

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Regent's Park	
Subject of Report	Development site at 26 - 46 Lisson Grove & 18 Hayes Place, London, NW1 6TT		
Proposal	Part retention of existing basement walls and demolition of ground and upper floors at 26-46 Lisson Grove and 18 Hayes Place, and redevelopment to provide a seven-storey building with a single storey basement comprising: office space and retail space commercial uses (Class E), alterations to public realm, servicing, ancillary plant, storage, cycle parking and other associated works.		
Agent	Miss Lucy Hale		
On behalf of	C/O Agent		
Registered Number	22/05145/FULL	Date amended/ completed	28 July 2022
Date Application Received	28 July 2022		
Historic Building Grade	Setting of Grade II listed buildings including the St Edward's Convent of Mercy and Marylebone Station		
Conservation Area	Bordered by the Lisson Grove Conservation Area to the north and west		
Neighbourhood Plan	N/A		

1. RECOMMENDATION

1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:
 - i. Provision of a financial contribution of £315,294.37 (index linked) to provide employment, training and skills development for local residents;
 - ii. Highways works necessary to facilitate the proposed development including stopping up and dedication;
 - iii. Provision of a financial contribution of £99,252 to the Carbon Offset Fund (index linked) payable prior to the commencement of development;
 - iv. Be seen energy monitoring; and
 - v. The costs of monitoring the S106 legal agreement.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-

Committee's resolution, then:

- a) The Director of Town Planning and Building Control shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Town Planning and Building Control shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which 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. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place.
4. That the Director of City Highways, Executive Director of Environment and City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the demolition of the existing buildings on the site, which comprise Ground, first and second floors, recessed third floor and plant rooms, and for the erection of a replacement building, set over ground, first to sixth floor level where the three top levels are set back (in part) from the main front elevations, with an extended basement level. Terraces and green roofs are proposed on the upper recessed levels. The building is proposed to primarily be used as offices with commercial/retail at ground and basement floor levels. The extended basement will also house ancillary service areas and cycle storage and additional office/commercial space. Through pulling the building line back from the existing, additional public realm will be achieved on the Lisson Grove frontage. A dedicated off street servicing bay is proposed at the northern end of the site, which will be accessed from Hayes Place.

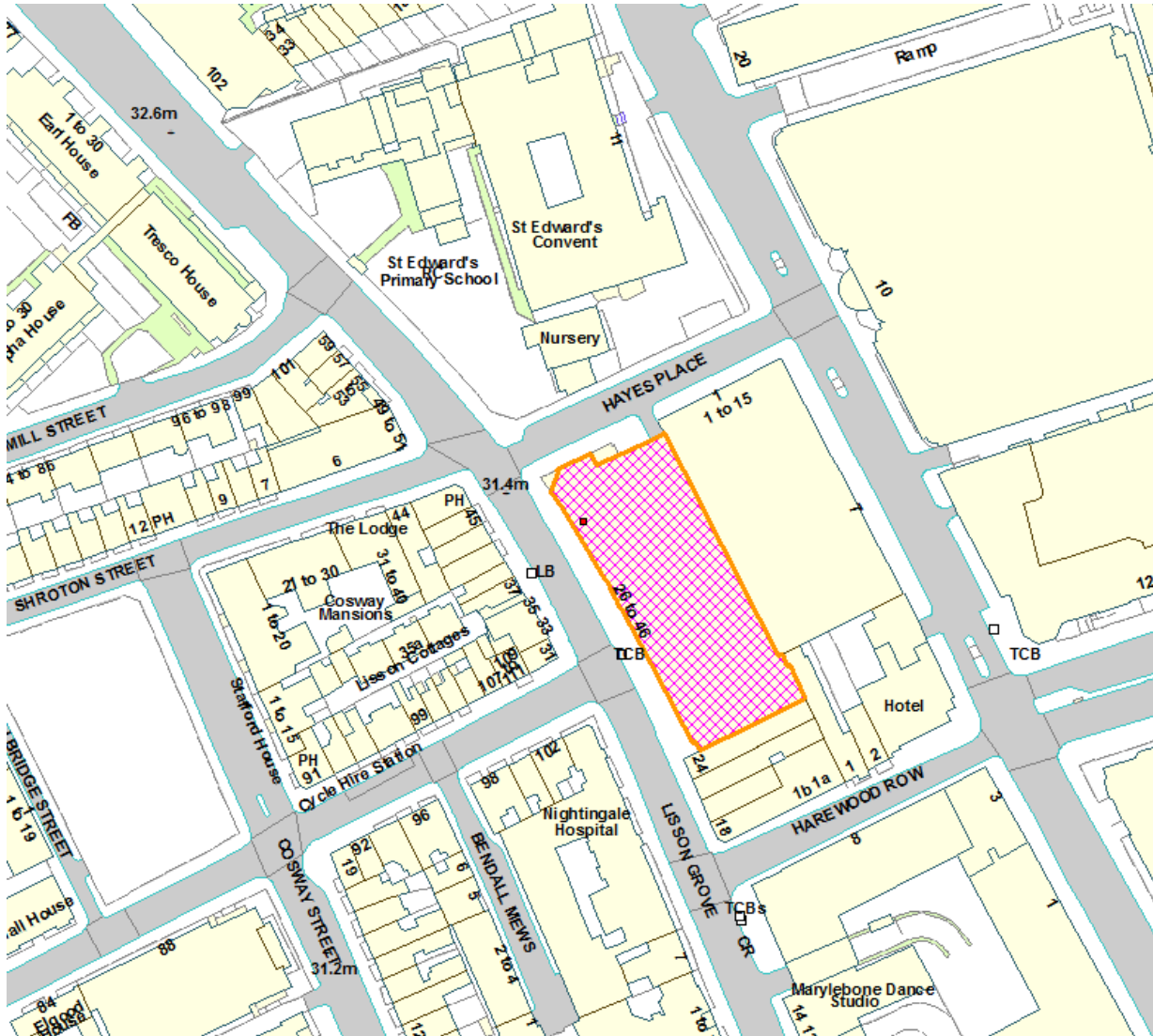
The key considerations in this case are:

- The acceptability of the development in terms of its environmental impact and energy performance.
- Whether the development has delivered sufficient biodiversity net gain.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the adjacent Lisson Grove Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed St Edwards Convent buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the development in highways terms.

The proposed development is considered against policies in the City Plan 2019-2040 (adopted April 2021). As set out within this report, the proposals are considered to be acceptable in relation to the

key considerations set out above, subject to the conditions on the draft decision letter and the obligations secured in a section 106 legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS

View looking south down Lisson Grove with site on left



Photograph of rear of site (centre and left) and rear of 7 Harewood Avenue on right



5. CONSULTATIONS

5.1 Application Consultations

WARD CLLRS FOR REGENTS PARK

Any response to be reported verbally.

WARD CLLRS FOR CHURCH STREET

Any response to be reported verbally.

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

Any response to be reported verbally.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Any response to be reported verbally.

DESIGNING OUT CRIME

Any response to be reported verbally.

LONDON UNDERGROUND LIMITED

No objection, however given the sites close proximity to underground tunnels conditions recommended in relation to:

- the development will not have any detrimental effect on our tunnels and structures either in the short or long term;
- the design must be such that the loading imposed on our tunnels or structures is not increased or removed;
- we offer no right of support to the development or land.

TRANSPORT FOR LONDON

- Request that TfL infrastructure Protection Team has been consulted

Public Transport and cycle hire:

- The submitted swept path analysis does not identify the offside bus stands on Hayes Place north side. Further information required to demonstrate that servicing vehicles can operate with buses in the stands.
- Further information required to demonstrate how bus stand and bus services will operate during construction.
- There are two cycle docking stations in proximity. Further comments to follow.

Parking:

- 147 long-stay and 33 short stay cycle parking is provided, in accordance with the London Plan.
- Internal office short stay cycle parking must be easily accessible and well sign-posted. Details of how these spaces will be accessible to visitors required.
- Majority of cycle parking is within the basement. Ground floor would be preferable for ease of access. If basement is required, two rather than one cycle lifts or a ramp should be provided, with minimum size standards of 2.3mx2.4m and 1m wide door.
- Concerns that the proposed 4 on street Sheffield cycle stands at the southern end of the site may create a pinch point.

- Cycle facilities such as changing areas and showers is welcomed and should be secured.
- The development is car-free which is welcomed. Two on street disabled bays are proposed, which is not indicated as having a negative impact on street parking stress and should be secured by S106.

Public Realm:

- Improvements along Lisson Grove and Hayes Place should compliment the C51 scheme in line with the Mayor's Healthy Streets approach.

Delivery and Servicing:

- An onsite loading bay is proposed from Hayes Place, which will be controlled and shuttered with 34 deliveries a day. Vehicles will reverse off Hayes Place. Developments should seek to design out reversing and it must be robustly demonstrated that this is not possible, with suitable measures implemented to minimise conflict between different modes. Particularly the aforementioned bus stand.

Trip Generation:

- The increase in floorspace has identified an increase in the number of trips to the site. The London Plan Mayors Transport strategies seek to promote sustainable and active travel and reduce car dominance. The applicant should make a site-specific contribution towards improving the sustainable and active travel environment within the vicinity of the site, such as towards C51.

Travel Plan:

- The submitted travel plan should be secured. It is recommended it is updated to include free cycle hire membership for employees of the office space

NETWORK RAIL

Any response to be reported verbally.

NATIONAL GRID (Cadent)

No objection subject to informative to ensure developer is aware of proximity of Caden assets and to ensure development does not infringe on legal rights of access.

LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

THAMES WATER:

Comments and conditions in relation to waste, water, sewage and piling.

WASTE PROJECT OFFICER

Objection as the proposals are not in accordance with council waste storage requirements. Following the receipt of additional information, confirm details are acceptable and should be secured by condition.

HIGHWAYS PLANNING OFFICER

Servicing:

- The existing site has off street servicing. Off street servicing is provided and welcomed.
- A servicing management plan has been provided however it is technical in nature and not considered a practical document for day to day use. Limited freight consolidation commitments, and the bay may be able to be used by other sites within

- the vicinity. An updated SMP should be secured by condition.
- A rapid charging point should be provided in the loading bay and should be secured by condition.
 - Waste will be collected internally from within the loading bay, which will assist in contributing to an improved highway and public realm.

Trip Generation and Travel Plan:

- Only relates to retail and office use and not wider Class E uses.
- Given that other uses within Class E have not been considered, it is recommended that the use is restricted, as further information (including staff numbers, hours of operation, capacity, trip generation etc) would need to be submitted on other proposed use/s for consideration and approval for uses that were not retail or office.
- A travel plan is not required for office and retail use given the location.

Car Parking:

- Reduction in car parking welcomed
- Site is within Controlled Parking Zone, therefore anyone who does drive to site would be subject to those restrictions.

Cycle Parking:

- The proposed long and short stay cycle parking within the site is in accordance with Policy requirements.

Canopies & Flags

- Any structure over the highway must maintain 2.6m vertical clearance, and be set back 1m back from the kerb edge. If within 1m of the kerb edge, 5.3m vertical clearance required.

Highway Works including public realm, building line, vehicle access, on-street changes:

- The existing vehicle access to the site in Hayes Place will need to be modified.
- Removal of the on-street servicing bay will be significantly reduced, which will significantly improve the highway environment for pedestrians, cyclists and highway users. The works should be secured as part of the S106/S278 legal agreement.
- The setting back of the building line will also improve the pedestrian environment, the highway should be dedicated as part of any legal agreement. Where the building line is amended the areas will need to be formally stopped up and dedicated.
- The proposed materials for the public realm are not considered consistent with the local highway network. Further discussions on this are required to ensure all highway users are accommodated.
- It is unclear if the proposed layout on Lisson Grove is functional, including the placement of cycle parking.
- Doors currently are shown opening over the highway which would cause an obstruction. This should be conditioned.

ARBORICULTURAL OFFICER:

- Three lime trees on Lisson Grove are owned and managed by the City Council. Their safe retention is essential.
- Pruning to the trees is proposed, however it is unclear if this will be sufficient to allow for demolition and construction activity.
- A detailed construction methodology is required to demonstrate that the trees will be safeguarded during demolition and construction.
- Amendments are required to the root protection areas shown on the submitted documents.
- Suitable details of green roofs and walls required

BUILDING CONTROL

Request further information in relation to site investigation and basement construction method statement. Following the receipt of additional information, no objection to the proposals.

ECONOMY TEAM

A contribution of £315,294.37 is required.

ENVIRONMENTAL SCIENCES:

No objection. Comments regarding the following:

Air Quality:

- Development will be air quality neutral for buildings and transport
- During construction, impact from dust classed as medium risk. Demolition and construction should be carried out in accordance with relevant IAQM guidance. Residual effects are negligible.
- Impact on surrounding areas local air quality classified as 'insignificant' and considered to be 'not significant' by officers.

Contaminated Land:

- The submitted report provides sufficient detail to address Phase 1 of the councils standard condition. Phases 2, 3 and 4 should be secured by condition.

Mechanical Plant:

- Further assessment of the buildings service noise will need to be carried out as the detailed design progresses. Based on the predicted noise levels, no objection is raised subject to standard noise conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 576

No. of responses: 4

No. of objections: 1 raising the following concerns:

- Due to the height of the building it will result in a loss of light.
- Concerns in relation to damage to adjacent buildings during construction.

No. neither supporting or objecting: 2 with the following comments:

- Overall there is a benefit from the development

Concerns regarding:

- Multiple vehicle service requirements for both the retail and office tenants. With existing bus parking and proximity to school raises concerns in relation to noise and pollution in general.
- It will be noise for the duration of the construction/demolition works. Trust that hours of work and site traffic will be minimised to prevent blocking of Hayes Place.
- Query if the Tesco will be retained.

No in support of the proposal: 1

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in table 1 below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Presentation	13.12.21	Cllr Arzymanow	Introduction to scheme & feedback
Meeting	14.12.21	Cllr Rigby & Swaddle	Introduction to scheme & feedback
Meeting	17.12.21	St Marylebone Society	Introduction to scheme & feedback
Meeting	20.01.22	Cllrs Toki, Less and Noble	Introduction to scheme & feedback
Meeting	26.04.22	BNP Paribas	Introduction to scheme & feedback
Presentation	16.05.22	St Marylebone Society	Update & feedback
Meeting	27.05.22	Cllr Rigby, Oteh-Osoka	Update and feedback
Presentation	30.05.22	Harewood Row Residents	Update on plans and feedback
Meeting	31.05.22	Cllr Noble, Less and Toki	Update & feedback
Website	19.01.22 – 7.02.22	347 website hits	12 surveys completed and 3 emails
Flyer	20.01.22	966 addresses	Introduction and summary
Website	13.05.22 – 31.05.22	76 website hits	Update to proposals. 4 surveys undertaken
Flyer	13.05.22	966 addresses	Update to proposals

In summary, across the range of engagement undertaken by the applicant the principal issues raised were in relation to:

- Concerns in relation to height and mass of building
- Impact of development on light to adjacent occupiers.
- Tesco's and its retention
- Job centre retained as access to central London difficult
- possibility for front of building for restaurant / seating
- development site could be used for housing rather than office space given increase in working from home and limited need for offices due to COVID-19 pandemic.
- hope the development would improve anti-social behaviour around the site
- disruption during construction concerns

In response to the feedback amendments were made to the massing of the building to align with adjacent buildings to the east; that they would sign up to the councils CoCP; sustainable construction techniques would be used; provide flexible ground floor uses, which could include a replacement supermarket; and the provision of a dedicated

servicing bay.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The site is split into two parts: 18 Hayes Place comprises a service entrance to the basement and a yoga studio on part ground, first, second and third floors (Class E); At 26-46 Lisson Grove, the building is in use as offices (Class E) on the upper floors and part ground floor, and a job centre and Tesco occupy the remainder of the ground floor.

It is located on the east side of Lisson Grove, south of Hayes Place and terminates Bell Street to the west. The main Lisson Grove building dates from 1957 and is four storeys including a set back top floor. Its western façade curves outward to the corner of Hayes Place and Lisson Grove. The building is slightly raised on a brick plinth with 2 raised entrances, which meet the ground poorly. It was originally developed as a Government Labour Exchange – a precursor to the modern Job Centre Plus - and was one of the largest exchanges in central London.

18 Hayes Place is slightly set back from the street and is a relatively non-descript brick building, which provides access to a Yoga studio and has back of house service entrances and louvred screens.

Whilst outside of a conservation area, the site is bordered by the Lisson Grove Conservation Area to the north and west. The Lisson Grove Conservation Area is centred on Bell Street and comprises predominantly residential terraces, interspersed with a number of institutional developments and some 20th century infill. The Georgian, Victorian, and Edwardian terraces define the character of much of the area. The site is also located in the wider setting of several Grade II listed buildings including the St Edward's Convent of Mercy and Marylebone Station.

The site is also located above the London Underground and is within the Westminster Central Activities Zone and Lisson Grove Local Centre.

7.2 Recent Relevant History

26-46 Lisson Grove

On 9 December 1955 (Ref. 8974/C) permission was granted for the use of the building as auction rooms and offices, with ancillary residential flat on the third floor and storage and car parking at basement level. Following this permission there are no applications of relevance to this application for 26-46 Lisson Grove.

18 Hayes Place

On 10 April 2008, planning permission (application ref.07/03696/FULL) was granted for the use of part of the ground floor as a convenience shop (Former Use Class A1) (Tesco Express) with associate external works.

On September 2009, an application (application ref.07/04626/FULL) for the use of part of the ground, first floor and second floor as offices (former Use Class B1) and alterations to the Hayes Place entrance was recommended for approval. A S106 agreement was never signed and accordingly planning permission never granted.

On 8 September 2010, planning permission (application ref.10/06031/FULL) was granted for the dual/ alternative use of part ground, first and second floors as an auction house (sui generis) or a yoga studio/ health and fitness centre (former Use Class D2) and for the dual/ alternative use of the third floor as either a caretaker's flat (Use Class C3) or yoga treatment room (former Use Class D2) (application ref. 10/06038/FULL). Both permissions were limited to a period of 10 years. The permission includes an informative which state that the lawful use of the floors after the 10 year expiry date will be the use the floors are in on 9 September 2020. The part ground, first and second floors of 18 Hayes Place were in use as a yoga studio and the third floor is in use as a yoga treatment room.

On 11 March 2020, planning permission (application ref.19/10021/FULL) was granted for the use of the basement as part of the yoga studio former Use Class D2.

8. THE PROPOSAL

The application proposes the demolition of the existing buildings on the site, which comprise ground, first and second floors, recessed third floor and plant rooms. The proposed development includes the following works:

- Erection of a replacement building, set over ground, first to sixth floor levels where the three top levels are set back (in part) from the main front elevations.
- Extended basement level.
- Use of part of flat roofs at fourth, fifth and sixth floor levels as terraces.
- Installation of biodiverse green roofs to all flat roofs, with enhanced soil depth provided to the main roof of the uppermost level.
- Use of the building as Class E accommodation for offices on the upper levels and commercial/retail at part ground floor level. The basement will house ancillary service areas and cycle storage and additional office/commercial space.
- Provision of enlarged public realm on the Lisson Grove frontage through pulling the building line back from the existing.
- Provision of a dedicated off street servicing bay at the northern end of the site, which will be accessed from Hayes Place, with associated alterations to the highway.

Table 2: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/- (sqm)
Office (Class E)	4,971	10,201	+5,230
Retail (Class E)	408	423	+15
Yoga Studio (Class E)	813	0	-813
Total	6,192	10,624	4,432

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy 1 of the City Plan relates to Westminster's Spatial Strategy and seeks to promote intensification and optimisation of densities in order to promote jobs and commercial growth. This will need to balance competing functions within the Central Activities Zone and shopping frontages. This will need to be achieved in association with mitigating the effects of climate change, and enhancements to the natural environment and public realm. Growth will primarily be delivered within the CAZ, West End and Town Centre Hierarchy.

Policy 13 supports economic growth through new and improved office floorspace to increase capacity for jobs within targeted parts of the borough, including the CAZ and town centre hierarchy.

Policy 14 relates to town centres, high streets and the CAZ. The site is located within both Westminster's Central Activities Zone and the Lisson Grove Local Centre. The policy supports the intensification of town centre uses, subject to their impact on townscape and heritage. It requires uses which provide an active frontage and serve visiting members of the public at ground floor level and will be of an appropriate scale, type and format to enhance the function of the centre which it serves.

Policy 16 relates to food, drink and entertainment uses and seeks to ensure that an over-

concentration of such uses will be prevented where it could harm residential amenity, vitality and character of an area, or the diversity which defines the function of a local centre.

Policy 17 seeks to protect existing community infrastructure and facilities. The supporting text states that these can include sports and leisure facilities which are publicly or privately owned.

9.1.1 **Land Use Overview**

It is proposed that the whole development will be Class E. Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020. It amalgamates a number of uses that previously fell within Classes A1, A2, A3, B1, D1 and D2; shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity. Class E is split into 11 sub-categories a-g (inclusive of subsections).

Under Class E, the use of a building can flip flop back and forth between any of these uses without the need for planning permission, on the basis that it is not development and does not therefore require planning permission. For instance, the existing ground floor supermarket could flip to office accommodation without the need for planning permission. Given the breadth of uses which fall within Class E, and the implications that a change of use would have on factors such as the character, environment, servicing and highways implications, conditions are recommended to limit what uses can occupy the building.

The building proposed is to be a mix of office and commercial uses, with offices taking up the vast majority of the floorspace (Class E (g)), but with some retail provided at ground floor level in a similar location as the existing Tesco, with the remainder of the ground floor used as an office reception space and more offices.

9.1.2 **Loss of Yoga studio**

Currently part of 18 Hayes Place is used as a Yoga studio (Class E (d)), which could be considered as a community use in the context of Policy 17. The policy states that such uses will be protected unless it has been demonstrated that the loss is necessary, there is no demand, where other uses are provided, or within the CAZ and town centre where other active town centre uses are provided. While none of these requirements are met, there are other planning balance considerations, given the total redevelopment of the site and benefits such as improved public realm and street fronting frontages that the development will bring. These are discussed further below.

9.1.3 **Office use**

The local area has a very mixed character with offices, educational, retail and residential uses in the immediate vicinity. The proposals for a largely office led scheme with retail and opportunities to increase activity at ground floor level are generally considered to fit with the local character of the area.

The proposals result in an increase in office floorspace by 5,230sqm, which given the

location with Westminster's CAZ, is considered to be in accordance with policies 1 & 3 of the City Plan.

9.1.4 Retail uses

It is unfortunate that more of the ground floor of the development has not been prioritised for retail units, given the location of part of the site within the Lisson Grove Local Centre. However, the local centre only includes the southern half of the site with the other area of the centre located to the north on the other side of Lisson Grove. The main proposed retail unit is at the northern end of the site which is located outside of the local centre. This unit is slightly larger (15sqm) than the existing Tesco supermarket. While it has not been stated that this unit will again be a supermarket, is it of a similar size to the existing. It is noted from the early engagement exercise, and 1 response to the planning application, that the existing supermarket is valued, however given the limited number of responses, it is not considered to be of particularly high community value. While the reprovision of a supermarket in this location would be welcomed, it is not considered that limiting it only to a supermarket could be sustained. It is however recommended that a condition is imposed to limit the unit to only uses falling with Class E (a) "Display or retail sale of goods, other than hot food" or (b) "Sale of food and drink for consumption (mostly) on the premises" or (c) financial, professional or commercial services.

The applicant has stated that the large central office reception area will appear welcoming and engaging and help to activate the frontage and is likely to include an ancillary café/ flexible workspace to help ensure the frontage is active.

While it does serve visiting members of the public, the existing job centre at the southern end of the site is set well back and does not have a welcoming feel. The proposal is for a ground floor office in a similar location to the Job Centre.

As existing the building is generally unwelcoming at ground floor level, due to both the blank and closed off nature of the frontage and due to the ramped entrances to access the building due to different internal levels. The retail unit will have a similar character to the existing Tesco, with an improved frontage and increased area of public realm. The central office reception has level access and an improved relationship with the street, with glazing and double doors providing access to the ground floor. The office to the south will not have as active a unit in terms of people coming and going as the Job Centre, however the building will have an improved frontage and will still maintain an open frontage with dedicated office entrance and will therefore not be 'dead'.

While it is a regrettable that additional retail uses are not provided at ground floor level, it is noted that the proposed scheme will provide an improved pedestrian environment, with more open and welcoming frontages, and an improved and enlarged public realm through pulling the frontage back at the northern end. In order to ensure that the development provides the retail unit and large open office entrance, conditions are recommended to limit the use of these spaces to as shown on the submitted plans. Given the loss of the existing Yoga Studio, it is also recommended that the ground floor office and basement could also be used for sport, recreation or fitness (Class E (d)), however if such a use is desired, further details in relation to Operational Management and in relation to noise and vibration details must be submitted to and approved first by the City Council to ensure that such a use would not have a negative impact on the local area or adjacent occupiers. It is also recommended that such information is submitted

should a restaurant use be proposed.

Conditions are recommended for the following:

- To ensure that the upper floors of the building are only used as offices Class E (g i).
- That the retail unit is only used as such, namely Class E (a), (b) or (c).
- For details to be provided to indicated how the area marked as 'reception' on the plans will be laid out to ensure that it is open and welcoming, and to be restricted to uses within Class E (a), (b), (c) or (g i)
- That the office area at ground floor level is restricted to Class E (a), (b), (c), (d) or (g i).
- That the basement is restricted to Class E (a), (b), (c), (d) or (g i).
- That no primary cooking is undertaken at the development site unless suitable details of ventilation have been submitted to and approved by the City Council in consultation with the Environmental Sciences Team.
- Should a sport, recreation or fitness or a restaurant use be proposed (Class E (d) or (b)) an Operational Management Plan and details of noise and vibration mitigation measures shall be submitted to and approved by the City Council in consultation with the Environmental Sciences Team.

9.1.5 **Affordable Housing**

The development does not trigger the requirement for affordable housing.

9.1.6 **Land Use Conclusion**

The loss of the yoga studio and the limited amount of retail at ground floor level is regrettable. It is however also appreciated that the existing Yoga studio is not protected and could change use within Class E as existing without prior permission. In order to provide flexibility and allow for additional retail or a sports use at ground or basement level, conditions are recommended to include such uses should such a use wish to utilise these areas in the future. Subject to these conditions, and the benefits of the scheme in terms of improved public realm and street frontages, the proposals are considered acceptable in land use terms.

9.2 **Environment & Sustainability**

9.2.1 **Principle of demolition**

The Applicant proposes 'an exemplar development which looks to support WCC's City Plan and provide future proofed sustainable development' as stated in the Design and Access Statement. During the course of the application officers requested further justifications to support the Applicant's claim that substantial demolition is required to meet the energy and floor space requirements for contemporary office space. The Applicant confirmed that the existing structure is inefficient and substantial demolition is required to allow for the new building services and plant space in the basement to be provided. The Applicant commits to reduce the carbon footprint of the proposal as much as feasibly possible. The existing basement is retained and extended. The Applicant also commits to incorporate Circular Economy principles and measures to reduce demolition waste, identifying waste streams (based on pre-demolition reports) and potential revenues for upcycling materials (Refer to section on Circular Economy below).

A hybrid cross laminate timber and steel structure is proposed, with reinforced concrete cores, while retaining the existing basement and foundations, minimising as much as

possible, at this stage of the design, the upfront carbon. The architects have confirmed that the building frame allows for significant alterations and so is suitable for alterations in the future should alternative uses be proposed, lengthening and future proofing the building. The Applicant has committed to comply with the GLA's 'Aspirational' benchmark of 970kgCO₂e/m², and the Council will be seeking to validate that commitment through planning conditions.

The development is targeting the following:

- BREEAM 2018 'Outstanding' Shell and Core (Office), with 'Excellent' as a minimum
- Urban Greening Factor (UGF) target of 0.3.
- Waste diverted from landfill of minimum of 95%.
- Health and Wellbeing aspects are addressed under the WELL Certification commitment. The targeted credits are focused on internal air quality, healthy construction practices, sustainable material specifications, natural ventilation and thermal comfort.

Based on the above information, and subject to conditions/S106 including for 'Be Seen' and 'Whole Life Carbon', the proposed demolition and re-development is considered to comply with Westminster's City Plan Policy 38.

9.2.2 Energy Performance

The proposed development complies with the Approved Documents Part L2A (Conservation of Fuel, and Power) of the Building Regulations 2013 as shown on the Table below.

Table 3: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO ₂ per Annum	%
Be Lean: Savings from energy demand reduction	27.1	21.0
Be Clean: Savings from heat network	0	0
Be Green: Savings from renewable energy	33.8	26.0
Cumulative on-site savings	60.9	47.0
Carbon shortfall	34.8	
	Tonnes CO ₂	
Cumulative savings for offset payment	£99,252	
Cash-in-lieu contribution	£99,252	

The GLA has released a cover note (15th June 2022) regarding the recent update to Part L, in which they have acknowledged the increased difficulty with achieving the improvement targets.

“Initially, non-residential developments may find it more challenging to achieve significant on-site carbon reductions beyond Part L 2021 to meet both the energy efficiency target and the minimum 35% improvement. This is because the new Part L baseline now includes low carbon heating for non-residential developments but not for residential developments.”

The Applicant has confirmed that under the new guidance the total cumulative savings will be 20%.

The Applicant is advised to improve upon the proposed Energy Use Intensity benchmarks during design stage through reduction of future tenant energy use via Building Use Guides, Green Lease etc.

9.2.3 Whole Life Carbon

The proposed development is a 6 storey commercial office-led scheme with one level of basement. Reinforced Concrete (RC) raft foundation over the entire site, new RC retaining walls to existing and new basement, RC basement columns and RC ground floor slab and part of first floor. Steel frame and cross laminated timber (CLT) slabs. RC lift cores providing stairs, lifts, WCs and service risers. Reducing the embodied carbon of the structure must be priority in all new built proposals. The highest impact as identified by the Applicant within their Whole Life Carbon Assessment is within the structure (substructure + frame), accounting for almost 40% of the overall emissions for the building. The Applicant is relying on two main mitigation strategies in reducing the embodied carbon of the structure:

- Cement replacements in the RC substructure, namely ground granulated blast-furnace slag (GGBS)
- Recycled content and use of electric arc furnace (EAF).

Both mitigation measures depend on manufacturer input, contractor procurement methods and resource availability (GGBS). The Council has flagged that these measures hold potential risk of non-compliance and therefore a condition is proposed to monitor if the embodied carbon is kept within the proposed benchmarks through all stages to practical completion.

Additionally, the proposed development is treated as ‘exemplary’ and a condition is recommended, following GLA guidance to Local Authorities to secure Post-Construction Whole Life Carbon Assessment to be submitted in the interests of sustainable development and data transparency.

Reporting on Module D (which relates to reused & recycled construction materials), and carbon sequestration is available within the Whole Life Carbon Assessment for the proposal. The quantities of engineered timber used are significant and design for deconstruction measures are strongly encouraged (e.g. use screed substitute to CLT floors to ensure the highest value reusability at the end of life).

9.2.4 Circular Economy

A Circular Economy Statement has been provided during the course of the application which complies with the GLA Policy SI7 ‘Reducing waste and supporting the Circular Economy’ for 2021. A pre-demolition audit has also been provided, identifying the existing materials on site (See table below).

The Applicant has identified potential Waste Management Streams for the metal and timber elements. There is currently no information on the hardcore, concretes and carpets re-use. During the course of the application, a commitment to developing further their Circular Economy Strategy has been agreed to maximise the re-use potential for all identified elements.

Table 4: Pre-demolition Audit by Keltbray - results.



Appendix 2 – Site Pre-Demolition Audit Finding Results

Material Type (expected in the building)	Forecast	Unit
Soft Strip		
Hardcore and concrete	1800	m ³
WEEE – Waste	0.5	Tonne
Carpet tiles	2000	m ²
Rubbish – Mixed	1	Tonnes
Glass	3	Tonnes
Plasterboard	15	Tonnes
Timber	4	Tonnes
Non Ferrous Metals	80	Tonnes
Ferrous Metals	150	Tonnes

*Hazardous Waste to be defined with full R&D Surveys

The Circular Economy Statement complies with the GLA Circular Economy draft guidelines from September 2020 which was available at the time of the application.

9.2.5 Air Quality

The application is supported by an 'Air Quality Assessment Report' by Sweco UK Ltd dated July 2022. The report establishes that the proposed development is air quality neutral for buildings and transport. During the construction phase the impact of dust has been classed as medium risk. The demolition and construction should be carried out in accordance with relevant IAQM guidance. The residual effects of the construction phase are negligible. The development will be subject to Westminster's Code of Construction Practice, which is agreed prior to starting work with the Environmental Inspectorate. This will be secured by condition.

Regarding the impact of the proposals on the surrounding area, a screening assessment of the operational phase was undertaken in line with EPUK/IAQM guidance. The conclusion of this assessment is that the impact of the proposed development on local air quality would be 'insignificant'. The air quality effect of the proposed development is considered to be 'not significant' and therefore there are no constraints to the proposed development in the context of air quality.

9.2.6 Flood Risk & Sustainable Drainage

The site is not located within a designated Surface water flooding hotspot. The

Environment Agency Flood Maps for Planning (River and Seas) indicates that the site is located within Flood Zone 1 (Low Risk) with a less than 0.1% chance of flooding from rivers.

A Flood Risk Assessment has been submitted with the application. The report includes recommendations to reduce surface water runoff from the development site, namely rainwater collection on the green roofs and with attenuation tanks. These will reduce discharge rates from the development site in the event of heavy rainfall. These are recommended to be secured by condition.

9.2.7 **Light Pollution**

Policy 33 relates to local environmental impacts and seeks to ensure that developments are designed to minimise glare and light spill on local environments. The Planning Statement notes that a detailed lighting strategy has not yet been developed and can be secured by way of a condition. Given the location of residential windows around the site, such a condition is recommended to ensure that the environment of adjacent occupiers is considered and mitigated through suitable lighting design.

9.2.8 **Odour**

The development does not include any uses which would generate significant levels of odour. As mentioned within the Land Use section of the report, a condition is recommended to ensure that no primary cooking is undertaken on site unless suitable details of ventilation are submitted to and approved by the City Council in order to comply with Policy 33(D) "Local environmental impacts" and the Environmental Sciences Supplementary Planning Guidance in relation to ventilation.

9.2.9 **Land Contamination**

A Land Contamination Assessment report by Campbell Reith dated July 2022 has been submitted. The report provides sufficient detail to address Phase 1 of the contaminated land condition. In section 6.4.1 of the report there is mention of previous historic industrial uses including garage, engineering works, printing works, manufacturers, and railways. Given these prior uses, Environmental Sciences has recommended the councils standard contaminated land condition is applied for additional information to be submitted during and after the development process (namely phases 2, 3 and 4).

9.2.10 **Environment & Sustainability Summary**

Based on the documentation provided and the subsequent correspondence provided during the application process, the scheme is considered to be policy compliant in relation to Environmental and Sustainability subject to conditions to ensure that the development maintains its exemplar credentials through to fruition.

9.3 **Fire Safety**

The development does not include a 'relevant building' for the purposes of requiring a Gateway One Fire Statement. It does however require a Fire Strategy in accordance with the London Plan of which Policy D12 requires that developments proposals must achieve the highest standards of fire safety. Policy D5 states development proposal should achieve the highest standards of accessible and inclusive design. They should be designed to incorporate safe and dignified emergency evacuation for all building users.

The proposed building will include measures such as the provision of two evacuation lifts, which will be located centrally within the main passenger lift bank and will be designed and installed in accordance with the relevant provisions in BS EN 81-20 and BS EN 81-70. Fire safety systems both passive and active above a standard prescriptive approach are proposed given the presence of Cross Laminated Timber (CLT) on the scheme which includes increased fire detection and alarm systems, sprinkler protection and increased level of compartmentation. Hydrants will be provided within 90m of the dry riser inlets and fire service vehicles access will be no more than 18m.

The proposed systems are considered to be suitable at this stage and will be further interrogated as part of Building Regulations approval.

9.4 Biodiversity & Greening

Policy 34 of the City Plan relates to Green Infrastructure, which seeks to protect and promote greening within Westminster. It also seeks to protect trees of importance and those which contribute to the character and appearance of the townscape. There are three street trees (Limes) along the Lisson Grove frontage of the building and the development include the use of green roofs and a green wall at sixth floor level. The development will contribute to an Urban Greening Factor of 0.301 to accord with London Plan Policy for commercial developments (requires 0.3).

Trees:

Pruning of the street trees is proposed in order to accommodate the development, to which the councils arboricultural officer does not raise objection. However it is unclear if the extend of pruning is sufficient to allow for the anticipated demolition and construction. Concerns have also been raised in relation to the potential damage to the trees during demolition and construction. While officers requested this information at application stage, it has not been forthcoming and although unfortunate, it is considered that the information can be suitably secured by condition, subject to these being prior to commencement (including demolition) conditions.

Green roofs and walls:

The drawings indicate that the flat roofs at fourth, fifth, sixth and main floor levels will include green/biodiverse roofs with the main roof level featuring a thicker substrate with deeper areas to allow for larger shrub species. The elevations also show that the parapets will include a metal planter around the roof edge, with integrated metal balustrade. Following officers queries on the intent for these roofs, it has been confirmed that they are all to be biodiverse green roofs with a minimum of 150mm of substrate, which will allow for a semi intensive/intensive green roof which is welcomed and in line with the Environment SPD.

The arboricultural officer also requested that the perimeter planters are increased in size from a width of 500mm, however for design reasons this was not possible. The provision of these green boundaries is however in general welcomed increasing greening.

The arboricultural officer has requested details of the planting mix, irrigation, planting system for the green wall and maintenance at application stage, so that these can form part of the approved documentation. The applicant has stated that such information will come forward as part of the further design stages of the development. It is not

considered that refusal on the grounds that this information has not been provided with the application, as it is considered that it can be secured through a suitably worded planning condition.

9.5 Townscape, Design & Heritage Impact

The application proposals could affect the setting of a listed building and the Lisson Grove Conservation Area. Therefore, there are a number of key legislative and policy requirements in respect to designated heritage assets that must be considered, as follows. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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.”* Section 72 of the same Act requires that, *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the Westminster City Plan 2019-2040 requires development to protect their settings and to take opportunities to enhance their settings, wherever possible. Furthermore Chapters 12 and 16 of the NPPF require great weight to be placed on design quality and the preservation of designated heritage assets including their setting. This applies to listed buildings and conservation areas. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused. In considering the effect on the setting of heritage assets it is useful to note the definition of ‘setting’ given in the Glossary to the NPPF: *“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.”*

The Development Plan for the consideration of this application consists of the Westminster City Plan 2019-2040, and The London Plan 2021. Each include policies which relate to the application site. Of particular note in relation to design and heritage considerations however are Policies 38 to 43:

- Policy 38 – Design principles
- Policy 39 – Westminster’s heritage
- Policy 40 – Townscape and architecture

9.4.1 Demolition of the existing building

The principle of the demolition of the existing building is acceptable in design and conservation terms. The existing building is of poor aesthetic and urban design quality with its appearance detracting away from the wider surroundings and setting of the conservation area. Moreover, at ground level it meets the street poorly with an inactive frontage.

9.4.2 **Scale and massing**

The design of the building has evolved through extensive Officer negotiation and consists of a total height of 7 storeys with terraces and setbacks introduced at the buildings southern end to better integrate it with the smaller scale residential buildings adjacent. The building is set back from the location of the existing and helps to provide breathing space within the street.

The overall massing increases to the northern end of the building helping provide a stronger presence on the corner and to bookend the development and contribute to the richness and interest within the streetscape. The introduction of the chamfered corner in this area provides a link to other buildings within the surrounding area such as The Globe public house.

The proposed massing sits comfortably with the adjacent building on 1-15 Hayes Place. The use of setback storeys helps to mitigate the additional height of the building when viewed in long distance views and ensures it integrates successfully in the townscape.

The plant equipment is largely integrated into the main building- it is acknowledged that there will be two lift shafts that will pop up above the existing massing. However, owing to the location of these they will not be visible from the street.

The proposed height is appropriate for its setting. Policies 38 and 40 of the City Plan 2019-2040 require development to have regard for the prevailing scale and heights of the surrounding townscape and at an overall height of 7 storeys the building is considered to achieve the aims of these policies.

9.4.3 **Architecture and materiality**

The façade articulation is broken up into five volumes with the tallest on the corner of Lisson Grove and Hayes Place. Within these volumes, it is divided into a series of bays in order to reflect the surrounding proportions of the Georgian and Victorian terraces. The street facing facades consist of brick clad piers and horizontal pre-cast concrete cills located at every floor level to counteract the vertical orientation created by the piers. The profiled spandrels are included above the full height windows providing interest and relief to this structural element. The profile of the spandrels link in with the brick dentil cornices found within nearby buildings and provide a link to interesting architectural elements found on nearby.

The use of 3 distinct brick types lightens the tone as the buildings sets back from the pavement edge and allows a visual hierarchy as the massing increases in height from south to north along Lisson Grove. There is an increased horizontal emphasis with each projection capped successfully with a chunkier pre-cast concrete element. The elevational treatments provide a clear base, middle and top to the composition. The use of Flemish bond would be preferable to that of stretcher bond as this would provide more visual interest in the brickwork. However, as this is a modern building outside of a conservation area, the use of stretcher bond in this instance is considered acceptable.

The greening of the terraces created by the setbacks is visible and helps to lighten the top of the building and successfully incorporates greening into the scheme. Moreover, a bio-diverse roof will cover the majority of the roofs.

The ground floor is faced in pre-cast concrete and provides a sense of solidity to the building. The use of stallrisers ensures that the details pick up on that of traditional shops within the vicinity.

The east and south boundary elevations are simpler elevations reflecting the adjacent Georgian terraces. A single light-coloured brick is proposed with recessed small windows punched into them. Glimpses of the southern elevation on Harewood Row will be visible but considered acceptable within the townscape. In this location, this architectural approach is considered to work successfully and blend harmoniously with adjacent buildings.

It is recommended that full materials are conditioned to ensure that the material and detailed design sit comfortably within the surrounding townscape.

9.4.4 **Setting of heritage assets**

The site is not located within an archaeology priority area. The site is however located nearby a number of listed buildings, including:

- St Edward's Convent of Mercy, And School, Harewood Avenue (Grade II)
- Marylebone Station, Melcombe Place (Grade II)
- Manor House, 1-53, Marylebone Road (Grade II)

The TVIA has confirmed that the proposed building would only appear to be visible from the St Edward's Covenant of Mercy and School. Whilst it is acknowledged that the height would be similar to that of the building at 1-15 Hayes Place. The positioning of the new building will backdrop the chapel and appear over the top of the roof. This is considered to be harmful to the setting of the listed building. This harm is assessed to be less than substantial and therefore triggers para 202 of the NPPF (2021) requiring the harm to be weighed against the public benefits of the proposed scheme.

The application site is not located within a conservation area but is located within the setting of the Lisson Grove Conservation Area. The building will appear in views along Harewood Avenue, Bell Street and Lisson Grove.

The proposed building will appear in long distance views from Harewood Avenue but owing to the building at 1-15 Hayes Place will not have detrimental townscape views and the uniformity of the terraces and setting of listed school and chapel is preserved.

The building marks an important termination points at the end of Bell Street. This view is identified as an important view within the Lisson Grove Conservation Area audit. The proposal is considerably larger than the existing but is considered to represent an improvement by creating a more successful termination point rather than the existing building being backdropped by the substantially taller building at 1-15 Hayes Place.

9.4.5 **Landscaping & Public Realm**

At ground floor the building is set back from the public highway and increases the breathing space at street level. In design and conservation terms the proposed surface treatment is acceptable, however is subject to detailed samples and Highways approval. Consideration should be given to integrating public art into the pavement in this location to add to the interest within the street, a condition for submission of details of public art is recommended.

The landscaping at upper levels involves the use of deep planters of which greenery will be visible from street level, helps to provide interest to the façade and contributes to the biodiversity of the scheme. The green roofs involving flush terrace planting is acceptable in principle subject to further details. The use of an extensive bio-diverse roof finish on to the main roof is acceptable subject to further details confirming the depth of the maintenance and planting mix.

9.4.6 **Conclusion**

The building is considered to represent high quality design and is appropriate for the location. The proportions and regular fenestration pattern ensure that the new design sits comfortably with the adjacent Georgian, Victorian and Edwardian buildings. The building is considered to preserve the setting of the Lisson Grove Conservation Area and provide a suitable termination point along Bell Street. However, there is harm to the setting of the Grade II listed Chapel of St Edward's Convent of Mercy. Overall, the proposed building is considered acceptable in design and conservation terms and provides an exciting new building that positively contributes to the townscape.

9.6 **Basement development**

The application involves the extension of the basement level to underneath the whole building. City Plan Policy 45 relates to basement developments. It is noted that the site is not located within a Flooding Hotspot area or within an Archaeological Priority Area.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the of the appearance of the existing building, garden setting and the surrounding area.

The applicant has provided a Structural Methodology Statement relating to the basement prepared by an appropriately qualified structural engineer. Additional site specific detail has been provided during the course of the application at the request of the building control officer.

The documents have been reviewed by Building Control who advise that the submitted Structural Method Statement is compliant and accepted. The Site investigation shows gravel and a London clay foundation soil and ground water was encountered. Flood risk for the site is minimal. The new basement construction using a combination of Secant piles to southern half of site and traditional underpinning which is considered to be appropriate for this site. The scheme is justified structurally and the proposal is considered to be viable. From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development

during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agree with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The entire basement excavation would be under the footprint of the building meaning that there would be no requirement for soil depth above the basement or any margin of undeveloped land and the basement would meet the requirement that it does not extend underneath 50% of garden land. The proposed basement is only one storey.

The basement would not extend under the highway.

The basement extension is considered to be acceptable and compliant with City Plan Policy 45.

9.7 Residential Amenity

Development that could result in a change to the amenity of neighbouring occupiers are assessed against Policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policies 33 and 38 C are also relevant, which seek to make sure that quality of life and health and wellbeing of existing and future occupiers, including considerations such as noise, odour and construction impacts. The applicant has submitted in support of the application a daylight and sunlight assessment by Lumina, which sets out the surrounding buildings which have been tested.

An objection has been received from a resident raising issues of daylight and sunlight.

9.5.1 Daylight & Sunlight

Daylight

For daylight matters, VSC is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window and represents the direct daylight received by a window, expressed as a percentage of 'visible sky' that can be seen from the window. This method does not rely on internal calculations, which means that it is not necessary to gain access to affected properties. If the VSC is 27% or more, the Building Research Establishment (BRE) advises that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

The BRE stresses that the numerical values are not intended to be prescriptive in every case and should be interpreted flexibly depending on the circumstances. This is because expectations may be different in rural or suburban situations compared to a more densely developed urban context. The guidance acknowledges that although these values should be aimed for, it may be appropriate in some locations such as in urban areas to use more realistic values. In light of this officers have given weight to an alternative 15% VSC, which has been accepted on other similar sites across the City. Properties that are affected by reduced daylight that see retained VSC values in the mid-teens may be considered to have a reasonable amount of daylight in the context of this particular urban location. This approach is supported by policy D6 of the London Plan, which sets out that the design of a development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context.

The BRE notes that where room layouts are known, then the no sky line (NSL) can be calculated. The NSL method describes the distribution of daylight within rooms by calculating the area of the 'working plane' which can receive a direct view of the sky and hence 'sky light'. If following the construction of a new development, the NSL moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value this will be noticeable to occupants, and more of the room will appear poorly lit. It states that this does however also need to be applied flexibly.

The following properties have been tested and will be taken in turn:

- 47 Lisson Grove
- 41-45 Lisson Grove
- 37-39 Lisson Grove
- 33-35 Lisson Grove
- 24 Lisson Grove
- 22 Lisson Grove
- 20 Lisson Grove
- 18 Lisson Grove
- 1 Harewood Row
- 2 Harewood Row
- St Edwards Convent (School)
- 7 Harewood Avenue (Office)

47 Lisson Grove

Located at the junction of Lisson Grove and Shroton Street, this property will be in full compliance with the BRE Guidelines.

41-45 Lisson Grove

Located on the west side of Lisson Grove and facing towards the site, these properties have a restaurant on the ground floor with residential accommodation above at first second and third floor levels.

Table 5: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R2/LKD	W4	30.08	23.57	21.64	25.09
R3/LKD	W5	29.28	22.32	23.77	23.38
R3/LKD	W6	28.89	21.58	25.3	23.38
Second					
R2/BED	W4	32.95	25.94	21.27	12.01
R3/BED	W5	32.36	24.79	23.39	16.73
R3/BED	W6	32.03	24.11	24.73	16.73
Third					
R3/BED	W6	33.37	26.22	21.43	27.19

As indicated by the figures above, windows currently experience a very good level of light, with VSC figures around 30. While the losses of light listed above are in excess of what the BRE recommends, the light retained to each of the windows will remain good for an urban context, in excess of 20. It is also note that the rooms at second floor level will achieve good lighting with the NSL figures meeting the BRE guidelines.

37-39 Lisson Grove

This property includes commercial units on the ground floor, and assumed residential accommodation above. It has not been possible to ascertain the room uses.

Table 6: Windows with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R1	W1	28.49	20.76	27.13	48.53
R2	W2	28.14	20.11	28.54	48.13
R3	W3	27.92	19.67	29.55	47.26
Second					
R1	W1	31.96	23.68	25.91	45.84
R2	W2	31.61	23.02	27.17	49.30
R3	W3	31.34	22.56	28.02	48.37
Third					
R1	W1	33.98	26.37	22.4	54.03
R2	W2	33.81	25.84	23.57	53.72
R3	W3	33.52	25.36	24.34	53.51

Again, all windows will retain VSC levels of in excess of 20, which is considered to be a good level of light for an urban context. Due to the depth of the rooms, they will however see quite high NSL losses, but around half of the rooms will remain suitably lit.

33-35 Lisson Grove

The ground floor of this building is in use as an estate agent, with residential flats on the upper levels. It has not been possible to ascertain the room uses.

Table 7: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R1	W1	27.21	18.82	30.83	49.30
R1	W2	27.17	18.71	31.14	49.30
R2	W3	27.12	18.5	31.78	51.10
R2	W4	27.11	18.43	32.02	51.10
Second					
R1	W1	30.71	21.66	29.47	49.9
R1	W2	30.64	21.54	29.7	49.9
R2	W3	30.55	21.35	30.11	53.9
R2	W4	30.52	21.27	30.31	53.9
Third					
R1	W1	32.89	24.48	25.57	22.59
R2	W2	32.78	24.25	26.02	24.04

VSC losses for this property are high at around 30%. Rooms at first and second floor levels will also see the daylight distribution in the rooms significantly affected with around 50% losses. However the existing levels of light are very good for the urban context, and the retained levels of light are considered acceptable given the urban context. The NSL figures indicate that around half of the rooms will retain good levels of light.

24 Lisson Grove

This property is located directly adjacent to the development site to the south. Its rear facing windows will be affected by the development due to the additional bulk proposed.

Table 8: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R1/Bed	W1	22.32	16.76	24.91	0.82
Second					
R1/Bed	W1	25.37	20.29	20.02	1.98

Due to the considerable additional bulk located to the north on the development site, a bedroom located at first floor level sees the highest VSC losses, however the room only experiences very small losses in terms of NSL and therefore the daylight distribution with the room will remain largely the same as existing. Given the use of the room as a bedroom, and as the retained levels of VSC and NSL the impact is considered acceptable.

18, 20 & 22 Lisson Grove

Located further to the south of the development site, all of the windows and rooms within these property will be in full compliance with the BRE Guidelines.

1 Harewood Row

Located to the south east of the development site, records indicate that this property is in use as offices on the lower levels with flats above. The long plot has been largely infilled at lower ground floor level, but has windows in relatively close proximity within the closet wing at first floor level which serves a bedroom.

Table 9: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
First					
R2/Bed	W2	22.39	16.85	24.74	22.92
Second					
R4/Bed	W4	25.44	20.27	20.32	6.93

The aforementioned bedroom at first floor level is the worst affected room, with a retained level of VSC of 16.85. However the daylight distribution remains good for the room, with the majority remaining lit. Given the use of the worst affected rooms being bedrooms, which have a lower requirement for light than main living spaces, and given the level of light retained are relatively good for an urban context, the losses are considered acceptable.

2 Harewood Row

This is a large single family dwelling, set over lower ground, ground and three upper levels with a fourth floor located within a mansard roof extension. It has a garden to the rear including mature Plane tree.

Table 10: Windows and rooms with losses in excess of 20%

Room/ Use	Window	Existing VSC	Proposed VSC	VSC % Loss	NSL % Loss
Basement					
R3/Games	W2	13.59	10.69	21.34	26.66
Ground					
R1/Kitchen	W1	15.97	12.8	22.98	49.88
R1/Kitchen	W2	16.89	12.84	23.98	49.88

The daylight and sunlight report indicates that the basement/lower ground floor rear windows serve a games room. From the plans, this would appear to be more of a TV room, however the property does also have a living area to the front at ground floor level and a drawing room at first floor level. While the report confirms that the rear windows at ground and lower ground floor levels will see losses of both VSC and NSL in excess of what the BRE recommends, the property has aspects to both the front and rear, with all other windows retaining good levels of light and are in accordance with the BRE. Therefore when taken as a whole, the impact on this property is considered acceptable.

St Edwards Convent School

Located to the north of the site, and while the BRE Guidelines usually relate to residential properties, using the same criteria, all windows and rooms will meet the BRE's guidance.

7 Harewood Avenue Offices

This is an office building with large floorplates located directly to the east of the site. It has a large expanse of glazing within the west facing elevation which faces the site. Its boundary is hard up against the development site, as such these windows will see very high losses of light both in terms of VSC and NSL. The worst affected window is at second floor level which will see almost 95% of its VSC lost from 16.61 down to 0.91 and will therefore retain virtually no light. Other windows at this level will also see significant losses down from around 28 down to a VSC of around 4.

The daylight sunlight report notes that the figures are somewhat misleading, as the windows are pitched and are measured as true Sky Component, rather than on the vertical as is traditional for a window. This results in figures well in excess of 40% as existing. The high losses are a result of their location, with close proximity to the boundary. The report has noted that should the office building be mirrored so that the same mass and location was build on the development site, the impact would be similar to that proposed. Given the location of the windows within close proximity to the boundary, the 'mirror image' consideration, and the use as an office, which has lower levels of protection than residential properties, the impact is considered acceptable.

Sunlight:

In terms of sunlight to an existing dwelling, the BRE advises it may be adversely affected if the centre of a main window: receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours (APSH) between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours during either period; and has a reduction in sunlight received over the whole year greater than 4 % of annual probable sunlight hours.

No residential properties have windows which face within 90 degrees of due south which would be affected, and therefore the BRE guidance does not apply.

The school to the north does have windows facing in due south, but the report indicate that these will not see significant losses of sunlight.

The main impact will be to the office at 7 Harwood Avenue, which has a large glazed elevation which faces towards the development site. The report indicates that these windows will see significant losses of sunlight, particularly on the lower levels, which will see losses of up to 82%. However, as noted within the report, the above BRE criteria is generally applied to habitable residential accommodation. They note that the roof currently suffer from solar gain and glare, requiring rooms to have solar shading and blinds within the east facing elevation. While the impact on this property will be high, rooms will still received sunlight. Given the close relationship of the site with this building, and as offices are not protected in the same was as residential rooms, the impact is considered acceptable.

9.5.2 **Sense of Enclosure**

11-19 & 31-47 Lisson Grove

One objection has been received from an occupier within these buildings stating that the proposed development is too large, and a maximum height of 4/5 floors would be acceptable.

Located to the west of the site on the other side of Lisson Grove, the proposals will result in an increased sense of enclosure through the additional bulk. In order to limit this, the upper two floors of the development have been stepped back. In addition the building currently curves as it goes north, narrowing the street at the top of the site. As proposed, it the building will be squared off, providing additional public realm at ground floor level and chamfering the corner of the building at the junction of Lisson Grove and Hayes Place. This will result in the gap between the front elevations on either side of the street increasing from circa 16m to 19m. At the southern end, the building line has also been set back slightly increasing the distance from around 18m up to 19m. The relationship will be approximately the same at the centre point of the building.

While it is appreciated that the properties on the upper levels will experience an increased sense of enclosure, the pulling back of the building line and stepping back of the upper levels is welcomed and the impact is considered acceptable in this urban context.

24 Lisson Grove

The windows in the rear of this property will experience an increased sense of enclosure as the development proposals provide considerable additional bulk in place of an existing low level flat roof. In order to reduce this impact the building line is stepped back. The aspect from these rear windows will remain relatively open, overlooking the existing low level infills to the rear of 20, 22 and 24 Lisson Grove and beyond. While the views to the north will be negatively impacted, these are oblique and given the slight set back, it is not considered that these will be so negative as to warrant refusal.

1&2 Harewood Row

Similar to 24 Lisson Grove, these two properties have oblique views of the site and currently enjoy an open aspect over the large low level flat roof and gardens to the rear of their properties and the development site to the northwest. The closest windows are those within the end of the closet wing of No 1 Harewood Row. According to records, the rear ground floor window/ door serves a commercial property and provides access onto a large roof terrace. The first floor window serves a bedroom. These rooms look north, however due to the size and existing low level of buildings the proposed building will increase their sense of enclosure. In order to reduce this, the building steps back slightly from the site boundary. The remaining windows are located further away and will be less affected. While resulting in considerable additional bulk, due to their separation and maintained aspect to the north and east, the impact is not considered to be so significant as to warrant refusal.

Travelodge Harewood Row

This hotel is located on the junction of Harewood Row and Harewood Avenue and has rear facing windows towards the development site. Due to the separation, it is not considered that these windows would be so significantly affected to warrant refusal. Given their use as a hotel, they are also not protected to such an extent as residential windows.

7 Harewood Avenue

As mentioned within the light section of this report, the windows within the office building are in close proximity to the boundary of their site. The development does pull away from boundary in the central section, however at the northern end there is bulk which builds

straight up along the boundary. The lower levels of this office building will be most affected as the upper levels pull away as the rear roof pitches away from the development site. Given the existing bad relationship with the site boundary, and the non-residential use of the building, the impact is on balance considered acceptable and mutual.

St Edwards Convent School

The nearest main elevation of the school sits around 33m above from the development site on the other side of Hayes Place. Given the separation and relationship, it is not considered that the impact will be significant and is therefore acceptable.

9.5.3 Privacy

Windows are proposed on all elevations. To the main street facing elevations on Lisson Grove and Hayes Place there are existing windows serving the existing uses. While the proposed building is larger and will therefore include additional windows, it is not considered that their impact will be so significant, given the relationship with neighbours on the other side of the streets as existing. There will also be mutual overlooking to the rear to the offices at 7 Harewood Row, however given that these are offices, this is considered acceptable. There are south facing windows which will be in closer proximity to rear windows of 24 Lisson Grove and the rear windows of 1&2 Harewood Row, however these are set back slightly from the site boundary. No objection has been received from these occupiers. Given the separation and largely daytime use of offices, these windows are considered acceptable in privacy terms.

Terraces are also proposed to use the flat roofs at fourth, fifth and sixth floor levels. In order to limit overlooking and to improve biodiversity, only part of the roof at each level is proposed as a terrace, with the remainder being provided as a green roof. The terrace at fourth floor level is limited to the south western part of the roof so that it overlooks the roof of 24 Lisson Grove and limits views into their rear windows. At fifth floor level, the terrace runs along the southern end and around onto the street facing elevation. It has been pulled back from the edge, again to limit overlooking to the south. The largest terrace is accessed from at sixth floor level and wraps around the east, south and west of the top storey. None of the flat roofs with an aspect to the north are proposed as terraces to limit views over to the school.

In order to mitigate any impacts in terms of noise and anti-social behaviour from the proposed roof terraces, a condition is recommended for the submission of an Operation Management Plan, which will include details such as management, security and a direct telephone number which residents can use in the case of any issues. A condition is also recommended to limit the hours of use of the terraces to Monday to Friday 07:00 – 21:00. This will ensure that any future occupier of the building can stipulate these conditions of use and they can be enforced by the City Council in the event of a breach.

9.3.4 Noise & Vibration

Each office floor will have a plant room housing an Air Handling Unit (AHU) and a Mechanical Ventilation with Heat Recovery (MVHR) unit and the basement plant room will house three AHUs serving the shower rooms, basement office space and the communal spaces. All atmospheric ducts will terminate on the rear façade of the building, and there will be three Air Source Heat Pumps (ASHP) located within a screened area on the roof. The plant equipment will include attenuation such as screens

and attenuators. In addition to the attenuation, the noise report submitted with the application notes that all plant shall be limited to office hours only unless further assessment demonstrates suitability for plant run at other times of the day.

The Environmental Sciences Officer raises no objection to the development proposals subject to standard Westminster Noise conditions, including a requirement for a supplementary acoustic report to be submitted following plant selection as the design of the development moves forward. A condition to limit the hours of operation of the plant is also recommended unless otherwise demonstrated that it will comply with noise conditions.

9.8 Transportation, Accessibility & Servicing

There are changes to the ground floor building alignment, including proposed public realm interventions. Servicing for the existing building takes place from an on street loading bay on Hayes Place. The existing building line is the current highway boundary. The proposed development includes off street servicing from Hayes Place

9.7.1 Highway Works (Public Realm)/Building Line/Vehicle Access/On-Street Changes

The existing vehicle access to the site on Hayes Place will need to be modified for the revised off street servicing bay. The revised crossover access will be at footway level to ensure pedestrian priority is maintained.

There is an existing on-street servicing bay on Hayes Place, which principally exists to provide servicing to the existing retail unit (Tesco). With the proposed scheme providing off-street servicing, including for the ground floor retail unit, the demand for the on-street bay will be significantly reduced. Removal of the existing on-street loading bay would significantly improve the highway environment for pedestrians, cyclists and other highway users. The applicant should commit to delivering these as part of the highway works required to amend the existing vehicle access and shall be secured as part of a s106/s278 legal agreement.

The existing building (and steps) line is the highway boundary (not the red line drawn on the submission drawings). The proposal sets back the building line, particularly at the corner of Lisson Grove and Hayes Place. This is considered positive and will assist with pedestrian movement in the immediate area. It would be usual for the area to be dedicated, in accordance with Policy 28. Dedication of highway must occur prior to occupation. A requirement for and dedication shall form part of the legal agreement and include a provision to cover the Council's associated costs. Where the building line is brought forward, these areas will be required to be formally stopped up.

The submission documents also contain a range of details over proposed hard landscaping at street level, including within the highway. While third party funded public realm improvements are welcomed, they must accommodate all highway users and not a single development proposal. The details of the hard landscaping, including materials, are not considered consistent with the local highway network. It is unlikely the Highway Authority would take forward the highway works, as proposed, given significant design concerns. However, the Council would welcome further discussions on the proposed works at street level which accommodate all user's needs and fit within the local highway network. It is noted the submission documents have been updated but have not altered

the approach to hard landscaping and it is likely what is indicated on the submitted drawings would not be taken forward in the form indicated. As such a condition for further details of the hard landscaping is recommended.

No level change to the existing highway will be able to be made. Any level changes will need to be accommodated within the site itself.

From the drawings provided, it is unclear if the proposed layout at street level on Lisson Grove is functional, including providing 2.0 metres clear widths for pedestrians to pass. This includes the placement of the short term cycle parking. Any works will also need to protect and maintain the existing street trees. A condition is recommended for detailed drawings to be provided to show the location of cycle stands to ensure that they are suitably placed to allow for a successful widened public realm for users of the pavement.

On balance, while some of the proposed changes are possible in some form, they will need to be subject to the detail highway design process. Such details are considered to be appropriately secured through planning condition and legal agreements, to which the applicant has agreed.

9.7.2 Servicing

Policy 29 requires off-street servicing and freight consolidation. The existing site has off-street servicing provision. Deliveries, goods left and waste collection on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

Off-street servicing is provided and this is welcomed (however see comments above on changes to the highway) and is considered it will assist in contributing to an improved highway and public realm environment for pedestrians and other highway users.

An objection has been received from TfL in relation to lack of a sweep path analysis for vehicles entering the off-street servicing bay and their impact on the bus stop located on the opposite side of Hayes Place. Westminster Highways Officers have confirmed that Vehicle tracking has been provided and is considered robust and demonstrates that the maximum size vehicle would be able to enter and exit into the loading bay with minimal impact on other highway users.

TfL has also raised objection in relation to the servicing, including that vehicles will have to reverse onto the site. As mentioned above the provision of the off-street servicing bay will provide improvements to the public realm and improve this secondary frontage. The site is not on a road managed by TfL, and Westminster Highways Officers have confirmed that they are happy with this principle (subject to suitable details). It is therefore not considered that TfL's objection can be sustained.

In order to mitigate against highways issues, the applicant has supported the application with a Servicing Management Plan. However, 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. There are limited commitments to freight consolidation. The loading bay may be able to provide for other sites within the

vicinity, including consolidation waste and recycle collection. An updated SMP is recommended via condition with additional detail on Freight Consolidation to be included. It is noted the applicant is agreeable to this and this is welcomed.

The scheme would benefit from a rapid charge point within the loading bay. A rapid charge (minimum 50kW) would be provided to support electric freight delivery vehicle, allowing for top up charging. The provision would be consistent with London Plan, City Plan 2019-2040 policies and supports wider Council climate response strategies. Details of an Electric Vehicle Charge Point and provision will be secured by condition. It is noted the applicant is agreeable to this and this is welcomed.

9.7.3 Waste & Recycling Storage

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to City Plan 2019-2040 Policy 25. It would also have an adverse impact on the public realm. Waste storage location is indicated. The provision and retention of this should be secured via condition.

Waste will be collected internally from within the loading bay. This is welcomed and will assist in contributing to an improved highway and public realm environment for pedestrians and other highway users.

9.7.4 Cycling & Cycle Storage

Long stay cycle parking will support active travel options by staff. Long term staff cycle parking must be secure, accessible and weatherproof. Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1 space per 75m² for B1 office and 1 space per 175m² of 'A class' retail (most comparable uses).

Based on 10793m² of office a minimum of 144 long stay cycle parking spaces would be required as well as 3 long stay spaces for the 442m² retail unit.

For the office, an additional 11 spaces are provided within the basement to meet the short stay parking standard. The location of the short stay cycle parking at basement level is not ideal and concerns have been raised by TfL. They have also raised concerns that only one cycle lift is provided if storage is to be within the basement. The applicant has stated that visitors who wish to use the short term spaces will need to either pre-register or contact reception staff to aid users with access. While not as ideal as a ground floor store, Westminster Highways Officers welcome the additional short stay provision with the main cycle store, and note the challenges and impact on space at ground floor level. In addition, the scheme also includes 22 short stay spaces external to the site at street level. The quantum is also welcomed and will be subject to further review once details have been secured by condition as discussed within section 9.7.1 above.

The provision of cycle support facilities, including showers, is welcomed and secured by condition.

9.7.5 Car Parking

It is acknowledged that the existing site has existing car parking within the basement area. Policy 27 supports the reduction in off-street car parking. It is accepted that in

this location, any reduction in non-residential car parking would be consistent with Policy 27 and welcomed

Policy 27 supports development without car parking provision. The site is also within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The impact of the change of use on parking levels will be minimal and consistent with City Plan 2040 Policy 27. The Highways Planning Manager has confirmed that if any disabled parking is required, the applicant would need to make a separate application for this to be provided on-street and would be considered as a standalone highways matter on its merits.

9.7.6 Canopies/Signs/Flags

Any structure over the highway (including building overhangs, public art, flags, signage, awnings and canopies) 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. An informative is recommended to this effect, with any such additions to the building requiring separate permissions / consents.

9.7.7 Doors/Gates Over the Highway

The proposed drawings have been amended to indicate the doors will now not open outwards over the public highway (which would cause an obstruction, contrary to City Plan 2019-2040 Policy 25 and the Highways Act (s153)). This amendment is welcomed and doors not opening over the highway will be conditioned.

9.7.8 Trip Generation and Travel Plan

It is noted the application is specifically for an office and retail use and no information is provided to support other uses within the wider Class E use class.

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling).

Given the wide list of potential uses within Class E concern is raised that certain uses may generate significant peaks of activity. The Highways Planning Officer has therefore recommended that a specific restriction is placed upon the uses, given the varied uses within the use class and the information provided to support this application being limited to office and retail uses. Further information (including staff numbers, hours of operation, capacity, trip generation etc) would need to be submitted on other proposed use/s for consideration and approval for uses that were not retail or office.

Given the sites proposed uses and location, a travel plan is not required for the office and retail uses. It is noted that TfL have requested such a plan, however Westminster Officers do not consider one is required for the proposed uses. If other uses such as a school, nursery or medical were proposed a travel plan specific to them would be required.

Conditions are recommended to limit the uses of the building as discussed within the Land Use section of this report. It is also not considered that the proposed flexibility to allow for a leisure use such as a gym or Yoga studio would have such a negative impact in highways terms so as to be unacceptable, subject to details being secured by

condition.

9.9 Economy including Employment & Skills

The proposals result in an uplift of 4432sqm of new commercial floorspace. The new development is expected to generate 640 full time jobs. This represents an increase of 540 jobs compared to the existing situation. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing 330 temporary jobs during construction; 540 additional jobs; £80.8m in gross additional GVA as a result of operational employment; 320 jobs across London from direct and indirect effects supporting £33m annual GVA; c. £1.9m annual for Westminster through business rates. (figures from Economy Statement)

The development will trigger the requirement for a contribution of £315,294.37 to provide employment, training and skills development for local residents. An employment and skills plan is not triggered as the uplift is under 10,000sqm.

9.10 Other Considerations

Thames Water have requested a series of conditions and informatives in relation to waste water and sewage to ensure the development is suitably designed to integrate into existing infrastructure, which are considered acceptable.

Given the application is for major redevelopment and to ensure that the demolition and construction process is mitigated as far as practicable, the applicant has accepted adoption of the councils Code of Construction Practice. This will ensure that the developer works with the council and stakeholders/adjacent occupiers to limit disruption. This is required, and welcomed and will be secured by condition.

9.11 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.12 Planning Obligations & Pre-Commencement Conditions

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

- i. Provision of a financial contribution of £315,294.37 (index linked) to provide employment, training and skills development for local residents;
- ii. Highways works necessary to facilitate the proposed development including stopping up and dedication;
- iii. Provision of a financial contribution of £99,252 to the Carbon Offset Fund (index linked) payable prior to the commencement of development;
- iv. Be seen energy monitoring; and

- v. The costs of monitoring the S106 legal agreement.

The estimated CIL payment is:

Borough CIL - £221,600

Mayoral CIL - £816,400

Total CIL = £1,038,000

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

During the course of this application a notice was served relating to the proposed imposition of pre-commencement condition to secure the applicant's adherence to the following:

- City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- Details of Highway visibility splays;
- Contaminated land;
- Whole life carbon assessments;
- London Underground construction / piling.

The applicant's agreement to the imposition of the conditions has been agreed.

10. Conclusion

As discussed within the design and heritage section of this report, the development is considered to preserve the character and appearance of the Lisson Grove conservation area, but will cause less than substantial harm to the setting of the Grade II listed Chapel of St Edwards Convent of Mercy.

As such, whilst being mindful of policies 38, 39 and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, which include the provision of a modern and sustainable building, economic benefits including additional jobs and public realm and townscape improvements, the proposal is considered acceptable in terms of its impact on the designated heritage asset. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

11. KEY DRAWINGS

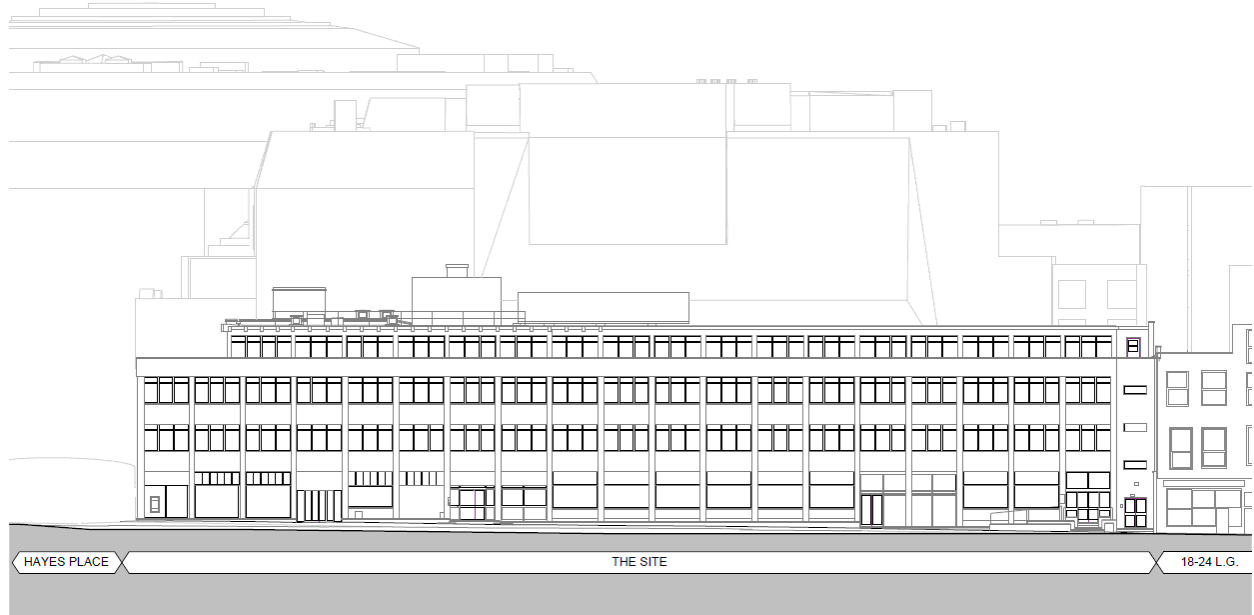
Existing and proposed verified view looking north east on Lisson Grove



Existing and proposed verified view looking south east on Lisson Grove



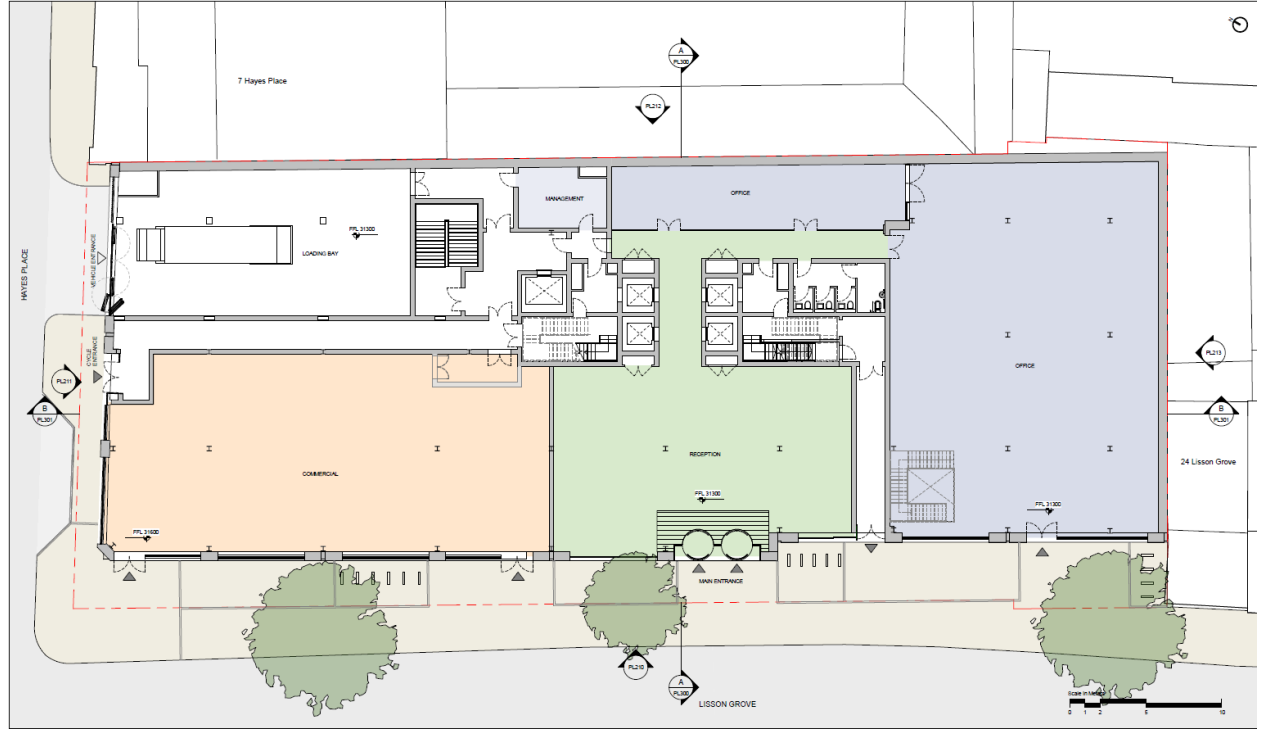
Existing and proposed west elevation



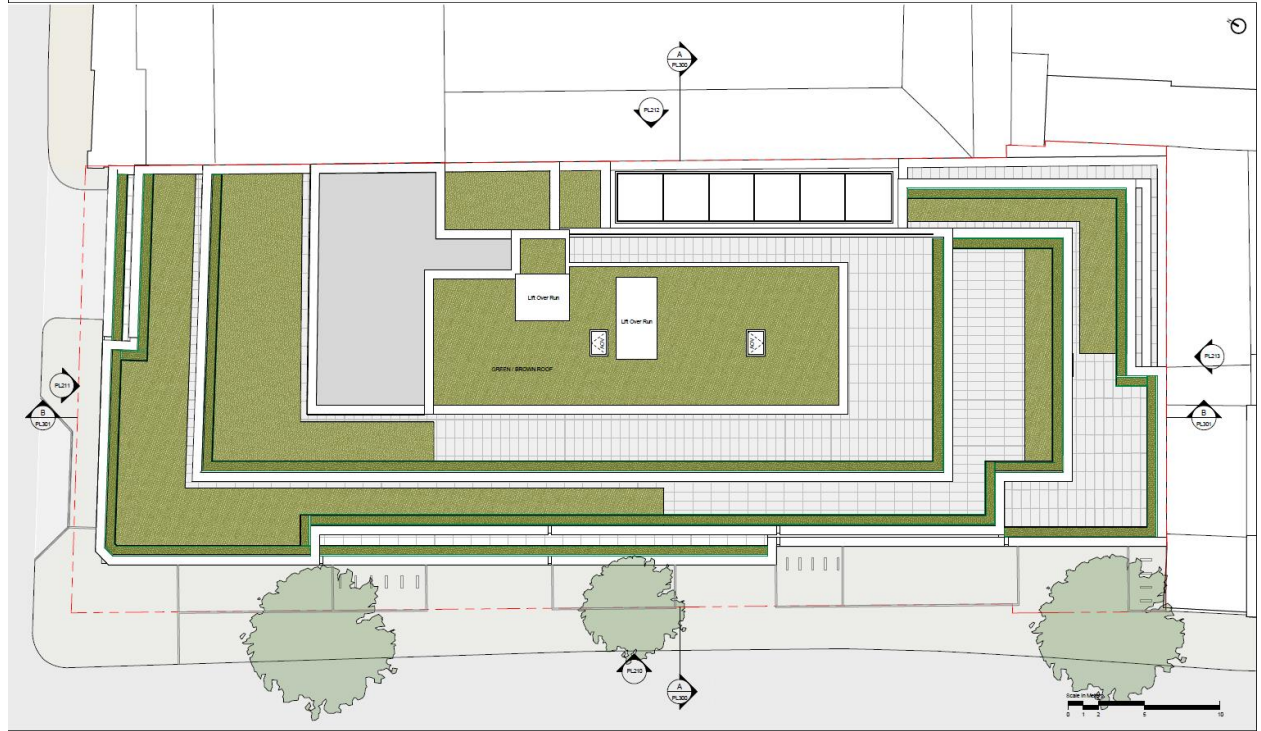
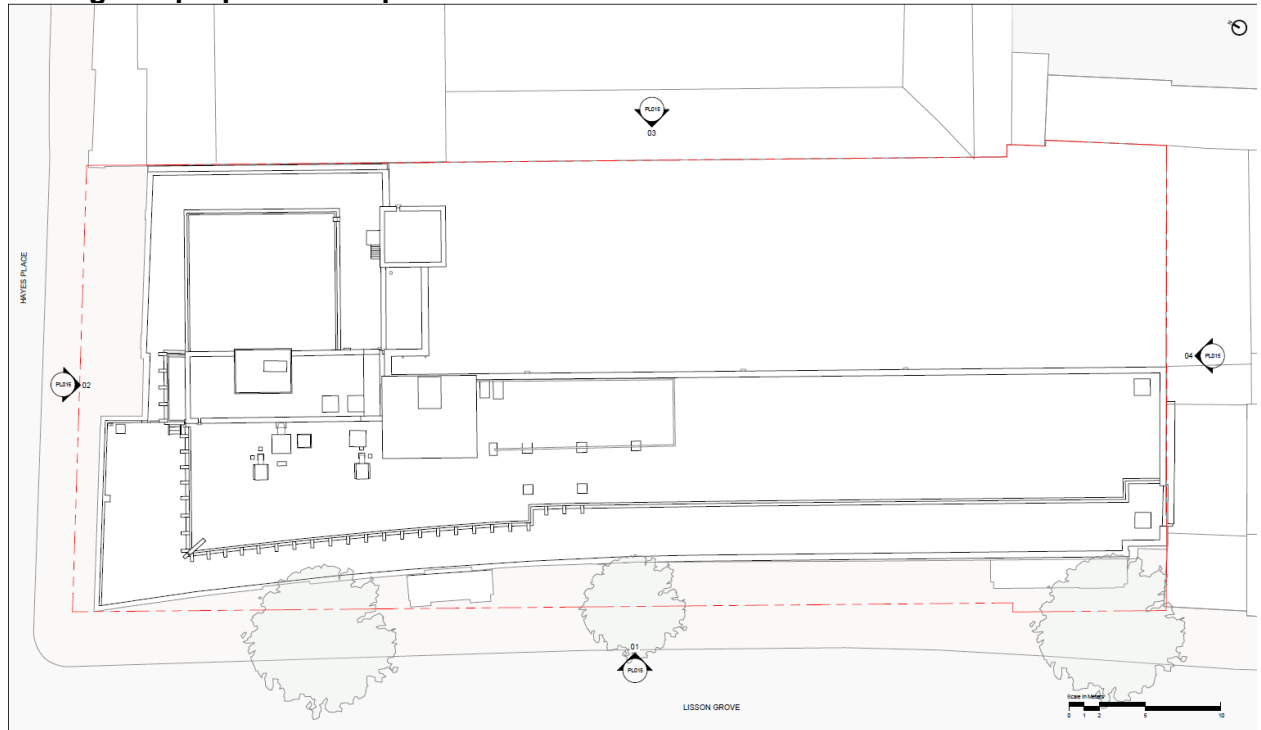
01 Existing West Elevation
1 : 200



Existing and proposed ground floor



Existing and proposed roof plan



DRAFT DECISION LETTER

- Address:** Development Site At 26 - 46 Lisson Grove & 18 Hayes Place,, London, ,
- Proposal:** Part retention of existing basement walls and demolition of ground and upper floors at 26-46 Lisson Grove and 18 Hayes Place, and redevelopment to provide a seven-storey building with a single storey basement comprising: office space and retail space commercial uses (Class E), alterations to public realm, servicing, ancillary plant, storage, cycle parking and other associated works.
- Plan Nos:** 18033_PL001_P00; 18033_PL002_P00; 18033_PL003_P00; 18033_PL004_P00; 18033_PL009_P00; 18033_PL010_P00; 18033_PL011_P00; 18033_PL012_P00; 18033_PL013_P00; 18033_PL014_P00; 18033_PL015_P00; 18033_PL020_P00; 18033_PL021_P00; 18033_PL022_P00; 18033_PL023_P00; 18033_PL099_P01; 18033_PL100_P01; 18033_PL101_P00; 18033_PL102_P00; 18033_PL103_P00; 18033_PL104_P01; 18033_PL105_P01; 18033_PL106_P01; 18033_PL107_P01; 18033_PL200_P00; 18033_PL201_P00; 18033_PL210_P01; 18033_PL211_P01; 18033_PL212_P01; 18033_PL213_P01; 18033_PL220_P01; 18033_PL221_P01; 18033_PL300_P00; 18033_PL301_P00; Flood Risk Assessment and Drainage Strategy prepared by Campbell Reith dated 11 August 2022

For information only: Design and Access Statement prepared by AHMM dated 14 October 2022; Planning Statement prepared by Gerald Eve LLP dated July 2022; Signed Appendix A Checklist Code of Construction Practice dated 11 July 2022; Geotechnical and Geoenvironmental Desk Study prepared by Campbell Reith dated July 2022; Structural Method Statement prepared by Campbell Reith dated October 2022; Energy Statement prepared by SWECO dated 11 July 2022; GLA WLC Assessment Template dated 04 July 2022; Utilities Statement prepared by SWECO dated 12 July 2022; Air Quality Assessment prepared by SWECO dated 07 July 2022; Noise Impact Assessment prepared by SWECO dated 19 July 2022; Fire Safety Statement prepared by SWECO dated July 2022; Ecological Impact Assessment prepared by SWECO dated 13 July 2022; Arboricultural Impact Assessment prepared TMA dated 12 October 2022; Transport Assessment prepared by TPHS dated July 2022; Travel Plan prepared by TPHS dated 10 October 2022; Delivery and Servicing Management Plan prepared by TPHS dated 18 July 2022; Operational Site Waste Management Plan prepared by TPHS dated 18 July 2022; Townscape, Heritage and Visual Impact Assessment prepared by KM Heritage dated July 2022; Verified Views prepared by Cityscape dated July 2022; Daylight and Sunlight Report prepared by Lumina dated July 2022; Statement of Community Involvement prepared by Kanda dated July 2022; Crime Prevention Statement prepared by QCIC dated 4 July 2022; Economic Statement prepared by Regeneris dated July 2022; and Electromagnetic Field Survey prepared by EMF Inspections Ltd dated 29 June 2022.

Case Officer: Rupert Handley

Direct Tel. No. 07866036401

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

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

Reason:

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

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

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

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

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

Reason:

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

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

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

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

Reason:

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

- 4 **The development shall not be commenced** until detailed design and method statements (in consultation with London Underground) have been submitted to and approved in writing by the

local planning authority which:

- provide details for all of the demolition, foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent)
- accommodate the location of the existing London Underground structures and tunnels- There should be full and ongoing consultation with TfL Engineering Infrastructure Protection regarding any structural or civil engineering works to ensure that such works do not impart a risk to London Underground's operational railway
- accommodate ground movement arising from the construction thereof - A ground movement analysis will be required and possible associated monitoring scheme
- details of any changes in loading to London Underground's infrastructure because of the works or temporary works are to be issued to TfL Engineering Infrastructure Protection for review and approval
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels- No claims to be made against TfL or London Underground by the Local Authority, purchasers, tenants, occupants or lessees of the development for any noise or vibration resulting from London Underground running, operating and maintaining the adjacent railway
- Provide details on the erection and use of tall plant (e.g. tower cranes, mobile cranes and piling rigs) prior to commencement of works.
- Site specific Risk Assessments and Method Statements (RAMS) to be agreed with TfL Engineering for any activities (e.g. tunnelling groundworks, excavations, piling, scaffolding, cladding, craneage etc.) which TfL may deem to be a risk to LU. The RAMS should be issued a minimum of 6 weeks prior to the individual activity commencing.

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 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

5 **Pre Commencement Condition.**

- a) Prior to demolition;
- b) Following commencement of demolition and prior to construction;
- c) Prior to occupation.

The applicant shall notify the Local Authority of any substantial changes to the design, procurement or overall circumstances around the delivery of the proposed scheme which will result in more than 50% increase in the Embodied Carbon (A1-A5) 600kgCO₂e/m² and/or Whole Life Carbon (A1-C4) 970kgCO₂e/m² benchmarks.

If such significant increase is expected, mitigation strategies to ensure the carbon footprint of the development is kept within the identified benchmarks, and those mitigation measures shall

be set out and agreed first by the local planning authority and implemented thereafter.

Reason:

To ensure sustainable procurement and construction are continuously implemented in accordance with Policies 36, 37 and 38 of the City Plan 2019-2040 (April 2021)

- 6 A post construction BREEAM assessment demonstrating that a minimum target rating of 'Excellent' has been achieved. If 'Outstanding' has not been achieved confirmation of why and how this target was failed. This shall be submitted to and approved by the local planning authority **within six months of first occupation**. The details submitted in the BREEAM assessment shall thereafter be retained.

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).

- 7 **Prior to the occupation of the building**, the mitigation measures identified in the Flood Risk Assessment report must be provided, and these shall include green roofs and attenuation tanks. These features must be provided and maintained or the lifetime of the development, unless otherwise agreed first in writing by the LPA.

Reason:

To minimise the impact of the proposed development of surface water flooding and to ensure that the SUD's are provided in accordance with policy 35 in the adopted City Plan and the adopted Environmental Supplementary Planning Document 2022.

- 8 **The development shall not be occupied** until confirmation has been provided in consultation with Thames Water that either:-
1. Combined waste water Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 3. All combined waste water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

- 9 **The development shall not be occupied** until confirmation has been provided in consultation with Thames Water that either:-
1. Surface water capacity exists off site to serve the development or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development

and infrastructure phasing plan. Or

3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Reason:

Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents.

- 10 **No piling shall take place** until a piling method statement (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 subsurface sewerage 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 utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 11 Before anyone occupies into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PL100 Revision P01 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)

- 12 **Prior to occupation of the development** a Servicing Management Plan is required to be approved followed/maintained for life of development, unless a revised strategy is approved first (in writing) by the Local Planning Authority. The plan must identify process, internal storage locations, scheduling of deliveries and staffing plus freight consolidation. 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)

- 13 No delivery service shall operate from the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 7, 29 and 33 of the City Plan 2019 - 2040 (April

2021). (R23AD)

- 14 **Prior to the occupation of development**, 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 improve air quality and to protect the environment of as set out in Policy 30 and 32 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 15 **Prior to the commencement of development (excluding demolition)**, detailed design of the service bay vehicle entrance and exit and adjoining walls shall be submitted for approval to ensure adequate visibility splays can be achieved to other highway users, including pedestrians.

Reason:

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

- 16 **Prior to occupation of the development** The following cycle parking and facilities will be provided:

- A minimum of 144 long term and 11 short term cycle spaces for the office
- A minimum of 3 long term spaces for the retail
- The cycle changing room facilities on the approved basement plan PL099_Rev P01

These facilities and spaces will be provided and maintained for the life of development. All long stay cycle parking must be secured, weather proof, accessible and within the development site.

Reason:

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

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

Reason:

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

- 18 No development should occur between the highway (footway) and a depth of 900mm.

Reason:

To ensure sufficient space for infrastructure and utilises is retained as set out in Policy 45 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

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

- 20 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 21 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 22 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 Environmental Supplementary Planning Document (February 2022), 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)

- 23 The plant/ machinery that we have allowed (other than to carry out the survey required by this condition) **must not operate** until you have carried out and sent the LPA a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 20 and 21 of this permission and any mitigation measures, such as limiting the hours of use of the plant. The plant equipment must then operate in accordance with this plan or any subsequent plan submitted to and approved first by the LPA.

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 Environmental Supplementary Planning Document (February 2022), 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)

- 24 The building shall only be used as the following:
- i. The first to sixth floors as offices - Class E (g i)
 - ii. The ground floor area marked as 'commercial' on drawing PL100 Rev P01 as retail - Class E (a), (b) or (c)
 - iii. The ground floor area marked as 'reception' on drawing PL100 Rev P01 as office or retail - Class (a), (b), (c) or (g i)
 - iv. The ground floor area marked as 'office' on drawing PL100 Rev P01 as office, retail or leisure - Class (a), (b), (c), (d) or (g i)
 - v. The basement as office, retail or leisure - Class (a), (b), (c), (d) or (g i)

You must not use the building for any other purpose, including any 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 protect neighbouring residents from noise nuisance, avoid blocking surrounding streets, to ensure that sustainable transport modes are used, to prevent sensitive air quality receptors from occupying the site or uses that would have a significant adverse effect on air quality. To accord with policies 7, 25, 28, 29, 32, 33, 38, 39, 40 of the City Plan 2019 - 2040 (April 2021).

- 25 **Prior to the occupation of the building** plans shall be submitted to the local planning authority of the area marked 'reception' on drawing PL100 Rev P01 to indicate how the area will be laid out and uses to promote an active frontage. The area shall then be laid out in accordance with the agreed plan and retained as such thereafter, unless an alternative arrangement is submitted and agreed first in writing.

Reason:

To ensure that the unit has an active frontage and to enhance the character, vitality and function of this part of the City. This is in line with Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05FD)

- 26 **Prior to the first use and each subsequent use** of the ground and/or basement as a use

falling within Use Class E (b) or (d) the following information must be submitted to the Local Planning Authority and approved first in writing

i) An Operational Management Plan

ii) Noise and vibration mitigation measures to confirm that noise to adjacent occupiers within and adjacent to the site will be acceptable.

The measures will then be implemented prior to first use and maintained unless other measures are submitted to and approved first by the LPA. The alternative measures will then also be implemented and maintained.

Reason:

To ensure that the operation, design, structure and acoustic insulation of the development will provide sufficient protection for occupiers of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022).

- 27 A. You must apply to us for our written approval of a detailed written and photographic materials schedule of the facing materials you propose to use, supported by annotated versions of the approved plans / elevations showing where each material would be used.
B. Following, or at the same time as, our approval of part A, you must prepare on-site for our inspection a trial panel of the main facing materials agreed under Part A, which should measure no less than 1sqm in area for each of the façade materials proposed. A record of this should be submitted to us for our written approval.

You must not start any work relating to the façade of the development until we have approved what you have sent us for both Parts A and B. You must then carry out the work using the approved materials.

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)

- 28 You must apply to us for approval of detailed elevations, plans, sections and manufacturers' specifications (as applicable) of all visible façade elements up to 4th floor parapet / balustrade, to demonstrate the appearance and longevity of, as a minimum, the following components:
- a. External doors and windows, including reveals, cills, and heads;
 - b. Shopfronts and ground level street entrances to offices, including any associated surrounds and canopies / awnings;
 - c. Vents and spandrel panels;
 - d. External balustrades;
 - e. Structural and non-structural masonry cladding, including expansion joints;
 - f. Typical façade and roof drainage measures;
 - g. Façade lighting;
 - h. Signage and wayfinding strategy;
 - i. Gates and railings;
 - j. Plant enclosures and Building Maintenance Units.

You must not start any work on the related parts of the facades until we have approved

what you submit to us. You must then complete the development according to the approved details and panels.

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)

- 29 You must not paint the external masonry of the new buildings without permission of the LPA. This is despite the fact that this work would normally be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order that may replace it).

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)

- 30 **Prior to occupation**, you must apply to us for approval of a scheme of public art to include one-off commissions by an artist(s) prominently fixed to / incorporated into an elevation of the building and/or in a position off the building in front of or beside the new building. You must not start work on each piece of public art until we have approved what you have sent us. Unless we agree an alternative date by which the public art is to be provided, you must install each component of public art that we approve according to the approved details within six months of occupation of the market housing part of the development. You must then maintain the approved public art on this site in perpetuity.

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, 40 and 43 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 31 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme (including the public realm) which includes the species for the green/biodiverse roofs and materials for hard landscaping (in consultation with highways planning). **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 landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

Reason:

To improve the appearance of the development, to make sure that it contributes and is suitable with the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 32 The areas shaded in grey and labelled as terraces on the plans hereby approved shall only be used between the hours of 07:00 - 20:00 Monday to Friday. The roofs of the building not

marked as terraces shall not be accessible outside of these hours for sitting out or for any other purpose. You can however use the roofs for maintenance or to escape in an emergency at any time.

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)

- 33 **Prior to occupation**, an Operational Management Plan shall be submitted to and approved by the City Council to indicate how the roof terraces will be managed, to include no amplified or other music shall be played on roof terraces. The terraces will then be managed in accordance with the plan for the lifetime of the development, or in accordance with any replacement Operational Management Plan, approved first in writing.

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)

- 34 **Pre Commencement Condition**. You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records as submitted within Land Contamination Assessment report by Campbell Reith dated October 2022.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 35 There shall be no primary cooking within any unit on site (such as a restaurant unit), such that you must not cook raw or fresh food, unless details of a ventilation system to get rid of cooking

smells, including details of how it will be built and how it will look, has been submitted to and approved first by the LPA. The ventilation system shall be installed and maintained in accordance with the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 36 The development hereby approved shall achieve an urban greening factor of at least 0.3 and a report confirming this must be submitted to and approved by the City Council **within three months of first occupation** of the development

Reason:

To ensure carbon emissions have been minimised and to ensure the provision of green infrastructure in accordance with policies 34, 36 and 38 in the adopted City Plan.

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

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 38 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing PL100_Rev P01. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 39 You must apply to us for our approval of any work you want to carry out on any trees. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

- 40 **Prior to occupation of the development**, a lighting strategy for any external lighting shall be submitted and approved by the local planning authority including timings. The development shall be carried out in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise disruption to future and neighbouring residents in accordance with policies 38, 39 and 40 in the adopted City Plan.

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 **HIGHWAYS LICENSING:**
Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 With regard to condition 4, the applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting

- 4 In relation to condition 5, you are advised to support the results provided in the template with the following minimum evidence requirements, which should be submitted at the same time:
- a) site energy (including fuel) use record
 - b) contractor confirmation of as-built material quantities and specifications
 - c) record of material delivery including distance travelled and transportation mode (including materials for temporary works)
 - d) waste transportation record including waste quantity, distance travelled and transportation mode (including materials for temporary works) broken down into material categories used in the assessment
 - e) a list of product-specific EPDs for the products that have been installed. The data collected at this stage will provide an evidence base that could help inform future industry-wide benchmarks or performance ratings for building typologies.

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

- 5 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

- 6 The developer can request information to support the discharge of conditions 8 and 9 by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval

- 7 In relation to condition 10 Please read Thames Waters 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://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes> Should you require further information please contact

Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921
(Monday to Friday, 8am to 5pm) Write to: Thames

- 8 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

- 9 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.
- 10 Despite what is indicated on the submitted drawings, any proposed changes to the highway are not agreed due to separate approvals being required.

You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme, please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 11 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 11 You are advised that any structure over the highway (including building overhangs, public art, flags, signage, awnings and canopies) 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.
- 12 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 13 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 14 The SMP should contain clear information on how servicing (including the transfer of deliveries) would be managed in such a way as to minimise the impact on other highway users (including pedestrians) and be undertaken in a safe manner.

It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users (including pedestrians).

The SMP should clearly identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case.

- 15 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 16 Condition 34 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk
- 17 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 18 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

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

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning

authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

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

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

- 19 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 20 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature:
www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 21 Any tree surgery approved under condition 39 will need to be carried out by the City Council's tree contractors or such other tree contractors agreed by us, at your expense.
- 22 Landscaping, green roof and green wall details submitted in order to satisfy conditions 31 and 37 should include details of the depth and specification of the substrate, the number, size, species and density of the proposed planting, and details of maintenance regime (frequency of operations, timing of operations and who is responsible), and irrigation. The irrigation provided should be sustainable (i.e. not mains water). Green wall proposals should be accompanied by a fire risk evaluation.
- 23 When you apply to discharge condition 38 you should ensure the tree protection methodology is informed by detailed demolition, site set up and construction methodologies, including details of underground services, site access and scaffold and gantry arrangements. You must also make provision for an auditable system of arboricultural supervision following the recommendations in section 6.1.2 and 6.3 of British Standard BS5837: 2012