

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 10 May 2022	<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>West One Shopping Centre, 381 Oxford Street, London, W1C 2JS</b>		
<b>Proposal</b>	Part demolition and alterations to existing building comprising demolition of second to fifth floor level, part demolition of ground and first floor at south eastern corner, removal of existing facades at ground and first floor level, erection of new second to seventh floors with setback eighth floor plant level to provide office (Class E) accommodation, new and replacement façades, installation of entrance canopies along Oxford Street and Davies Street, provision of terraces at third, fifth, sixth and seventh floor levels including greening, installation of plant and enclosure at second floor level, provision of cycle parking spaces and facilities and associated works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	WOSC 1 Nominee Limited And WOSC 2 Nominee		
<b>Registered Number</b>	21/06879/FULL	<b>Date amended/ completed</b>	6 October 2021
<b>Date Application Received</b>	6 October 2021		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

<p>1. Grant conditional permission subject to a legal agreement to secure the following:</p> <p>a) A financial contribution of £162,450 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);</p> <p>b) Provision of and adherence with an Employment and Skills Plan for the construction and operational phases of the development;</p> <p>c) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;</p> <p>d) A financial contribution of £137,094 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);</p> <p>e) A financial contribution of £35,000 (index linked) to provide an extension to a nearby Cycle Hire docking station;</p> <p>f) All highway works immediately surrounding the site required for the development to occur prior to</p>
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occupation of the development, including reinstatement of redundant crossovers in Weighhouse Street. All of the above to the Council's specification, at full cost (administrative, legal and physical) of the developer;

- g) Costs of the stopping-up process; and
- h) The costs of monitoring the S106 agreement.

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

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

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

3. Authorise the making of a draft Order pursuant to Section 247 of The Town and Country Planning Act (1990) (as amended) for the stopping up of parts of the public highway to enable this development to take place.

4. Authorise the Director of City Highways, Executive Director of City Management and Communities, or other such proper officer of the Council responsible for highway functions, to take all necessary procedural steps in conjunction with the making of the Order and to make the Order as proposed if there are no unresolved objections to the draft Order.

## 2. SUMMARY

The site lies on the south side of Oxford Street at its junction with Davies Street. It also returns off Davies Street with a south-facing façade onto Weighhouse Street. The site sits above the Bond Street Underground Station. The existing building was built in the 1970's and incorporates access to the Bond Street Underground at basement level, retail floorspace at basement, ground and first floor level, and office floorspace at ground, and second to fifth floor level.

The application involves the demolition of the second floor to fifth floor of the existing building together with the removal and replacement of the ground floor and first floor façades. Above the retained basement, ground and first floors, six new floors of office accommodation are proposed, together with a plant room at eighth floor, additional plant at rear second floor level, and the provision of outdoor terraces and greening.

The proposals have received objections from local residents on a number of grounds as summarised in section 5 of this report.

The key issues in this case are:

\* The land use implications

\* Townscape and design considerations, including the impact of the new replacement building on the

streetscape and character and appearance of the area.

\* The impact of the scheme on the amenity of neighbouring occupiers

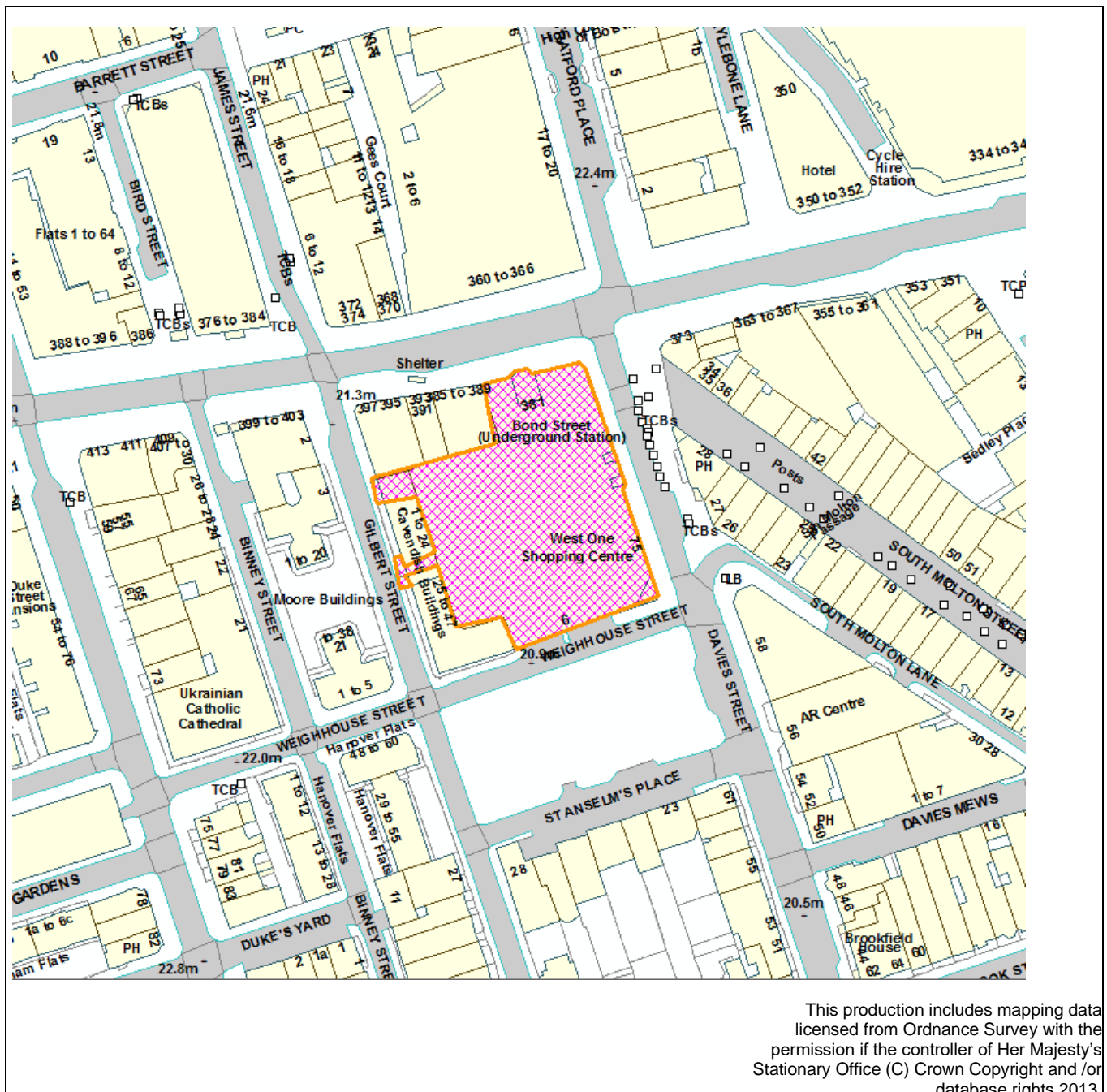
\* Highway issues particularly servicing and deliveries

The proposals retain the majority of the existing retail floorspace at basement, ground and first floor and the uplift of additional office accommodation is welcomed in accordance with City Plan policies. Whilst the additional bulk proposed will result in reductions in daylight to neighbouring properties, significant improvements to the outlook of these flats are proposed by way of an immersive greening strategy which will help to mitigate the losses in daylight.

The architecture of the replacement building represents a significant enhancement over the current building in terms of materials, articulation and detailing. The scale and particularly the height of the building does challenge the prevailing height of the area, but for the most part not in a harmful way. However, the proposal will introduce a replacement building which provides more and better quality office floorspace and will perform to a much higher standard in terms of energy performance. On the basis that the public benefits of the scheme outweigh this harm then it is considered that the proposal is acceptable in terms of townscape, design and heritage impact.

For the reasons set out in the report, the application is considered acceptable in land use, amenity, highways, design and conservation terms and, subject to conditions, comply with the City Council's policies as set out in the City Plan 2019-2040 (April 2021).

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Oxford Street/Davies Street junction



Davies Street



Weighouse Street

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Supports the proposal in principle, but raises concerns in relation to the height, façade expression and the relationship with the adjoining buildings. Requires further clarity/details before the application can be considered to be compliant with the London Plan, including details relating to the loss of retail floorspace, a fire safety statement and further information relating to circular economy, whole lifecycle carbon, green infrastructure, energy and details on contributions, impacts on TfL infrastructure, travel planning and construction.

### TRANSPORT FOR LONDON

The development meets London Plan policies with regard to car parking, trip generation, delivery and servicing. Further information should be provided with regard to short stay cycle parking in line with London Plan Policy T5, a full Active Travel Zone Assessment should be submitted in line with London Plan Policy T2 and a Travel Plan should be submitted in line with London Plan Policy T4.

Conditions relating to a Code of Construction Practice (agreed in advance with London Underground Infrastructure Protection team) and a Delivery and Servicing Plan (including a commitment to using cycle couriers when viable) should be secured.

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

Do not wish to offer any comments.

### HISTORIC ENGLAND (ARCHAEOLOGY)

Conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.

### LONDON UNDERGROUND LIMITED

No objections subject to condition.

### CROSS LONDON RAIL LINKS LTD (1)

No objections subject to conditions.

### CROSS LONDON RAIL 2 LINKS LTD

The application lies outside the Crossrail 2 Safeguarding Direction, and subsequently have no comments to make.

### THAMES WATER UTILITIES LTD

No objections raised.

### MAYFAIR RESIDENTS GROUP

No response to date.

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

No response to date.

**HIGHWAYS PLANNING MANAGER**

No objections raised.

**ENVIRONMENTAL SCIENCES**

No objections raised.

**BUILDING CONTROL**

Any response to be reported verbally.

**WASTE PROJECT OFFICER**

No objections raised.

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

No. Consulted: 391;

Total No. of replies: 4

No. of objections: 4; No. in support: 2

Two letters of support and four letters of objections (including one holding letter of objection and two letters on behalf of Cavendish Buildings Limited) raising the following concerns:

**Design:**

\* Proposed development appears to be out of the local character in terms of its height, scale, mass, and overall design

\* The application proposes an increase of the total height of the building by adding three additional storeys exceeding the height of the vast majority of buildings in the area.

\* The proposed design appears very similar to examples of constructivist architecture, which is far from the local character mainly formed by more traditional buildings of the Georgian and Victorian eras. It is at best neutral in design terms, and clearly fails to take the opportunity to improve upon the existing poor quality façade

\* The redevelopment is contrary to the planning policies of the NPPF (2021), London Plan (2021) and the City Plan 2019-2040 (2021) in terms of its height, scale, design, and correspondence to the local character.

**Amenity:**

\* Existing flats facing the existing shopping centre already receive a reduced amount of light due to the proximity of the two buildings. The proposed application will, in adding three more storeys, make an existing unacceptable position substantially worse.

\* The daylight report was carried out without obtaining access to the residential units of Cavendish Buildings. Therefore, any assessment's results related to the impact of the proposed development on the residential dwellings in Cavendish Buildings are based on assumptions.

\* 50% of habitable windows facing the proposed development will experience the loss of more than 20% of their existing value of the Vertical Sky Component (VSC). About 3% of the habitable windows will experience a loss of VSC of more than 40%.

\* In terms of the No-Sky Line (NSL), more than 40% of "assessed" rooms will experience a reduction above 20% of their former value, with about 17% of the rooms experiencing a proportional reduction above 40% of the former value of NSL.

\* Overlooking and loss of privacy from terraces



- \* Noise and vibrations caused both during the development stage and as a result of future operation
- \* Noise assessment is generic, based on predicted noise levels, and does not provide specifications of plant selection, airsource heat pumps or ventilation units
- \* The proposed new outdoor amenity spaces will increase noise levels and should have been addressed in detail in the Noise Assessment Report
- \* Increased light pollution.

Other:

- \* The planned alterations will cause damage to Cavendish Flats
- \* Ten years of noise and dirt pollution, rats, mice and machinery and transport disturbances.
- \* There has been no assessment of the increase in noise levels from the demolition and further reconstruction process
- \* The Environment Act 2021 requires each new development to deliver a minimum of 10% biodiversity net gain to improve environmental sustainability.
- \* The submitted Structural Survey and Structural Methodology Statement appear to provide general assessment and conclusions and therefore the safety and stability of the proposed development is a serious concern.
- \* There is no assessment against the change of the air flows and wind characteristics and there has been no assessment whether the proposed development meets the structural design standards outlined in EN 1991 – Eurocode 1: Actions on structures (2005).

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

*Responses to second round of consultation to revised scheme*

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 3;  
Total No. of replies: 1

One letter of objection received raising the following concerns:

- \* the amendments fail to address issues raised by objectors;
- \* that the reduction of the eighth floor massing does not provide any improvement for adjoining residents
- \* any changes to sunlight/daylight are moot and unsustainable
- \* grounds for refusal (design, scale, mass, sunlight/daylight, overlooking and loss of privacy, noise, vibrations, health impact, structural features and biodiversity) are not considered and addressed by the applicant in the amended scheme

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site is located on the southern side of Oxford Street above the Bond Street underground station. Davies Street runs along the eastern boundary and Weighhouse Street lies to the south of the site. To the west are the Cavendish Buildings, a residential

mansion block comprising 47 flats.

The primary entrance to Bond Street Station and West One Shopping Centre is accessed from Oxford Street, with a secondary entrance along Davies Street. A third entrance is accessed from Gilbert Street through the Cavendish Buildings. The main entrance to the office building is accessed from Davies Street. An existing loading bay is located to the rear of the site and is accessed from Weighhouse Street.

Oxford Street is an international shopping destination and is dominated by retail uses at ground floor level and a mix of uses on the upper floors. To the south and east of the Site lies the shopping areas comprising New and Old Bond Streets, Savile Row and associated shopping streets. Along with Regent Street and Bond Street, Oxford Street forms part the West End International Shopping Centre. The site is also located within the West End Special Retail Policy Area. The site is not within a stress area.

The Site is not located within a Conservation Area, but the Mayfair Conservation Area abuts the Site to the east, south and west. The Stratford Place Conservation Area is located to the north of the Site.

## **6.2 Recent Relevant History**

In September 1977 planning permission (ref: A/TP/12958) was granted for the development of the current over-station building: "Erection of a new shopping centre with public concourses, offices, and the modernisation of the building, and floors of Cavendish Buildings".

In October 2011 planning permission (ref:) was granted for the "use of circulation space at ground floor level as restaurant/hot food takeaway (sui generis) in connection with the existing restaurant/hot food takeaway."

In April 2017 planning permission was granted for minor external alterations including the "replacement of the shopping centre doors fronting Oxford Street, Davies Street and Gilbert Street."

In May 2017, planning permission was granted (ref: 17/01831/FULL) for "facade alterations to the Davies Street elevation, formation of a Class A1 retail unit and the installation of a new shop front providing access at street level and associated works."

## **7. THE PROPOSAL**

The application involves the demolition of the second floor to fifth floor of the existing building together with the removal and replacement of the ground floor and first floor façades. Above the retained basement, ground and first floors, six new floors of office accommodation are proposed, together with a plant room at eighth floor, additional plant at rear second floor level, and the provision of outdoor terraces and greening.

At the rear, onto Weighhouse Street, the existing off-street loading bay is to be reconfigured and the existing office entrance on the corner of Weighhouse Street and Davies Street is to be extended and reconfigured. A dedicated cycle entrance is also proposed onto Davies Street providing access to new cycle, shower and locker facilities

at second floor level.

The proposals would retain all 19 retail/food units at basement, ground and first floor levels, which could remain open and operational during any construction period. Access to the London Underground is to remain open and functional.

During the course of the application the development proposals have been amended, namely, to reduce the massing of the 8th floor plant room and to include a chamfered corner on the Weighhouse Street wing adjoining with the Cavendish Buildings. Amendments are also proposed to the design of the Weighhouse Street elevation to add a sense of symmetry around the loading bays, and to the colour of the proposed cladding material which is now a terracotta colour rather than the original teal colour.

Existing and proposed floorspace figures are set out in the table below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	5,768	10,314	+4,546
Retail (including restaurant/hot food takeaway)	5,915	5,601	-314
LUL/retail circulation space	1,304	1,302	-2
Total	12,987	17,217	+4,230

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### 8.1.1 Increase in Office Floorspace

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040 and in Central Mayfair as designated in the Mayfair Neighbourhood Plan. The scheme provides 4,546 sq.m. of additional office floorspace. This is in full compliance with London Plan Policies SD4, SD5 and E1, City Plan Policies 1(B)(1), 2(A) and 13(A) and Policies MC1 and MSG2(e) of the Mayfair Neighbourhood Plan.

The proposed office floorspace could potentially be subdivided to provide a proportion of flexible workspace suitable for small and medium sized enterprises either by floor or within each floor, in line with London Plan Policy E2.

The GLA have requested the provision of affordable workspace in the redevelopment proposals on the basis that Policy E3 of the London Plan states that “consideration should be given to the need for affordable workspace in areas where cost pressures could lead to the loss of affordable or low-cost workspace for micro, small and medium-sized enterprises such as in the CAZ.” The applicant argues that the existing employment floorspace is not considered to be affordable workspace currently and that the proposals seek to deliver additional employment floorspace in a prime commercial location within the Oxford Street District which is a key location for growth in office employment in the Borough. The applicant submits that the City Plan is targeting 445,000 sqm (GIA) of additional office floorspace and at least 63,000 new jobs in the

Borough across the Plan period and that the proposals will deliver 21% of the equivalent annual required target, or 1% of the Plan period total. The applicant therefore contends that the scheme will deliver floorspace of an identified need in this location and that it is not possible to accommodate affordable workspace without jeopardising the wider deliverability of the scheme and thereby the social, economic and environmental public benefits associated with the proposals.

There is no equivalent policy requirement that triggers the delivery of affordable workspace within the City Plan, and the provision of affordable workspace within the London Plan seeks only 'the consideration' of the provision of affordable workspace. Given this, it is not considered that the provision of such accommodation could reasonably be secured here.

### **8.1.2 Commercial Class E uses on upper floors**

Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service. It is clear that regard should be had to the objective in introducing Use Class E which is to provide additional flexibility in terms of allowing changes of use within a range of uses without the need to seek an express grant of planning permission.

The documentation submitted with the application relates to use of the upper 2nd to 7th floors for office purposes and therefore the City Council's assessment of the application against relevant City Plan 2019-2040 policies, relates to the building's use in office floorspace rather than other permitted uses within Class E. Whilst other Class E uses (medical, retail, restaurant, indoor sport) may be acceptable on parts of the upper floors of the building, activity in particular vehicular activity associated with, for example, a large creche may not be an appropriate on part of the site. Operational details for any medical or creche use including servicing requirements have not been provided. In the absence of this information it is recommended that the upper floors are restricted to office use only in the first instance. It is therefore recommended that permission is subject to a condition which restricts the commercial floorspace on the upper floors to office use only and no other purpose within Class E of the Use Classes Order in order to ensure that the scheme complies with policies within the City Plan 2019-2040.

### **8.1.3 Retail Uses**

The site lies within the West End International Centre and the West End Retail and Leisure Special Policy Area and the Central Activities Zone. Oxford Street is a global retail destination.

London Plan policy E9 states that a successful, competitive and diverse retail sector which promotes sustainable access to goods and services for all Londoners should be supported in line with the wider objectives of the Plan, particularly for town centres.

City Plan policy 14 is applicable. The policy supports the intensification of the CAZ to provide additional floorspace for main town centre uses in principle, subject to impact on townscape and heritage. The general aim being to enhance and diversify high streets as places to shop, work and spend leisure time.

Paragraph 14.15 of the Westminster City Plan refers to the Oxford Street Place Strategy and Delivery Plan (2019). This seeks to support economic growth and considers opportunities for diversification of land use and supports the evolution of retail to create an environment where retail and complementary and ancillary uses can thrive.

Part B of the policy states that 'Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy'.

Part C, 1. of Policy 14 sets out an overarching vision for the International Centres of the West End and Knightsbridge. It envisages that they will 'provide a focal point for large formal comparison retail, supported by complementary town centre uses that increase customer dwell time and new office floorspace'.

Paragraphs 14.12 and 14.13 of the City Plan deals with International Centres (including the West End International Shopping Centre). It states that due to the role of the international Centres retail provision should be predominantly for comparison shopping and maintain a strong retail core at ground floor level and immediately above. It goes on to state that complementary town centre uses that enhance customer experience and increase dwell time are also supported alongside new and improved office floorspace on upper floors to support wider job growth and support customer spend.

The proposals seek to retain the existing retail (Class E) and the restaurant/hot food takeaway use (sui generis). However, there will be a small loss of some 314 sqm at ground floor onto Davies Street. The GLA argue that the reduction in retail floorspace would be contrary to the requirement to bring forward comparison goods retail capacity in London's international town centres in London Plan Policy E9(C). The loss, which would help to create an enlarged office entrance onto Davies Street, would also be contrary to City Plan policy 14 which requires active frontages at ground floor level within the town centre hierarchy. Whilst this loss is contrary to retail policies, the losses primarily entail back-of-house areas and do not affect the primary shopping frontage. All 19 retail tenancies would be retained and it is intended that the units, and access to the London Underground, would remain open throughout any construction period of the development. In these circumstances the minor loss of existing retail floorspace is considered acceptable subject to a condition that would prevent the use of these floors for other purposes. This will ensure that the basement, ground and first floor units within the development, which is integral to the International Centre, remain in retail use. The retention of retail provision would add to the vitality and vibrancy along this important stretch of Oxford Street providing animation and enhancing the important active street frontage of Oxford Street.

#### **8.1.4 Restaurant Use**

City Plan Policy 16 relates to food drink and entertainment uses. The policy requires food and drink and entertainment uses to be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre.

There is an existing restaurant/hot food takeaway (sui generis use) at part basement and

ground floor levels, which is currently occupied by McDonalds and is to be retained. This is an existing lawful use and there is no objection to its retention in land use terms. A condition has been included to require suitable means of ventilation during redevelopment.

## 8.2 Townscape and Design

The site lies on the south side of Oxford Street at its junction with Davies Street. It also returns off Davies Street with a south-facing façade onto Weighhouse Street. The site sits above the Bond Street Underground Station. The present unlisted building on the site dates from the 1970s and its construction formed part of the works to rebuild the Underground station and construct the first phase of the Jubilee Line.

The site occupies a small area of land which lies outside a conservation area – the boundary of the Mayfair Conservation Area seemingly drawn to exclude the West One building and the street block immediately to the south – which is the site of the new Bond Street Elizabeth Line Station. The Mayfair Conservation Area is a large area and includes most of the land on the south side of Oxford Street, with Park Lane forming its western boundary; Piccadilly its southern boundary and irregular eastern boundary abutting the Regent Street Conservation Area.

Directly opposite the application site, on the north side of Oxford Street, is the Stratford Place Conservation Area; and then slightly further away and to the east of the site is the Harley Street Conservation Area, which again is on the north side of Oxford Street.

In addition to these nearby conservation areas there are also several listed buildings in the immediate vicinity and these include:

- 360-366 and 368-370 Oxford Street – grade II listed building lying directly opposite the application site;
- 2-7, 8-10, 12-13, 16 & 20 Stratford Place are all grade II listed buildings and Stratford House at the northern end of Stratford Place is a grade I listed building;
- The Ukrainian Catholic Cathedral on the corner of Weighhouse Street and Duke Street is a grade II\* listed building;
- In the immediate vicinity of the Ukrainian Cathedral are also several other listed buildings including 55-73 Duke Street, 21 & 22 Binney Street, 75-83 Duke Street and the sub-station site in Brown Hart Gardens – all of which are grade II listed.

Further afield there are many other listed buildings and the applicant's Townscape Heritage and Visual Impact Assessment (THVIA) has identified 50 listed buildings within a 150m radius of the site.

Immediately adjacent to the site and notably included within the Mayfair Conservation Area are a number of unlisted buildings, which contribute positively to the townscape and could be regarded as undesignated heritage assets. These include 385-397 Oxford Street immediately to the west – a brick and stone building of the late nineteenth century; 369-373 Oxford Street on the opposite side of Davies Street – again late-nineteenth century, brick and stone with corner turret; and finally, Cavendish Buildings which face onto Gilbert Street and enclose the rear of the application site and through which is

contained an entry point into the station and shopping centre. This also dates from the late nineteenth century and is a handsome and symmetrical red brick block of flats.

The existing building on the site contains within its basement levels the Bond Street Underground Station and at basement, ground and first floors is the West One shopping centre. Entry into the retail units is predominantly from within the building and thus the retail does not have a particularly active presence onto the perimeter streets – albeit there are retail entrances direct from the street on the Oxford Street side. There are three entry/exit points into the shopping centre and station: the main one being on Oxford Street and secondary access points onto Davies Street and Gilbert Street to the west.

The upper floors of the building are arranged in a U-shaped plan and provide office accommodation between second and fifth floor. The entry into the offices is at the corner of Davies Street and Weighhouse Street; and the base of the building as it faces onto Weighhouse Street contains a loading bay for the retail and offices; as well as entry points for London Underground and to a sub-station.

The external appearance of the building is sub-divided into two distinct architectural elements. The façade onto Oxford Street and the northern part of Davies Street (effectively representing the main part of the building where the shopping centre is located) comprises a silvery-grey metal cladding, with a regular rhythm of curved bay windows to the upper part, with a double-height retail shopfront to the corner. There is a corner metal-clad turret feature, which is distinguished at higher level by the fifth floor being a standing-seam metal curved roof to either side before transitioning to a sheer storey. The remainder of the building to the southern part of Davies Street and onto Weighhouse Street is a red brick clad façade, with small regularly spaced windows and a top floor that in parts is again expressed as a standing seam metal roof.

The rear of the upper U-shaped arrangement of floors are again predominantly faced in red brick with a metal standing seam roof storey. These upper floors enclose a relatively utilitarian series of flat roofs which top the shopping centre and station below.

The existing building makes a very limited contribution to the surrounding townscape and is not considered to be a building which contributes to the setting of neighbouring designated heritage assets. Bradley & Pevsner (The Buildings of England, London 6: Westminster) describe it as “One of the few wholly new shopping centres or malls built in the West End since the Second World War...Anodized aluminium elevations with taut shallow bays set close, let down by weak roof-line, where some bays finish as gables and others stop short. Brick behind, in deference to the *genius loci*. Shopping atrium inside, cramped and charmless...” While the building in terms of its height and massing broadly complements its Oxford Street neighbours in particular, and its rhythm of bays and corner turret clearly seek to reflect a vertical rhythm and rooftop playfulness found in immediately adjacent Oxford Street buildings, it is certainly the external metal cladding which strikes a particularly discordant note.

## Key Legislative and Policy Considerations

The relevant legislation, policy and guidance which applies to a proposal of this nature is extensive and a detailed description has been provided within the applicant's submission, but it is considered worthwhile to re-state some of the key legislative requirements; and some of the key policies and guidance:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

In terms of the National Planning Policy Framework (NPPF, 2021) the key sections are Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment). In the latter chapter paragraph 200 makes clear:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...."

Paragraph 202 states:

"Where a development proposal will 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, where appropriate, securing its optimum viable use."

Finally, paragraph 203 states:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Within the City Plan 2019-2040 there are a number of relevant policies and some of the key design/heritage ones are:

Policy 38 which sets out design principles, requiring exemplary standards of high quality, sustainable and inclusive urban design and architecture.

Policy 39 relates to Westminster's heritage and how it will be valued and that development should optimise the positive role of the historic environment.

Policy 40 relates to townscape and architecture, requiring development to be sensitively designed having regard to the surrounding townscape.



## The Proposals

The proposal seeks to retain elements of the existing building but to undertake demolition of all the structure above first floor level and to remove external cladding to the retained base of the building, then to found the new steel superstructure on the existing base and replace the upper floors and extend in height. With re-cladding to the base of the building the effect will be to introduce a new building onto this prominent corner site.

The replacement building will comprise ground plus seven upper storeys, surmounted by a large plant enclosure. The upper floors will broadly replicate the u-shaped plan of the existing building, albeit having a slightly wider footprint, with the rear moving further westward.

The existing building rises to approximately 24m above ground, albeit the corner turret and plant room are approximately a further 3.5m higher. The new building reaches a height of approximately 25m above ground to the top of the fifth floor, there are then two further floors stepped back taking the height to 32m above ground; and then the plant room adds a further 4m, taking the overall height to approximately 36m above ground level and thus considerably higher than the existing building.

The proposed new building will be one of the taller buildings in this part of Oxford Street and objections to the proposals have been received to this increased height. The applicants point to the immediately adjacent and recently approved over-station development at 65 Davies Street as being broadly comparable in height, albeit slightly lower because of the slope of the land; and it is the case that there are comparably tall buildings elsewhere along Oxford Street.

Objections to the detailed design of the replacement building have been received, which objectors believe is out of character with surrounding buildings. The architectural expression of the building defines a double-height base, predominantly associated with the retained West One shopping centre and entry into the underground station, while the main body of the building is a richly articulated series of bays with profiled terracotta spandrel panels, providing a balanced façade perched above the more slender base. Floors 2-4 are expressed as single bays, while floors 5 & 6 are a double-width bay. The top storey (7<sup>th</sup> floor) and the plant enclosure express the top of the building and have been designed to complement the base and middle sections of the building, but clad in an off-white pre-cast terrazzo, to provide distinction, with the design of the plant room integrated into the overall design.

The choice of colour for the terracotta cladding to the main facades has been the subject of continued discussion with the applicants. As initially submitted the proposal was to be a teal (blue/green) colour and presented an argument based on colour theory for why the choice of colour would complement the colour of façade materials to neighbouring buildings and in key townscape views. The applicant also sought to make the point that a differentiating colour might provide a point of distinction within the townscape which would be appropriate in wayfinding terms as the building sits above a transport interchange. Officers were unconvinced by the choice of teal, despite there being some examples of more strident colouring to facades of some buildings in Mayfair. As Pevsner

observed when describing the existing building and in particular the southern part, it is faced in brick “in deference to the *genius loci*”, and this observation is well illustrated in View 14 of the applicants Townscape Heritage and Visual Impact Assessment (THVIA) where the existing building is viewed from the west and in the foreground, within the Mayfair Conservation Area, are a range of buildings, some listed, including the grade II\* Ukrainian Cathedral and the overwhelming facing material is a red brick. The applicants have responded to officer concern about the colour and have amended the colour of the terracotta and now propose an orange-brown glazed terracotta, which will certainly complement the earthy tones of many of the surrounding buildings.

The double-height base to the building will feature a grey-coloured profiled terrazzo framing with large double-height shopfront glazing facing onto Oxford Street and part of Davies Street. The windows will have a ‘vitrine-like’ detail will bronze coloured metal surrounds. The main station entrances on Oxford Street and Davies Street will remain in their current positions, but framed in the new terrazzo cladding and featuring illuminated canopies to aid wayfinding. Towards the southern end of the Davies Street façade and returning onto Weighhouse Street, the double-height expression is given greater framing subdivision, thus reducing the scale of the openings at street level. The office entrance will be at the southern end of the Davies Street façade and will also feature a projecting canopy. The base of the building as it faces Weighhouse Street is where the main areas of services enter the building and as such it is principally composed of access points for loading, refuse collection and access to sub-station. Having these more utilitarian functions does reduce the active nature of the base at this point, but the office lobby glazing does return onto the façade and the openings are screened by metal filigree gates and will feature architectural lighting to enliven the façade at this point.

The 4m tall plant enclosure at the top of the building has been another element of discussion between officers and the applicant, with the aim from an officer perspective of ideally re-positioning it to the rear or at least reducing its size. To address concerns about the plant, particularly as perceived in townscape view 15 the enclosure has been pulled back at its southern end, no longer enclosing a roof access structure. The plant enclosure is formed in the same profiled terrazzo as the 7<sup>th</sup> floor, thus is of a high-quality finish and its panels will feature fluted metal panels or fins to produce an enclosure which has been design to fully integrate into the overall architectural composition.

The rear façade of the building, facing towards the rear of the Cavendish Buildings, will be a simplified version of the street-facing facades, with 3.6m centred vertical metal-clad framing elements containing windows and metal profiled spandrels. The metal cladding will match the colouring of the terracotta found on the street-facing facades and will again feature the bronze-coloured slimline steel window frames found elsewhere. The U-shaped plan of the rear will enclose a terrace for the offices at 3<sup>rd</sup> floor level and to the west of this and sited above the shopping centre will be a large plant enclosure, which has been designed to accommodate a planted covering to much of its exterior. The roof to the setback seventh floor will feature a green roof to promote biodiversity; and around the perimeter of the 7<sup>th</sup> floor will be a landscaped terrace.

## Townscape/Heritage Impacts

Given the limited townscape contribution the current building makes, its replacement certainly offers the opportunity for enhancement in townscape terms. The proposed replacement is two floors taller plus it features the prominent 4m tall plant enclosure, making it approximately 9m taller than the highest parts of the existing building. This is a significant height increase and will mean that the replacement building is distinctly taller than its Oxford Street neighbours and as such will impose itself upon the immediate townscape by virtue of its height. It will, however, be of comparable height to 65 Davies Street lying immediately to the south. In townscape views from the south, such as views 2, 3 and 4 in the THVIA, 65 Davies Street will be in front of the application site and thus the impact of the latter will be modest and not harmful, merging with the scale of 65 Davies Street. In oblique views east and west along Oxford Street (views 9, 12 and 18), the set-back of the upper floors and the lighter cladding of the 7<sup>th</sup> floor and plant enclosure, assist in softening the height impact, such that the change in scale to the townscape is not considered to be disruptive. At closer quarters the scale of the building and its double height base does somewhat diminish and overpower the townscape contribution of the neighbouring and opposing Oxford Street buildings. In longer views and in views from the west (views 5, 6, 7, 14, 15 and 17) the building is either seen at a distance or interposed by other buildings and thus often it is only the upper storeys that are visible. For the most part the additional height while giving the building townscape prominence does not do so to a harmful degree.

In terms of the impact upon heritage assets, the greatest impact is upon the Mayfair Conservation Area and some of the listed buildings within it. The buildings on the south side of Oxford Street which lie immediately to east and west of the application site are within the conservation area and as indicated they are regarded as heritage assets and they are certainly dominated by the scale of the proposed building, albeit it is to be noted that the current building does not complement the setting of these conservation area buildings either and thus while the scale of the new building may at close quarters be uncomfortable, this is offset to some degree by the enhanced quality of the architecture. In views from the west within the conservation area the impact of the proposal is greater. The prominent plant room will become a somewhat discordant feature above the roofscape of the conservation area in views from Brown Hart Gardens (view 14) and in view 15 parts of the plant room and 7<sup>th</sup> floor of the new building will harmfully disrupt the silhouette of the roof of the grade II\* Ukrainian Cathedral – albeit as the viewer moves closer to the cathedral (view 13) this impact lessens. The impact on the long view from the west along Green Street (view 17) does mean that the upper parts of the new building will disrupt the skyline silhouette of the grade I St Mark's Church, North Audley Street, however, the distance between viewer and listed building and from listed building to the application site is considered to be far enough as to not adversely impact upon the setting of the listed building or to be particularly discordant to the conservation area as a whole. Thus, the development is considered to result in some harm to the setting of the Mayfair Conservation Area and to some of the buildings in it, notably the flanking Oxford Street buildings (369-373 and 385-397 Oxford Street); the buildings in the foreground of view 14 and to the setting of the grade II\* listed Ukrainian Cathedral. In all instances the level of harm is considered to be at the low end of less than substantial.

In terms of other listed buildings and conservation areas the impact upon their setting and significance is not considered to be harmful. While the new building will be opposite 360-366 and 368-370 Oxford Street and the Stratford Place Conservation Area, the character of these designated heritage assets is that they have a degree of townscape independence such that their setting does not make a strong contribution to their significance, with townscape of differing styles and scales in the vicinity.

In policy terms policy 2 promotes growth within the West End Retail and Leisure Special Policy Area (WERLSPA), including at A.2 the “sensitive refurbishment and extension, or replacement of existing buildings” and in the supporting text to this policy at paragraph 2.8 it is stated that “the built form of Oxford Street offers scope for increased height to deliver a range of commercial floorspace that complements the retail offer and provides modern workspace – reinforcing its role as a key commercial centre.” Policy 13 also supports the principle of development which will support economic growth within the WERLSPA. Of course, these policies must be read alongside those which seeks to protect the high quality townscape of Westminster and the protection of heritage assets.

The proposal in this case will introduce a replacement building which provides more and better quality office floorspace and will perform to a much higher standard in terms of energy performance. The architecture of the replacement building represents a significant enhancement over the current building in terms of materials, articulation and detailing. The scale and particularly the height of the building does challenge the prevailing height of the area, but for the most part not in a harmful way. Alongside 65 Davies Street, the application site will sit over the Bond Street transport interchange and in terms of city legibility this offers further townscape justification for the increased height on this site. The height and scale of the building does erode the setting of some heritage assets but as identified this is to a low level of harm. On the basis that the public benefits of the scheme outweigh this harm then it is considered that the proposal is acceptable in terms of townscape, design and heritage impact.

### **8.3 Residential Amenity**

Policy 7 of the City Plan relates to managing development for Westminster’s people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

#### **8.3.1 Sunlight and Daylight**

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also recommends that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements

are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing SPG which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The applicant's consultant, Point 2 Surveyors, has carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 24, 26, 28 and 37 South Molton Street, 58 Davies Street, Cavendish Buildings and Gilbert Court (395 Oxford Street). An updated report has also been received following the revisions made to the roof level plant room and the chamfered wing to the Weighhouse Street elevation. This has only resulted in small technical improvements in VSC.

The sunlight and daylight report shows that windows within 24, 26 and 37 South Molton Street and 58 Davies Street will comply with BRE guidelines for daylight and sunlight.

Residential windows within 28 South Molton Street, Gilbert Court and Cavendish Buildings will experience losses in daylight to living/kitchen/dining rooms and bedrooms beyond BRE guidelines and are considered in turn below. Bedrooms are not considered to be main habitable rooms and are therefore considered to be less important.

### **28 South Molton Street**

This building is located on the opposite side of Davies Street at its junction with South Molton Street. One flat is located on the fifth floor of the building. One bedroom window would see a loss of 32% in VSC, but this room is served by another window that is unaffected by the proposals that would retain a VSC value of 33%. Another bedroom would experience a loss of 36% but would retain a VSC value of 15.76%. In addition, a large open plan living/kitchen/diner area which is served by eight windows would see losses of VSC of between 26%-35% to four of its windows, but the four windows unaffected retain between 28% and 31% in VSC values.

In terms of NSL, one bedroom will breach BRE guidelines but the main bedroom and

main living room will experience little or no change in NSL.

The main living room and both bedrooms have windows facing within 90 degrees of due south and have been tested for sunlight. One bedroom will experience a reduction of APSH beyond BRE guidelines of 53% however it will retain absolute APSH levels of 14%.

Overall, it is considered that the impact on daylight and sunlight levels to this property as a result of the proposed development will be within acceptable tolerances.

### **Gilbert Court, 395 Oxford Street**

This building is located on the south side of Oxford Street at its junction with Gilbert Street. It is in commercial use on the lower floors of the building, but from second floor level and above it has residential use as 11 flats.

Two second floor windows will experience very borderline proportional VSC reductions of 22% and 23% and a bedroom and small kitchen on each of the second and third floors will also experience NSL reductions of between 21% and 33%. However, these are relatively minor derogations, and all living rooms will experience no change in NSL.

In relation to sunlight, a total of 6 rooms within the property have a window orientated within 90 degrees due south. All of which will experience fully BRE compliant alterations in APSH.

Overall, it is considered that the impact on daylight levels to this property as a result of the proposed development will be within acceptable tolerances.

### **Cavendish Flats**

This building lies to the immediate west of the application site and contains residential accommodation throughout. The residential units are located over six floors from lower ground floor level to fourth floor. At lower ground and ground floor, the flats are dual aspect with kitchen and bathroom accommodation facing the application site, and main living and bedroom accommodation facing either Gilbert Street or Weighhouse Street. At first floor level and above, some of the flats do have kitchen and bedroom accommodation facing the site, and four of the flats (marked in bold text below) are also single aspect flats with windows serving kitchen, living and bedroom accommodation facing over the application site.

The results of the VSC assessment for the main living/kitchen/dining room windows (the main habitable rooms) that are most adversely affected by the development are shown in the table below:

\* **Bold text denotes flats with a single aspect facing over the application site**

			Daylight (VSC)			Daylight distribution (NSL)			
	Room usage	Window Ref.	Existing VSC	Proposed VSC	Change	Room area (sqm)	Existing NSL	Proposed NSL	Change
Lower	Kitchen	W2/289	0.25	0.19	24%	98.5	2.5	2.2	12%

ground		W3/289	0.26	0.23	12%				
		W4/289	0.48	0.48	0				
1st floor Flat 1	Kitchen	W7/291	1.32	0.22	83%	77.5	39	27	-30%
<b>Flat 2</b>	<b>Kitchen</b>	<b>W10/291</b>	<b>13.52</b>	<b>9.95</b>	<b>-26%</b>	<b>65.3</b>	<b>54.7</b>	<b>41.3</b>	<b>-25%</b>
		<b>W11/291</b>	<b>14.28</b>	<b>10.47</b>	<b>-27%</b>				
	<b>Living</b>	<b>W12/291</b>	<b>11.65</b>	<b>8.26</b>	<b>-29%</b>	<b>103.5</b>	<b>92.5</b>	<b>62</b>	<b>-33%</b>
		<b>W13/291</b>	<b>15.96</b>	<b>11.75</b>	<b>-27%</b>				
		<b>W14/291</b>	<b>17.91</b>	<b>14.20</b>	<b>-21%</b>				
	<b>Bed</b>	<b>W15/291</b>	<b>17.31</b>	<b>12.82</b>	<b>-26%</b>	<b>101.6</b>	<b>66.7</b>	<b>39.6</b>	<b>-41%</b>
Flat 3	Bed	W16/291	18.12	13.45	-26%	126.9	96.1	58.3	-39%
		W17/291	18.44	13.54	-27%				
	Bed	W18/291	18.59	13.54	-27%	112.2	83	43.9	-47%
Flat 4	Kitchen/ diner	W21/291	17.37	12.78	-27%	98.8	75.1	40.5	-46%
Flat 5	Kitchen	W22/291	15.54	12.03	-23%	63.2	52	38.1	-27%
		W23/291	14.76	11.79	-20%				
2 <sup>nd</sup> floor Flat 1	Kitchen	W7/292	1.66	0.42	-75%	82.1	42.8	32.7	-24%
<b>Flat 2</b>	<b>Kitchen</b>	<b>W10/292</b>	<b>16.83</b>	<b>12.02</b>	<b>-29%</b>	<b>65.3</b>	<b>59.9</b>	<b>46.8</b>	<b>-22%</b>
		<b>W11/292</b>	<b>17.72</b>	<b>12.62</b>	<b>-29%</b>				
	<b>Living</b>	<b>W12/292</b>	<b>15.39</b>	<b>10.83</b>	<b>-30%</b>	<b>103.5</b>	<b>102.9</b>	<b>71.5</b>	<b>-31%</b>
		<b>W13/292</b>	<b>20.00</b>	<b>13.97</b>	<b>-30%</b>				
		<b>W14/292</b>	<b>21.64</b>	<b>16.16</b>	<b>-26%</b>				
	<b>Bed</b>	<b>W15/292</b>	<b>21.55</b>	<b>15.03</b>	<b>-30%</b>	<b>101.6</b>	<b>85.8</b>	<b>46.7</b>	<b>-46%</b>
Flat 3	Bed	W16/292	22.24	15.55	-30%	126.9	120	67.6	-44%
		W17/292	22.34	15.65	-30%				
	Bed	W18/292	22.43	15.77	-30%	112.2	99	53.1	-46%
Flat 4	Kitchen/ diner	W21/292	20.39	14.86	-27%	98.8	92.6	47	-49%
Flat 5	Kitchen	W22/292	18.87	14.05	-26%	63.2	54.1	43.9	-19%
		W23/292	18.37	13.78	-25%				
3 <sup>rd</sup> floor Flat 1	Kitchen	W7/293	1.99	0.83	-59%	74.1	44.9	43.7	2.9%
<b>Flat 2</b>	<b>Kitchen</b>	<b>W10/293</b>	<b>21.05</b>	<b>15.06</b>	<b>-29%</b>	<b>65.3</b>	<b>64.1</b>	<b>54.3</b>	<b>-15%</b>
		<b>W11/293</b>	<b>21.85</b>	<b>15.62</b>	<b>-29%</b>				
	<b>Living</b>	<b>W12/293</b>	<b>20.13</b>	<b>14.48</b>	<b>-28%</b>	<b>103.5</b>	<b>102.9</b>	<b>81.3</b>	<b>-21%</b>
		<b>W13/293</b>	<b>23.76</b>	<b>16.70</b>	<b>-30%</b>				
		<b>W14/293</b>	<b>24.50</b>	<b>18.41</b>	<b>-25%</b>				
	<b>Bed</b>	<b>W15/293</b>	<b>24.96</b>	<b>17.62</b>	<b>-30%</b>	<b>101.6</b>	<b>97.5</b>	<b>55.2</b>	<b>-43%</b>
Flat 3	Bed	W16/293	25.52	18.11	-29%	127.5	125.2	77.2	-38%
		W17/293	25.57	18.20	-29%				
	Bed	W18/293	25.52	18.30	-28%	113.4	108.2	62.9	-41%
Flat 4	Kitchen/ diner	W21/293	23.20	17.34	-25%	98.8	96.1	54.1	44%
Flat 5	Kitchen	W22/293	21.54	16.46	-24%	62.5	58.4	50.3	14%
		W23/293	21.00	16.16	-23%				
4 <sup>th</sup> floor Flat 1	Kitchen	W7/294	3.38	1.33	-62%	74.1	45.2	45.1	0%

Flat 2	Kitchen	W10/294	26.60	19.13	-28%	65.3	64.9	63.3	-3%
		W11/294	27.00	19.36	-29%				
	Living	W12/294	25.58	18.65	-27%	103.5	102.9	91.5	-11%
		W13/294	27.86	19.75	-29%				
		W14/294	27.77	21.13	-24%				
	Bed	W15/294	28.59	20.54	-28%	101.6	99.4	64.9	-35%
Flat 3	Bed	W16/294	28.87	20.90	-28%	127.5	125.1	89.8	-28%
		W17/294	28.85	20.98	-28%				
	Bed	W18/294	28.69	21.07	-27%	113.4	109.8	75	-32%
Flat 4	Kitchen/ diner	W21/294	26.28	20.21	-23%	101.1	96.3	59.9	-38%
Flat 5	Kitchen	W22/294	24.50	19.34	-21%	63.8	59.2	55.3	-6.6%
		W23/294	23.94	19.03	-20%				

Strong objections to losses of daylight have been received from the consultants acting on behalf of Cavendish Buildings. They have also employed a sunlight/daylight consultant who has reviewed the submitted reports and argue that the daylight report was carried out without obtaining access to the residential units of Cavendish Buildings and that the assessment is therefore based on assumptions. The applicant however has confirmed that Point 2 their analysis is accurate as it is based upon a series of building plans that were received from the landlord (Grosvenor).

The lower floors, and the Flat 1 kitchens on each floor (W7/291, W7/292, W7/293 and W7/294) already receive low daylight levels and thus even a small reduction has a large percentage loss in VSC.

With regard to Flats 3 (on each floor) the losses are to bedroom accommodation and the main habitable living rooms face over Gilbert Street and are unaffected by the proposals. VSC losses however are above 20% for each of these flats, and some of the flats have significant NSL losses (39% and 47% at first floor, 44% and 46% at second floor and 38% and 41% at third floor). These losses would be noticeable to the occupants of these flats. The windows affected serve bedroom accommodation which the BRE guidelines state as being less important in relation to daylighting distribution than main living rooms and on this basis, it is not considered that refusal on loss of daylight could be justified to these flats.

The losses to the single aspect flats (Flat 2 on each floor) and the kitchen/diner accommodation to Flats 4 would be more significant. It is clear that these flats would experience daylight losses of more than the 20% recommended in the BRE guidelines, and objectors are concerned about the losses involved and the fact that the affected rooms will appear poorly lit. Losses to the first and second floors would be particularly noticeable, particularly to the first floor single aspect flat where some windows would have retained VSC values in single figures. The third and fourth floors, although experiencing losses of more than 20%, would see retained VSC values within the mid-teens.

The proposals do however involve a significant change in the outlook for these residential flats. The outlook presently is towards a utilitarian louvred plant area which is to be transformed by an immersive greening strategy achieved through a combination of raised planters, green roof and an innovative terraced trough system which will screen



adjacent ventilation and plant. This is to be secured by condition to ensure that the greened rear that is promised to improve outlook, is delivered. It is considered that the improvements secured would help to mitigate the losses in daylight.

With regard to sunlight, none of the rooms within Cavendish Buildings have a main window orientated within 90 degrees due south, and therefore do not need to be considered.

### **8.3.2 Sense of Enclosure**

Policy 7 aims to prevent unacceptable impacts in terms of sense of enclosure. The existing flank west facing wall, which faces the rear windows within Cavendish Buildings, is already some 7m taller than these flats. The application involves an upward extension to this part of the site, rising an additional 10m, however, the new seventh floor is set back some 8m from the site boundary, and the additional bulk and massing closest to Cavendish Buildings, at fifth and sixth floors, rises an additional 6.7m above the existing flank wall. Following negotiation, the bulk and massing of this part of the proposal has also been amended by chamfering the corner to this flank wall. Whilst there would be some loss of outlook to the flats closest to this flank wall, given that the rear flank wall is some 12m from these rear windows, it is not considered that the proposal would result in such an adverse increased sense of enclosure to these windows to warrant refusal.

The additional floors, and plant room, on the Davies Street frontage are some 35m from Cavendish Buildings, and whilst there is some increase in height to the central courtyard plant room, these elements of the proposal are not considered to result in any adverse increased sense of enclosure.

### **8.3.3 Privacy and Noise**

Terraces are proposed at third, fifth, sixth and seventh floor levels. The terraces facing Davies Street at sixth and seventh floors are relatively narrow in depth and given that these are a street-widths apart from the flats in South Molton Street, it is not considered that the terraces here would cause any undue additional loss of privacy or noise.

Objections to the rear terraces at third, fifth and seventh floor levels have been received on the grounds of overlooking, loss of privacy and to the fact that these spaces will increase noise levels and should have been addressed in detail in a noise assessment report. The terrace at fifth floor would only afford a very oblique view towards the flats within Cavendish Buildings, however, there would be some overlooking from the terraces at third and seventh floors. The terrace at seventh floor level will also be at a higher elevation than the surrounding buildings and any overlooking would be mitigated by the planting and visual screening shown in the applicant's submission which would be secured by condition.

With regard to noise levels, there is no formal requirement for the submission of acoustic reports for office roof terraces, and in this case the terrace at seventh floor is relatively limited in size measuring approximately 7.5m by 10m. The presence of the lift overrun at this level further limits the size of the terrace. The terrace at third floor is slightly larger in size, but the majority of the terrace is set back behind the central planted courtyard area. Whilst officers accept that additional noise is likely to be created by the use of these

areas as terraces, it is unlikely that the noise levels associated with this proposal would be so significant as to justify refusal. Subject to a condition to limit the hours that the terraces may be used, and to secure planting and screening to terrace boundaries, it is not considered that their use would materially reduce residential amenity.

The proposals do introduce a number of new windows within the flank wall of the building and these are directly opposite the flats within Cavendish Buildings. However, the majority of these windows serve stair and lift core accommodation, and the applicant has agreed to a condition to introduce obscure glazing to these windows which will help to reduce the perception of overlooking to the occupants opposite the site. This is secured by condition.

## **8.4 Transportation/Parking**

### **8.4.1 Car Parking**

In respect of car parking provision, London plan policy T6 states that car-free development should be the starting point for all development proposals in places that are well connected by public transport. The site is car free and therefore would accord with London Plan policy T6.

### **8.4.2 Servicing and Deliveries**

City Plan Policy 29 states that the council will strongly support the provision of consolidated facilities for servicing and deliveries in new development in accordance with London Plan policy. Servicing, collection, and delivery needs should be fully met within a development site and that the provision for servicing, collection, and deliveries within developments should be located behind new or converted buildings, or below street level, and appropriate in size, type and anticipated frequency of arrival of vehicles.

There is an existing loading bay on Weighhouse Street which contains a number of vehicle bays, however, the applicant indicates that some have not been used for prolonged periods of time. The applicant maintains the revised layout will be able to accommodate all the servicing of the site for both the office and retail. This relies on a servicing through a full 24-hour period, 7 days a week, as is the current situation. The information submitted indicates that servicing activity primarily occurs between 0430 until 2200.

The applicant has indicated that they could not accept any restriction on servicing hours. As part of wider public realm improvements (including Oxford Street) and anticipated increased pedestrian volumes in the immediate vicinity due to the new Crossrail/Elizabeth Line Station opposite the Council had explored limiting vehicle access to Weighhouse Street to between 0500 and midday. However, this was not progressed, in part due to not being able to reach agreement with WestOne/British Land over vehicle access for servicing vehicles. The applicant's position is that the proposed changes to the loading bay as part of this application do not reduce the need for 24 hour access.

The depth of the bay would mean longer vehicles (eg over 10 metres long) would extend over the footway, as is the case now. The changes to the loading bay do not improve

this situation. There are also limitations in the use of the bay, should a longer vehicle be present.

While a Servicing Management Plan has been provided, it does not respond to the revised layout. The document is technical in nature and contains many overarching principles on how servicing will be managed and repeats large amounts of information found in the Transport Statement. It is not considered to be a practical document for ongoing day to day use. The submitted SMP lacks detail on how any of these commitments will be delivered or the processes that will be followed to ensure servicing associated with the permitted use has no significant impact on other highway users.

Subject to the approval of an appropriate SMP the servicing arrangements are considered acceptable for the Class E uses detailed in this application. As discussed in section 8.1 of this report the Highways Planning Manager has raised concerns that use of the whole building as unrestricted Class E, could result in additional servicing requirements that could have an adverse impact on the highway, and therefore this is controlled by condition.

### **8.4.3 Cycle parking**

There is currently no cycle parking associated with the building and 151 cycle parking spaces are proposed in total for the office use. This is made up of 139 long stay spaces and an additional 12 short stay spaces in full compliance with the requirements of the London Plan. This provision for the full floorspace for the office element is welcomed and considered a benefit of the proposed scheme and is supportive of active travel and with City for All and Climate Emergency Action Plan objectives.

The spaces are to be provided at second floor level along with changing rooms (showers/ lockers) and drying rooms. Access to the second-floor cycle parking stores will be via a new dedicated cycle access provided on Davies Street.

No cycle parking (for staff use) is proposed for the retail floorspace. Whilst this is disappointing, it is accepted that there are no spaces currently, and no change is proposed to the number/size of the existing retail units which are to remain open and functioning during the construction period. It would therefore be difficult to argue that there is policy requirement for cycle spaces for these units. The transport statement submitted discusses short stay cycle provision and highlights that, as with the existing building, there is very limited suitable space available off the public highway to provide short stay cycle parking, and there is also very limited space available on street adjacent to the site to provide short stay cycle parking without interfering with public realm or footway widths, especially given the intensity of use on Oxford Street.

### **8.4.4 Cycle Hire**

The Mayor of London has requested a financial contribution of £35,000 to be used to fund additional cycle hire docking capacity for cycle hire improvements in the site's vicinity. In the absence of any cycle parking provision for the retail floorspace this could be a solution to mitigate the site-specific impacts of the development and promote cycling options for site users in line with London Plan Policy T4.C. This is recommended to be secured by legal agreement.

#### **8.4.5 Waste & Recycling Storage**

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to City Plan 2040 Policy 25. It would also have an adverse impact on the public realm. Off-street storage is provided at rear ground floor level and is secured by condition.

### **8.5 Economic Considerations**

The NPPF notes that "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local businesses needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future".

The applicant notes the benefits include the following:

- Exemplary new architecture and townscape improvements;
- New and improved ground floor retail frontages, which will help to revitalise and transform Oxford Street into a global shopping destination of the future, in line with the vision set out in the Oxford Street District Framework;
- The creation of new Bond Street Underground entrances, which would provide an inviting entrance and complement the new pedestrian entrance for the Elizabeth Line at 65 Davies Street;
- An inherently sustainable design solution which would retain over 60% of the existing building and would have regard to embodied energy considerations;
- Much improved energy and sustainability credentials when compared to the existing building;
- Additional high-quality office space in the Oxford Street District, helping to contribute to the economic recovery of both Oxford Street, the West End and London post Covid 19;
- 1,025 jobs direct on site once the proposed development is completed, as well as indirect employment in the construction and supply chain;
- The provision of new amenity space in the form of terraces for office occupiers to enhance health and wellbeing;
- Introduction of urban greening to improve the biodiversity of the area; and
- 151 new cycle parking spaces and associated facilities and lockers.

### **8.6 Access**

The building has been designed to comply with the Building Regulations Part M providing step-free access to all parts of the office areas of the building, including balconies and terraces. The route to the new cycle store is step-free via wide corridors and wheelchair-accessible sanitary facilities are also provided.

As the existing retail units are to be retained, access to these units and the entrances to the underground and will remain largely unchanged.

## 8.7 Other UDP/Westminster Policy Considerations

### 8.7.1 Plant

An acoustic assessment has been submitted with the application which has been amended during the course of the application to address concerns raised regarding the proposed plant specification and location of equipment. Environmental Health raise no objections in principle and consider that, subject to conditions, it is unlikely that plant associated with this development will result in noise/disturbance or vibration to nearby residents. The majority of the plant will be located at second and third floor levels, and within a rooftop enclosure.

### 8.7.2 Biodiversity

Policy G5 of the Publication London Plan states that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

The scheme seeks to maximise all available surfaces in the form of green roofs, roof gardens, suspended troughs and climbers to vertical faces. Overall, the applicant advises that 1,103sqm of green roofs/walls are proposed. The applicant has undertaken an Urban Greening Factor (UGF) assessment of the proposed scheme, which shows that the scheme would achieve a score of 0.3. This meets the target set out in Policy G5.

Policy G6 of the London Plan also requires development to aim to secure net biodiversity gain and Policy 34 of the City Plan states that developments should achieve biodiversity net gain, wherever feasible and appropriate. Objectors have commented that the proposal fails to comply with the 10% biodiversity net gain requirement set out in the Environment Bill. However, mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023. Nevertheless, the applicant has undertaken a Biodiversity Impact Assessment which confirms that the proposals will result in a net gain of 0.44 biodiversity units associated with area-based habitats compared with pre-development value. This is equivalent to a total net increase of 7958.09% in ecological value. The proposals therefore exceed the mandated minimum 10% uplift required by the Environment Act 2021.

### 8.7.3 Sustainability

#### *Carbon Reduction*

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum requirement of on-site reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of at least 35 per cent beyond Building Regulations 2013 for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

City Plan Policy 36(B) requires major development to be zero carbon. City Plan Policy 36(C) adds, 'Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement'.

Policy MES4 of the Mayfair Neighbourhood Plan requires all new non-domestic development to be zero carbon.

The applicant's energy strategy states that at the 'Be Green' stage, the proposed development is set to achieve a circa 43% carbon emission reduction with the use of on-site renewable technologies when compared against the Part L baseline set out within the current Building Regulations. This meets and exceeds the figure set out within the London Plan. Within the 'Be Lean' part of the energy hierarchy the GLA guidance requires a 15% improvement on non-domestic developments, which the development falls short of, achieving only 9% in regulated CO2 emissions when compared against the 2013 Building Regulations. In response to the GLA Stage 1 comments on the Be Lean elements of the development, the applicant has explored whether the minimum 15% improvement against the 2013 Building Regulations could be achieved but argues that with the retention of the lower floors significant design interventions would be required to achieve the full 15% improvement on Part L. However, through other on-site carbon reduction systems being used, a 43% carbon emission reduction is achieved.

Further details have also been submitted to the Mayor in response to his Stage 1 comments. It is anticipated that the details submitted are likely to satisfy the concerns raised at Stage 1.

An appraisal of the opportunity to integrate renewable energy technologies has also been undertaken and Air Source Heat Pumps in conjunction with photovoltaic (PV) panels are proposed and provision for 80 m2 of PV panel area has been made. Currently there are no District Energy Networks (DEN) within appropriate proximity to the proposed development; however, plant space is provided within the scheme to allow for the future connection to a district network should one become available. A condition is recommended to secure this.

The following energy efficient measures are proposed:

- the façade of the building has been designed to maximise the passive solar gains and daylight whilst minimising overheating risk.
- An efficient building form factor that reduces thermal losses.
- A highly insulated building fabric maximising air tightness that minimises thermal losses and reduces heat demands.
- The installation of high-performance glazing to minimise heat loss whilst maximising natural light.
- Low energy LED lighting with adequate controls specified throughout; and
- Mechanical ventilation with heat recovery for all spaces to provide ample fresh air with minimal heat loss / energy use

To address the regulated emissions shortfall to meet the net-zero carbon standard a carbon offset payment is required. This has been calculated at £ 162,450 and would be secured through the S106 legal agreement.

The Be Seen guidance in the London Plan highlights the requirement for reporting on actual energy performance and this will be secured also by legal agreement.

#### *BREEAM Standards*

City Plan Policy 38(E) requires non-domestic developments of 500 sq.m or above to achieve at least BREEAM 'Excellent' or equivalent standard and residential conversions and extensions of 500 sq m (GIA) of residential floorspace or above, or five or more dwellings will aim to achieve "Excellent" in BREEAM domestic refurbishment or equivalent standard.

The Sustainability Strategy confirms that the proposals are currently targeting a score of 78.09% which is equivalent to a BREEAM 'Excellent' rating. This represents an 8% increase above the minimum required score to reach an 'Excellent' rating, in accordance with City Plan Policy 36.

#### *Whole Life Carbon Assessment*

London Plan Policy SI 2(F) requires, 'Development proposals referable to the Mayor should calculate whole lifecycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon (WLC) Assessment and demonstrate actions taken to reduce life-cycle carbon emissions'.

The applicant has carried out a whole life-cycle carbon assessment in accordance with this policy. The Assessment has also been presented in excel format using the GLA WLC assessment template, as requested by the GLA in their Stage 1 response. The document assesses the total operational carbon emissions, embodied carbon emissions, and any future potential carbon emissions 'benefits', post end-of-life, including benefits from reuse and recycling of building structure and materials. This has been submitted to the GLA and an update on this position with regard to London Plan policy SI 2 will be reported verbally at the Committee meeting.

The starting point set out in the Mayor's planning guidance on Whole Life-Cycle Carbon Assessments is that retaining existing built structures for reuse and retrofit, in part or as a whole, should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option. This is reiterated in our Environmental SPD which states that "where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition."

It is acknowledged that given that the lower parts of the building are operated by London underground as an operational underground station, that this provides unique challenges for a complete refurbishment scheme. The applicant also states that the existing building is poor quality and outdated with poor floor to ceiling heights and lack of natural ventilation and therefore it has not been feasible to retain and refurbish the existing structure. Nevertheless, the applicants design approach centres around retaining large parts (61%) of the existing building, including all of the existing substructure and about

half of the existing superstructure. This in itself represents significant reductions in embodied carbon.

The applicant also argues that the new lighter weight structure allows the redevelopment to adopt the most sustainable servicing strategy, using natural ventilation. The additional height (allowed by the new structure) facilitates air flow from one side of the floor plate to the other. The new materials proposed have also specifically been selected for the low embodied carbon. The use of terracotta, Portland stone and brick façade options were all reviewed, but a terracotta façade system was determined to include the lowest embodied carbon and was thereby selected.

The applicant advises that for carbon used to practical completion, the carbon used to complete the proposed development (487 kilograms of carbon per sqm) would be both lower than the GLA's WLC benchmark of 950 kilograms of carbon per sqm and the aspirational benchmark of 600 kilograms of carbon per sqm. In terms of carbon used within the operational lifespan of the new buildings (60 years), the applicant at this stage predicts a carbon usage of 480 kilograms of carbon per sqm. Whilst this does not meet the GLA's WLC benchmark (450 kilograms of carbon per sqm), the applicant advises that further reductions are to be expected within the detailed design stage when the material specifications are developed further.

A condition has been imposed for the submission of a post-construction assessment to report on the development's actual WLC emissions.

#### *Circular Economy*

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. The statement demonstrates how the application will promote the circular economy outcomes and describes how resource conservation, waste reduction, increase in material re-use/ recycling and reduction of waste going to landfill will be achieved. The GLA have requested additional information and request that a post completion report should be conditioned which will measure actual performance against targets set out in the Circular Economy statement.

#### **8.7.4 Air Quality**

The site lies within the GLA Air Quality Focus Area. City Plan Policy 32 outlines that the council is committed to improving air quality in the city and expects developments to reduce exposure to poor air quality and maximise opportunities to improve it locally without detriment of air quality in other areas.

Paragraph 32.1 of the reasoned justification advises that air quality is among the top environmental concerns for Westminster residents and improving it is a particular priority for the council. As such, the whole of the city has been declared an Air Quality Management Area (AQMA).

An Air Quality Assessment has been submitted which assesses both construction and operational impacts of the proposed development. The assessment concludes that the overall effect during the construction phase will not be significant. Furthermore, as the proposed development will not generate any significant additional road traffic or include any new combustion plant the proposed development will have no significant effect on



local air quality when in operation. Overall, the proposals meet the requirement to be air quality neutral.

### **8.8 Westminster City Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **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**

This application has been referred to the Mayor for London which means that once Westminster City Council has resolved to determine the application, that decision must be referred to the Mayor for his decision as to whether to direct approval, take it over for his own determination or allow the Council to determine the application itself.

The Mayor has confirmed in his stage 1 letter that the application is generally acceptable in strategic planning terms, but there are elements than require addressing in order to ensure full compliance with the London Plan. A summary of the Mayor's (GLA) comments are set out in section 5 of this report.

### **8.11 National Policy/Guidance Considerations**

The City Plan 2019 – 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

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

reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure a construction contract to ensure that demolition only occurs immediately prior to redevelopment, to secure design and method statements to accommodate London Underground structures, and to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of these conditions.

## 8.12 Planning Obligations

Regulation 122(2) of the CIL Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a) Necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

All of the draft 'heads' of agreement set out in detail within Recommendations 1 (a) to (h) meet these tests.

The estimated CIL payment is:

Mayoral CIL: £780,200

Westminster CIL: £1,036,428

Total CIL: £1,816,628

## 8.13 Environmental Impact Assessment

Sustainability and environmental issues have been covered in section 8.7.3 above.

## 8.14 Other Issues

### Construction impact

Concerns have been raised on the grounds of noise and disruption during construction and the subsequent increase in noise levels from the demolition and construction, to which no assessment relating to any increase in noise levels has been made. A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COCP) to ensure that the demolition and construction process is carefully managed, minimising disruption to neighbours and the highway and reducing the effects of noise, dust, traffic movements etc. resulting from the development. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction and demolition process to ensure that neighbours' concerns are addressed. Regular site visits will be undertaken to monitor construction operations and ensure compliance.

A further condition is recommended to control the hours of demolition and building works. Subject to these conditions, it is considered that the potential effects of the construction process will be ameliorated as far as possible and complies with City Plan policy 33.

### **Structural matters**

Objections raised on behalf of the residents of Cavendish Buildings relate to the safety and structure of the proposed building. A Structural Statement has been prepared by Arup which sets out the proposed structural arrangements and key surveys considered as part of the proposed development. 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 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 development has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

We are not approving the structural 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.

It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control

London Underground as a statutory consultee have written to confirm that they do not object to the works and have suggested conditions requiring a method statement and load calculations ahead of any works commencing.

### **Fire Safety**

The applicant has submitted a fire strategy prepared by a suitably qualified third-party assessor in line with London Plan Policy D12 and as requested by the Mayor in his Stage 1 report. This strategy identifies means of warning and escape for all building users, features to reduce risks to life, and access and facilities for fire personnel. This strategy also outlines safe and dignified emergency evacuation for people who require level access from the buildings in line with London Plan Policy D5.

### **Microclimate**

Concerns have been raised on the grounds that the application fails to make any assessment against the change of the air flows and wind characteristics. Whilst Policy 41 does require applications to mitigate negative impacts on the microclimate, this

relates only to tall buildings which are defined as “buildings of twice the prevailing context height or higher or those which will result in a significant change to the skyline.”

### **Light pollution**

Objections have been received on the grounds that the external lighting strategy will create an unacceptable level of light pollution and have a detrimental impact on the neighbouring residents' quality of life, health, and wellbeing. The applicant confirms that the proposed lighting strategy is intended to be subtle and has been designed to be integrated into planters and benches to provide an attractive outlook for residents. An informative has been included to remind the applicant to design the lighting so that it does not cause any nuisance for neighbours at night.

(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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

9. KEY DRAWINGS

Existing Oxford Street



Proposed Oxford Street



Existing Davies Street



Proposed Davies Street



Existing Weighhouse Street



Proposed Weighhouse Street

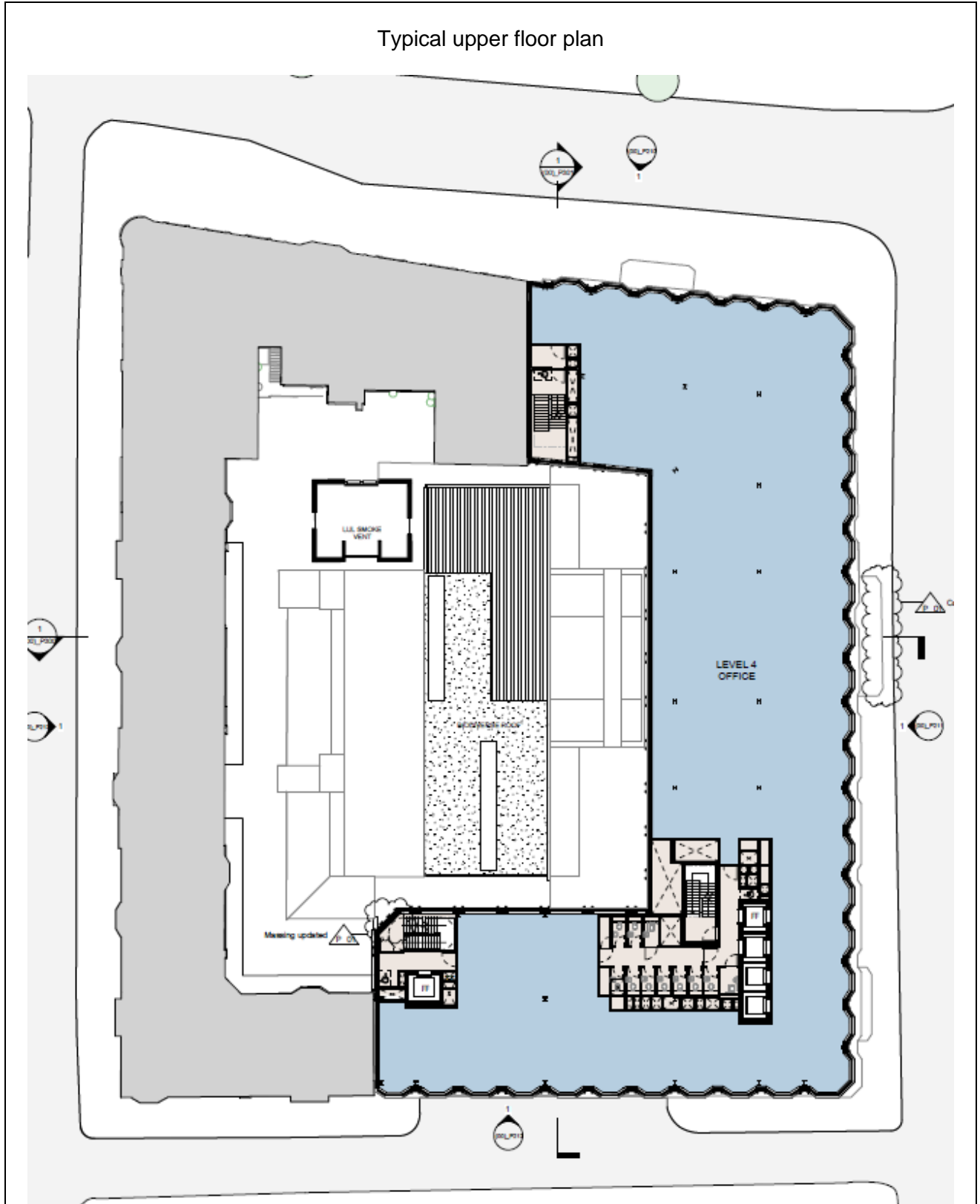


Proposed ground floor





Typical upper floor plan



**DRAFT DECISION LETTER**

**Address:** West One Shopping Centre, 381 Oxford Street, London, W1C 2JS

**Proposal:** Part demolition and alterations to existing building comprising demolition of second to fifth floor level, part demolition of ground and first floor at south eastern corner, removal of existing façades at ground and first floor level, erection of new second to seventh floors with setback eighth floor plant level to provide office (Class E) accommodation, new and replacement façades, installation of entrance canopies along Oxford Street and Davies Street, provision of terraces at third, fifth, sixth and seventh floor levels including greening, installation of plant and enclosure at second floor level, provision of cycle parking spaces and facilities and associated works.

**Reference:** 21/06879/FULL

**Plan Nos:** 16162\_(00)\_P099 P00, 16162\_(00)\_P100 P01, 16162\_(00)\_P101 P01, 16162\_(00)\_P102 P01, 16162\_(00)\_P103 P01, 16162\_(00)\_P104 P01, 16162\_(00)\_P105 P01, 16162\_(00)\_P106 P01, 16162\_(00)\_P107 P01, 16162\_(00)\_P108 P01, 16162\_(00)\_P109 P01, 16162\_(00)\_P210 P01, 16162\_(00)\_P211 P01, 16162\_(00)\_P212 P01, 16162\_(00)\_P213 P01, 16162\_(00)\_P300 P01, 16162\_(00)\_P301 P01, 16162\_(00)\_P059 Rev P00, 16162\_(00)\_P060 Rev P01; Acoustic Report REVISION 06 dated 04 FEBRUARY 2022; Structural Survey / Structural Methodology Statement ref: W1-ARP-REP-STR-001 dated 29 September 2021 (FOR INFORMATION ONLY); 16162\_(12)\_P099 P00, 16162\_(12)\_P100 P00, 16162\_(12)\_P101 P00, 16162\_(12)\_P102 P00, 16162\_(12)\_P103 P00, 16162\_(12)\_P104 P00, 16162\_(12)\_P105 P00, 16162\_(12)\_P106 P00, 16162\_(12)\_P210 P00, 16162\_(12)\_P211 P00, 16162\_(12)\_P212 P00, 16162\_(12)\_P213 P00, 16162\_(12)\_P300 P00, 16162\_(12)\_P301 P00

**Case Officer:** Jo Palmer

**Direct Tel. No.** 020 7641  
07866040238

**Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

To protect the environment of 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** You must apply to us for approval of details 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 5 (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)

- 6 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)

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 23919901-STR-HGN-100-DR-D-20102 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

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)

- 8 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 9 All servicing must occur from within the off-street servicing area, including refuse collection. All areas for servicing, holding areas and access corridors, must be retained for this purpose for the life of the development and used for no other purpose that prevents off-street servicing from occurring. Within the off-street loading bay and access, a minimum vertical clearance of 4.5 metres shall be retained at all points (not to be reduced with plant, lighting, signage, fire fighting items etc)

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)

- 10 Prior to any works to alter the loading bay, an updated Servicing Management Plan is required to be approved followed/maintained for life of development, unless revised strategy is approved (in writing) by the Local Planning Authority. The plan must identify process, freight consolidation, internal storage locations, scheduling of deliveries and staffing as well as a clear process for transporting of goods between sites. All servicing must occur from within the off-street servicing area, including refuse collection. The SMP must thereafter be maintained and followed by the occupants for the life of the development.

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)

- 11 Prior to any works to alter the loading bay, details of a rapid (minimum 50kW) electric vehicle charging point within the loading bay for freight vehicles shall be submitted and approved in writing by the Local Planning Authority. It must be demonstrated that the charging point is suitable for LGV delivery vehicle use.

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)

- 12 No waste should be left or stored on the public highway.

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)

- 13 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art, flags, signage, awnings and canopies.

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)

- 14 The development shall target a BREEAM rating of 'Outstanding' for the Office floorspace or any such national measure of sustainability that, replaces that scheme of the same standard. A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval to the Local Planning Authority within 6 months of completion of the development on site.

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)

- 15 You must apply to us for approval of detailed drawings to show where plant space has been provided to allow for the future connection to a district heating network. You must not use any part of the basement until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

Reason:

To ensure that the development is designed to allow for the cost-effective connection to a future heat network a later date. This is as set out in SI 3 of the London Plan (2021).

- 16 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either:

- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or
- (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the setting of the Mayfair and Stratford Place Conservation Areas.

- 17 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the setting of the Mayfair and Stratford Place Conservation Areas.

- 18 No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing, by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason:

The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

- 19 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

\* provide detailed design and RAMS - These will have to be submitted during the life cycle of the construction programme and no work to commence without written approval from TfL Infrastructure Protection Engineer

\* accommodate the location of the existing London Underground structures and tunnels - any temporary or permanent change to the loading must be demonstrated to be acceptable to London Underground incorporating any required mitigation measures.

\* and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy T3 and 'Land for Industry



and Transport' Supplementary Planning Guidance 2012

- 20 No piling shall take place until piling method statements (detailing the depth and type of piling to be undertaken and the methodology by, which such piling will be carried out, including measures to prevent and minimise the potential for damage to both subsurface sewerage and subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.,

Reason:

The proposed works will be in close proximity to underground sewerage and water utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility and underground water utility infrastructure.,

- 21 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green walls and green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 22 You must apply to us for approval of detailed drawings in relation to the courtyard planted ventilation and plant area to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 23 You must not use the terraces except between the hours of 09.00 and 21.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays. You

must not play any amplified music on the terraces which is audible from the boundary of the site.

Outside of these hours you can only use the terraces to escape in an emergency.,

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 24 The glass that you put in the 4th, 5th and 6th floors in the flank wall west elevation elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 25 You must apply to us for approval of detailed drawings (at scale 1:50) showing the following alteration to the scheme:

1. Details of boundary treatment for the third floor roof terrace areas showing the areas for sitting out.

You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawing. Thereafter the remaining part of the flat roof outside of the terrace boundary shall be used for emergency access and maintenance purposes only.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 26 You must apply to us for details of the proposed boundary treatment to the seventh floor roof terrace.

You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings and the boundary treatment shall be installed in full prior to the use of the terraces and thereafter retained.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 27 Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance.

The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy 38 of the City Plan 2019 - 2040 (April 2021).

- 28 The areas at ground and basement floor level shown hatched and marked 'Class E Retail' on drawing numbers 16162 (00)\_P059 Rev P00 and 16162 (00)\_P060 Rev P01 and the areas at first floor marked as 'Existing retail unit' on drawing number 16162 (00)\_P101 Rev P01 shall only be used for retail Class E (a) and shall be used for no other purposes including for other uses within Class E of the Use Classes Order (as amended September 2020)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 29 You must only use the part ground and second to seventh floors for office use. You must not use it for any other purpose, including any uses 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 use sought and assessed and 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, contrary to Policies S24, S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 30 You must apply to us for approval of details of the ventilation system to get rid of cooking smells for the retained hot food take-away use shown on drawing numbers 16162 (00)\_P059 Rev P00 and 16162 (00)\_P060 Rev P01. You must not carry out any demolition works until we have approved what you have sent us and you have carried out the work according to the approved details.

Following completion of the development, you must install the high level extract duct shown in your ventilation and extraction statement dated 01 October 2021

Reason:

To ensure that cooking odours are adequately dispersed, in accordance with Policy 16 and 33 of the City Plan 2019 - 2040 (April 2021).

- 31 You must apply to us for approval of sample panels of the cladding proposed for:
- i) The terrazzo to the base (ground and first floor);
  - ii) The street-facing terracotta (second to sixth floor);
  - iii) The terrazzo used for the seventh floor and plant enclosure,

which show the colour, texture, bond and face-jointing details. You must not start work on this part of the development until we have approved the sample panels in writing. You must then carry out the work according to the approved samples.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 32 You must apply to us for approval of full details of the following parts of the development:
- i) Typical external door and windows;
  - ii) External shopfronts;
  - iii) Metal railings;
  - iv) Doors/Screens facing onto Weighhouse Street;
  - v) External canopies;
  - vi) External lighting.

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 details.

Reason:

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

character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 33 You must apply to us for approval of details of the following parts of the development - a signage and shopfront display strategy for the Oxford Street and Davies Street facing 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 details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 34 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application

Air Source Heat Pumps and photovoltaic panels (PV),

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 35 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) 5 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)

- 36 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)

- 37 Prior to the occupation of the office accommodation, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

**Reason:**

In the interests of sustainable waste management and in order to maximise the re-use of materials.

**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 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to . (I55AA)
- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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](mailto: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.

- 5 Conditions 5 \_ 6 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)
  
- 6 Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're, considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Workingnear-or-diverting-our-pipes>. , , Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB, , If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://thameswater.co.uk/buildingwater)., , Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
  
- 7 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
  
- 8 The proposed windows in the flank wall west elevation are located immediately adjacent to the boundary of the site and rely on the adjoining site for daylight, sunlight, outlook and natural ventilation. These windows would prejudice the potential for reasonable development on the adjoining site and for this reason daylight, sunlight, outlook and natural ventilation to them will not be protected if development proposals for the adjoining site comes forward in the future.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.