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| CITY OF WESTMINSTER | | | |
| PLANNING APPLICATIONS SUB COMMITTEE | Date 21 March 2023 | Classification For General Release | |
| Report of Director of Town Planning & Building Control | | Ward(s) involved West End | |
| Subject of Report | 11 - 15 Farm Street, London, W1J 5RS | | |
| Proposal | Demolition of the existing building, and redevelopment to provide a building of basement, ground and five upper storeys with plant enclosure at roof level for use as office (Class E). | | |
| Agent | Gerald Eve | | |
| On behalf of | Farm Street Property Limited | | |
| Registered Number | 21/04971/FULL | Date amended/ completed | 14 February 2023 |
| Date Application Received | 19 July 2021 | | |
| Historic Building Grade | Unlisted | | |
| Conservation Area | Mayfair | | |
| Neighbourhood Plan | Mayfair Neighbourhood Plan | | |

1. RECOMMENDATION

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| <p>1. Grant conditional permission subject to a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> i) A Financial contribution of £15,629 towards the Council's Carbon offset fund (Index linked and payable on commencement of development) ii) Monitoring costs <p>2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p> <ul style="list-style-type: none"> a) The Director of Town Planning shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not b) The Director of Town Planning shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if |
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so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes demolition of the existing office building which comprises ground and 3 upper floors and redevelopment to provide an enlarged office building of basement ground and five upper floors with rooftop plant.

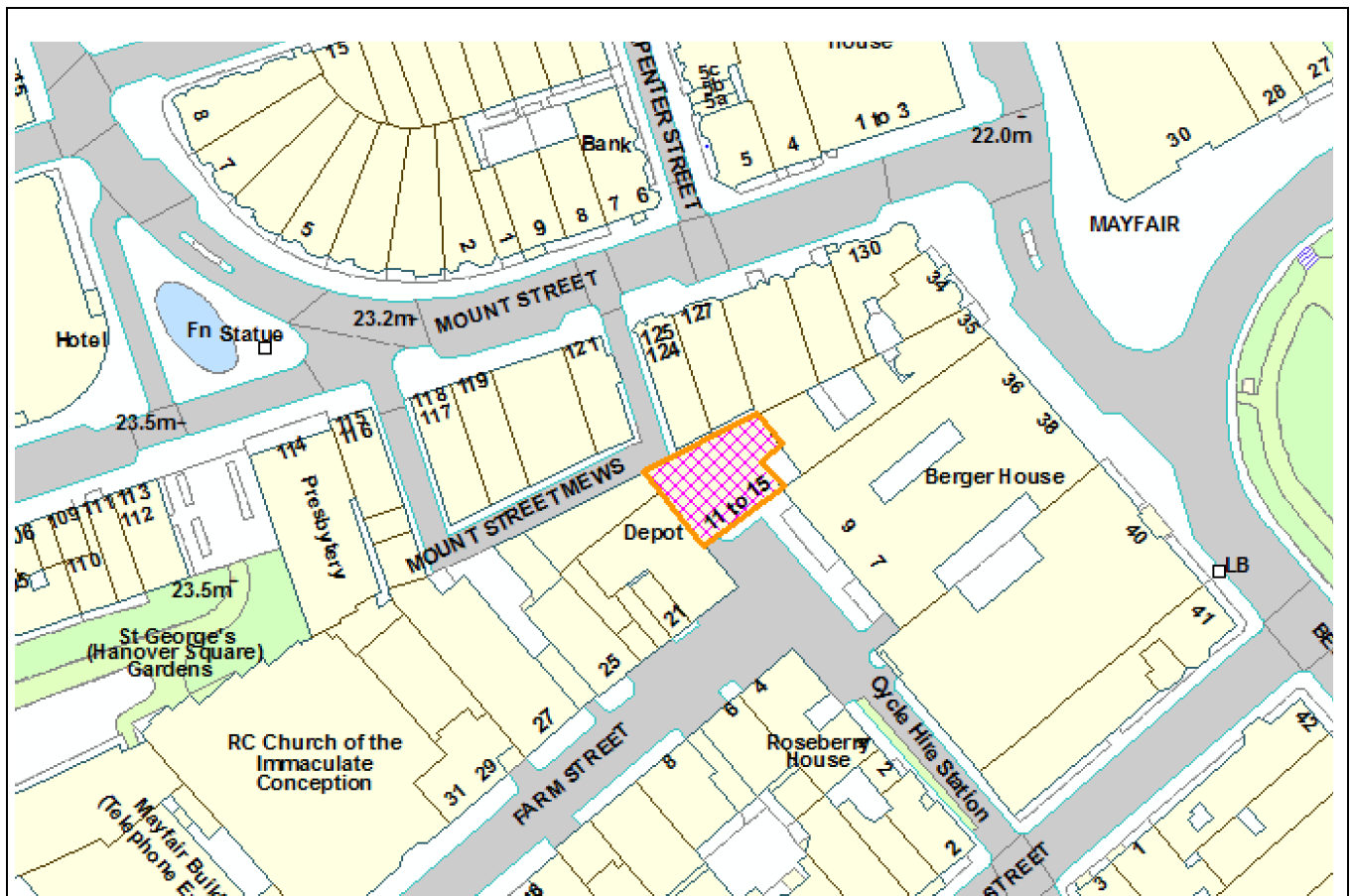
The key considerations in this case are:

- The acceptability in sustainability terms of redeveloping the site and the energy performance of the proposed building.
- The acceptability of the proposed building in design terms, including the impact of the proposed building on the character and appearance of the Mayfair Conservation Area.
- The impact on the amenity of neighbouring residential properties.

The provision of enlarged and improved office accommodation on this site in Mayfair is welcomed. Objections have been received to the height of the new building raising both design and amenity issues. The form of development has been the subject of detailed negotiations and application has been revised reducing the height of the proposed new building by 1 floor and amending the detailed design. As revised the scheme is considered an appropriate building for the site.

This report explains the proposed development would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). There would be less than substantial harm to heritage assets, but this harm is outweighed by public benefits. As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

3. LOCATION PLAN

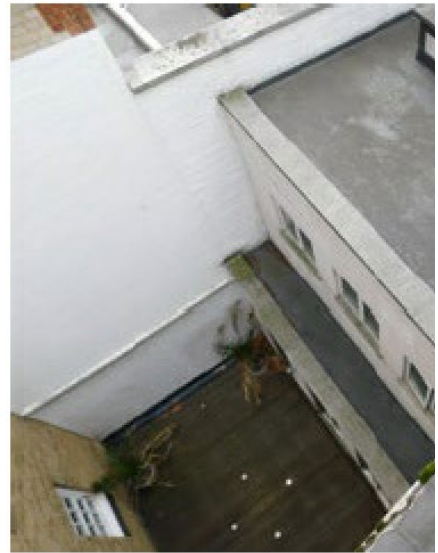


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4. PHOTOGRAPHS



3.10 Front elevation of the building on site



3.11 Stepped elevation to internal lightwell



5. CONSULTATIONS

COUNCILLOR LILLEY

Objection to a loss of amenity to neighbouring residents due to increased sense of enclosure, loss of light, and overlooking and noise nuisance from proposed rear terraces.

Design objection to the increase in height of the new building viewed from Mount Street looking towards Mount Street Mews. The existing building is considered to be subservient to the listed buildings, the new building would be over dominant.

RESIDENTS SOCIETY OF MAYFAIR & St. JAMES'S

No response received.

MAYFAIR RESIDENTS GROUP

Objection to the height of the building, loss of light, and nuisance from the outdoor terraces.

HIGHWAYS PLANNING MANAGER

No objection subject to conditions requiring the provision of cycle parking a servicing management plan and the Council's Code of Construction Practice.

WASTE PROJECT OFFICER:

Condition requested requiring details of refuse and recycling to be approved prior to occupation.

ENVIRONMENTAL SERVICES

No objection

BUILDING CONTROL

No objection, comment that structural method statement is considered to be acceptable

HISTORIC ENGLAND (Archaeology)

No further assessments or conditions required.

THAMES WATER UTILITIES LTD

No Objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 250

Total No. of replies: 18

No. of objections: 18

No. in support: 0

18 Objections received from or on behalf of 17 individual properties on some or all of the following grounds

Amenity

Overdevelopment of the site, height should be reduced by at least 2 stories;

Loss of Daylight;
 Increased sense of enclosure;
 Overlooking loss of privacy from terraces;
 Noise nuisance from terraces

Design

Design is bland and unsuitable for Mayfair

Highways

Increased traffic in Farm Street (in conjunction with Berger House development)

Other issues

Comment that the Daylight and Sunlight report submitted as part of the application is inaccurate.

PRESS NOTICE/ SITE NOTICE:

Yes

5.1 Applicant's Pre-Application Community Engagement

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

| Engagement Method/Event/Activity | Date | Attendance | Summary of Discussions |
|---|--|------------|------------------------------------|
| Community newsletter to 203 addresses | 6 th October 2022 | | |
| Meeting with Mayfair Neighbourhood Forum | 29 th September 2022 | | Height of the proposed development |
| Meeting with Residents Society of Mayfair & St James | 6 th October 2022 | | Massing, design |
| Email to individuals or groups who had participated in the previously consultation, | 21 st July 2022 | | |
| A series of meetings has also been held with the tenant occupier of | 6 th July 2022 and 9 th September 2022 | | Impact on residential amenity |

| | | | |
|--|--|--|--|
| the second floor of 125 Mount Street. | | | |
|--|--|--|--|

In summary, across the range of engagement undertaken by the applicant the principal issues raised were the massing, height of the development and impact on residential amenity, impact and management of terraces, design, and sustainability in particular whether a carbon assessment justifies demolition.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in the following ways in response to views and representations expressed during pre-application community engagement:

The overall height of the development has been reduced through the removal of a floor and incorporating a pitched roof design which includes plant within the roof. Changes have also been made to the facades, amending the detailed design.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The 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.

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

The site lies at the eastern end of Farm Street, situated to the rear of buildings on Mount Street Mews and Berger House on Berkeley Square. The existing building that occupies the site is a 1960's office building comprising ground and 3 upper floors. The upper floors are set in from Mount Street Mews.

The south elevation facing Farm Street is clad in Portland Stone with a slate tiled 3rd floor mansard roof. The north elevation facing Mount Street Mews is redbrick with a mansard above.

Farm Street is mixed use in character with office and residential uses. The immediate locality has been the subject of change. The neighbouring building to the west No 21-23 Farm Street is a recently constructed building comprising the City Council's refuse depot at ground floor level with residential above. To the west of the site is Berger House which fronts onto Berkeley Street with a rear aspect onto Farm Street. Permission was granted in September 2020 for a new ground plus 8 storey office building. Construction work has started on site implementing this permission. To the north of the site is Mount Street Mews. The lower floors of the facing buildings are in commercial use. The upper floors of 124-125 Mount Street are residential flats.

The building is not listed but lies within the Mayfair Conservation Area and the Central Activities Zone (CAZ).

7.2 Recent Relevant History

11-15 Farm Street

On 25 March 2014 permission was granted for the following development:

'Excavation beneath part of footprint of the building to provide new basement floor, removal of roof of single storey rear wing to create ground floor terrace, removal of front part of roof of mansard roof storey in order to create a roof terrace, insertion of bay window in rear elevation at first floor level, alterations to front and rear elevations, and use of resulting building as a dwellinghouse (Class C3)' RN 13/11279/FULL. The permission wasn't implemented.

The existing office building had also previously been proposed for demolition and replacement with a single large residential property. On 5 January 2016, permission was granted for the following development:

'Demolition of existing building, excavation to provide a two-storey basement and erection of a residential dwellinghouse (Class C3) over sub-basement, basement, ground, first, second and third floor levels.' (RN 14/10858/FULL). This permission was also not implemented.

21-23 Farm Street.

Redevelopment of the adjoining site to the west has recently been completed following the granting of permission for a Council street cleansing depot and recycling facility at ground floor with 14 residential flats above (RN 15/11056/FULL).

Berger House 36-38 Berkeley Square

Immediately to the east at Berger House which fronts onto Berkeley Square with a rear elevation fronting onto Farm Street on the 11 September 2020 permission was granted for the following development :

Demolition of the existing building and redevelopment of the site to provide a new office (Class B1) use building, of sub-basement, part basement, part ground and eight upper storeys with a plant enclosure above, with flexible retail and/or office (Class A1 and / or B1) use at part ground, part basement and part sub-basement levels floor and associated works. (RN 19/09409/FULL).

8 THE PROPOSAL

Permission is sought for the redevelopment of the site to provide a new building comprising basement, ground and five upper floors including a plant enclosure at fifth floor level, for use as office (Class E).

The exiting building has no lift access, low floor to ceiling heights, poor building services, no toilet accommodation above 1st floor, no cycle facilities and no dedicated waste storage. The applicants argument that the existing building provides poor office accommodation is accepted. In accordance with sustainability principles and City Council policy which promotes retrofit and refurbishment in the first instance, the applicant has considered options to upgrade the existing building and partial retention and extension. Energy efficient plant couldn't be accommodated within the existing building. Significant structural works would be required to provide a building that is efficient, usable and would meet long term future needs. The applicants argument that the provision of facilities to meet building regulations would not be viable is understood. The option pursued is to redevelop the site.

The scheme has been revised since the initial submission. The revisions include the following changes:

- removing a floor and reducing the height of the development,
- relocation of the majority of plant from roof level to the basement,
- design changes to both the fenestration pattern and roof form.

The current scheme would provide an additional 719 m² of office floorspace. The aim is to provide upgraded modern office. The design includes a small ground floor courtyard on the eastern side of the building and set backs at the rear from 1st floor level and above. Green biodiverse roofs are provided at 1st floor and part main roof levels with the opportunity for additional greening from planters on the other terraces and climbing plants on the rear

elevation. Outdoor terraces are proposed at rear 3rd 4th and 5th floor levels. In addition to plant at new basement level some plant which requires open ventilation will be provided at roof level.

The building is to be faced in red brick with terracotta tones with a zinc clad 5th floor and roof.

9 DETAILED CONSIDERATIONS

9.1 Land Use

Table: Existing and proposed land uses.

| Land Use | Existing GIA (sqm) | Proposed GIA (sqm) | +/- |
|----------|--------------------|--------------------|-----|
| Office | 803 | 1,522 | 719 |
| Total | 803 | 1,522 | 719 |

Offices

The site is located within the Central Activities Zone (CAZ) as designated by the City Plan 2019-2040. Policy 1 and 13 of the adopted City Plan 2019-2040 are relevant. Policy 1 (Westminster's spatial strategy) states that Westminster will continue to grow, thrive and inspire at the heart of London as a World City. Policy 13 (Supporting economic growth) states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period. The West End, along with the Opportunity Areas at Paddington, Victoria and Tottenham Court Road will provide the main opportunities for significant office growth.

The new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The scheme will provide potentially 719m² of office floorspace. The scheme would contribute towards the City Plan target in office-based jobs growth within the City. This also accords with Mayfair Neighbourhood Plan Policies MC1 which encourage new offices in central Mayfair.

The proposal also represents an improvement in terms of quality over the existing office floorspace. The offices would have lift access and toilets on all floors, modern floor to ceiling heights, outdoor amenity space and cycle parking with showers and changing facilities.

Commercial Class E use

Changes to the Uses Classes Order which came into effect in September 2020 combined a number of town centre uses into a single use class, Class E Commercial Business Service.

The applicant has confirmed that the intention is that the building would be used for offices only and not for other uses within Class E which have not been assessed as part of this application. It is therefore recommended that permission is subject to a condition which restricts the use to office use only and no other purpose within Class E of the Use Classes Order. The applicant has confirmed that such a condition would be acceptable.

9.2 Environment & Sustainability

Principle of demolition

City Plan Policy 38, Part D states, 'development will enable the extended lifetime of buildings...'. and paragraph 38.11 of the City Plan states, '...the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building'. The Environmental SPD advises that 'where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition

The existing 1960's building is poor quality. Whilst the building could be refurbished and extended the argument that this is not a viable option as it would not provide the quality or quantum of new office floorspace of a new build scheme is acknowledged.

The proposal is to provide a highly sustainable replacement building from both embodied and operational carbon perspectives. A Sustainable Design Statement has been prepared by Verte Limited, which is submitted in support of this application. The Statement summarises the design approach included BREEAM assessment, whole-life-carbon, circular economy, health and wellbeing, an urban environmental quality.

Sustainable Design

The environmental strategy for the proposed building is centred on passive design that will reduce the demand for energy. This comprises measures such as a high performance building enveloped and efficient equipment which serves the building. Natural ventilation, integrated planting and cycle and recycling facilities enhance the environmental credentials of the scheme as a whole.

A review of the proposed building materials and waste has been undertaken as part of the sustainability appraisal to ensure materials are low volatile organic compounds and are responsibly sourced. Materials with high embodied carbon content have been avoided where possible within the building's design.

The building will be ventilated via the roof mounted air handling unit, which has a heating coil and high efficiency fans. Lighting through the building will be PIR controlled to reduce wastage. The building will be cooled using a refrigeration cycle and air source heat pumps. Based on the proposed fabric and energy efficiency measures, the proposed emissions represent a saving of 16% against the L2A 2021 baseline. It is proposed to install a Variable Refrigerant Flow system which contributes to the reduction of carbon emissions from the building. ASHP are proposed.

Energy Performance

Policy SI 2 of the London Plan requires major developments to be net zero-carbon. The policy also requires that a minimum on-site reduction of at least 35 per cent beyond Building Regulations is met with residential development achieving 10 per cent carbon reductions, and non-residential development achieving 15 per cent carbon reductions through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either: 1) through a cash in lieu contribution to the borough's carbon offset fund, or 2) off-site.

Policy 36 of the City Plan states that all development proposals should follow the principles of

the Mayor of London's energy hierarchy. Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved. Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement.

Overall, the proposed development achieves a 27% improvement over the Building Regulations Part L 2021 Target Emission Rate (TER). A 16% carbon reduction is achieved through energy efficiency measures ('Be Lean'). The inclusion of air source heat pumps would achieve an additional carbon reduction of 11% for the development. The development achieves an embodied carbon value of 627 kgCO₂e/m² which surpasses the GLAs WLC benchmark of 950 kgCO₂e/m² and is close to the GLAs WLC aspirational benchmark for offices of 600 kgCO₂e/m².

The Energy Statement confirms that in accordance with City Plan Policy 36 (C) and based on The London Plan's carbon off-set price of £95 per tonne, the required total contribution to off-set carbon is £15,629 over a 30-year period. The required carbon offset payment will be secured as part of a legal agreement.

Given the above, the proposed development is considered consistent with policies S12 of the London Plan and policy 36 of the City Plan.

Circular Economy

Policies SI7 of the London Plan and 37 of the City Plan seek to reduce waste and support the circular economy. Waste is defined as anything that is discarded. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste.

A circular economy statement has been submitted which states that a pre-demolition audit of all existing buildings, structures and hard surfaces will be completed to identify and quantify key materials that will be recycled. The audit will set out the following waste targets that must be achieved by the Main Contractor in line with the BREEAM requirements.

- A Resource Efficiency benchmark of ≤ 11.1 tonnes of construction waste per 100m².
- A minimum of 90% (tonnage) diversion from landfill rate.
- Reuse of brick from existing site or other local sources

Air Quality

The NPPF states that development should not contribute to or be put at unacceptable risk of, or be adversely affected by unacceptable levels of pollution, including air pollution

In relation to Air Quality, London Plan Policy SI1 states that development proposals should not lead to further deterioration of existing poor air quality or create new areas that exceed air quality limits. City Plan policy 32 set's out the Council's commitment to improving air quality in the City

Flood Risk & Sustainable Drainage

A drainage strategy report and flood risk assessment have been submitted in support of the application. This concludes that given that the site is located within Flood Zone 1 and is therefore under no risk of flooding as defined by the Environment Agency.

Environment & Sustainability Summary

9.3 Biodiversity & Greening

It is proposed to introduce green roofs to a 1st floor terrace and at main roof level. Additional planting is also proposed on terraces at 3rd 4th and 5th floor levels plus climbing plants on the northern elevation. These measures are welcome as they contribute to the greening of the City in line with the objectives of Policy 34. The provision will therefore be secured by a condition and a maintenance management plan will also be required to ensure that those elements provide long term benefits.

9.4 Townscape, Design & Heritage Impact

Legislative and Policy Context:

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

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA 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 LBCA Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Consideration:

11-15 Farm Street is an unlisted building in the Mayfair Conservation Area. It is located at the rear of two Grade II listed terraces, 117-121 Mount Street and 125-129 Mount Street, both dating from the late-nineteenth century. A brick boundary estate wall currently separates the site

from Mount Street Mews. The site is seen in views from Mount Street, Mount Street Mews, Farm Street and Hill Street.

The existing building provides a neutral contribution to the character and appearance of the conservation area, forming a three-storey building, with additional attic storey above. It is of an appropriate scale and form which reflects prevailing development along the east branch of Farm Street. The contrast between the Portland stone façade and red brick to the rear reflects the differing contexts of the more formal character of Farm Street and 'back of house' character of Mount Street Mews. The existing building has a simple and perhaps tired appearance in comparison with flanking new development and is of no particular architectural interest.

Planning permission was granted on the 5th of January 2014 for its demolition and replacement with a three-storey neo-Georgian building, plus a two-storey basement beneath (RN. 14/10858/FULL). Permission was granted on the 17th of December 2010 for the retention of two air conditioning units with a green foliage screening wall (RN. 10/09648/FULL).

This application seeks permission to demolish the existing building and replace it with the six-storey building with a basement beneath and integrated plant within a pitched roof form above.

Given the lack of contribution that the existing building makes to the character and appearance of the conservation area and the previous approval for its demolition in 2014, its loss is acceptable in principle in townscape/ design terms.

The proposals are resultant of extensive negotiation. The following changes were made:

- Omission of 6th floor office level and plant screen (decrease of 1.9m in height)
- Incorporation of 6th floor and plant in new pitched roof form
- Omission of projecting bays to the Farm Street façade
- Revised building services strategy and reduction in the area of plant to the roof
- Changes to the composition of the Farm Street façade, including the introduction of a four-storey projection and set back fifth storey
- Changes to the fenestration at the rear, further greening and use of red brick and zinc

Objections, raising for design reasons were received to the initial and revised schemes.

- The impact that the additional upper floors will have a negative and imposing impact on the street-scenes of Farm Street and Mount Street Mews
- The impact that the additional upper floors will have on the setting of the Grade II Listed buildings at Nos.117-121 and 125-129 Mount Street

The following addresses these concerns.

The site is experienced within three differing townscapes:

1. Farm Street comprises an 'L' shaped street. The north side is predominantly characterised by modern development, with the Grade I listed church of the Immaculate Conception forming a prominent focal building. The southern side retains a traditional mews character.

2. The site forms the termination of the view from Hay's Mews. Because of the low height of the existing building an attractive cluster of red brick chimney stacks and gables contribute to a rare view of the roofscape at Mount Street.

3. Mount Street Mews forms a quiet, back route where buildings have restrained detailing.

4. The site is also visible from Mount Street between 121 and 125 Mount Street, both Grade II listed buildings with decorative facades and settings of 117-121 and 125-129. Mount Street is a principal street within the conservation area which contrasts with the character of Mount Street Mews.

Buildings along the east branch of Farm Street are predominantly three to four storeys tall with attics above. This pattern of development is reflected in the design of the recently approved buildings either side of the application site. The former depot building (21 Farm Street) is four storeys with a gable at roof level rather than a further storey, while Berger House steps down considerably in height towards this part of the street, from nine storeys to four storeys where the building interacts with the northernmost corner of Farm Street. Since submission, the height has been reduced by a storey and the plant area integrated in the pitched roof form. The composition of the brick frontage has been visually broken up by the creation of three components; a street facing façade of four storeys, a slightly recessed fifth storey and set back sixth storey finished in zinc with a zinc pitched roof form above. A further sixth storey is set back from the deep parapet and zinc clad. This serves to break up the massing and speak to the surrounding building heights.

The loss of the view towards the gables at Mount Street is regrettable and will cause a low level of less than substantial harm to the character and appearance (significance) of this part of this conservation area, the character of this corner of Farm Street has changed in recent times and the proposals serve to reflect the scale of recent development. However, the proposed height and massing is considered to be the maximum that is appropriate for this site.

The Mount Street Mews façade will step closer to the boundary wall by approximately 1m with the stair core projecting an additional 1m. Given that the shape of the site and the way in which the rear elevations of 25 and 27 each step backwards, the proposed increase of the stepped character of the building line along Mount Street Mews will not appear out of place in townscape terms and is acceptable in this case. Throughout the course of the application process Officers advised the height of the proposed building should be reduced and to ensure the detailed design of the building not compete with the elaborate elevations of the listed buildings to Mount Street. A storey was removed from the overall height. While the proposals will see an increase in height and massing on the site, the height has been reduced and the architecture restrained. The addition of greening, such as climbing plants, planters and biodiverse roofs is welcomed and will further reduce the visual impact of the massing when viewed along Mount Street Mews and between properties on Mount Street.

The proposed building will be visible from Mount Street through a narrow space between two Grade II listed buildings, 121 and 125 Mount Street. The increased height and massing of the building will be conspicuous when compared with the existing building. However, the use of brickwork and terracotta panels serves to reflect the prominent materials within this part of the conservation area, while the restrained palette, simple design and greening will ensure it forms an unassertive addition to the townscape. This will contrast with the grandeur of Mount Street and preserve the hierarchy of streets within this part of the conservation area. As such, the

settings of the listed buildings will be preserved, as well as the character and appearance of the conservation area. The greening is particularly welcomed to visually soften and break up the expanse of the new façade.

Design Summary:

The replacement building will sit more appropriately within the changing context of Farm Street and comprise a better-quality, more operationally sustainable building.

Paragraph 202 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Overall, given the poor quality of the existing building and neutral contribution that it makes to the character and appearance (significance) of the conservation area, the replacement building is acceptable in this case. However, while this application will provide a better quality building than that on site, given the increased height, there will be a neutral impact on the character and appearance (significance) of the conservation area and settings of nearby listed buildings, rather than an enhancement. The proposed height and massing is considered to be the maximum that is appropriate for this site.

This application will preserve the character and appearance (significance) of the conservation area and is considered to comply with policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and MD1, MD2 and MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019), and the guidance set out within the 'Environmental' SPD.

Due to the restrained details and palette of materials in the design, the success of this building is somewhat reliant on the quality of materials used. A condition is recommended regarding the materials and bricks and bond. It is recommended that the pre-cast concrete panels are terracotta and provide further texture than what is currently shown.

Fire Safety

Policy D12 of the London Plan states that all developments achieve the highest standards of fire safety and ensure that they are constructed in an appropriate way to minimise the risk of fire spread. The application is accompanied by a Fire Safety document.

Archaeology

The application is supported by an Archaeological Desk Based Assessment (DBA). The archaeological impact of the proposal has been carefully assessed, and Historic England (Archaeology) are satisfied that no further information or conditions are required.

9.5 Residential Amenity

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity,

by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Daylight & Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2022), whilst recognising that these Guidelines should be applied flexibly.

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

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

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

Objections have been received from Councillor Lilley (Ward Councillor) ex ward Councillors Glenys Roberts, Lewis Pancho, Jonathan Glaz, the Mayfair Resident's Group, on behalf of the Grosvenor Estate as freehold owners of a number of properties in the vicinity and on behalf of and directly from a number of residents in proximity. All of these objections are made on the grounds that the increase in height would be an overdevelopment of the site that would result in a loss of amenity to residents. The concerns are that given the tight-knit relationship with existing residential the increase in bulk and mass would result in a material sense of enclosure and loss of light that would diminish the existing living environment for residents.

The impact of the development on neighbouring residents is one of the key considerations in assessing the application. The applicant's consultant, GIA Chartered Surveyors, has carried out a daylight and sunlight assessment using the methodology set out in the BRE guidelines. The study assesses the impact on the following properties: 1 Mount Street Mews, 121 Mount Street, 124-125 Mount Street, 127 Mount Street, 128 Mount Street, 129 Mount Street and 21-23 Farm Street.

An objection was received from Delva Patman Redler (DPR) that incorrect information was used to carry out the Daylight and Sunlight Assessment and that the study shows there would be a material adverse impact on both daylight and sunlight levels to No 124-125 Mount Street.

Following the revision to the application removing a floor, a revised daylight and Sunlight Assessment was submitted by GIA in support of the application. In response to the objection from DPR that the survey data is inaccurate GIA have confirmed that access was gained to surrounding properties and accurate survey information was used in the 3dmodel and analysis. Officers have also visited objectors properties to assess the application and confirm that the survey data is correct.

The updated study shows that the impact on 1 Mount Street Mews, 129 Mount Street, 21-23 Farm Street would be fully compliant with BRE guidelines.

The impact on the other properties listed are discussed in further detail below. All the buildings are situated to the north of the site on the northern side of Mount Street Mews.

121 Mount Street

121 Mount Street is mixed use building comprising commercial use at ground floor level with residential above. With regards to daylight, assessing the Vertical Sky Component ('VSC') two bedroom windows would experience losses of 20.1% and 23.3% respectively. This is marginally above the target value of 20%. The retained values are 16.5 % and 21.5 % which are considered to be good for a City location. With regards to sunlight two windows assessed both comply with BRE guidance.

124-125 Mount Street

The property comprises commercial space on the ground floor with residential flats above. Windows serving 6 rooms have been assessed. 4 of the windows assessed would experience a loss above the 20% (ref table below). 3 of the breaches are between 20% and 23% and are very minor transgression of the guidelines. 1 window will experience a 65.1% loss. Whilst looking at the VSC levels to this window in isolation may indicate that this would be significant the window is a secondary window to a bedroom which is dual aspect and windows serving this room facing in a westerly direction are unaffected by the proposed development. These windows ensure that the No Skyline test for the room is not affected by the development

All six rooms assessed within 124-125 Mount Street comply with the APSH. The rooms are not therefore considered to be adversely affected.

| | Existing VSC | Proposed VSC | % loss |
|--|--------------|--------------|--------|
| 124-125 Mount Street Window 16/F01 (bedroom) | 18.5% | 14.5% | 22% |
| 124-125 Mount Street Window 17/F01 (bedroom) | 10.6% | 3.7% | 65% |

| | | | |
|--|-------|-------|-----|
| 124-125 Mount Street Window 10/F02 (bedroom) | 26.6% | 20.3% | 24% |
| 124-125 Mount Street Window 11/F02 (bedroom) | 20.9% | 16.7% | 20% |

127 Mount Street

Again the property is in mixed use with commercial space and residential above. The study assesses 12 windows in 5 rooms. With regards to the VSC method of assessing daylight 9 of the 12 windows are compliant with the guidelines. The three windows that fall below BRE guidance (ref table below) are considered to experience minor VSC alterations ranging between 20.9% to 22.1% (against a BRE target value of 20%). The windows will continue to retain VSC values between 15.9% to 20.1%, which are considered to be good for an urban environment.

| | Existing VSC | Proposed VSC | % loss |
|--|--------------|--------------|--------|
| 127 Mount Street Window W3/F02 (bedroom) | 23.4% | 18.5% | 21% |
| 127 Mount Street Window W4/F02 (bedroom) | 20.4% | 15.9% | 22% |
| 127 Mount Street Window W2/F02 (bedroom) | 25.4% | 20.1% | 22% |

When assessed against the NSL daylight methodology, all five rooms assessed will achieve BRE Compliance. As such, the daylight amenity of the rooms are not considered to be adversely impacted.

With regards to sunlight there are no breaches to the BRE guidelines to any of the 5 rooms assessed.

128 Mount Street

The building is situated to the north- east of the application premises and is also in commercial use on the ground floor with residential above. In total 18 windows serving 7 rooms have been assessed. When assessed against the VSC methodology for daylight, all 18 windows assessed will achieve BRE compliance.

When assessed against the NSL daylight methodology, 5/7 rooms will meet BRE criteria. The two rooms that fall below BRE guidance will experience NSL alterations above the 20% parameter, however, will retain NSL values of 46.9% and 65.2% respectively, which are considered to be high values. The rooms are bedrooms which are considered to be less sensitive than other habitable rooms.

With regards to sunlight at 128 Mount Street there are 17 windows that face within 90° due south of the development site. When assessed against the sunlight methodology ('APSH'), 16/17 windows demonstrate BRE compliance. All the rooms assessed meet the BRE criteria for this assessment.

Daylight and Sunlight Conclusion

Mount Street Mews is in very close proximity to the application site. There is only one bedroom window in the facing Mews elevation and the room has windows which are the main light source facing away from the site. Other windows in Mount Street mews do not serve residential habitable rooms. Although strong objections have been received from and on behalf of the owner/ occupiers of both No's 124-125 and 127 Mount Street the study as discussed above shows that the impact on both of these properties would be relatively minimal. The windows in question are over 13.5m away from the application site. There are technical breaches to the BRE guidelines to bedroom windows at these properties as referenced in the tables above. It is not however considered that the impact would harm to the living conditions of these or any of the other residential properties in the vicinity. Given that the impact on both daylight and sunlight levels to all the neighbouring properties is minor it is considered that permission could not reasonably be withheld due to a loss of light. This aspect of the application is considered to be acceptable.

Sense of Enclosure

The new building has been designed with a slight setback at rear 1st and 2nd floor levels. The setbacks progressively increase at 3rd floor to roof level. In assessing the application Officer's have gained access to the objector's properties. In all cases the main living rooms to the flats would be unaffected as they face away from the site. In each case it is bedroom windows which face south towards the site. The increase in height from 4th floor level and above would be seen from views the bedroom windows of the Mount Street properties. At this level however the new building is over 14.5m away from the facing bedroom windows in the Mount Street buildings. Given the bulk and mass proposed of the new building and the distance separation to the objector's flats it is considered that the building would not result in a material increased sense of enclosure to any of the neighbouring properties.

Privacy and Noise

The proposal includes outdoor terraces rear 3rd, 4th and 5th floor levels. Post Covid it is acknowledged that the provision of outdoor amenity space is an important facility for the health and wellbeing commercial office occupants. The applicant has confirmed that the external terraces would not be used as entertainment space no music would be played on the terraces and the hours of use would be limited to 8am to 6pm on Mondays to Fridays only.

Strong objections have been received from and on behalf of residents at Mount Street that use of the terraces would result in both overlooking and a loss of privacy and noise nuisance. Although the ground floor of the building abuts Mount Street Mews as explained above the upper floors of the new building are set back from the rear boundary. The proposed terraces at 3rd floor level and above are over 13.5m from the rear of the Mount Street properties. Given this distance separation and orientation of the terraces it is considered that there would be any significant and material overlooking that would result in a loss of privacy.

With regards to potential noise nuisance, all the terraces are relatively small and do not provide the opportunity for large gatherings. Subject to conditions which would prevent music being played on the terraces and restricting their use to between the hours of 08.00 and 19.00 on weekdays only and not at weekends it is considered that neighbouring residents would be unduly impacted and the provision of small terraces as proposed is acceptable.

Noise & Vibration

The majority of plant will be located internally at basement level. Plant which requires external ventilation will be located at roof level within the roof slope. An acoustic report was submitted as part of the application. Environmental Health raise no objection to the application. Conditions are recommended controlling the noise levels of the plant, to ensure the normal parameters are met.

9.6 Transportation, Accessibility & Servicing

Highway Impact

Car parking

In accordance with London Plan Policy T6 and City Plan policy 27 the proposal is car free.

Servicing and Deliveries

The case would result in an increase of 719 m² which would result in an intensification of the office use. A draft servicing delivery plan has been submitted in support of the application. The statement anticipates that the development would generate approximately 6-7 deliveries per day comprising up to 6 to be undertaken by a Transit-type van and 1 HGV. This would result in an additional 2-3 vehicles per day.

A condition is recommended requiring the office use to operate in accordance with an approved servicing management plan (SMP). The SMP should ensure that deliveries are effectively managed to avoid peaking, and to reduce dwell time and ensure delivery efficiency.

Cycle Parking

In terms of on-site cycle parking, the London Plan requires that 1no. long-stay space is provided per 75sqm and 1no. short-stay space is provided per 500sqm. The proposed development will deliver 1,522sqm of office floorspace (GEA), which triggers a requirement for 24no. long-stay parking spaces and 4no. short-stay spaces.

There is currently no cycle parking at the site. It is proposed that 24 long-stay cycle parking will be provided within a cycle store located at basement level. Access to the cycle store will be provided either from the lift, or via the stair core and the associated cycle channel. Showers, changing rooms and lockers will be provided for staff and visitors. It is recommended that the cycle parking is secured by condition. The improved facilities are welcomed.

Accessibility

The existing office has no lift access. The proposed new office will have a lift providing level

access to all floors.

9.7 Economy including Employment & Skills

The proposed development accords with Policies 1 and 13 in the City Plan 2019-2040. The additional jobs created by the development are welcomed.

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.10 Other Considerations

Basement

The application involves a new basement and part sub basement. City Plan Policy 45 relates to basement developments.

Part A of the policy relates to structural stability; surface water and sewerage flooding; requiring developments to minimise the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area. The applicant has provided a Structural Methodology Statement prepared by an appropriately qualified structural engineer. This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this stage.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

Construction matters

It is considered that through appropriate controls and careful management the impact from construction works can be lessened. The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects, including site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison. . This will assist with managing the environmental impacts and will identify the main responsibilities and requirements of developers and contractors in constructing their

projects.

This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team.
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel.
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

9.11 Environmental Impact Assessment

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

9.12 Planning Obligations & Pre-Commencement Conditions

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

A Financial contribution of £15,629 towards the Council's Carbon offset fund (Index linked and payable on commencement of development)

The estimated CIL payment is:

Westminster CIL: TBC

Mayoral CIL: TBC

Total CIL = TBC

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

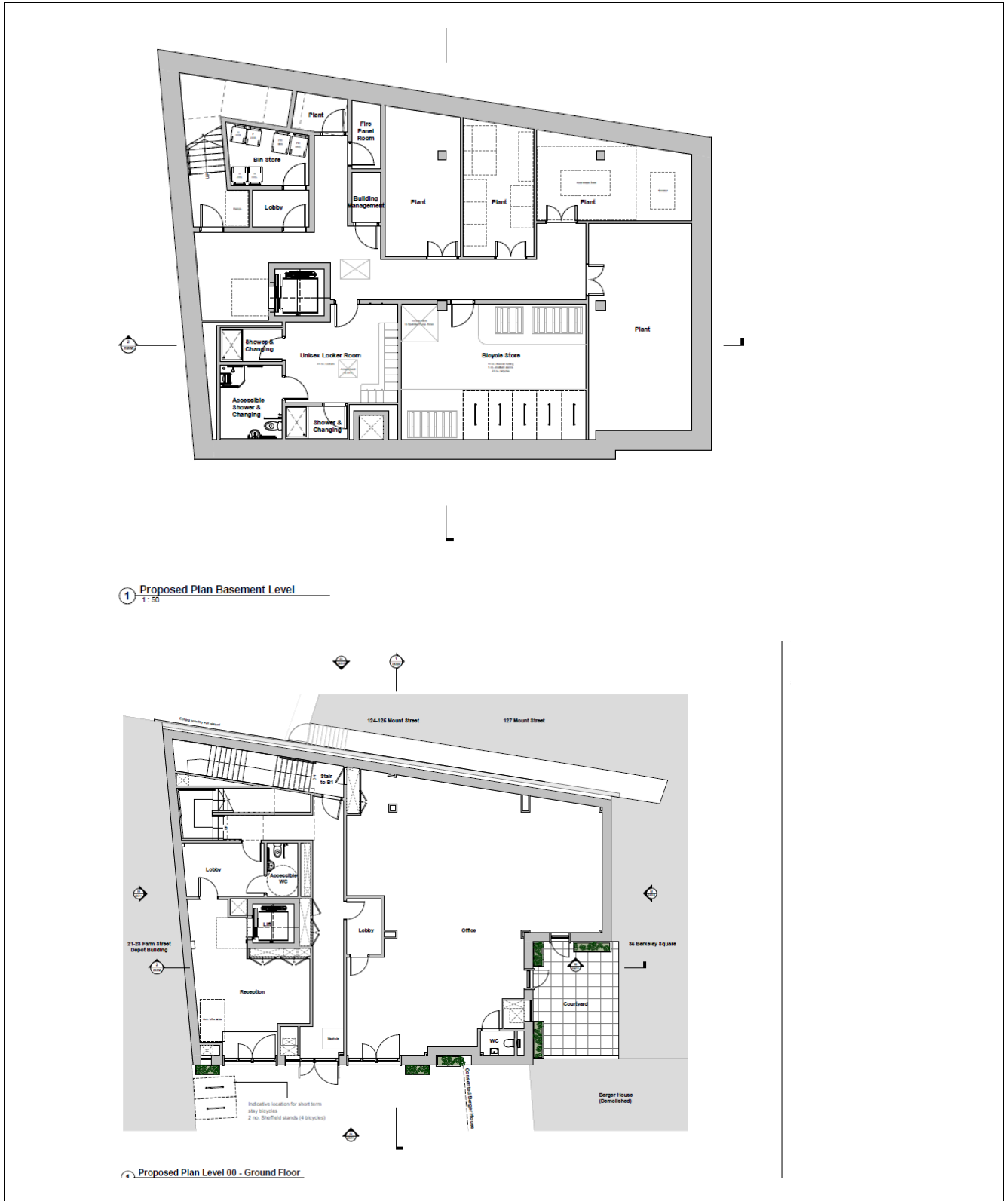
10 Conclusion

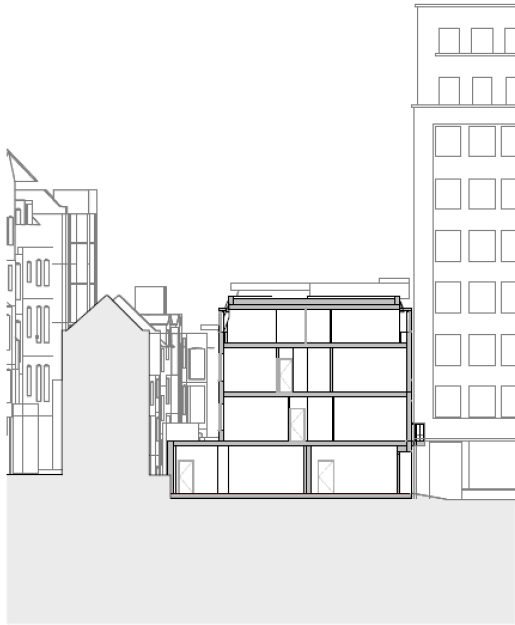
As set out above, it is acknowledged that the proposal would result in some less than substantial harm to heritage assets. As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which include enlarged and improved office floorspace within the west end in accordance with Westminster's spatial strategy, and the provision of a better well resolved building on the site. Therefore, the recommendation to grant conditional permission is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

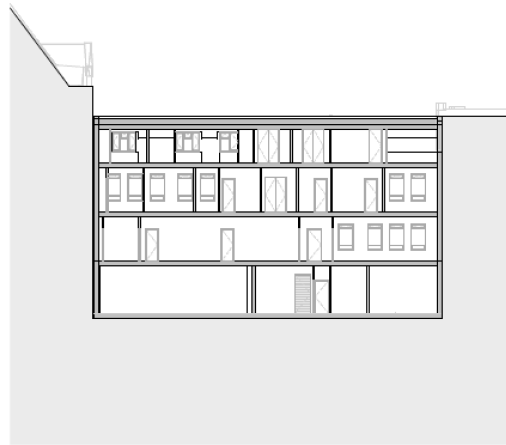
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| IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk |
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8. KEY DRAWINGS

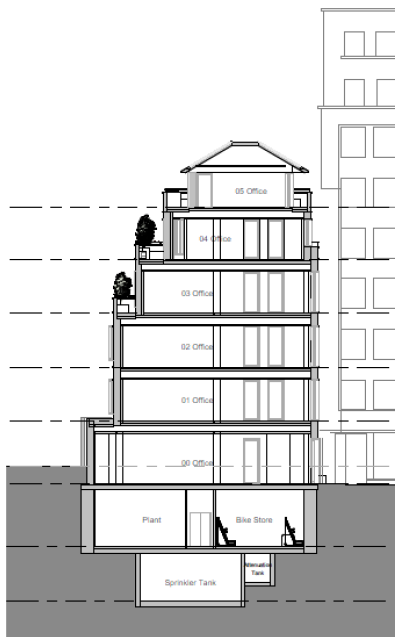




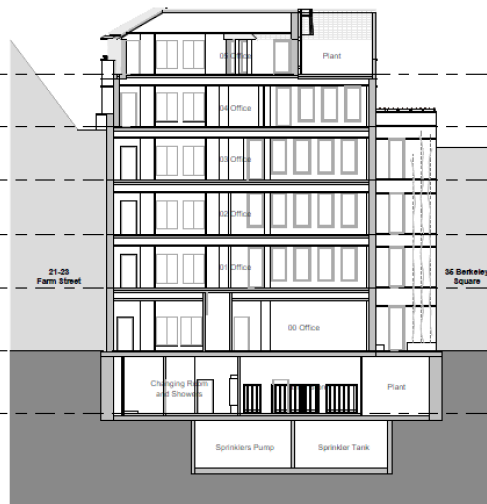
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1:100



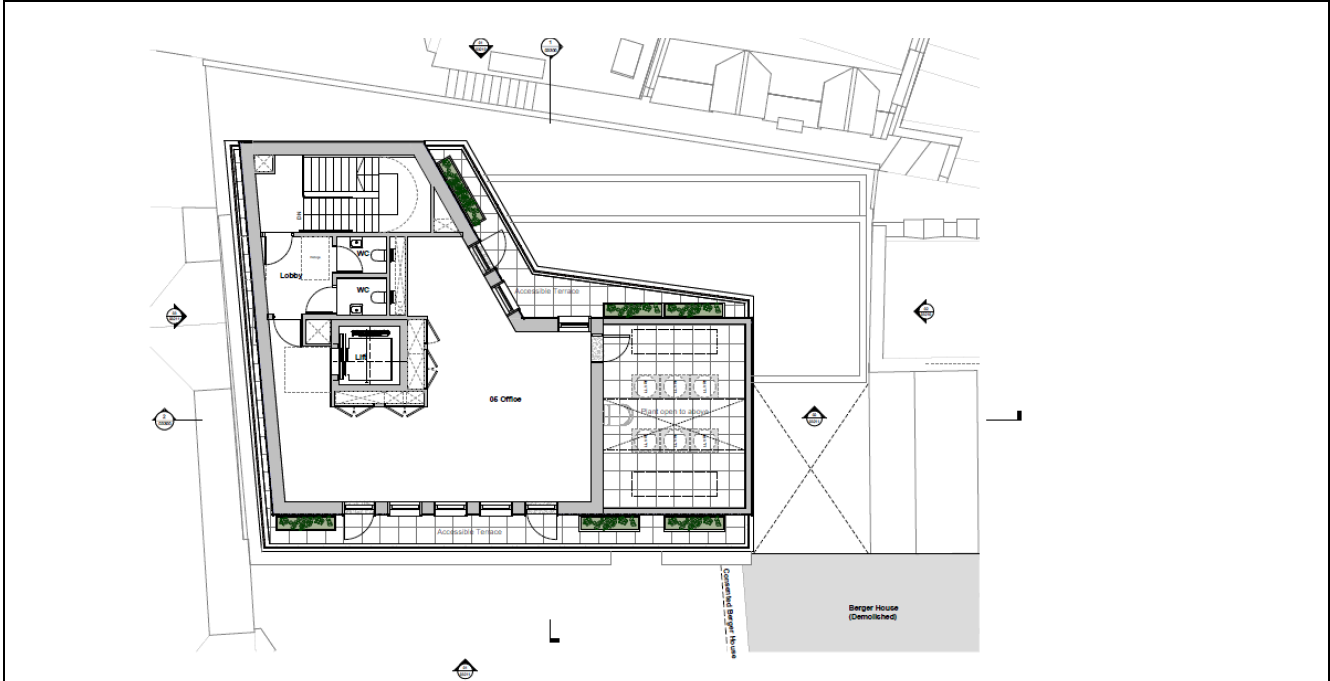
② Existing Section BB
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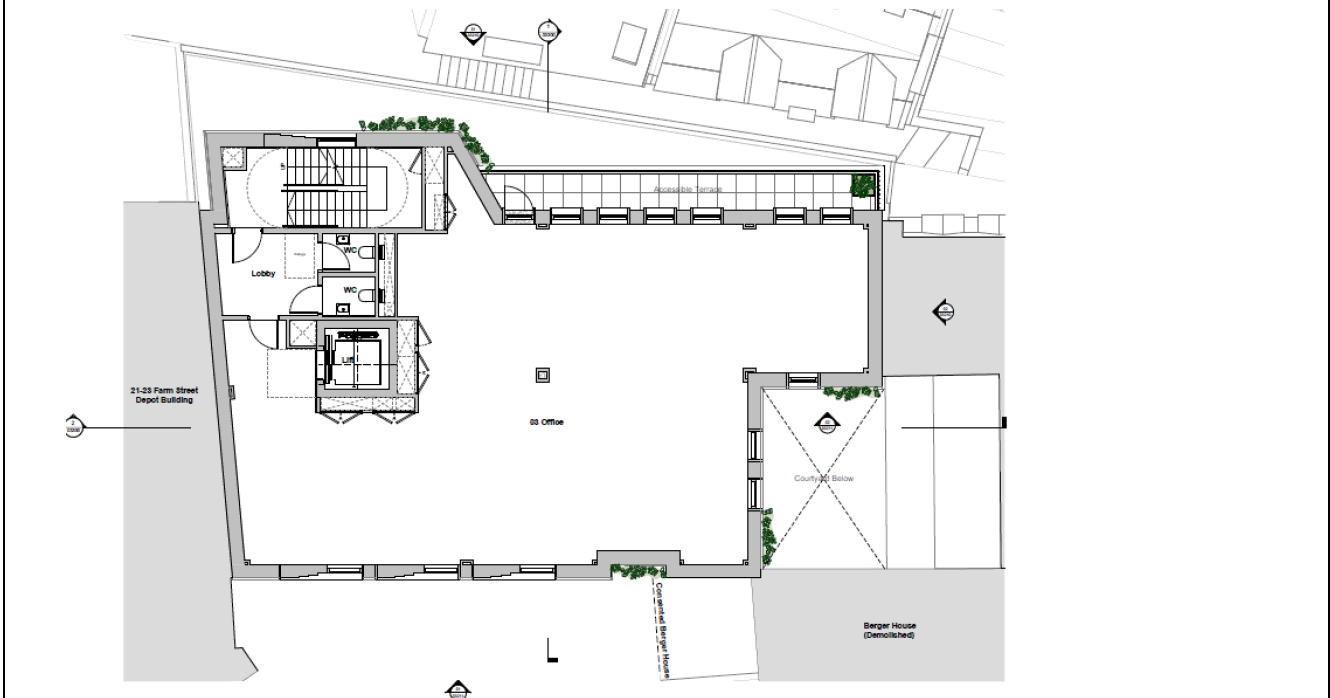
① Proposed Section AA
1:100



② Proposed Section BB
1:100



1 Proposed Plan Level 05
1:50



1 Proposed Plan Level 03
1:50



view 5 existing



view 5 proposed



view 2 existing



view 2 proposed

DRAFT DECISION LETTER

Address: 11 - 15 Farm Street , London, W1J 5RS

Proposal: Demolition of the existing building, excavation and redevelopment of the site to provide a new building, comprising basement, ground and five upper storeys with plant enclosure at roof level for use as office (Class E) accommodation and associated works.

Reference: 21/04971/FULL

Plan Nos: Demolition drawings :, 1690-PLP-DM-00-DR-A-02100, A-02101,02102,02103,02210,02211,02300. , Plans :, 1690-ZZ-BA-DR-A-03099,1690-ZZ-00-DR-A-03100, 690-ZZ-01-DR-A-03101, 1690-ZZ-02-DR-A-03102,1690-ZZ-03-DR-A-03103,1690-ZZ-04-DR-A-03104,1690-ZZ-05-DR-A-03105,1690-ZZ-BA-DR-A-03099,1690-ZZ-RF-DR-A-03106,1690-ZZ-SP-DR-A-03098,1690-ZZ-ZZ-DR-A-03200,1690-ZZ-ZZ-DR-A-03210,1690-ZZ-ZZ-DR-A-03211,1690-ZZ-ZZ-DR-A-03300,1690-ZZ-ZZ-DR-A-03400,1690-ZZ-ZZ-DR-A-03401,1690-ZZ-ZZ-DR-A-03402,1690-ZZ-ZZ-DR-A-03403.

Case Officer: Mike Walton

Direct Tel. No. 020 7641
07866039922

Recommended Condition(s) and Reason(s)

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| 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 | Notwithstanding what is shown on the drawings, the brickwork shall be in Flemish bond. |
| | 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) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019). |
| 3 | You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC) |

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| | 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) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019). |
| 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) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019). |
| 5 | You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:, , a) New windows, b) New doors, c) Textured terracotta panels, d) Railings, , 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 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) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019). |
| 6 | You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA) |
| | Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and MD1, MD2, MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019). |
| 7 | Metal railings shall be finished and maintained black. |
| | 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) and MD1, MD2, |

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| | MD3 of the Mayfair Neighbourhood Plan 2018-2038 (adopted December 2019). |
| 8 | You must use the property only for offices (Class E i). You must not use it for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AC) |
| | Reason: We cannot grant planning permission for unrestricted use in this case because it would not meet Policies 1 and 13 of the City Plan 2019 - 2040 (April 2021). (R05AC) |
| 9 | 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 , onot 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) |
| 10 | Pre Commencement Condition. Prior to the commencement of any: , , (a) demolition, and/or, (b) earthworks/piling and/or, (c) construction , , on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD) |
| | Reason: To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD) |
| 11 | (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 |

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| | <p>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)</p> |
| | <p>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)</p> |
| 12 | <p>You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development</p> |

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| | and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the building. (C14ED) |
| | Reason: To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD) |
| 13 | You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA) |
| | Reason: To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA). |
| 14 | Prior to occupation of the development you shall submit and have approval in writing by the local planning authority of a detailed Servicing Management Plan (SMP). The plan should identify process, internal storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with this strategy unless otherwise agreed in writing by the local planning authority. |
| | Reason: In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD) |
| 15 | Pre Commencement Condition. You must apply to us for approval of details of a biodiversity management plan in relation to green roofs at 1st and main roof level. You must not start any work until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA) |
| | Reason: To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC) |
| 16 | You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , Air Source heat pumps, , You must not remove any of these features. (C44AA) |
| | Reason: To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 |

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| | (April 2021). (R44AD) |
| 17 | You must not play live or recorded music on terraces hereby approved. |
| | 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) |
| 18 | The terraces hereby approved at 3rd 4th and 5th floor levels as shown on drawings numbered 1690-ZZ-03-DR-A-03103, 1690-ZZ-04-DR-A-03104, and 1690-ZZ-05-DR-A-03105 shall only be used between 0800 and 1900 hours on Mondays to Fridays and not at all on Saturdays and Sundays. |
| | 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) |

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 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.
- 4 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.

- 5 With reference to condition 10 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.
- 6 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 financial contribution to the City Council's carbon offsetting fund.

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.