

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	Nuffield House, 41-46 Piccadilly W1, Pegasus House, 37-43 Sackville Street, London, W1		
Proposal	Redevelopment of Nuffield House and Pegasus House including demolition behind a retained facade (west, south and east) of Nuffield House and replacement building comprising 2 level basement, ground, mezzanine and first to seventh floor and demolition and replacement of Pegasus House comprising 2 level basement, ground, mezzanine and first to fifth floors; amalgamation of the two buildings to provide new office (Class B1), retail (Class A1), restaurant (Class A3), flexible office / retail (Class B1 / A1), and residential accommodation (Class C3); and other associated works. (Linked to 19/00530/LBC)		
Agent	Gerald Eve		
On behalf of	Pegasus House and Nuffield House Nominee 1 Limited and Pegasus House and Nuffield House Nominee 2 Limited		
Registered Number	19/00529/FULL 19/00530/LBC	Date amended/ completed	8 June 2019
Date Application Received	24 January 2019		
Historic Building Grade	Nuffield House, 41-46 Piccadilly Grade 2, Pegasus House 37-43 Sackville Street not listed.		
Conservation Area	Mayfair		

1. RECOMMENDATION

Recommendation

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
- i) Carbon offset payment of £167,680 (index linked) to be paid on commencement of development.
 - ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)

iii) A financial contribution towards employment, training and skills of £ 74,877 or £60,968 (index linked) payable on commencement of development.

iv)) Stopping up and dedication of land; and

v) Monitoring costs.

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

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

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

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

3. That the Executive Director of City Management & Communities or other appropriate officer be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

4. Grant conditional listed building consent

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

2. SUMMARY

The scheme is for the redevelopment of Nuffield House (41-46 Piccadilly) a Grade II listed building behind retained facades on Piccadilly, Sackville Street and the entrance to Albany Courtyard and the complete demolition and rebuild of Pegasus House an unlisted building.

Internally Nuffield House will be completely rebuilt, and Pegasus House rebuilt in alignment with Nuffield House. The amalgamation of the buildings will allow the introduction of large level office floorplates across the site with a new shared core.

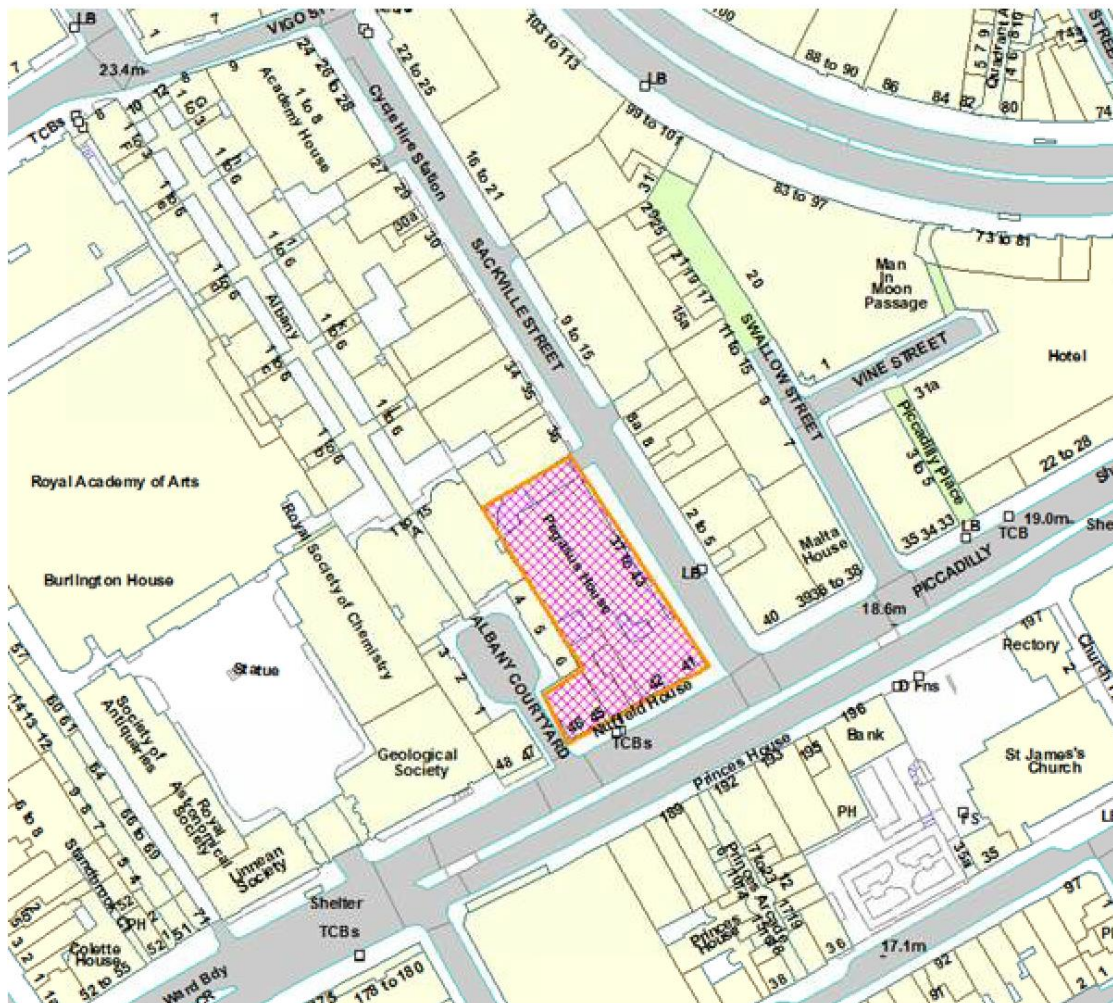
The existing mix of office (Class B1) retail, (Class A1) restaurant (Class A3) and residential (Class C3) will be re-provided.

The key issues for consideration are:

- The acceptability of the scheme in townscape and design terms particularly the demolition and rebuilding of the Pegasus House façade on Sackville Street;
- The impact in land use terms;
- The impact on residential amenity.

The proposed mix of uses is considered acceptable in land use terms in accordance with policies in the London Plan, Westminster's Unitary Development Plan (UDP) and Westminster City Plan (City Plan). The scheme is also considered acceptable in amenity and transportation terms. Whilst there are design merits to the scheme the proposals do not fully comply with all urban design and conservation policies. It is however considered that the public benefits outweigh the less than substantial harm to the heritage assets. It is therefore recommended that conditional permission and listed building consent be granted subject to a legal agreement as set out in the recommendation.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View on Piccadilly



View from Albany Courtyard



View looking south on Sackville Street



View at junction of Piccadilly and Sackville Street

5. CONSULTATIONS

HISTORIC ENGLAND

Historic England: Demolition of Nuffield House would erode the authenticity and integrity of the listed building. Concerned about loss of rear façade. Public benefits needed to outweigh the harm. Replacement of Pegasus House could be acceptable subject to controlling quality of the replacement building. The rear of proposed Pegasus House will not harm to the setting of Albany. Roof extension and shopfronts are acceptable. Authorisation to issue listed building consent received.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response received

HIGHWAYS PLANNING MANAGER

Welcomes the loss of commercial parking,

The re-provision of 6 residential flats with no car parking is acceptable.

Cycle parking should meet London Plan standards

Servicing- proposed off street facility is acceptable but a servicing management plan is recommended to manage deliveries.

Stopping up order is required for the new building line on Sackville Street.

ENVIRONMENTAL HEALTH

No objection

WASTE PROJECT OFFICER

Objection to waste storage provision

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 88

Total No. of replies: 1

No. of objections: 1

1 Objection received on the following grounds:

No objection to the principle of development, nor the re-provision of the existing uses on the site. Objection to the extension to Pegasus House to the rear which would result in harm to No 36 Sackville Street for amenity and design reasons.

Amenity

Loss of daylight, sunlight and sense of enclosure including to an existing roof terrace. A proposed 5th floor terrace will result in overlooking and noise nuisance to an existing terrace.

Design

The additional bulk and mass and encroachment past the rear building line of 36 Sackville Street would result in a dominant and overbearing setting to the Grade II* listed building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6 BACKGROUND INFORMATION

6.1 The Application Site

The site comprises two buildings at the south western junction of Piccadilly and Sackville Street.

Nuffield House (41-46 Piccadilly, W1), comprises basement ground, mezzanine and six upper floors with a set back plant room above. The ground floor is in use as five retail units (Class A1) units, with offices (Class B1) at mezzanine to fifth floor levels and 4 residential flats (1x studio, 2x 1 bed and 1 x 2 bed) at 6th floor level. The basement is occupied by back of house and storage for the retail units, as well as plant rooms.

Nuffield House was built between 1937-1940 and is located on a corner plot with main elevations that face onto Piccadilly (south), Sackville Street (east) and the entrance to the Albany Courtyard (west). On the principle facades it is a highly moulded stone building with a rooftop mansard. At the rear the façade facing onto Melbourne House and the Albany Courtyard, is red brick with crittal-style industrial windows. A prominent steel fire escape runs down part of the building with an escape bridge at 5th floor level. A fire escape door discharges into the Albany Courtyard, next to No. 6

Nuffield House is Grade II Listed, a joint listing with Sackville House on the opposite corner across Sackville Street, with which it forms a pair, framing the southern entrance to Sackville Street.

Pegasus House (37 – 43 Sackville Street, W1) comprises basement, ground, mezzanine and five upper floors. The ground floor is occupied by a large restaurant (Class A3), with an entrance in the central bay leading to the offices (Class B1) above, which occupy the mezzanine to fourth floors. There are two residential flats (1x 1bed and 1 x 2 bed) at 4th and 5th floor levels. There is a vehicular entrance down to the basement at the northern end of the building. The basement contains car parking for the offices and plant areas.

The principal Sackville Street frontage slopes down from Vigo Street towards Piccadilly. The front façade is constructed predominantly from brick with stone features and is set back from the main line of the rest of the buildings along this street. The rear façade is constructed from yellow stock bricks and a large blank return abuts directly into the rear of the two-storey (former) stable blocks to Albany Courtyard. This building also has an external steel escape staircase.

The site lies within the Central Activities Zone and the Mayfair Conservation Area. The site is in the heart of the West End in an area mixed use in character.

6.2 RECENT RELEVANT HISTORY

None directly relevant.

7 THE PROPOSAL

Permission and listed building consent are sought for the redevelopment of Nuffield House and Pegasus House including demolition behind a retained façade (north, south and east) of Nuffield House and replacement building comprising 2 level basement, ground, mezzanine and first to

seventh floors; demolition and replacement of Pegasus House comprising 2 level basement, ground, mezzanine and first to fifth floors.

Nuffield House and Pegasus House are independent from each other except at roof and basement levels. The are varying floor to ceiling heights within both buildings and the floor levels do not align. The redevelopment scheme will amalgamate the buildings.

The rooftop of Nuffield House will be remodelled with and extended at 7th floor level. The 7th floor extension will replace an existing lift overrun plant and aials visible from Piccadilly. Modern shopfronts on Piccadilly with new traditionally designed replacement shopfronts. The rear façade is to be rebuilt using redbrick and Portland stone dressing. A new core/ staircase enclosure will replace an existing fire escape staircase.

The rebuilt Pegasus House is a traditional design which seeks to reinforce the symmetry with the eastern side of the street. The new rear façade introduces a significant number of windows overlooking Albany Courtyard. Changes are made to the building line and an office terrace is introduced at 5th floor level and a plant enclosure at roof level.

The same mix of uses will be re provided namely new office (Class B1), retail (Class A1), restaurant (Class A3) and 6 residential flats (Class C3).

Retail will be provided in 4 units at ground and basement floors in Nuffield House fronting onto Piccadilly. The mezzanine floor of Nuffield House would be used as either retail of offices, with offices in the remainder of the 1st to 5th floors (across both buildings). The six existing residential units (4 x 1 bed units and 2 x 2 bed units) will be located at 6th and 7th floor levels of Nuffield House. Residential terraces will be provided at both 6th and 7th floor levels.

Two restaurants are located at ground and basement levels on Sackville Street. The office and residential entrances are also located on Sackville Street alongside a small off- street loading bay.

No car parking is proposed, however 76 cycle spaces will be provided at basement level together with shower and changing facilities.

8 DETAILED CONSIDERATIONS

8.1 Land use

The floorspace figures are set out in the table below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (class B1)	5,460.8	7,309	+ 1,848.2
Retail (class A1)	1004.8	1,215.9	+211.1
Flexible Office/ retail (B1/A1)	0	429.6	+429
Restaurant (Class A3)	665.1	919.4	+254.3

Residential (Class C3)	472.4	691.3	+218.9
Total	7603.2	10,565.2	+2,962.1

Offices

The site lies within the Core CAZ where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses.

The existing buildings were constructed in the 1950's. The applicant argues that they are outdated as the floorplates within them are inefficient with a considerable amount of circulation space, changes in levels and low floor to ceiling heights. Floor to ceiling heights within Nuffield House vary from as little as 2.9m on the upper floors to 3.8m at first floor level. In Pegasus House, the heights range from 2.7m to 3.8m. The redevelopment proposals will achieve level large floorplates across the two buildings.

The scheme is an office led development, which will result in the provision of 7,309 m2 GIA of office floorspace, a net increase of 1,848.2 m2 at 1st to 7th floors within both Nuffield House and Pegasus House. If the mezzanine floorspace at Nuffield House is also to be used as offices the total increase in office floorspace would be 2,277.2 m2.

Commercial developments are directed to the Core CAZ, Paddington, Victoria and Tottenham Court Road Opportunity Areas, Named Streets and the North Westminster Economic Development Area. New office floorspace is encouraged within the Core CAZ to enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum.

The provision of increased commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The improved quality and increase in quantum of office floorspace is supported in land use terms.

Mixed Use

Policy S1 is applicable for development within the Core CAZ, the Named Street, and Opportunity Areas, which includes net additional B1 office floorspace. Residential is required where the increase in office floorspace is more than 30 % of the existing building (for all uses).

In this case the increase in offices of 1848.2 m2 is a 24% increase in relation to the existing building. If the option to use the mezzanine floorspace of Nuffield House is also taken up the

office increase would be 2,277.2 m². This is an increase of 29% in relation to the existing building. There is therefore no policy requirement to provide residential.

Retail

Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ and restricting the introduction of non-A1 uses at street level, basement and first floors.

The application includes the re provision of retail at ground and basement and part sub-basement of Nuffield House on the Piccadilly frontage on the site. This include the removal of an existing office/residential entrance which will be relocated onto Sackville Street. The scheme proposes 4 retail units an increase of 211.1 m² in retail (Class A1) floorspace. If the ground floor mezzanine is also used for retail purposes this would result in the provision of an additional 429 m² of retail floorspace and an overall increase of 640 m² GIA.

The retail provision is considered appropriate to the Core CAZ.

Restaurants

There is an existing restaurant occupying part of the ground and basement floors of Pegasus House on Sackville Street. The restaurant comprising a total of 665.1m²

The scheme would result in the provision of two restaurants in a similar location occupying a large part of the Sackville Street frontage. The total restaurant floorspace is 919.4 m² GIA this is an increase of 254.3 m² GIA. The proposed restaurants are 420 m² GIA and 338 m² GIA respectively.

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m²) is applicable only in exceptional circumstances. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The proposal states that new large- scale entertainment uses of over 500 m² floorspace will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

The proposed restaurants would result in the provision of service uses that are not considered out of context for the size of the site. The proposed hours would be restricted to the normal core

hours for licensed premises, with evening opening rather than night time use. Subject to appropriate conditions that require both of the restaurants to operate in accordance with approved Operational Management Plans (OMP) the overall restaurant provision is considered to be acceptable.

Ventilation ducts will run internally through the building and air conditioning plant will be housed in a dedicated plant enclosure at roof level. In both instances this will be a substantial distance away from the nearest residential properties. Environmental Health raise no objection to this aspect of the development

Compliance with an OMP's would safeguard amenity and to ensure the restaurants are properly run to minimise their environmental impact.

Residential

At present there are four existing units accommodated within the mansard roof at sixth floor level within Nuffield House and two units located within Pegasus House at fourth and fifth floor levels. The six existing residential units will be re-provided at 6th and 7th floors of Nuffield House. Currently, the residential units in both Nuffield and Pegasus House share accesses with the office entrances on Sackville Street and on Piccadilly. The application proposes separate access for the residential and office space.

The unit mix comprises 4 x 1 bed units and 2 x 2 bed units. The flats have been designed to comply with London space standards. Four of the six units would benefit from private outdoor amenity space. The residential accommodation will be accessed from a independent access from Sackville Street. Cycle storage is located at basement level. Three of the flats are dual aspect, and one of the single aspect flats has a roof terrace as amenity space.

At present two of the residential units are single aspect. The replacement units would also result in two single aspect units, albeit these would be south facing. There will also be two double and two triple aspect units. Four of the six units will have access to private outdoor amenity space. Due to the constraints of the listed building envelope, it is not possible to provide private amenity space to two of the apartments. Lift access will be provided to all floors to enable wheelchair accessibility to all units.

All residential units will have access to cycle parking located at basement level. Refuse storage for the residential units will also be located at basement level. The refuse collection point is in the same location as existing on Sackville Street.

The reconfigured residential would be an improved layout and natural lighting complying with London Plan standards.

The size and configuration of the residential units is acceptable and is in accordance with City Plan policies S1, S14 and S15, saved UDP policies H3 and H5 and the London Plan.

8.2 Townscape and Design

Sackville Street is a unique street in the West End. Its north and south ends were designed as near symmetrical entrances to the street, as a result of a partial implementation of a grand neo-classical scheme for redevelopment of the street for the Sutton Estate by the architect George Skipper in the 1930's. Skipper's scheme was built in stages before and after the last war, but not in full accordance with his plans. After the war the new buildings were built in a somewhat stripped down manner, with slightly lesser quality materials and details.

At the south end of the street Nuffield House (41-46 Piccadilly) was built before the last war, as was the building opposite, on the east side of the street. It is a grade 2 listed building but its special architectural and historic interest lies almost entirely in its external facades, particularly the south and east facades. The list description refers to it as being of 'Group Value' only. The interior is not of special interest. The rear of the building is also very utilitarian and contributes little to its special interest.

Pegasus House (37-43 Sackville Street) was built after the war, but, due to the economic conditions at that time, not quite to the same standards as 2-8 Sackville Street on the east side of the street, although on general inspection they do appear very similar, creating an almost symmetrical architectural composition. This is an important aspect of the composition of the southern end of the street.

The two buildings are considered to make a positive contribution to the character and appearance of the Mayfair Conservation Area and there is a presumption to retain them both.

The proposals

a. Demolition and redevelopment of Nuffield House behind retained facades.

This is considered acceptable in principle as the special interest is limited to the facades. This is evidenced by the fact that the list description states that the building is listed for 'Group Value only'. Whilst this does not mean that the interior is not protected to some degree, it does indicate that the interior is not of special interest. Historic England have stated that the demolition of the interior, including the loss of a staircase, would result in the loss of authenticity and integrity of the building. However, whilst this may be true, officers consider that the demolition of the interior would cause minor, if any, harm to the special interest of the listed building. If there is harm then this needs to be outweighed by public benefits.

At roof level an extension is proposed in the form of a shallow pitched roof, clad in zinc, above the existing mansard. An earlier proposal for a steep roof extension would have created a top heavy appearance, and officers have negotiated a more recessive design which does not have a significant visual impact on the building or the street scene. This is considered acceptable and Historic England agrees.

b. Demolition and redevelopment of Pegasus House

The proposal is to replace the existing post war building with a new building with floor levels continuous across the whole site including Nuffield House. At the southern end, adjacent to Nuffield House the new building will match that on the opposite side of the street, thereby increasing the symmetry of the street at this point. However, the new facade at the north end

does not replicate the existing, or the building on the opposite side of the street, because the new floor levels, taken from Nuffield House, mean that it is taller. Following negotiations the new building is now based more closely on the existing building, and the building on the east side of the street opposite, although full replication is not possible because of the proposed floor levels.

The proposed building features a large plant area at roof level, clad in zinc. Its height and bulk has been reduced through negotiations and is now considered acceptable on the basis that it has little impact on street level views. The detailed design of the new building and samples of the facing materials should be reserved by condition.

This loss of the symmetry across the street, a key and important characteristic of Sackville Street, causes less than substantial harm to the character and appearance of this part of the Mayfair Conservation Area. This harm needs to be weighed against the public benefits of the proposals.

c. The rear facades and impact on Albany Courtyard and 36 Sackville Street

The existing rear facades of both buildings are utilitarian and of little or no interest. Historic England have expressed concern about the loss of part of the rear façade of Nuffield House, which is an original part of the building. However, it is considered that this somewhat utilitarian façade does not contribute highly to the special interest of the listed building. The rear of Pegasus House is considered to be unattractive and has a negative impact on the setting of Albany Courtyard. Its replacement is acceptable in principle.

The new rear facades are faced in a grey brick on the west façade of Pegasus House, and red brick on the north façade of Nuffield House, with Portland stone surrounds to the window openings. In the corner is a circular stair tower, clad with dark metal fins. These are high quality facades.

The new building to replace Pegasus House extends further west than the existing and is closer to the rear of the Grade 1 listed buildings on the east side of Albany Courtyard, although there would still be a gap of four metres between the two buildings. This is considered acceptable.

An objection has been received regarding the impact of the rear on the setting of the Grade 2 Star listed building at 36 Sackville Street. It is argued that the increase in bulk at the rear would be dominant and overbearing compared with the existing building. The extension at the rear of the new building is set over 12 metres from the rear of no. 36. There is an increase of 2 metres in height on the party wall with no. 36. However, neither of these increases in bulk are considered to have an unacceptable impact on the setting of no. 36.

Overall the proposals for the rear are considered to have a positive impact on the setting of the Albany Courtyard. It is considered that the proposed facades are well designed and will enhance the setting of Albany (listed Grade 1). Historic England agrees. This is a public benefit to outweigh harm caused by other aspects of the proposals.

e. Shopfronts

The use of high quality traditional bronze shopfronts at ground floor level is a welcomed and beneficial.

Conclusion on townscape and design issues.

It is considered that this is a high quality scheme which will cause some harm to the heritage assets area but overall this harm is outweighed by public benefits. The proposals will preserve and enhance the character and appearance of the Mayfair Conservation Area. It complies with the City Council's urban design and conservation policies including S25 and S28 of the City Plan and pols DES1, DES4, DES9 and DES 10 of the Unitary Development Plan.

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.

An objection has been received on behalf of an adjacent residential house No 36 Sackville Street that the increased bulk and mass of the rebuilt Pegasus House may result in a loss of daylight and sunlight and the increase and would result in an increase in the sense of enclosure to the property, In particular that a 1st floor roof terrace would be overshadowed. The objection is also made on the grounds that a new roof terrace at 5th floor level would result in overlooking and potential noise nuisance to the terrace.

Daylight and Sunlight

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, GVA GVA Schatunowski Brooks has carried out the necessary tests using the methodology set out in the BRE guidelines on 36 Sackville Street to the north and 1-15 Albany to the west the nearest residential properties to 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 degrees 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.

The site is bounded predominantly by commercial office and retail buildings, however there is residential at 36 Sackville Street to the north and 1-15 Albany to the west. As stated the daylight and sunlight report assesses the impact on these properties.

At 36 Sackville Street there are no windows that directly face towards the application site. The study shows that the daylight and sunlight levels to this property would be largely maintained and there would be no breach in BRE guidelines. With regards to overshadowing of the terrace the BRE guidelines recommend that amenity areas should be tested to ensure that sufficient sunlight reaches the space or that the existing levels are not noticeably reduced. The study shows that sunlit area of the terrace would increase and in this respect the amenity space would be improved with the proposed development in place. It is considered that the new building would not result in any material increased sense of enclosure to either rooms within the building or the rear terraced area.

With regards to 1-15 Albany all 53 windows tested satisfy the BRE Guidelines in relation to VSC. There is a technical breach to BRE guidelines to the daylight distribution (no sky line) to 3 rooms. At two rooms at 4th floor the NSL reductions would be 24.23% and 21.55% respectively, marginally beyond the 20% guidance. However, in each case each room will retain daylight to over 60% the room area.

At fifth floor, a single room will see a reduction of 22.04%, which again, is marginally above the 20% guidance. It should also be noted that this room is a bedroom, which is considered by the BRE to be “less important”.

The development would not result in a material loss to residential amenity due to a loss of daylight, sunlight or increased sense of enclosure.

Privacy / Noise

The objection on behalf of No 36 Sackville Street is made on the grounds that a 5th floor office roof terrace would result in overlooking and noise nuisance to a 1st floor terrace. The terrace in question is currently overlooked by a number of windows from surrounding properties. Furthermore, the proposed 5th floor terrace is a significant distance away, and planters around the perimeter will prevent significant overlooking. With regards to the concern that use of the terrace may result in noise nuisance it should be noted that this will be used by office occupants and not a commercial entertainment use. It is however recommended that the terrace is not used beyond 9pm on Mondays to Fridays and not at all at the weekends to ensure that its use does not result in noise disturbance. It is recommended that the hours of use of the terrace and details of the planters are secured by condition.

8.3 Transportation/Parking

Car parking

UDP policies TRANS 22 and TRANS 23 set out the City Council's standards for car parking across different land uses. No car parking is proposed on site for either commercial or residential uses.

There will be no overall increase in the number of residential units. The Highways Planning Manager confirms that a car free development is acceptable.

Servicing

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street.

Servicing is to be provided partially from a loading bay off Sackville Street. This can accommodate smaller service vehicles (e.g transit, Luton and home delivery vans). Large service vehicles would service on street. The Transport Statement submitted with the application predicts that there would be an extra seven servicing vehicles a day. The highways Planning Manager advises that the servicing arrangements are acceptable subject to the approval of a Servicing Management Plan (SMP) which should principally be used to manage deliveries so ensure deliveries do not arrive together and to promote consolidation of servicing. It is recommended that the SMP is secured by condition.

Cycle storage

London Plan policy 6.9 requires 1 space per 1 bedroom unit and 2 spaces for all other dwelling sizes, 1 space per 175 square metres of retail use and 1 space per 90 square metres of office use. The scheme will provide a minimum of 76 cycle spaces in the basement which meets the adopted London Plan standards. The Highways Planning Manager advises that the draft new London Plan would require 11 more new cycle parking spaces for the office use, and it would be preferable that the draft London Plan standards are met. It is recommended that this is secured by condition.

Building line

The new building line comes forward on Sackville Street. Whilst this does not reduce the amount of space available to pedestrians, a significant part of this space is used currently by the existing restaurant for the provision of tables and chairs and the building line would only come forward to be in line with buildings either side. The land is in the applicant's ownership. However this would require a stopping up order as the land is considered to be public highway having been open and passable for enough time for the public to have acquired highway rights over it.

8.4 Economic Considerations

The economic benefits generated by the provision of new office, retail, restaurant and residential accommodation are welcomed.

8.5 Access

The development would be fully accessible to those with disabilities, with level access to all buildings proposed as part of the scheme in accordance with saved policies TRANS27 and DES1 of the UDP.

8.6 Other UDP/Westminster Policy Considerations

Noise/plant

Environmental Health officers are satisfied that the plant is capable of complying with the City Council's noise standards; residential units must also be constructed to achieve the relevant internal noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. Refuse storage is provided at basement level, (with an internal holding area at ground floor) – check before the bins are put on the street for collection. Appropriate conditions to secure the arrangements are attached

Sustainability

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an energy statement prepared by Watkins Payne which focuses on CO2 reduction by using a highly efficient building envelope with highly efficient mechanical and electrical services along with air source heat pumps serving the commercial aspects of the development.

The proposed development predicts;

- i) CO2 reduction of 28.7% over the Building Regulations 2013;
- ii) The use of renewable energy technologies are predicted to achieve a 16.64% CO2 reduction based on regulated uses; and
- iii) The energy strategy is predicted using the Building Regulations calculation methodologies to achieve an annual carbon emission saving of 74.94 tonnes over the baseline scheme for the development.

There is a shortfall of 22.18 13 tonnes of CO2 per year. It is therefore appropriate in this case to secure a carbon-offset contribution which is in accordance with the formulae in the London Plan equates to financial contribution of £167,680.

The development will meet BREEAM 2018 'excellent' with an Energy Performance Certificate B rating. The bike storage and changing facilities for cyclists encourage and enable sustainable travel for the occupants.

Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service and will address the limitations highlighted above by:

- Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

- Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

- The note sets out how contributions will be calculated according to the type of development proposed. In this case, the commercial floorspace (office and retail uses) attracts a contribution of £74,872 if the ground floor mezzanine is used as offices. This is reduced to £60,968 if this floor is used for retail purposes. The applicant has agreed to these contributions.

8.7 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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out 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.

8.8 Neighbourhood Plans

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

8.9 London Plan

This application raises no strategic issues; the relevant London Plan policies are referred to throughout the report.

8.10 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 pre-commencement conditions to secure the following:

- i) 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 conditions.

8.11 Planning Obligations

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of 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 the overall delivery of appropriate development is not compromised.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £537,970 along with Mayoral CIL for Crossrail 2 (MCIL 2 introduced in April 2019) of £.419,2378 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).

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

- i) Carbon offset payment of £ 167,680 (index linked) to be paid on commencement of development.
- ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, reinstatement of redundant vehicle crossovers and associated work (legal, administrative and physical)
- iii) A financial contribution towards employment, training and skills of £74,872 or £60,968 (index linked) payable on commencement of development.

- iv) A stopping up order.

8.12 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2011). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, y, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.13 Other Issues

Archaeology

The site is within a Tier 2 archaeological priority area In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers. The archaeological investigation can be secured by condition.

Construction impact

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

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. The new Code of Construction Practice was adopted in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's approach is for a condition to be imposed requiring the applicant to provide evidence of compliance with the CoCP before starting work. Compliance is monitored by the Environmental Inspectorate.

A condition is also 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.

Basement

The proposals involve the excavation of a deeper basement than currently exists. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

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The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

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

<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MICHAEL WALTON BY EMAIL AT mwalton@westminster.gov.uk</p>

9 KEY DRAWINGS

Sackville Street
Looking South



Existing view

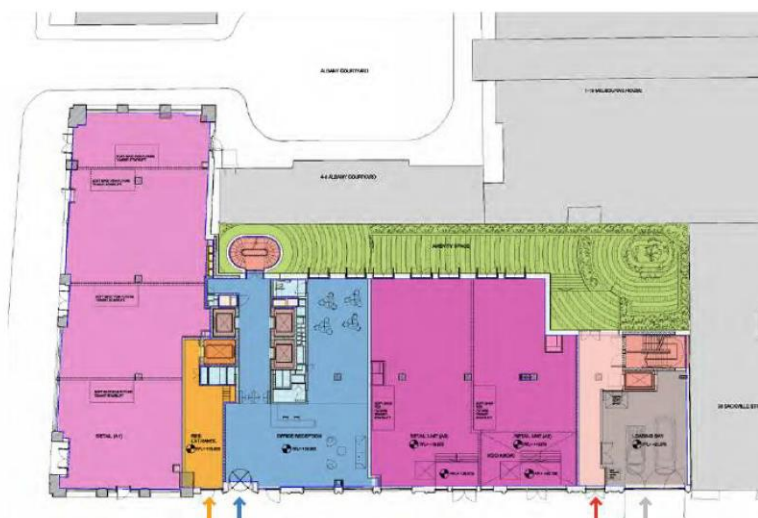


Proposed view

2.10 Ground Floor

Proposed Ground Floor Analysis

- RETAIL
- RESTAURANT
- OFFICE ENTRANCE / RECEPTION
- RESIDENTIAL ENTRANCE / RECEPTION
- PRIVATE AMENITY
- LOADING BAY ENTRANCE
- BIKE STORE ENTRANCE AND ESCAPE ROUTE
- VERTICAL DISTRIBUTION CORE
- ➔ RESIDENTIAL ENTRANCE
- ➔ OFFICE ENTRANCE
- ➔ CYCLE STORE ENTRANCE
- ➔ LOADING BAY ENTRANCE



Sackville Street
Looking Northwest



Existing view



Proposed view

Albany Courtyard
Looking Southeast



Existing view



Proposed view