

CITY OF WESTMINSTER		
PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE	Date 15 November 2022	Classification For General Release
Report of Director of Town Planning & Building Control		Ward(s) involved West End (all sites)
Subject of Report	<p>Site 1: Development Site Bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and 10, 15-25, 27 And 42 South Molton Street</p> <p>Site 2: 14 North Row</p> <p>Site 3: 24 North Audley Street</p>	
Proposal	<p>Site 1: Variation of Conditions 1, 17, 20, 31, 39, 47, 49, 53, 54, 55, 56 and 57 of planning permission dated 8 April 2022 (RN: 20/03987/FULL) (as amended) for, 'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'; NAMELY, to allow amendments to the approved</p>	

	<p>development. (Application under Section 73 of the Act).</p> <p>Site 2: Extension to roof, facade amendments, associated works and use of enlarged building to provide Community Infrastructure and Facilities of flexible education training facility (Class F1) or medical centre (Class E).</p> <p>Site 3: Use of part ground and first to fourth floors as three residential dwellings (Class C3). External alterations including the removal of existing plant and installation of additional plant within acoustic enclosures, creation of a terrace (for use in association with the proposed Flat 1) and green roof at rear first floor level and associated works. Erection of an extract duct routed internally terminating above main roof level. Internal alterations at all levels.</p>		
Agent	<p>Site 1 and 2 – Gerald Eve Site 3 – DP9</p>		
On behalf of	<p>Site 1 - Grosvenor Properties Site 2 and 3 - Grosvenor West End Properties</p>		
Registered Number	<p>Site 1: 22/04610/FULL 22/04602/LBC – 50-54 Davies Street 22/04605/LBC – 40-46 Brook Street and 40 South Molton Lane 22/04606/LBC – 1-7 Davies Mews and 28-30 South Molton Lane 22/04607/LBC – 10 South Molton Street 22/04608/LBC - 15-21 South Molton Street 22/04612/LBC – 24 and 25 South Molton Street</p> <p>Site 2: 22/04502/FULL and 22/04503/LBC</p> <p>Site 3: 22/04638/FULL and 22/04639/LBC</p>	Date amended/ completed	8 July 2022

Date Application Received	8 July 2022		
Historic Building Grade	Grade II – 14 North Row, 24 North Audley Street, 1-7 Davies Mews and 28-30 South Molton Lane, 50-54 Davies Street, 40-46 Brook Street and 40 South Molton Lane and 10, 15, 16, 18, 19, 20, 21, 24 and 25 South Molton Street. Grade II* - 17 South Molton Street		
Conservation Area	Mayfair (all sites)		
Neighbourhood Plan	Mayfair Neighbourhood Plan (all sites)		

1. RECOMMENDATION

Site 1 – South Molton Triangle

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

- a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.
- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not occurred by 7 April 2025.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highway works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street and Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed

in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Street) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highway works to the South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.

- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.
- k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.
- l) The provision of the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Building (698 sq.m) and within the entirety of 14 North Row (471.7 sq.m) (both to be ready for tenant fit out) within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street.
- m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.
- n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).
- o) The costs of stopping up of an area of public highway on the south of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).
- p) 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 this resolution then:

- a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control 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 it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent for all six applications.

4. Agree the reasons for granting the six applications for listed building consents as set out in Informative 1 of the draft decision letters.

Site 2 – 14 North Row

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

- a) Not to occupy the building as an education training facility (Class F1) or medical centre (Class E) until all three of the permitted residential units at 24 North Audley Street are ready for occupation.
- b) Undertaking of highways works on the south side of North Row to extend the footway across the width of the site. If undertaken by the owner, highway works to be completed prior to occupation of the building as an education training facility (Class F1) or medical centre (Class E).
- c) The costs of monitoring the S106 legal agreement.

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

- a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control 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 it has not proved possible to complete an agreement or undertaking within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

4. Agree the reasons for granting listed building consents as set out in Informative 1 of the draft decision letter.

Site 3 – 24 North Audley Street

1. Grant conditional permission.

2. Agree the reasons for granting listed building consents as set out in Informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

All three sites are located within the Mayfair Conservation Area and the Central Activities Zone (CAZ).

Site 1 (South Molton Triangle – SMT) is bound by Brook Street, Davies Street and South Molton Lane (excluding 58 Davies Street) and also includes 10, 15-25, 27 and 42 South Molton Street. Within the application site are a number of listed buildings – 50-54 Davies Street (Grade II), 1-7 Davies Mews and 28-30 South Molton Lane (Grade II), 40-46 Brook Street and 40 South Molton Lane (Grade II), 10, 15, 16, 18-21, 24 and 25 South Molton Street (Grade II) and 17 South Molton Street (Grade II*). The site can be split into four parts: (i) The South Block; (ii) The North Block; (iii) 40-46 South Molton Lane and 40 South Molton Lane; and (iv) The South Molton Street Properties.

Site 2 (14 North Row) is Grade II listed. The lawful use is as garage storage (Sui Generis) at ground floor level, with two residential (Class C3) above. The site has been vacant since 2017.

Site 3 (24 North Audley Street) is Grade II listed and is in use as a public house (Sui Generis). The basement and ground floors comprise the publicly accessible bar and dining areas, whilst the upper floors comprise ancillary accommodation including a kitchen and staff accommodation.

In respect to the SMT site, permission and listed building consent were granted on 8 April 2022 for the comprehensive transformation of the site, including: (i) The redevelopment of the North Block and South Block behind partially retained facades to create two new large office buildings to the north and south of Davies Mews, as well as flexible retail / café / restaurant units on the ground and basement floors, and re-provision of community infrastructure and facilities floorspace within the ground, basement and sub-basement of the North Block; (ii) The conversion of 40-46 South Molton Street and 40 South Molton Lane into a hotel; and (iii) Various alterations to the South Molton Street Properties to create a new passageway between South Molton Street and South Molton Lane at 10 South Molton Street, to convert the upper floors into 33 x flats, of which eleven are affordable, and to make changes the rear to open up and animate the South Molton Lane frontage.

The legal agreement secures, amongst other matters, extensive highway works to South Molton Lane, Davies Mews, Brook Street, Davies Street and to the South Molton Passage. The applicant's aspiration is to make changes to the traffic orders so that South Molton Lane becomes single direction, for Davies Mews to only be open to servicing traffic between 07.00 and 12.00 (Monday to Saturday) and the existing on-street parking within Davies Mews to be relocated.

The application under Section 73 of the Act at the SMT site seeks to make a number of 'minor material amendments' to the approved development following further design work and the applicant's desire to improve the functionality and sustainability of the approved development. A number of other changes to the wording of conditions are also sought. The most substantive changes are as follows:

- The overall height of the North Block and South Block are proposed to be increased by 460mm and 500mm, respectively.
- The Basement 2 level within the North Block which currently forms part of the re-provision of the community infrastructure and facilities floorspace from another part of the site is proposed to be omitted.
- The existing public house at 50 Davies Street is proposed to be extended into the basement floors of 52-54 Davies Street and the ground and first floors of 52 Davies Street. This is proposed

to replace the approved flexible retail / café / restaurant floorspace.

- The approved flexible retail / café / restaurant floorspace within the ground floor of 54 Davies Street is proposed to be replaced by an extension to the approved office reception within 56 Davies Street.

Alongside this application, six applications for listed building consent to make alterations and extensions to the listed buildings on site have been submitted.

The proposed omission of the Basement 2 level within the North Block means that the SMT development would no longer re-provide in full the community infrastructure and facilities floorspace lost from 48 and 56 Brook Street in the form of the vacant Vidal Sassoon hairdressing training centre.

In order to address this conflict with City Plan Policy 17, permission is sought to convert 14 North Row (Site 2) into an education training facility (Class F1) or a medical centre (Class E).

The two flats on the upper floors of 14 North Row that would be lost as a result of this proposed change of use are proposed to be re-provided at 24 North Audley Street (Site 3) through the conversion of the upper floors of this public house into three flats.

The main issues for consideration are:

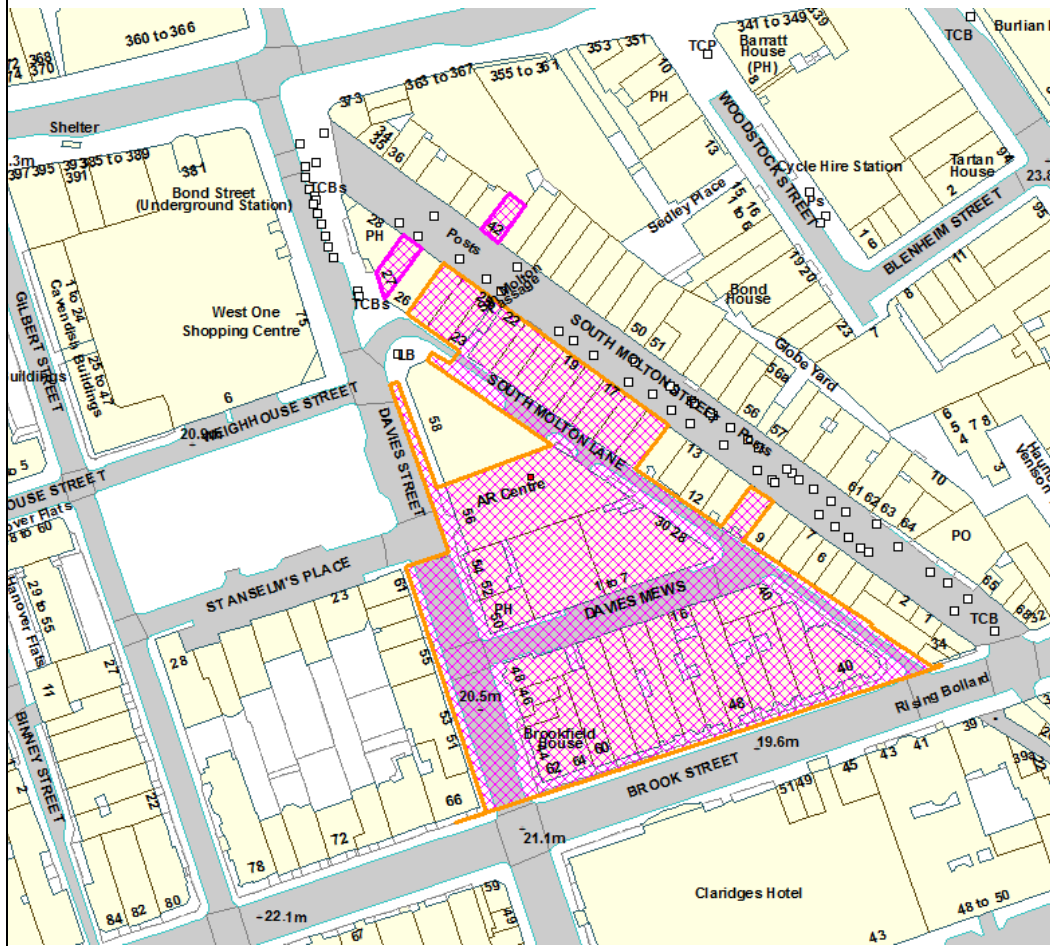
- Whether there is still clear and convincing justification for the heritage harm proposed at the SMT site and whether the public benefits derived from the development remain sufficient to outweigh this less than substantial heritage harm. The statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 must be fulfilled when undertaking this balancing exercise.
- Whether the proposed expansion of the existing public house at 50 Davies Street into the basements floors of 52-54 Davies and the ground and first floors of 52 Davies Street is acceptable in terms of its impact upon the character of the area and upon the amenity of neighbouring residents.
- Whether the re-provision of community infrastructure and facilities floorspace across the SMT site and at 14 North Row represents an acceptable replacement for the former Vidal Sassoon hairdressing training centre at 48 and 56 Davies Street.
- Whether the conversion of the upper floors of the public house at 24 North Audley Street would compromise the viability or function of this public house and, if so, whether the proposed residential units are an acceptable replacement for those proposed to be lost at 14 North Row.

The proposals are considered to be acceptable in land use, amenity and transportation terms, complying with the policies set out in the London Plan, City Plan and Mayfair Neighbourhood Plan in these respects. Whilst the proposals still do not fully comply with all the urban design and conservation policies and will still cause less than substantial harm to the significance of a number of designated heritage assets, it is considered that there remains clear and convincing justification for this harm and that the public benefits derived from the proposed development still outweigh this less than substantial heritage harm.

For these reasons, it is recommended that conditional planning permission be granted in respect to the proposed development at Sites 1, 2 and 3. This is subject to the completion of a legal agreement securing the items listed within this report in respect to Sites 1 and 2. Furthermore, it is recommended that listed building consent (x 8) be granted.

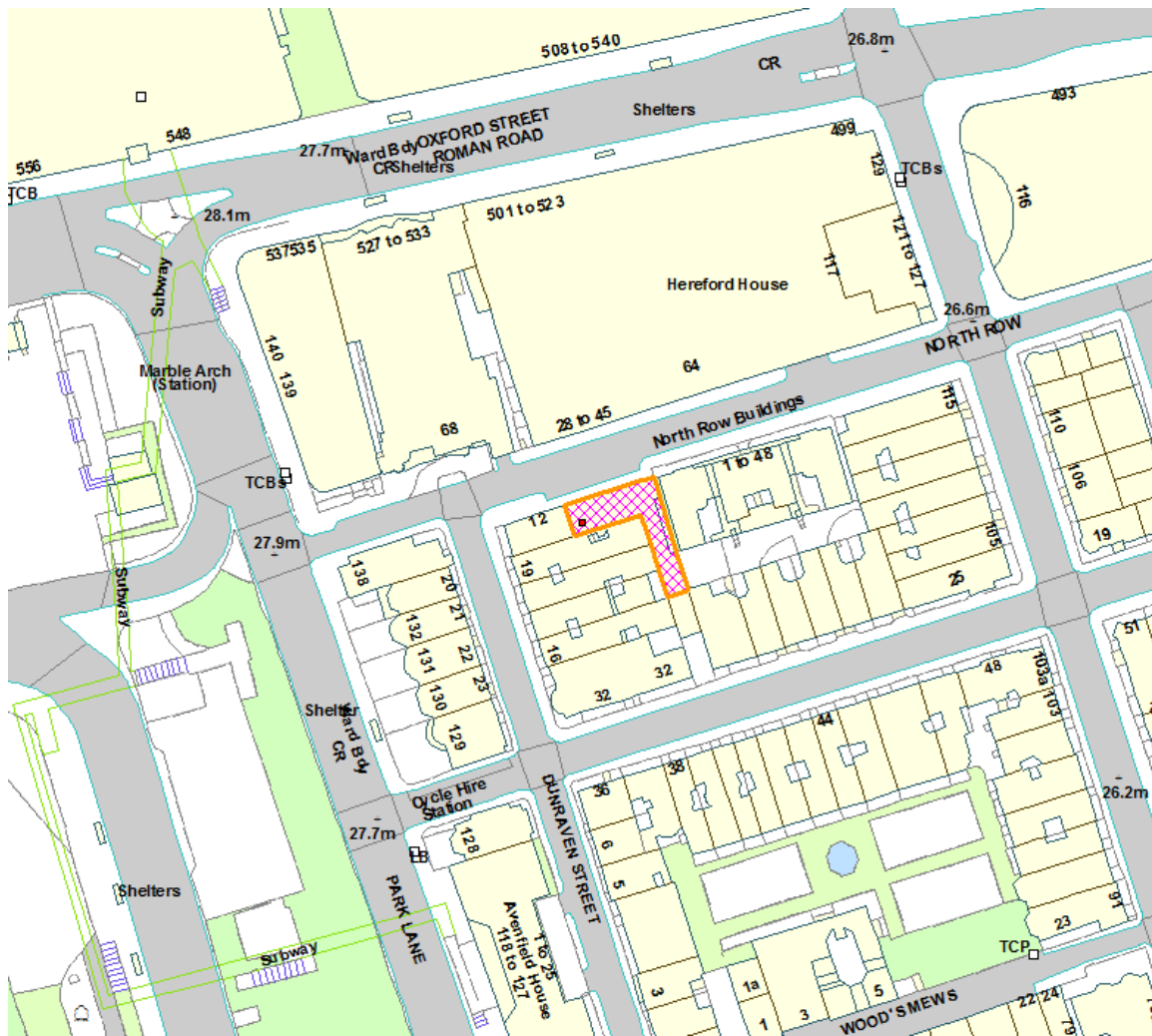
3. LOCATION PLANS

Site 1 – South Molton Triangle



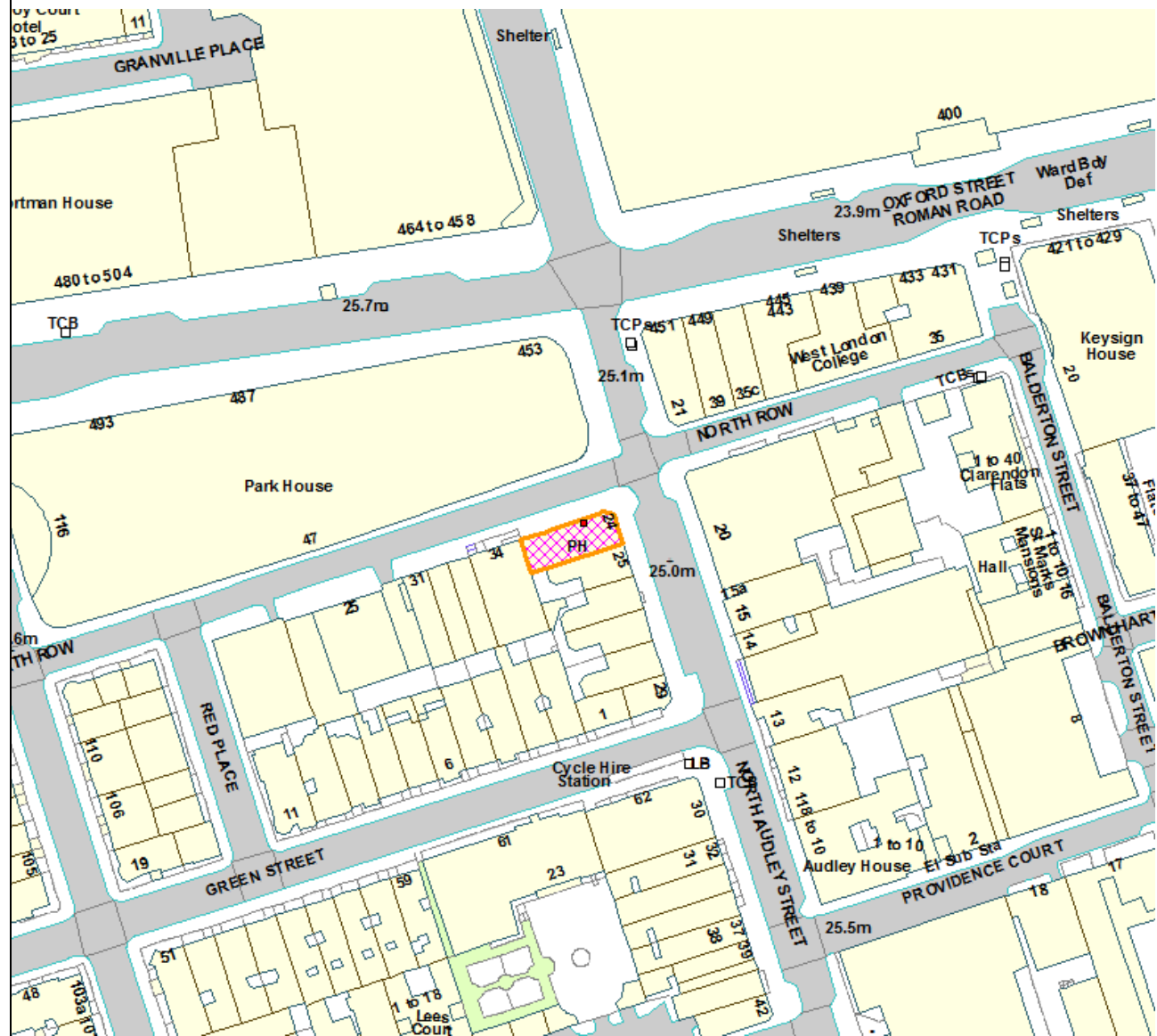
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Site 2 – 14 North Row



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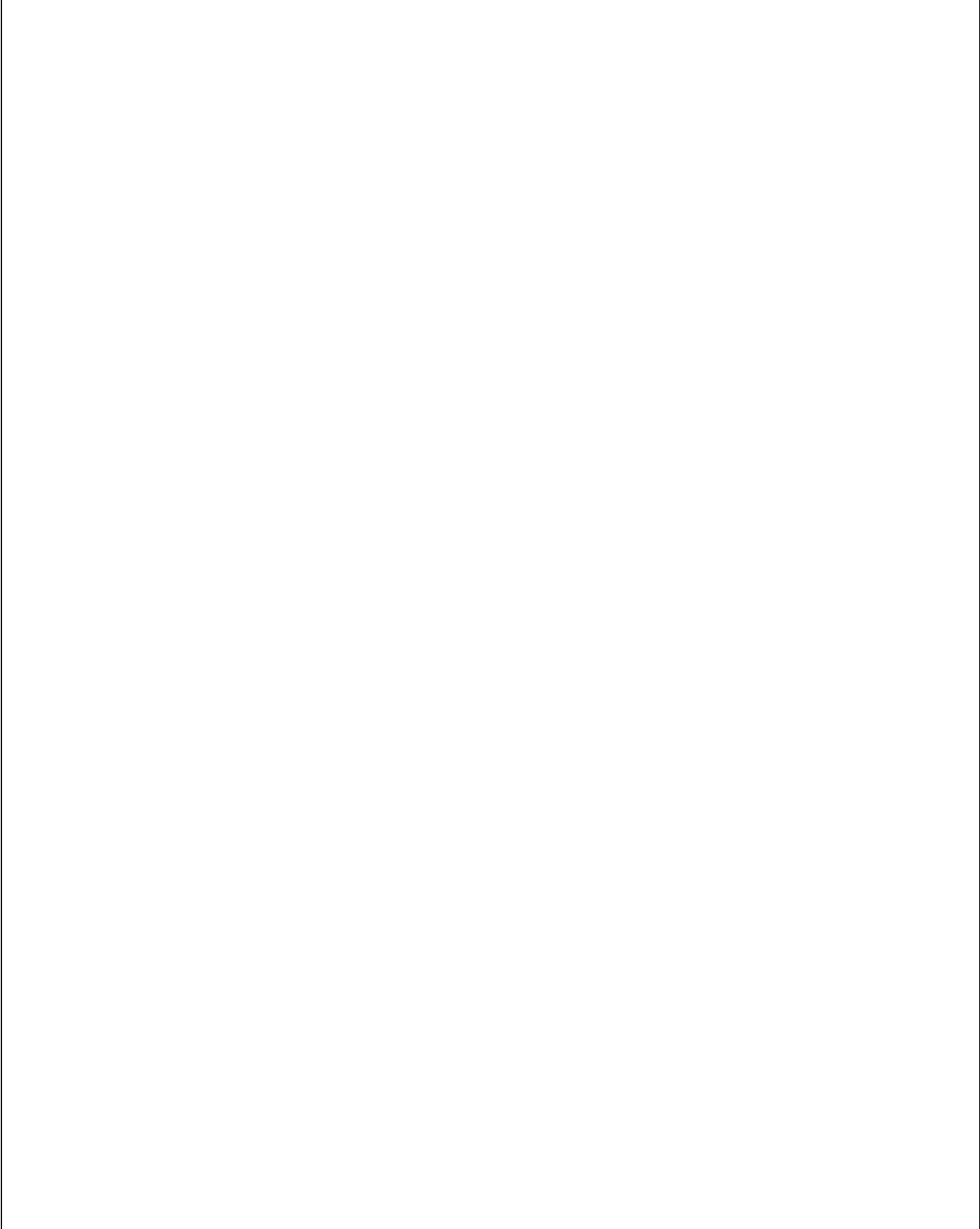
Site 3 – 24 North Audley Street



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Item No.

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PHOTOGRAPHS

Site 1 – South Molton Triangle

Brook Street – looking west:



Davies Street – looking north-east:



Davies Mews – looking west:



South Molton Lane – looking north:



South Molton Street– looking north-west:



Site 2 – 14 North Row



Site 3 – 24 North Audley Street



4. CONSULTATIONS

4.1 Application Consultations

Site 1 – South Molton Triangle

GREATER LONDON AUTHORITY:

- Given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues.
- Authorises that, under Article 5(2) of the above Town and Country Planning (Mayor of London) Order 2008, the Mayor of London does not need to be consulted further on this application. The City Council may, therefore, proceed to determine the application without further reference to the GLA.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM:

- Any response to be reported verbally.

CROSS LONDON RAIL LINKS:

- Requests that the pre-commencement conditions imposed upon the original permission (i.e. Conditions 45 and 46) be imposed should permission be granted.

WASTE PROJECTS OFFICER

- No objection to the revised waste details submitted. The details are in line with the council waste storage requirements.

HISTORIC ENGLAND:

- No comment (planning application).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 15-21 South Molton Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 50-54 Davies Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 10 South Molton Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 24-25 South Molton Street).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 40-46 Brook Street and 40 South Molton Lane).
- Authorisation provided to determine the application as the City Council sees fit (application for listed building consent at 1-7 Davies Mews and 28-30 South Molton Lane).

HISTORIC ENGLAND (ARCHAEOLOGY):

- The proposed reductions in basement excavations might somewhat reduce the archaeological impact of the scheme but Condition 52 of the original permission is still needed to secure appropriate mitigation for remaining impacts.

HIGHWAYS PLANNING:

- Any response to be reported verbally.

METROPOLITAN POLICE SERVICE:

- Any response to be reported verbally.

THAMES WATER:

- No comment.

ENVIRONMENT AGENCY:

- Confirms that there are no environmental constraints falling within its remit at this site and therefore makes no comment on the application.

NATURAL ENGLAND:

- States that is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.
- Advises that it is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies.

ARBORICULTURAL MANAGER

- Any response to be reported verbally.

WCC ECONOMY TEAM

- Any response to be reported verbally.

TRANSPORT FOR LONDON:

- The proposed variation of the planning permission does not create any new strategic transport issues.
- Providing that the previously approved transport planning obligations and conditions approved in the extant permission are re-imposed, no objection to the application.

THE GEORGIAN GROUP:

- Any response to be reported verbally.

THE VICTORIAN SOCIETY:

- Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 787

Total No. of replies: 3

No. of objections: 2

No. in support: 1

One making no objection to the proposed development in respect to the buildings at 1-7 Davies Mews and 28-30 South Molton Lane. However, raising serious concerns with, and objects to: (i) The significant changes proposed to the streets, pavements and signage on Davies Street and South Molton Lane; (ii) The shorter and longer term impacts resulting from traffic, noise, dust, vibration and general disruption; and (iii) The impact upon the viability of a neighbouring business. Requests that, should permission be granted, strict conditions are imposed to ensure that neighbouring businesses are protected during the construction period.

One objecting on the ground that the opportunity has not been taken to use 17 South Molton Street as a visitor attraction that celebrates and promotes the life and works of William Blake, the painter and poet who lived in this Grade II* listed building between 1804 and 1820.

One letter of support from Soho Housing supporting the proposed development and confirming that: (i) It is the registered provider for the 11 x affordable housing units at 23-25 and 27 South Molton Street; and (ii) The proposal maintains the required mix of affordable homes and this fits well with its requirements as a registered provider.

PRESS NOTICE/ SITE NOTICE: Yes

Site 2 – 14 North Row**RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:**

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM:

- Any response to be reported verbally.

HIGHWAYS PLANNING:

- No objection.

PROJECTS OFFICER (WASTE):

- Objection on the grounds that: (i) A separate waste store is not provided; and (ii) The proposed waste store is not correctly labelled on the proposed drawings.

HISTORIC ENGLAND:

- Authorisation provided to determine the application as the City Council sees fit.

THE GEORGIAN GROUP:

- Any response to be reported verbally.

THE VICTORIAN SOCIETY:

- Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS:

- Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY:

- Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY:

- Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY:

- Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY):

- Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 70

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE: Yes

Site 3 – 24 North Audley Street**RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S:**

- Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP:

- Any response to be reported verbally.

MAYFAIR NEIGHBOURHOOD FORUM:

- Any response to be reported verbally.

HIGHWAYS PLANNING:

- Any response to be reported verbally.

PROJECTS OFFICER (WASTE):

- No objection.

ENVIRONMENTAL SCIENCES:

- No objection.

HISTORIC ENGLAND:

- Authorisation provided to determine the application as the City Council sees fit.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 82

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE: Yes

4.2 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 applications 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 the table below:

Engagement Method/Event/Activity	Date	Attendance
Letters to 260 local addresses summarising proposed changes to the SMT development (Site 1) and issuing an invitation to the online briefing (see below).	27 May 2022	N/A
Letter to local addresses providing an update to the proposed changes to 14 North Row (Site 2).	13 June 2022	N/A
Letter to local addresses providing an update to the proposed changes to 24 North Audley Street (Site 3).	13 June 2022	N/A
Online briefing	15 June 2022	5
Online survey		One person gave feedback stating that the proposed changes were, ' <i>Understandable tweaks as development proceeds</i> '.

Rather than specific concerns, a number of queries were raised. Each of which was responded to individually. The full details are set out within the submitted Statement of

Community Involvement Addendum.

5. WESTMINSTER'S DEVELOPMENT PLAN

5.1 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 5.2).

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.

5.2 Neighbourhood Planning

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

5.3 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.

6. BACKGROUND INFORMATION

6.1 The Application Sites

Site 1 – South Molton Triangle

This comprises a triangular site bound by Brook Street, Davies Street and South Molton Lane (excluding Grays Antique Dealers at 58 Davies Street) and includes a number of buildings on the west side of South Molton Street (i.e. 10, 15-25 and 27 South Molton

Street) and one building on the east side of South Molton Street (i.e. 42 South Molton Street). Davies Mews runs through the centre of the site, linking Davies Street and South Molton Lane.

The site is located within the CAZ and the West End Retail and Leisure Special Policy Area. With the exception of the South Molton Street Properties which are located within 'East Mayfair', the majority of the site is located within 'Central Mayfair', as defined within the Mayfair Neighbourhood Plan.

The site is located in the Mayfair Conservation Area and includes numerous listed buildings, of which 1-7 Davies Mews and 28-30 South Molton Lane; 50-54 Davies Street; 40-46 Brook Street and 40 South Molton Lane; and 10, 15, 16, 18-21, 24 and 25 South Molton Street are Grade II listed. 17 South Molton Street is Grade II*.

The proposed development would affect the setting of the Grade I listed Grosvenor Estate Office (66 Brook Street and 53 Davies Street) which is to the west of the site at the corner of Brook Street and Davies Street; 58 Davies Street (Grade II) to the north; Claridges Hotel (Grade II), 41-43 Brook Street (Grade II) and 39 and 39a Brook Street and 22 Avery Row (Grade II*) which are to the south; and 11, 12, 14, 26, 41, 50 and 63 South Molton Street (Grade II) to the east. The Stratford Place Conservation Area is to the north of Oxford Street.

The following buildings within the site are considered to be unlisted buildings of merit which contribute positively to the character and appearance of the Mayfair Conservation Area:

- The Army Reserve Centre, 56 Davies Street (North Block)
- 60 Brook Street (South Block)
- 48 and 50 Brook Street (South Block)
- 52 and 54 Brook Street (South Block)
- 56 and 58 Brook Street (South Block)
- Davies Mews, South Side (South Block)
- 64 Davies Street (Brookfield House) (South Block)
- 22, 23, 27 and 42 South Molton Street

Records indicate that the nearest residential properties to the site are 11x flats within 59 Davies Street, a number of residential properties on St. Anslem's Place and on the upper floors of a number of properties on South Molton Street (i.e. Nos. 8, 13, 26, 28, 37, 40a, 46, 52 and 55).

To the west of the application site is the recently opened Bond Street West Elizabeth Line Station. Once complete, the over-station development that will provide office floorspace. To the north-west of the site is Bond Street Underground Station. 56 Davies Street is located within an Area of Surface Interest under the Crossrail Safeguarding Direction (2008), with the remainder of the site being within the Safeguarding Limits. The platform tunnels linking Bond Street West Elizabeth Line Station and Bond Street East Elizabeth Line Station (located at the north-west corner of Hanover Square) run below the northern part of the site.

The site is located within the Great Estates Archaeological Priority Area (Tier 2).

The site can be split into four areas of development: (i) The South Block; (ii) The North Block; (iii) 40-46 Brook Street and 40 South Molton Lane; and (iv) The South Molton Street Properties.

North Block

On the north side of Davies Mews, the North Block comprises three Grade II listed early Victorian townhouses at 50-54 Davies Street, the Grade II listed early twentieth century 1-7 Davies Mews and 28-30 South Molton Lane that makes up the northern frontage to Davies Mews and part of the South Molton Lane frontage, and the unlisted mid-twentieth century stone fronted 56 Davies Street with stock brick garage elevation making up the remainder of the South Molton Lane frontage.

52-56 Davies Street make up the former Territorial Army Reserve Centre and Rifles Club (*sui generis*) that occupied the site between c.1890 and March 2018. The three buildings became vacant when the F (Rifles) Company relocated to Hammersmith and the Rifles Officer's London Club relocated to 127 Piccadilly. Pursuant to permissions granted in July and November 2019 and July 2022, the three buildings are currently in use as an immersive theatre space and ancillary uses (*sui generis*), albeit for a temporary period until 30 June 2024. At the end of this period, the lawful use of the three buildings will revert to their former use as an army reserve centre (*sui generis*).

50 Davies Street is in use as a public house (The Running Horse).

1-7 Davies Mews and 28-30 South Molton Lane was occupied by Grays antiques as an indoor antiques market until it vacated on 31 May 2018. With the exception of a flat at the corner of Davies Mews and South Molton Lane, the first floor of the application site is in office use. The second floor is in use as four flats.

South Block

Three pairs of unlisted townhouses (48-58 Brook Street) front onto Brook Street. They are of varying design, materials, heights and building lines. All are topped with mansard roofs. 60 Brook Street comprises a much-altered unlisted early Georgian townhouse. All these townhouses are accompanied by two and three storey mews buildings fronting onto Davies Mews. Terminating the western end of the South Block is Brookfield House (44-48 Davies Street and 62-64 Brook Street) comprising a taller stone-faced unlisted building dating from the early twentieth century.

The lawful use of the 48 Brook Street and 14-15 Davies Mews and the basement, rear ground, ground floor mezzanine and rear first floor level of 56 Brook Street are as educational training facilities for hairdressing, being occupied as a training school for Vidal Sassoon until it vacated on 30 June 2017 and the operation relocated to 58 Buckingham Gate. Whilst temporary permission has been granted to use these buildings as an art studios and workshops (*sui generis*) for temporary period until 30 June 2023 and 30 September 2023, respectively, the lawful use of these buildings reverts to an educational training facility for hairdressing at the end of these temporary periods.

50, 52 and 54 Brook Street are in office use.

The front first, second, third and fourth floors of 56 Brook Street are in office use.

The basement and ground floor of 58 Brook Street are in retail use, the first to third floors are in office use, whilst the fourth floor is in use as a flat.

The lower floors of 60 Brook Street are in retail use and the third floor is in use as a flat.

Brookfield House is in use as retail over ground and part-basement and as offices as part-basement and the upper floors.

South Molton Street Properties

This part of the development is made up of 14 buildings. With the exception of 42 South Molton Street, all are located on the south-western side of South Molton Street. The South Molton Street buildings are all four storey Georgian terraced houses (built in the mid-18th century) except for No.18 which is Victorian. Most of these buildings are Grade II listed, with the exception of No.17 which is Grade II* listed (because of its association with the artist and poet William Blake) and Nos. 22, 23, 27 and 42 which are not listed.

These buildings are all in retail use over the entirety of the basement and ground floors, with some retailing taking place over first floors levels (Nos. 23, 24, 25 and 27). With the exception of two flats at third floor levels of 21 and 24 South Molton Street, the remainder of the floorspace over the upper floors is in office use.

40-46 Brook Street and 40 South Molton Lane

These comprise four Grade II listed former dwellinghouses and associated mews building dating from the late-19th century.

The buildings are connected internally and are entirely in office use.

Site 2 – 14 North Row

14 North Row is a grade II listed building in the Mayfair Conservation Area to which it makes a positive contribution. It is in the Great Estates Area of Special Archaeological Priority and the CAZ. Immediate to the south is 16-19 Dunraven Street, also Grade II listed.

It stands on the south side of the street and is of two-storeys plus an attic storey within the roof space. There are wide dormer windows in the slate roof with prominent chimneys. It has garage doors at ground floor level. The building has been extended eastward and has a somewhat incongruous flat roof.

The lawful use is as garage storage (Sui Generis) at ground floor level, with two residential (Class C3) above. The site has been vacant since 2017.

Site 3 – 24 North Audley Street

24 North Audley Street is Grade II listed and is in use as a public house (Sui Generis). The basement and ground floors comprise the publicly accessible bar and dining areas, whilst the upper floors comprise ancillary accommodation including a kitchen and staff accommodation.

The site is located within the CAZ and the West End Retail and Leisure Special Policy Area.

The building forms the end building of this nineteenth century listed terrace at 24-29 North Audley Street. The terrace was constructed as purpose-built of flats over shops with basements to designs by Thomas and Frank Verity, architects noted for their work on West End theatres, and widely used by the Grosvenor Estate at this time. The terrace forms part of a set piece of late Victorian development in this part of Mayfair.

6.2 Recent Relevant History

Site 1 – South Molton Triangle

20/03987/FULL

Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Class D1 (Non-Residential Institutions) and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works.

Application Permitted 8 April 2022

The above permission was amended on 15 June 2022 (Ref: 22/03379/NMA) in the following ways:

1. To revise the description of development to omit reference to Class D1 (Non-Residential Institutions) and replace this with the phrase 'Community Infrastructure and Facilities';
2. To amend the wording of Condition 31 to allow uses within Class F1, Class E(e) or Class F(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended) to occupy the floorspace; and
3. To revise the description of development to include reference to the removal and

reinstatement of certain building features to the façade of 56 Davies Street.

The approved description of development therefore now reads:

'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), ~~Class D1 (Non-Residential Institutions)~~ Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'.

Condition 31 now reads:

'Prior to the commencement of the use of the part ground and part basement unit within the North Block annotated as D1 - N.D1 (and prior to any subsequent materially different use), full details of the nature of the use of this unit, under Class F1, Class E(e) or Class E(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it), shall be submitted for the City Council's approval. The use of this space (and any subsequent materially different uses) shall be in full accordance with the details approved by the City Council'.

50-54 Davies Street (Ref: 20/03901/LBC)

Partial demolition to second and third floors behind retained Davies Street elevation, partial demolition of rear elevation and demolition of roof, reconstruction of second and third floor to form part of new building of up to 9 storeys; all to 52-54 Davies Street. Internal and external alterations, refurbishment and reinstatement works, and other associated works.

Permitted – 8 April 2022

40-46 Brook Street and 40 South Molton Lane (Ref: 20/03902/LBC)

Excavation to deepen rear basement level and extend beneath Davies Mews, reinstatement of historical features, internal and external alterations and localised fabric removal, installation of corner turret and side gables, installation of roof plant, and other associated works.

Permitted – 8 April 2022

1-7 Davies Mews and 28-30 South Molton Lane (Ref: 20/03903/LBC)

Demolition behind retained Davies Mews and South Molton Lane facades and front roofslopes, enhancement of street elevations and front roofslopes, and other associated works. Excavation of new sub-basement and redevelopment to form part of new building over sub-basement, basement, ground and eight upper floors.

Permitted – 8 April 2022

10 South Molton Street (Ref: 20/03907/LBC)

Demolition of later rear addition to create a ground floor opening and passageway from South Molton Lane to South Molton Street, internal and external alterations, shopfront and facade improvements, fenestration enhancements, and other associated works.

Permitted – 8 April 2022

15-21 South Molton Street (Ref: 20/03909/LBC)

Reconfiguration to front and rear ground floor elevations, alterations to upper floors, removal of staircase to No. 19, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, installation of roof level plant and other associated works.

Permitted – 8 April 2022

24-25 South Molton Street (Ref: 20/03910/LBC)

Installation of replacement front and rear shopfronts of No. 25, alterations to front and rear elevations on upper floors including installation of replacement windows, reinstatement of historical features on first and second floors, repair work to historical staircases and reinstatement of balustrades, some reconfiguration of ground floor and basement layouts, and other associated internal and external works.

Permitted – 8 April 2022

Site 2 - 14 North Row

None.

Site 3 - 24 North Audley Street

None.

7. THE PROPOSAL

Site 1 – South Molton Triangle

The application at Site 1 is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to development land without compliance with the conditions previously attached. The decision letters of the original planning permission and how this was amended on 15 June 2022 (Ref: 22/03379/NMA) are included as background papers.

Following further design review related to detailed RIBA design stages, a number of amendments are proposed to the approved development to enhance the scheme's functionality and environmental performance. The application seeks the substitution of

the approved drawings with the revised drawings showing the proposed amended development. This is achieved through amending Condition 1.

The most significant of the proposed changes by development phase are as follows.

North Block

- The overall height is proposed to be increased by 460mm.
- The approved Basement 2 level that forms part of the re-provision of the community infrastructure and facilities floorspace approved to be lost from 48 and 56 Brook Street is proposed to be omitted. The floor-to-ceiling height of the Basement 1 is proposed to be increased from 3.5m to 4.6m. A small mezzanine is also proposed to be introduced between an enlarged ground floor entrance and Basement 1 level.
- In respect to this proposed reduced community infrastructure and facilities floorspace, the application seeks the wording of Condition 31 to be amended to both reflect the proposed updated drawings and to add uses within Class E(d) (i.e. for indoor sport, recreation or fitness) to the range the permitted uses for this floorspace. This is in addition to the approved Class F1 (i.e. learning and non-residential institutions), Class E(e) (i.e. medical or health services) or Class E(f) (i.e. creche, day nursery or day centre).
- A small flexible retail / café / restaurant on the South Molton Lane frontage is proposed to be omitted in order to allow for a larger ground floor entrance to the subterranean community infrastructure and facilities use.
- The basement retaining wall of 1-7 Davies Mews and 28-30 South Molton Lane onto Davies Mews is now proposed to be demolished.
- Minor design changes are proposed to 1-7 Davies Mews and 28-30 South Molton Lane, including the replacement of non-original windows.
- Minor changes are proposed to the size and proportion of the new windows within the re-build Davies Street façade of 56 Davies Street.
- A brickwork chimney and the roof structure to the turret of 1-7 Davies Mews and 28-30 South Molton Lane at the corner of Davies Mews and South Molton Lane is now proposed to be demolished and reconstructed to match existing (it is approved to be retained).
- The layout of Basement 1 is proposed to be altered, with the bike store relocated and the service corridor that provides access into the rear of 50-54 Davies Street omitted.
- The detailed design of the upper floors is proposed to be altered, with a greater proportion of glazing on the upper floors.
- Three rather than four flexible retail / café / restaurant commercial units are proposed on the Davies Mews frontage.
- The approved flexible retail / café / restaurant floorspace within the basement, ground and first floor of 52 Davies Street and the basement and ground floors of 54 Davies Street are proposed to be replaced by: (i) An extension to the public house at 50 Davies Street to provide additional dining capacity within the basement of 52-54 Davies Street and the ground and first floors of 52 Davies Street; and (ii) The ground floor of 54 Davies street is proposed to be converted into office floorspace as an extension to the approved office reception within 56 Davies Street. The entrance to the approved overnight accommodation on second and third floors of 50 Davies is proposed to be relocated to 52 Davies Street so that this accommodation has its own entrance, separate from the bar of the public house.

South Block

- The overall height is proposed to be increased by 500mm.
- The fenestration to the proposed rebuilt Brookfield House is proposed to be realigned.
- It is proposed to extend the perimeter of the roof top plant screen.
- Alterations are proposed to the Brook Street basement frontages at 48-54 Brook Street.

40-46 Brook Street and 40 South Molton Lane

- The approved excavation beneath Davies Mews is proposed to be omitted.
- Minor internal layout changes are proposed.

South Molton Street Properties

- Single storey extensions are proposed at rear second floor level of 20 and 22 South Molton Street, although no additional habitable rooms are proposed.
- 10 South Molton Street - the detailed design of the gates on either end of the new passageway are proposed to be altered, additional plant is proposed at roof level and minor changes are proposed to the design and width of the passageway.
- Alterations to the detailed design of some shopfronts are proposed.
- Less excavation is proposed in the basement levels of 21-25 South Molton Street, resulting in a reduction in flexible retail / restaurant / café floorspace.
- Additional mechanical plant is proposed at 10, 27 and 42 South Molton Street to allow for the entire site to be powered by electricity only.
- Minor changes to the approved layouts of the new residential accommodation are proposed, including additional detail on fire compartmentalisation and acoustic separation.
- Where windows are replaced, double glazed windows are now proposed instead of the approved secondary glazing.
- Ventilation grilles to the South Molton Lane frontages and within some of the shopfronts on South Molton Lane are proposed in order to allow air exchange (but not kitchen extracts).

In addition to the amendments to Conditions 1 (approved drawings) and Condition 31 (use of approved re-provided community infrastructure and facilities floorspace), the application also seeks to vary the wording of several other conditions.

The majority (i.e. Conditions 20, 47, 49, 53, 55 and 57) are proposed to be simply amended so that the drawings referenced in these conditions reflects the proposed amended drawings. A number of other conditions also need minor updates to reflect the proposed amendments to the approved development.

More substantive are the proposed amendments to the wording of Conditions 17 and 39.

Condition 17

Condition 17 secures that the primary use of at least 50% of approved floorspace within the non-office commercial ground and basement units within the North Block (excluding 50 Davies Street), the South Block, the commercial units at basement and ground floors of Nos. 10, 17-25, 27 and 42 South Molton Street, and the commercial units at ground floor of Nos. 15-16 South Molton Street shall be for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Up to 50% of the remainder of the floorspace of these units may be used for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. This is secured by Condition 14.

The reason for the imposition of Condition 17 is to secure a balance in the development between retail and restaurant / café floorspace so that the development would not become solely a restaurant / café destination, whilst ensuring that the applicant was also given flexibility in the distribution of shop / café / restaurant uses (albeit that the primary use of the ground and basement floors of 23-25 South Molton Street and 27 South Molton Street are only permitted to be for the display or retail sale of goods, other than hot food, principally to visiting members of the public. – Condition 14).

The applicant is seeking that the wording of Condition 17 be amended to remove from its scope the proposed extended public house within the basement of 50-54 Davies Street and ground and first floors of 50-52 Davies Street. The result of this proposed amended condition is that the minimum amount of floorspace within the development that must be primarily used for the display or retail sale of goods, other than hot food, principally to visiting members of the public would reduce from 2,948 sq.m to 2,803 sq.m.

Condition 39

This condition ensures that noise emitted from internal activity is at least 10 dB below the minimum external background noise level at a point 1m outside any window of any residential or other noise sensitive property. This threshold increases to 15 dB below the minimum external background noise when the noise contains tones.

The application seeks that the extended public house within the basement of 50-54 Davies Street and the ground and first floor of 50-52 Davies Street are excluded from the scope of Condition 39.

The combined effect of the proposed amendments in land use terms is summarised in Table 1 below:

Land Use	Existing floorspace (sq.m GIA)	Approved floorspace (sq.m GIA)	Proposed floorspace (sq.m GIA)	Net between existing and proposed (sq.m GIA)	Net between approved and proposed development (sq.m GIA)
Retail (Class E)	5,372	At least 3,136 sq.m and up to 6,272 sq.m	At least 2,803 sq.m and up to 5,605 sq.m	Between -2,569 and +233	-333
Café and restaurant (Class E)	0	Between 0 sq.m and 3,136 sq.m	Between 0 sq.m and 2,803 sq.m	Between 0 and +2,803	-333
Public House / Bar (<i>Sui Generis</i>)	425	506	797	+372	+291
Office (Class E)	9,556	18,947	19,140	+9,584	+193
Hotel (Class C1)	0	3,168	3,083	+3,083	-85
Residential (Class C3)	940 (9 x units)	2,923 (33 x units)	2,907 (33 x units)	+1,967 (+24 x units)	-16 (-)
Flexible Community Infrastructure and Facilities (Class F1 / Class E)	1,205	1,208	698	-507	-510
Overnight guest accommodation above the Running Horse Public House (<i>sui generis</i>)	0	150	146	+146	-4
Army Reserve Centre (<i>Sui Generis</i>)	2,930	0	0	-2,930	-
Waxing Salon (<i>Sui Generis</i>)	165	0	0	-165	-
UKPN sub-station (<i>Sui Generis</i>)	19	99	55	+36	-44
TOTAL	20,613	33,273	32,431	+11,818	-842

Table 1: Existing and proposed floorspace totals, ignoring temporary uses.

In parallel, six listed building consent applications have been submitted to reflect the changes proposed within the S73 application. These applications will provide alternative consents to the listed building consents granted on 8 April 2022.

Site 2 – 14 North Row

As Table 1 shows, the SMT application proposes a 510 sq.m GIA reduction in the approved flexible 'community infrastructure and facilities' floorspace. The result is that the development no longer re-provides the community infrastructure and facilities floorspace lost from 48 Brook Street and 56 Brook Street (1,205 sq.m GIA) in the form of the Vidal Sassoon hairdressing training centre.

In order to compensate for this provision, this application proposes to extend and alter 14 North Row and to use this building to provide community infrastructure and facilities floorspace in the form of an education training facility (Class F1) or a medical centre (Class E).

A summary of the existing and proposed floorspace is set out within Table 2 below:

	Existing floorspace (sq.m GIA)	Proposed floorspace (sq.m GIA)	Net
Residential (Class C3)	158.8 (2 x units)	0	-158.8 (-2 x units)
Garage / Storage (<i>Sui Generis</i>)	346.6	0	-346.6
Flexible education (Class F1) or medical facility (Class E)	0	471.7	+471.7
TOTAL	523.4	471.7	-51.7

Table 2: Existing and proposed floorspace.

As a result, the proposed 510 sq.m GIA reduction in flexible 'community infrastructure and facilities' proposed at SMT would be reduced to a 38.3 sq.m reduction when assessed as a land use package with the development proposed at 14 North Row.

As part of the proposed conversion of the building to provide community infrastructure and facilities floorspace, a number of alterations are proposed to this building. At ground floor level, the five garage doors are proposed to be replaced with door sets comprising of part timber panels and part glazed windows. At roof level, the hipped and slate clad roof is proposed to be extended over the non-original extension's flat roof, with a dormer window added to the front elevation to match the two existing dormer windows. This roof extension necessitates a small rear extension at second floor level.

Despite the roof extension that enlarges the second-floor level, the proposal will result in a small (-51.7 sq.m) loss of floorspace due to the creation of an external courtyard at rear ground floor level.

Site 3 – 24 North Audley Street

The two residential units (158.8 sq.m) proposed to be lost as a result of the conversion of 14 North Row into either an education training facility (Class F1) or a medical centre (Class E) are proposed to be re-provided at 24 North Audley through the conversion of the upper floors of this public house into three flats. These flats would have their own separate access, independent of the public house.

A summary of the existing and proposed floorspace is set out within Table 3 below:

	Existing floorspace (sq.m GIA)	Proposed floorspace (sq.m GIA)	Net
Residential (Class C3)	0	324.4 (3 x units)	+324.4 (+3 x units)
Public house (<i>Sui Generis</i>)	767	364.4	-402.6
TOTAL	767	688.8	-78.2

Table 3: Existing and proposed floorspace

When assessed as a land use package alongside the proposal at 14 North Row, the proposals would see a net increase in one residential unit and an increase in residential floorspace of 165.6 sq.m.

8. DETAILED CONSIDERATIONS

Application Context

The application at Site 1 is submitted under Section 73 of the Town and Country Planning Act (1990) (as amended) as it seeks to develop land without compliance with the conditions previously attached. Section 73(2) of the Act states:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application'.

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. An obvious example of such a wider consideration is that the City Council must reassess if the development would result in any harm to the significance of heritage assets and, if it remains the case that such harm is less than substantial, then the weighing exercise of this harm against any public benefits of the amended development must be undertaken again.

All three applications for planning permission, including that submitted under Section 73, must be determined in accordance with the development plan (i.e. the London Plan (adopted March 2021), the City Plan (adopted April 2021) and the Mayfair Neighbourhood Plan (adopted December 2019)), unless material considerations indicate otherwise. The development plan remains unchanged from that used in the assessment of the original application at Site 1. The NPPF (adopted July 2021) also remains unchanged. The original permission at Site 1 represents a fall-back position that carries great weight in the decision-making process.

8.1 Land Use

8.1.1 Omission of Basement 2 level within the North Block of Site 1 and use of 14 North Row (Site 2) for community infrastructure and facilities floorspace

Education, sports and recreation, and health facilities all fall within the City Plan's definition of 'community facilities / infrastructure'.

There is no land use objection to the provision of flexible education (Class F1) or medical (Class E) facility at 14 North Row, with City Plan Policy 17(a) stating, '*New community infrastructure and facilities will be supported where there is an identified present or future need*'. This is subject to conditions that the education facility will be for tertiary education only and that the permission will be restricted to the uses sought only and for no other uses within Class E or Class F1. The loss of the off-street car parking is welcome.

The approved SMT development fully off-sets the loss of the community infrastructure and facilities floorspace in the form of the vacant Vidal Sassoon hair dressing academy at 48 and 56 Brook Street. The same is not true of the proposed amendments to the SMT development.

The proposed omission of the Basement 2 level within the North Block and therefore reduction (-510 sq.m) in approved community infrastructure and facilities floorspace is not fully off-set by the proposed re-provision of such floorspace at 14 North Row (+471.7 sq.m). This small (-38.8 sq.m) reduction in such floorspace when the land use package is considered as a whole is contrary to City Plan Policy 17(c) that protects existing community facilities and floorspace except in two circumstances, neither of which are applicable in this instance.

Despite this technical policy conflict, the provision of two higher quality community infrastructure facilities close to each other in north Mayfair is considered to provide greater benefit to the local community when compared to the single, poorer quality replacement facility in the approved SMT development. The proposal would also see 14 North Row brought back into active use. These factors are considered to represent a compelling material consideration that justifies the conflict with City Plan Policy 17.

At 14 North Row, the replacement of the blank garage doors at ground level with door sets comprising of part timber panels and part double-glazed windows will provide an animated ground floor frontage that will provide visual interest and better engage with the streetscene, in accordance with City Plan Policy 14(B). This is a significant benefit of the proposal.

A legal agreement is recommended to secure the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Block at Site 1 and the entirety of Site 2 within 8 years of the commencement of demolition of either 48 or 56 Brook Street. This timeframe remains unchanged from that secured in the legal agreement for the approved SMT development.

8.1.2 Amendment to the wording of Condition 31 to allow a wider range of community infrastructure and facilities floorspace with the North Block (Site 1)

Given that sports and recreation also fall within the City Plan's definition of 'community facilities / infrastructure', there is no objection to the wording of Condition 31 at Site 1 being amended to allow for the inclusion of uses within Class E(d) (i.e. for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public). The exact nature of the eventual use (and any subsequent materially different uses) of the floorspace will still be subject to approval by the City Council. Such an approach is compliant with City Plan Policy 17.

8.1.3 Expansion of existing public house at 50 Davies Street and amendments to the wording of Condition 39 (Site 1)

City Plan Policy 2 supports the intensification of the West End Retail and Leisure Special Policy Area, alongside an improved retail and leisure experience that responds to innovation and change in the sector and a diverse evening and night-time economy and enhanced cultural offer. These objectives need to be balanced against the requirement to protect residential amenity and local environmental quality, as set out within City Plan Policy 7.

City Plan Policy 14(A) seeks to enhance and diversity the office of existing town centre as places to shop, work and spend leisure time. City Plan Policy 14(B) requires uses that provide active frontages and serve visiting members of the public throughout the town centre hierarchy (this includes the West End Retail and Leisure Special Policy Area). City Plan Policy 14(C) requires all development to be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed, with the West End Retail and Leisure Special Policy Area providing a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy. London Plan Policy HC6(B)(6) states that planning decision should, '*protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues*'.

In terms of the impact of the proposed expansion of the existing public house at 50 Davies Street, City Plan Policy 16(A) states, '*Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate*'.

The proposed expansion of the existing public house at 50 Davies Street into the basements of 52-54 Davies Street and the ground and first floors of 52 Davies Street will enhance the dining offer and provide a dedicated entrance to the approved overnight accommodation over second and third floors. The expanded public house will also be more accessible through wider access doors and a lift between basement and ground floor levels. It is considered that its proposed expansion would support its continued viability and enhance its contribution to the evening economy of this part of the West End Retail and Leisure Special Policy Area. Furthermore, the ground floor of 52 Davies Street will continue (compared to the approved development) to provide an active frontage for visiting members of the public, in accordance with City Plan Policy 14(B).

Although residents do live close by, including within St. Anslem's Place and directly opposite at 59 Davies Street, it is not considered that the scale and type of this expanded public house will be harmful to the amenity of these local residents. Furthermore, there is no overconcentration of such entertainment uses in this part of the CAZ and the nature and scale of the proposed expanded public house is not considered to be harmful to the character of this part of the CAZ, in accordance with City Plan Policies 7 and 16. This is subject to a condition requiring the windows at basement floors of 52-54 Davies Street and the ground and first floors of 52 Davies Street to remain closed after 23.00 daily.

The current wording of Condition 39 controls noise outbreak from the approved development. The application seeks that the wording of this condition be amended to remove from its scope both the existing public house at 50 Davies Street and the proposed extension to the public house (i.e. the basements of 52-54 Davies Street and the ground and first floors of 52 Davies Street). Removing the existing public house from Condition 39's scope is uncontentious given that this is a longstanding existing use that should not have been subjected to new control. Furthermore, it is accepted that it would be difficult to enforce this condition if only part of a planning unit was subjected to its control. For this reason, it is recommended that the wording of Condition 39 should be amended to omit both the existing and proposed expanded public house from its scope. It is considered that noise outbreak from the expanded element can adequately be mitigated by the imposition of a condition requiring the windows at basement floors of 52-54 Davies Street and the ground and first floors of 52 Davies Street to remain closed after 23.00 daily, as set out above.

8.1.4 Amending the wording of Condition 17 to exclude the floorspace within the proposed expanded public house (Site 1).

The proposed amendment to Condition 17 would mean that the minimum amount of floorspace within the development that must be primarily used for the display or retail sale of goods, other than hot food, principally to visiting members of the public would reduce from 2,948 sq.m to 2,803 sq.m. Although the expansion of the public house does not necessitate this amended wording, the impact upon the mix of uses within the development will not be readily perceptible. The development will still result in an acceptable mix of retail and restaurant / café for this part of the West End Special Retail and Leisure Policy Area, in accordance with City Plan Policies 1, 2, 14 and 16.

8.1.5 Use of the ground floor of 54 Davies Street as an extension to the North Block office entrance (Site 1)

The proposed replacement of the approved flexible retail or restaurant / café unit at ground floor of 54 Davies Street with meeting rooms / waiting area in association with the adjacent office lobby within 56 Davies Street is disappointing. It is considered that this represents a lost opportunity to provide greater interest to this part of Davies Street and a use for passing commuters, visitors and residents. This is contrary to City Plan Policy 14(B) as the proposed use fails to provide an active frontage at ground floor level and a use that serves visiting members of the public.

However, this ground floor does not currently serve visiting members of the public and

therefore there is no actual loss of an active frontage / use, only a lost opportunity. Furthermore, this building does not enjoy level access, and as set out within Section 8.4 of this report, the configuration of the ground floor of 54 Davies Street represents an improvement in heritage terms when compared to the approved development as it creates a better sense of that building's original plan form. For these reasons, this proposed alteration is considered to be acceptable.

8.1.6 Omission of flexible retail / café / restaurant on the South Molton Lane frontage of the North Block (Site 1)

This unit's loss is a consequence of the applicant's desire for a larger entrance to the community infrastructure facility within the basement of the North Block. The entrance to this unit will also provide an active frontage and a use that serves visiting members of the public, in accordance with City Plan Policy 14(B). As such, the proposed amended development will continue to activate South Molton Lane to the same extent as the approved development. For these reasons, this amendment is considered to be acceptable.

8.1.7 Proposed extensions to the market housing at 20 and 22 South Molton Street (Site 1)

Despite the proposed small extensions to two of the approved market flats, the proposed amendments to Site 1 would see a reduction in the residential floorspace of 16 sq.m. This is a result of the reduction in the area dedicated to plant and cycle stores (although the provision remains unchanged). There are no changes to the number of residential units proposed, bedrooms or habitable rooms.

The scheme still provides 35% affordable housing by habitable room and by floorspace. This proposed amended development is therefore still in accordance with London Plan Policies H4 and H5, as well as City Plan Policies 1(A)(2) and 9(B).

The tenure split of the affordable homes proposed remains unchanged; seven social housing units where rents charged will be at London Affordable Rents (LAR) and four units let as intermediate rented housing where rents are set at London Living Rent (LLR) levels. The tenure split remains between social and intermediate forms of affordable housing remains as approved at 64:36 by units and 75:25 by habitable room.

8.1.8 Re-provision of residential units / floorspace lost from 14 North Row at 24 North Audley Street (Site 2 and 3)

There is no objection to the loss of the two residential units (158.8 sq.m) on the upper floors of 14 North Row subject to the three flats (324.4 sq.m) at 24 North Audley Street being ready for occupation prior to the commencement of the flexible education training facility (Class F1) or medical centre (Class E) at 14 North Row. It is recommended that this be secured by legal agreement. The proposed units are of good quality, adequate size and include the provision of one family sized unit.

The upper floors of the building are not publicly accessible. The first-floor level is used for general storage of non-pub related items with a small staff area. The second floor is utilised as the kitchen serving the pub at lower levels with a large mechanical flue exiting

the rear window. The third and fourth floors are in use as low quality ancillary staff accommodation.

City Plan Policy 16 states, '*Replacement of ancillary spaces on upper floors to public houses, such as function rooms or accommodation, may be acceptable where it can be satisfactorily demonstrated that loss of this floorspace will not compromise the viability or function of the public house*'.

It is accepted that the ancillary uses of the upper floors of the building are not vital to the continued function of the public house. There are also functionality benefits to relocating the kitchen to the lower ground floor, as well as giving the opportunity to install a full height kitchen extract which is a considerable improvement over the current kitchen extract arrangements.

Environmental Sciences has reviewed the submitted air quality assessment and advises that there is no objection to the introduction of new residential units in the location and that mitigation measures to protect future occupants of the new flats are not required.

In addition, Environmental Sciences has reviewed the proposed measures to mitigate the transfer of noise from the retained public house at ground and basement levels. Environmental Sciences has advised that the result of the testing undertaken by the applicant indicates that the internal noise levels within the proposed flats will be policy compliant. This will both to ensure good quality residential accommodation but also to ensure that the introduction of this noise sensitive use does not fetter the future operation of the public house below.

8.1.9 Use of 17 South Molton Street (Site 1)

An objection has been received from the William Blake Fellowship in relation to No.17 South Molton Street. This is a grade II-Star listed building with a plaque recording it as the home of William Blake. The objection notes, "*That this building as the home of William Blake is of National interest is without doubt*" and it is quoted that, "*During the autumn of 1803 the Blakes moved to 17 South Molton Street. It is a short street running north at an oblique angle into Oxford Street about a mile from Blake's birthplace in Soho. Here they took up a small flat, up one flights of stairs...*" where the Blakes lived "*...usually in cheerful obscurity, for the next 17 years.*"

The significance of the building and its connection with Blake is not in dispute. The root of the objection is that the opportunity has not been taken, in heritage asset terms, to better reveal the significance of the building as William Blake's home which could be achieved by, as the objector suggests, making the building into an education and visitor centre.

Noting the quote that the 'flat' was up one flight of stairs, it may reasonably be assumed that the rooms occupied by the Blake's were at first floor level. While these rooms have been heavily modernised, they still contain historic decorative features such as cornices, dado rails, skirtings, doors, and chimneypieces. The upper floors are plainer, as is to be expected, but still contain various features of interest including a cast-iron fireback. The staircase is good, of its type, despite some unsympathetic alterations.

In both the current and previously approved scheme, the building's special historic and architectural interest will be maintained. A museum use may be better fit for this building in heritage asset terms, offering the opportunity to considerably enhance the significance of the building and to provide public access (which would be a substantial public benefit). Furthermore, it would complement other museums nearby, such the Handle House Museum. However, the use of this building as a museum and visitor centre does not form part of the approved development and this remains unchanged in this application.

Given that the scheme in its current form still meets the statutory tests (i.e. it preserves the building and any features of special architectural or historic interest which it possesses - Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990), it is not considered to be sustainable to refuse permission on the ground that the opportunity has not been take to use this building as a museum and visitor attraction.

A meeting has taken place between the applicant, officers and a representative from the William Blake Fellowship. The applicant is aware of the historical importance of 17 South Molton Street. Officers will continue to provide input on how some or all of the Fellowship's aspirations for this building can be achieved.

8.2 Environment & Sustainability

Site 1 – SMT

The legal agreement for the original development is the third of the background papers to this item. No change to the approach for maximising operational regulated carbon savings is proposed as part of this application (please see Section 9, Schedule One of this legal agreement).

The proposed reduction in basement excavation and the re-designing of the steel frame for the North and South Blocks to reduce the quantum of steel used is expected to result in a 11.95% reduction in the quantum of carbon dioxide equivalent associated with the construction of the development. The result is that the carbon dioxide equivalent emitted during the construction of the development is expected to be lower than the aspirational whole life carbon benchmark set out within the GLA's Whole Life-Cycle Carbon Assessments guidance (adopted March 2022).

The applicant has also committed to an additional target for the retail or restaurant / café floorspace at basement and ground floor levels of the South Molton Street Properties to achieve at least BREEAM 'Very Good' or, if possible, BREEAM 'Excellent'. There is no target for this retained floorspace in the approved development. Such a commitment represents a welcome addition to the sustainability credentials of the scheme and the necessary changes to Condition 59 to achieve these targets are recommended to be made.

8.3 Biodiversity & Greening

Site 1 – SMT

No change to the scheme is proposed in this respect.

Site 2 - 14 North Row

A 31.8 sq.m bio-diverse living roof is proposed above the cycle store at rear ground level. This is proposed to be planted up with a range of wildflower, grasses and sedums. This will provide much-needed habitat for a range of species.

Site 3 – 24 North Audley Street

A bio-diverse roof is proposed at rear first floor level, along with a green wall and planting. This will provide much-needed habitat for a range of species.

8.4 Townscape, Design & Heritage Impact

8.4.1 Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or 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 66 of the same Act 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.”*

Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of ‘sustainable development’ where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental).

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at Paragraph 199 that when considering the impact of a proposed development on a designated heritage asset (which includes its setting), local planning authorities should give ‘great weight’ to the asset’s conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significant of a designated heritage asset should require clear and convincing justification and substantial harm or total loss should be exceptional. In the case of Grade II* or Grade I listed or registered assets or World Heritage Sites, substantial harm or loss should be wholly exceptional (Paragraph 200).

Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, Paragraph 202 of the NPPF requires that harm to be weighed against the public benefits of the proposals.

In considering these proposals the key urban design and conservation policies relate to the protection of conservation areas, listed buildings, views, and the quality of new design, and alterations to existing buildings. These include City Plan Policies 38, 39 and 40. The City Council's supplementary planning guidance 'Repairs and Alterations to Listed Buildings', 'Development and Demolition in Conservation Areas', 'Roofs' and 'Design Matters' is also relevant.

8.4.2 Site 1 – South Molton Triangle

Building height and roof level alterations

With regard to the proposed increase in the height of the North and South Blocks (+500mm and +460mm, respectively, these increases judged against the approved development are very slight and views provided indicate the visual impact of the changes will be negligible in comparison to the approved scheme. There is no additional harm in heritage asset terms to this alteration when compared to the approved development.

The replacement of the rooftop glass balustrade at 56 Davies Street in favour of a more visually sensitive, painted metal, balustrade to reduce its visibility and reflectivity is welcome. The handrails are proposed to be set back so that they are less visible from the street.

The approved glazed balustrades at Brookfield House were omitted from the consented scheme drawings in error. They are now included as part of this application and are shown on the updated verified views submitted with the application.

Mechanical plant

A number of buildings within the site incorporate rooftop plant in the approved scheme. It is now proposed to extend the rooftop plant screen of the South Block to future-proof the building for additional tenant plant. There is no objection to this additional plant area and screening in design or heritage asset terms. Additional plant is proposed along the roofs of the South Molton Street properties, which accommodate more air source heat pumps. The proposed rooftop plant, and plant screening, is not visible from South Molton Street and is in-keeping with the design and appearance of the approved scheme.

Windows

Additional windows are proposed to the office units on the upper floors of the North Block. It is also proposed to change the doors to the fifth floor of the North Block office building from individual side hung doors to tripartite sliding doors. The doors are set back from the brick parapet, so that only the upper section of the doors is visible from the street. Therefore, they will appear little different from the approved development.

At Brookfield House and 56 Davies Street, further design consideration has been given to the window proportions and the retained facades of the buildings. The window-to-wall ratios are proposed to be amended to better reflect a consistent approach between

existing and proposed elevations, whilst also providing improved daylighting to the internal spaces where window proportions have increased.

At 56 Davies Street, the slight increase in window size compared to the approved scheme ensures the proposed façade maintains the proportions of the existing building and the relative proportions of solid-to-void.

At 48-60 Brook Street it is now proposed to lower the lower ground and basement level windows to improve their relationship with the new ceiling heights within.

The approved development includes retention and refurbishment of a number of windows which are in poor condition, as well as the installation of secondary glazing. Following further review and investigation of their condition, it is now proposed to replace rather than refurbish windows to improve the thermal and acoustic performance of the buildings. Existing timber casement and sash windows will be replaced at the unlisted 48, 50, 56, and 58 Brook Street.

It proposed to retain and refurbish the single glazed leaded windows at 52-54 Brook Street and install secondary glazing to improve their thermal and acoustic performance, because the existing windows are a significant feature of the building and their characteristic, multi-faceted, appearance cannot be recreated with double-glazing.

Furthermore, a number of amendments to windows are proposed in the buildings along South Molton Street including the installation of double-glazed windows where windows are to be replaced, as well as the retention of single-glazed windows with secondary glazing installed in parallel.

There is no objection to these alterations in design or heritage asset terms, and they will preserve the buildings' special interest and maintain the character and appearance of the surrounding conservation area. This complies with City Plan policies 38, 39, and 40, and with policy MD of the Mayfair Neighbourhood Plan.

South Molton Street & South Molton Lane Alterations

There is no objection to the omission of the approved basements at 20 – 25 South Molton Street which will retain additional existing building fabric. There is similarly no objection to the retention of additional internal fabric to 17, 18, 21 and 25 South Molton Street.

The new residential accommodation has been replanned to retain historic fabric, and accommodate services and storage requirements. In particular, new openings are proposed to connect the residential front rooms to the adjacent kitchens to whilst retaining historic plan form in 18, 20, 21, and 25 South Molton Street. A cased opening, doors will, frame the new opening. There is no objection to these proposed alterations from a historic building perspective.

Fire door upgrades are proposed in 10, 15-25, 27 and 42 South Molton Street. There are a number of historic and/or original internal doors with their architraves that are currently situated within the listed buildings which are proposed for removal as part of the plan rearrangement of the first to third or fourth floors of the South Molton Street buildings. Mostly, they are in 24 and 25 South Molton Street which are grade II listed, and in 17

South Moton Street (Grade II-Star listed). It is proposed that the affected doors and their architraves will be retained on site and relocated into new openings within the same property and where possible on the same floor. Where there are doors of different status their new home will reflect that - for example a hallway door to a main room might be relocated to a bedroom door whereas a WC door would be relocated to a bathroom or services cupboard.

The residential accommodation within 10, 27 and 42 South Molton Street will be provided with their own independent heating system via air source heat pumps as these units are located separately from the main terraced property group. The South Molton Street buildings have been changed over the years to suit commercial uses, consequently there are a number of existing risers which will be reused where suitable. However, there is a significant increase in the services requirement (over the existing), in order to provide for the new residential and commercial accommodation, and fire suppression systems. These risers require common access, and so are best sited in locations which can be accessed from the common stair. The proposed services strategy therefore seeks to combine the existing risers, with new localised wall-chases, as well as the creation of lined-out risers. These will be sensitively located so as to maintain circulation around stairs and entrances, as well as to reduce their visual impact in heritage asset terms.

1-7 Davies Mews and 28-30 South Molton Lane

As with the approved scheme, the existing windows will be retained and refurbished. It is proposed to install secondary glazing behind them to improve thermal and acoustic performance. At roof level, it is now proposed that the solid timber semi-circular front fascia of the arched dormer windows is replaced with glazing to improve the daylighting into the rooms they serve, and the roof behind the parapet of the corner tower on South Molton Lane, along with a chimney, will be taken down and reconstructed to match.

Internally, it is proposed to install a breathable insulation layer on the walls comprising a spray-applied lime render with cork particles that is capillary active and vapour permeable to mitigate the risks of interstitial condensation. This would be finished with a lime-based plaster.

It has become apparent that the original front basement wall, if retained, would have to be completely encased within concrete with a drained cavity due to structural necessity and a high-water table. In order to simplify the structural design, improve the construction methodology and to facilitate services routes between the north and south buildings, it is now proposed to remove this basement wall. The wall contributes little to the significance of the building and therefore its removal will result in a low level of less than significant heritage harm.

50-54 Davies Street

It is now proposed to carry out further alterations to create connections, laterally, to 52 and 54 Davies Street, thus making the areas more functional, to provide a dedicated entrance via 52 Davies Street for guest rooms on the upper floors of 50 Davies Street, to make the ground and basement floors across 50-54 Davies Street more accessible by the introduction of a lift, and to reinstate central bar feature on the ground floor of the pub.

These alterations have been designed to minimise their impact on the buildings' special interest as far as possible and the alterations have a neutral impact on the buildings' special interest. The lift provides a public benefit, and the proposed configuration of the ground floor of 54 Davies Street is an improvement to the approved scheme as it creates a better sense of that building's original plan form.

40-46 Brook Street

The alterations now proposed are a necessary variation of those approved, after a side access chamber to the South Molton Lane sewer was discovered under Davies Mews. The basement plan has been reconfigured to avoid this feature, resulting in a slightly different arrangement of rooms in the basement and ground floor.

There is no objection to these alterations in design or heritage asset terms.

Alterations to rear facades in South Molton Lane

The approved development allows numerous changes to the street level frontages in connection with enhanced accommodation for commercial units, and this application seeks approval for minor amendments to the approved design. The changes are acceptable in design and heritage asset terms and will maintain the attractive, historic, functional character and appearance of the buildings facing on to South Molton Lane.

Rear extensions to 18 and 20 South Molton Street

The rear façades of buildings in South Molton Street are of a highly varied character. Therefore, in this case there is more than usual scope to provide modest extensions without harm to the character or appearance of the conservation area. The proposed extensions are sensitive to both buildings' special interest, and considered cumulatively with the other approved alterations, the heritage impact of these proposed alterations is considered to be no different from the approved development.

Internal alterations to the upper floors of the South Molton Street Properties

The applications for listed building consent have been amended to provide further detail on the required fire compartmentation and acoustic separation. While some of the properties are listed for 'group value only', this does not mean their interiors are devoid of interest or that they may be treated as insignificant in heritage asset terms. On the whole, all of the listed buildings contain features contributing to their special interest and these include, amongst other things, their plan form, historic carpentry, joinery, plasterwork, and staircases. Of greatest sensitivity, in this regard is the interior of the Grade II-Star listed No.17. However, this building has, along with the others, been heavily modernised in the past.

The proposed design strategy is invasive and will affect the special interest of all of the listed buildings. Nevertheless, in general, the strategy set out in the document is considered sufficiently sensitive to the special interest of the buildings. Therefore, subject to careful refixing of existing historic details such as skirtings, architraves, dados, etc., on the face of any new wall linings, and the authentic replication if any details that have to be concealed such as cornices, then the upgrade works are acceptable in heritage asset terms.

Alterations to the passageway and shopfronts at 10, 15, 17, 18, 22, 23, 25, 27 and 42 South Molton Street

10 South Molton Street - The proposed changes to the approved passageway are very minor and acceptable. The setting out and details of the shopfront vary slightly from the consented scheme. This takes into account design development of the technical details of the shopfront, increasing the width of the passageway and developing the design of the gates.

15 South Molton Street - The design of the shopfront varies from the approved scheme to account for the level of the first floor structure. The details then reflect this adjustment, as well as the design development of the technical design of the shopfront.

17 South Molton Street - The proportions of the replacement ground floor shop window are proposed to be amended to give the proposed new bay window better proportions in relation to the door, and to maintain the primacy of the entrance door. Two existing low level ventilation grilles in the facades, which were to be removed as part of the approved scheme are now to be retained to provide ventilation to the retail unit.

18 South Molton Street – The amended design seeks to retain the clerestory and side entrance, bringing the door forward to reduce the opportunity for anti-social behaviour. The modern part of the glazing is proposed to be replaced with sliding folding timber frame glazing above the stall riser with integrated decorative vent grilles.

22 South Molton Street - The revised proposals seek to retain the clerestory and side entrance, bringing the door forward to reduce the possibility of public nuisance. The modern part of the glazing is proposed to be replaced with sliding folding timber frame glazing above the stall riser with integrated decorative vent grilles.

23 South Molton Street - The proposed changes include the re-instatement of the glazed corner and return to the retail unit, to bring activation to the passageway entrance.

25 South Molton Street - The proportions of the proposed shopfront at No. 25 vary slightly from the approved design to accommodate the level of the first-floor structure behind the fascia. The revised details then reflect this adjustment, as well as incorporating ventilation grilles in the stall riser to service the retail unit. At the rear of No. 25, the design has been reconfigured to retain more of the existing building fabric when compared to the approved scheme.

27 South Molton Street - The proposed changes include increasing the openable part of the new retail entrance from a single to a double leaf door.

42 South Molton Street - The proposed changes are to replace the existing glazing adjacent to the residential entrance with new fire resisting glazing to permit safe exit from the upper floors.

All of these changes are considered to be acceptable in design and heritage terms.

8.4.3 Assessment of Public Benefits against Heritage Harm (Site 1)

The proposal is still considered to cause less than substantial harm to varying levels of less than substantial harm to the character and appearance of the Mayfair Conservation

Area and to the listed buildings and their settings. The higher levels of less than substantial harm are caused by the height and bulk of the new office buildings.

Para. 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

When undertaking this weighing exercise, the Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 8.2.1 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant, all of which remain largely unchanged by the proposed amendments to the proposed development:

Housing and Affordable Housing

The provision of 33 x good quality dwellings, of which eleven will be genuinely affordable.

Public Realm

The transformation of South Molton Lane and Davies Mews from poor quality backstreets with narrow pavements that are unattractive to pedestrians into an engaging, animated and well thought out public realm using good quality materials, intelligent lighting and greater greening (including potentially 11 x new trees) that will attract visitors, better integrate with the surrounding streetscape through the inclusion of the new passageway within 10 South Molton Street and create a destination.

Public realm and highways improvements are also proposed to Davies Street, Brook Street (north side), South Molton Passage and to the pavement lights to some of the South Molton Street properties. All of this will create a significantly improved public realm which, again, represents a public benefit. Given that the works to the public highway need to be agreed separately by the Director of City Highways (or the Cabinet Member for Environment and Highways) and the Oxford Street District Team, it is likely that the details of the works may change. It is clear, however, that the applicant is committed to producing the highest quality public realm that will greatly enhance the appearance and function of this part of Mayfair.

Heritage Benefits

The opportunity to make improvements to the buildings on site has been taken, with a number of improvements proposed to restore historic features lost over time (e.g. the portico and front entrance door to 54 Davies Street), restore the appearance of the buildings (e.g. replacement shopfronts, reinstatement of traditional windows, reinstatement of internal features, removal of harmful modern accretions), or replace

unsuitable modern railings with traditionally designed replicas. These are of public benefit.

Economic

The provision of greater quality and quantum of office floorspace accommodation in this highly accessible location immediately adjacent to the Bond Street West Elizabeth Line station represents a public benefit by contributing to the job targets set out within City Plan Policy 13.

The applicant estimates that the development would:

- Support 680 net additional jobs.
- Generate £1.6m additional worker expenditure in the local area each year.
- Generate £5m total visitor expenditure outside of the proposed hotel each year.

Overall, the development would provide growth through intensifying the CAZ and the West End Retail and Leisure Special Policy Area through providing a commercial-led development that provides significant growth in office, retail, and leisure floorspace with associated net additional jobs, alongside new homes (including a policy-compliant quantum of affordable homes) and an enhanced pedestrian environment. This accords with City Plan Policies 1 and 2.

These public benefits are still considered to outweigh the less than substantial heritage harm, in compliance with NPPF Para. 202. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with NPPF Para. 200. Furthermore, the recommendation to grant conditional permission and consent (x 6) is compliant with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As with the approved development, the delivery of these public benefits is secured by legal agreement or condition.

8.4.4 Site 2 - 14 North Row

The extension of the building in a manner sympathetic to its original design is acceptable and the addition of a pitched roof in place of the existing incongruous flat roof is a welcome improvement. The new doors at ground floor level facing the street are also sympathetic to the historic character and appearance of the building and surrounding conservation area.

Internally, the building has been heavily modernised in the past and the current proposals are acceptable in the context of an interior already much altered.

The proposed drawings indicate secondary glazing will be provided, therefore it is not clear why it is proposed to remove the original windows on the street frontage, for example. The existing historic windows should be retained and refurbished with secondary glazing. A condition is recommended to be imposed stating that, contrary to what is shown on the demolition drawings, a schedule of which windows are to be

repaired and retained and which are proposed to be replaced be submitted to the City Council for approval.

8.4.5 Site 3 – 24 North Audley Street

External works

The proposed works include various external changes, most particularly the removal of a first-floor pub sign, which is currently blocking a window opening, and the reinstatement of former door openings on the North Row elevation, currently blocked.

There is no in-principal objection to the reopening of the blocked entrances. Historic plans, and differences in fabric observed on site, clearly demonstrate the position of the former entrances. While these door openings have been blocked for some considerable time, the infills are not historic, and beyond sharing a broadly consistent palette of materials, do not have any heritage value in their own right.

Similarly, the blocking up of later openings will not harm the special interest of the building; it is considered a modest benefit, provided that the detailing and materials used are scholarly replicas of the original historic fabric. The materials and details will be secured by condition.

On the west (roof terrace) elevation, a number of harmful accretions are reversed. A sash window inserted in place of a poor quality, replacement window, a poor flue is removed and architectural detail is restored. A former window opening, long infilled, is to be reopened to form a set of French windows to the new roof terrace. While this may involve the loss of a small amount of historic fabric, in the context of the significant improvements being made to this elevation, the minor harm caused is considered to be acceptable.

The location of air source heat pumps on the flat roof, providing they are suitably screened, is welcome in sustainability terms. A condition is recommended secure details of the planted screens.

Lower ground floor

The proposed works reordering of lower ground floor partitions to create a dining area, kitchen, staff facilities and insertion of WCs into the under-pavement vaults is acceptable. There is very little remaining historic fabric at this level, and no remnant of historic plan form.

The vault layout is to be retained, which preserves what interest in layout of the building remains at this level.

Ground floor

At ground floor the existing arrangement has been reconfigured and refurbished over the years. Originally subdivided into separate lounges, the ground floor has since been opened up to form a single space. There are no remaining historic bar fittings or furniture.

The existing, late twentieth century bar fittings are broadly consistent with a late nineteenth century pub interior, and thus contribute to the character of the interior. It is expected that any future fitout to make a similar contribution, and this element is recommended to be reserved by condition.

The existing ceiling is proposed to be dropped by approximately 180mm to allow for new sound insulation to prevent noise transfer to the new flats above. The existing ceiling fabric is retained, and there is no historic cornice. The proposals include the creation of an architecturally appropriate cornice for the ground floor rooms, the provision of which will offset any minor harm caused by the lowering of the ceiling. The floor to ceiling height in the ground floor is sufficient that the proportions of the room will not be harmfully altered.

First floor

At first floor level there is greater survival of historic fabric. As shown in the 1930s plans, the first floor had originally been used as a large dining room. However, later subdivision (albeit using similar panelling) has obscured this plan form. The historic wall panelling remains, which seems likely to represent the survival of a scheme from the late nineteenth or early twentieth century, along with later modifications and insertions. The application proposals retain the historic panelling, and insert new, alternative partitions to create a two-bedroom flat at this level.

The proposed works retain the existing timber panelling, while new partitions form the rooms. Given that this floor has been previously altered, that the historic panelling is retained, the continued subdivision of the first floor is considered to be acceptable.

The first-floor floor is proposed to be insulated to prevent sound from the bar passing through to the first floor flat. The proposals involve the building up of insulating material on top of existing floorboards, and the provision of new skirting boards at the revised floor level. As the existing floorboards are retained, and the existing skirting is of no historic significance, the insulation is considered to be acceptable.

Upper floors

The creation of flats at second, third and fourth floors is considered to be acceptable in listed building terms. These floors do not retain significant amounts of historic fabric. The proposed flats at third and fourth floor retain the historic plan form, whilst at second floor the modern kitchen is replaced with an acceptable arrangement of partitioned rooms.

Harm and benefit

Overall, while there is some degree of harm at first floor level, the heritage and public benefits are considered to outweigh this harm, particularly:

- The opening up of the corner window at first floor
- The reopening of blocked doors at ground floor level
- Removal of harmful works from the west elevation
- The creation of additional residential accommodation.

The proposals are therefore acceptable in terms of their impact on the character and appearance of the Mayfair Conservation Area and the special interest of the listed building.

8.5 Residential Amenity

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

Sunlight

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

Site 1 - SMT

The Daylight / Sunlight Assessment undertaken for the approved development has been updated to reflect the proposed increase in the height of the North and South Blocks. The analysis reveals that there will be some very small additional losses in daylight, daylight distribution and sunlight. These additional losses are sufficiently small so as not to be perceptible to the residents of these affected dwellings. For these reasons, the proposal remains acceptable in this respect.

Site 2 – 14 North Row

A Daylight / Sunlight Assessment has been submitted in order to assess the impact of the proposed roof extension upon the daylight and sunlight received:

- To the windows within the flank walls the North Row Buildings, located immediately to the east of the application site.
- To the rear windows within 31 Green Street, located to the south of the application site.

The analysis reveals that the proposal will not result in any material losses of daylight or

sunlight to these neighbouring windows.

It is expected, however, that the development will see material changes in the distribution of daylight within two rooms within the neighbouring building.

The first is located a lower ground floor level. It is expected that the proposed development will see the area of the existing room that receives direct skylight to be reduced from 12% to 9%. Although in absolute terms this loss is only 3%, this does exceed the 20% that the guidance states will be noticeable. In reality, however, the very small absolute reduction in the daylight area of this room will not be noticeable.

The second is located at first floor level and is expected to see the area of the existing room that receives direct skylight to be reduced from 68% to 48% (a 29% reduction). However, given the elevated outlook from this room, the daylight distribution within this room will remain good. As such, the impact upon the quality of this residential accommodation will be very limited and thus the amenity of the occupant of this dwelling preserved.

8.6 Transportation, Accessibility & Servicing

8.6.1 Servicing and Waste & Recycling Storage

Site 1 – SMT

The proposed removal of the service corridor at basement level between the North Block and the public house at 50 Davies Street means that this link to the refuse store at ground floor level on the South Molton Lane frontage is no longer available. The retained public house was always proposed to be serviced separately from the approved development.

It is proposed to store the recycling and refuse bins in one of the pavement vaults. They will be transported to street level via a hoist platform lift via the existing barrel droptrap doors. Once at street level the bins will be wheeled to the main waste store on South Molton Lane, via Davies Mews.

This proposed has been discussed with the Highways Planning Manager and the Waste Projects Officer who raise no objection to this revised approach. A condition securing the submission of a management plan (including hours) for the City Council's approval is recommended to ensure that waste is transferred in a well-managed manner and in a way that will not cause noise nuisance to neighbouring residents, including those within the development.

Site 2 – 14 North Row

The additional information provided by the applicant and the addition of a clinical waste store on revised drawings if the site is used as a medical centre, addresses the objection from the Projects Officer (Waste). Conditions are recommended to be imposed securing the provision and retention of these waste stores, including the clinical waste store in the building is used as a medical centre.

Site 3 – 24 North Audley Street

The proposed arrangements for the storage of waste and recyclable material are acceptable.

8.6.2 Cycle Parking

The proposed cycle parking at Site 1 (SMT) remains policy compliant.

The provision of 23 x secure cycle parking spaces that are readily accessible via a ramp at Site 2 is policy compliant and recommended to be secured by condition.

The provision of cycle parking within the front pavement vault for the occupants of the proposed new flats at 24 North Audley Street (Site 2) is acceptable. As is staff cycle parking at basement level.

8.7 Economy including Employment & Skills

The economic benefits of the SMT development are set out in Section 8.4 of this report. As in the approved development, the legal agreement will secure an Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service.

8.8 Other Considerations

None.

8.9 Environmental Impact Assessment

Site 1 - SMT

The consented scheme at Site 1 was subject to an Environmental Impact Assessment (EIA) and an Environmental Statement (ES) was submitted in support of the application. By virtue of amending the consented scheme, this S73 application is also subject to an EIA, and an ES Addendum accompanied with the application.

The proposed amendments required the re-assessment of a limited number of topic areas as follows:

- Air Quality – reassessment
- Archaeology – reviewed and updated
- Built Heritage, townscape and visual – reassessment
- Climate Change – reassessment
- Daylight and Sunlight – reassessment
- Ecology and Biodiversity – reviewed and updated
- Ground Conditions and Contamination – reviewed and updated.
- Noise and Vibration – reviewed and updated
- Socio-economics – reviewed and updated

All the publicity has been undertaken in compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in order to ensure that the public were given effective opportunities to participate in the decision-making procedures.

The City Council sought independent advice from Waterman Infrastructure & Environment Ltd on the adequacy of the ES. Following responses to a number of requests for clarification, Waterman Infrastructure & Environment Ltd has advised that the ES is a suitably robust document which satisfactorily supports the planning application. The environmental impacts of the development are not materially different from the approved development.

8.10 Planning Obligations & Pre-Commencement Conditions

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

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

Site 1 – SMT

The draft 'heads' of agreement set out in detail within Recommendations 1 (a) to (p) have been updated to:

- Adjust the deadline for 'substantial implementation' to be three years from the approved development rather than three years from the date of the decision letter for this application (Recommendation 1(b)).
- Include the provision of the replacement community infrastructure and facilities floorspace within 14 North Row (i.e. Site 2) within the same timescale as secured within the approved development (Recommendation 1(l)).

The remainder remain unchanged from the approved development.

The applicant has agreed to the imposition of the pre-commencement conditions.

Site 2 (14 North Row)

In order to ensure the delivery of the three residential units at 24 North Audley Street (i.e. Site 3) it is necessary to secure that these are ready for occupation prior to the occupation of 14 North Row for either of the uses sought.

The extension of the footway in front of the site is necessary to ensure that students or patients are able to access the site safely and to realise the opportunity to improve the pedestrian environment now that there is no requirement for vehicles to access the site.

9. Conclusion

The proposed amendments to the SMT development will result in a better functioning development that has a lower carbon impact. The provision of two sites (i.e. SMT and 14 North Row) offering community infrastructure facilities in north Mayfair represents improved provision when compared to the approved single and lower quality facility. The quality and quantum of residential accommodation at 24 North Audley Street also represents an improvement over 14 North Row and will not result in the retained public house being compromised.

For these reasons it is recommended that all eleven applications are grant permission / consent.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

Site 1 – SMT



Existing view looking north-east from Davies Street.



Proposed view looking north-east from Davies Street.



Existing view looking east from St. Anselm's Place



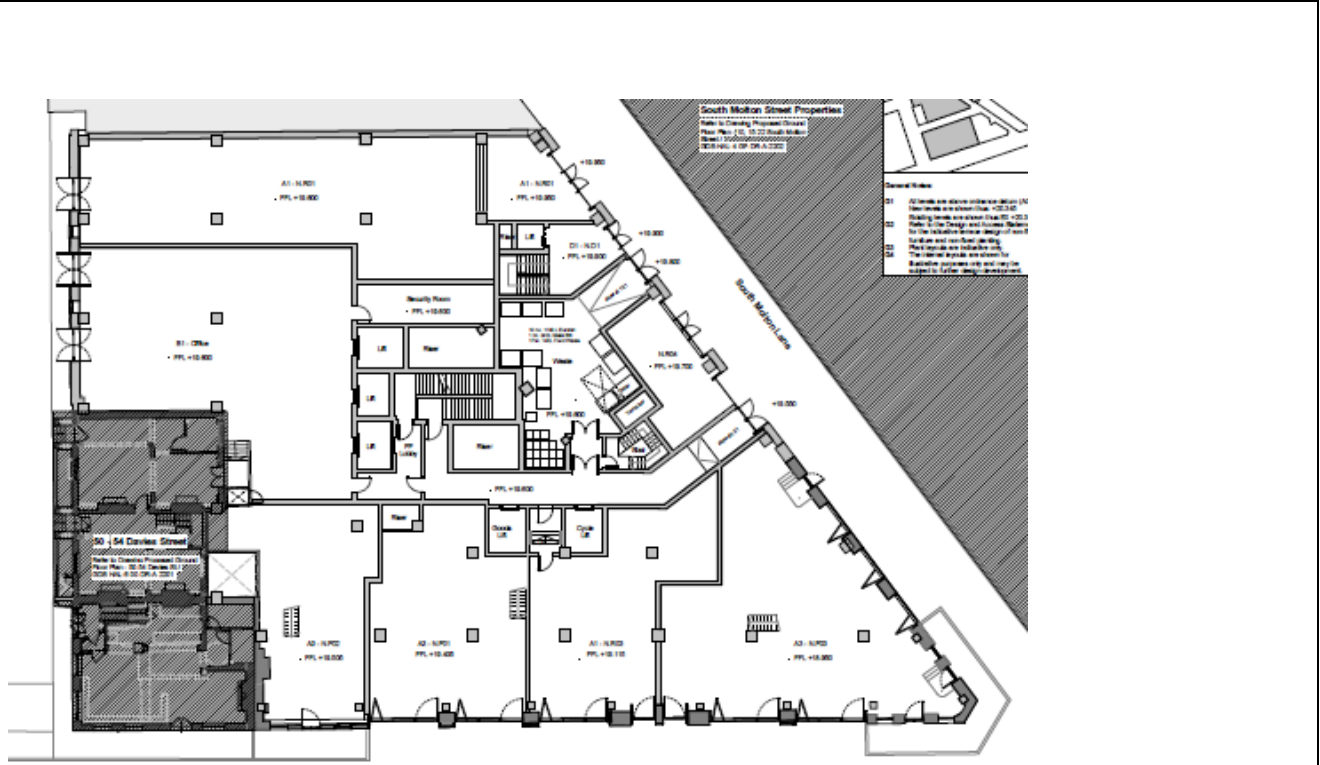
Proposed view looking east from St. Anselm's Place (cumulative impact with the completed development at 65 Davies Street)



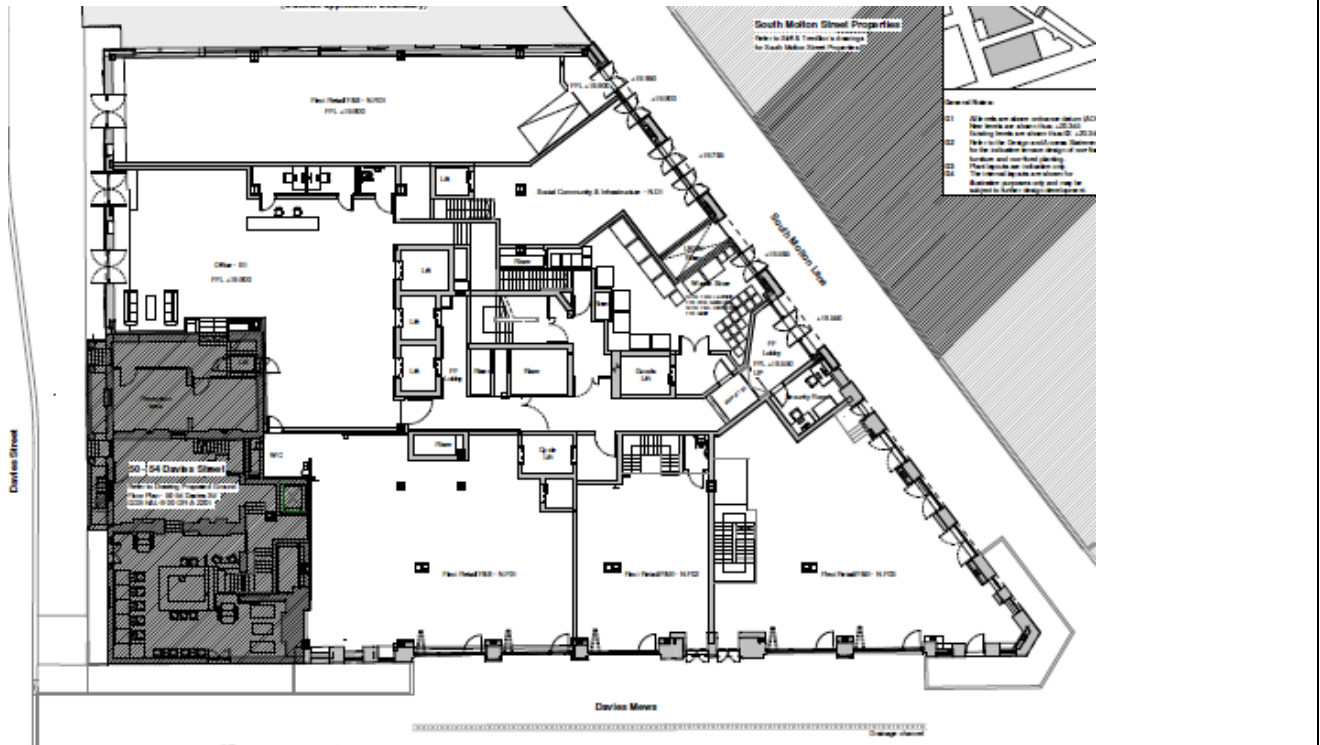
Existing view from South Molton Lane looking west along Davies Mews.



Proposed view from South Molton Lane looking west along Davies Mews.



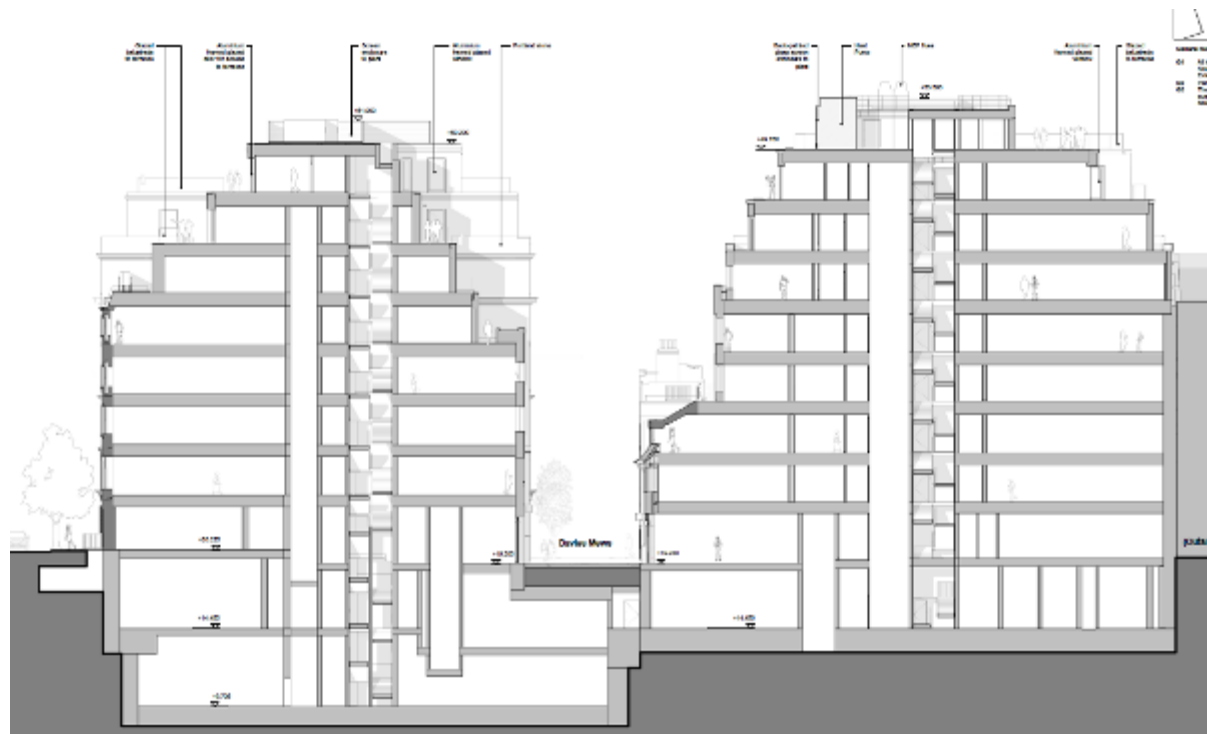
As approved ground floor of the North Block



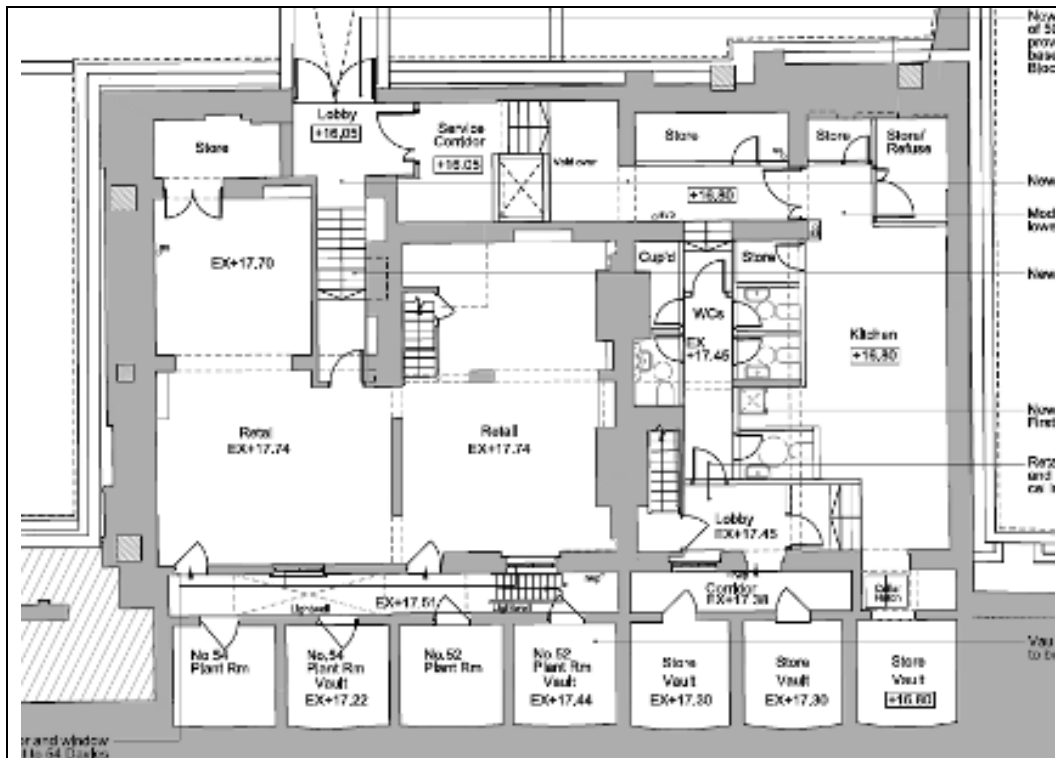
As proposed ground floor of the North Block



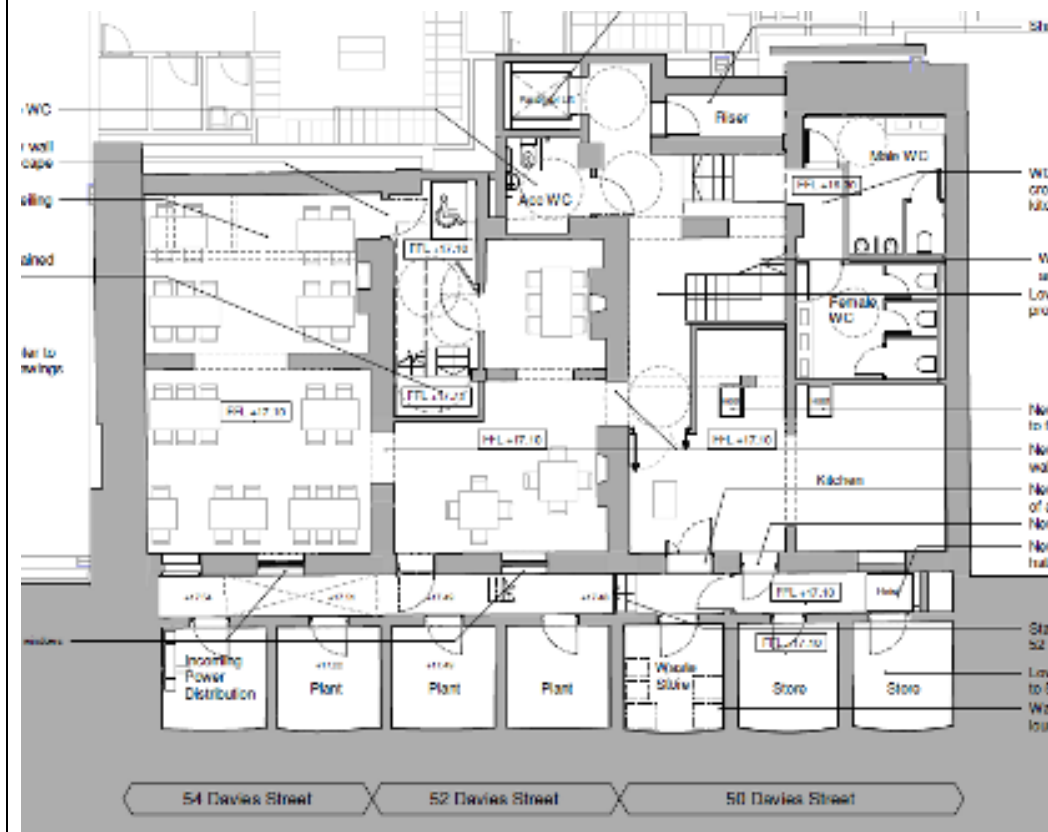
As approved north-south section through North and South Blocks.



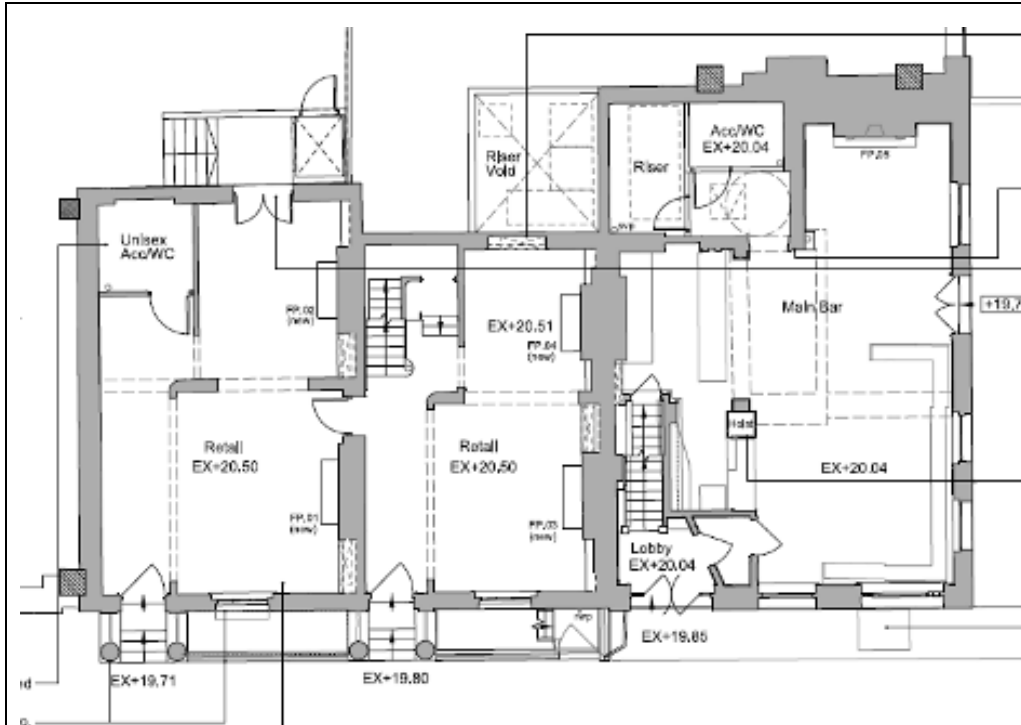
As proposed north-south section through North and South Blocks.



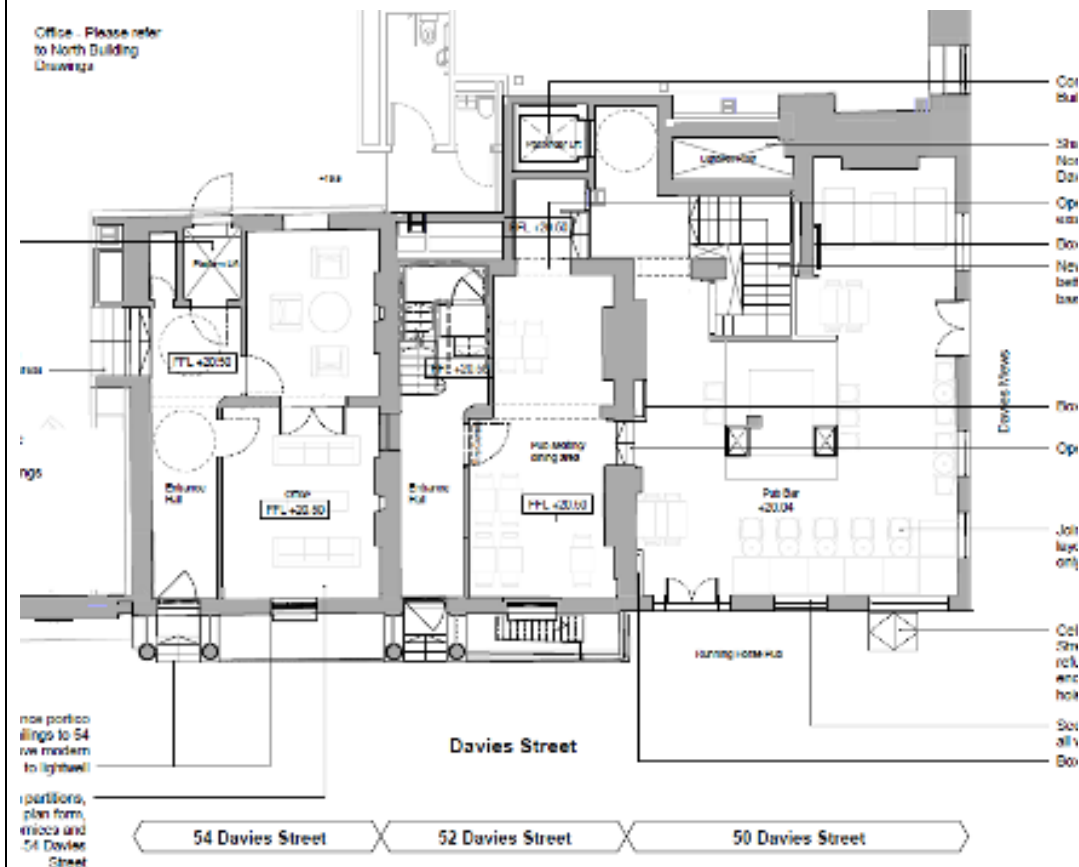
Approved basement floor plan of 50-54 Davies Street



Proposed basement floor plan of 50-54 Davies Street

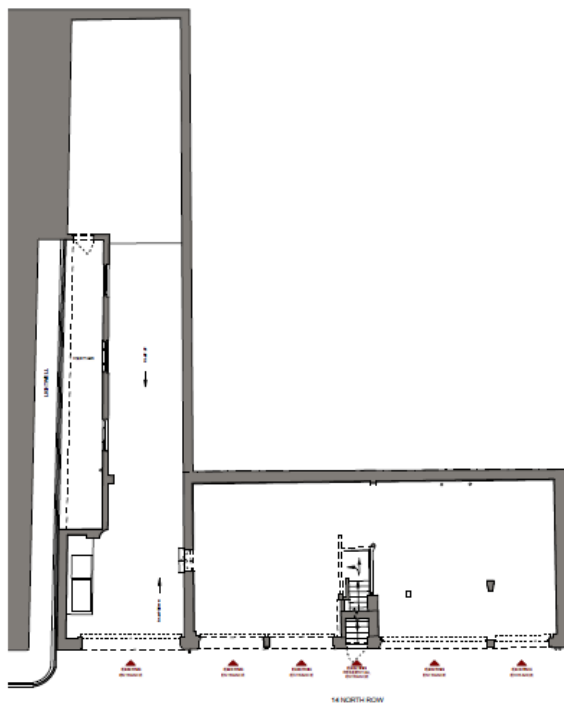


Approved ground floor plan of 50-54 Davies Street

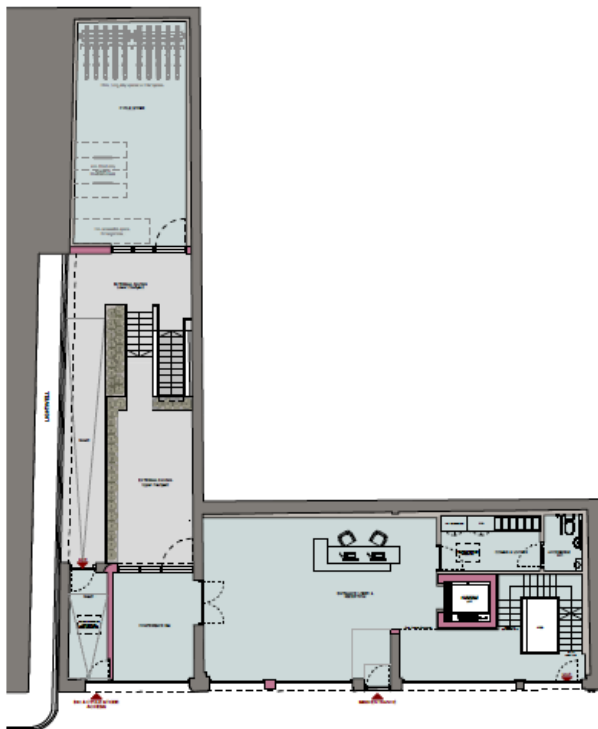


Proposed ground floor plan of 50-54 Davies Street

Site 2 – 14 North Row



As existing ground floor plan.



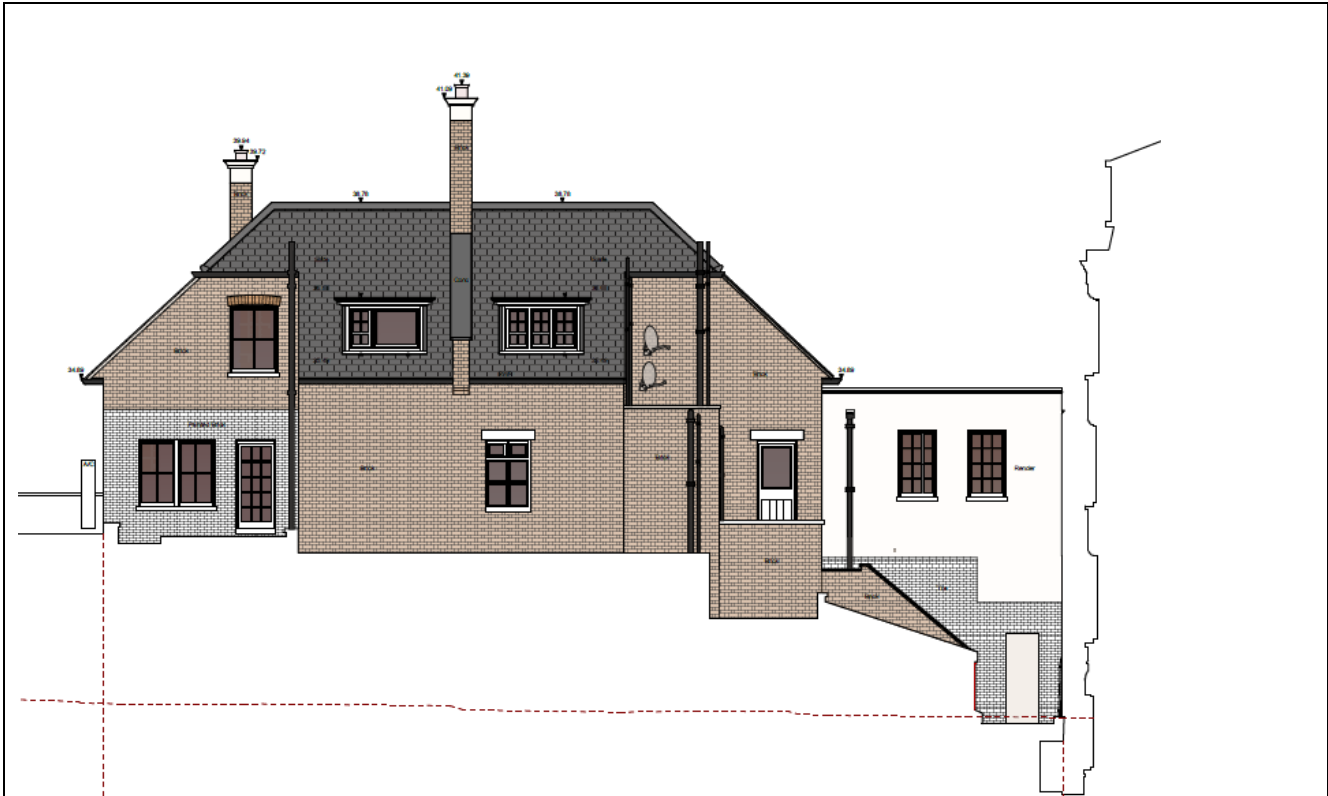
As proposed ground floor plan.



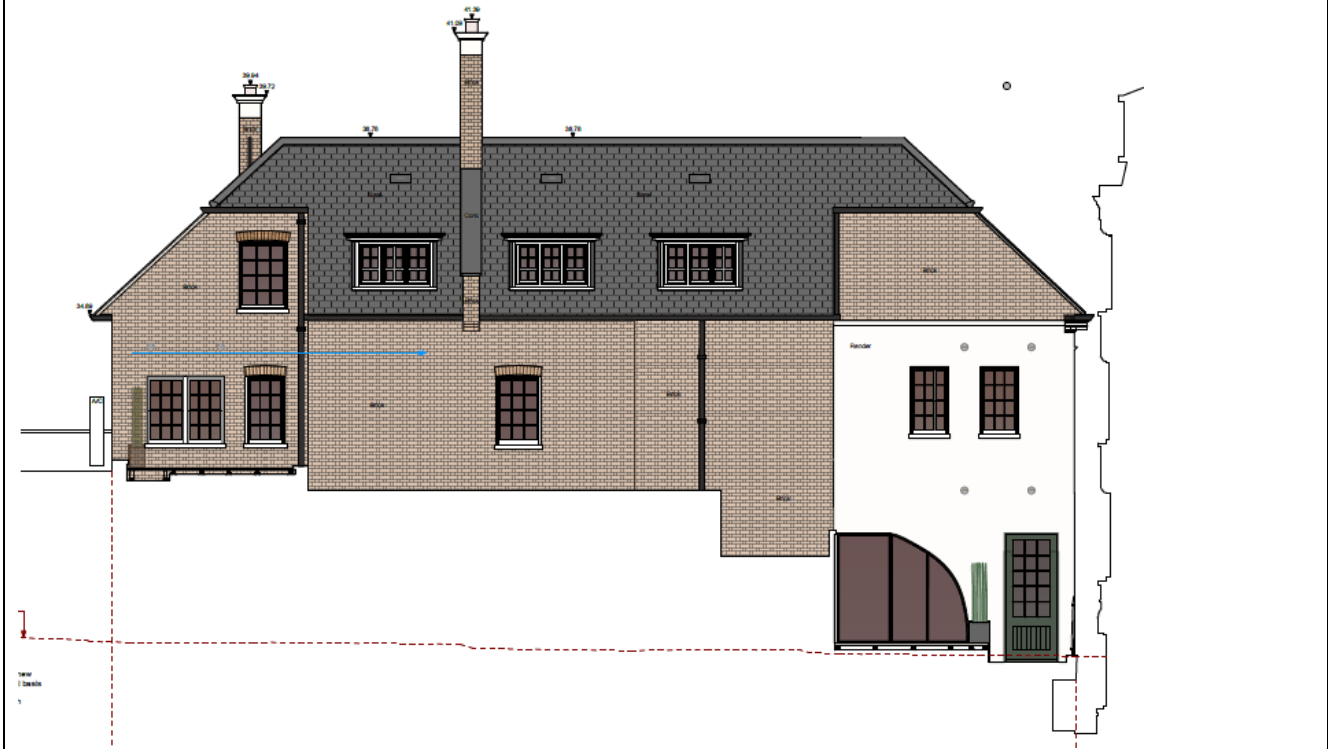
As existing north elevation



As proposed north elevation

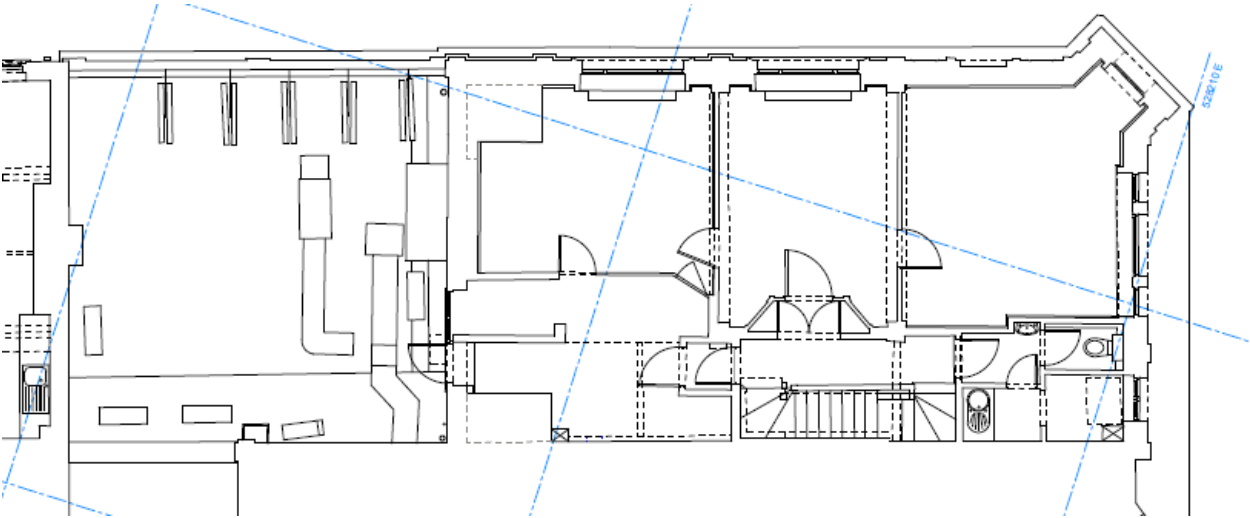


As existing south elevation

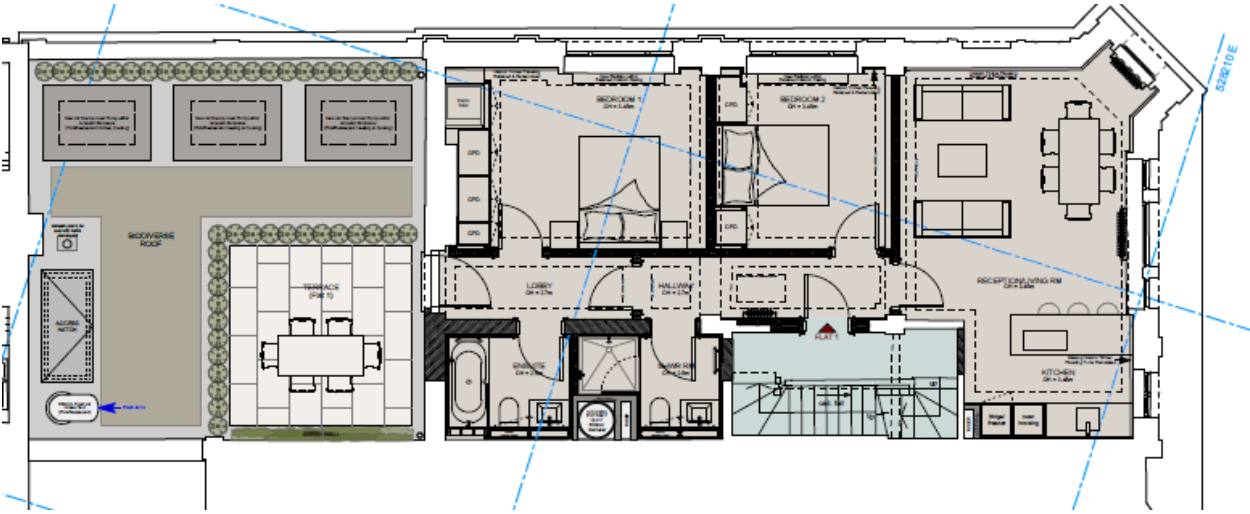


As proposed south elevation

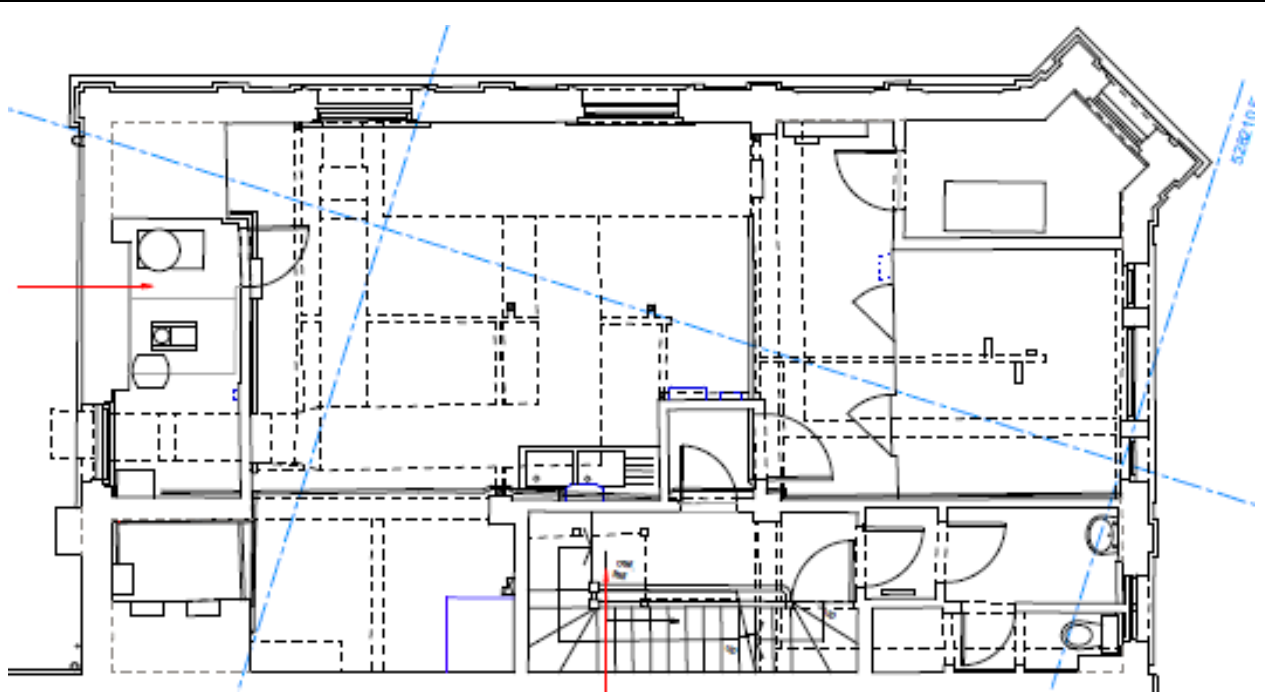
Site 3 – 24 Nourth Audley Street



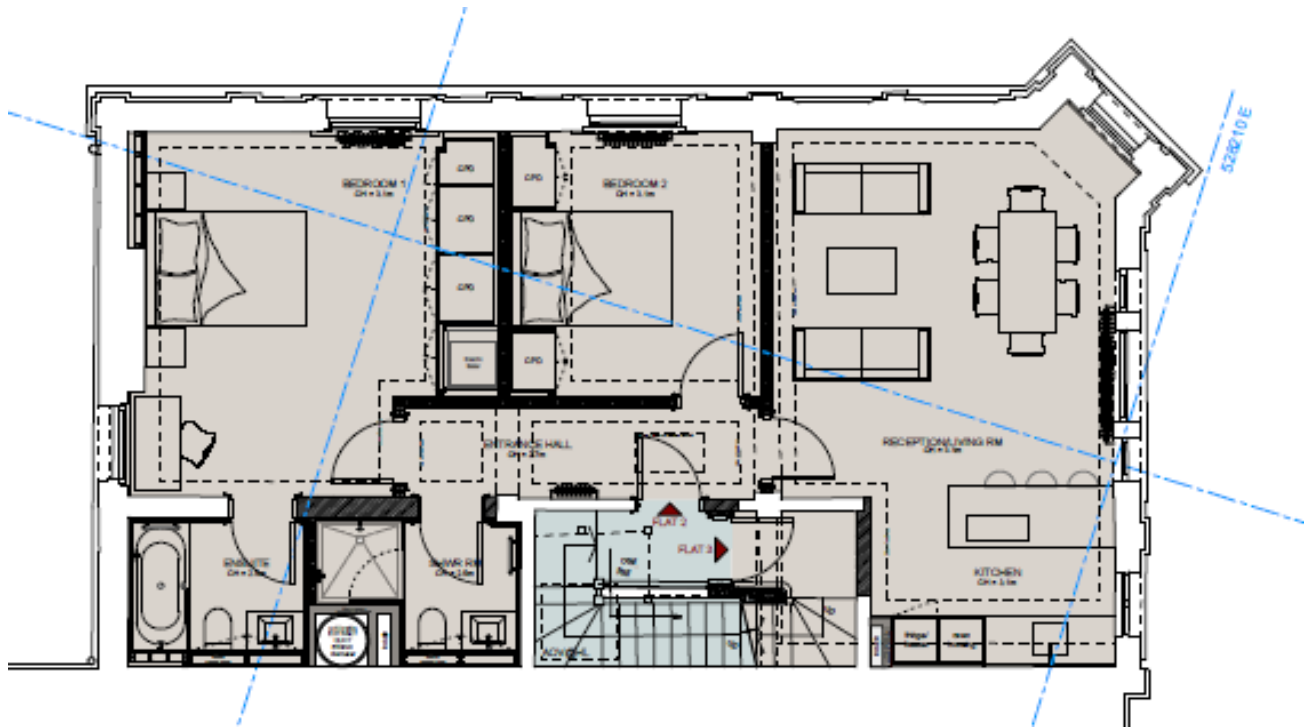
Existing first floor plan



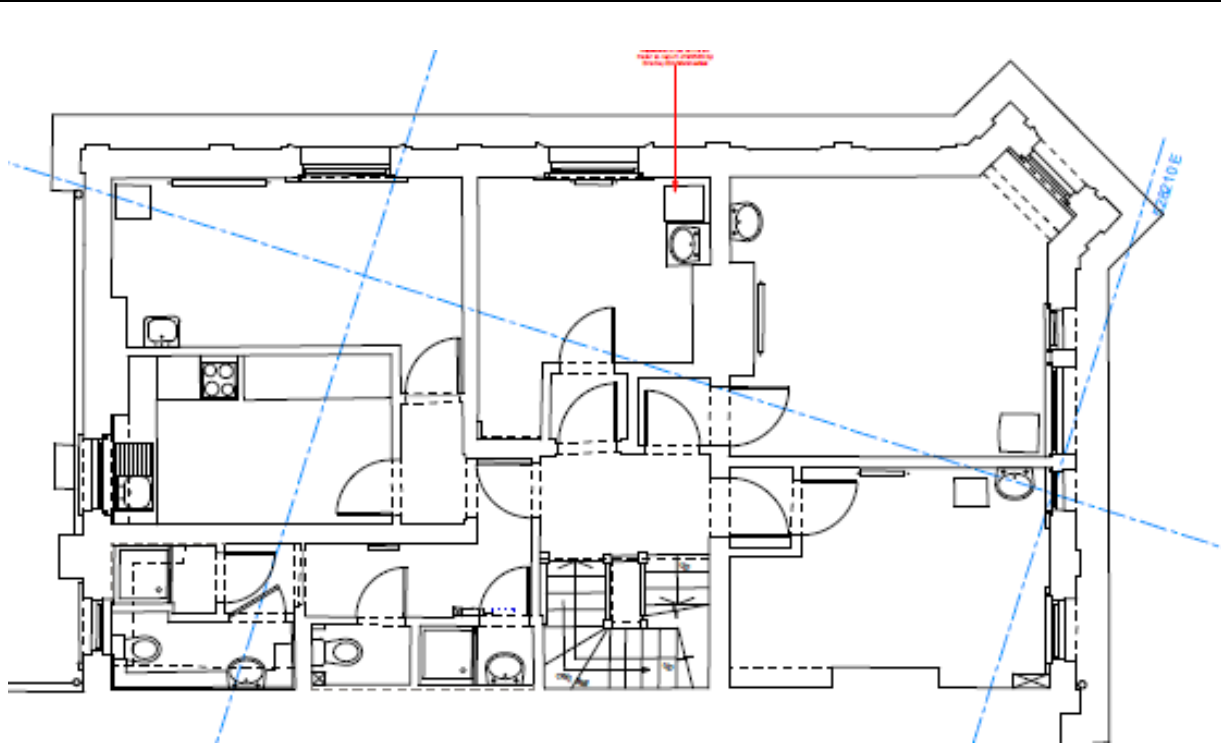
Proposed first floor plan



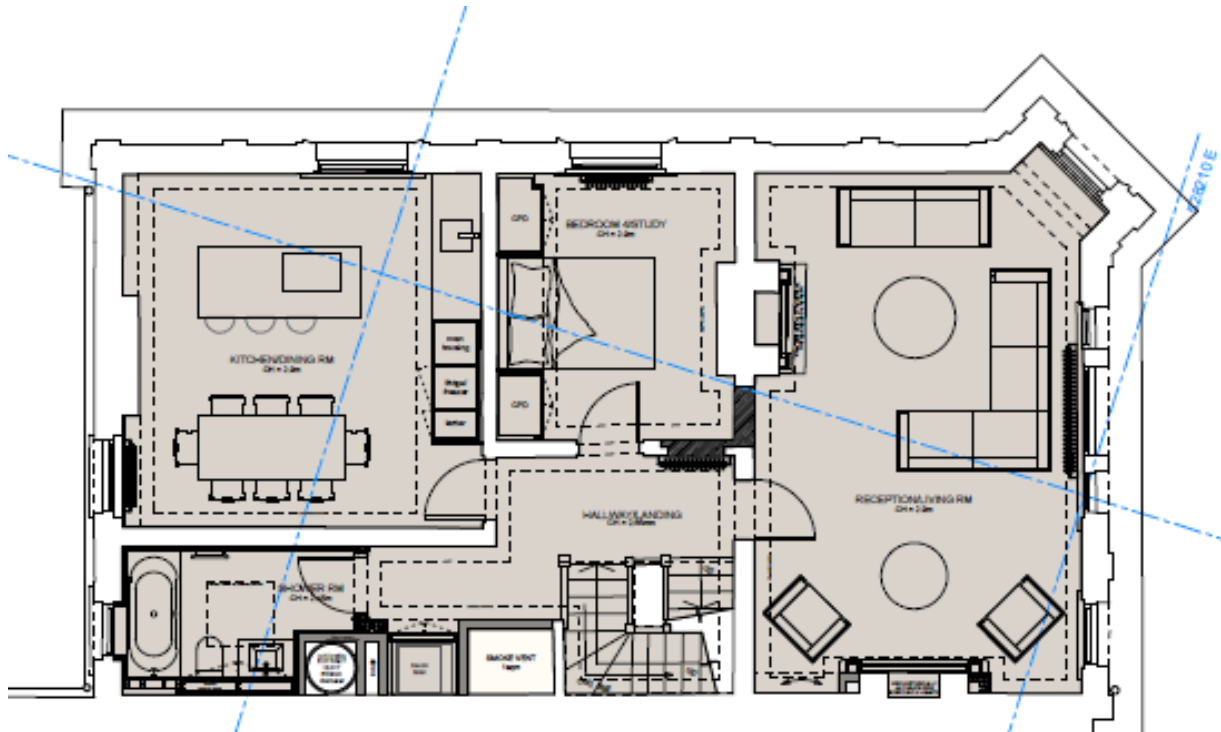
Existing second floor plan



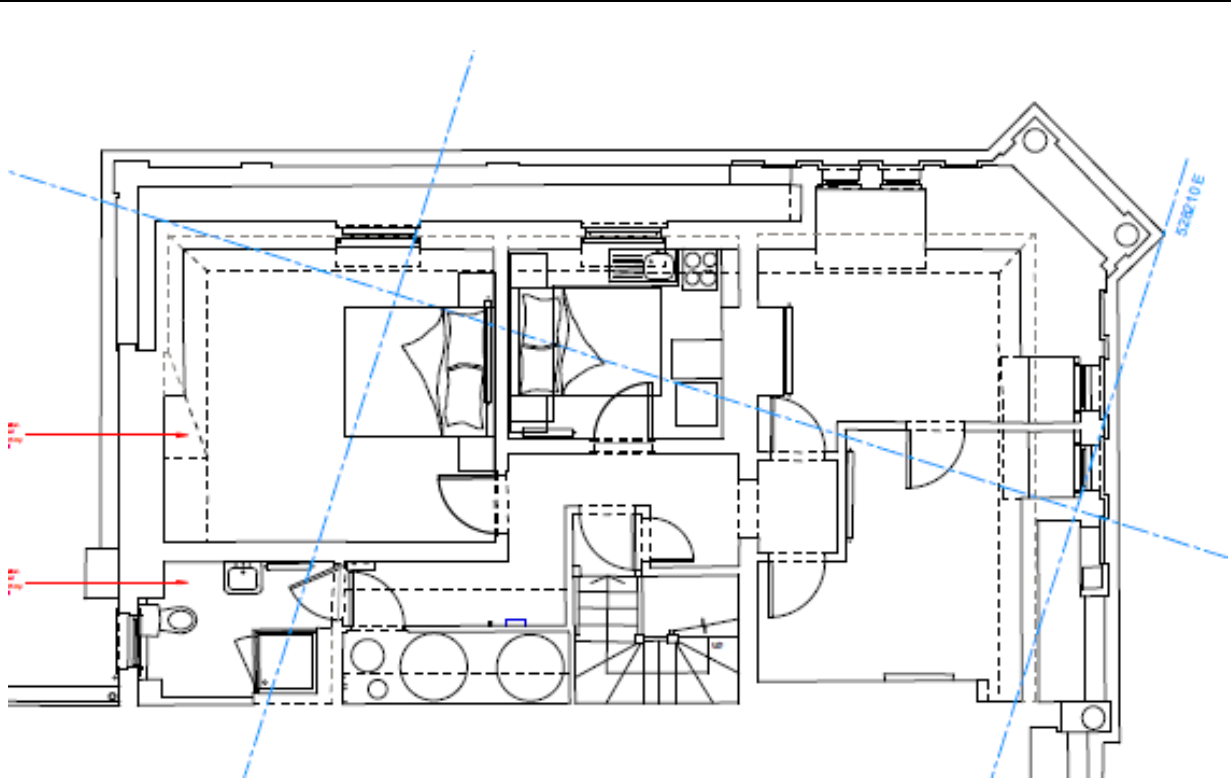
Proposed second floor plan



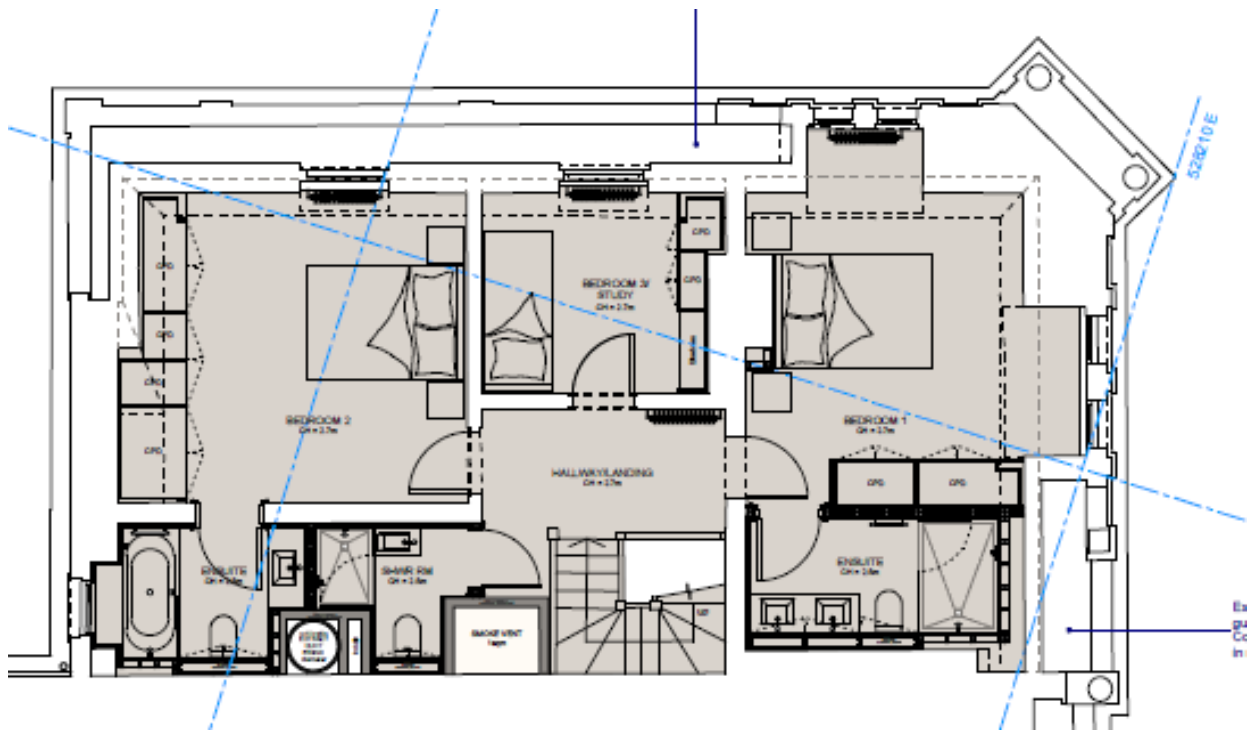
Existing third floor plan



Proposed third floor plan



Existing fourth floor plan



Proposed fourth floor plan



Existing rear elevation



Proposed rear elevation

DRAFT DECISION LETTER (APPLICATION UNDER SECTION 73 AT SITE 1)

- Address:** Development Site Bound By Brook Street, Davies Street And South Molton Lane (excluding 58 Davies Street) And 10, 15-25, 27 And 42 South Molton Street, London, ,
- Proposal:** Variation of Conditions 1, 17, 20, 31, 39, 47, 49, 53, 54, 55, 56 and 57 of planning permission dated 8 April 2022 (RN: 20/03987/FULL) (as amended) for, 'Part demolition, excavation (including beneath Davies Mews), erection of new buildings and alterations to existing buildings comprising: redevelopment of 60 Brook Street; redevelopment of 48, 50, 56 and 58 Brook Street and 16 Davies Mews behind retained Brook Street facades at; redevelopment behind retained and partially reconstructed facade at 52-54 Brook Street; refurbishment with alterations and addition of turret and gables at 40-46 Brook Street and 40 South Molton Lane; redevelopment behind retained Davies Mews and South Molton Lane elevations and front roof at 1-7 Davies Mews and 28-30 South Molton Lane; refurbishment and alterations at 50 Davies Street; refurbishment with alterations and partial demolition and redevelopment of upper floors at 52-54 Davies Street; redevelopment behind reconstructed and extended facade at 56 Davies Street (including the removal and reinstatement of certain building features), and Brookfield House (44-48 Davies Street and 62 and 64 Brook Street); part demolition of ground floor and refurbishment at 10 South Molton Street; refurbishment and alterations at 15-25, 27 and 42 South Molton Street; all to provide a development of up to 9 storeys including Class B1 (Business), Class A1 (Shops), Class A3 (Restaurant and Cafes), Class A4 (Drinking Establishment), composite use comprising public house and guest accommodation (sui generis), Class C3 (Dwellinghouses), Community Infrastructure and Facilities, and Class C1 (Hotel) uses, improvements to public realm and pedestrian routes, servicing, ancillary plant and storage, cycle parking and other associated works'; NAMELY, to allow amendments to the approved development. (Application under Section 73 of the Act). (This is an EIA development and is accompanied by an Environmental Statement, which may be viewed online).
- Plan Nos:** North and South Blocks, 1-7 Davies Mews and 28-30 South Molton Lane
- Demolition drawings
2100 Rev. P05, 2101 Rev. P05, 2102 Rev. P05, 2103 Rev. P05, 2104 Rev. P05, 2105 Rev. P05, 2106 Rev. P03, 2107 Rev. P04, 2150 Rev. P06, 2151 Rev. P04, 2152 Rev. P05, 2153 Rev. P06, 2154 Rev. P05, 2158 Rev. P05, 2159 Rev. P05, 2160 Rev. P05, 2170 Rev. P04, 2171 Rev. P04 and 2172 Rev. P04.
- Proposed drawings
2200 Rev. P05, 2201 Rev. P06, 2202 Rev. P06, 2203 Rev. P06, 2204 Rev. P06, 2205 Rev. P06, 2206 Rev. P06, 2207 Rev. P06, 2208 Rev. P06, 2209 Rev. P06, 2210 Rev. P06, 2211 Rev. P06, 2300 Rev. P06, 2301 Rev. P05, 2302 Rev. P05, 2303 Rev. P05, 2304 Rev. P05, 2305 Rev. P04, 2309 Rev. P05, 2310 Rev. P05, 2400 Rev. P05, 2401 Rev. P05, 2402 Rev. P05, 2510 Rev. P05, 2515 Rev. P05, 2516 Rev. P05, 2520 Rev. P05, 2521 Rev. P05, 2525 Rev. P05, 2527 Rev. P05, 2528 Rev. P04, 2529 Rev. P02, 2530 Rev. P02, 2531 Rev. P02, 2532 Rev. P01 and 2600 Rev. P02.

10, 15-22 and 42 South Molton Street

Demolition drawings

2100 Rev. P10, 2101 Rev. P10, 2102 Rev. P11, 2103 Rev. P11, 2104 Rev. P11, 2105 Rev. P10, 2106 Rev. P10, 2109 Rev. P10, 2150 Rev. P10, 2151 Rev. P10, 2152 Rev. P10, 2153 Rev. P10 and 2154 Rev. P10.

Proposed drawings

2201 Rev. P10, 2202 Rev. P10, 2203 Rev. P11, 2204 Rev. P11, 2205 Rev. P11, 2206 Rev. P10, 2207 Rev. P10, 2208 Rev. P10, 2209 Rev. P10, 2300 Rev. P10, 2301 Rev. P10, 2302 Rev. P10, 2303 Rev. P10, 2304 Rev. P10, 2305 Rev. P10, 2306 Rev. P10, 2310 Rev. P10, 2311 Rev. P10, 2312 Rev. P10, 2313 Rev. P10, 2314 Rev. P10, 2315 Rev. P10, 2316 Rev. P10, 2317 Rev. P10, 2318 Rev. P10, 2319 Rev. P10, 2321 Rev. P10, 2322 Rev. P10, 2400 Rev. P11, 2401 Rev. P11, 2402 Rev. P11, 2403 Rev. P11, 2404 Rev. P11 and 2405 Rev. P10 and 2253 Rev. P10.

40-46 Brook Street and 40 South Molton Lane

Demolition drawings

2100 Rev. P04, 2101 Rev. P04, 2102 Rev. P04, 2103 Rev. P04, 2104 Rev. P04, 2105 Rev. P04, 2106 Rev. P03, 2152 Rev. P03, 2153 Rev. P03, 2154 Rev. P03, 2170 Rev. P03, 2171 Rev. P03 and 2172 Rev. P03.

Proposed drawings

2201 Rev. P04, 2202 Rev. P04, 2203 Rev. P04, 2204 Rev. P04, 2205 Rev. P04, 2206 Rev. P04, 2207 Rev. P03, 2300 Rev. P03, 2303 Rev. P02, 2205 Rev. P03, 2400 Rev. P04, 2401 Rev. P04 and 2402 Rev. P03.

50-54 Davies Street

Demolition drawings

2100 Rev. P05, 2101 Rev. P05, 2102 Rev. P05, 2103 Rev. P05, 2104 Rev. P05, 2105 Rev. P05, 2106 Rev. P05, 2140 Rev. P05, 2142 Rev. P03, 2170 Rev. P05 and 2173 Rev. P05.

Proposed drawings

2199 Rev. P01, 2200 Rev. P05, 2201 Rev. P05, 2202 Rev. P05, 2203 Rev. P05, 2204 Rev. P05, 2205 Rev. P05, 2206 Rev. P05, 2300 Rev. P05, 2301 Rev. P05, 2302 Rev. P05, 2400 Rev. P05, 2401 Rev. P05, 2402 Rev. P05, 2403 Rev. P05 and 2404 Rev. P05.

23-25 and 27 South Molton Street

Demolition drawings

2100 Rev. P10, 2101 Rev. P11, 2102 Rev. P11, 2103 Rev. P11, 2104 Rev. P11, 2105 Rev. P10, 2106 Rev. P10, 2107 Rev. P10, 2110 Rev. P10, 2111 Rev. P10 and

2112 Rev. P10.

Proposed drawings

2200 Rev. P10, 2201 Rev. P10, 2202 Rev. P11, 2203 Rev. P11, 2204 Rev. P11, 2205 Rev. P10, 2206 Rev. P10, 2207 Rev. P10, 2300 Rev. P10, 2301 Rev. P10, 2302 Rev. P10, 2310 Rev. P10, 2311 Rev. P10, 2312 Rev. P10, 2400 Rev. P10, 2401 Rev. P11, 2402 Rev. P11 and 2403 Rev. P11.

Heritage Benefits Schedule dated 8 December 2020

Case Officer: Mark Hollington

Direct Tel. No. 07866040156

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

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

Reason:

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

- 2 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:
 - A. South Block (New building and retained Brook Street facades)
 1. New facades at all levels - Typical details
 2. Roof level plant
 3. Shopfronts
 4. New windows
 - B. North Block (New building)
 1. New facades at all levels - Typical details
 2. Roof level plant
 3. Shopfronts
 4. New windows

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in

Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 3 You must apply to us for approval of detailed drawings (Scales 1:20, 1:5 and 1:1 where appropriate) of the following parts of the development:
- a. 40-46 Brook Street and 40 South Molton Lane
 - 1. Alterations at roof level - Turret and Gables
 - 2. New windows
 - 3. Roof level plant and screening
 - 4. Alterations to mews facade - new shopfront (including degree of opening)
 - 5. Ramp on Brook Street
 - 6. New access to basement in front area on Brook Street
 - 7. Sunken garden on South Molton lane

 - b. Brook Street retained facades
 - 1. Alterations to facades
 - 2. Windows
 - 3. Shopfronts

 - c. 1-7 Davies Mews and 28-30 South Molton Lane
 - 1. Shopfronts (including degree of opening)
 - 2. New windows
 - 3. Other alterations to retained facades

 - d. 52 - 54 Davies Street
 - 1. Alterations to street facades, including new portico
 - 2. Dormers

 - e. 10 South Molton Street
 - 1. Shopfront
 - 2. New windows
 - 3. Roof level plant and screening
 - 4. Passageway
 - 5. Vents in facades

 - f. 15-21 South Molton Street
 - 1. Shopfronts
 - 2. New windows
 - 3. Roof level plant and screening
 - 4. Rear extensions, including roof terraces
 - 5. Vents in facades
 - 6. Refurbished / replacement pavement lights (including interface with adopted public highway)

 - g. 22 and 23 South Molton Street
 - 1. Roof extension and roof alterations
 - 2. Shopfronts
 - 3. New windows
 - 4. Alterations to South Molton Street facades

5. Alterations to passageway
 6. Alterations to South Molton Lane facades
 7. Refurbished / replacement pavement lights (including within South Molton Passage) (including interface with adopted public highway)
- h. 24, 25 and 27 South Molton Street (as applicable)
1. Shopfronts
 2. New windows
 3. Roof level plant and screening
 4. Rear extensions, including roof terraces
 5. Replacement pavement lights (including interface with adopted public highway)

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. And in the interests of public safety. This is as set out in Policies 24, 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

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

Reason:

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

- 5 You must apply to us for approval of sample panels of brickwork, stonework and ceramic cladding which shows the colour, texture, face bond and pointing. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved samples.

Reason:

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

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

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

1. Site-wide public art strategy.
2. Detailed public art proposals
3. Strategy for the display of advertisements

Following commencement of the development in relation to each development phase, with the exception of 50 Davies Street, no part of the development hereby approved shall be occupied until we have approved a site-wide public art strategy. Before occupation of the relevant phase within which the public art is located, you must carry out the public art according to the approved public art strategy and detailed public art proposals submitted to and approved by the City Council. You must maintain the approved public art and keep it on this site. You must not move or remove it.

In respect of the advertisements, you must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this approved strategy.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building and/or public realm is suitable. This is as set out in Policy 43 of the City Plan 2019 - 2040 (April 2021).

- 8 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development:

1. All street lighting equipment attached to the buildings

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

- 9 You must not start any demolition work on the buildings within the North Block or South Block phases of the development until we have approved in writing either:
- (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission or separate construction contracts for each of the North Block and South Block phases of the development, or
 - (b) an alternative means of ensuring we are satisfied that demolition on the North and South Block phases of the development will only occur immediately prior to development of the respective new buildings on the North Block and South Block phases of the development.

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

Reason:

To maintain the character of the Mayfair Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 10 You must not carry out demolition work on the North and South Block phases of the development unless it is part of the complete development of each of these phases. You must carry out the demolition and development to each of these phases without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the Mayfair Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 11 **Pre Commencement Condition.** You must apply to us for approval of detailed drawings showing how you will support and protect the parts of the building which are to be kept during building work. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings.

This condition may be discharged on a phase-by-phase basis.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 12 No primary cooking shall take place within the basement and ground floor commercial units of Nos. 10, 15-25, 27 and 42 South Molton Street such that you must not cook raw or fresh food on the premises. This is unless details of kitchen extraction (or recirculation) for identified units have otherwise been submitted to and approved by the City Council. The approved kitchen extraction (or recirculation) systems shall be installed prior to any primary cooking taking place

within these identified units and the kitchen extraction (or recirculation) systems shall be retained in situ and operated in accordance with the approved details at all times that primary cooking is taking place.

Reason:

The plans do not include any kitchen extractor equipment. For this reason, we cannot agree to unrestricted use as people using or living in neighbouring properties and people using the public realm would suffer from cooking smells. This is as set out in Policies 7, 16, 32 and 33 of the City Plan 2019 - 2040 (April 2021).

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

1. The design of the gates to the passageway to be more decorative.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings

Reason:

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

- 14 Following commencement of the development in relation to each of the following parts of the development hereby approved, the primary use of the commercial units at basement and ground floors of 23-25 South Molton Street and 27 South Molton Street shall only be for the display or retail sale of goods, other than hot food, principally to visiting members of the public. You must not use these units for any other purpose, including 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).

Following commencement of the development in relation to each of the following parts of the development hereby approved, the commercial units at basement and ground floors of 10, 17-22 and 42 South Molton Street, the commercial units at the ground floors of 15 and 16 South Molton Street and the non-office commercial units within the North and South Block (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street) shall only be used, or part used, for the following purposes: (i) For the display or retail sale of goods, other than hot food, principally to visiting members of the public; and / or (ii) For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. You must not use these units for any other purpose, including within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have

different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the public benefits of an enlivened Davies Mews and South Molton Lane are delivered, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

15 Pre Commencement Condition.

Prior to the commencement of development (including any demolition or site clearance), a phasing plan for the development proposal, including all buildings outlined on the approved plans (or any subsequent approved revisions thereafter), shall be submitted for the City Council's approval. References to "phase" in this phased planning permission and the conditions attached to it shall mean the phases as identified in the phasing plan. The development shall be built out in accordance with the approved phasing plan

Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved. (R02AA)

- 16 The South Block office entrance at ground floor level on the Brook Street frontage (annotated as Office - B1 on the approved drawings) and the upper floors of the South Block shall be used only as offices and for no other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

The North Block office entrance at ground floor level on the Davies Street frontage (annotated as Office - B1 on the approved drawings), the ground floor of 54 Davies Street, and the upper floors of the North Block (excluding 50 Davies Street and the first floor of 52 Davies Street) shall be used only as offices and for no other purpose within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, and to ensure that the economic public benefits of the development are delivered, in accordance with in accordance with Policies 1, 2, 7, 13, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021).

- 17 The primary use of at least 50% of approved floorspace within the non-office commercial ground and basement units within the North Block (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street), the South Block, the commercial units at basement and ground floors of Nos. 10, 17-25, 27 and 42 South Molton Street, and the commercial units at ground floor of Nos. 15-16 South Molton Street shall be for the display or retail sale of goods, other than hot food, principally to visiting members of the public.

Reason:

To ensure that the development is carried out in accordance with the uses sought and assessed, to ensure that a minimum amount of retail provision is made within the development and to ensure that an appropriate mix of uses is secured, in accordance with Policies 1, 2, 14 and 16 of the City Plan 2019 - 2040 (April 2021).

- 18 With the exception of the basement and ground floor unit within the South Block at the corner of Davies Mews and Davies Street (annotated as S.R01 on the approved drawings), none of the non-office commercial units within the development shall exceed 500 sq.m (GIA) in size.

Reason:

To ensure that the development is carried out in accordance with the uses sought and assessed and to ensure that units are not amalgamated to create units that may not be suitable for the location, in accordance with Policies 7, 14, 16 and 33 of the City Plan 2019-2040 (April 2021).

- 19 Prior to any of the non-office commercial units at ground and basement floors within the North and South Block undertaking any primary cooking, kitchen extracts shall be installed so that they rise internally to the full height of the building to discharge at roof level.

Reason:

To ensure that cooking odours are adequately dispersed, in accordance with Policies 7, 32 and 33 of the City Plan 2019-2040 (April 2021).

- 20 After 22.00 daily, the windows and doors within the South Molton Lane elevation of the commercial unit within the North Block at the corner of Davies Mews and South Molton Street (annotated as N.F03 on the approved drawings) shall be fixed shut and customers accessing or exiting this unit after this time shall use the doors on Davies Mews. This is with the exception of fire escapes.

Reason:

To protect the environment of people in neighbouring properties, as required by Policies 7, 16 and 33 of the City Plan 2019-2040 (April 2021).

- 21 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 22 With the exception of the basement unit within Nos. 15 and 16 South Molton Street, if a bar and bar seating is provided in any of the units, it must not take up more than 15% of the floor area of each unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

Reason:

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

- 23 Customers shall not be permitted within the bar hereby approved within the basement of Nos. 15 and 16 South Molton Lane before 07.00 or after 00.00 (midnight) on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 24 Customers shall not be permitted within the commercial units at basement and ground floors of Nos. 10, 17-22, 27 and 42 South Molton Street and the commercial units at ground floor of Nos. 15-16 South Molton Street that are wholly or partly in use for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises before 07.00 or after 23.00 on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 22.30 on Sundays, bank holidays and public holidays.

Customers shall not be permitted within the non-office commercial units within the North and South Blocks (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street) that are wholly or partly in use for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises before 07.00 or after 00.00 (midnight) on Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 23.30 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 25 The retractable door and secondary hotel restaurant access at ground floor level of 40 South Molton Lane shall be fixed shut after 22.00 daily and customers shall access and exit the hotel restaurant and bar via Brook Street after this time. This is with the exception of fire escapes.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 26 Non-residents shall not be permitted within the hotel at 40-46 Brook Street and 40 South Molton Lane before 07.00 or after 01.00 (the following morning) daily.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 27 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the bar hereby approved within the basements of Nos. 15 and 16 South Molton Street from causing noise and nuisance for people in the area, including people who live in the same and nearby buildings. You must not start the bar use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the bar is in use. (C05JB)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

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

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

- 29 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)

30 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.

This condition may be discharged on a phase-by-phase basis.

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)

31 Prior to the commencement of the use of the part ground and part basement unit within the North Block annotated as N.D1 (and prior to any subsequent materially different use), full details of the nature of the use of this unit, under Class F1, Class E(d), Class E(e) or Class E(f) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any equivalent class in any order that may replace it), shall be submitted for the City Council's approval. The use of this space (and any subsequent materially different uses) shall be in full accordance with the details approved by the City Council.

Reason:

To ensure that a suitable replacement social and community floorspace use for the lawful hairdressing training school within Nos. 48 and 56 Brook Street and to ensure that the use does not cause any unacceptable amenity or highways impact, in accordance with Policies 7, 17, 29

and 33 of the City Plan 2019-2040 (April 2021).

- 32 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the buildings are suitable and that they contributes to the character and appearance of this part of the Mayfair Conservation Area, as set out in Policies 7, 16, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021).

- 33 You must apply to us for approval of details of how the flats will be insulated to reduce noise passing between them and the commercial uses below at basement and ground floor levels. The details submitted should demonstrate that internal noise levels for the flats will comply with the requirements of Condition 21. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details before anyone moves into the flats and thereafter retain the sound insulation measures installed. (C13GA)

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 34 (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)

- 35 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)

- 36 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15

mins) 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 by an emergency loss of power.

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

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)

- 37 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 34 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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)

- 38 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 39 With the exception of the operation of the public house within the basement of 50-54 Davies Street and the ground and first floor of 50-52 Davies Street:

(1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity

within the uses 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the uses 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, 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 including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

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. (R47AC)

- 40 Prior to the commencement of development on each phase of the development hereby approved, details of all external ground levels doors (including any external bollards and / or planters associated with the doors) shall be submitted to the City Council for approval. Each

phase of the development shall be constructed in accordance with these approved details and these approved details shall be adhered to for the life of the development.

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 41 1. Prior to the occupation of any of the office floorspace within the North Block:
- (i) The refurbished / replaced pavement lights to Nos. 15-22 South Molton Street shall be completed in their entirety in accordance with the detailed drawings pursuant to Condition 3(f)(6) and Condition 3(g)(7) of this permission; and
 - (ii) The works set out within the Heritage Benefits Schedule dated 8 December 2020 to Nos. 10, 15-22 and 42 South Molton Street; Nos. 1-7 Davies Mews and 28-30 South Molton Lane; and Nos. 50, 52 and 54 Davies Street shall be completed in their entirety in accordance with the approved drawings.
2. Prior to the occupation of any of the office floorspace within the South Block:
- (i) The refurbished / replaced pavement lights to Nos. 23-25 and 27 South Molton Street and within South Molton Passage shall be completed in their entirety in accordance with the detailed drawings pursuant to Condition 3(g)(7) and Condition 3(h)(5) of this permission; and
 - (ii) The works set out within the Heritage Benefits Schedule dated 8 December 2020 to Nos. 23-25 and 27 South Molton Street and Nos. 54, 56 and 58 Brook Street shall be completed in their entirety in accordance with the approved drawings.
3. Prior to the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel, the works set out within the Heritage Benefits Schedule dated 8 December 2020 to these buildings shall be completed in their entirety in accordance with the approved drawings.

Reason:

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

- 42 The gates on either end of the passageway within 10 South Molton Street hereby approved shall be closed and locked between 22.00 and 07.00 daily, with access only for the occupants of the flats on the upper floors of this building.

These gates shall be hung so that they do not open over the public highway.

Full details of the access arrangements (including control over the gates) for these residents shall be submitted for the City Council's approval. These approved arrangements shall be installed in full prior to the occupation of the flats hereby approved within 10 South Molton Street and they shall be retained for the life of the development.

Reason:

To ensure that this new passageway represents a safe environment and in the interests of public safety, in accordance with Policies 2, 7, 24, 25, 26, 28 and 38 of the City Plan 2019-2040 (April 2021).

- 43 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 City Council. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

This condition may be discharged on a phase-by-phase basis.

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.

- 44 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 water infrastructure, and the programme for the works) has been submitted to and approved in writing by the City Council. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

This condition may be discharged on a phase-by-phase basis.

Reason:

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

- 45 **Pre Commencement Condition.**

None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-

- (i) Accommodate the location and of the Crossrail structures including temporary works,
- (ii) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and (iii) of this condition shall be completed,

in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

46 Pre Commencement Condition.

None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

- 47 Before the occupation of any part of the North Block (excluding 50 Davies Street), you must provide the separate store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P06. You must clearly mark it and make it available at all times to each tenant of the North and South Block, with the exception of the public house at 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street whereby times at which the waste store is accessed will be agreed under Condition 66. With the exception of ground floor unit N.R01, all waste and recyclable material generated by units within the North and South Block shall be transported to this waste store within the building. You must not use the waste and recycling store for any other purpose.

In the event that the South Block is ready for occupation prior to the store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P06 being ready for use, details of a temporary store for waste and materials for recycling shall be submitted to the City Council for approval. The approved temporary store for waste and materials for recycling shall be provided prior to the commencement of use of any part of the South Block and made available at all times to each tenant of the South Block. This approved temporary store for waste and materials for recycling shall be retained and this space used for no other purpose until the store for waste and materials for recycling shown on drawing number GDS - HAL - 0 - 00 - DR - A 2202 Rev. P06 is ready for use.

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)

- 48 Waste shall only be collected from the waste store within the North Building (or the temporary waste store within the South Building) and the presentation area for the hotel's waste between 07.00 and 12.00 daily. This is unless the waste collection service is provided by the City Council.

Reason:

To protect neighbouring residents from noise nuisance and to ensure that South Molton Lane is used as little as possible so that the public benefits of enhanced public realm are fully realised, as set out in Policy 33 of the City Plan 2019-2040 (April 2021).

- 49 Before the occupation of the hotel hereby approved, you must provide the separate store for waste and materials for recycling shown on drawing number GDS - HAL - 5 - B01 - DR - A - 2201 Rev. P04. You must clearly mark it and make it available at all times. You must not use the waste and recycling store for any other purpose.

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)

- 50 You must apply to us for approval of details of how waste and recycling is going to be stored within:

(i) Each of the 11 x residential units within Nos. 23-25 and 27 South Molton Street hereby approved. You must not occupy these residential units hereby approved until we have approved what you have sent us. You must then provide the waste and recycling stores in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellings.

(ii) Each of the 22 x residential units within Nos. 10, 15-22 and 42 South Molton Street hereby approved. You must not occupy these residential units hereby approved until we have approved what you have sent us. You must then provide the waste and recycling stores in line with the approved details prior to occupation, and clearly mark it and make it available at all times to everyone using the dwellings.

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)

- 51 You must not occupy the bar use hereby approved within the basement of 15-16 South Molton Street until you have submitted to us for approval details of how waste and recycling is going to be stored on the site and we have approved what you have sent us. You must then provide the waste and recycling store in line with the approved details prior to occupation, and clearly mark

it and make it available at all times to everyone using the bar. You must not use the waste and recycling store for any other purpose.

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)

52 Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme.

This condition may be discharged on a phase-by-phase basis.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

53 You must provide each cycle parking space with the North Block Bike Store and the associated changing / shower rooms and the cycle lifts shown on the approved drawings within the basement of the North Block prior to the occupation of any part of the North Block (with the exception of 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floors of 52 Davies Street). Thereafter these areas must be retained and the space used for no other purpose.

You must provide each cycle parking space with the South Block Bike Store and the associated changing / shower rooms and the cycle lifts shown on the approved drawings within the basement of the South Block prior to the occupation of any part of the South Block. Thereafter these areas must be retained and the space used for no other purpose.

The cycle entrance doors within the North and South Blocks on Davies Mews and South Molton Lane shall be fitted with a mechanised door entry system and the doors between these entrances and the cycle storage areas goods lift and cycle storage area shall all be 'hold open'

fire safety doors.

Reason:

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

- 54 You must provide each cycle parking space and the staff changing / shower facilities shown on approved drawing number GDS - HAL - 5 - B01 - DR - A - 2201 Rev. P04 prior to commencement of the hotel use hereby approved. Thereafter these facilities must be retained and the space used for no other purpose.

Reason:

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

- 55 1. If no additional affordable housing units are secured following the outcome of the Early Stage Review Mechanism (if triggered):

(i) You must provide each of the 22 x cycle parking / buggy storage spaces shown on approved drawing number SMS-STA-07-B1-DR-AR-02200 Rev. P10 prior to occupation of any flats within Nos. 23-25 and 27 South Molton Lane.

(ii) You must provide each of the 40 x cycle parking spaces shown on approved drawing number SMS-STA-07-B1-DR-AR-02200 Rev. P10 prior to occupation of any of the 22 x flats hereby approved within Nos. 10, 15-22 and 42 South Molton Street.

Thereafter these facilities must be retained and the space used for no other purpose. The cycle entrance doors off South Molton Passage and the doors to the cycle / buggy stores shall be fitted with a mechanised door entry system.

2. If additional affordable housing units are secured following the outcome of the Early Stage Review Mechanism:

(i) Prior to occupation of any of the flats hereby approved, you must submit for our approval drawings showing a reconfigured cycle / buggy storage area within (part) basement of 23-24 South Molton Street that reflects the change in the housing mix between market and affordable housing.

You must install these cycle parking / buggy stores in accordance with the approved drawings prior to occupation of any of the flats hereby approved. Thereafter these facilities must be retained and the space used for no other purpose. The cycle entrance doors off South Molton Passage and the doors to the cycle / buggy stores shall be fitted with a mechanised door entry system.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25

of the City Plan 2019 - 2040 (April 2021). (R22FB)

56 (i) You must submit a Delivery and Servicing Management Plan (including hours) for the North and South Blocks for our approval. With the exception of 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first of 52 Davies Street) no parts of these buildings shall be occupied until we have approved what you have sent us. You must adhere to the approved Delivery and Servicing Management Plan for the life of the development.

(ii) You must submit a Delivery and Servicing Management Plan (including hours) for the hotel use for our approval. The hotel use shall not commence until we have approved what you have sent us. You must adhere to the approved Delivery and Servicing Management Plan 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)

57 You must apply to us for approval of: (i) Detailed drawings of a planting scheme which includes the number, size, species and position of plants for both the North and South Blocks; and (ii) Management arrangements for this planting. You must not occupy the North Block (except 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first of 52 Davies Street) or the South Block until we have approved the respective drawings and arrangements for each building. You must then carry out the planting within one planting season of completing the respective building and you shall adhere to the approved management arrangements for the life of the development.

Reason:

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

58 You must provide the following sustainability features as shown on the approved drawings before occupation of any part of the North or South Blocks (excluding 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first of 52 Davies Street):

- A 340 cubic metre capacity rainwater attenuation tank at basement level 2 of the South Block
- Allowance for connections to any future heat network in the vicinity of the site.

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included

in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

59 Pre Commencement Condition.

(a) You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on each respective phase of the development. In the case of an assessment using Building Research Establishment methods (BREEAM), you must provide a Design Stage Interim BREEAM rating and certificate of assessment showing that:

- (i) The North and South Blocks (Offices) will achieve an 'outstanding' rating or, if this is not possible, justification for it achieving an 'excellent' rating.
- (ii) The North and South Blocks (Non-office commercial) will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (iii) 40-46 Brook Street and 40 South Molton Lane will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (iv) South Molton Street Properties (residential conversions) will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.
- (v) South Molton Street Properties (retail / cafe / restaurant units) will achieve an 'excellent' rating or, if this is not possible, justification for it achieving a 'very good' rating.

If you use another method, you must achieve an equally high standard.

You must start work on each respective phase of development until we have approved what you have sent us.

b) You must apply to us for approval of details of a post construction stage report which demonstrates that each phase met the rating approved in Part (a) of this condition. This report shall be submitted to us within six months of the occupation of any part of each phase of the development. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible and minimises carbon dioxide emissions, as set out in Policy 38 of the City Plan 2019-2040 (April 2021), Policy SI 2 of the London Plan (March 2021), and Policy MES4 of the Mayfair Neighbourhood Plan.

- 60** All staff working with the 'micro-retail units' on South Molton Lane shown on the approved drawings shall be given access to the 'Staff Acc. WC' within the basement of 24 South Molton Street at all times.

Reason:

To provide basic amenities for these staff where the commercial units are too small to provide such facilities.

- 61** You must apply to us for approval of detailed drawings and/or full particulars of the following

parts of the development:

1. Extent of reuse of natural Portland stone from the existing Brookfield House in the facades of new Brookfield House
2. Extent of reuse of natural Portland stone from the existing 56 Davies Street in the facade of new 56 Davies Street

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings / particulars.

Reason:

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

- 62 The privacy screens to the terraces to the rear of the South Molton Street Properties shall be erected in accordance with the approved drawings prior to occupation of the relevant residential units and shall remain in situ for the life of the development.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 63 You must apply to us for approval of material samples, detailed drawings showing the threshold levels and interface with the adopted public highway, and the programme for delivery of the following parts of the development -

- (i) The forecourt to the west of 56 Davies Street.
- (ii) The land on South Molton Lane that is not currently public highway.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work in full according to these approved materials, detailed drawings and programme.

Reason:

To make sure that the appearance of this part of the site is suitable, that it contributes to the character and appearance of this part of the Mayfair Conservation Area, so that level access is achieved, the public benefits of improved public realm are realised, and in the interests of public safety. This is as set out in Policies 2, 24, 25, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 64 This permission must be commenced no later than 7 April 2025.

Reason:

This permission authorises amendments to the original planning permission granted on 8 April 2022 (RN: 20/03987/FULL) which must be commenced no later than the above date. (R03HA)

- 65 Upon commencement of the expanded public house, the windows within the Davies Street frontage of the basement of 52-54 Davies Street and the ground and first floors of 52 Davies Street shall be fixed shut after 23.00 daily.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 66 You must apply to us for approval of a waste management plan (including hours) to show how waste will be transferred from 50 Davies Street, the basement of 52-54 Davies Street, and the ground and first floor of 52 Davies Street to the waste store shown on approved drawing GDS-HAL-0-00-DR-A-22002 Rev. P06 in a way that will not cause a noise nuisance for neighbouring residents or a safety risk to users of the public highway. You must not occupy the basement floor of 52-54 Davies Street or the ground and first floors of 52 Davies Street as a public house until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan for the life of this part of the development.

Reason:

To protect the environment of residents and the area generally, as well as in the interests of public safety, as set out in Policies 7, 24, 27, 25 and 33 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:

- a) Provision of 11 x affordable housing units, made up of 7 x social housing units (rents set at London Affordable Rents) at 23-25 South Molton Street and 4 x intermediate housing units (rents set at London Living Rent) at 27 South Molton Street. Increases in rent and eligibility to be agreed with the Head of Affordable Housing and Partnerships. Completed affordable housing to be managed by and transferred into the legal ownership of a Registered Provider. The office floorspace within the North Block or South Block (whichever is completed first) not to be occupied until all 11 x affordable housing units are ready for occupation.
- b) Provision of an Early Stage Viability Review if substantial implementation (i.e. (i) Completion of demolition, ground preparation, piling and permanent foundation and below ground structural works and the ground floor slab for the North Block or the South Block; or (ii) The completion of the shell and core of the affordable housing units at 23, 24, 25 and 27 South Molton Street) has not occurred by 7 April 2025.
- c) The office floorspace within the North Block or the South Block (whichever is completed second) not to be occupied until the market residential units at 10, 15-22 and 42 South Molton Street are ready for occupation.
- d) The office floorspace within the North Block or the South Block (whichever is completed first) not to be occupied until the 8 x residential units at part first and the second floors of Claridge House, 32 Davies Street pursuant to planning permission dated 7 September 2020 (Ref: 20/02661/FULL) are ready for occupation. The office floorspace within the North Block or South Block (whichever is completed first) to be ready for occupation within 8 years of these residential units being made ready for occupation.
- e) Undertaking of highway works on Davies Mews, South Molton Lane, Davies Street, Brook Street and South Molton Passage, including associated traffic order making, tree planting, cycle parking, provision of loading bays, wayleaving of existing street lighting, details of highways management and any other associated works to accommodate the development. Highway works / management / threshold levels to have been agreed and alterations to traffic orders to have been confirmed prior to commencement of development. If undertaken by the owner, highway works to Davies Mews, South Molton Lane, Davies Street and Brook Street to be completed prior to occupation of any part of the North Block (excluding 50 Davies Street), the South Block or the occupation of 40-46 Brook Street and 40 South Molton Lane as a hotel (unless otherwise agreed in writing with the City Council). Not to occupy any part of the North Block (except 50 Davies Street) or any part of the South Block (whichever is completed first) until the highways management arrangements have been approved by the City Council. Highway management arrangements secured for the life of the development. If undertaken by the applicant, highway works to the South Molton Passage to be completed prior to the occupation of the affordable housing units at 23, 24, 25 and 27 South Molton Street.
- f) Submission of a management plan for the City Council's approval setting out the management, maintenance and enforcement of activities upon land retained in applicant's ownership on South Molton Lane. Adherence to the approved management plan for the life of the development.
- g) An Employment and Skills Plan(s) for the demolition, construction and operational (for the commercial elements) phases of the development and a contribution of £346,000 to support the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the relevant development phase. Financial contribution payable prior to the commencement of development.
- h) Car club membership for the occupiers of all 33 x residential units for a period of 25 years.
- i) A financial contribution of £25,000 to provide an extension to a nearby Cycle Hire docking station(s) (payable prior to commencement of development).
- j) The submission for the City Council's approval of a management strategy for the

passageway beneath 10 South Molton Street in terms of inspecting it for anti-social behaviour, cleaning, lighting and generally maintaining it. Not to occupy the North Block or the South Block (whichever is completed first) prior to the approval of the management strategy. Adherence to the approved management strategy for the life of the development.

k) The provision of at least 127 sq.m of either formal or informal place space either within Grosvenor Square Gardens or an alternative location within Mayfair (design and alternative location (if applicable) to be agreed with the City Council). The playspace to be provided prior to any of the residential units being occupied.

l) The provision of the replacement community infrastructure and facilities floorspace within the ground, mezzanine and basement floors of the North Building (698 sq.m) and within the entirety of 14 North Row (471.7 sq.m) (both to be ready for tenant fit out) within 8 years of the commencement of the demolition of 48 Brook Street or 56 Brook Street.

m) Not to occupy 40-46 Brook Street and 40 South Molton Lane as a hotel until the office floorspace within either of the North or South Block is ready for occupation.

n) Submission (prior to commencement of development of each phase) of a revised Energy Strategy setting out whether operational zero carbon can be met and, if not, require the residual carbon emissions for a notional 30 year development life to be either: (i) Off-set through a financial contribution to the City Council's carbon offset fund (payable prior to commencement of development); or (ii) To be made by the applicant off-site within the City through the delivery of an identified carbon savings project(s).

o) The costs of stopping up of an area of public highway on the south of Davies Mews (payable and stopping up order confirmed prior to commencement of the South Block phase of development).

p) The costs of monitoring the S106 legal agreement.

- 3 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmental-regulations/planning-enforcement/short-term-lets.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 4 With reference to condition 30 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.

- 5 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.

6 You are encouraged to investigate incorporating within the development:

- (a) Communal storage for food waste for the residential element of the development hereby approved so that it can be collected by the City Council's waste collection contractor; and
- (b) Publicly accessible toilets.

DRAFT DECISION LETTERS TO FOLLOW FOR:

- **THE SIX APPLICATIONS FOR LISTED BUILDING CONSENT AT SITE 1 (SMT);**
- **THE APPLICATION FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT AT SITE 2 (14 NORTH ROW); AND**
- **THE APPLICATION FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT AT SITE 3 (24 NOURTH AUDLEY STREET).**

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