

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE</b>	<b>Date</b> 12 NOVEMBER 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Marylebone High Street	
<b>Subject of Report</b>	<b>19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and 30, Gloucester Place, London W1</b>		
<b>Proposal</b>	Variation of conditions 1 and 24 of planning permission dated 27 March 2019 (RN: 16/11376/FULL) for the: Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publicly accessible courtyard; removal of 5 trees and replacement trees across the site, a new publicly accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works. Namely, to allow the revision of energy strategy to omit the gas-fired boilers and replace with all electric air source heat pumps across buildings C and D; revisions to facade design of 19-35 Baker Street (building C); and associated alterations.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Portman Investments (Baker Street) Limited		
<b>Registered Number</b>	19/06767/FULL	<b>Date amended/ completed</b>	18 October 2019
<b>Date Application Received</b>	28 August 2019		
<b>Historic Building Grade</b>	30 Gloucester Place - Grade II listed. Other Buildings Unlisted		
<b>Conservation Area</b>	30 Gloucester Place – Portman Estate Other Buildings not within a Conservation Area.		

## 1. RECOMMENDATION

1. Subject to referral to the Mayor of London, grant conditional permission subject to a deed of variation to a S106 legal agreement to secure :

- i) provision of 10 affordable housing units at 30 Gloucester Place,(including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D)
- ii) a financial contribution of £10 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
- iii) a viability review mechanism
- v) costs relating to highways works around the site to facilitate the development
- v) provision of unallocated residential parking
- vi) lifetime car club membership (25 years) for each residential unit payable on first occupation
- vii) a lift management and maintenance plan
- viii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £76,665 for the residential part of the development prior to commencement of development
- ix) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
- x) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
- xi) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
- xii) an employment and training strategy
- xiii) monitoring costs

2. If the deed of variation to the S106 deed of variation legal agreement has not been completed within six weeks of the date of the Committee resolution then:

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

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

3. The Committee authorises the making of a draft order pursuant to Section 247 of the Town and Country Planning Act 1990 for the stopping up of the highway required to enable the development to take place.

## 2. SUMMARY

On 27 March 2019 permission was granted for the redevelopment of the majority of the site to provide an office led, mixed-use development. The scheme included rebuilding 1960's buildings on Baker Street and George Street and development on an existing car park in the centre of the site.

This application is made under Section 73 of the Town and Country Planning Act to vary conditions (No's 1 and 24) on the permitted scheme. The proposed amendments are:

- i) A revised energy strategy to omit gas-fired boilers and replace them with all electric air source heat pumps across buildings C and D (Baker Street and George Street);
- ii) Revisions to the design of the façades of 19-35 Baker Street (building C) including amending the design and omission of some vertical privacy louvres on the rear western elevation.

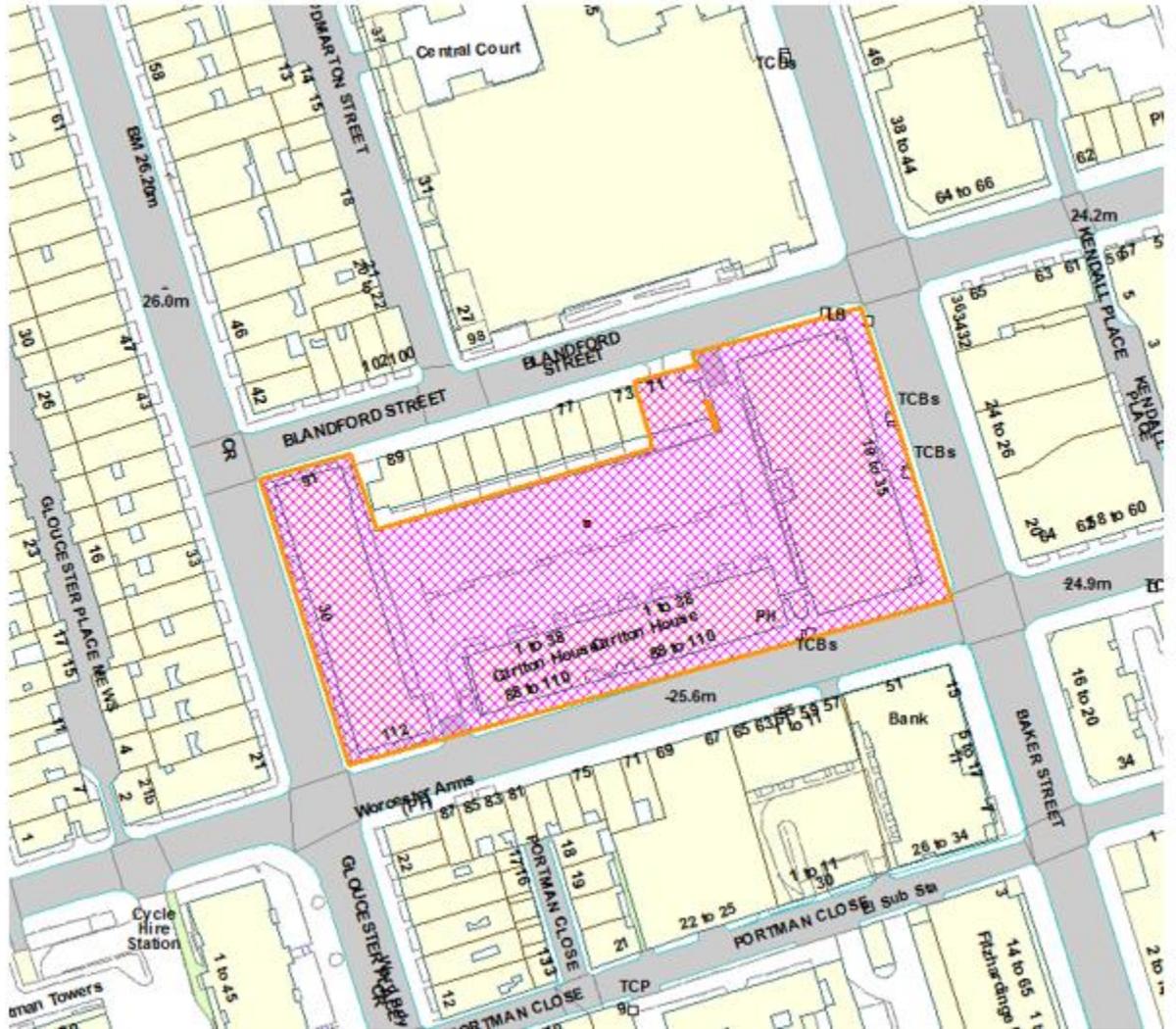
The change to the energy strategy will result in reduced carbon emissions for the site and improved air quality with the omission of NOx emissions from the gas boilers. This change is welcomed and will require a reduced carbon offset payment which requires a deed of variation to the legal agreement.

The proposed façade changes to the Baker Street building will reduce the approved large-scale, double height fenestration by introducing stone panels at each floor level, so that the window openings relate to each floor level. The stone piers in each bay are to be widened (by 1.5m to 1.7m). More solidity is also proposed at the set-back 8<sup>th</sup> and 9<sup>th</sup> floors. The changes are not considered to diminish the quality of the design of the building, the amendments are considered acceptable in design terms.

Omitting and amending the form of louvres on the western elevation would not result in a material and significant loss of privacy to either existing residential houses on Blandford Street or the new residential which is part of the development on George Street. It is recommended that the detailed design of the louvres is secured by condition to ensure that the louvres are effective in preventing overlooking.

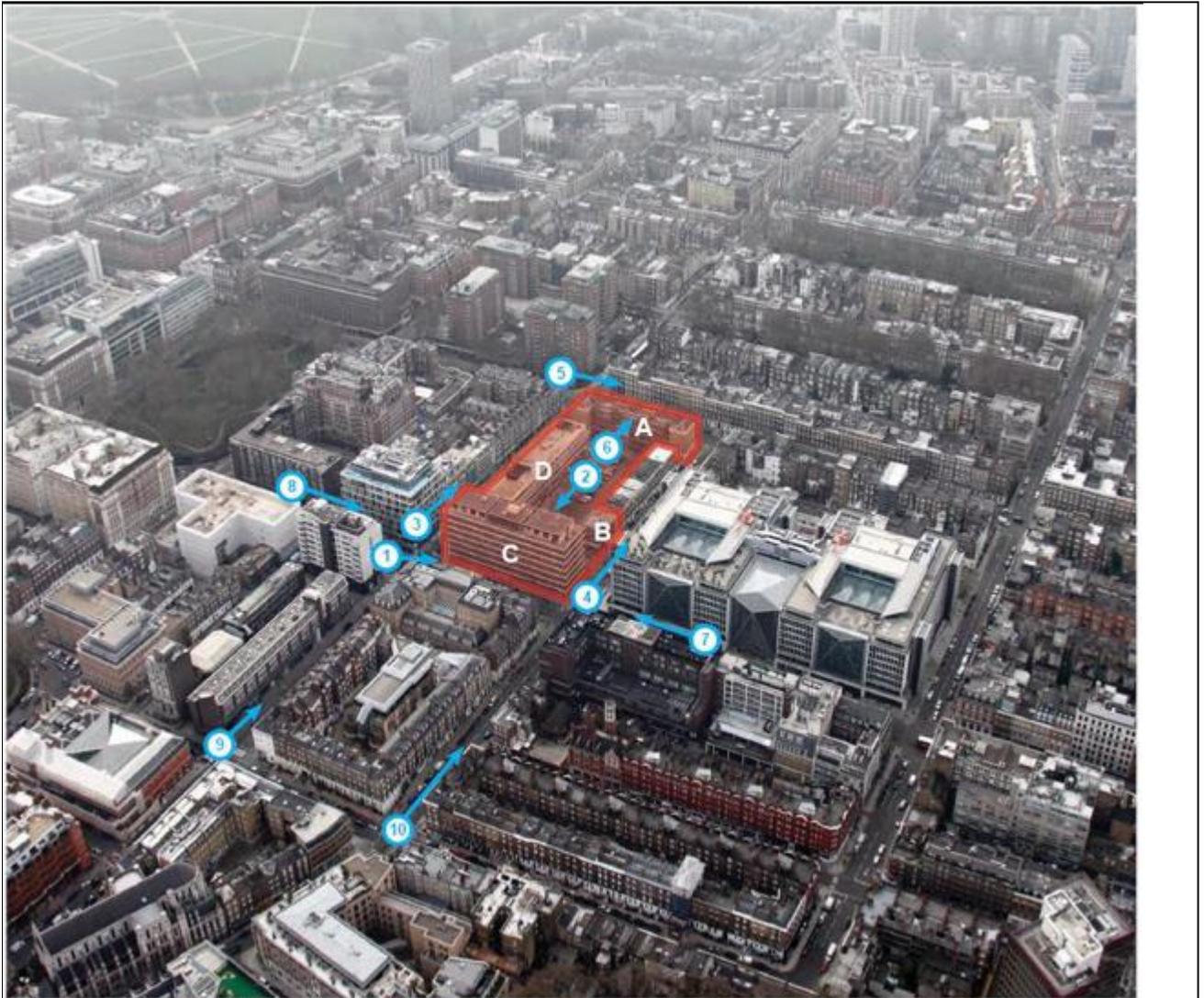
The application is considered to accord with adopted policies, accordingly subject to the views of the Mayor and completion of the deed of variation to the legal agreement conditional permission is recommended.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Aerial photograph showing view locations of surrounding context



1 Building C from Baker Street



2 Building C from commercial car park



3 Building D from George Street



4 Building B from Blandford Street



5 Building A from Gloucester Place



6 Building A from commercial car park



7 Building C from Baker Street



8 Building C from Baker Street



9 Buildings C and D from George Street



10 Building C from Baker Street

## CONSULTATIONS

### GREATER LONDON AUTHORITY

Any response to be reported verbally

### HISTORIC ENGLAND

Do not wish to comment

### MARYLEBONE ASSOCIATION

Objection; comment that the betterment of the energy strategy is a positive outcome, it is to the detriment of the façade detailing. Objection for design reasons that the proposed changes create a very busy façade which packs in windows across the whole elevation. The proposed fenestration now lacks strong features or characteristics. The perspective of the proposed scheme is perceived to be of a larger storey height given the quantum of windows, albeit the massing remains the same.

### TRANSPORT FOR LONDON

Comment that there are no new highway or strategic transport issues

### ENVIRONMENTAL HEALTH

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 487

Total No. of replies: 1

1 objection on the following grounds

Design,

Loss of amenity due to overlooking and noise nuisance

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 5. BACKGROUND INFORMATION

### 5.1 The Application Site

The site covers a large street block flanked by Baker Street to the east, Gloucester Place to the west, George Street to the south and Blandford Street to the north. The site comprises four buildings in office (Class B1) retail (Class A) and residential (Class C3) uses.

The eastern portion of the site is occupied by a seven storey building, with roof top plant (19-35 Baker Street building C). The southern side of the site contains a part four part five storey building (88-110 George Street building D). The length of the western boundary is occupied by a four storey building (30 Gloucester Place building A). The northern end of the site is partially occupied by a four storey building (69-71 Blandford Street building B). The northern part of the street block is also partially bounded by private residential properties (No's 73-89 Blandford Street) which are outside the application site. The centre of the site is open and in use as a surface level commercial car park.

The mixes of uses are as follows:

- i) 30 Gloucester Place (Building A) ground and 1<sup>st</sup> floors are office use (Class B1), 2<sup>nd</sup> and 3<sup>rd</sup> floors are residential (Class C3);
- ii) 69-71 Blandford Street (Building B) is a restaurant (Class A3) at basement, ground and first floor levels with two one-bedroom residential (Class C3) units above on second and third floor levels;
- iii) 19-35 Baker Street (Building C) comprises retail uses at ground floor level (Class A1) with offices (Class B1) above;
- iv) 88-110 George Street (Building D) comprises a mix of commercial uses at ground floor level with including a bar (Class A4) and estate agents (Class A2) with offices (Class B1) at 1<sup>st</sup> and 4<sup>th</sup> floors and 38 residential flats (Class C3) at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels.

The central surface level car park provides 96 car parking spaces, bicycle parking, servicing and refuse storage. The car park is accessed from George Street and Blandford Street.

The eastern side of the site No 19-35 Baker Street (Building C) is on a Central Activities Zone (CAZ) frontage, the site as a whole lies outside the designated Core CAZ but is within the wider CAZ. No 30 Gloucester Place is Grade II listed and is within the Portman Estate Conservation Area. The remainder of the site is not within a Conservation Area. The wider context contains a variety of building styles, uses and heights.

## 5.2 Recent Relevant History

On 27 March 2019 permission was granted for a scheme which permitted redevelopment of the majority of the site (RN 16/11376/FULL). The scheme involved the demolition of the northern (69-71 Blandford Street building B), eastern (19-35 Baker Street building C) and southern (88-110 George Street building D) parts of the site and redevelopment to provide two new buildings fronting onto Baker Street and George Street.

The permitted scheme is an office led development which would provide circa 28,012 m<sup>2</sup> offices GIA, but also included up to 51 residential dwellings with 41 market housing units on George Street and intermediate affordable housing on the 1<sup>st</sup> floor of 30 Gloucester Place. The scheme also included restaurant and retail uses on the Baker Street and George Street frontages and a retail courtyard within the centre of the site. The retail courtyard is to be accessed via new pedestrian routes east west from Baker Street to Gloucester Place and north south between Blandford Street and George Street.

The approved new buildings C and D are linked by a new basement with access from Blandford Street and George Street providing car and cycle parking, refuse, and delivery access to each building. The building on Baker Street (building C) is 11 storeys high. The 8<sup>th</sup> to 10<sup>th</sup> floors are set back. The building has four disengaged stone and precast elevations with large double height openings and recessed corners. The roof profile of the plant room is chamfered. The ground floor will provide retail (Class A) units with offices (Class B1) on the upper floors.

The new building on George Street (building D) steps up from 5 storeys at the west to 7 storeys to the east. The facades are brick with a regular pattern of windows. As with the Baker Street building the ground floor will be retail (Class A) units with up to 41 market housing units (Class C3) on the upper floors. The new retail (Class A) units will extend further into the existing car

park to the rear at ground floor level than existing. Single storey retail (Class A1) units are proposed on the northern side of the site to create a new retail/ leisure courtyard. The retail units include perimeter planting, landscaping and an arbour crossing.

At 30 Gloucester Place (building A) new openings are proposed in the façade at ground floor level to provide a new route through the centre of the street block. Listed building consent was granted for these works and the internal alterations proposed in connection with the conversion the 1<sup>st</sup> floor from offices (Class B1) to 10 affordable housing units (RN 16/11377/LBC).

The permission was subject to a S106 legal agreement which secured a number of benefits (ref section 7.12) including a financial contribution to the carbon offsetting fund of £84,780 for the non-residential and £145,800 for the residential prior to commencement of development.

## **6. THE PROPOSAL**

This application is made under Section 73 of the Town and Country Planning Act 1990 for a Minor Material Amendments to planning permission granted on 27 March 2019 (RN 16/11376/FULL). The application seeks to amend conditions 1 and 24 on the planning permission granted.

A revised energy strategy is proposed which will involve the omission of gas- fired boilers and replacement with all electric air source heat pumps across the new Baker Street building (building C) and George Street building (building D).

Revisions are proposed to the design of the facades of the approved building on Baker Street. The approved facades comprise two- storey openings in each bay up to 7<sup>th</sup> floor level with the 8<sup>th</sup> and 9<sup>th</sup> floors set back. It is proposed that the large- scale double height glazing approved are reduced in order to express each floor level in the elevation. Stone piers within each façade are widened from 1.5m to 1.7m. Metal bay windows are proposed within each bay. On the rear western elevation the extent of privacy louvres is reduced and the design amended from external louvres as approved to internal louvres sandwiched within double glazed units.

The applicant sets out that for the avoidance of doubt no changes are proposed to :

- i) the associated listed building consent, which related to 30 Gloucester Place only;
- ii) the number of residential units
- iii) the transport proposals and loading bay off Blandford Street
- iv) the design of 88-110 George Street
- v) the approved building envelope of the new buildings on the site including the central courtyard development.

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

Land Use	Existing (GIA sq. m)	Approved March 2019 (GIA sq. m)	Proposed (GIA sq. m)	Net Change since Approved (GIA sq. m)
Office (Class B1)	10,674	27,925	28,395	+ 470
Residential (Class C3)	4,182	8,772	8,731	-41
Retail (All Class A uses)	4,047	3,892	3,836	-56
<b>TOTAL</b>	<b>18,930</b>	<b>40,589</b>	<b>40,963</b>	<b>+374</b>

The table above sets out the floorspace figures as existing, as approved (March 2019) and as now proposed.

#### Offices

The approved scheme is an office led development. The site is located within the Greater London Authority's (GLA) Central Activities Zone (CAZ) and the eastern frontage of the site 19 - 35 Baker Street is on CAZ frontage and is a named street within Marylebone.

The provision of a significant quantum of commercial offices was considered to accord with the City Council's strategic objectives and policies. An office led scheme was considered to be appropriate to the site and this part of the West End. The approved scheme would contribute to the Core CAZ/Named Streets being a competitive business location. This would meet Westminster City Plan policies S20 and S18.

The current proposal will result in the provision of 28,395 m<sup>2</sup> of office floorspace an increase of 470 m<sup>2</sup> than the permitted scheme. There is no increase in height or bulk proposed to the new office building on Baker Street. The increase in floorspace is due to the following

- i) Approved plant space at lower ground and ground floor levels will be double height – reducing floorspace at lower ground and ground floor levels
- ii) Reduced depth of the external wall build up to the chamfered corners at ground floor
- iii) Provision of bay windows across floors 1-7
- iv) Relocation of external doors on the north and south to align with walls either side.

Consideration of this issue remains unchanged. The provision of a significant quantum of 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/Named Streets being a competitive business location. The significant increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a substantial benefit.

### Mixed Use

The land use table above shows that the permitted scheme would result in a significant increase in office floorspace (17,251 m<sup>2</sup>) and an increase in residential (4,590 m<sup>2</sup>). The City Council's adopted mixed use policy S1 was applicable. The scheme was not policy compliant and would have resulted in a shortfall in the quantum of residential that was to be provided. The policy position is that the residential can be provided in accordance with the following cascade.

- i) on site or in the immediate site vicinity of the site;
- ii) off site, including by mixed use credits on a site in the vicinity of the development site;
- iii) off site, including mixed use credits elsewhere within the Central Activities Zone; or an appropriate payment in lieu to the Affordable Housing Fund, which in the permitted scheme would be £12,320,796.

The application was supported by a financial viability assessment, which concluded that a policy compliant scheme in which there was no shortfall in residential would not be viable. This was reviewed by consultants acting on behalf of the City Council. Their advice was that the scheme could not support the provision of further affordable housing units or an additional financial contribution towards the affordable housing fund whilst ensuring that the scheme remains viable. A financial contribution of £10 million towards the City Council's affordable housing fund was secured as part of the S106 legal agreement. The viability of the scheme is also subject to a review mechanism which is also secured as part of the legal agreement.

The current application will not result in any significant change in the floorspace figures. The proposal will result in an increase of 17,721 m<sup>2</sup> of offices and 4,549 m<sup>2</sup> of additional residential. The City Council's mixed -use policy S1 remains applicable. No change is proposed to either on site affordable housing provision (10 intermediate units at Gloucester Place) or the financial contribution of £10 million towards the City Council's affordable housing fund. The viability of the revised scheme will again be subject to a review mechanism secured as part of the S106 agreement. This aspect of the scheme remains acceptable.

### Residential including affordable housing

Housing is a priority outside of the Core CAZ, Named Streets and Opportunity Areas. In the London Plan policy 3.3 sets an annual target of 1,068 homes a year to be provided within Westminster between 2015 and 2025. City Plan policy S14 states that residential use is the priority across Westminster except where specifically stated and that the number of residential units on development sites will be optimised.

The permitted scheme proposed 51 new residential dwellings, with 41 market housing units along George Street and 10 intermediate affordable housing units on the 1<sup>st</sup> floor of 30 Gloucester Place. This application does not change the residential provision which is welcomed. The 10 affordable housing units, rent levels and nomination rights will again be secured as part of a S106 agreement.

### Retail/ Restaurants and Courtyard Development

The ground floor retail space has the potential for 17 units. The approved development allowed flexibility in the distribution of retail (Class A1) and restaurant (Class A3) uses within the

scheme. A condition (No 35) on the permitted scheme stipulated that a minimum of 1,168 m<sup>2</sup> retail (Class A1) floorspace and a maximum of 2,724 m<sup>2</sup> restaurant (Class A3) floorspace shall be provided as part of the development. No change is proposed to this aspect of the scheme. It is recommended that this decision is subject to the same condition and conditions which require how the Class A retail units and courtyard will be managed. Compliance with an Operational Management Plan (OMP) would safeguard amenity and to ensure the restaurants and retail units are properly run to minimise their environmental impact.

## 7.2 Townscape and Design

### A. The site

The site comprises most of the street block defined by Baker Street, Blandford Street, George Street and Gloucester Place. It lies outside the Portman Estate Conservation Area, except for the buildings on Gloucester Place. The Portman Estate Conservation Area also lies immediately to the south and east of the site.

The existing buildings within the site are:

#### a. Gloucester Place (referred to as Building A in the planning application)

This is a grade 2 listed building, listed in 1970 but rebuilt as an office block in 1972-73, as a facsimile rebuild of c.1790 Portman Estate terraced houses. It is listed for 'group value' only. It forms an important part of the townscape of Gloucester Place, reflecting the appearance of the original Georgian house which dominate. Its interior is modern and not of special architectural and historic interest.

#### b. Blandford Street (Building B)

This forms the eastern end of the four storey terrace of post-war town houses. The majority of the houses (nos. 73-89) lie outside the site.

#### c. Baker Street (Building C)

This is a 1960's building with a strong horizontal emphasis, of limited architectural merit. It is the largest building on the site, comprising seven floors above street level, with a recessed plant room at roof level. The facade is approximately 26 metres above street level; the top of the roof plant is at 31 metres. On plan it is quite narrow, with a floor plate depth (above ground floor level) of around 18 metres.

#### d. George Street (Building D)

This is another post-war building, with a strong horizontal emphasis, but significantly lower than the Baker Street building. It is four storeys high, with a recessed top floor, which was added 10 years ago. The main parapet height is about 15 m above street level; the top of the building is about 20 m above street level.

### B. Context – Building heights

The surrounding context is dominated by four to five storey buildings (mainly Georgian) towards the west end of the site, and taller buildings, up to seven and eight storeys, to the east on Baker Street. Further east, beyond Baker Street, the context is again four to five storey buildings. These domestic scale buildings typify the character and appearance of the Portman Estate Conservation Area.

To the west

There are listed Georgian terraced houses adjacent on the south side of George Street (nos. 71-87). These are four storeys high with mansard roofs. Gloucester Place is characterised by listed Georgian houses of four or five storeys. The south side of Blandford Street comprises four storey post-war town houses.

#### Baker Street and to the east

Looking north and south along Baker Street there appears to be a reasonably consistent parapet line, especially on the west side. North of the site (Building C) on Baker Street no.55 has facades seven storey high. Its height and bulk are similar to those of the existing Building C. No. 55 was refurbished and extended 10 years ago. The 1960's building opposite, Accurist House (no. 38-44), on the east side, has facades five storeys high, with a recessed floor above.

Directly opposite the site, on the east side of Baker Street, is a modern office development in a Georgian style (nos. 20-30). The street facades are 4 and 5 storeys high with a mansard roof. At the north end of this block are two late eighteenth century Georgian houses, listed grade 2.

South of the site the buildings are only slightly higher than those to the north. The building on the west side (no. 7-15) is recent, built in 2011. It is seven storeys high, with a recessed top floor. The massing of this new building was designed to relate closely to its neighbours, including Building C. Opposite this on the east side of the street is an undistinguished eight storey block (nos. 16-20) dating from the 1960's.

#### C. The proposals – urban design and conservation issues

The current proposals raise the same urban design and conservation issues as the approved planning permission scheme. These issues need to be readdressed as this is a s73 application.

##### a. Demolition

All the existing buildings are to be demolished, with the exception of the Gloucester Place listed building (Building A). The loss of the buildings is not contentious and in any case, since they are outside the Portman Estate Conservation Area, they can be demolished without planning permission.

##### b. Plan form

The proposed plan form is the same as that approved. The new buildings broadly follow the historic building lines on the main streets. On Baker Street the new building is slightly forward of the existing building line at street level, but the upper floors are on the same line as the existing building.

New routes are proposed through the block. These routes are not on any clear pedestrian desire lines, and without the proposed uses in the courtyard, the routes would be unlikely to be heavily used. The routes are required to access a new semi-public space in the centre of the block from the surrounding streets. The new space is intended to enhance the attractiveness of this part of Baker Street, creating a new semi-public place for people to use and enjoy. The proposed space is considered an enhancement, compared with the existing car park, and is considered uncontentious in principle in urban design terms. The amenity impacts of the courtyard are dealt with elsewhere in this report.

The route east to west is lined with restaurants / shops, and, under the main office building, by office entrances on the south side. The route northwards is relatively narrow and not lined with active frontages. The route south is wider and has restaurants / shops on both sides.

The retail / restaurant units on George Street also front onto the courtyard. This means they have two frontages, which are often difficult to make work successfully in practice. Retailers usually only want one entrance, and use the rear of the shop for back of house activities. (If they are restaurants then having two entrances – front and rear – is likely to be less of a problem). To be successful, with active frontages on both George Street and the courtyard, some form of management agreement would be necessary.

#### c. Massing

Again, the proposed massing is the same as the planning permission scheme. On Baker Street the new office building is 11 storeys high, with the 10<sup>th</sup>, 11<sup>th</sup> and roof level plant set back progressively. The total height is approximately 46 m above street level. This is to be compared with the existing building height of 31 m, an increase of approximately 15 metres, the equivalent of about 4 office storeys. The proposed main parapet level is at 37 m above street level, compared to 26 m existing. The office building is significantly deeper on plan than existing; it is approximately 46 m compared to 18 m existing. The increase in the depth of the plan coupled with the additional height means that the new building is very significantly more bulky than the existing building, and others in the surrounding area.

On George Street the residential buildings step down from 7 to 6, to 5 storeys (approximately 25 m to 18 m) from east to west. These are significantly higher than the buildings on the south side of the street.

#### d. Design of the new buildings

The design of the proposed buildings is the same as the planning permission scheme, except for the Baker Street building.

##### Baker Street – Building C

The current application proposes changes to the approved design, without affecting the height and bulk. The approved building has stone facades of eight storeys high, and above the facades are two more storeys and a roof level plant room. The approved facades feature four double height (two storey) openings in each bay, giving the façade a large scale compared with the surrounding buildings which generally feature one opening per floor.

The current proposals replace the double height openings with single height openings (one per floor). The height of the base of the building is also reduced, so that above it there are seven window openings in each bay, giving a total of eight. The floor levels are expressed on the façade with a horizontal panel, resulting in a more solid facade than that approved. Within each opening the window is positioned centrally, flush with the stonework, with smaller, recessed windows either side. Below the central window is a grilled panel. This new design gives the facades a more human scale, and it relates more closely to the scale of the facades of surrounding buildings compared with the approved scheme.

The use of interstitial blinds on some of the windows at the rear of the building (seeking to overcome the amenity / overlooking issues) is not considered to be harmful to its overall architectural quality or have a harmful impact on its context.

The design of the chamfered corners has also been changed slightly, with the omission of the expressed floor slabs at every other level. The new design is fully glazed from first to seventh floors, with the floor slabs reading from behind the glass. This creates a simple vertical element which relates well to the revised facades.

At roof level the extent of glazing has also been reduced through the introduction of solid panels. These break up the glazing into bays aligned with the bays of the stone facade below.

The proposed materials have changed slightly with the use of a more textured Portland Stone now proposed as the main facing stone, similar to the stone used in the Economist Building in St James's. Anodized or PPC aluminium is proposed for framing the windows, and the solid and louvre panels, and the shopfronts. High quality precast / reconstituted stone is proposed for the beams and panels expressing each floor level on the facade.

#### The Courtyard buildings

These are single storey structures, with glazed shopfronts and bio-diverse roofs.

#### George Street – Building D

The building is divided into 5 sections, each 4 bays wide. The facades are of brick, with arched window openings, and metalwork balconettes. Each section is separated by a recessed glazed bay, breaking down the massing and giving the façade a regular rhythm. Although not designed on Georgian principles, the facades do make some reference to the historic terraces in the area through the use of brickwork and a regular fenestration pattern, albeit without the vertical hierarchy found in Georgian facades. It is considered that close adherence to Georgian design principles is not essential in this context.

It is considered that the new buildings (C and D) are of high intrinsic design quality, setting aside the issue of height and the architectural relationship to the surrounding area.

#### Gloucester Place – Building A

Three new openings are proposed in the Gloucester Place facade at ground floor level to provide a new route into the middle of the street block. A ramp would be installed behind the railings on the south side of the entrance. Such openings are alien to the Georgian buildings in Gloucester Place. However, if the concept of the east-west route and the semi-public space is accepted, then the facade alterations have been designed in a way which respects the Georgian architecture, although alien to the domestic character of Gloucester Place, with its painted timber doors and sash windows at ground floor level. There is no loss of historic fabric as this is a 'replica' rebuild.

#### e. Impact on views

The impact on views remains the same as the planning permission except for the redesign of the Baker Street building facades. The main impact of the approved scheme and the current scheme is from the height of the office building and how this is seen in views from surrounding streets.

#### Baker Street

In views from the south, from the south east corner of Portman Square northwards, the new building is clearly visible, and appears significantly taller than the existing buildings, breaking through the relatively consistent parapet line. The applicants argument that this site is the middle of Baker Street and so justifies a prominent, landmark building, is not accepted. When

one walks along Baker Street it is not at all apparent that the site is in the middle of the street. In any case, it is only in the middle of the street if Baker Street is regarded as running from Oxford Street to the Marylebone Road, taking in Orchard Street and Portman Square. The latter do not read as being part of Baker Street, which appears to end at the north side of Portman Square.

#### George Street and Blandford Street

It is the views eastwards and westwards, along George Street and Blandford Street, where the development is seen in conjunction with the Georgian terraces (some of which are listed buildings), that the visual impact is very significant. In these views the new building C looms above the small scale terraces and harms their settings.

As with the planning permission scheme, it is considered that this juxtaposition of the new building C with the domestic scale of the Georgian houses is uncharacteristic of this part of Marylebone and the Portman Estate Conservation Area. The impacts are clearly harmful in urban design and conservation terms. The proposed new buildings fail to preserve or enhance the setting of the adjacent Portman Estate Conservation Area, harm the setting of adjacent listed buildings and harm local views. This is contrary to some of the City Council's urban design and conservation policies, notably S25 and S28 of the City Plan and DES 1, DES 9 and DES 10 of the Unitary Development Plan.

#### f. Comments on consultation responses

The Marylebone Association welcome the changes to the energy strategy, but consider that the redesign of the facades is detrimental to the scheme and they object for the following reasons:

- The proposed changes create a very busy façade which packs in windows across the whole elevation - The proposed fenestration now lacks strong features or characteristics.
- The perspective of the proposed scheme is perceived to be of a larger storey height given the quantum of windows, albeit the massing remains the same.
- The Marylebone Association suggest the review of an option more in line with the consented scheme.

Officers do not agree that this is a worse design than that approved. It is different, but its impact on the character of the area is not considered harmful. As stated above, the use of single storey openings is characteristic of the surrounding buildings, and it arguably creates a more honest architectural relationship between the facades and the interior of the building.

#### g. Conclusion – Urban design and conservation issues

It is concluded that, setting aside the height and bulk of the Baker Street building (Building C), this is a high quality development. The height and bulk of the Baker Street building causes harm to the setting of the adjacent conservation area and listed buildings. This harm is considered less than substantial in terms of the NPPF. When considering the original application for planning permission, the City Council concluded that the harm was outweighed by public benefits, and planning permission was granted.

With respect to the current proposals, the revised facade design is clearly very different from the approved scheme, but it is considered to be an acceptable approach for this site, subject to the

use of high quality materials and detailing. These would be controlled by conditions if planning permission is granted.

### **7.3 Residential Amenity**

City Plan Policy S29 seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking.

#### Daylight and Sunlight and Sense of Enclosure

The previous application included a daylight and sunlight assessment in accordance with Building Research Establishment (BRE) guidelines. This assessed the impact on the following properties: 36 Baker Street, 32-34 Baker Street, 18 Baker Street, 55 George Street, 67-69 George Street, 71-87 George Street, 24 Gloucester Place, 30 Gloucester Place, 73-89 Blandford Street, and 98 Blandford Street.

The study showed that there would be a significant number of breaches to BRE guidelines. However, it was considered that the impact on any of the surrounding properties tested was not great enough that any losses to daylight and sunlight would result in a material and substantial loss of amenity. Any loss of amenity was not considered to be significant enough to outweigh the wider benefits of the scheme. The proposed alterations will not result in any changes to the height, bulk and mass of any buildings on the site. Consideration of the daylight and sunlight and sense of enclosure remains as per the earlier approved scheme. This aspect of the application is acceptable.

#### Overlooking / loss of privacy

As permitted part of the commercial Baker Street building (building C) included vertical louvres to be incorporated into the west façade of the building. The building is 7 bays wide. The approved scheme included external louvres on the 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> bays from the north. The louvres were designed to sit within the recessed glazing bays so as not to project beyond the face of the façade.

The permission granted was subject to a condition (No 38) which required details of the louvres to be approved and to be installed and maintained in accordance with the approved details.

The current scheme proposes the following changes:

- i) External louvres are to be replaced by internal louvres which will be fitted within the double glazed window units and
- ii) the extent of the screening has been reduced with less windows containing screening.

The permitted scheme included louvres at 1<sup>st</sup> -3<sup>rd</sup> floors on the 2<sup>nd</sup> bay and 1<sup>st</sup> -7<sup>th</sup> floors on the 3<sup>rd</sup> and 5<sup>th</sup> bays (from the north). The current application would retain louvres at 1<sup>st</sup> -3<sup>rd</sup> floor levels on the 2<sup>nd</sup> bay but reduce the louvres on the 3<sup>rd</sup> bay to 1<sup>st</sup> and 2<sup>nd</sup> floors only and 1<sup>st</sup> to 6<sup>th</sup> floors on the 5<sup>th</sup> bay. The applicant argues that the internal louvres now proposed are a more

discreet form of screening and it is no longer felt necessary to provide the symmetry of louvres running the full height of the stone bays at 1<sup>st</sup> to 7<sup>th</sup> floor levels.

As already discussed at section 7.2 Townscape and Design section of this report the arrangement of the internal blinds is not considered to be harmful to its overall architectural quality of the building. A condition is again recommended requiring details of the louvres to be approved and installed in accordance with these details to ensure that they will function adequately and prevent overlooking.

The key issue is whether omitting louvres from floors 3-7 of the 3<sup>rd</sup> bay and the 7<sup>th</sup> floor of the 5<sup>th</sup> bay would result in overlooking from the offices towards existing houses at Blandford Street and the new residential flats which are part of the development at building D on George Street.

An objection has been received from a resident on Blandford Street that this there would be a loss of privacy. The current application includes an overlooking assessment of the development upon both the neighbouring Blandford Street houses and the proposed George Street apartments. This shows that louvres are proposed in front of office windows within 18m of the residential windows when measured within a 60 degree sector from the centre of the window. Given the height, distance separation and orientation (angle of view) it is considered that the windows without louvres would not give rise to any direct overlooking into the residential properties or to the rear gardens of the Blandford Street houses.

#### **7.4 Transportation/Parking**

This scheme raises no new transportation issues compared to the approved scheme. There has been no change in policy and this aspect of the revised scheme remains acceptable (the original report dated 16 May 2017 is included as a background paper to this report)

#### **7.5 Economic Considerations**

The economic benefits of the scheme are substantial. Baker Street is a major commercial street within the West End. An Economic Statement was submitted in support of the approved application. This concluded that there would be significant economic benefits including an estimated provision of between 1,585 and 2,060 jobs directly on site, just under 90% (between 1,585 and 2,060) would be office based employment. No significant change in floorspace is proposed. The overall quantum of proposed floorspace across the site will change by 0.9%. The provision of enlarged and improved office floorspace remains one of the key drivers of the development.

The economic benefits are a significant public benefit of the scheme.

#### **7.6 Access**

No changes are proposed to the permitted access arrangements to any of the uses on the site.

#### **7.7 Other UDP/Westminster Policy Considerations**

##### Noise and Air Quality

UDP policies ENV6 and ENV7 deal with the subject of noise and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The approved scheme included the provision of plant in a dedicated screened plant enclosure at roof level of the new building on Baker Street. This remains the case in the revised scheme. Acoustic reports were submitted as part of the original application. In assessing this information Environmental Health confirmed that the measured background noise levels and proposed design levels are representative of the noise climate for this area. They confirmed that they had no objection to the application on environmental noise or nuisance grounds and any noise can be satisfactorily controlled and/or mitigated by condition.

Condition 7 on the permitted scheme controls noise levels from plant. In addition Condition 8 on the decision notice requires a supplementary acoustic noise report to be submitted demonstrating that plant will comply with the noise criteria set out in condition 7. An objection has been received from a neighbouring resident that the altered heating system is likely to be very noisy. Environmental Sciences have raised no objection to the current application. It is recommended that the noise conditions on the approved scheme are carried forward onto this permission.

The revised energy strategy is proposing to eliminate on-site sources of combustion with the removal of gas-fired boilers on the site, which is an approach that will help deliver a positive impact on local air quality

### Sustainability

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

The approved energy strategy included the provision of ground source heat pumps (GSHP's). The application was submitted in November 2016. The applicant argues that the approved energy strategy was based on relevant energy policies when the application was submitted.

The revised energy strategy proposes to replace the previous ground source heat pump and gas-fired boiler system with air-source heat pumps. The revised energy strategy has been updated using the government's new SAP10 methodology for calculating the energy performance of buildings. This reflects the lower carbon emissions associated with grid electricity and is permitted (and encouraged) in accordance with GLA guidance to developers.

The proposed change would provide benefits in terms of expected performance, reducing carbon emissions. The revised energy strategy is in accordance with the Mayor of London's targets under the current and emerging energy policy. The revised scheme will achieve:  
a 37% on-site improvement against building regulations for the non-domestic part of the development (verses a 35% target);  
a 55% on-site improvement against building regulations for the domestic development (verses a zero carbon target)

Under the approved development the shortfall in carbon savings was met through a financial contribution to the Council's carbon offsetting fund. This consisted of an offset contribution of £84,780 for the non-residential and £145,800 for the residential secured by S106 agreement.

The revised energy strategy means that the London Plan requirements for non domestic buildings is met so no offset contribution is required a reduced carbon offset payment of £76,665 is required in relation to the residential part of the development. This change will be secured as a deed of variation to the legal agreement.

### Employment and skills

The approved scheme is subject to a legal agreement which secures an employment and training strategy. In May 2019 the City Council published guidance that financial contributions would be collected through Section 106 agreements to be used to secure the aims of the City Plan policy S19. Financial contributions will be used to support the Westminster Employment Service 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 increase in floorspace would generate a financial contribution of £589,698.

However already stated the proposed affordable housing provision and the financial contribution was subject to a full financial viability assessment. The conclusion being that the scheme couldn't viably support additional financial contributions. Furthermore, the viability is subject to a two stage review process which will take into account future uplift of the of the scheme. Requiring a financial contribution to be made towards to be made towards local employment and training may result in reduced contributions towards affordable housing which is an adopted policy priority. Given the circumstances it is not considered appropriate to require a financial contribution towards Employment and Training. It is however recommended that the viability review mechanism secured as part of the legal agreement is amended to ensure that if in the future the full policy compliant contribution towards affordable housing can be made any additional surplus (up to £589,698) would be made as a financial contribution towards local employment.

### **7.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Following informal consultation in 2018, the draft plan has been revised and formal consultation was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 19 June 2019 and 31 July 2019. Following this consultation period, the City Council is now reviewing the comments received before submitting the City Plan for examination. 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.

## **7.9 Neighbourhood Plans**

The site is within an area where the Marylebone Forum is the designated neighbourhood planning forum. The neighbourhood plan is currently on hold pending the adoption of the replacement City Plan. Given its very early stage in development, it can therefore be afforded no weight at the present time.

## **7.10 London Plan**

The application is referable to the London Mayor. At the time of writing this report the Stage 1 response has not been received. Any response will be reported verbally to the Committee.

## **7.11 National Policy/Guidance Considerations**

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions to secure the applicant's adherence to the archaeological condition (No 6) and the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development (No 21) and protection of trees (No 29). The applicant has agreed to the imposition of the conditions.

## **7.12 Planning Obligations**

The original permission (dated 27 March 2019) application was subject to a S106 legal agreement. The Section 73 Application will require a deed of variation to the legal agreement to ensure that all the planning obligations remain binding on the amended development. As already set out in section 7.7 of this report the required carbon offset payment is reduced to £76,665. Otherwise the obligations remain as previously secured as listed in the recommendation.

## **7.13 Environmental Impact Assessment**

The scheme is of insufficient size and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

#### 7.14 Other Issues

Other issues such as the impact of the development on archaeology, trees, the additional basement, structural issues, and refuse provision remain unchanged from the original planning permission. It is recommended that conditions on this permission are repeated on this decision (ref report dated 16 May 2017 attached as a background paper to this report).

(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: MIKE WALTON BY EMAIL AT [mwalton@westminster.gov.uk](mailto:mwalton@westminster.gov.uk)

**8 KEY DRAWINGS**



Permitted Scheme East Elevation



Proposed Revised Scheme East Elevation



Permitted Scheme Corner Detail



Sketch model showing proposed Corner Detail



19-35 BAKER STREET, BUILDING C PERMITTED SCHEME



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Verified View (TVHIA View 9)

19-35 BAKER STREET, BUILDING C PROPOSED SCHEME



East Approach: Proposed Scheme

**DRAFT DECISION LETTER**

**Address:** 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and 30, Gloucester Place, London W1

**Proposal:** Variation of conditions 1 and 24 of planning permission dated 27 March 2019 (RN: 16/11376/FULL) for the: Demolition of the existing buildings at 19-35 Baker Street, 88-110 George Street, 69-71 Blandford Street and redevelopment to create a mixed use scheme providing offices (Class B1), retail (Class A1 and flexible Class A1/A3 units) and up to 51 residential units (Class C3) within a new ground plus nine storey building (and an enclosed plant area) on Baker Street; a new stepped ground plus four to ground plus six storey building on George Street; refurbishment, extension and the change of use of the first floor from office to residential at 30 Gloucester Place; creation of a single storey basement level linking the Baker Street and George Street buildings to provide car and cycle parking, refuse and servicing; creation of a new central, publicly accessible courtyard; removal of 5 trees and replacement trees across the site, a new publicly accessible route at ground level connecting Baker Street and Gloucester Place; associated plant, landscaping, replacement pavements in part and other associated works. Namely, to allow the revision of energy strategy to omit the gas-fired boilers and replace with all electric air source heat pumps across buildings C and D; revisions to facade design of 19-35 Baker Street (building C); and associated alterations.

**Reference:** 19/06767/FULL

**Plan Nos:** As approved under application ref 16/11376/FULL on 29 March 2019, , Proposed Site Plan - Basement Floor 2211 C, Proposed Site Plan - Lower Ground Floor 2212F, Proposed Site Plan - Lower Ground Floor - Mezzanine Levels 2213 E, Proposed Site Plan - Ground Floor 2214 L, Proposed Site Plan - Mezzanine Floor 2215 G, Proposed Site Plan - First Floor 2216 J, Proposed Site Plan - Second Floor 2217 G, Proposed Site Plan - Third Floor 2218 G, Proposed Site Plan - Fourth Floor 2219 G, Proposed Site Plan - Fifth Floor 2220 G, Proposed Site Plan - Sixth Floor 2221 G, Proposed Site Plan - Seventh Floor 2222G, Proposed Site Plan - Eighth Floor 2223 G, Proposed Site Plan - Ninth Floor 2224 F, Proposed Site Plan - Tenth Floor 2225 F, Proposed Site Plan - Roof 2226 F, Proposed Site Elevation - North (Along Blandford St) 2311 E, Proposed Site Elevation - South (Along George St) 2312 F, Proposed Site Elevation - East (Along Baker St) 2313 E, Proposed Site Elevation - West (Along Gloucester Pl) 2314 E, Proposed Elevation - Building C - West 2315 E, Proposed Elevation - Building D - North 2316 F, Proposed Elevation - Building D - East 2317 C, Proposed Elevation - Building D - West 2318 F, Proposed Elevation - Building A - East 2319 D, Proposed Site Section - Looking North 2411 F, Proposed Site Section - Looking West 2412 D, Proposed Section - Building C - Looking West 2413 E, Building C - Proposed Facade Bay Study 2571 D, Building D - Proposed Facade Bay Study 2591 A

Application ref 19/06767/FULL, Site Location Plan A/BSD\_2000 G,, Proposed site plan- ground floor A/BSD\_2000 G,, Proposed site plan- mezzanine floor A/BSD\_2234 A,, Proposed site plan- first floor A/BSD\_2236 B,, Proposed site plan-

second floor A/BSD\_2237 B,, Proposed site plan- third floor A/BSD\_2238 A,, Proposed site plan- 4th floor A/BSD\_2239 A,, Proposed site plan- 5th floor A/BSD\_2240 A,, Proposed site plan- 6th floor A/BSD\_2241 A,, Proposed site plan- 7th floor A/BSD\_2242 A,, Proposed site plan- 8th floor A/BSD\_2243 A,, Proposed site plan- 9th floor A/BSD\_2244 A,, Proposed site plan- 10th floor A/BSD\_2245 A,, Proposed site plan- roof A/BSD\_2246 A,, Site Elevation - North ( Along Blandford Street A/BSD\_2331 A, , Proposed Site Elevation - South (Along George Street) A/BSD\_2332 A,, Proposed Site Elevation - East (Along Baker Street ) A/BSD\_2333 A,, Proposed Site Elevation - Building C- West A/BSD\_2335 B,, Proposed Site Elevation - Building D- North A/BSD\_2336 A,, Proposed site section - looking north A/BSD\_2441 A,, Proposed site section building C - looking west A/BSD\_2443 A,, Building C - proposed facade bay study A/BSD\_2581 A,

**Case Officer:** Mike Walton

**Direct Tel. No.** 020 7641 2521

### Recommended Condition(s) and Reason(s)

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

**Reason:**

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

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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)

- 3 You must apply to us for approval of detailed drawings of a scale of 1:25 the following parts of the development - , a Baker Street - Building C - Typical details of all new facades and roof storeys, b.Georgian Street - Building D - Typical details of all new facades and roof storeys, c.Alterations to Gloucester Place façade, d.All 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 You must apply to us for approval of a design strategy for all shopfronts and signs, and for the treatment of the courtyard shopfronts to ensure these are active frontages with public entrances. , , 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 the strategy. (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)

- 6 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

## Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 7 (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)

- 8 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 7 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 9 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)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 11 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 12 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 10 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 13 You must apply to us for approval of detailed drawings and full particulars, including details of sound and odour attenuation measures, of the design, construction and insulation of the system for the extraction of cooking smells for all the restaurant Class A3 units in the event that these uses are implemented., , 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 and must not change it without our permission.,

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 14 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)

- 15 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 16 You must provide each cycle parking space shown on the approved drawings prior to occupation of the building and a minimum of 480 spaces ,64 spaces for the market residential, 16 for the affordable housing, 328 for the offices and 40 for the Class A uses and 32 short stay spaces shall be retained and the space used for no other purpose.

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)

- 17 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the building. (C14EC)

## 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)

- 18 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

## Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January 2007. (R07DC)

- 19 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and, not at all on Sundays, bank holidays and public holidays. You must carry out basement excavation work only: between 08.00 and 18.00 Monday to Friday; and, not at all on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours. (C11BA)

## 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),

- 20 Customers shall not be permitted within any of the Class A3 restaurant hereby approved before 07.00 or after 24.00 each day. (C12AD)

## Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 21 Prior to the commencement of any demolition or construction on site the applicant shall provide evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. (C11CA)

## 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),

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

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 23 Prior to the occupation of the development details of a vehicle signalling system for the proposed car lift shall be submitted to and approved in writing. The approved vehicle signalling system shall be installed, permanently retained and operated in accordance with the approved details.

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)

- 24 You must provide the following environmental sustainability features (environmentally friendly, features) before you start to use any part of the development, as set out in your application: all electric air source heat pumps, water recycling system, 1447m<sup>2</sup> of green roof, irrigation system. You must not remove any of these features.

Reason:

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

- 25 Prior to the occupation of the development electric vehicles charging points (active) for a minimum of 5 car parking spaces (20%) and electric vehicle charging points (passive) for a minimum of 5 vehicles (20%) shall be provided. These charging points shall permanently retained and maintained for the life of the development.

Reason:

In accordance with policy 6.13 of the London Plan 2015

- 26 All vehicles shall enter and exit the site in forward gear

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)

- 27 All servicing must take place between 0700 and 2200 each day. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 28 At least three of the residential parking spaces hereby approved shall be accessible to wheelchair users.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 29 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 30 You must apply to us for our approval of details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include: identification of individual responsibilities and key personnel. induction and personnel awareness of arboricultural matters. supervision schedule, indicating frequency and methods of site visiting and record keeping, o procedures for dealing with variations and incidents., , You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then adhere to the approved supervision schedule., , You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root

protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 31 You must plant new trees to replace those within the application site boundary which are shown to be removed on drawing 5167\_302. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 32 Notwithstanding the submitted soil depths/ volumes, you must apply to us for our approval of details of the depth and area and overall volume of the of the new soils which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, the soil specification and profile, and the way that the proposed areas of soil will be connected. You must not start work on the landscaping scheme until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 33 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 1 year of planting them, you must replace them with trees of a similar size and species.

- 34 Prior to occupation of the development you shall submit and have approval in writing by the local planning authority of a detailed Servicing Management Plan (SMP). The plan should identify process, internal storage locations, scheduling of deliveries and staffing. In particular it should consider :-, o Restricting deliveries to the size of vehicle that can fit within the delivery bay, o Restricting the number of deliveries that are received from the street and maximising the number that are received from the delivery bay, o Managing arrivals to the delivery bay so that not too many arrive at the same time, , All servicing shall be undertaken in accordance with this strategy unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 35 A minimum of 1,168 m<sup>2</sup> retail ( Class A1) floorspace and a maximum of 2,724 m<sup>2</sup> restaurant ( Class A3) floorspace shall be provided as part of the development. Units numbered 6 and ,11 -17 shall be used for retail Class A1 purposes only. The use of the remaining retail Class A uses shall be agreed as part of an approved retail strategy prior to occupation of the development.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet City Plan Policy S21 ( November 2016) and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 36 You must apply to us for approval of a management plan for the courtyard to show how you will prevent customers causing nuisance for people in the area, including people who live in nearby buildings. You must not start to use the courtyard until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the courtyard is in use.

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)

- 37 You must apply to us for approval of a management plan to show how the Class A retail units will be used. You must not occupy any of the retail Class A units until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the retail Class A units are in use.

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)

- 38 You must apply to us for approval of the following parts of the development interstitial louvres on the western facade of the Baker Street (building C). 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 details.

Reason:

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

- 39 This permission must be commenced no later than 26 March 2022.

Reason:

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

**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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to
  - i) provision of 10 affordable housing units at 30 Gloucester Place,(including securing rent levels) to be made ready for occupation prior to the occupation of the market housing on George Street (building D)
  - ii) a financial contribution of £10 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
  - iii) a viability review mechanism
  - v) costs relating to highways works around the site to facilitate the development
  - v) provision of unallocated residential parking

- vi) lifetime car club membership (25 years) for each residential unit payable on first occupation
  - vii) a lift management and maintenance plan
  - viii) a financial contribution to the carbon offsetting fund carbon offsetting fund of £76,665 for the residential part of the development prior to commencement of development
  - ix) the applicant pays the City Council's reasonable costs of making and consulting on an Order pursuant to Section 247 of the Town and Country Planning Act (1990) (as amended) to 'stop-up' an area of public highway.
  - x) Crossrail payment of £2,696,155 (index linked) to be paid on commencement of development
  - xi) a financial contribution towards the cost of off-street tree planting on George Street, Gloucester Place and Blandford Street.
  - xii) an employment and training strategy
  - xiii) monitoring costs
- .(I55AA)

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.