

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 January 2022	Classification For General Release	
Addendum report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	318 Oxford Street, London, W1C 1HF		
Proposal	Installation of new ground floor shopfronts including 2no. new double height entrances; extensive refurbishment of the existing Portland stone facade; replacement of the existing windows between first and fifth floors with new double-glazed units, and modification of the fifth floor windows to increase their height; infill construction along fifth floor Chapel Place in facsimile of the existing facade to provide additional Class E floorspace; installation of ventilation louvres to the Chapel Place elevation at first to fourth levels; demolition of the sixth and seventh floors and erection of replacement sixth and seventh floors (including the creation of new external terrace areas) and new eighth floor roof extension with external terrace areas, all for use within Class E; and consolidation of roof level plant within a single enclosure and provision of a new building maintenance unit at roof level.		
Agent	DP9		
On behalf of	Publica Properties Limited		
Registered Number	21/01633/FULL	Date amended/ completed	9 April 2021
Date Application Received	15 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

1. Grant conditional permission subject to a legal agreement to secure the following:

- a) A financial contribution of £225,000 towards the Carbon Off-Set Fund (payable prior to commencement of development).
- b) Undertaking of highways works to Chapel Place, Oxford Street, Old Cavendish Street and Henrietta Place. Highway works be agreed and alterations to traffic orders to have been confirmed prior to commencement of: (i) Works to construct the replacement sixth and seventh floor levels and new eighth floor level; or (ii) The installation of the replacement windows at first to fifth floor levels. If undertaken by the owner (by agreement with the City Council), highway works be completed prior to occupation of any part of the new floorspace at sixth, seventh and eighth floors.
- c) A financial contribution of £41,000 to support the Westminster Employment Service (payable prior

to commencement of development).

2. If the S106 legal agreement has not been completed within six weeks of the date of this resolution then:

- a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Place Shaping and Planning shall consider whether the 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

This application was reported to this Sub-Committee on 9 November 2021 where it was resolved to grant conditional permission subject to the completion of a legal agreement to secure the following:

- a) A financial contribution of £225,000 towards the Carbon Offset Fund (payable prior to commencement of development).
- b) Undertaking of highways works to Chapel Place, Oxford Street, Old Cavendish Street and Henrietta Place. Highway works be agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner (by agreement with the City Council), highway works be completed prior to occupation of any part of the new floorspace at sixth, seventh and eighth floors.
- c) A financial contribution of £41,000 to support the Westminster Employment Service (payable prior to commencement of development).

The minutes of this Sub-Committee are attached at Appendix A, the officer's report is attached at Appendix B, the representations received are attached at Appendix C, the additional representations received (including the draft decision letter) are attached at Appendix D, and the late representations received are attached at Appendix E.

As summarised in the minutes, the Sub-Committee also resolved that:

- Condition 8 (i.e. an 'amending condition' requiring the submission of revised drawings showing the replacement window frames to match the existing glazing pattern) be deleted.
- Condition 7 be amended to add the requirement for detailed drawings of the windows shown on the submitted drawings be submitted for the City Council's approval prior to starting work on this part of the development.

The application is reported back to Sub-Committee for two reasons. The first relates to the extent of the proposed highway works that the proposed development will deliver. The second relates to the timings for the highway works to have been agreed and alterations to the traffic order to have been confirmed. These are discussed in turn below.

Extent of highways works

The application was accompanied by an existing and proposed public realm plan showing alterations to the public realm that surrounds the site to the north side of Oxford Street, the entirety of Old Cavendish Street, the south side of Henrietta Place and the part of Chapel Place adjacent to the site. The report to the Sub-Committee states:

'The principle of the proposed improvements to the public realm on Chapel Place, Oxford Street, Henrietta Place and Old Cavendish Street have been discussed with the Highways Planning Manager and the Oxford Street District Team and there are no in-principal objections. The detailed design is a matter for the City Council in its capacity as the Highways Authority, with input from the Oxford Street District Team' (Para. 8.4.3).

These plans were shown to the Sub-Committee in the officer's presentation. It was officers' understanding that the development would deliver highways works in the entire area shown on the proposed public realm plan in order to improve the pedestrian experience around the site. These highways works were a public benefit of the development proposal.

During discussions on the drafting of the legal agreement to secure these highway works, however, it became apparent that the applicant did not share this understanding. The applicant is willing for the development proposed to deliver highway works to all of the area on the north side of Oxford Street, the south side of Henrietta Place and the part of Chapel Place adjacent to the site in the extent of works plan. This accords with the submitted proposed public realm plan. In respect to Old Cavendish Street, however, the applicant is only willing for the development proposal to deliver highway works to the area currently occupied by the footway to the east of the application site and the area currently occupied by the carriageway. This would leave the footways to the west of John Lewis (278-306 Oxford Street) and the piazza at the southern (Oxford Street) end of Old Cavendish Street outside of the extent of highway works plan.

This is clearly disappointing, particularly in such a high-profile part of the Oxford Street District. Not only does this prevent Old Cavendish Street being designed as a single piece of new public realm, it will leave some parts incomplete which will undermine the appearance of the new public realm.

The Sub-Committee is asked to consider whether:

- a) If the reduced extent of the public realm improvement offer is still sufficient to make the development proposal acceptable from a pedestrian movement perspective in light of the more intensive use of the building, the greater points of access to the proposed uses within the building and the likelihood of greater footfall along Old Cavendish Street from building users accessing the office entrances on Old Cavendish Street and Henrietta Place; and
- b) If the detailed design of the replacement windows at first to fifth floor level are considered to cause less than substantial harm to the significance of the Harley Street Conservation Area, whether the public benefits of the proposed still outweigh this harm (NPPF Para. 202). In exercising this judgment, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Harley Street Conservation Area (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and great weight must be given to the conservation of this designated heritage asset (NPPF Para. 199).

Timings for the highway works

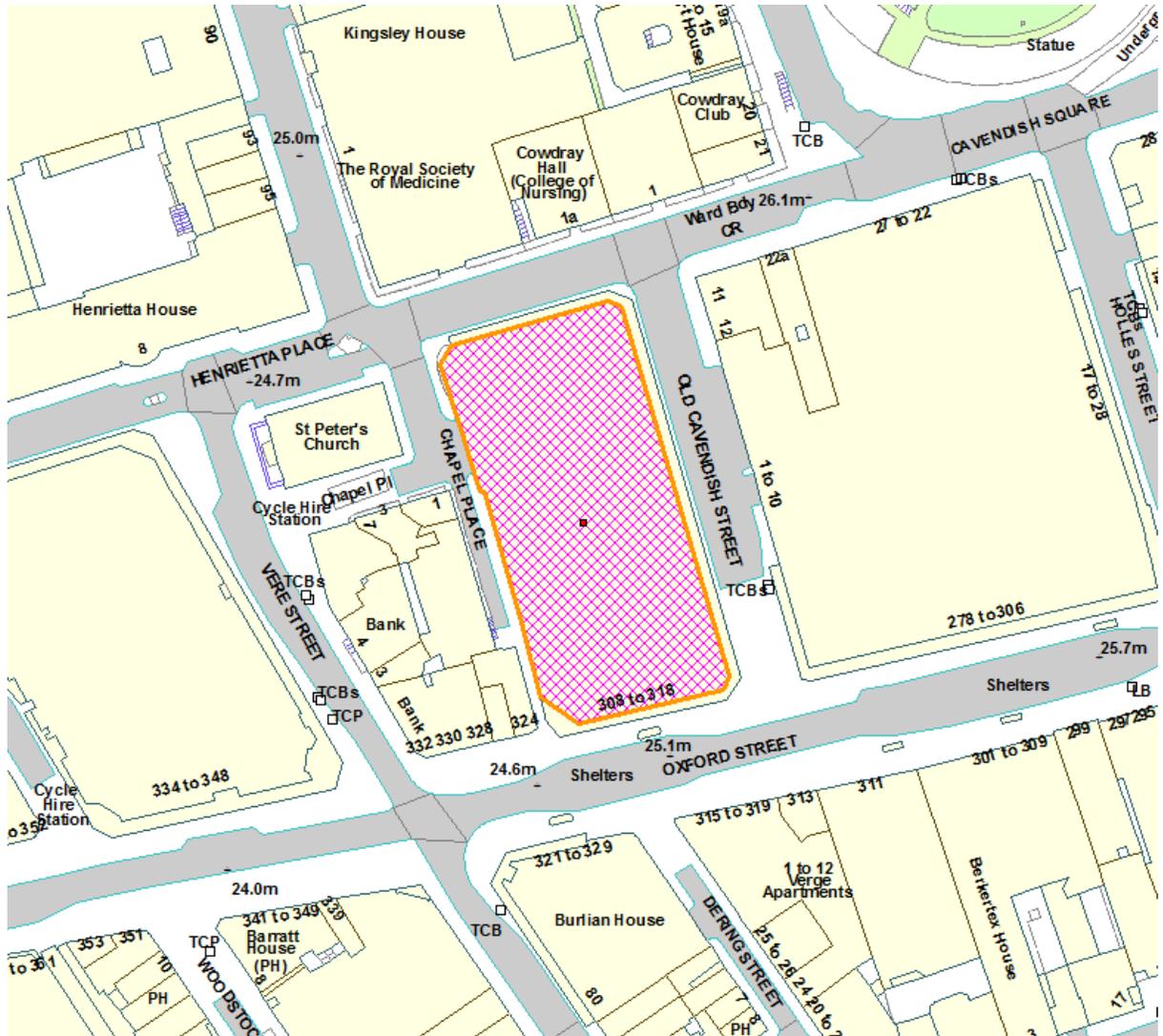
The rationale behind the requirement for the highway works be agreed and alterations to traffic orders to have been confirmed prior to commencement of development is set out in the report to the Sub-Committee:

'In order to ensure that there is no legal impediment to the City Council or, if agreed, the owner undertaking the highways works, it is recommended that the detailed design of the highway works be agreed and any necessary alterations to traffic orders to have been confirmed prior to commencement of development. If the development is permitted to be constructed prior to any necessary alterations to traffic orders having been confirmed, there is a risk that these are not able to be agreed. The result would be that either: (i) The City Council will be unable to deliver the required highways works by practical completion of the development, as required by the legal agreement; or (ii) If the highway works are undertaken by the owner, the new floorspace at sixth, seventh and eighth floors could not be occupied. Both are clearly outcomes that should be avoided' (Para. 8.12).

Upon reflection, the same result can be achieved by amending this head of terms for the legal agreement to allow all works to commence with the exception of: (i) Works to construct the replacement sixth and seventh floor levels and new eighth floor level; or (ii) The installation of the replacement windows at first to fifth floor levels. This will prevent any additional floorspace being created (that might then not be able to be occupied) and prevents the harm to the significance of the Harley Street Conservation Area until there is certainty that the highways works (i.e. the public benefits to outweigh this harm) can be delivered. The original trigger that, if undertaken by the owner, the highway works need to be completed prior to occupation of any part of the new floorspace at sixth, seventh and eighth floors is recommended to remain unchanged. This gives certainty that the owner will deliver the highways works in a timely manner, if it is agreed by the City Council that they can be undertaken by the owner.

The Sub-Committee's agreement to amending this head of term is sought.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Oxford Street elevation



5. CONSULTATIONS

None received since the application was reported to Sub-Committee on 9 November 2021.

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

20/04062/FULL

Installation of replacement windows to a single bay at 4th floor and trial stonework to the surrounding stone panels, columns and mullions.

Refused - 02.09.2020

20/02382/FULL

Retention of safety netting on the external facades for a temporary period until 6 April 2022.

Permitted - 05.06.2020

18/10897/FULL

Use of part basement, part ground, part first, part second, part third, fourth, fifth, sixth and part seventh floors as office use (Class B1) (including waste storage and cycle parking at part ground and part basement floors levels). Use of part ground and part basement as gymnasium (Class D2). Use of part ground and part seventh floor as restaurant (Class A3). Alterations at roof level including new louvred screen to plant and increase in height to the lift overrun.

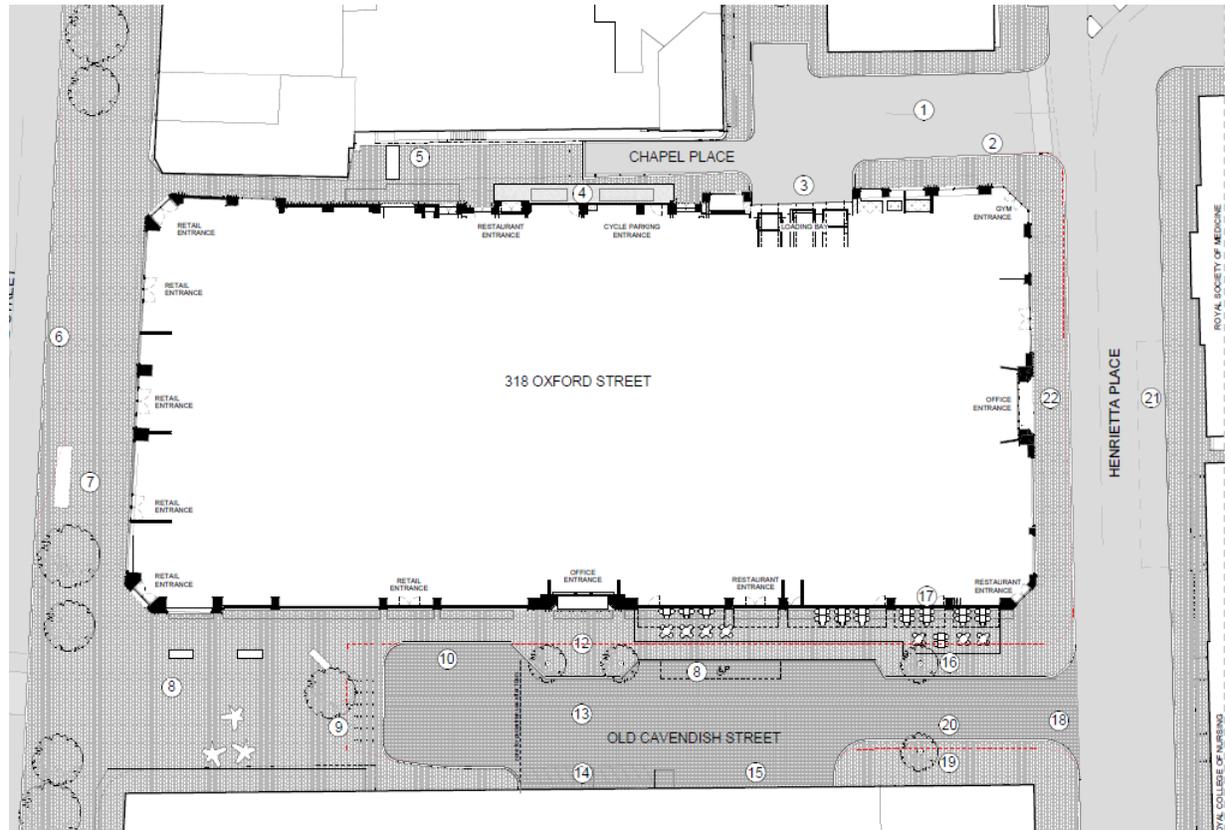
Permitted - 14.02.2020

(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: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

7. KEY DRAWINGS

Proposed realm plan that accompanied the application



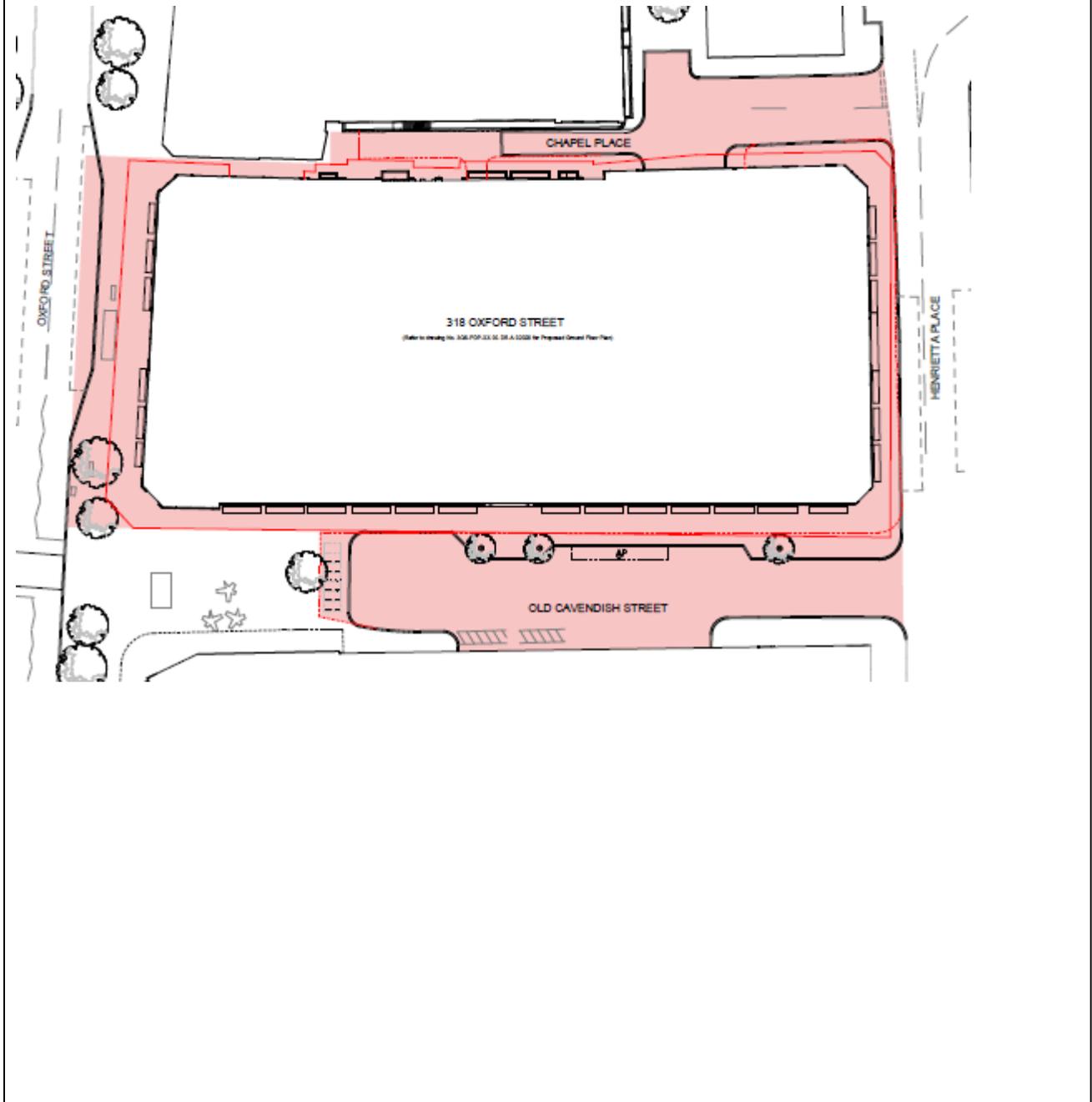
PUBLIC REALM LEGEND

-  PAVEMENT
-  PROPOSED GRANITE PAVING
-  ROAD
-  SMOKE BREAKOUT PANELS
-  CANOPY OVERHANG
-  LINE OF EXISTING PAVEMENT EDGE

- 1. Stepped levels adjusted to create one level surface
- 2. Existing motorcycle parking retained
- 3. Loading bay
- 4. Decorative paving, planting & lighting
- 5. Bin store
- 6. Inset bus stop removed and pavement width increased
- 7. Bus stop moved
- 8. Existing kiosk remove to make space for public plaza
- 9. Cycle Parking

- 10. Pavement width determined by turning vehicles
- 11. Pavement width increased at office entrance
- 12. Disabled parking bay retained in new location
- 13. New granite paving sets
- 14. Entrance to John Lewis Loading Bay
- 15. Waste collection area for John Lewis
- 16. Pavement width increased for external dining
- 17. Openable/ foldaway doors along restaurant/ cafe
- 18. Change in surface to slow down cars entering a mainly pedestrian area.
- 19. Pavement made wider and trees added to either side of the road
- 20. Electric bus parking removed
- 21. Bus stands kept to one side of the street
- 22. Footway made wider along Henrietta Place

Proposed extent of Highways Works plan:



Please note: the full text for informative 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

DRAFT DECISION LETTER

Address: 318 Oxford Street, London, W1C 1HF,

Proposal: Installation of new ground floor shopfronts including 2no. new double height entrances; extensive refurbishment of the existing Portland stone facade; replacement of the existing windows between first and fifth floors with new double-glazed units, and modification of the fifth floor windows to increase their height; infill construction along fifth floor Chapel Place in facsimile of the existing facade to provide additional Class E floorspace; installation of ventilation louvres to the Chapel Place elevation at first to fourth levels; demolition of the sixth and seventh floors and erection of replacement sixth and seventh floors (including the creation of new external terrace areas) and new eighth floor roof extension with external terrace areas, all for use within Class E; and consolidation of roof level plant within a single enclosure and provision of a new building maintenance unit at roof level.

Plan Nos: Demolition drawings
3OS-PDP-XX-ZZ-DR-A-01110 Rev. P1, 3OS-PDP-XX-ZZ-DR-A-01111 Rev. P1, 3OS-PDP-XX-ZZ-DR-A-01112, 3OS-PDP-XX-ZZ-DR-A-01113 Rev. P1, 3OS-PDP-XX-ZZ-DR-A-01114 Rev. P2, 3OS-PDP-XX-ZZ-DR-A-01115 Rev. P2, 3OS-PDP-XX-ZZ-DR-A-01210 Rev. P1 and 3OS-PDP-XX-ZZ-DR-A-01211 Rev. P1.

Proposed drawings:

3OS-PDP-XX-B2-DR-A-02031 Rev. P1, 3OS-PDP-XX-B1-DR-A-02030 Rev. P1, 3OS-PDP-XX-00-DR-A-02020 Rev. P1, 3OS-PDP-XX-01-DR-A-02021 Rev. P1, 3OS-PDP-XX-02-DR-A-02022 Rev. P1, 3OS-PDP-XX-03-DR-A-02023 Rev. P1, 3OS-PDP-XX-04-DR-A-02024 Rev. P1, 3OS-PDP-XX-05-DR-A-02025 Rev. P1, 3OS-PDP-XX-06-DR-A-02026 Rev. P1, 3OS-PDP-XX-07-DR-A-02027 Rev. P2, 3OS-PDP-XX-08-DR-A-02028 Rev. P3, 3OS-PDP-XX-09-DR-A-02029 Rev. P2, 3OS-PDP-XX-10-DR-A-02032 Rev. P1, 3OS-PDP-XX-ZZ-DR-A-02110 Rev. P5, 3OS-PDP-XX-ZZ-DR-A-02111 Rev. P4, 3OS-PDP-XX-ZZ-DR-A-02112 Rev. P4, 3OS-PDP-XX-ZZ-DR-A-02113 Rev. P4, 3OS-PDP-XX-ZZ-DR-A-02114 Rev. P5, 3OS-PDP-XX-ZZ-DR-A-02115 Rev. P6, 3OS-PDP-XX-ZZ-DR-A-02210 Rev. P3 and 3OS-PDP-XX-ZZ-DR-A-02213 Rev. P2.

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) demolition, and/or
- (b) earthworks/piling and/or
- (c) construction

on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 You must apply to us for approval of a detailed lighting strategy which includes details of all light fittings and lighting levels. You must not start any work on this part of the development until we have approved what you have sent us. You must not then install all lighting in accordance with the details approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development:

- (i) New balustrades enclosing terraces.
- (ii) Metal grilles on the Chapel Place façade.
- (ii) All new windows on the first, second, third, fourth, and fifth floor levels on the Oxford Street, Old Cavendish Street, Henrietta Place, and Chapel Place facades

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 approved 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 this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 Prior to first occupation of the new sixth, seventh and eighth floors hereby approved, you must provide the separate store for waste and materials for recycling shown on drawing number 3OS-PDP-XX-B2-DR-A-02031 Revision PI and thereafter you must permanently retain it for the storage of waste and recycling only. You must clearly mark it and make it available at all times to everyone using the building.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as

set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 9 (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 in writing 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 in writing 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 written 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 LA90, 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in

noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 10 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 11 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short-Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

(1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 12 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) 10 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 13 The roof level plant screen hereby approved shall be installed in full prior to the machinery being used. This plant screen shall remain in situ for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 14 The new sixth, seventh and eighth floors hereby approved shall be used, or part used, for all or any of the following purposes:

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises (but only up to 1,556 sq. m of floorspace shall be used for this purpose).

(c) for the provision of the following kinds of services principally to visiting members of the public - (i) financial services (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

(e) for - (i) an office to carry out any operational or administrative functions, (ii) the research and development of products or processes, or (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

These parts of the building shall be used for no other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the uses sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 15 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 16 No food delivery service shall take place from the restaurant hereby approved (either by the operator or by a third party), even as an ancillary part of the primary restaurant/ café use.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 17 There shall be no primary cooking within the restaurant hereby approved unless a roof level kitchen air extract flue has been installed. This kitchen extract shall remain for as long as any primary cooking is taking place over the new sixth, seventh and eighth floor levels.

Reason:

To ensure that people using neighbouring properties will not suffer from cooking smells. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

- 18 If you provide a bar and bar seating, it must not take up more than 15% of the floor area of the cafe / restaurant hereby approved at new sixth, seventh and eighth floor level, or more than 15% of each cafe / restaurant unit at new sixth, seventh and eighth floor level if more than one unit is created. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 19 Customers shall not be permitted within the cafe / restaurant premises at new sixth, seventh or eighth floor level before 07.00 or after 01.00 each day. (C12AD)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 20 You must provide each cycle parking space and associated lockers, showers and changing facilities shown on the approved drawings prior to occupation of the new sixth, seventh or eighth floor levels. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 21 The loading bay shall be enlarged in accordance with the approved drawings prior to the occupation of any part of the new sixth, seventh or eighth floors hereby approved. Thereafter, with the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 22 You must carry out the planting shown on the drawings within one planting season of completing the development

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Harley Street Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 23 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces hereby approved. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Harley Street Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

24 **Pre Commencement Condition.**

a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing that the development is expected to achieve an 'excellent' rating under both BREEAM UK New Construction 2014 and BREEAM UK Non-Domestic Refurbishment and Fit-Out 2014. If you use another method, you must achieve an equally high standard.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that the development meets an "Excellent" rating under both BREEAM UK New Construction 2014 and BREEAM UK Non-Domestic Refurbishment and Fit-Out 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

25 Pre Commencement Condition.

Updated Energy Calculations (and relevant design drawings) shall be provided prior to the commencement of development to demonstrate that the development will achieve at least a 52% reduction in regulated carbon dioxide emissions beyond Part L of the 2013 Building Regulations for the refurbished element and at least a 40% reduction in regulated carbon dioxide emissions beyond Part L of the 2013 Building Regulations for the new sixth, seventh and eighth floor extension.

You must provide all the environmental sustainability features referred to in the review before you start to use any part of the building. You must then not remove any of these features.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 26 Prior to commencement of any works to the sixth, seventh and eighth floors extension hereby approved, you shall submit to us for approval a Sustainable Drainage Strategy that sets out the existing run-off rates from the building and how this will be reduced to the minimum possible in line with the drainage hierarchy set out within Policy SI3(B) of the London Plan (March 2021).

The required mitigation in the approved Sustainable Drainage Strategy shall be installed in full prior to the occupation of any part of the sixth, seventh and eighth floors extension hereby approved and shall be retained for the life of the development.

- 26 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Conditions 10, 12 and 13 control noise from the approved machinery. It is very important that

you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 4
- a) A financial contribution of £225,000 towards the Carbon Off-Set Fund (payable prior to commencement of development).
 - b) Undertaking of highways works to Chapel Place, Oxford Street, Old Cavendish Street and Henrietta Place. Highway works be agreed and alterations to traffic orders to have been confirmed prior to commencement of: (i) Works to construct the replacement sixth and seventh floor levels and new eighth floor level; or (ii) The installation of the replacement windows at first to fifth floor levels. If undertaken by the owner (by agreement with the City Council), highway works be completed prior to occupation of any part of the new floorspace at sixth, seventh and eighth floors.
 - c) A financial contribution of £41,000 to support the Westminster Employment Service (payable prior to commencement of development).