

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 9 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	388-396 Oxford Street, London, W1C 1JU,		
Proposal	Erection of a single storey roof extension to the Oxford Street elevation and a single storey roof extension to the Duke Street elevation, recladding of all the facades on Oxford Street, Duke Street and Bird Street, in connection with reconfigured retail floorspace (Class A1) over basement, ground and first floor levels, office floorspace at second to seventh floor levels. Increase in height of the existing plant rooms, creation of a terrace at fifth floor level (on Duke Street), installation of new plant and associated works.		
Agent	JLL		
On behalf of	SRL Scottish Limited Partnership		
Registered Number	18/10493/FULL	Date amended/ completed	17 December 2018
Date Application Received	12 December 2018		
Historic Building Grade	Unlisted		
Conservation Area	Outside Conservation Area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

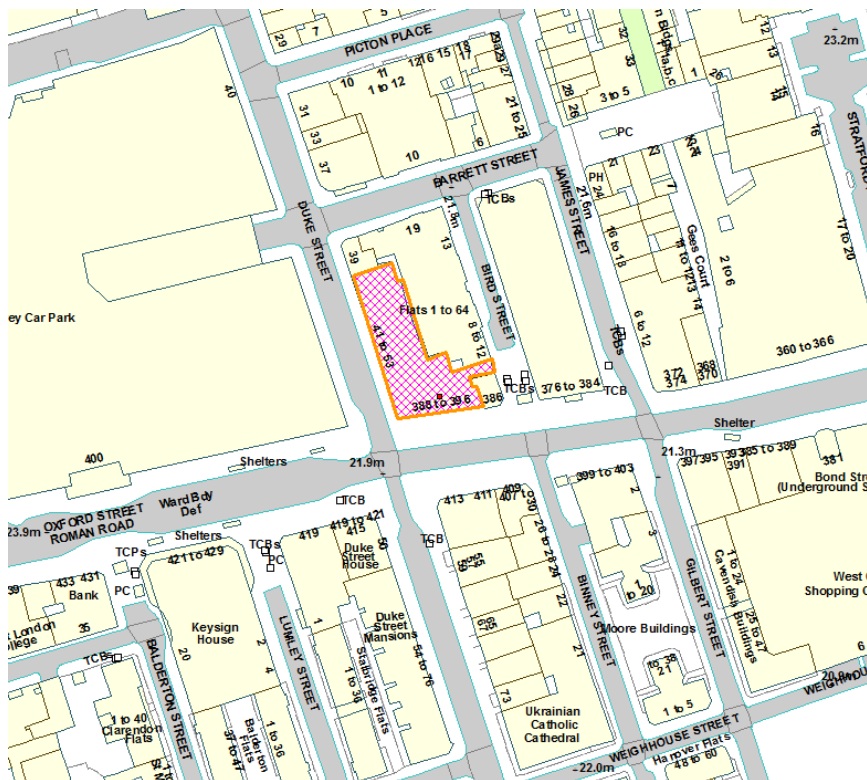
The application site is located on the corner of Oxford Street and Duke Street, a smaller frontage is located on Bird Street, where the site wraps around 386 Oxford Street. The site can be seen in two parts, the Oxford Street frontage comprises basement, ground and six upper floors, plus plant rooms, the Duke Street frontage comprises basement, ground and three upper floors. The building is currently vacant but was previously in use for retail, office and with an educational use at part third floor level. Permission is sought for the erection of a single storey roof extension to both parts of the building, all the facades will be reclad in stone, in connection with the reconfigured retail floorspace and office floorspace. A roof terrace is proposed on the roof of the Duke Street building and this will be designed to incorporate screening to prevent overlooking to the nearest residential at 8-13 Bird Street. New plant is proposed at roof level.

The key issues for consideration are:

- The impact of the proposal on the residential amenity of the flats within 8-13 Bird Street;
- The loss of retail floorspace;
- The appearance of the re-clad facades on the setting of the adjoining Stratford Place conservation area.

The proposal is considered acceptable in amenity, land use and design grounds and is recommended for approval in line with the policies set out in the Unitary Development plan (UDP) and Westminster's City Plan (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

MARYLEBONE ASSOCIATION

No objection, high quality design to the existing building. Concerns from neighbouring residents need to be carefully considered by the council.

ENVIRONMENTAL HEALTH

No objection.

WASTE PROJECT OFFICER

No objection.

HIGHWAYS PLANNING MANAGER

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 99

No. of objections: 9

Nine objections received, two of the seven received are on behalf of the managing agents of 8-13 Bird Street and include the submission of their own daylight and sunlight report. Objections are on all or some of the following grounds:

Amenity

- Loss of privacy from the proposed roof terrace.
- Loss of daylight and sunlight.
- Noise from plant.
- Noise from the use of the terrace.

Design

- Out of keeping with the area and other buildings.

Other

- Loss of view/outlook.
- Disruption during building works.
- Lack of consultation from the applicants.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This is an unlisted building situated outside of a designated conservation area. The building has elevations on Oxford Street, Duke Street and Bird Street and wraps around 386 Oxford Street, which is not part of the proposals. The front part of the building

facing Oxford Street comprises ground and six upper floors, the Duke Street building is lower, comprising ground and three upper floors.

The building is currently vacant but the lawful use of the lower ground, ground and first floors is for retail purposes (Class A1), with offices on the upper floors, apart from part of the third floor which has a lawful use for educational purposes (Class D1), the educational use has a separate entrance on Duke Street.

The nearest residential properties are located within 8-13 Bird Street (Phoenix House), where there are 64 residential units. The flats have windows overlooking Bird Street and to the rear overlooking the application site. The windows over the lower levels of the building are in close proximity to the application site.

The site is located on the International Shopping Frontage and is located within the Core Central Activities Zone (Core CAZ).

6.2 Recent Relevant History

Planning permission was granted on 6 February 2014 for the use of third floor for education purposes (Class D1) and alterations to Duke Street entrance to provide separate access to the third floor. This permission was implemented.

8-13 Bird Street

Planning permission was granted in June 1996 for the redevelopment of the existing building above ground floor level for retail or restaurant use on the ground floor and 64 residential units on the 9 upper floors with 38 parking spaces in the basement. This permission was implemented.

7. THE PROPOSAL

Permission is sought for the erection of a single storey extension to the Oxford Street elevation, this will be set back from the front elevation, a single storey extension is also proposed to the Duke Street elevation. The existing stair and lift enclosure to Duke Street will be extended one storey, this will also provide access to a new roof terrace at fifth floor level of the Duke Street building. The terrace will be positioned towards the front of the building and will be screened to prevent views to the residential windows in Bird Street. The elevation on Bird Street will also be extended by one storey and will extend to its full footprint which will see it being brought forward at seventh floor level. The existing facades will be demolished and they will be reclad in stone. New plant is proposed at roof levels.

Four retail units are proposed over basement, ground and first floor level. With the remaining floorspace to be used for office purposes.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (Class A1)	2270	1991	-279
Office (Class B1)	2030	3456	+1426
Educational (Class D1)	420	0	-420
Total	4720	5447	+727

8. DETAILED CONSIDERATIONS

8.1 Land Use

Retail floorspace

There are two existing retail units over basement, ground and first floor levels comprising 2270sqm. The proposal will result in a loss of 279sqm of retail floorspace. UDP policy SS3 states that in development schemes on the Primary Shopping Frontages, A1 uses should be provided throughout the basement, ground and first floor levels and there should be no loss of A1 floorspace.

The applicants have provided justification for the loss in retail floorspace:

- The loss is limited to the rear of the existing units;
- The loss is 12% of the existing retail floorspace;
- A need to accommodate a second wheelchair accessible lift to the office floorspace;
- A need to accommodate long stay cycle parking; and
- Improved refuse storage.

Two additional retail units are proposed along the Duke Street frontage and this will allow for a longer retail frontage, which will improve street level activity. The loss of retail floorspace is limited and is as a result of providing enhanced office floorspace, therefore it is considered that the loss of retail is acceptable in these circumstances.

Educational use

Permission was granted in 2014 for an educational use at part third floor level. This was occupied by the Royal Drawing School. The drawing school left the premises in November 2018 to consolidate their activities within their main Shoreditch campus, as well as their existing studios at Hackney, Chelsea and London Docklands.

Policy S34 of the City Plan states that all social and community floorspace will be protected except where existing provision is being reconfigured, relocated, or upgraded. The planning application for the educational use was made on behalf of the Royal Drawing School and their occupation was relatively short. It is considered on this basis, with the floorspace changing to office floorspace, that the loss of the educational use is acceptable.

Office use

As a result of the proposals there is an increase of 1426sqm of office floorspace. City Plan Policy S18 states that commercial development will be encouraged and directed to the Core CAZ. The increase in floorspace is in line with this policy.

The uplift in floorspace is less than 30% therefore no residential floorspace is required as a result of this proposal.

8.2 Townscape and Design

The existing building is an undistinguished post war commercial building immediately to the east of Selfridges, which is a grade II listed building. It lies outside the Stratford Place Conservation Area which lies to the east and west. The building comprises a seven storey block on Oxford Street and a lower, four storey wing on Duke Street.

The proposal is to retain the existing concrete frame but to replace the facades and to extend at roof level. The proposed additional massing has been set back following negotiations so that the building will complement, rather than compete, with Selfridges building. The proposed parapet line aligns with that of Selfridges.

The new Oxford Street facade comprises a two-storey base, the top of which aligns with the base of Selfridges, but with a stronger vertical emphasis because of the closer bay spacing. Above this are four storeys with two similar layers. Each layer comprises two storey bays with a horizontal window below two vertical windows. The sixth-floor windows and the parapet to the roof terrace above are framed to create vertical bays capped with a horizontal band. The facade is clad in Portland stone. This is a carefully designed and proportioned facade which will enhance this part of Oxford Street and also the setting of Selfridges.

On Duke Street the Oxford Street facade returns for three bays, and then a simpler approach is used, with vertically positioned fenestration for eleven bays. The facade features horizontal and vertical piers which enrich the facade, giving it light and shade. On Bird Street the existing building has a tall circulation wing which is reclad in Portland stone and extended vertically to the height of the building immediately to the north. This is considered acceptable.

This is a high-quality design which will enhance Oxford Street and it is considered to comply with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 5, DES 6 and DES 9 of the UDP.

8.3 Residential Amenity

The front part of the building facing Oxford Street comprises ground and six upper floors. The Bird Street part of the building is one storey taller than the front part of the site. The Duke Street building is lower, comprising ground and three upper floors. There is a lift and stair enclosure at third floor level of the Duke Street building which allows access to the roof. There is an existing pergola type structure at roof level which connects a stair enclosure to the north of the roof of the main Oxford Street building. The rear elevation of the Duke Street building is stepped back from 8-13 Bird Street.

There are a number of residential windows that overlook the application site, some of which are on the boundary of the site. 8-13 Bird Street is a relatively new building, which received planning consent in 1998 and is taller than the application site buildings with many windows looking out over it.

An additional floor level is proposed to the Oxford Street, Duke Street and Bird Street elevations. The proposed single storey extension on the Duke Street building, 'infills' the existing pergola structure. A new roof terrace is proposed at this new roof level. Although part of rear elevation of the Duke Street building will be brought closer to 8-13 Bird Street, this is in an area where there is a blank façade and no residential windows would therefore be materially affected.

Objections have been received on behalf of all the residents in 8-13 Bird Street, in addition to individual objections, on the grounds of loss of daylight and sunlight, increased sense of enclosure and loss of privacy.

The residents of 8-13 Bird Street commissioned their own daylight consultant to review the applicant's submission. The resident's submission indicated some inaccuracies in the submitted report, the applicants subsequently revised their report, a further response on behalf of the applicant has been received.

Daylight and Sunlight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH. BRE guidance advises that a south facing unobstructed window in London would be able to see 1,486 hours of direct sunlight in a year. Putting this in context a window which receives 3% of APSH would be able to receive direct sunlight for 45 hours in a year.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact the residential properties within 8-13 Bird Street.

The windows affected by the proposal are to the rear of 8-13 Bird Street, and the majority of these windows are orientated west, with some windows also facing south towards the Oxford Street building. The windows at fourth floor level and above overlook the roof of the Duke Street building. The windows on the lower floors overlook the lightwell between the two buildings. The design of the rear elevation of 8-13 Bird Street includes set backs, balconies, recessed windows, but also includes windows positioned on the boundary of the site. It is considered that the detailed design of the residential building has an impact on the amount of daylight and sunlight received by most of these windows

The applicants have stated that the strict application of the BRE Guidelines is not appropriate when considering dense urban locations as there are more obstructions due to the closer proximity and scale of neighbouring buildings. The BRE guidelines state that their *guidelines are to be interpreted flexibility and in special circumstances the planning authority may wish to use different target values for example in a historic city centre, or where a higher degree of obstruction may be unavoidable if new development are to match the height and proportions of existing buildings.* Appendix F of the BRE Guidelines gives guidance on alternative target values, where the existing obstruction value is higher.

The applicant argues that many of the rooms especially on the lower floors are so poorly lit at present that they rely on supplementary electric lighting and the reduction on sky visibility that will be caused will not therefore change the practical use of the rooms in daylight terms. The objector's report states that where rooms have little light at present, reductions in sky visibility should be kept to within BRE guidelines.

The existing levels of VSC over the first to third floors range from 1.28-12.97%. At fourth to fifth floor level, the figures are marginally better and range from 4.91-24.82%, these levels are below the 27% recommended in the BRE Guidelines.

The percentage losses of VSC (at first to fifth floors) range from 8.67% - 68.9%, with the retained figures ranging from 0.61% - 19.9%. The majority of the windows lose over 20% of VSC (i.e. 36 out of 54 windows). The higher losses are to those windows that have a lower existing level of VSC. Lower levels of VSC makes windows very sensitive to any further reduction, and therefore even modest new massing is likely to result in large percentage changes. For example, losing 1% to a window that has an existing VSC of 2% results in a 50% reduction, therefore exceeding 20%. However, it is unlikely that this would be very noticeable. This is disputed by the objectors who state that a reduction from 2% to 1% is expected to have a noticeable adverse effect.

There are three windows per level located in the setback elevation directly facing the Duke Street building. At second to fifth floor level, these windows serve kitchens and bedrooms and there are losses of VSC over 20% to these windows. The objectors submitted a floorplan indicating the layout of the flats in the building (second to fifth floors) and this shows these flats are dual aspect, with the reception rooms and other bedrooms facing Bird Street which are therefore unaffected by the proposals. In these circumstances the loss of VSC is considered acceptable. The layouts of the flats at first floor level have not been confirmed. However, the existing levels of VSC is low (2.94, 4.01 and 2.82) and the retained levels is also low (1.45, 1.90 and 1.51) and it is not considered that these losses will be very noticeable.

The most affected windows are bedrooms and living rooms located at the southern end of the lightwell, which are in very close proximity to the boundary of the site. The living room windows face south onto the rear of the Oxford Street building, and the bedrooms at second to fifth floors contain two windows, one facing south and one facing west, and these serve deep rooms with relatively small windows.

It is considered that the losses to VSC at first to third floor will not be very noticeable even though the losses to VSC range from 20.61% to 66.01% and this is due to the

existing low levels of VSC (ranging from 1.28 – 4.29) and the retained levels of VSC also being low (0.61 – 1.70).

The objectors have highlighted the windows and the rooms/flats they serve at fourth and fifth floor level would be badly affected by the proposals and the total impact to these windows should be taken into consideration. These windows at fourth and fifth floor levels see more noticeable losses as the levels of VSC is slightly higher (existing levels ranging from 4.91-9.28, retained levels ranging from 1.58 – 6.79) than the lower levels of the building. These rooms are also materially affected in terms of daylight distribution where the living room window loses 59% at fourth and 61% at fifth floor level. As previously mentioned, these living windows face south and these are only able to receive afternoon sun. The fourth floor living room window will lose all of its sunlight (10-0) with the fifth floor living room losing 81.25% (16-3%). The bedroom windows at these levels are also materially affected. The objectors have stated that these flats are badly affected and there would be a major adverse impact. These rooms look out onto a lightwell which is close to the boundary of the site, and it is considered that the design of the 8-13 Bird Street contributes to the existing low levels of light. For these windows, any material increase in mass that changes sky visibility will result in a loss of VSC and APSH that is more than 20% recommended by BRE. Therefore, meeting the BRE recommendations for these windows would require there to be no effective increase in mass to the southern end of development site (Oxford Street block).

The windows in the main rear elevation face almost due west, west facing windows are only able to receive direct sunlight for a limited period towards the end of the day. With regards to the losses of sunlight to other windows, many of the living room windows comply with the BRE guidelines in terms of annual sunlight hours. Two living room windows see a loss of annual sunlight over 20%, one at fourth floor, as mentioned in the above paragraph, and one at second floor level. This second-floor window is located in the setback opposite Duke Street and faces south. It also looks sideways across the set back and therefore is already obstructed by its own building. The loss of summer sunlight is 21.43% which is considered to be a minor transgression, but it will lose all of its winter sun (2-0), resulting in a total loss of annual sunlight of 31.25%. Noting the position of this window it is unlikely that this will be very noticeable.

Of the habitable rooms at sixth to eighth floor level, two will lose VSC over 20% (20.67% and 25.27%) this flat at eighth floor level is dual aspect with windows overlooking Bird Street that are unaffected by the proposal. These minor transgressions are considered acceptable.

Officers have been able to gain access to some of the flats within 8-13 Bird Street, but not those at fourth and fifth floor level set out above.

As set out above, there are losses above the BRE Guidelines in terms of daylight and sunlight and these losses are to those windows that are constrained as a result of the position in the building (on the lower levels), their orientation and the proximity to the boundary with application site. Whilst the proposed reduction in natural lighting levels are likely to result in materially worsened living conditions for the residents of those buildings, the resultant levels would mostly not be unusual in a central urban location such as this. Notwithstanding this, the matter of loss of light to these properties has largely arisen in this case due to the fact that any heightening of the building at the

application site would have a material impact on the neighbouring windows since they have been built so close to the application site. This has the effect of prejudicing any upward extension of the application site as any such extension would lead to light reductions to below the BRE recommendations. The proposals merely intend a single storey upward extension which will bring the building up to the same level as the affected neighbour, and to refuse this because of the impact it would have on recently installed windows placed on, or close to, the shared boundary would not, in the circumstances, be reasonable or equitable. It is also necessary to balance the impact on existing residential amenity against the benefits the proposal will bring in line with other local planning policies; namely the increase of office floorspace within the Core CAZ, the improvements to the design of the building and to the setting of the Grade II listed Selfridges building. Therefore, given that the BRE guidelines are to be interpreted flexibly in appropriate circumstances, the proposals are considered acceptable in daylight and sunlight terms.

Sense of Enclosure

Objections have been received on the grounds of increased sense of enclosure as a result of the extensions. As set out above, the application site and the residential building are in very close proximity and any increases to the buildings will increase enclosure to the windows on the upper floors. However, this is the same relationship as the windows on the lower floors have with the application site and on this basis it is considered acceptable.

Privacy

Objections have been received to the increase in overlooking as a result of the proposals.

There are existing windows to the rear of the application site (the Oxford Street and Duke Street buildings) which directly and indirectly overlook the residential windows. New windows are proposed to the rear third floor level (Duke Street). However, as there is already a degree of mutual overlooking, it is not considered that the new windows will have an adverse impact on overlooking.

There is an existing flat roof over the Duke Street part of the application site, which is currently accessible by the occupiers of the building, but it is not considered that the use of the roof for sitting out purposes is lawful. A terrace is proposed at fifth floor level on the Duke Street elevation, this will cover part of the roof facing Duke Street. A wall is proposed to screen the terrace and prevent overlooking to the residential windows. There is a gap in the screening to allow access to remaining part of the roof, which will be used for maintenance purposes only. However, it is considered that the screen should be extended to ensure that there is no overlooking from this level and a condition is recommended to secure this alteration. A condition is also recommended to ensure that the part of the roof allocated for maintenance is not used for sitting out. On this basis it is not considered that there will not be an increase in overlooking from the proposed development.

8.4 Transportation/Parking

Façade alterations

The existing shopfront on Oxford Street includes a deep recess and it is proposed to reduce the recess and bring the shopfront forward. This is a minor alteration to the frontage and no objection is raised by the Highways Planning Manager.

At second floor and above on the Oxford Street and Duke Street elevations, the new façade will project over the lower floors. A minimum clearance of 2.6m is required for any projections over the highway and this is achieved on both of the frontages (6.3m and 7.3m). These will be subject of an oversail licence and this is a separate procedure to planning and an informative is recommended.

Servicing

No existing off-street servicing exists for the site, and this is not proposed to change as a result of this development. The site is located within a Controlled Parking Zone, which means that loading and unloading can occur where there are single and double yellow lines. There is also a loading pad on Oxford Street adjacent to the site. Given the scale of the proposals the servicing requirements for the proposed development are unlikely to alter significantly.

Cycle parking

There is no existing cycle parking and 40 spaces are proposed and these are located at ground floor level accessed from Duke Street. The Highways Planning Manager has no objection to the location or the numbers proposed and these will be secured by condition.

8.5 Economic Considerations

Any economic benefits generated by the proposals are welcomed.

8.6 Access

Level access is proposed for the retails and office entrance. Lift and stair access is provided to the upper floors.

8.7 Other UDP/Westminster Policy Considerations

Noise

Objections have been received to the potential noise from the roof terrace. The roof terrace is situated away from the residential windows and the screen, which is required to remove overlooking will also go some way to reduce any potential noise from the terrace. The hours of operation of the terrace will be restricted to normal office hours (08.00 – 20.00) to prevent late night nuisance.

Plant

Two plant rooms are proposed at roof level and these will be fully enclosed. Objections have been received to the proposed plant on the grounds of increased noise. Originally environmental health raised concerns over the submitted acoustic report as background noise levels were not recorded on Sundays. A revised report has now been submitted which includes background noise levels over a seven day period and Environmental Health have now not raised any objection to the plant installation which is likely to comply with the City Council's standard noise conditions.

Sustainability

Photovoltaic panels are proposed at roof level, these are welcomed and secured by condition.

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 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 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

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 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 agreed to the imposition of the condition.

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application.

The development is not CIL liable.

8.12 Environmental Impact Assessment

The proposal is of an insufficient scale to require an Environmental Impact Assessment.

8.13 Other Issues

Construction impact

Concerns have been raised to impact of the building works. Planning permission cannot reasonably be withheld on these grounds.

Since June 2016, construction impacts are covered by the Code of Construction Practice (COCP) and the Environmental Inspectorate. The COCP categorise developments into three levels, this scheme is a Level 2 development. Level 2 development will require the submission of a Site Environmental Management Plan (SEMP), but after consent is granted. It is important to note that planning have no role in determining what goes into the SEMP nor will it enforce compliance, this will exclusively be dealt with by the Environmental Inspectorate.

Hours of building and excavation work will be secured by condition. Therefore, it is considered that the concerns from objectors about the construction process are fully addressed.

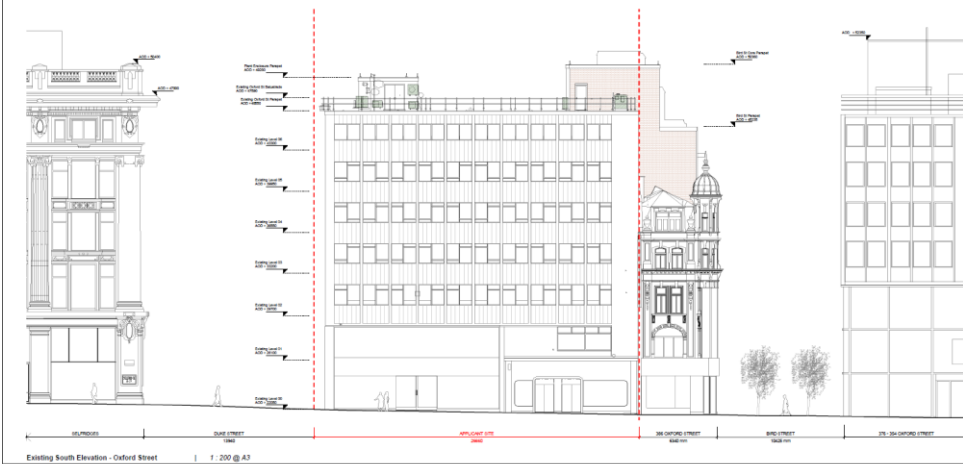
Objections have been received to the submitted statement of community involvement carried out by the applicants. The residents within 8-13 Bird street have confirmed that they did not receive the consultation letter from the applicants inviting them to a public exhibition. This is not under the control of the City Council and although it is unfortunate that the letters were not received, planning cannot be withheld for these reasons.

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

9. KEY DRAWINGS

Existing Oxford Street elevation



Existing South Elevation - Oxford Street | 1:200 @ A3

Legend:

- Stone Cladding
- Existing brickwork
- Existing MEP Equipment

Drawing Scale: 0 5 10 m

Key Plan | 1:2000

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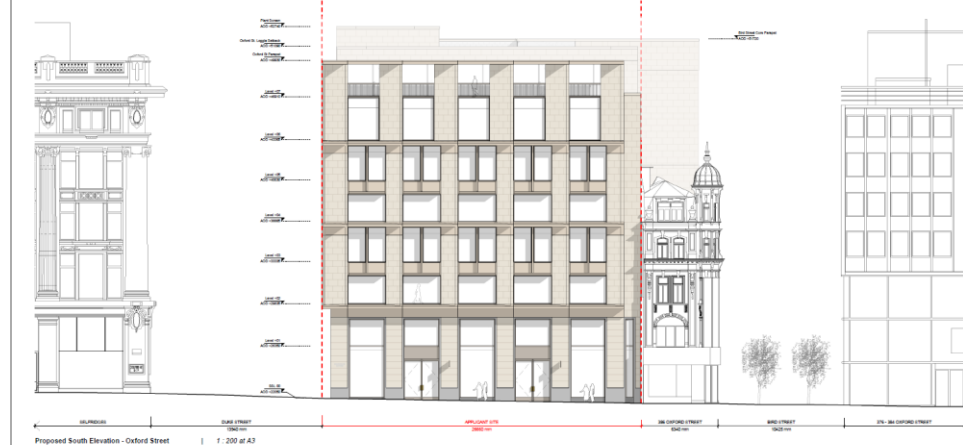
Revision	Date	Drawn	Checked

Title	Sheet Code	Stage	Purpose
EXISTING ELEVATION - OXFORD STREET	A3	01	EXIST/PLAN

Scale	Author
1:200 (A3)	

Project	Orig	Draw	Level	Type	Rev	Number	Scale	Set	Rev
04	001	XX	02	01	1	020200	1:200	02	01

Proposed Oxford Street elevation



Proposed South Elevation - Oxford Street | 1:200 @ A3

Legend:

- Portland Stone
- Reconstituted Stone
- Plinth Stone - Honed Finish
- Plinth Stone - Flamed Finish
- Window System

Drawing Scale: 0 5 10 m

Key Plan | 1:2000

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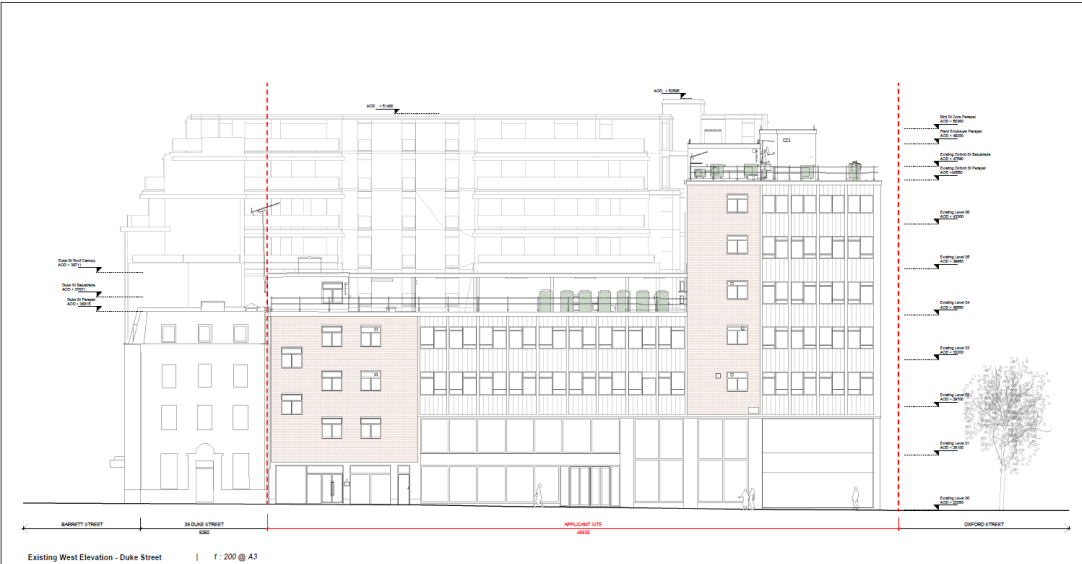
Revision	Date	Drawn	Checked

Title	Sheet Code	Stage	Purpose
PROPOSED ELEVATION - OXFORD STREET	A3	01	EXIST/PLAN

Scale	Author
1:200 (A3)	

Project	Orig	Draw	Level	Type	Rev	Number	Scale	Set	Rev
04	001	XX	02	01	1	040200	1:200	02	01

Existing Duke Street elevation



Existing West Elevation - Duke Street | 1:200 @ A3

Legend:

- Stone Cladding
- Existing brickwork
- Existing MEP Equipment

Drawing Scale: 0 5 10 m

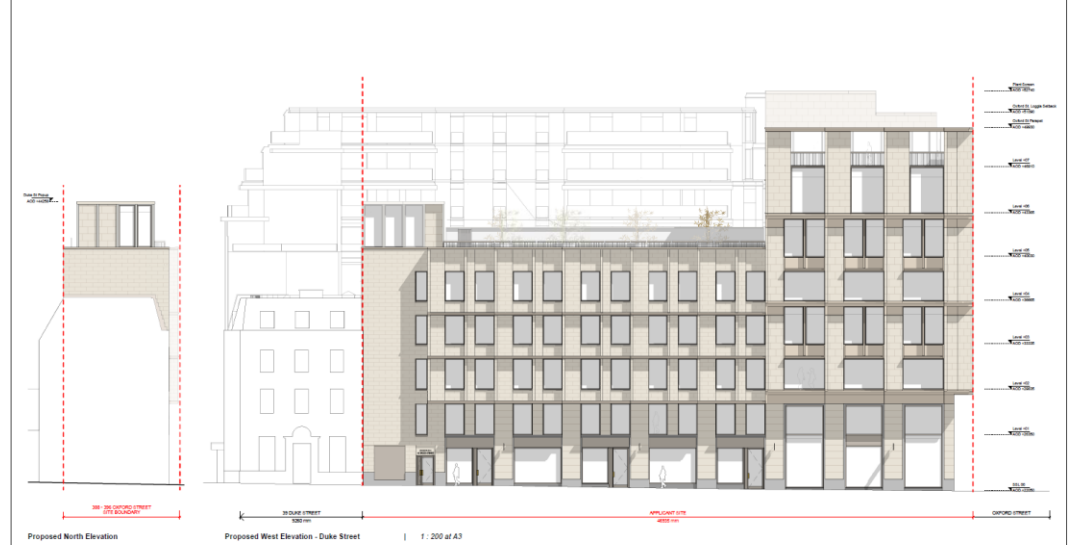
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SELFRIDGES
388 - 396 OXFORD STREET

Rev	Date	By	For
01	01/11/2018	AK	FOR PERMITS

Key Plan | 1:2000

Proposed Duke Street elevation



Proposed North Elevation | Proposed West Elevation - Duke Street | 1:200 @ A3

Legend:

- Portland Stone
- Reconstituted Stone
- Plinth Stone - Honed Finish
- Plinth Stone - Flamed Finish
- Window System

Drawing Scale: 0 5 10 m

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SELFRIDGES
388 - 396 OXFORD STREET

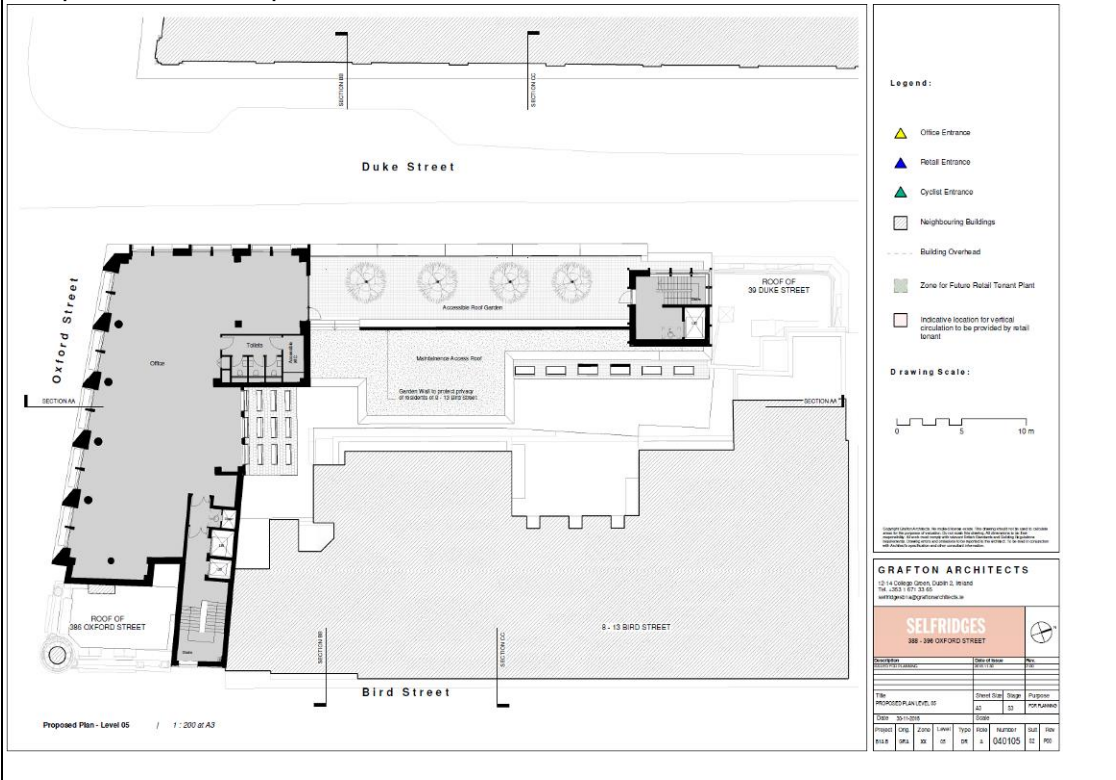
Rev	Date	By	For
01	07/08/2017	AK	FOR PERMITS

Key Plan | 1:2000

Proposed ground floor plan



Proposed fifth floor plan



Existing section



Legend:

- Brick Cladding
- Slate Roof Tiles
- Existing MEP Equipment

Drawing Scale: 0 5 10 m

Key Plan | 1:2000

GRAFTON ARCHITECTS
 12-14 College Green, Dublin 2, Ireland
 Tel: +353 1 517 1310
 selfridges@graftonarchitects.ie

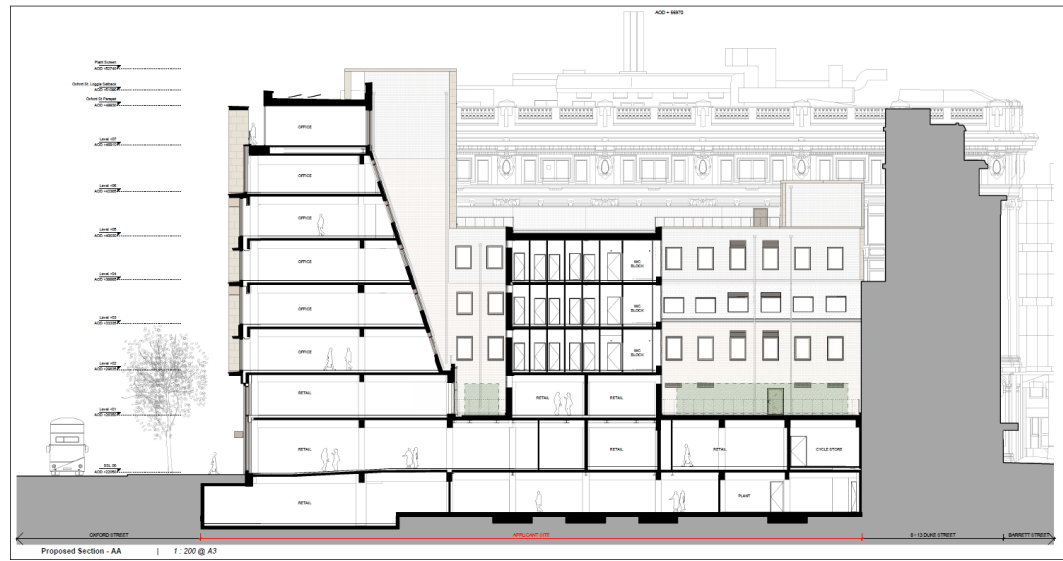
SELFRIDGES
 388-386 OXFORD STREET

Rev	Date	By	Check
01	20/10/18	AS	AS

File	Sheet	Grid	Stage	Purpose
EXISTING SECTION-AA	A1	E1	01	FOR PERMITS

Project	Orig	Zone	Level	Type	Area	Number	Scale	Rev	File
018	054	02	02	04	4	0203000	1:200	01	01

Proposed section



Legend:

- Portland Stone
- Reconstituted Stone
- Retained slate to be cleaned + repaired
- Retained brickwork to be cleaned + repaired
- New brickwork to match existing
- MEP Plant by future retail tenant
- Glazed Tile

Drawing Scale: 0 5 10 m

Key Plan | 1:2000

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 388-386 OXFORD STREET

Rev	Date	By	Check
01	20/10/18	AS	AS

File	Sheet	Grid	Stage	Purpose
PROPOSED SECTION-AA	A1	E1	01	FOR PERMITS

Project	Orig	Zone	Level	Type	Area	Number	Scale	Rev	File
018	054	02	02	04	4	0403000	1:200	01	01

DRAFT DECISION LETTER

- Address:** 388-396 Oxford Street, London, W1C 1JU,
- Proposal:** Erection of a single storey roof extension to the Oxford Street elevation and a single storey roof extension to the Duke Street elevation, recladding of all the facades on Oxford Street, Duke Street and Bird Street, in connection with reconfigured retail floorspace (Class A1) over basement, ground and first floor levels, office floorspace at second to seventh floor levels. Increase in height of the existing plant rooms, creation of a terrace at fifth floor level (on Duke Street), installation of new plant and associated works.
- Reference:** 18/10493/FULL
- Plan Nos:** Demolition, B1A B GRA XX 00DR A 030100 S2 P00, B1A B GRA XX 01 DR A 030101 S2 P00, B1A B GRA XX 02 DR A 030102 S2 P00, B1A B GRA XX 03 R A 030103 S2 P00, B1A B GRA XX 04 DR A 030104 S2 P00, B1A B GRA XX 05 DR A 030105 S2 P00, B1A B GRA XX 06 DR A 030106 S2 P00, B1AB GRA XX 07 DR A 030107 S2 P00, ,
Proposed, B1A B GRA XX 00 DR A 040100 S2 P01, B1A B GRA XX 01 DR A 040101 S2 P00, B1A B GRA XX 02 DR A 040102 S2 P00, B1A B GRA XX 03 DR A 040103 S2 P00, B1A B GRA XX 04 DR A 040104 S2 P00, B1A B GRA XX 05 DR A 040105 S2 P00, B1A B GRA XX 06 DR A 040106 S2 P00, B1A B GRA XX 07 DR A 040107 S2 P00, B1A B GRA XX B1 DR A 0401B1 S2 P01, B1A B GRA XX 08 DR A 040108 S2 P00, B1A B GRA XX ZZ DR A 040200 S2 P01, B1A B GRA XX ZZ DR A 040201 S2 P01, B1A B GRA XX ZZ DR A 040202 S2 P01, B1A B GRA XX ZZ DR A 040300 S2 P01, B1A B GRA XX ZZ DR A 040301 S2 P00, B1A B GRA XX ZZ DR A 040302 S2 P00, ,

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;

- o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
- You must carry out piling, excavation and demolition work only:
- o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of 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 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1) of the following parts of the development:
- a. Typical facade details at all levels
 - b. Shopfronts. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

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

- 5 Prior to the commencement of any: (a) demolition, and/or, (b) earthworks/piling and/or , (c) construction , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which

constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

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

- 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)

- 8 You must not use the roof at fifth floor level annotated as 'maintenance access roof' on plan number B1AB GRA XX 05 DR A 040105 S2 P00 for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes.

Reason:

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

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: , - the relocation of the access door to the roof garden from the Oxford Street building; , - continuation of the visual screen at fifth floor level (to cover the gap leading to the maintenance access roof). , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

- 10 You must not use the roof of the extensions on Duke Street and Oxford Street for sitting out or for any other purposes. You can however use the roof to escape in an emergency. (C21BA)

Reason:

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

- 11 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)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers 040100 P01 and 0401B1 P01. You must clearly mark them and make them available at all times to everyone using the stores. (C14FB)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 14 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application. Photovoltaic panels, , You must not remove any of these features. (C44AA)

Reason:

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

- 15 The terrace at fifth floor must only be used between 08.00 - 20.00 Monday to Friday not at all on Saturdays and Sundays.

Reason:

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

- 16 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's

Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <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.**

- 3 You are advised that pursuant to s177 of the Highways Act 1980, the applicant would require a licence to oversail the public highway. The applicant should contact Jeff Perkins in Highways Planning to progress the application for the oversail of the public highway.
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

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.