

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 10 November 2020	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>Lansdowne House, 57 Berkeley Square, London, W1J 6ER</b>		
<b>Proposal</b>	Demolition of the existing building and redevelopment of the site to provide a new building, comprising of basement, lower ground, ground and nine upper storeys for use as office (Class B1) accommodation, flexible retail (Class A1 and/or Class A3 and/or Class A4) and/or gym (Class D2) uses at part lower ground and ground floor level, public realm improvements, and associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Juramia Limited		
<b>Registered Number</b>	20/04428/FULL	<b>Date amended/ completed</b>	14 July 2020
<b>Date Application Received</b>	14 July 2020		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:
- Provision of 536 m2 of affordable housing at Castle Lane to be made ready for occupation prior to commencement of development or a financial contribution of £3 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
  - Employment and Skills Plan including a Financial Contribution of £ 230,564.74 (index linked and payable on commencement of development)
  - All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions and associated work (legal, administrative and physical).
  - Tree Planting and maintenance within the vicinity of the site
  - Details of Internal structural design, including columns and soffits, to be agreed prior to commencement of development
  - Monitoring costs
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:

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

b. The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within 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.

## 2. SUMMARY

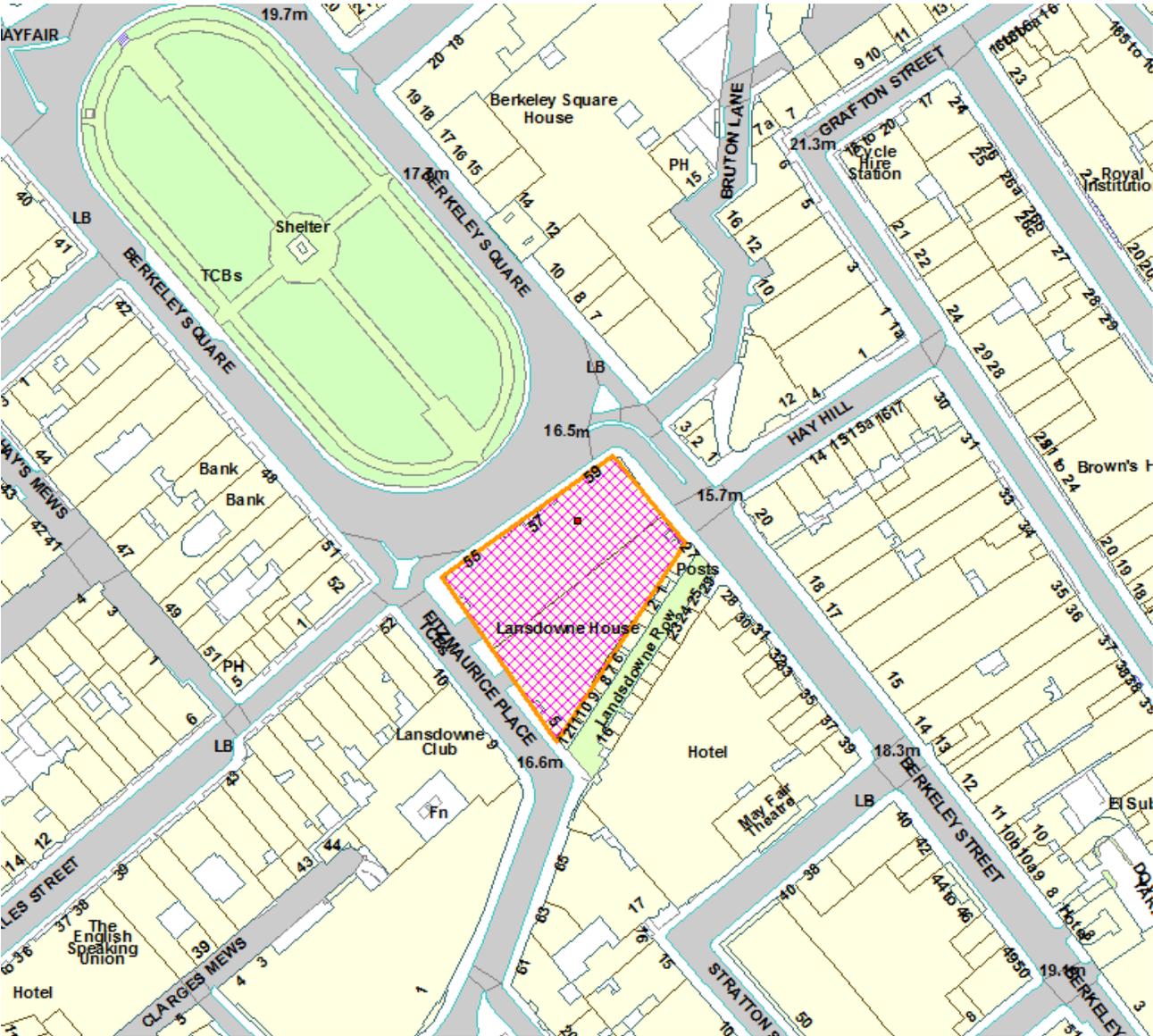
The site is a 1980's building which occupies the whole of the full southern side of Berkeley Square. Permission is sought for the demolition of the existing building and redevelopment of the site to provide an office led mixed-use development including service uses on the lower floors. The new building would comprise lower floors, ground and nine upper floors.

The key issues for consideration are:

- The acceptability of the scheme in land use terms;
- The impact of the proposed building on the townscape, the setting of the Mayfair Conservation Area and the settings of adjacent listed buildings;

Redevelopment of the site is supported in principle. The increase in height and bulk of the buildings would result in some harm to the townscape in certain views. This harm is considered to be less than substantial and the public benefits in providing a high quality design, which would optimise a commercial led development providing significant employment opportunities, are considered, to outweigh the less than substantial harm to the Mayfair Conservation Area. The application is recommended for approval subject to referral back to the Greater London Authority and subject to the completion of a legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

#### Stage 1 response

Principle of development: The offer of contribution towards offsite affordable housing is welcomed. Further information on the provision of affordable workspace is required

Urban design: The proposed height, massing, architecture and layout is broadly supported

Heritage: The proposed development is considered to preserve the significance of Mayfair Conservation Area and surrounding listed buildings and will not result in harm to them

Transport: Further information on blue badge parking and electric vehicle charging is required. Further justification on the proposed quantum of short stay cycle parking is required and a contribution towards the cycle hire scheme is required. A Construction Logistics Plan, a Delivery and Servicing Plan and a Travel Plan should be secured. The applicant should commit to working with the Council on the Berkeley Square South public realm improvement scheme and an appropriate contribution should be secured

Sustainable development: Further information on energy strategy, urban greening, and circular economy strategy is required

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to comment

### HISTORIC ENGLAND (Archaeology)

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest no further assessment or conditions are therefore necessary.

### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

### HIGHWAYS PLANNING MANAGER

Response to be reported verbally

### WASTE PROJECT OFFICER

Further refuse and recycling details are required.

### ENVIRONMENTAL SERVICES

No objection subject to appropriate conditions

### ARBORICULTURAL SECTION

Objection; comment that the removal of the pear tree on Fitzmaurice Place is considered

acceptable subject to funding to secure a replacement, however the submission doesn't adequately demonstrate that the development will not harm 3 London Plane trees on Lansdowne Row.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 596  
Total No. of replies: 1  
No. of objections: 1

1 objection received on behalf of the Lansdowne Club at 9 Fitzmaurice Place, whilst no objection is raised to the principle of redevelopment, the following concerns are raised:

- i) impact on the setting of the Listed building;
- ii) loss of daylight and sunlight, and increased light pollution
- iii) harm to Fitzmaurice Place due to the increased mass of building, and the location the service access in conflict with the club's servicing arrangements.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

Lansdowne House, 57 Berkeley Square, occupies the southern side of Berkeley Square, with the main building entrance fronting the Square. The building comprises basement, lower ground, ground, plus seven upper floors. The upper floors are in office use, the ground floor is predominantly retail and restaurant space. The two top floors are set back from the building edge and the central part of the building is lower than the east and west 'wings'. Lansdowne House was first constructed in the mid 1930's. However, this building was demolished, and the existing building was constructed in its place in 1988.

The site is bordered by Berkeley Street to the east, Fitzmaurice Place to the west and Lansdowne Row to the south. Fitzmaurice Place is used predominantly for deliveries and servicing at ground floor level, and Lansdowne Row is a pedestrian thoroughfare which consists of a series of sandwich bars, cafes and restaurants.

The site lies with the Core Central Activities Zone (CAZ) and the Mayfair Conservation Area. The building is not listed. Berkeley Square to the front of the site is a Grade II Registered Park and Garden. Berkeley Square is characterised by a particularly diverse range of land uses. The immediate vicinity includes office, retail, restaurants, cafes, residential, galleries and public houses.

Berkeley Square sits in a part of Mayfair of varied townscape. A number of early houses remain around the Square, many are listed and these are principally located along the southern part of the west side. The public realm around the site is fairly inhospitable for pedestrians with the footways along Berkeley Square and Lansdowne Row being particularly narrow and tight. Comprehensive public realm works are being undertaken around the northern side of Berkeley Square, and there are aspirations for the delivery of enhanced public realm around the entire square, subject to funding.

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**6.2 Recent Relevant History**

On 10 June 2019 a Certificate of Immunity from listing was issued. This confirms that the building did not meet the necessary criteria for statutory designation, and that no new listing applications could be made for the building prior to June 2024.

There are a number of permissions relating to the ground floor shop units, none are however directly relevant to this redevelopment scheme.

**7. THE PROPOSAL**

The proposed new building comprising basement, lower ground, ground and nine upper storeys for use as office accommodation, flexible retail and/or restaurant, or bar or gym uses at part lower ground and ground floor levels. Plant machinery and ancillary building uses such as showers/ changing facilities and cycle parking are to be located at basement level.

The applicant consider that the existing building is outdated and in need of redevelopment as it doesn't meet the demands of a 21<sup>st</sup> Century office environment. There are five structural cores which result in a poor spatial efficiency and give a warren-like feeling to the internal spaces. These cores, along with the dense façade, low ceilings and an atrium largely obscured at high level, result in poor levels of natural light to the office floorplates.

The proposed building seeks to increase the height on the site by adding approximately two storeys. It is also proposed to increase the floor to ceiling heights to modern standards. The proposed floorplates are clear and unobstructed, to create open and contiguous office floorplates. Landscaped and planted break out roof terraces on the set back upper floors will provide external amenity space for the office occupiers. The core is located centrally and the office floorplates will enable subdivision for multiple tenants.

Service access to the building will remain in a similar location to the existing, on Fitzmaurice Place. All servicing will take place within the building, other than one loading bay proposed on Berkeley Street. The application includes improvements to the public realm around the site on Lansdowne Row, Berkeley Street and Fitzmaurice Place.

**8 DETAILED CONSIDERATIONS**

**8.1 Land Use**

Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the

Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class. Of relevance to this application, former Class B1 (Business) A1 (Shops) A3 (Restaurants) and D2 (Gymnasium) are now included within Class E. Planning permission is not required to change the use of a building (or part of a building) between these uses. This is because changes of use within a use class does not constitute development.

There is currently a legal challenge to these Regulations that was heard on 14-15 October 2020. If a decision is made on this legal challenge by the time of this Committee meeting, Members will be verbally updated.

Regardless of the outcome of this legal challenge, as the application was submitted before these Regulations came into force, the application has been assessed and must be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), restaurant (Class A3), bar (Class A4) gymnasium (Class D2) and offices (Class B1).

The existing and proposed floorspace figures are set out in the table below

	Existing GIA (m2)	Proposed (m2)	
<b>Office</b>	<b>24,092</b>	<b>30,267</b>	<b>+6175</b>
<b>Retail/restaurant/ bar/ Sui Gen use</b>	<b>1618</b>	<b>2240</b>	<b>+622</b>
<b>Total</b>	<b>25710</b>	<b>32,507</b>	<b>+6797</b>

### Offices

The site lies within the Core CAZ and Central Mayfair (as designated in the Mayfair Neighbourhood Plan) where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses.

The proposed development is office led proposal and the provision of significant new office accommodation is one of the applicant's key drivers for the scheme. The office reception/ entrance will be accessed from both Berkeley Square as currently exists and Lansdowne Row. The proposed development will provide up to 30,267 m2 of office floorspace, an increase of 6175m2.

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

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. The provision of increased commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location.

The 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 being a competitive business location. The applicant states that the proposed development has the potential to provide 317 net additional jobs of which up to 80 will likely go to City of Westminster Residents.

The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The improved quality and increase in quantum of office floorspace is supported in land use terms. In their stage 1 response the GLA advise that the proposed office-led mixed- use development would support the strategic functions of the CAZ and other London Plan policies and is supported.

To ensure that the development is carried out in accordance with the use sought and that the upper floors of the building are not used for other uses within Class E that may have different or unacceptable impacts in terms of waste storage, servicing, amenity or transportation requirements, it is recommended that a condition be imposed requiring the floorspace sought for use as offices to be used for this purpose only and for no other purpose within Class E.

### Mixed Use Policy

#### Adopted Policy

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

In this case as the net additional floorspace of all uses is 26% (ref table below) this is below the threshold of 30% accordingly under adopted mixed use policy there is no mixed- use requirement to provide housing.

	Existing m2	Proposed m2	Increase m2	Additional as % of existing
All uses	25,710	32,507	6,797	26%

The scheme that formed part of pre -application discussions sought a bigger replacement building and the additional floorspace would have triggered a requirement to provide residential under adopted policy S1. The height and bulk was however reduced in response to townscape concerns.

#### Emerging City Plan Policy

Notwithstanding the fact that there is now no mixed-use policy requirement, the applicant at pre-application stage considered the implications of providing an increased quantum of commercial office floorspace that would have triggered the provision of housing under adopted policy and the delivery of affordable housing under the then emerging policy.

At the time the application was submitted the emerging City Plan draft policy 10 set a threshold for increases in office floorspace of 2,750 m2, above which 35 % affordable housing would be sought. The proposed development will result in an office uplift of 6,175 m2. In applying the draft policy to the scheme this would have resulted in a requirement to provide 2,160 m2 of affordable housing. The cascade set out under draft Policy 10 would be for affordable housing units to be delivered on-site, "unless it is demonstrably impracticable or unviable to do so".

Where officers were satisfied that affordable housing cannot be provided on-site the housing could be provided off site within the vicinity of the host development and a PIL was considered to be the last resort. The emerging policy influenced the applicant to explore options for the delivery of residential floorspace rather than opting for a PIL.

### Initial Proposal

#### On site housing

In recognition of the direction of travel of the City Council's policy the applicant assessed the feasibility of the provision of on- site housing. The study concluded that it would not be feasible to provide residential on site. The residential units would be substandard in terms of amenity and quality with the majority being single aspect and in certain configurations suffering from poor daylight and sunlight and noise levels, and being overlooked. Furthermore the provision of residential as part of an island site office development would significantly compromise the office floorplates, rendering the commercial scheme undeliverable; and the cores required to serve the residential accommodation would not only impact on the efficiency of the offices but would compromise the flexible retail space at ground floor level.

#### Off- site housing

On the basis that on-site residential couldn't be provided the applicant considered off-site provision. The applicant advises that they own no other available, or suitably sized, alternative sites within the vicinity of the application site which could deliver residential floorspace. Accordingly, alternative solutions were considered.

The applicant entered into an agreement with Landsec regarding use of part of its approved residential development at 2-4 Castle Lane, Victoria, London. Planning permission was granted for this on 6 February 2019 (ref. 18/01971/FULL). The proposals would create 86 affordable housing units. In granting permission, it was resolved that the affordable housing to be provided could in principle be used as an affordable housing credit for proposed developments requiring the provision of affordable housing in the West End and St James's ward. The credits were created and secured in the Memorandum of Understanding (MoU) to the Section 106 Agreement for the Castle Lane scheme. The credits could be transferred and used in connection with development by a third party. This enabled developments that generate an affordable housing requirement to form planning links with Castle Lane and, once the affordable housing is built out, those schemes may then draw down the credits. The number of credits acquired by the applicant was close to the total requirements under the emerging policy.

### Implications of the September 2020 Proposed Modifications to Policy 10

The Examination in Public of the City Plan was delayed and the Council has proposed a substantial revision to draft Policy 10. Instead of seeking on-site provision as a strong preference, financial payments in lieu will be sought in all cases, rather than a floorspace-based requirement. The rate at which this would be sought would be (for Lansdowne House) £450/sqm. The revised emerging policy generates a requirement for a PIL of £3.05m.

### Current Housing Offer

In the context of the City Council's broad objective of the delivery of affordable housing, the applicant's preference would be for any requirement in emerging policy to continue to be met by the drawdown of an appropriate quantum of Castle Lane affordable housing credits. Emerging Policy 10 however now has no requirement to provide residential floorspace. As stated the

financial payment arising from Lansdowne House under this policy would be £3.05m. There is no recognised formula within policy to calculate how this could be transferred to floorspace. The tariff rate has been arrived at purely on viability grounds and is not a payment in lieu of providing actual floorspace. The tariff amount of £3.05m could be equated to the per unit sum that would have been charged under the current PiL system. On the basis of the current formula's 75sqm/unit assumption, this would mean the equivalent credit would be 563sqm. This would mean the equivalent of providing 7.5 units.

The applicant requests that the remaining balance of the 2,000 m2 of credits acquired at Castle Lane would continue to be used by third party developers as currently permitted by the existing Memorandum of Understanding. The credit balance would, simply, be in the applicant's ownership rather than Landsec's, but the acquisition and transfer of those credits would have allowed Castle Lane to be delivered.

The Applicant considers that this is a preferable outcome in planning terms, for the following reasons:

- i)The application would be supporting tangible physical delivery of a specified quantum of affordable housing at Castle Lane.
- ii)It would create a link between the proposals for Lansdowne House and the overall delivery of Castle Lane as a whole. The Applicant's intention is that it continues to acquire c. 2,000sqm of affordable housing credits. The acquisition of these will enable the delivery of Castle Lane by Landsec and Notting Hill Genesis which would be a significant planning benefit and
- iii)It would be a demonstrably better outcome than would arise from the application of adopted City Plan policy.

Notwithstanding the adopted policy position it is recommended that the legal agreement secures either the provision of 563m2 of affordable housing at Castle Lane to be made ready for occupation prior to commencement of development or a financial contribution of £3.05 million towards the City Council's affordable housing fund (index linked and payable on commencement of development).

#### Ground / Lower Ground floor Uses

The existing site includes 1714 m2 of shop unit floorspace. This comprises a mixture of retail, restaurant, bar, and betting office uses. The shop units are on all four frontages of the building. In all cases the units are relatively small, this is particularly true on Lansdowne Row where the units are shallow and are primarily in use as sandwich bars.

The proposed scheme seeks to provide 8 larger units across the ground and lower ground floors. In total the shop unit floorspace would increase from 1714 m2 to 2,240 m2 (ref table below)

Land Use	Existing m2	Proposed m2	Change m2
Retail	764	2240	+1476
Restaurant	348	1700	+1352
Bar	495	1000	+505
Betting Office	108	0	-108
Gym	0	550	+550
Total	1,714	2,240	+526

The applicant is seeking flexibility in the occupation of these units to be used as either retail, restaurant, bar and or gym. A maximum cap in terms of floorspace is proposed for the

respective uses as set out in the table. The implications of the respective uses are discussed in turn below.

#### Retail:

City Plan Policy S21 relates specifically to retail and states that new retail will be directed to designated shopping centres and existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable as demonstrated by long term vacancy despite reasonable attempts to let. The site is within the Core CAZ outside the West End Special Policy Area (WERSPA). City Plan Policy S21 states that new retail floorspace will be directed to the designated shopping centres. Retail is appropriate to the Core CAZ.

The potential increase in retail floorspace is welcomed in accordance with policy. The flexible approach with regards to the use of the shop units is supported in principle. It is however considered that there should be no loss of retail (Class A1) across the site. It is therefore recommended that a minimum of 764 m<sup>2</sup> of retail (Class A1) floorspace is secured by condition.

#### Restaurants

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m<sup>2</sup>) is applicable only in exceptional circumstances. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. The proposal states that new large scale entertainment uses of over 500 m<sup>2</sup> floorspace will not generally be appropriate within Westminster.

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

At present the site includes a single restaurant comprising 348 m<sup>2</sup>. As proposed the restaurant floorspace could increase to 1352 m<sup>2</sup>. Servicing would take place from the proposed off street servicing area accessed from Fitzmaurice Place. Cooking fumes would be dispersed via internal risers discharging at roof level.

The provision of a restaurant or restaurants within the development would result in the provision of a service use which is considered acceptable in principle. The proposed restaurant floorspace would not be out of context for the size of the site. The operational details of any restaurant or restaurants would need to be secured as part of an Operational Management Statement (OMS). It is likely that hours of opening would be restricted to normal core hours for licensed premises with evening opening rather than night time use. Any OMS would need to be significantly robust to ensure that any restaurants are properly run to safeguarding amenity and minimise their environmental impact.

#### Drinking Establishments

The same policies are applicable to assessing drinking establishments ( wine bars and other drinking establishments) as set out above for restaurants (Class A3). Given the size of the site and the character of the area an increase in bar floorspace is considered to be acceptable in principle. The proposed maximum floorspace that could be used as a bar is significantly less than both retail and restaurant uses. It is however recognised that drinking establishments in which alcohol is the main offer can have a much greater impact on residential amenity than restaurants. Any drinking establishments on the site will need to adhere to approved OMS's setting out operational controls to ensure that the uses are acceptable and would not have adverse environmental impacts.

### Gym

It is proposed that a maximum of 550 m<sup>2</sup> of the flexible space within the shop type units comes forward as a gym. The provision of a gym would result in service uses that would support the local community. The proposed gym use would contribute to the overall mix of uses proposed. The provision of this leisure facility accords with land use policies.

## **8.2 Townscape and Design**

Lansdowne House was built in 1988. It occupies the whole street block, defined by Berkeley Square, Berkeley Street, Lansdowne Row and Fitzmaurice Place. It was designed in a post-modern style and is of some architectural interest, although it has a certificate of immunity from listing. This was granted in June 2019 and expires in 2024. The building has solid facades clad in Portland stone, with a dark metal clad roofscape. Seen from Berkeley Square it comprises two 8 storey blocks which flank a lower central section, with a tall arched opening which marks the office entrance. It has a solidity (solid to void ratio) similar to that of the Georgian houses in the Square. It is considered to make a neutral contribution to the character and appearance of the Mayfair Conservation Area.

In the Georgian period the site was the garden in front of the original Lansdowne House which lay to the west. When Fitzmaurice Place was created in 1931 Lansdowne House was partially demolished and what remained was used to form the Lansdowne Club, on the west side of Fitzmaurice Place. Morris House was then built on the gardens, the site of the current Lansdowne House. Lansdowne Row, on the south side of the site, was originally a passage between the gardens of the original Lansdowne House and Devonshire House which faced onto Piccadilly.

In the 1930's the Georgian houses on the east side of the Square were demolished and replaced by Berkeley Square House, which, along with Morris House, transformed the east and south sides of the Square. Both buildings were very significantly taller than the Georgian houses that remained on the west and north sides of the Square.

The site is a sensitive one in terms of heritage assets. It occupies an important location in the Mayfair Conservation Area. It defines the southern edge of Berkeley Square, one of the key Georgian Squares in the West End. The gardens are included in the Historic England Register of Historic Parks and Gardens at grade 2. There are a number of very important listed buildings in the area, mainly to the north and west, including:

- the Lansdowne Club (grade 2 star)
- 49-52A Berkeley Square (grade 2)
- 47 Berkeley Square (grade 2 Star)
- 44, 45, 46 Berkeley Square (grade 1)

- 48, 50, 51 Charles Street (grade 2)
- 1, 2, 3 Berkeley Square (grade 2)

### Demolition

It is considered that there is not a strong presumption to retain the existing building because it is considered to make a neutral contribution to the character and appearance of the conservation area. Its demolition could be acceptable if the proposed building is considered to be an appropriate replacement. The issue then is whether or not the proposed building preserves or enhances the character and appearance of the conservation area, and does not harm the settings of the adjacent heritage assets. If it does cause harm to these heritage assets, that harm should be outweighed by public benefits if planning permission is to be granted.

### The proposed building

#### a. Plan form

The ground floor plan generally follows the existing building lines. However, on Berkeley Square it takes a slightly concave line, rather than the existing linear frontage. This new line extends slightly further north than the existing building line at its east and west ends. The upper floors, second to seventh floor levels, project further from the building line below by approximately 1.6 metres. This building line gives the building a greater prominence in views from the east and the west, most notably from Charles Street (see below).

The ground floor plan features a large office reception which runs north – south from Berkeley Square to Lansdowne Row. Retails and restaurant units face onto all frontages. The loading bays is on Fitzmaurice Place, in a similar location to the existing, opposite the northern end of the Lansdowne Club. This arrangement of uses is considered acceptable in urban design terms.

#### b. Height and bulk

One of the key issues of this proposal is the proposed height and bulk and its impact on this part of the Mayfair Conservation Area. The proposed building is significantly taller and bulkier than the existing building. The existing building is eight floors high with a large plant rooms at its east and west ends. The top of the 8<sup>th</sup> floor is 30.8 metres above street level and the top of the plant room is 36.6 m above street level. In the centre of the plan a small section of the building rises to approximately 40 metres above street level

The proposed building is ten storeys high with a large roof plant area above. The main parapet level of the proposed building (8<sup>th</sup> floor level) is 34.2 above street level, which is 3.4 metres above the equivalent level on the existing building. The proposed 9<sup>th</sup> floor is 42.8 m above street level, 6.2 metres above the top of the existing plant room. The proposed plant room is 45.7 m above street level, approximately 9 metres above the top of the existing plant room.

A key consideration is the impact of this increased height and bulk on local views in the conservation area and on the settings of listed buildings. The application includes an assessment of the proposal on a number of important local views.

#### a. From the north in Berkeley Square .

In summer the existing trees in the Berkeley Square gardens would hide much of the proposed building in many views, especially the longer views. It would be more visible in winter. In views from the northern part of the Square and the gardens the full height and bulk of the building would be seen. It would appear similar to, but greater than, the massing of Berkeley Square House to the left (east).

In the views from immediately north east and north west of the building the massing of the main part of the building is visible but the upper floors are not fully apparent because of the proposed setting back.

It is considered that this height and bulk would cause less than substantial harm to the settings of the Berkeley Square and adjacent listed buildings on the west side.

b. From the west in Charles Street

The building will be seen at the eastern end of Charles Street and will appear significantly taller than the existing (by approximately two storeys). The proposed building also extends slightly further north than the existing, which also increases its prominence in these views. It is considered that this would cause less than substantial harm to the settings of the listed buildings in Charles Street.

c. From the east in Hay Hill

This view is framed by the buildings which line Hay Hill, which are not listed buildings. The increased bulk is apparent in this view, but it is not considered harmful in this context.

d. From the south along Berkeley Street

The proposed building is seen in the context of the large buildings in Berkeley Street, especially those on the west side. The top of the 8<sup>th</sup> floor appears slightly higher than the buildings to the south, but the top two floors are not readily apparent. This not considered harmful.

### Design

The proposed building is a framed building, with the structural frame expressed on the facade, in contrast to the existing building which features a solid stone facade with relatively small 'punched' window openings in it. The solid facade is more characteristic of the Mayfair Conservation Area; there are relatively few framed buildings within the conservation area. Notable recent examples are 50 Stratton Street (to the south of the site), 25-35 Park Lane, and the recently approved but unbuilt Berger House, in the north west corner of Berkeley Square.

It has a two storey base, with arched openings framing the shopfronts and office entrances on Berkeley Square and Lansdowne Row. On Berkeley Street and Fitzmaurice Place a rectilinear design is used. Above this are six storeys expressed as double height (two storey) framed openings. The bay widths of the frame vary; on Berkeley Square and Lansdowne Row they are wide; on the two other facades the bay widths are narrow, giving a more vertical expression.

The use of framed facade is not necessarily inappropriate in a conservation area characterised by solid facades. The key issue is the extent of glazing within the framework. Framed facades can be highly glassy and can appear incongruous in historic contexts.

The proposed fenestration consists of oriel windows spanning between the columns, but not projecting forward of them, over two floors with profiled spandrel panels between. On Berkeley Square the oriels have curved corners. The east and west facades have faceted (canted) bays. On the Lansdowne Row (south) facade the glazing is square edged on the second to fifth floors, and faceted on the sixth and seventh. The corners of the facades feature curved glazing and spandrel panels.

The Berkeley Square facade also includes loggia, or recessed balconies, which seek to mirror the projecting oriels and provide sheltered external terraces for the office floors. In the central two bays the balconies are double height, to give emphasis to the entrance below. Elsewhere on this facade they are single storey height.

The 8<sup>th</sup> and 9<sup>th</sup> floors (the top two) are treated in a different manner from the facades below. They are framed within a dark metal structure, with the windows set back behind metal columns and under a projecting canopy, on the north and south facades. Although highly glazed, the use of the columns and canopy reduce the visual impact of the glass facades. The east and west facades do not include a canopy and it is recommended that a condition is used to require the canopy and columns to be carried around the whole of the top two storeys.

This is a highly modelled and detailed facade, with considerable variety and richness in design. The extent of glazing is mitigated to some degree by the three dimensional nature of the columns, the oriel windows and the use of spandrel panels. The design is quite different to the more traditional buildings in the area, however, the existing Lansdowne House also contrasts with the other buildings in Berkeley Square. Taking into account this existing contrast, and given the richness and quality of the facades, it is considered that the design approach is acceptable.

### Shopfronts

The shops in the existing building are relatively small and the shopfronts are low key and do not present a strongly active street frontage. The proposed building seeks to address this by proposing larger units with shopfronts with greater street presence.

On Berkeley Square and Lansdowne Row the shopfronts are set within the two storey arched openings. The columns have scalloped edges to visually soften their mass. On the east and west facades single storey rectangular openings are proposed. Reeded spandrel panels, fascias and stallrisers enrich the design. In Lansdowne Row curved oriel shopfronts are proposed; the applicant's aim is to enhance the quality of Lansdowne Row as part of the 'Tyburn Opportunity Frontage' as identified in the Mayfair Neighbourhood Plan.

It is considered that the shopfronts are of high quality design and will create successful street frontages, and will enhance the four streets and the character and appearance of the conservation area.

### Materials

The stone which characterises the Mayfair Conservation Area is natural Portland stone. The use of the proposed structural framework does not lend itself easily to being clad in natural Portland stone, and it is proposed to be made of reconstituted stone. This should be required to closely match the appearance of natural Portland stone. The base of the building (ground floor) is proposed to be clad in natural stone, which should be required by condition to be natural Portland stone.

The window frames and decorative metal panels will be in a bronze coloured metal. The two roof storeys and plant room are clad in metal. This should be required to be either lead or zinc, to reflect the characteristic colours of the roofscape of the Mayfair Conservation Area.

### Design and sustainability

The demolition of the existing building raises issues of carbon costs, because of the loss of embedded carbon. However, there is no current policy requirement for an applicant to

demonstrate that demolition and redevelopment is more environmentally advantageous than retention and refurbishment of the existing building in the long term.

The applicant's aim is to create a high quality building which will be more efficient environmentally than the existing building, and which will be long-lasting because of its high quality externally and internally. The stated intention is to provide a sustainable development with the use of self-finished materials maximised within the design, minimising waste and improving future reuse and recycling opportunities. The precast frame is an important part of the scheme's sustainability credentials. It is intended to have a long life span and have a strong architectural character. Internally it is suggested that the architectural concrete structure will remain exposed, with the concrete columns and pre-cast soffits contributing to cooling through their thermal mass.

Whilst the interior of a new building would not normally be controlled through a planning permission it is considered that as this is a key part of the applicant's proposals, these matters should be controlled by legal agreement in order to secure a high quality internal structure. The applicant has agreed to this.

#### Public realm

On Berkeley Square the proposed building has a concave building line so the east and west ends project beyond the existing building line. It is proposed to extend the pavement 4m beyond the frontage. This is a public benefit, although it also benefits the commercial value of the scheme by improving the building's setting. The application makes reference to possible future proposals for public realm in Berkeley Square, as put forward by the two major landowners, Grosvenor and Astrea. These might include reducing the carriageway width and creating much wider pavements at the southern end, however, these plans are aspirational and have no formal status at present.

In Lansdowne Row the existing pavement is widened from the existing 6 metres by 2.5 metres, with an extra 4 metres at the office entrance. However, the upper floors cantilever out from the first floor upwards, so that the width of Lansdowne Row at higher level is 7.5 metres (rather than 8.5 metres at ground floor level). The intimate qualities of the existing arrangement are derived from the historic character of Lansdowne Row when it was a passage between gardens. Widening it would have a harmful impact on its historic origins but it would also bring public realm benefits, in terms of a more attractive and usable space.

#### Conclusion on townscape and design

This is a large, imposing office building which will significantly change the south end of Berkeley Square. It is considered that this is a high quality design which complies generally with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 4, DES 9, DES 10 and DES 15 of the Unitary Development Plan. However, it will cause a moderate degree of less than substantial harm to the Mayfair Conservation Area and adjacent heritage assets, as set out above. That harm needs to be balanced against the public benefits of the proposal, which include urban design benefits, namely a high quality replacement building, improved ground floor frontages and activity, and public realm improvements.

### **8.3 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

A daylight and sunlight assessment has been submitted as part of the application in accordance with Building Research Establishment (BRE) guidelines. The technical analysis confirms that 50 Charles Street, 63 Curzon Street, 48 Berkeley Square would remain compliant for daylight (VSC and NSL) and Sunlight (APSH).

The report does show that there would be breaches to BRE guidelines to three properties, Berkeley House, 44 Clarges Mews and 8-10 Bruton Lane. The impact on each of these properties is discussed below:

#### Berkeley House

This property is located to the north east of the site and comprises of residential flats at the first to sixth floors. The report assesses 55 windows within the property serving 15 rooms for Daylight. 34 of these windows face within 90 degrees due south and have therefore been assessed for Sunlight (APSH).

Of the 55 windows assessed for daylight purposes 50 are compliant with BRE guidelines in terms of VSC. In the case of 5 windows which do not meet BRE compliance all 5 windows would experience only minor alteration in the level of daylight and all 5 windows retain a VSC level over 20%. This is not uncommon for a dense urban environment.

The test for sunlight (APSH) demonstrates that of the 34 relevant windows assessed, 32 windows will meet the values suggested within the BRE Guidelines. Of the two windows which would experience breaches in guidelines these are moderate and the rooms are served by multiple windows. Therefore, when considering this assessment on a room basis, the impact on sunlight levels is not significant.

#### 44 Clarges Mews:

This property is located to the south west of the site and comprises of residential flats at the second to sixth floor facing directly east. In terms of the Daylight 20 windows were assessed all of which complied with BRE guidelines with regards to VSC. A single room would see a breach in the No Sky Line (NSL) assessment as the reduction is 22.2 % marginally above the 20% guideline. With regards to Sunlight due to the orientation of the property no windows required assessment.

#### 8-10 Bruton Lane

This property is located to the north east of the site and comprises of residential at the first to sixth floors. The study shows that 19 windows serving 10 rooms have been assessed for Daylight. 15 of these windows face within 90 degrees due south and have therefore been assessed for Sunlight (APSH). With regards to daylight the assessment shows that all 19 windows are compliant in terms of VSC. Of the 10 rooms assessed with regards to NSL the single transgression is to a bedroom which the loss is 21.1% of the former value. This is a very minor loss of daylight. The test for sunlight (APSH) demonstrates that all 15 (100%) of the windows assessed meet the values suggested within the BRE Guidelines for annual and winter sunlight.

It is considered that overall the proposed scheme would not cause a material loss of amenity to

any of the surrounding properties and is acceptable on a daylight and sunlight basis.

An objection has been received on behalf of the Lansdowne Club at 9 Fitzmaurice Place on the western side of the site that the scheme would result in a loss of daylight, sunlight and light pollution. Members Club's are not afforded the same level of protection as residential. The daylight and sunlight study did not therefore assess the impact on the Club. Notwithstanding this the study submitted illustrates that the impact on surrounding properties will be relatively minor. Permission could not reasonably be withheld on that the development would result in any material losses of either daylight or sunlight.

#### Sense of Enclosure

The relationship between the proposed development and residential means that there is not considered to be any material increase in the sense of enclosure for neighbouring residential occupants.

#### Privacy

The replacement building will have no material impact in terms of overlooking to surrounding properties there will be no material loss of privacy arising from the scheme.

#### Light Pollution

The objection on behalf of the Lansdowne Club also refers to potential light pollution. The existing office building has windows on its western elevation opposite the Club. This objection is not considered sustainable.

### **8.4 Transportation/Parking**

The application is accompanied by a Transport Assessment. This details the proposed parking, servicing and waste management arrangements in connection with the development.

#### Car parking

The proposed development provides no off street car parking in accordance with draft New London Plan policies T6.2 and T6.3 and removes 20 existing car parking spaces within the basement.

#### Cycle parking

Long stay cycle parking is provided at lower ground floor level accessible via a dedicated cycle lift and stair core. Showers and locker rooms are also provided. A total of 474 long stay cycle spaces are provided which exceeds the policy requirement of 455. In terms of short stay cycle parking 22 short stay cycle parking spaces are proposed along Fitzmaurice Place to the north west of the site. It is noted that the 22 short stay cycle parking spaces is below the draft new London Plan target of 134, however a balance needs to be struck between the provision of short stay cycle parking and not creating an obstruction to pedestrian movements.

A travel plan has been submitted as part of the application, this sets out a long term strategy to encourage travel to the site by sustainable modes of transport in accordance with City Plan Policy S41.

#### Servicing

UDP policy TRANS 20 and City Plan policy S42 seeks that servicing should be undertaken off street. The development includes a servicing bay off Fitzmaurice Place in a similar location to

an existing loading bay. The loading bay has been designed to accommodate large vehicles with a turntable to enable all vehicles to exit in forward gear. An objection from the Lansdowne Club at 9 Fitzmaurice Place opposite the application site refers to the proposed service access being in potential conflict with the clubs own servicing arrangements. The existing building is however currently serviced from Fitzmaurice Place which will not change as part of this development. This is the only frontage where servicing could occur. Subject to a condition which secures a Servicing Management Plan this aspect of the application is considered to be acceptable.

### **8.5 Economic Considerations**

The economic benefits of the scheme are substantial. Berkeley Square is a major commercial location 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 286 (lowest potential employment scenario) and 317 (highest potential employment scenario) net additional jobs of which between 71 and 79 are anticipated to go to Westminster residents. 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.

### **8.6 Access**

The entirety of the development will be step free, with passengers' lifts serving all publicly accessible areas of the proposed development. No blue badge parking will be provided on site but a number of accessible on-street bays are provided within a short distance of the site.

The primary entrances to the office floors are from Berkeley Square (North) and Lansdowne Row (South). Step free access to the upper levels is provided by 8no. passenger lifts located off the central lobby. Cycle facilities are located in the basement and accessed via a separate entrance off Fitzmaurice Place. Step free access to these is via a pair of dedicated shuttle lifts through the same entrance.

The upper terraces share the same finished floor level as the internal office floor. These are accessed via sliding doors and level thresholds. There are no steps or ramps across the terrace.

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

#### **Sustainability**

The London Plan states that developments should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

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

London Plan Policy 5.1 and 5.2 expects an overall reduction in carbon dioxide emissions by 60% by 2025, and it is expected that under guidance from the GLA, London boroughs will take measures to meet this target. Policy 5.2 requires development to follow an energy hierarchy and seek to reduce carbon dioxide emissions, with a current target for non-domestic Development to minimise emissions by 35% against Part L of the Building Regulations 2013.

The applicant has submitted an energy statement and sustainability statement in support of the application. The energy strategy use the carbon factors (SAP 10) that were released in July 2018 and apply from January 2019 onwards this is in line with the most recent Energy Assessment guidance (October 2018) published by the Greater London Authority (GLA). The report assess the impact of using passive and low energy design technologies to reduce baseline energy demand and carbon dioxide emissions followed by the application of low and zero carbon technologies. It sets out how the principles of the above referenced energy hierarchy in London Plan Policy 5.2 has been incorporated into the proposals.

The results of the analysis undertaken indicate that the proposed energy strategy for the new building would result in an overall improvement of 39% over the standards set out in Part L of the 2013 Building Regulations. This is above the 35% target as set out in the London Plan. City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The proposed scheme includes the provision of ground source heat pumps, air source heat pumps and photovoltaic (PV) panels. An area of roof suitable for 237 m<sup>2</sup> of PV panels has been identified. This is expected to contribute an additional 26% carbon emissions savings for the new building on the site. This accords with City Plan Policy S40.

It is considered that the Proposed Development achieves a high level of environmental and economic sustainability and carbon reduction and therefore accords with the Development Plan.

#### Air Quality

An Air Quality assessment submitted with the application considers the impact during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. The Air Quality assessment concludes that the development is air quality neutral in terms of its on-going operational impact.

#### Plant

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 scheme includes the provision of plant in a dedicated screened plant enclosure at roof level. An acoustic report has been submitted as part of the application. Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective, agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

#### Refuse /Recycling

Waste storage is provided at basement level. A refuse and goods lift will provide access between the ground and basement levels, allowing refuse to be transported from the store to

the loading bay prior to waste collection times. Details of the refuse storage will be secured by condition to ensure compliance with City Plan policy S44.

### Trees

An Arboricultural Impact Assessment has been submitted in support of the application. The proposed development will require the removal of a pear tree on Fitzmaurice Place. This is a relatively young and small specimen and the arboricultural officer advises that this is acceptable provided that appropriate funding for the provision, establishment and maintenance of a replacement tree is secured via S106.

The development will also affect three mature London planes on Lansdown Row. An arboricultural impact assessment (AIA) states that these trees will need to be pruned to facilitate development and that the extent of pruning will be agreed prior to commencement. The arboricultural officer objects to this approach on the basis that the extent of pruning required may have a significant detrimental impact on the trees. Advising that the extent of pruning should be included in the AIA. Furthermore, the AIA doesn't include information about the foundation depths of this part of the existing building and it is possible that the London planes are rooting underneath the existing property foundations.

Whilst the objection is acknowledged it is not considered that permission should be withheld for this large scale development because the impact on the trees on Lansdowne Row is unresolved. It is recommended that the impact on the trees is dealt with by condition which will provide clarification if there will be harm to the trees and should this prove to be the case require suitable replacement tree planting in the vicinity of the site.

### Biodiversity and Urban Greening

An ecological Appraisal has been submitted in support of the application. The results show that the site has low ecological value with very limited suitable habitat for breeding birds and negligible for bats. There are limited foraging resources for birds on the site. The provision of an extensive green roof and planters with a mix of species (evergreen and deciduous, perennials and shrubs) are ecological enhancements. This is welcomed.

### Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service 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. The applicant has agreed to make contributions in accordance with the guidance note. Based on the increase in floorspace the scheme will generate a financial contribution of £ 230,564.74 (index linked and payable on commencement of development which will be secured as part of the S106 agreement.

## 8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

## 8.9 Neighbourhood Plans

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

## 8.10 London Plan

The proposed replacement building will be over 30m in height and over 20,000 m<sup>2</sup> and is therefore referable to the Mayor of London.

Stage 1 response from the GLA is summarised in section 5 (consultations) and included as a background paper to this report.

## 8.11 National Policy/Guidance Considerations

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

### Assessment of Public Benefits against Heritage Harm

As set out in section 8.2 (Townscape and Design) of this report the proposal is considered to cause less than substantial harm to the Mayfair Conservation Area and adjacent heritage assets. Para. 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

When undertaking this weighing exercise, the Committee must fulfil its statutory duties within

Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

In this instance, the public benefits are considered to derive from: (i) The replacement of the poor quality retailing on site with a greater quantum (+622) of high quality and flexible retail floorspace over lower ground and ground floor levels; and (ii) The replacement of the fragmented and poor quality office accommodation on site with a greater quantum (+6175) of high quality and flexible office floorspace.

The improved flexible retail space and office floorspace will enhance the Core CAZ. The increase in office floorspace will contribute to meeting the target set out within City Plan Policy S20 for an additional 774,000 sq.m of office floorspace between 2016/17 and 2036/37 (providing capacity for at least 58,000 new jobs). The applicant estimates that the new office floorspace will create approximately 300 jobs. Again, this is a public benefit.

It is considered that an appropriate balance has been struck between the statutory duties within Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of optimising the development potential of the site that will enable the proposal to generate the public benefits that are considered to outweigh the less than substantial harm to the Mayfair Conservation Area. For these reasons, it is considered that the scheme complies with the requirements of the NPPF.

### **8.12 Planning Obligations**

The draft 'Heads' of agreement are proposed to cover the following issues:

- Provision of 536 m2 of affordable housing at Castle Lane or a financial contribution of £3.05 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
- Employment and Skills Plan including a Financial Contribution of £ 230,564.74 (index linked and payable on commencement of development)
- All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions and associated work (legal, administrative and physical).
- Details of Internal structural design, including columns and soffits, to be agreed prior to commencement of development
- Tree Planting and maintenance within the vicinity of the site
- Monitoring costs

The estimated CIL payment is: £1,753,561.62

### **8.13 Environmental Impact Assessment**

Under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (amended 2018) a screening opinion for the redevelopment scheme was determined on 6 April 2020 (ref 20/00958/EIASCRC). This decision confirmed that the development was unlikely to have significant environmental impacts and an Environmental Impact Assessment would therefore not be required.

## 8.14 Other Issues

### Basement

The application involves the excavation of an additional basement level beneath the site, which is dealt with under City Plan Policy CM28.1. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

### Construction impact

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the construction process is carefully managed. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process. Regular site visits will be undertaken to monitor construction operations and ensure compliance.

The applicant is committed to carrying out the development in accordance with the City Council's Code of Construction Practice and in accordance with the Council's requirements they have completed appendix A in the submission regarding the future requirements regarding the submission and approval of bespoke construction management plans at a point when a contractor is in place.

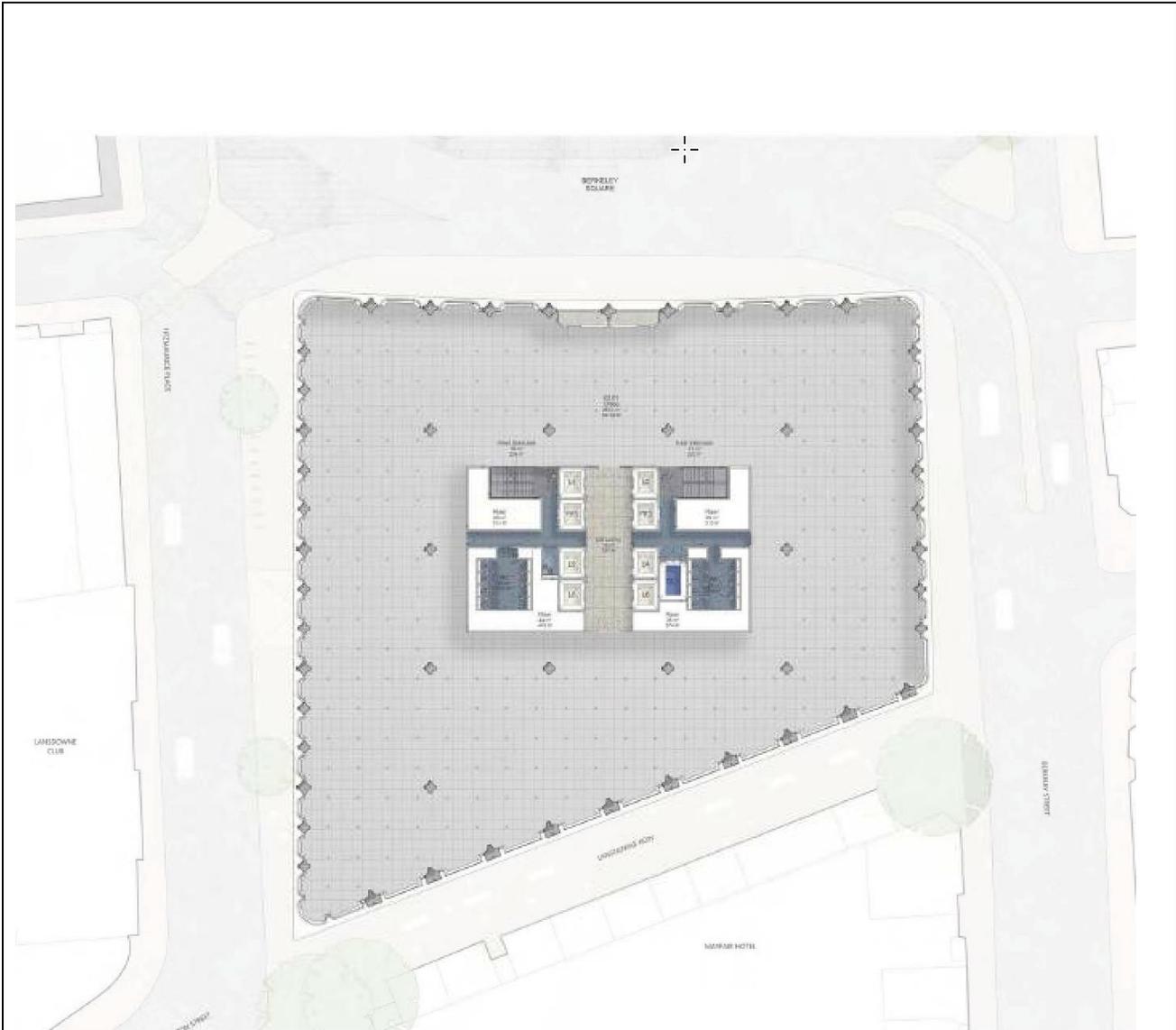
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

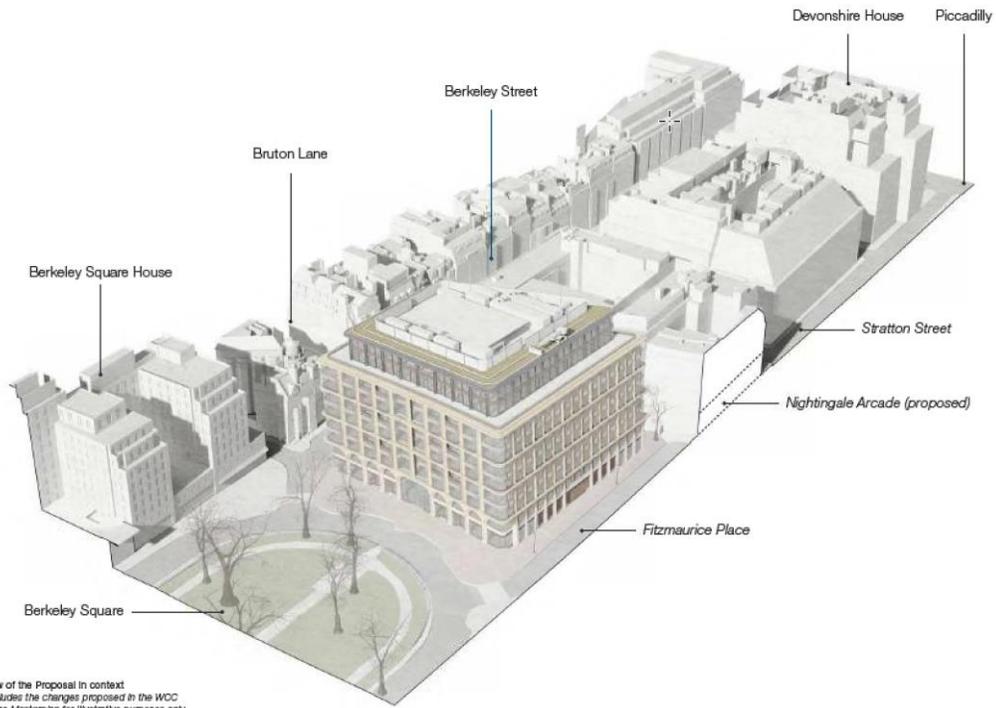


Ground Floor Plan



Typical Office Floor Plan

5.0 Proposal for a New Lansdowne House  
**5.3 Massing & Composition**



*Birds-eye view of the Proposal in context  
This image includes the changes proposed in the WCC  
Berkeley Square Masterplan for illustrative purposes only*



Proposed Elevation - North West (Facing Berkeley Square)



Proposed Elevation - South East (Facing Lansdowne Row)