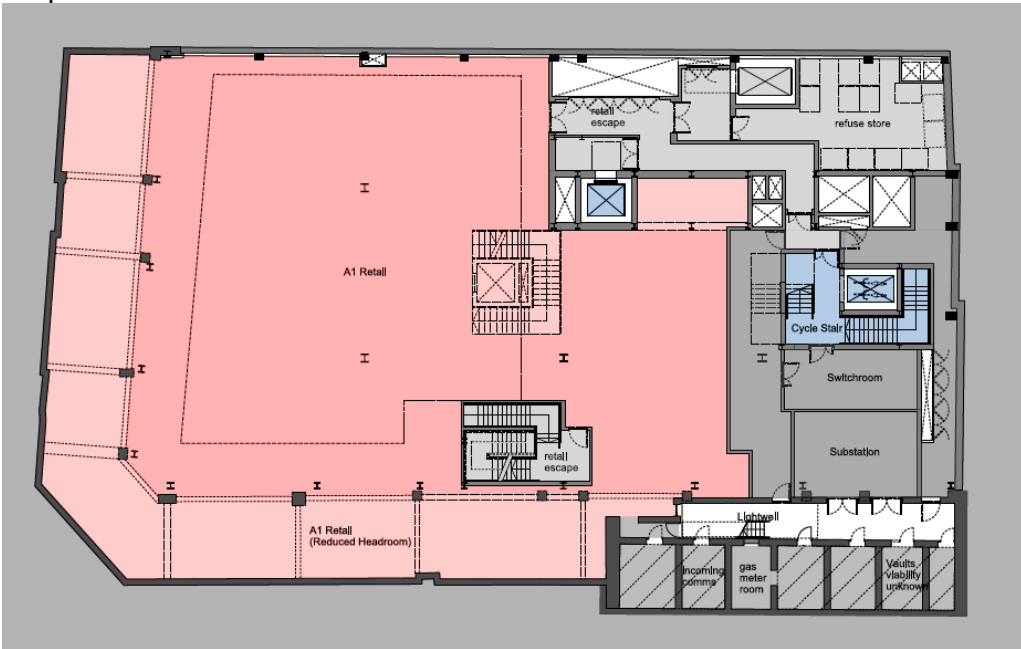
1. Application form
2. Response from Marylebone Association, dated 6 May 2017
3. Response from Environmental Services Team, dated 26 April 2017
4. Response from Designing Out Crime, dated 11 April 2017
5. Response from London Underground Limited, dated 9 May 2017
6. Response from Building Control - Development Planning, dated 21 April 2017
7. Memorandum from the Highways Planning Manager dated 27 June 2017
8. Memorandum from the Projects Officer [Cleansing] dated 25 April 2017
9. Memorandum from the Energy Strategy Officer dated 26 June 2017
10. Letter from Historic England (Archaeology) dated 30 June 2017

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

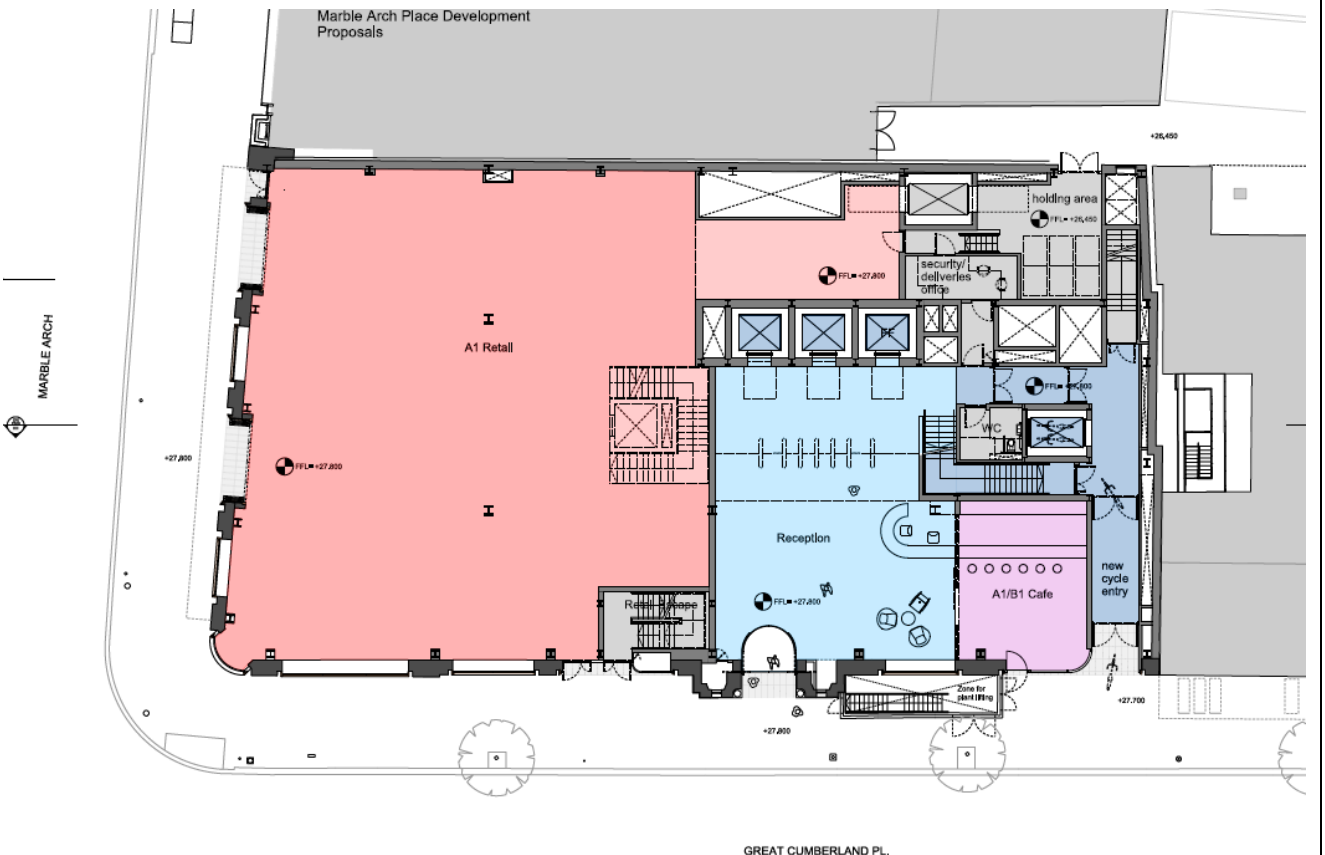
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT sspurrier@westminster.gov.uk

10. KEY DRAWINGS

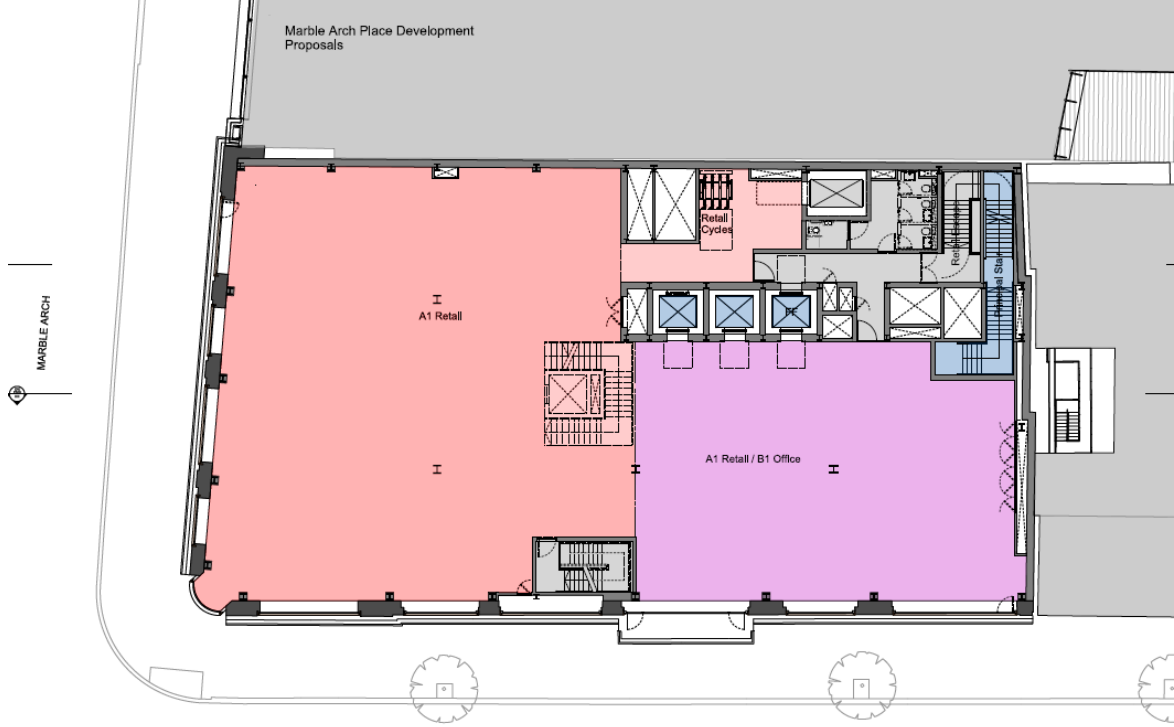
Proposed basement level 1



Proposed ground floor

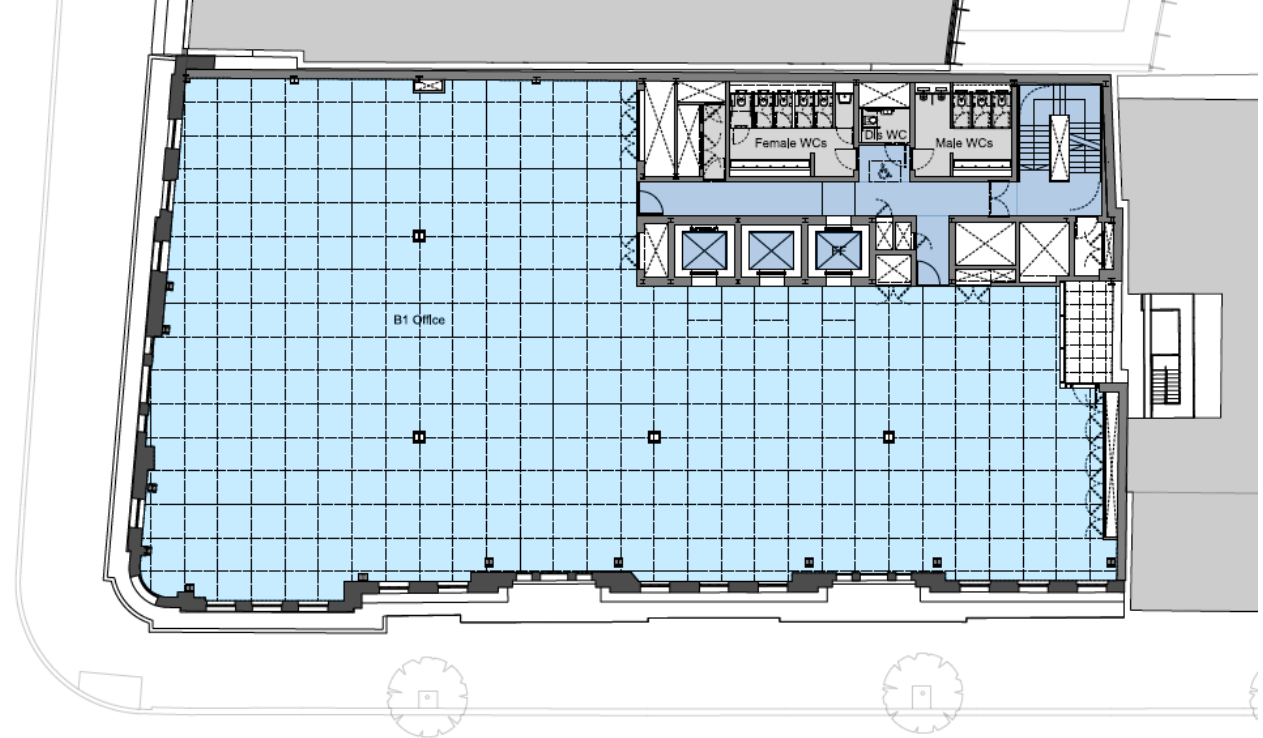


Proposed first floor



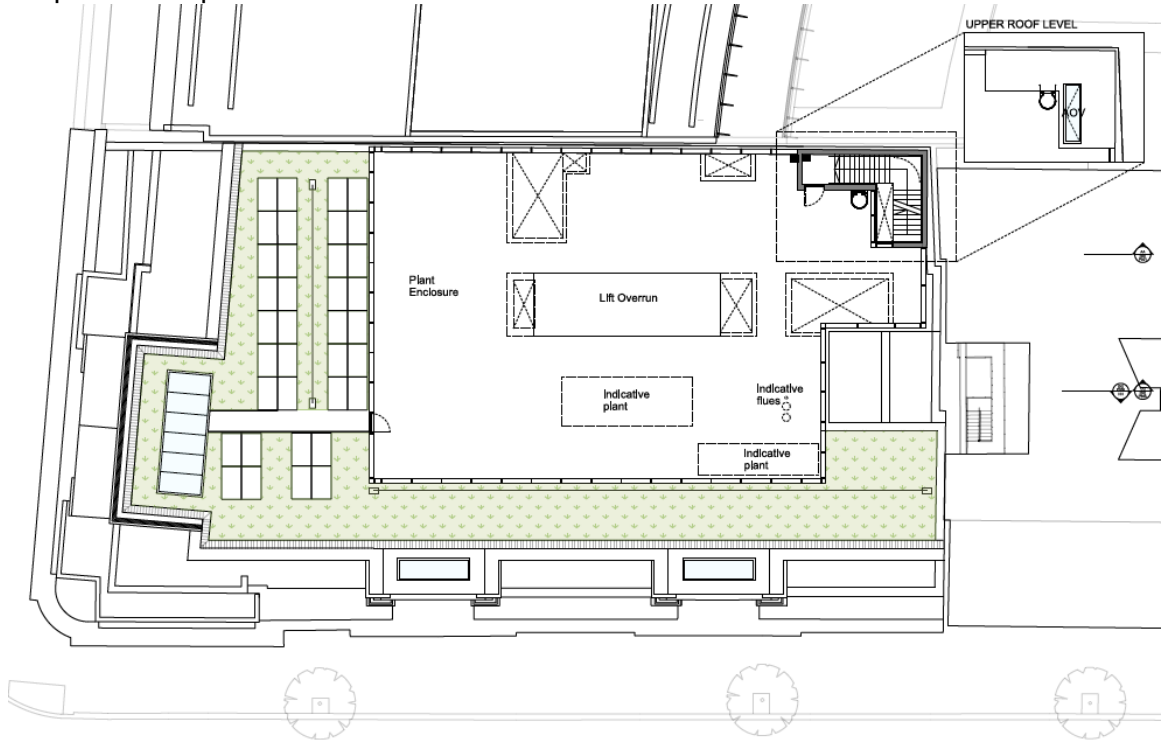
GREAT CUMBERLAND PL.

Typical upper floor (sixth floor)



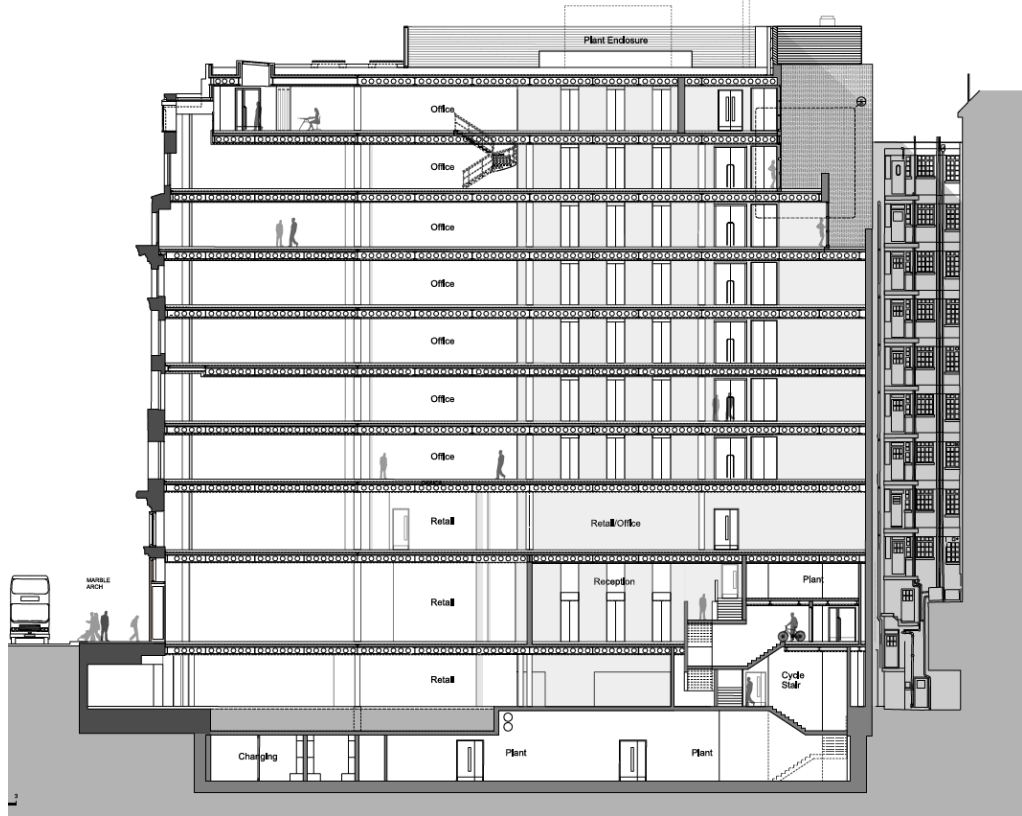
GREAT CUMBERLAND PL.

Proposed roof plan



GREAT CUMBERLAND PL.

Proposed section



Existing Great Cumberland Place elevation



Proposed Great Cumberland Place elevation



Existing Marble Arch elevation



Proposed Marble Arch elevation



DRAFT DECISION LETTER

- Address:** Proposed Development At 1-4 Marble Arch And, 1 - 1A Great Cumberland Place, London, W1H 7AL,
- Proposal:** Demolition and redevelopment behind retained façade to provide a building of two basements, ground plus part mezzanine and eight upper storeys accommodating retail (Class A1), office (Class B1) and flexible retail / office (Class A1 / B1) floorspace, alterations to retained facades including replacement shopfronts; provision of plant and associated works.
- Reference:** 17/02923/FULL
- Plan Nos:** 13014_(00)_P001 Rev P01 (Existing Site Plan); 13014_(00)_P091 Rev P02, 13014_(00)_P098 Rev P02, 13014_(00)_P099 Rev P02, 13014_(00)_P100 Rev P02, 13014_(00)_P100M Rev P02, 13014_(00)_P101 Rev P02, 13014_(00)_P102 Rev P02, 13014_(00)_P103 Rev P02, 13014_(00)_P104 Rev P02, 13014_(00)_P105 Rev P02, 13014_(00)_P106 Rev P02, 13014_(00)_P107 Rev P02, 13014_(00)_P108 Rev P02, 13014_(00)_P109 Rev P02, 13014_(00)_P201 Rev P02, 13014_(00)_P202 Rev P02, 13014_(00)_P203 Rev P02, 13014_(00)_P204 Rev P02, 13014_(00)_P206 Rev P02, 13014_(00)_P220 Rev P01, 13014_(00)_P221 Rev P01, 13014_(00)_P222 Rev P01, 13014_(00)_P223 Rev P01, 13014_(00)_P224 Rev P01, 13014_(00)_P225 Rev P01, 13014_(00)_P226 Rev P01, 13014_(00)_P227 Rev P01, 13014_(00)_P301 Rev P03, 13014_(00)_P302 Rev P02, 13014_(00)_P303 Rev P02, 13014_(00)_P304 Rev P03, 13014_(00)_P305 Rev P03, 13014_(00)_P306 Rev P03; Design and Access Statement dated March 2017.

Case Officer: Paul Quayle

Direct Tel. No. 020 7641 2547

Recommended Condition(s) and Reason(s)

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

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

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

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

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development - 1. Alterations to facades at ground floor and first floor;, 2. Roof storeys and plant areas., , 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 Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

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

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

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

Reason:

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

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 You must provide the waste store shown on drawing A (00)_P099 Rev 02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the office and retail accommodation. You must store waste inside the property and only put it outside just before it is going to be collected. No waste should be left or stored on the public highway. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007.

- 9 Waste and recycling materials generated from the development must be managed in accordance with the 'Proposed waste and recycling strategy' contained in the Transport Assessment, Appendix B (section 5), dated March 2017.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007.

- 10 The roof terraces at sixth and seventh floor levels that face the lightwell of Cumberland Court shall only be used between the hours of 08.00 and 21.00 hours Mondays to Saturdays and not at all at any other time. They can however be used at any time to escape in an emergency.

Reason:

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

- 11 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;:, (c) Manufacturer specifications of sound emissions in octave or third octave detail;:, (d) The location of most affected noise sensitive receptor

location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 12 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 13 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 11 of this permission. You must not commence any of the uses hereby approved until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 14 You must not cook raw or fresh food for the A1/B1 'cafe' at ground floor level.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05DC)

- 15 You must apply to us for approval of details of a security scheme for the new development, including evidence that you have discussed the proposals with the Designing Out Crime Officer. You must not commence the retail or office use 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 building.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Portman Estate Conservation Area as set out in S29 of Westminster's City Plan (November 2016) and DES

1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 16 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 March 2017 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 S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 17 You must provide the environmental sustainability features (environmentally friendly features) outlined in the Sustainability and Energy Statements dated March 2017 and as set out in your application, including the solar photovoltaic panels at roof level, before you start to use any part of the development. 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 S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 18 Provision shall be made within the new development for future connectivity to district heating networks.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 19 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime., You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

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

a). the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed work, and,

b). the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan

(November 2016) and TRANS 2 and TRANS 3 of our UDP that we adopted in January 2007.

- 22 Prior to commencement of any of the uses within the development, you must submit an updated servicing management plan for the Council's approval. You must not commence any of the uses until we have approved what you have sent us. The servicing of the building must then be carried out in accordance with the approved servicing management plan.

Reason:

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

- 23 You must apply to us for approval of a detailed layout of the cycle storage areas, demonstrating that they will provide storage space for 110 (longer term) and 12 (shorter term) bicycles. You must not commence either the retail or office uses until we have approved what you have sent us and the cycle storage has been provided in line with the approved details. You must not use the cycle storage for any other purpose.

Reason:

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

- 24 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking or re-enacting that order) the Class A1 retail accommodation hereby approved at basement, ground and first floor levels shall not be used for food supermarket or similar purposes.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
 - i) a financial contribution of £78,744 (index linked) for the City Council's carbon offset fund, to be paid on commencement of development;
 - ii) a Crossrail payment of approximately £222,070 (adjusted to account for the Mayoral CIL);
 - iii) a requirement

to investigate the relocation of some of the parking bays on the south side of Bryanston Street to Great Cumberland Place, subject to securing a Traffic Management Order, and all associated costs.

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 5 With regard to condition 20, the written scheme of investigation will need to be prepared and implemented by a suitably qualified 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. It is envisaged that the archaeological fieldwork would comprise:
- a) **Geotechnical Monitoring** - Archaeological monitoring of geotechnical pits and boreholes can provide a cost effective means of establishing the potential for archaeological remains to survive on previously developed land or where deep deposits are anticipated. It is usually used as part of a desk-based assessment or field evaluation.
- Any geotechnical investigations should be archaeologically monitored as a first stage of assessing the potential survival on the site. Following this an appropriate mitigation strategy will be formed. This may comprise of further evaluation and/or -
- b) **a watching brief**, involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.
- Depending on the results of the geotechnical investigation, a watching brief may be required on removal of the existing basement slab to map and record any archaeological remains which are present. Provision should be made for additional detailed excavation and recording as appropriate, with advice from GLAAS as advisers to the LPA. A site specific sampling strategy will be required as an addendum to the Watching Brief WSI.
- 6 You are advised to ensure that discussions should continue with the engineers at London Underground, with regard to ensuring that the works at basement level take account of any London Underground structures.
- 7 As the new development provides support to the highway, you are reminded of the need to obtain a Technical Approval from the Council's highways engineers before beginning excavation.

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.