

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 19 February 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved St James's	
Subject of Report	78 St James's Street, London, SW1A 1JB		
Proposal	Replacement and extension at fifth floor level and addition of a new sixth floor for office (Class B1) purposes.		
Agent	Ms Katharine Bramson - DP9		
On behalf of	78 St James's Street Unit Trust		
Registered Number	18/06109/FULL 18/06110/LBC	Date amended/ completed	6 December 2018
Date Application Received	19 July 2018		
Historic Building Grade	II star		
Conservation Area	St James's		

1. RECOMMENDATION

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

2. SUMMARY

The application site comprises the Grade II star listed former Conservative Club, fronting St James's Street, and the linked modern building to the rear (constructed in the early 2000's). The entire building is in office use. The site is located within the Core Central Activities Zone.

Permission is sought to demolish and replace the fifth floor of the modern building, along with the construction on an additional sixth floor. The 5th and 6th floor extension will take the form of a mansard, set back from the main building line.

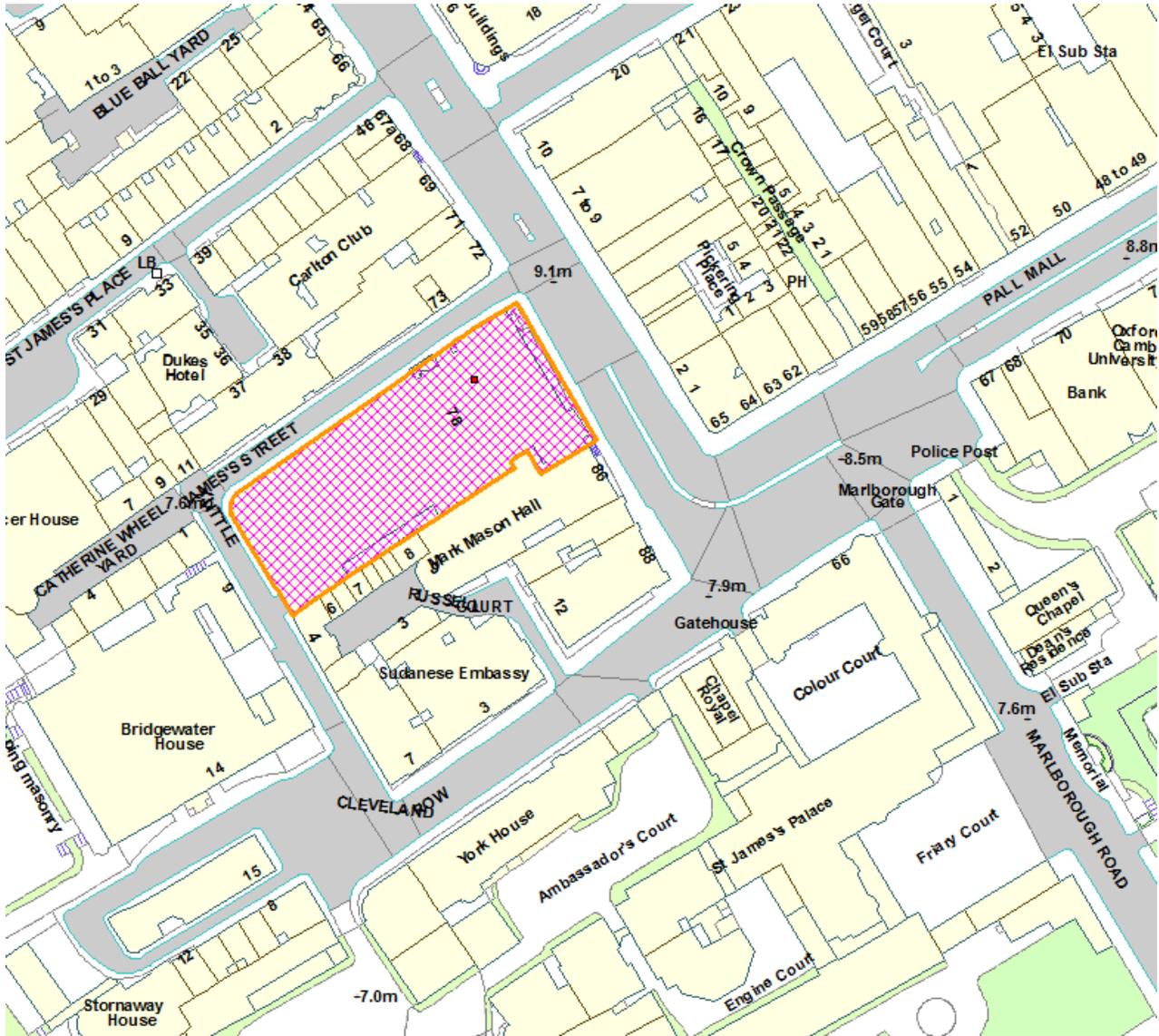
Several strong objections have been received from local residents, primarily on the grounds of design/conservation, amenity and construction management issues.

The key considerations in this application are:

- The principle of the additional office floorspace in terms of land use policy.
- The impact on the Conservation Area, townscape and surrounding listed buildings.
- The impact on the amenity of nearby residential buildings.

As set out in the main report, the principle of additional office floorspace is acceptable in this location. The impacts on the amenity of nearby residents are considered to be acceptable. Whilst there will be changes to views across the conservation area, particularly from the south towards Cleveland Row, the overall impact on the conservation area, townscape and surrounding listed buildings is judged to be acceptable.

3. LOCATION PLAN



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

4. PHOTOGRAPHS



St James's Street elevation



View from rear at corner of Little St James's Street and Cleveland Row (5th floor extension just visible)

5. CONSULTATIONS

ORIGINAL SCHEME:

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally.

WESTMINSTER SOCIETY

No objection.

THE ROYAL PARKS

Any response to be reported verbally.

HISTORIC ENGLAND

Authorisation to determine in line with national and local guidance.

ENVIRONMENTAL HEALTH

Further information required regarding plant.

HIGHWAYS PLANNING MANAGER

Clarification required regarding cycle storage and refuse storage.

WASTE PROJECT OFFICER

No refuse storage shown.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 146

Total No. of replies: 13

No. of objections: 13

No. in support: 0

13 Objections received on the following grounds:

Design/historic building

- The bulk and height are excessive in such a sensitive location.
- The form and detailed design of the extension are not appropriate for this location.
- The extension is not appropriate so close to royal palaces.
- The 2001 scheme represented the maximum amount of development that the site could accommodate before the benefits were outweighed by the harm it brought. The context has not changed in the intervening 17 years.

Amenity

- Noise survey inadequate.
- Significant impact on sunlight and daylight received by residential properties, particularly 73 Little St James's St.
- Noise and pollution as a result of construction traffic.
- 7 Cleveland Row has not been adequately assessed in relation to daylight/sunlight impact.

- Impact upon daylight and privacy to rooms in the Dukes Hotel. The construction noise will impact upon the hotel's revenue.
- Overlooking to the rear from the proposed terrace.

Other

- Loss of revenue to the hotel.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

RE-CONSULTATION FOLLOWING REVISION:

HISTORIC ENGLAND

Authorisation to determine in line with national and local guidance.

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 146

No. of replies: 2 raising objection on the following grounds:

Design/bulk/height

- The applicant has done nothing to address the concerns raised in response to the original scheme – no comparison drawings have been supplied.
- It was made clear by the planning committee in 1998 (application for hotel use) that the demolition and redevelopment of the site was only acceptable in terms of the specific package of proposals relating to the provision of a five star hotel.
- The 2001 office permission made the building as large as it could possibly be, and this application is two storeys higher than that agreed in 2001.
- The conservation context has not changed in the past 17 years.

Amenity

- Impact of the extension on daylight, overlooking and sense of enclosure.
- Noise report does not take into account the construction phase or the operational phase.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the corner of St James's Street and Little St James's Street. It essentially comprises two distinct structures which are linked internally – the Grade II* listed building fronting St James's Street dating from the 1840s and a former

Gentleman’s Club, and the rear structure running along Little St James’s Street which was added in 2001 pursuant to a planning permission for the site’s redevelopment for office purposes.

The building comprises two levels of basement, lower ground, ground and five upper storeys. The current fifth floor extends around half way down the Little St James’s Street elevation, having a large set-back and roof terrace.

The site is within Core CAZ and the St James’s Special Policy Area.

The surrounding area comprises a mix of commercial and residential uses. There are residential flats immediately opposite the site on the other side of Little St James’s Street, as well as to the south and north west. There are other listed buildings in close proximity to the site, including Bridgewater House (Grade I) to the rear of the site, and the Constitutional Club (Grade II) adjacent at 86 St James’s Street.

6.2 Relevant History

16 August 1999 – permission and listed building consent granted for the demolition and rebuilding of 14 and 15 Little St James’s Street as an extension of No. 74 St James’s Street for use as a hotel, with external alterations and associated servicing and parking.

13 December 2001 – permission granted for ‘alterations and additions to 74 St James’s Street, demolition and rebuilding of 14 and 15 Little St James’s Street, all to provide offices.’ This was a revision to the scheme approved in February 2001, replacing the 7 approved flats at fifth floor level with additional offices. The permission is subject to a legal agreement to secure residential accommodation at 36-38 Old Queen Street and a further minimum of 532 square metres elsewhere in the vicinity. This was later secured as six flats at 61 Pall Mall.

The December 2001 office permission was implemented. The application included the restoration of the listed building as well as the demolition of the rear annex and a 1960s office infill building, to be replaced by the building currently in situ.

7. THE PROPOSAL

The application has been revised since it was originally submitted. The original scheme involved the replacement and extension of the 5th floor and the addition of a new 6th floor in a highly glazed style.

Following officer advice and objections from local residents, the application has been amended to change the design of the 5th and 6th floors to a mansard style extension, slightly set back from the main façade, and the 6th floor being set back slightly further from the rear (west) elevation.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	15848	16633	+785

8. DETAILED CONSIDERATIONS

8.1 Land Use

City Plan policy S20 directs new office floorspace to the Core CAZ, amongst other locations. Policy S1 relates to mixed use within the CAZ, requiring the provision of residential use where there is a net increase in office floorspace. This does not apply where the net additional floorspace is less than 30% of the existing floorspace, or less than 400 square metres. The proposed net increase in office floorspace is 785 square metres, well below the threshold for the application of policy S1.

The principle of additional office floorspace in this location is acceptable in land use policy terms.

8.2 Townscape and Design

Residing on the Corner of St James Street and Little St James's Street, no. 78 is the former Conservative Club, a 1840s grade II star listed building, and a later extension constructed in the early 2000s. The principal listed building was significantly altered in the 1960's with the demolition of the rear wing of the building, including its main staircase, whilst more recent developments retained and restored the principal front rooms and roof lantern. Proposals do not physically affect the 1840s listed building. The current contemporary extensions to the 1840s building were designed as two distinct elements, whilst both contemporary in their appearance, the rear section is slightly less austere and exhibiting more character, probably prompted by the listed building it replaced.

Currently, the central section of the site extends five floors above ground floor level, corresponding to the roof line of the 1840s building. The rear section terminates four floors above ground floor with a modest, considerably set back fifth floor addition.

There have been several strong objections on design and conservation grounds from nearby residents, who consider that the building is unsuitable for a roof extension given the heritage sensitivity of the site and close proximity of royal palaces. Reference is also made to the 2001 permission being the maximum volume considered appropriate for this building, the conservation context not having changed in the intervening period.

Proposals include the replacement and extension at fifth floor level of the rear additions, and a new sixth floor for office purposes. The proposed works are assessed against the National Planning Policy Framework (NPPF), specifically chapter 16, policies S25 and S28 of the City Plan: Strategic Policies (2016), policies DES 1, DES 6, DES 9 and DES 10 of our Unitary Development Plan (2007) and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' and 'Roofs' SPG.

Following officer advice, revisions have been made to the scheme in order to reduce the bulk of the proposed extension at sixth floor and reduce the extent of glazing to both the 5th and 6th floors. The existing plant at roof level is rationalised and largely contained within the bulk of the extension.

The fifth floor addition extends from the 1840s building across both sections of the later extension. It is slightly set back from the fourth floor and imitates the form and fenestration proportions of a mansard. The scale, bulk and design of the fifth floor is considered to respond well to the surrounding context. Likewise the sixth floor extends from the 1840s building across two thirds of the site partially replacing the bulk of redundant plant. Significantly set back from the eastern side of the site, the form of the roof again imitates the form of a mansard, with a comparable fenestration arrangement to the fifth floor. Mansards are a common feature in the streetscape of the St James's Conservation Area and it is considered this approach responds more successfully to the surrounding townscape than the heavily glazed design of the original scheme.

Whilst the extension marginally exceeds the height of the 1840s building, this difference is barely visible from street level, particularly in views along St James's Street, Pall Mall and Little St James's Street. The most significant impact of the proposed roof extension on public views from the surrounding townscape and across the conservation area is from Cleveland Row, to the south west of the site. Currently, from Cleveland Row, the rear of the building is visible, with glimpse views of the 5th floor glazed roof storey. As proposed, the bulk of the roof level addition becomes much more apparent, though the 6th floor set-back goes some way to mitigate this. It is not considered that the impact on views across the conservation area from this viewpoint is sufficient to justify refusing the scheme.

The roof extension will also be visible from Green Park, primarily in the winter months. Due to the distance of the site from the park, and the style of the extension, it is not considered that the proposed extension would have a detrimental impact on any views from the park.

In terms of the previous proposals on this site, each scheme must be considered on its own merits and an assessment made according to the current context, national and local policies in place. The reduction in glazing and the more traditional design creates a more appropriate termination of the building which on balance would not harm the setting of the host building, other listed buildings in the area or townscape views within the St James Conservation Area.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Objectors are very concerned that the extension will result in loss of daylight, and will be overbearing, as well as allowing more overlooking.

Sunlight and Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Point 2, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (no sky line) available to windows in these properties. 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 guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise:

- 71-74 Little St James's Street
- 1-2, 4, 5, 6, 11 Little St James's Street
- 1 and 9 Catherine Wheel Yard
- 1-3 and 12 Russell Court,
- 3 Cleveland Row.

Of all the windows tested, there are two rooms which do not fully comply with the BRE guidance, as follows:

3 Cleveland Row (Sudanese Embassy to the south of the site)

There is one room (R2/35) which experiences a 20.7% reduction in daylight distribution (NSL) as a result of the proposed scheme. This change is a very minor breach of the guidance and is considered acceptable given the urban location and full compliance in terms of VSC.

Bridgwater House (to the west of the site)

One room (R7/204) experiences a 24.8% reduction in daylight distribution (NSL). Again, this is a minor breach and considered acceptable given the urban location and full compliance with VSC. The window does not appear to serve residential accommodation.

There is no material impact from the proposed scheme upon the amount of sunlight received by those windows tested.

The hotel opposite the site on Little St James's Street has also objected on the basis of loss of daylight to hotel rooms. The priority of our amenity policies ENV13 and S29 is to protect residential windows and other sensitive uses requiring good light levels such as educational establishments. It is not considered that hotel rooms could reasonably be afforded the same level of protection. Notwithstanding that, it is not considered that the proposed extension would compromise the ability of the building opposite to operate as a hotel.

Overall therefore in terms of the impact upon residential windows, it is not considered that permission could reasonably be withheld and in this respect, the proposals are compliant with ENV13 and S29.

Privacy

The proposed scheme will introduce additional accommodation at fifth and sixth floors. The design of the replacement fifth floor is less 'glazed' than existing, comprising windows set into the lead covered roof, with the sixth floor also being a mansard style. The new windows are set slightly further back than the existing office windows at fourth floor and below, and will have the same relationship with the residential units opposite on Little St James's Street, typical of an urban location. To the rear (west) and south sides the extension is set well back from residential properties, and although the extension will be highly visible from nearby flats and houses to the south and west, it is not considered that the additional office windows would result in an unacceptable degree of overlooking.

Currently there is a terrace at fifth floor. This will largely be covered by the extension, but the applicants propose to re-provide the terrace at sixth floor. Whilst the proposed terrace is considered to be sufficiently set back from nearby residential windows, it is recommended a condition is attached restricting access to 8am to 7pm daily to ensure any potential for noise disturbance at unsocial hours is limited.

Sense of Enclosure

As discussed above, the scheme will introduce additional bulk at fifth and sixth floor level. The most affected residential windows are considered to be those at 71-74 Little St James's Street, immediately to the north of the site. The roof extension will be very apparent from windows on the uppermost floors of this building overlooking the application site. Whilst views from these windows will change, and the amount of sky visible will be reduced, it is not considered that the resultant 'enclosure' would be sufficient to justify refusal and represents a typical cross-street relationship between buildings in this area. Whilst the extension will be apparent from the residential buildings to the rear towards Catherine Wheel Yard (particularly at upper levels), the set backs are considered sufficient to avoid an unacceptable degree of enclosure.

8.4 Transportation/Parking

No changes are proposed to the existing on site car parking arrangements – the vehicular access to the basement remains where it is at the rear of the building. The basement cycle store is proposed to accommodate 148 cycle parking spaces, which is sufficient to serve the whole building. This will be secured by condition.

8.5 Economic Considerations

The economic benefits generated by the provision of new office accommodation are welcomed.

8.6 Access

Access to the building remains as existing; a lift will provide level access to all floors.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposal includes the consolidation of existing rooftop plant at sixth floor level within an enclosure. Objectors and environmental health officers raised concerns over the acoustic report submitted with the original scheme; it has since been revised to take into account the nearest affected windows and Environmental health officers are satisfied that the plant will meet the standards set out in ENV7 of the UDP. It will be subject to the standard noise conditions as set out in the draft decision letter. Some objectors are concerned that the acoustic report has not taken into account the potential noise created during the construction/demolition phase of the development; this is not a requirement of our policies and noise mitigation during construction can be addressed through the Code of Construction Practice.

Refuse /Recycling

The existing basement contains refuse storage and recycling arrangements including 6 no 1100 litre Eurobins and a rotary compactor. This will be secured by condition.

Sustainability

The building is likely to meet the 'very good' category as set out in BREEAM non-domestic refurbishment.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There is no adopted Neighbourhood Plan for this area.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has accepted the condition.

8.12 Planning Obligations

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £145,000, along with Mayoral CIL of £44,000. These figures are provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.13 Environmental Impact Assessment

The application is of insufficient scale to require EIA.

8.14 Other Issues

Construction impact

Objections have been received from neighbouring properties regarding the impact of construction noise, dust and traffic, in particular in a context of redevelopment of other sites in the area.

It is a longstanding principle that planning permission cannot be refused due to the impact on construction. This is due to its temporary nature and the ability to control it by condition. Accordingly, conditions are recommended that limit the hours of construction and require the adherence to the City Council's Code of Construction Practice (CoCP). The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. Whilst the Code of Construction Practice is generally applicable to major schemes, this site is considered to be a sensitive location in terms of construction impact in terms of the narrow surrounding streets and close proximity of residential properties as well as the extent of demolition proposed to the existing fifth floor. As such, given the potential issues involved in construction management, it is considered appropriate to attach the standard pre-commencement condition requiring evidence of adherence to the CoCP.

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Item No.
2

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk
--

9. KEY DRAWINGS

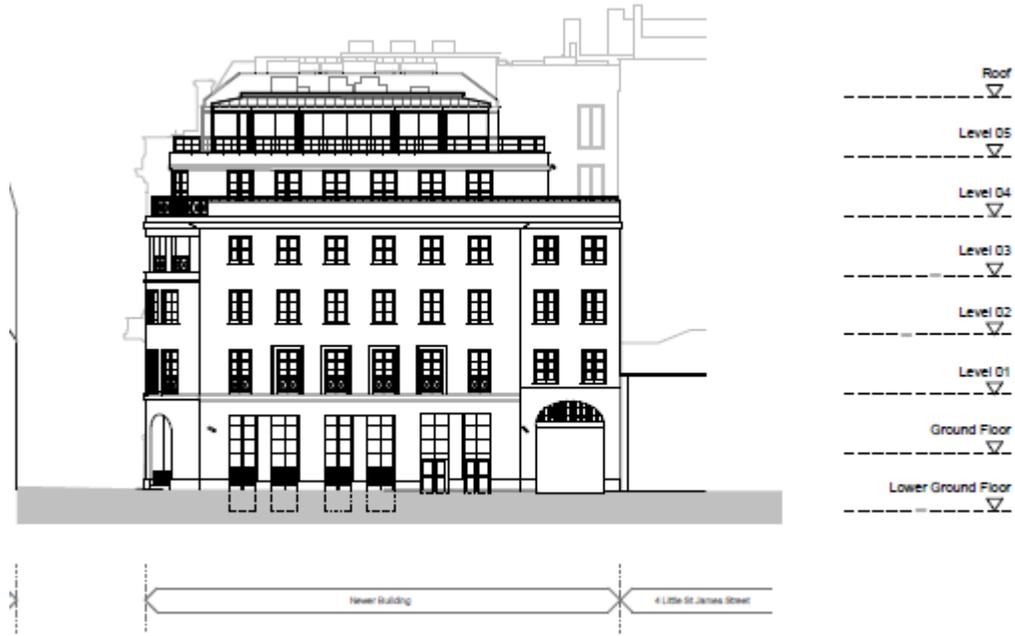
Existing (top) and proposed (bottom) St James's Street elevations



3 Existing East Elevation
1:200

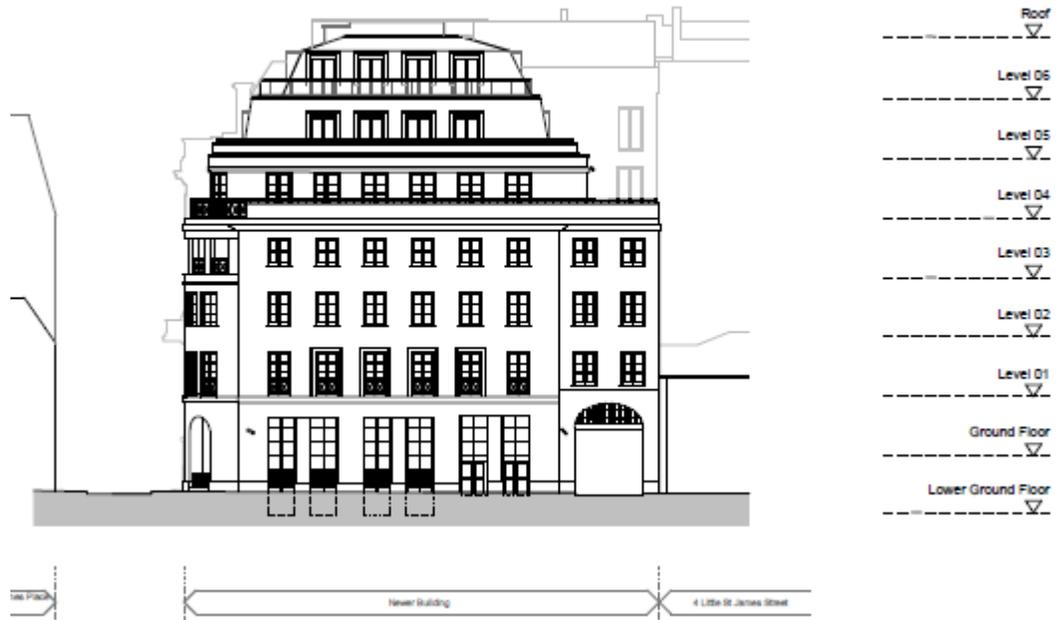


Proposed East Elevation



Existing rear elevation (above)

Proposed rear elevation (below)

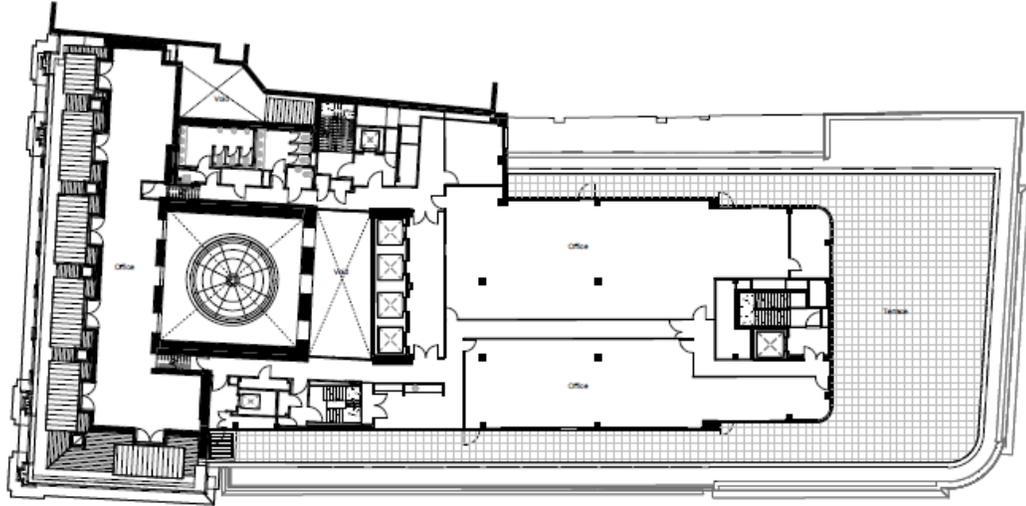




Existing elevation – Little St James's Street

Proposed elevation – Little St James's Street

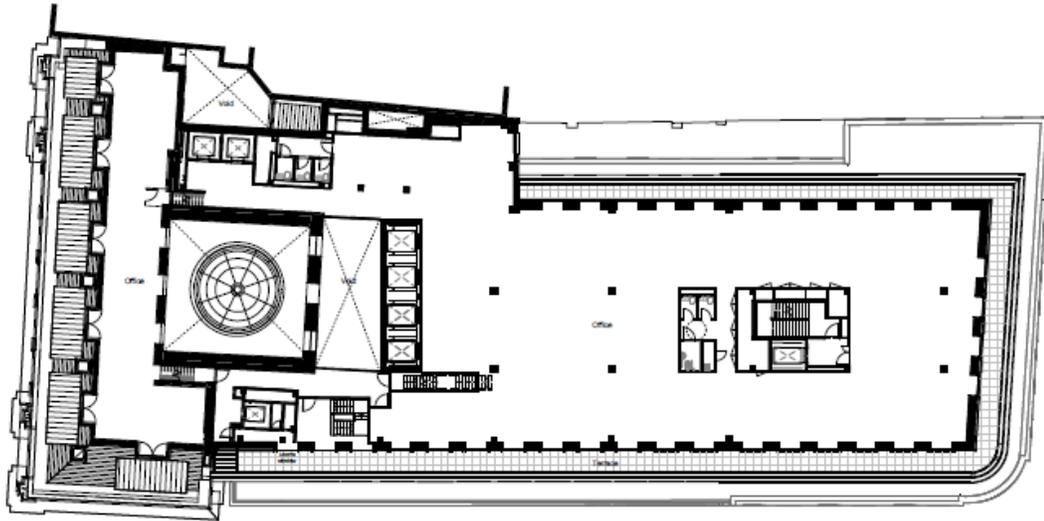




1 Existing Fifth Floor
1:200

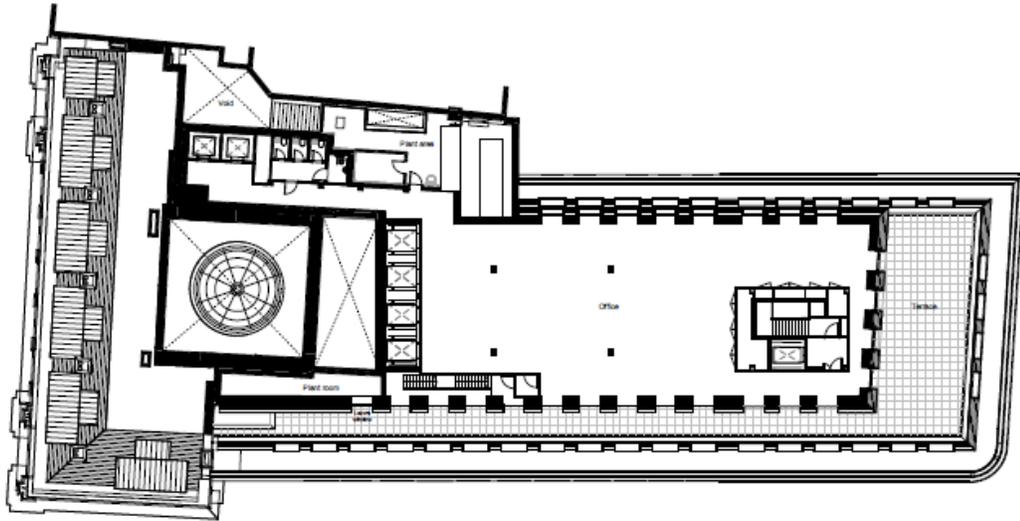
Existing 5th floor plan

Proposed 5th floor plan (below)



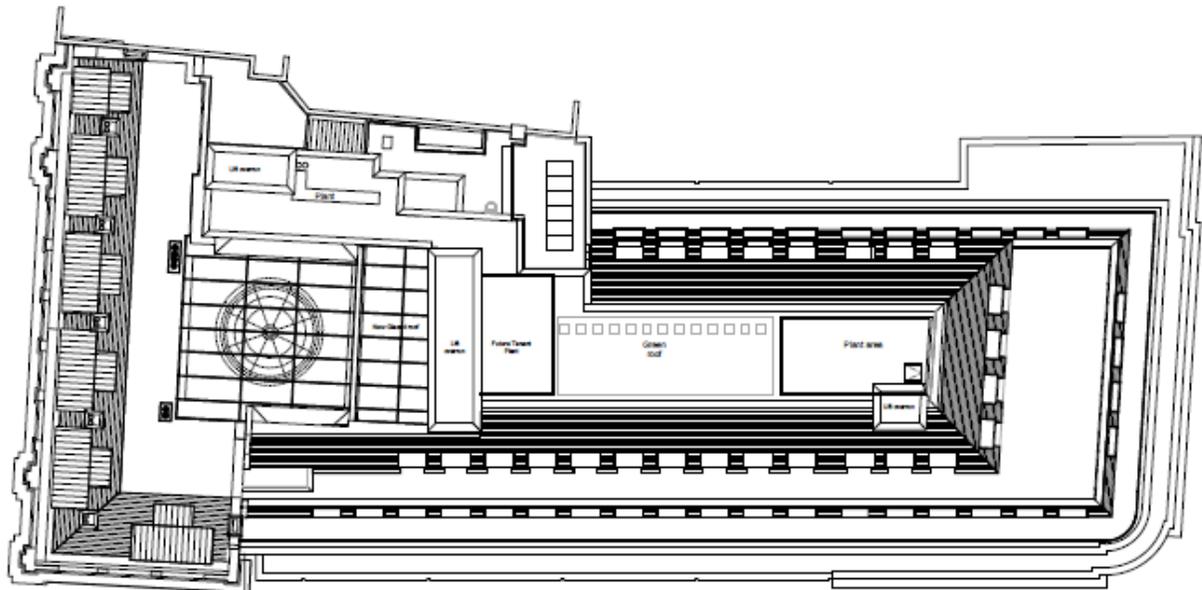
1 Proposed Fifth Floor
1:200

Proposed 6th floor



1 Proposed Sixth Floor
1 : 200

Proposed roof



1 Proposed Roof Plan
1 : 200



Existing view (above) from Cleveland Row

Proposed view (below) from Cleveland Row



DRAFT DECISION LETTER

- Address:** 78 St James's Street, London, SW1A 1JB
- Proposal:** Replacement and extension at fifth floor level and addition of a new sixth floor for office (Class B1) purposes.
- Reference:** 18/06109/FULL
- Plan Nos:** PL00001A; PL00002A; PL00109A; PL00110A; PL00301A; PL00302A; PL00601A; PL00602A; PL01109A; PL01110A; PL01301A; PL01302A; PL01601A; PL01602A; PL02009A; PL02010A; PL02010A; PL02301A; PL02302A; PL02601; PL02602A; PL02701A. Acoustic report by Hann Tucker Associates dated 28 November 2018.

For information only: Design and access statement (Squire and Partners) dated November 2018; Daylight and Sunlight report by Point 2 dated November 2018; Breeam assessment (Hurley Palmer Flatt dated November 2018); Structural assessment (Bridges Pound) dated November 2018; Heritage Statement (Turley); Planning Statement (DP9).

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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 **Pre Commencement Condition.**

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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

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

- 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:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest,

shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

Reason:

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

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 9 The terraces shown on the approved drawings at fifth and sixth floor levels shall only be accessible to users of the building between the hours of 0800 to 1900 daily unless required as an emergency means of escape.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 3 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)
- 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 reference to condition 2 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.
Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.
You are urged to give this your early attention

DRAFT DECISION LETTER

Address: 78 St James's Street, London, SW1A 1JB,

Proposal: Replacement and extension at fifth floor level and addition of a new sixth floor for office purposes.

Plan Nos: PL00001A; PL00002A; PL00109A; PL00110A; PL00301A; PL00302A; PL00601A; PL00602A; PL01109A; PL01110A; PL01301A; PL01302A; PL01601A; PL01602A; PL02009A; PL02010A; PL02010A; PL02301A; PL02302A; PL02601; PL02602A; PL02701A.

For information only: Design and access statement (Squire and Partners) dated November 2018; Heritage Statement (Turley)

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

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. 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 St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

3. 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

4. The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (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 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2. You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.