

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	7 Burlington Gardens, London, W1S 3QG		
Proposal	Partial change of use to facilitate the use of the buildings as a 'retail gallery' and restaurant(s) with ancillary wine and champagne and caviar bar (Class E); replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; installation of plant and new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.		
Agent	Savills (UK) Limited		
On behalf of	RH London Gallery Limited		
Registered Number	22/02155/FULL & 22/02174/LBC	Date amended/ completed	29 March 2022
Date Application Received	29 March 2022		
Historic Building Grade	Grade II and Grade II* Listed		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

<ol style="list-style-type: none"> 1. Grant conditional planning permission subject to a legal agreement to secure the following: <ol style="list-style-type: none"> a) Contribution of £3,000,000 (three million pounds) towards the City Council's Affordable Housing Fund. b) The cost 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: <ol style="list-style-type: none"> a) The Director of Place Shaping and Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Planning shall consider whether the permission should

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

3. Grant conditional listed building consent;
4. Agree the reasons for granting listed building consent as set out within informative 1 of the draft decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The site is currently vacant and comprises 7 Burlington Gardens and 1 & 2 Old Burlington Street, both listed buildings lying within the Savile Row Special Policy Area and the West End Retail and Leisure Special Policy Area.

Planning permission and listed building consent are sought for the use of both buildings as a retail gallery, restaurant and ancillary bar offering. The proposal will see associated internal and external alterations to reconfigure and refurbish the fabric of the buildings to accommodate this use. The proposals also include a modest extension to the rear of 2 Old Burlington Street; installation of plant and a new external roof terrace. The applicant is The World of RH which is an American company specialising in luxury furniture and homewares goods, which intends to occupy the building on all floors for the sale and display of its products, with an ancillary bar and restaurant.

There are five floors (basement to fourth floor level) and the buildings were previously collectively occupied in part by the clothing retailer Abercrombie & Fitch, and in part as offices who occupied the remainder of the building as offices with an attached residential flat. As compensation for the loss of the flat the applicant is proposing a contribution of £3m towards the Council's affordable housing fund.

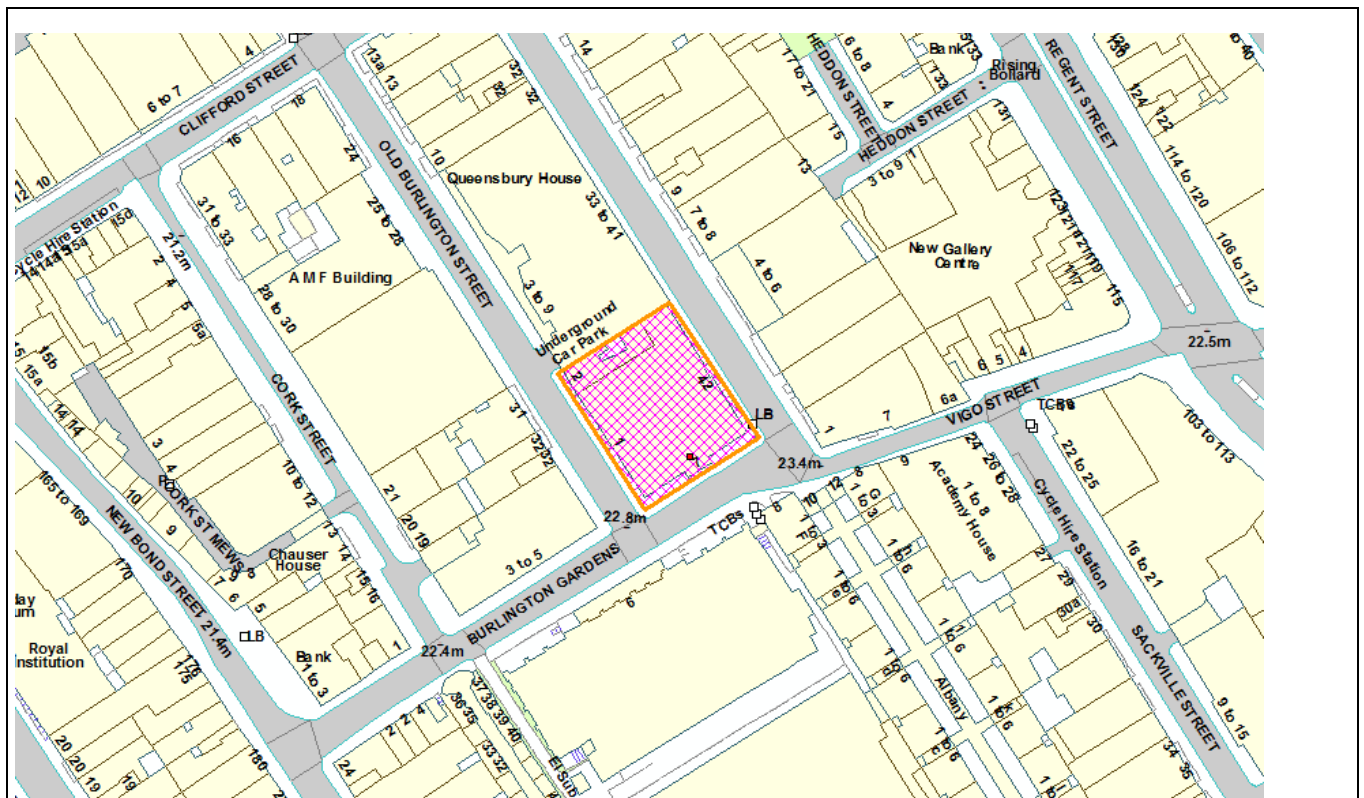
A letter has been received from Savile Row Bespoke Association in support of the application who believe the proposal will support economic production and consumer interest in the West End and support the recovery from the impacts of the Covid-19 Pandemic.

The key considerations in this case are:

- The contribution of the proposed use towards the character and function of its location;
- The acceptability of the loss of residential floorspace and the compensatory payment for affordable housing purposes;
- The impact of the works on the special interest of the listed building the character and appearance of the Mayfair Conservation Area.
- The impact on the amenity of neighbouring residential properties.

Subject to securing the £3m payment for affordable housing, the proposal is considered acceptable in land use, amenity and design terms.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Burlington Gardens – front facade



Banking hall – Savile Row



5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND

Authorisation given to the City Council to determine the application.

THE VICTORIAN SOCIETY

Raises concerns relating to the introduction of the roof terrace above the banking hall, and also has concerns relating to the mezzanine within the southern part of the existing banking hall.

SAVILE ROW BESPOKE TAILORING ASSOCIATION

Supports the proposal.

RESIDENTS SOCIETY OF MAYFAIR AND ST JAMES'S:

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Concerns raised regarding cycle parking provision, servicing arrangements and trip generation for non-retail and non-office uses.

CLEANSING:

Acceptable with conditions

ENVIRONMENTAL HEALTH:

No objection subject to standard conditions and additional conditions requiring no hot cooking within the basement level kitchen; and limiting the hours for the use of the terrace to between 08:00 and 22:00.

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 106

No. Responses: No responses received.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with West End ward councillors, local community groups, local landowners and the Savile Row Bespoke Association prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. A consultation website (www.7burlingtongardens.com) was launched and the delivery of 596 leaflets to local residents and businesses advising them of the online consultation was undertaken.

Overall 62 people viewed the online consultation website, no comments were received.

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 comprises 7 Burlington Gardens (Grade II* Listed) and 1&2 Old Burlington Street (Grade II* and Grade II Listed), and is within the Mayfair Conservation Area,

Central Activities Zone, the Savile Row Special Policy Area and the West End Retail and Leisure Special Policy Area.

The buildings are currently occupied by a mix of uses including retail and office and residential. The retail parts were occupied for several years by Abercrombie & Fitch, prior to which it was a bank, and are now vacant following the closure of the store in 2021. The offices and associated residential flat are also vacant having been previously occupied as a private family office until 2021.

The site is located within a mainly commercial/cultural area, with a front elevation opposite the Royal Academy on Burlington Gardens and as side elevation to the tailoring street of Savile Row. Although there are few residential properties nearby, there is next door a flatted block of apartments at Queensbury House on Old Burlington Street.

7.2 Recent Relevant History

On 12 December 2000, planning permission (Ref:00/05541/FULL) was granted for use of room adjoining entrance lobby at 1 Old Burlington St for Class B1 office purposes and use of entrance lobby at 1 Old Burlington St in connection with Class A1 retail and/or Class A2 financial / professional and / or Class B1 office use.

On 13 April 2006, planning permission (Ref: 06/01228/FULL) was granted for the change of use of the ground and first floor area offices at 1 Old Burlington Street to retail at first floor level and ancillary offices at ground floor level.

In November 2011 permission was granted for the 'Use of part second, third and fourth floor levels as 1 x five-bedroom flat. (Site includes 1 and 2 Old Burlington Street)' (11/08866/FULL). Prior to this date the unit was in use for office (Class B1) accommodation. Records indicated that this 2011 permission was implemented.

In December 2020 applications for planning permission (21/00039/FULL) and listed building consent (21/00040/LBC) were submitted for a similar proposal to the current scheme. The applicant subsequently withdrew the applications in March 2021 and engaged in further pre-application discussions with the City Council Officers to discuss some design alterations.

On 28 February 2022, an application for listed building consent (Ref: 20/07459/LBC) was approved in respect of internal works to remove modern fabric and fittings within the buildings at 7 Burlington Gardens and 1 and 2 Old Burlington Street.

8. THE PROPOSAL

Permission is for various alterations to the buildings to enable their use throughout wholly as a retail gallery for the luxury furniture and homewares provider The World of RH, which sells a wide range of goods, much of which is large and bulky and which therefore requires substantial space for display purposes. In keeping with changing modern trends in retailing, the intention is to provide an experiential store where, as well as shopping, the offer includes dining and drinking options, so the provision would include a restaurant and a wine and champagne/caviar bar. To accommodate this, the

existing residential apartment would not be retained.

The proposal includes works to replace the roof structure at 7 Burlington Gardens, a modest extension at the rear of 2 Old Burlington Street to infill the lightwell, a new external roof terrace, the installation of plant and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings, the most significant of which are:

- The removal of the mezzanine floor within the existing banking hall and installation of a new mezzanine floor within the footprint of 7 Burlington Gardens;
- Extension of the staircase in 1 Old Burlington Street creating new area at upper level;
- Infilling of the light well at the rear of 2 Old Burlington Street;
- Removal of a series of internal walls across various levels which will have the effect of increasing the amount of usable floorspace.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential Use	598sqm	0sqm	-598sqm
Retail gallery and ancillary uses	3309sqm	4287sqm	+978sqm
Total	3907sqm	4287sqm	+380sqm

The additional floorspace is created from a series of minor internal works which include:

9. DETAILED CONSIDERATIONS

9.1 Land Use

Commercial Uses

The lawful use of most of the existing floorspace within the buildings falls within Class E, which is a wide-ranging category covering most commercial uses as well as several other uses, especially those which are appropriate to a town centre and are for visiting members of the public. The proposed use would continue in this vein, and this supported by Policy 14 of the City Plan which seeks additional commercial floorspace for visiting members of the public throughout the town centre hierarchy to enhance and diversify their offer as places to shop, work and spend leisure time. Part (C) makes clear that, within the West End Retail and Leisure Special Policy Area, where the site is located, the Council will support proposals that provide for 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.

The proposed use would be the first RH gallery outside of North America, providing a flagship shop which would certainly be a significant attraction for this part of the West End, and would therefore be a welcome show of confidence for retailing investment in the current challenging times in this respect.

Policy 23 of the City Plan relates to proposals within the Savile Row Special Policy Area, and states that proposals within this area should complement and enhance Savile Row as an international centre of excellence for bespoke tailoring, supported by complementary Class E (commercial, business and service uses) floorspace that respects townscape and heritage value. It is considered that the proposed use would be complementary to the tailoring use, given that it shares the same luxury retailing characteristics as Savile Row. The Savile Row Bespoke Association supports the application, stating that it would provide a unique attraction complementing the existing function of Savile Row, Bond Street and the wider Mayfair area, and that it will enhance consumer interest in the West End at a particularly important time of recovery following the impact of the Covid pandemic.

Loss of Residential

Under City Plan Policy 8 and Mayfair Neighbourhood Plan Policy MRU2.3 there is a general presumption to resist the loss of residential accommodation.

However, it is considered appropriate to make an exception to these policies in this instance due a combination of material considerations which together form a unique situation at this site. These are set out below.

- a. The residential apartment has existed for a relatively short time (previously being offices for decades) following planning permission granted in 2011, and it has never been used as a permanent home, instead being used effectively as a pied a terre for occasional use by persons associated with businesses occupying the offices to which it is linked. In these circumstances, although it obviously has opportunity value as a potential permanent home, it has not a present ever been strictly part of the housing stock.
- b. At 598sqm, the flat is extremely large and substantially exceeds the current maximum size of flat now permitted by planning policy, which is 200sqm. This excessive size limits the chances of it being acquired, if sold, to local families seeking a permanent home.
- c. Although self-contained in terms of having its own lockable door, it is not completely independent, as it can only be accessed through the commercial floorspace. Whilst this was appropriate when it was associated with the linked offices, this would not work with the proposed retail gallery, which would be a completely separate commercial use.

A further material consideration to be taken into account is the applicant's offer of a financial contribution to the Council's affordable housing fund to compensate for the loss of 598sqm residential accommodate. The formula for this is based on the cost of converting private housing units to social rented units in Council housing schemes, as outlined in the Council's Truly Affordable Housing Statement. This cost averages at £273,000 per unit.

In a hypothetical situation, 598sqm were converted to a mix of residential units including 25% family-sized, it could reasonably be expected to provide 9-11 units in a range of sizes. Assuming the upper end of this were achieved and then these were converted to social rent units in line with the Council's cost figure, this would cost 11x £273,000 = c£3M. The applicant is therefore offering the Council £3M towards its affordable housing fund on this basis.

This financial contribution and each of the points made at a to c above, do not on their own justify the loss of the residential accommodation. However, taken together they could reasonably be considered sufficient to successfully outweigh, in this instance, the normal presumption in favour of protecting residential uses.

9.2 Environment & Sustainability

Policy 36 of the City Plan promotes 'zero carbon' development and expects all development to reduce on site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change. Policy 38 states that new development will '*...will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods*'.

Policy MES4 of the Mayfair Neighbourhood Plan states that all new developments shall demonstrate that measures will be put in place to manage energy use in operation, ensuring that developments meet their energy performance commitments when in operation.

An Energy and Sustainability Statement has been prepared by Buro Happold and is submitted as part of the application. The statement considers the demolition, construction and operational phases of the proposed development.

The proposed development is considered to deliver a significant improvement in the overall energy efficiency and sustainability of the building at the site with the anticipation that the development will be 35% more carbon efficient per sqm of floor area than the buildings as they exist at present. This accords directly with the strategic aspirations of the adopted development plan and the NPPF which all target improvements to move towards a 'low carbon' future.

9.3 Biodiversity & Greening

The roof terrace at second floor level introduces integrated planting and landscaping to this area which would be a welcome addition to biodiversity and greening.

9.4 Townscape, Design & Heritage Impact

The site comprises 7 Burlington Gardens and 1 Old Burlington Street, which together are listed grade II* and referred to as 'Uxbridge House' in the listing description; and 2 Old Burlington Street, which is separately listed at grade II. The site lies within the Mayfair Conservation Area. There are many other listed buildings within the immediate vicinity of the site notably the former Department of Ethnography for the British Museum (Museum of Mankind), now part of the Royal Academy, which is grade II* and immediately opposite the application site; Bodley House, 8-12 Burlington Gardens (part of The Albany) which is grade I listed and also opposite the application site; 1 Savile Row (grade II); 3 Savile Row (grade II*); 31 Old Burlington Street (grade I); and 32 Old Burlington Street (grade II).

7 Burlington Gardens dates back to 1721-23 when it was built to designs by Giacomo Leoni for the Duke of Queensbury. Originally known as Queensbury House, this grand town mansion presented a 7-bay frontage to Burlington Gardens with a centrally-placed entrance door. The site was acquired by the Earl of Uxbridge in 1785, at which point it became Uxbridge House, and at this time the building was extended. The work was undertaken to designs by John Vardy Junior who extended the house by a further 3 bays to the east, thus creating a 10-bay frontage to Burlington Gardens, whilst maintaining much of Leoni's façade details. Vardy's work also extended the house northward on the Old Burlington Street side and removed Leoni's central door and moved the main entrance to this new extension at 1 Old Burlington Street. Vardy is also likely to have added the third floor accommodation within a potentially modified roof space. At about the time of Vardy's work, no.2 Old Burlington Street was built, although at the time was a separate terraced house.

Following the death of the Marquess of Uxbridge in 1854, the house was sold to the Bank of England and converted for use as its Western Branch. The bank undertook alterations and extensions to the building, carried out by William Cubitt & Co to designs by Philip Charles Hardwick. One of Hardwick's first interventions was to restore a main entrance to the Burlington Gardens façade and the portico that is now in place, dates from this time. A greater intervention took place, again to designs by Hardwick, in the 1870s when a grand columned banking hall was added along the north-eastern side of the site, facing onto Savile Row. The double-height hall has six bays which face the street, but the hall also extended into the Vardy extension removing the ground and first floor rooms that formerly existed. Hardwick's banking hall extension had windows facing Savile Row but was also top-lit with two domed rooflights. It is suggested by the heritage consultant for the application that the likely M-shaped roof of the late eighteenth century house was largely removed and replaced with the flat-topped mansard that is now in place. In 1876 the Bank of England acquired 2 Old Burlington Street, albeit it remained separate from the rest of the site.

In 1933 the property was sold to the Royal Bank of Scotland who undertook further works of alteration, mainly internal changes but also including the addition of two more domed skylights to the banking hall. The works were undertaken to designs by Mewes and Davis.

RBS moved out of the property in 1997 and in the late 90s the property was converted for primarily retail use. In the mid-2000s the buildings were acquired by Abercrombie & Fitch and the current layout is associated with their use of the building.

Thus, over a period of over 300 years the building has been extended and altered, transitioning from a private house to a bank with associated office and residential uses, to finally having a retail use with some residential. The main phases of the change have been outlined above, but of course many internal changes, altering layout and interior refurbishments also took place, leaving a building exhibiting multiple phases of change. That it is a building that has been changed and adapted overtime is part of its significance and the work which exhibits these changes is of both historic and aesthetic value.

The Proposal

The proposal will for the most part utilise the existing layout of the building and refurbish

the historic interiors of the main eighteenth century house to restore something of its original residential character, albeit functioning as a retail gallery. One of the main alterations will be the introduction of two new lifts providing accessibility throughout the building. The lift of greatest prominence will be positioned on axis with the main central entrance and rise through a part of the early eighteenth building which was modified to become part of the banking hall. The lift is to be designed as a distinctly contemporary intervention; the second lift will be towards the rear of no.1 Old Burlington Street and will replace a later nineteenth century staircase.

Another significant intervention will be the introduction of a mezzanine within the former banking hall in the part which was previously the eighteenth-century Vardy extension. In part this reverts some of Hardwick's work of the 1870s and partially reforms the room volumes of Vardy's extension. The floors and walls which are introduced to subdivide this southern end of the banking hall will be of a contemporary design. The new mezzanine floor will have a light touch connection with the perimeter walls and will allow the Hardwick columns to run through and remain exposed. The position of the mezzanine walls will also respond to the retained Hardwick ceiling above.

The remainder of Hardwick's banking hall will retain its full volume and be used as a restaurant/dining space. This will be lit from the banking hall windows along the Savile Row façade as well as utilising the four large ceiling lights, which will be renewed but maintain the original Hardwick ceiling plan. A new kitchen area to serve the restaurant will be positioned to the north of the banking hall and the rear of no.2 Old Burlington Street. It will occupy parts of the basement (prep and support areas) and ground floor (main kitchen) and will include some modifications to partition walls and the infilling of the lightwell space to the rear of no.2 at ground floor level. The infill will be top lit with a large lantern roof.

Another alteration to the banking hall part of the site will be the introduction of a landscaped rooftop terrace above the tall single storey banking hall wing. The roof of the banking hall is a lead-covered roof and features 4-large lanterns (of modern fabric) which provide the top light into the banking hall. At the northern end of the roof is a zone of louvres ventilating plant. The proposed terrace would retain the existing roof covering and will introduce a raised deck above it - this will thus provide level access from second floor of the main building and two door openings replacing windows will connect the main building with the roof terrace. The void space beneath the deck will enable lateral transfer of some services. The modern lanterns will be removed and replaced with modern light funnels which will continue to serve the historic ceiling openings below, maintaining top-lit natural light into the former banking hall. The new raised deck will be set back approx. 1.5m from the rear face of the bottle balustrade parapet which tops the Savile Row façade of the banking wing. A new zone of louvres will still be positioned towards the northern end of the terrace. Against the rear wall of no.1 Old Burlington Street, it is proposed to add an extension to the set back third floor and to introduce a zone of plant above this screened by a metal upstand. The new extension relates to modifications to the staircase within no.1 and will be faced in brick. Parts of this wall and the retained structure of no.1 will face onto the west side of the new roof terrace, and it is proposed that at least part of this wall will accommodate a new green wall. The landscaping of the terrace will be arranged in a relatively formal and geometric layout with planted hedging and trees set out in a gridwork, creating a series of landscaped 'rooms'.

A further significant alteration proposed will be to the main mansard roof level of the main eighteenth century building. The existing roof is the product of several phases of alteration and is for the most part of late nineteenth or more likely twentieth century date - most of the roof is flat-topped with an irregular arrangement of rooflights. The dividing walls at mansard level are likely to date from Vardy's work and it is possible that a section of pitched roof at the north-eastern end of the roof also dates from Vardy's time. The lantern light position is likely to date from Leoni's original house as it provides top light to the main staircase. The proposal is to replace the entire roof with a new double-pitched, M-profile roof. The structure of the new roof will retain the Vardy partition walls and is intended to follow the profile of Vardy's original roof and to be covered in slate with leadwork as appropriate. The design of the roof will depart from a traditional roof form within the central valley between the two parallel ridges, where a contemporary glazed roof structure will run along most of the length of the roof valley and the ridge of the glazed roof will broadly align with the ridge of the slate clad roofs. As part of the new roof, it is proposed to reinstate the chimney stack towards the south-east corner of the roof plan - this was demolished in the second world war and demarcates the position of the Vardy extension. The new roof will extend over the lantern serving the Leoni staircase and internalise this feature.

A number of other smaller-scale alterations are proposed including several internal changes, which will result in some alterations to fabric and changes to plan form. At basement level the alterations will provide gallery space, a champagne bar as well as back-of-house facilities such as prep kitchens, staff facilities and plant space. There will be some new openings formed including within the eighteenth-century part of the house; also, the stair which is located to the rear of no.1 will be brought down to this level. Another stair currently linking the ground and lower ground floor within no.1 is to be removed and replaced with a lift, the existing secondary stair dates from the 1870s and is attributed to Hardwick's work for the Bank of England. On the ground and first floors the changes to the layout of the main house are relatively modest, other than the banking hall changes described above. At second floor level a number of partitions will be removed which all date from the 1870s or from the twentieth century, however, the main Leoni and Vardy partitions of the eighteenth century house will be retained and in one case re-instated.

Impact upon Significance of 7 Burlington Gardens, other Designate Heritage Assets and upon the Surrounding Townscape.

One letter of objection has been received relating to the impact upon the listed building, which has come from The Victorian Society. They note the significance of the nineteenth century parts of the building and their contribution to its evolution and given their particular interest have restricted their comments to the works to the banking hall, which is the main part of the building by Hardwick which was added in the Victorian era. They consider the roof terrace above the banking hall to be 'highly concerning', altering its character 'as one of the very few very low-rise buildings in the area and detract from its essentially simple and austere design'. They also feel the terrace harms this part of the Mayfair Conservation Area. They conclude that for a building of this size outdoor space is not required. The second aspect of their concern relates to the introduction of the mezzanine floor into the southern end of the banking hall, causing harm to the space and question its necessity. They confirm that they do not 'formally object' to this element of the application but if it is retained within the design the new floor must be a structure

which stands alone from the banking hall columns. In conclusion they reference the NPPF which requires that harmful proposals should be supported by clear and convincing justification and consider that the proposals have not been convincingly justified.

It is the case that the package of works proposed, if approved and undertaken, would represent a significant episode in the evolution of this historic building. Some of the works involve quite substantial interventions, such as the removal and replacement of most of the roof structure to the main house; the installation of the two lifts; the infill extensions to the rear of no.2 Old Burlington Street; the removal or alteration of staircases and the formation of openings and removal of partitions, particularly at second floor level. Other changes, while impactful, are of a lesser order and can be viewed as the addition of a new layer to the existing fabric, such as the introduction of the mezzanine within the southern part of the banking hall and the creation of the roof terrace above the banking hall.

Of the substantial interventions some do have a harmful impact upon the building's significance, resulting in a permanent loss of historic fabric and erosion of plan form - such changes would include the removal of the staircase flight and modifications to the retained staircase within no.1 Old Burlington Street, and the infill extension to the rear of no.2 Old Burlington Street. Other changes, while not in themselves substantially altering or removing fabric of significance, will change the character of the interior and notable in this category would be the contemporary full height lift within the main eighteenth-century house, and the design and open plan nature of the new mansard storey, with its glazed valley section. The impact these latter alterations have on the building's significance are more equivocal. Certainly, the new lift and roof space will appear as eye-catching and prominent new features, but in the case of the roof it replaces areas of low significance and will externally enhance the appearance of the building from a street-level experience; while the new lift will rise through the position of a former staircase of Vardy's design, which itself was removed by Hardwick in creating his banking hall. These alterations will certainly change the appearance of the interiors, but in a building which has witnessed significant previous interventions - perhaps Hardwick's alterations to the eighteenth century house for the southern part of his banking hall being one of the most obvious - the new lift and roof, which have been designed to relate sensitively to the fabric of significance that is retained, can perhaps be viewed as part of the evolutionary continuum, which sees change occur while retaining the best of the past.

Looking specifically at the concerns expressed by The Victorian Society. In respect to the roof terrace, the Society's identification of harm to the banking hall and the Mayfair Conservation Area is not shared. The existing roof of the banking hall is a relatively utilitarian part of the building, with a traditional lead roof, modern lantern lights and areas of plant, the proposal will introduce a useable space which will complement the experiential nature of the use as intended by the applicant. While the new terrace has a built-up floor it remains a low-profile intervention, set back from the bottle balustrade of the Savile Row façade parapet, thus it will remain a visually recessive intervention, which will maintain the 'low-rise' nature of the banking hall wing. That the existing roof is utilitarian and simple is identified by The Victorian Society as complementing its austere design - a characteristic of many bank buildings - however, the restrained and formal nature of the landscaping and its low profile is not considered to be at odds with an austere and simple building. The elements of Hardwick's banking hall which are of

greatest significance are the Savile Row façade, the interior of the banking hall and the way the latter was in part integrated into an eighteenth-century mansion house. These key components remain and while some greenery including trees may be visible above the banking hall roof from street level and will certainly be visible from some upper floor private views, this change is not considered to harm the significance of the listed building or the Mayfair Conservation Area. In the case of the latter, 7 Burlington Gardens will remain largely unaltered as perceived from the exterior and will continue to make the same positive contribution to the character and appearance of the conservation area. Indeed, the changes to the main roof, the re-instatement of a lost chimney stack and the more active way in which the interior and exterior relate are all considered to result in a degree of enhancement to the appearance of the building and character and appearance of the conservation area.

If any harm to significance is caused by the rooftop terrace, it is probably the means of access to it which requires the replacement of two windows in the rear façade with single leaf doors, resulting in an erosion of the fenestration pattern and a loss of some historic fabric.

The Victorian Society's second concern relates to the mezzanine within the southern part of Hardwick's banking hall. In this case the concerns are acknowledged and some harm to the listed building, and the banking hall, do occur because of the proposals. The impact of the proposal on significance is complicated in that the mezzanine would re-introduce a floor level to the eighteenth-century house that was removed by Hardwick and in doing so would re-introduce a cellular form, room volumes and relationship to windows which complements the eighteenth-century work and as such has some positive attributes. In further mitigation the mezzanine floor and any new partition walls within this end of the banking hall have been designed to read as contemporary installations, set within a larger volume. Thus, while the scale and volume of the hall has been reduced and some of the columns have in part been visually truncated, the design allows these changes to be readily appreciated and an awareness of the former scale and design of the banking hall remains.

The applicant's heritage statement sets out in detail all the various interventions and the significance of the areas and fabric affected. Its findings are accepted and its conclusion that the proposals do cause harm to the listed building are shared. It is also accepted that the level of harm identified is firmly in the category of less than substantial and at the low to moderate end of that scale. However, as The Victorian Society rightly point out, harm to designated heritage assets should be avoided and where it does occur requires clear and convincing justification; and for it to be accepted must be outweighed by the public benefits of the scheme.

As a large but intricate and complex building, comprising a variety of room volumes including parts of very high significance and others of lesser significance, it is a building which presents challenges as a single use building and even more so one that is for retail purposes, given its original use as a house and then a bank. Indeed, the previous retail use perhaps demonstrated that a retail fit out can often fail to celebrate the qualities of the interior. The current proposal introduces retail in a very different way, with the building used as a gallery for display, the rooms and spaces, particularly those of high significance are shown to their best effect rather than obscured and covered up; the interiors are celebrated rather than accommodated. But to make this work and allow the

space for this, the lift, the mezzanine and many of the other internal interventions are required to facilitate the experiential approach and to provide a very accessible layout.

The scheme also has several heritage benefits which both seek to re-dress the balance of some of the harms, but also provide further justification for the interventions. These include the re-introduction of a more traditional roof form, as perceived from most viewpoints; the removal of the current smaller mezzanine within the banking hall (part of the last retail fit out); the re-opening of the windows which serve the banking hall to bring life and animation to the façade, its interior and its relationship with the street and the wider area. Other benefits would include the increased accessibility provided by the changes, which will allow greater public access. Thus, the proposal will maintain a retail use for this complex building, but in a way which will celebrates its interiors and delivers several heritage benefits.

In terms of the impact upon the setting of neighbouring listed buildings and upon the Mayfair Conservation Area, the proposals are not considered to be harmful and arguably the main roof alterations; and the reactivation of the windows to the banking hall are all enhancements to the conservation area.

The wider planning balance and other benefits of the scheme will be considered elsewhere but in terms of heritage impacts the proposal is considered acceptable. It would accord with policies 38, 39 and 40 of the City Plan; and with s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of the NPPF, it is considered that there is less than substantial harm to significance caused but that this has been justified and that a number of heritage benefits would also be delivered. If these benefits alongside other public benefits, assessed within the wider planning balance, outweigh the harm identified then the proposal can be considered justified and acceptable, subject to the suggested conditions.

9.5 Residential Amenity

The City Council has planning policies to protect residential amenity. Policy 7 of the City Plan requires that development is neighbourly by; 'protecting and where appropriate enhancing local environmental quality'. Para 7.4 acknowledges that 'development must prevent unacceptable environmental impacts on existing and new users of building or its neighbours.'

Policy 16 considers food, drink and other entertainment premises and recognises that whilst these uses contribute to London's vibrant entertainment sector, they can also have detrimental impacts upon residential amenity if the operation is not managed properly. This is relevant as the proposals include bar and restaurant elements.

Policy 33 states that; 'development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses'.

Policy MRU1 of the Mayfair Neighbourhood Plan states that '*Proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the*

amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.'

No objections have been received from local residents concerned about amenity issues. Nonetheless, as the proposals include the introduction of a restaurant within the rear half of the banking hall, a champagne and caviar bar within the basement level and an outdoor terrace and wine bar at second floor level, all of these uses are considered to require appropriate restrictive conditions to safeguard residential amenity and an Operational Management Plan.

Terrace

This is situated relatively close proximity to neighbouring residential flats within Queensbury House, and the application was therefore supported by a Noise Impact Assessment of potential noise associated with the use of the external terrace. This assessment demonstrated that even when assessing a worst case scenario where customers on the terrace were all talking at the same time, the impact would be 6db lower than the existing ambient sound level.

However, this assessment did not include additional noise related affects, such as live or recorded music, and therefore a condition is proposed to require no music on the terrace.

The applicant has confirmed that the capacity of the terrace will be limited to 64 covers, and the hours of operation of the terrace are proposed to be;

- 08:00 – 22:00 (Monday to Saturday) and
- 09:00 – 22:00 (Sunday).

The Operational Management Plan will confirm how the operation of the terrace will be managed to minimise the potential for disturbance to local residents.

Privacy and lighting

The closest residential dwellings are sufficient distance away from the proposed terrace to ensure adequate privacy and the inclusion provision of planting which will provide an additional sense of privacy.

The applicant confirms that the lighting at the outdoor terraces will be minimal, with lighting discreetly integrated into rooftop elements and directed downward to reduce light spill, and a condition is proposed to require the lighting be switched off outside the operational hours of the terrace.

Daylight & Sunlight

City Plan Policy 7 seeks to ensure development is 'neighbourly' by preventing unacceptable impacts on daylight and sunlight, sense of enclosure, over shadowing, privacy and overlooking.

In support of the application a non-technical Daylight Sunlight Summary has been prepared by GIA and submitted as part of the application.

The assessment demonstrates that the development will not cause any breaches to the BRE Guidelines. All surrounding properties will remain compliant with the relevant Daylight (VSC and NSL) and Sunlight (APSH).

Noise & Vibration

The proposals include the application includes provision of new ventilation and kitchen extraction plant, and an Acoustic Report assessing this has been submitted with the application.

The Council's Environmental Health Officer considers this acceptable and raises no objection on environmental noise or nuisance grounds for the proposed plant, subject to a condition to limit cooking in the basement kitchen, which as lower-level extraction.

The details of the specific plant to be used on site have yet to be clarified, therefore a condition to require a supplementary acoustic report to be submitted for approval is proposed.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager raises concerns regarding trip generations should the building be in use for anything other than retail or office purposes within a Class E use. An Operational Management Plan for any non-retail and non-office use should be secured by condition to minimise the impact upon the surrounding highway network.

In response to this, the applicant has agreed to a condition to restrict the building being used for;

- (i) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- (ii) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner);
- (iii) Creche, day nursery or day centre (not including a residential use)
- (iv) Uses which can be carried out in a residential area without detriment to its amenity:
 - Offices to carry out any operation or administrative functions (except where the use is ancillary to the primary permitted use of the premises);
 - Research and development of products or processes;
 - Industrial processes.

Servicing and Waste & Recycling Storage

Policy 29 requires off-street servicing and freight consolidation. The proposal relies on on-street servicing, including waste collection, as per the existing situation. While relying on on-street servicing, there is no ground floor holding area for deliveries or waste awaiting collection. Deliveries (including those for the restaurant elements) and goods left on the highway create an obstruction to pedestrians and have an adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

A technical Servicing Management Plan has been submitted to support the application but this lacks detail of how servicing would occur on a day to day basis to minimise the impact on other highway users, including pedestrians. A more robust SMP should demonstrate how the proposed development would minimise the impact of the proposed development on the highway network, and a condition is proposed to require revised SMP be provided prior to the occupation of the building.

Cycling & Cycle Storage

Policy 25 of the City Plan 2019-2040 aims to encourage sustainable transport by prioritising walking and cycling in the City.

A condition to require details of cycle parking provision has been included to safeguard cycle parking for the uplift in commercial floorspace.

Accessibility

Access arrangements remain unchanged.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development would result in a huge contribution to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by supporting growth and supporting the introduction of a new 4,287sqm retail gallery, restaurant(s) with ancillary bars (Class E) floorspace which is likely to generate significant employment opportunities within the West End. Additional employment at this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

Hours of operation

The application seeks provision for the site to be open to visiting members of the public between the following hours:

- 09:00 – 23:00 (Sunday to Wednesday) and
- 09:00 – 00:30 (Thursday to Saturday).

The retail gallery will comply with trading hour limitations on Sunday as may be appropriate.

The external terrace on will be open to visiting members of the public between the following hours:

- 08:00 – 22:00 (Monday to Saturday) and
- 09:00 – 22:00 (Sunday).

Roof skylight illumination

The applicant has provided a lighting statement assessing the implementation of lighting throughout the proposed development. This includes the internal lighting from the roof

skylight which is considered to have a negligible impact on light pollution.

To ensure the interior lighting remains a negligible impact, a condition to require details of the interior lighting at third floor level has been included.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

The applicant's offer of a £3M payment towards the Council's affordable housing fund will be secured by a s106 Agreement, and it therefore has to meet the legal tests applicable to such agreements.

In terms of these three tests:

- The payment is **necessary** to make a development acceptable in planning terms because otherwise the loss of residential accommodation would not be acceptable;
- The payment is **directly related** to the development as it compensates for the loss of residential accommodation from the application site; and
- The payment is **fairly and reasonably related in scale and kind** to the development as it has been calculated to a formula related to the amount of residential floorspace which would be lost from the application site.

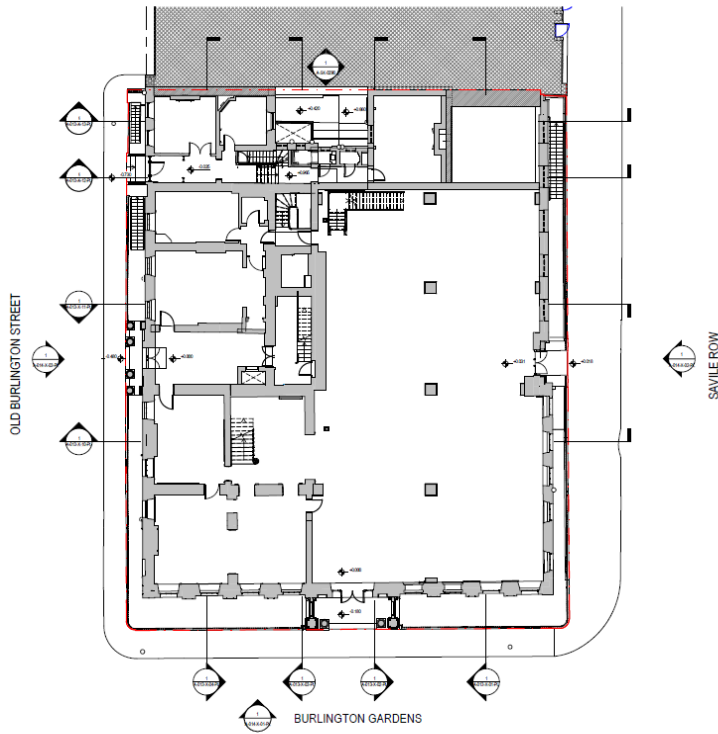
10. Conclusion

Whilst it is acknowledged that there is a departure from normal planning policy relating to the protection of residential accommodation, there are significant benefits to the scheme together with sufficient justification for the loss of the existing residential apartment which makes the proposals acceptable in this instance.

(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: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

Existing ground floor plan

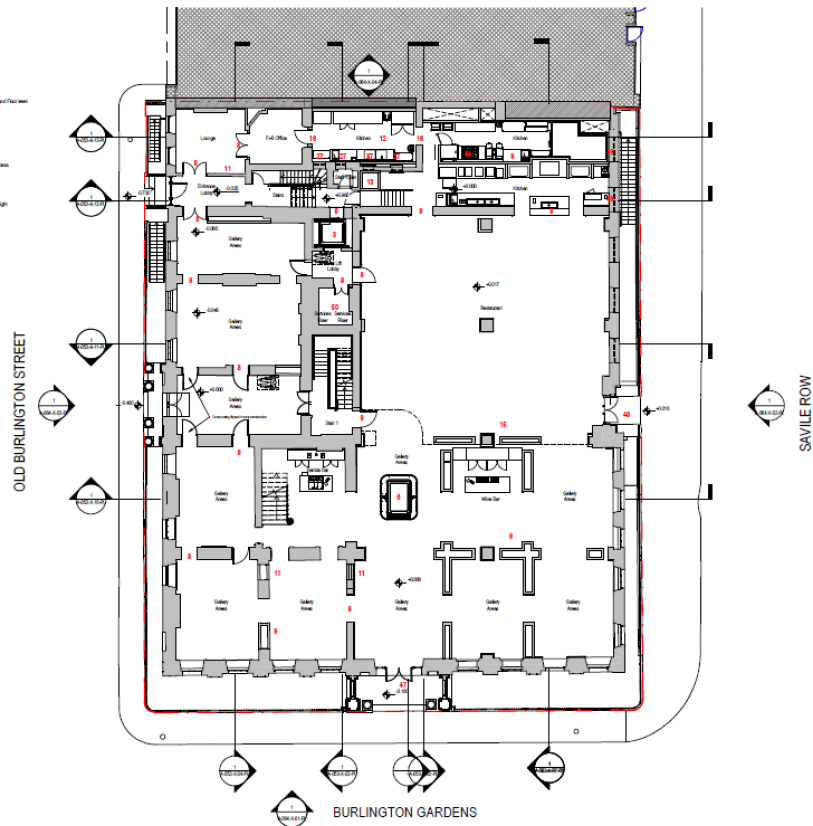


1 Existing Plan, Ground Level

Proposed ground floor plan

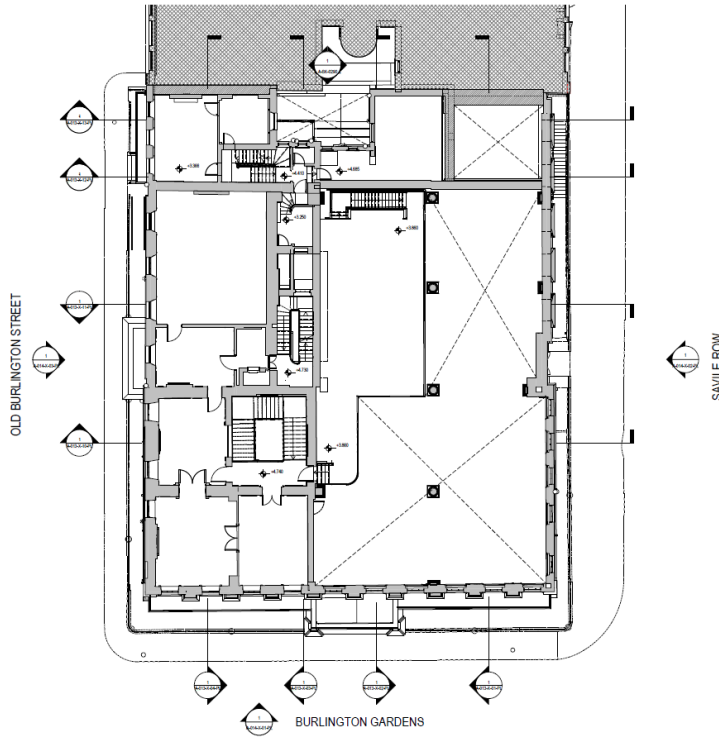
LEGEND - PROPOSED WORKS

- 1. Existing wall to be retained
- 2. Existing wall to be removed
- 3. Existing wall to be replaced with new wall
- 4. New wall to be built (2000) (2000) (2000)
- 5. New wall to be built (2000) (2000) (2000)
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1 Proposed Plan, Ground Level

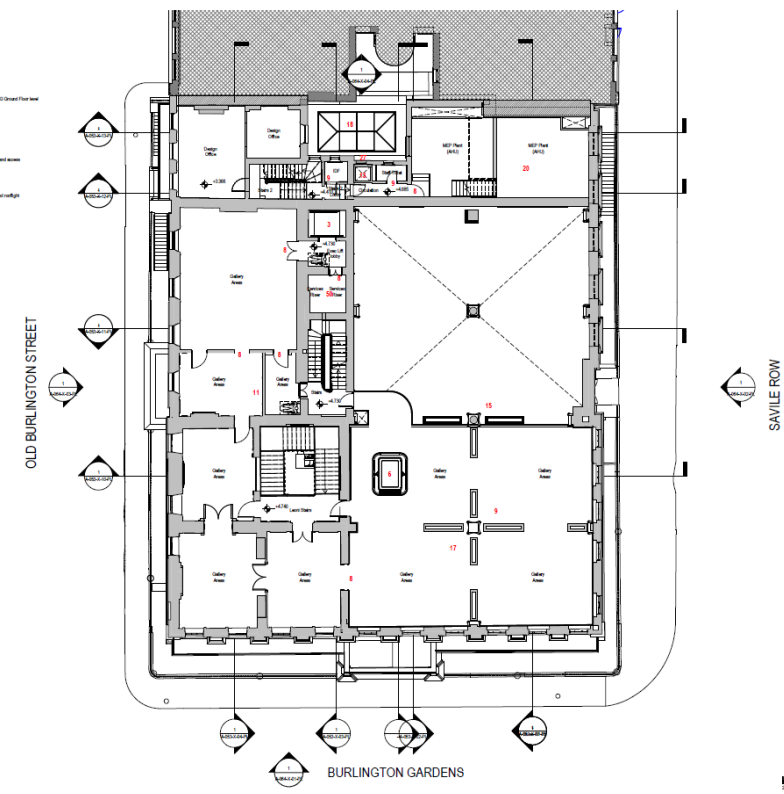
Existing first floor plan



1 Existing Plan, First Floor

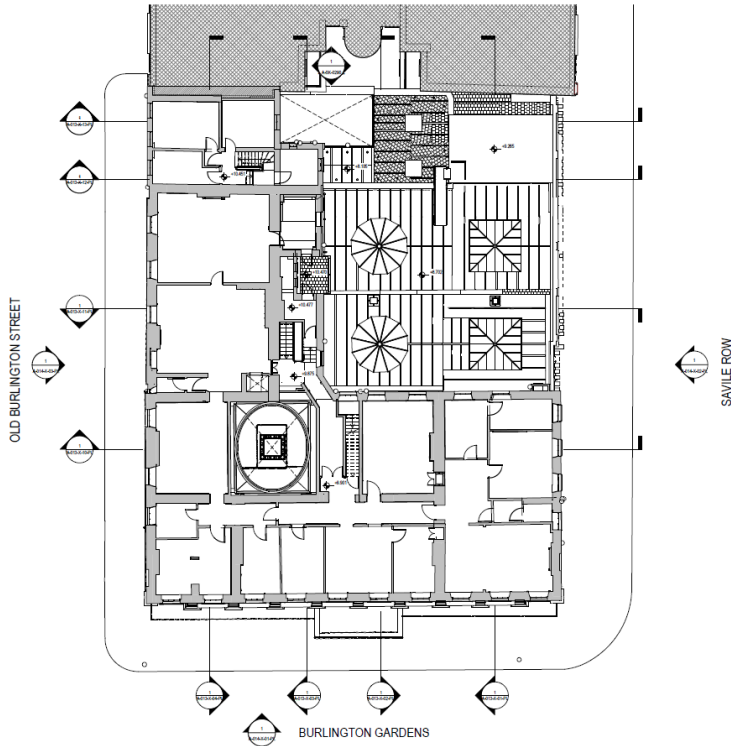
Proposed first floor plan

- LEGEND - PROPOSED WORKS
- 1 Existing wall not proposed
 - 2 Existing walls to be removed (hatched area) and (D)
 - 3 Distribution of walls and ceiling to new residential (R) units
 - 4 Existing wall to be removed (Dotted hatched area)
 - 5 New structure (S)
 - 6 Existing wall to be removed (Dotted hatched area)
 - 7 Existing wall to be removed (Dotted hatched area)
 - 8 New wall opening
 - 9 New wall opening
 - 10 Existing wall to be removed
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1 Proposed Plan, First Floor

Existing second floor plan

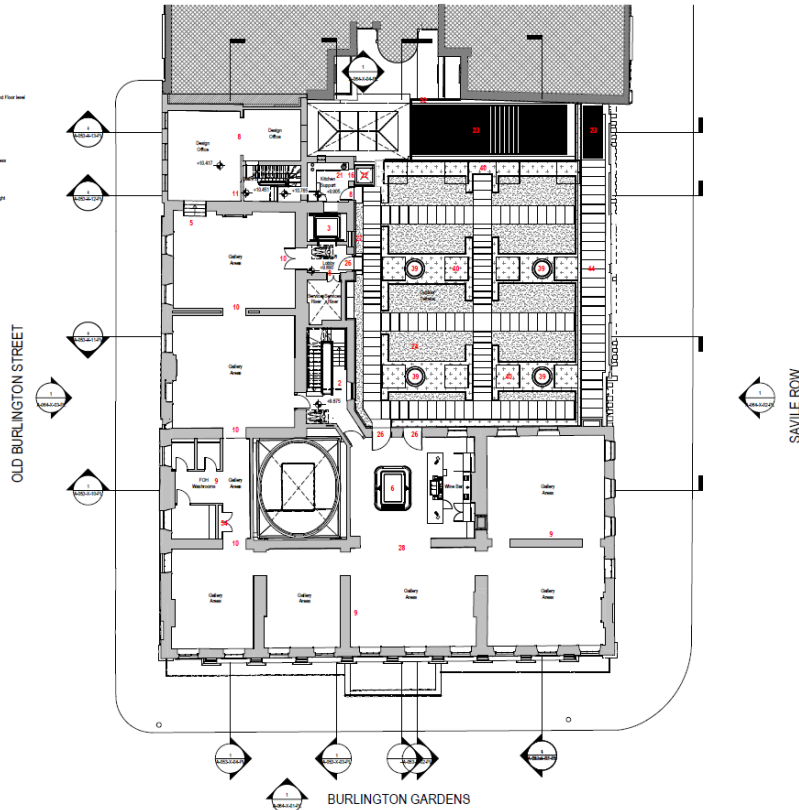


1 Existing Plan, Second Floor

Proposed second floor plan

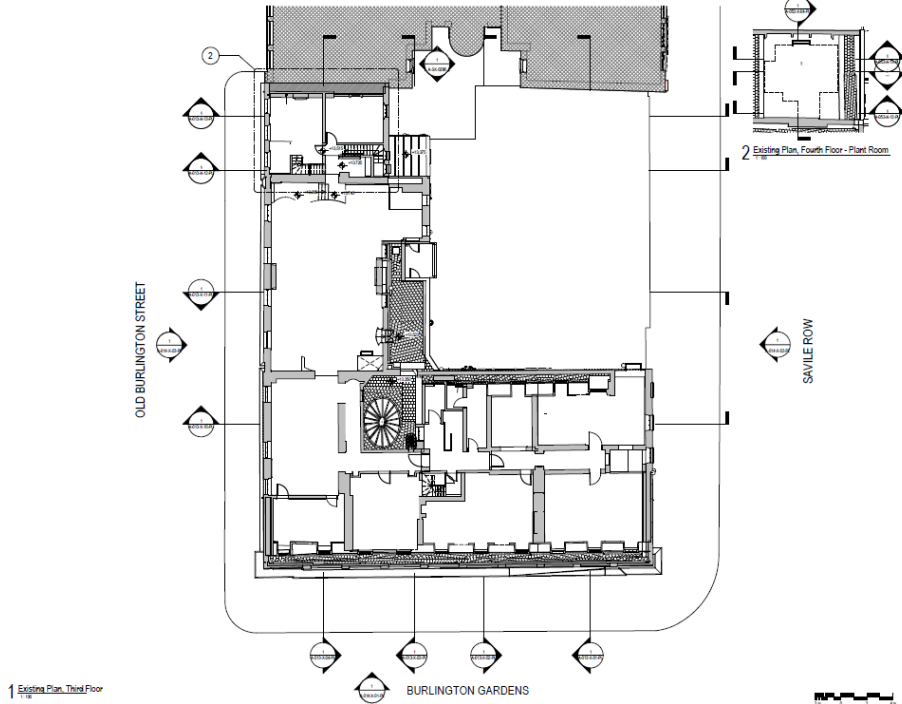
LEGEND - PROPOSED WORKS

- 1 Existing wall to be kept
- 2 Existing wall to be removed (to basement and/or 1st)
- 3 Existing wall to be removed to create open-plan area
- 4 New walling and floor between 1001 and 1002
- 5 New walling
- 6 New walling
- 7 New walling
- 8 New walling
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- 11 New walling
- 12 New walling
- 13 New walling
- 14 Existing floor to be removed and new floor to be laid (to match 1001 ground floor level)
- 15 New floor
- 16 New floor
- 17 New floor
- 18 New floor
- 19 New floor
- 20 New floor
- 21 New floor
- 22 New floor
- 23 New floor
- 24 New floor
- 25 New floor
- 26 New floor
- 27 Existing ceiling to be removed and new ceiling to be laid
- 28 New ceiling
- 29 New ceiling
- 30 New ceiling
- 31 New ceiling
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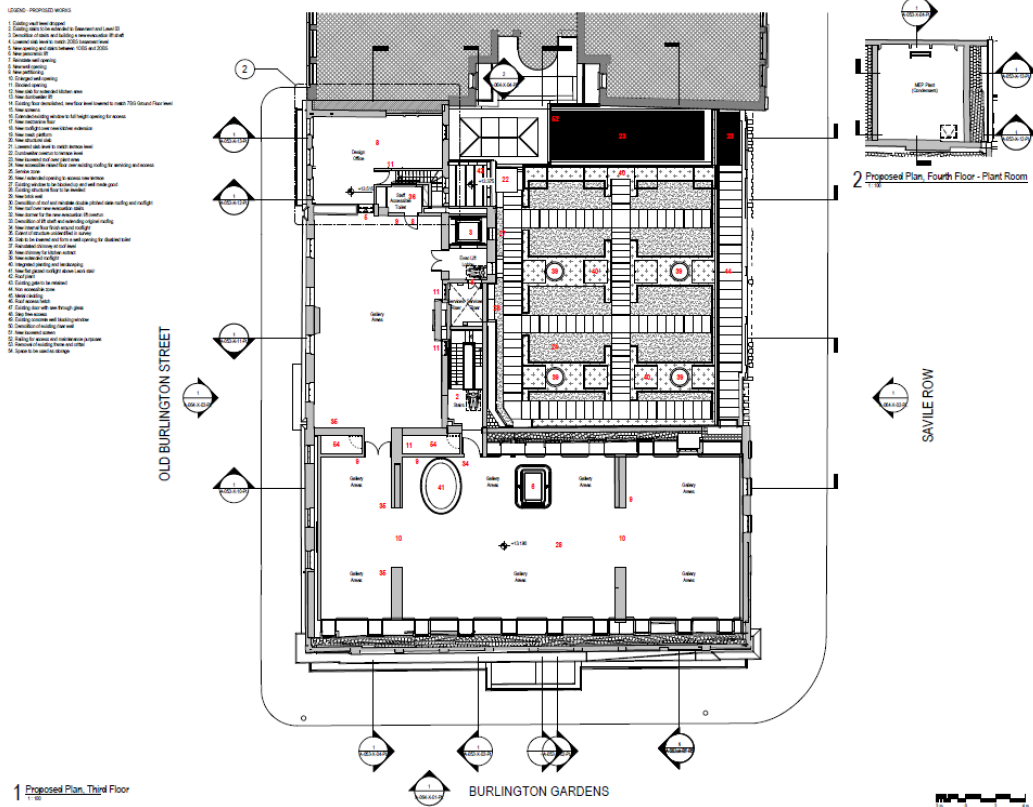


1 Proposed Plan, Second Floor

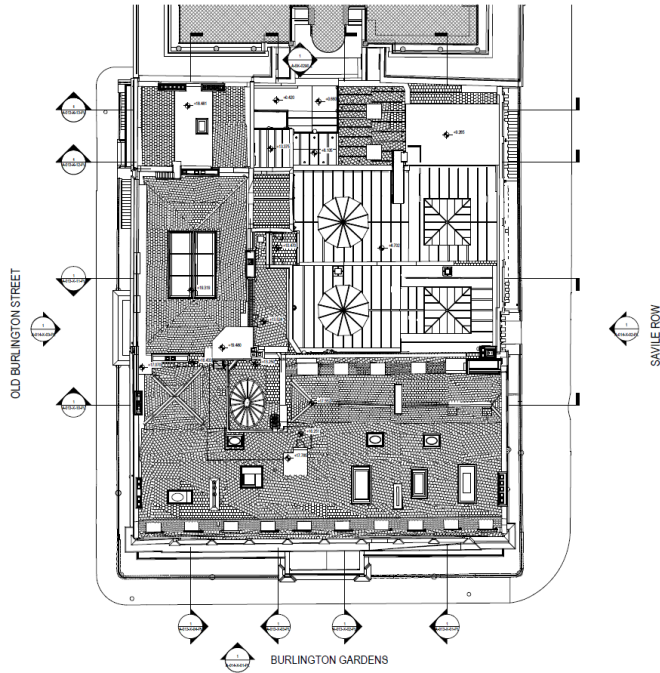
Existing third floor plan



Proposed third floor plan



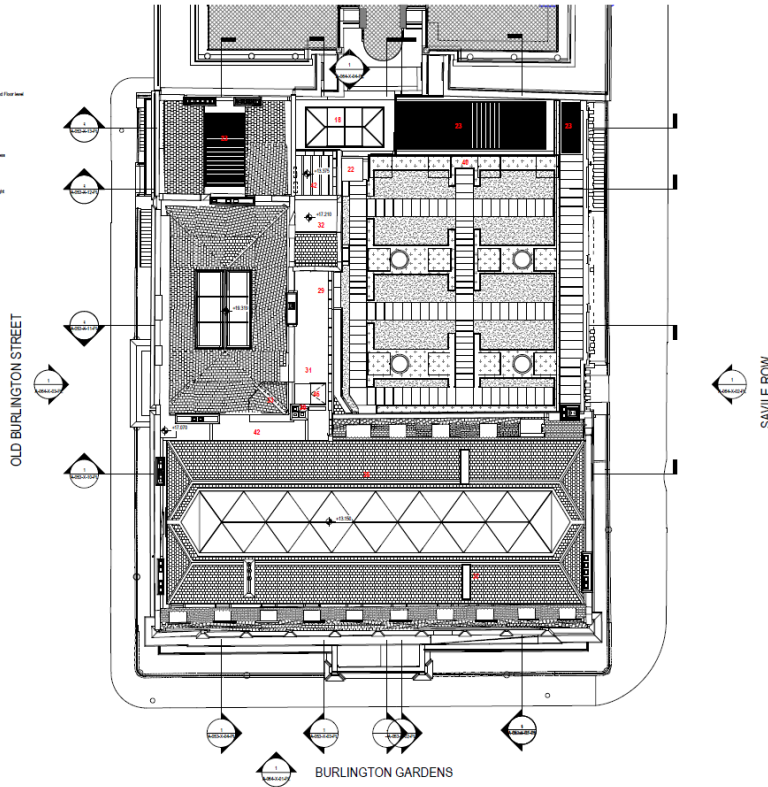
Existing roof plan



1 Existing Plan, Roof Level

Proposed roof plan

- LEGEND - PROPOSED WORKS
- 1. Existing roof level retained
 - 2. Existing roof to be removed to basement roof level
 - 3. Demolition of existing roof structure to new construction of roof
 - 4. New existing roof level (existing 1000 and 1100)
 - 5. New existing roof
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1 Proposed Plan, Roof Level

Existing Banking Hall elevation



1 Site Elevation, Elevation 02



Proposed Banking Hall elevation

LEGEND - PROPOSED WORK

- | | |
|---|--|
| 1. Existing wall work to remain | 25. Existing structure floor to be finished |
| 2. Existing walls to be demolished to basement and Level 01 | 26. New wall work |
| 3. Demolition of main entrance building to new entrance floor level | 27. New window work |
| 4. Existing wall work to remain 2250 to basement level | 28. New window work to remain 2250 to basement level |
| 5. New opening of main entrance 1000 and 2000 | 29. New window for the new entrance floor opening |
| 6. Existing wall work to remain 2250 to basement level | 30. Existing floor work to remain 2250 to basement level |
| 7. Existing wall work to remain 2250 to basement level | 31. Existing floor work to remain 2250 to basement level |
| 8. New wall opening | 32. Existing floor work to remain 2250 to basement level |
| 9. New wall opening | 33. Existing floor work to remain 2250 to basement level |
| 10. Existing wall opening | 34. Existing floor work to remain 2250 to basement level |
| 11. Existing wall opening | 35. Existing floor work to remain 2250 to basement level |
| 12. Existing wall opening | 36. Existing floor work to remain 2250 to basement level |
| 13. Existing wall opening | 37. Existing floor work to remain 2250 to basement level |
| 14. Existing floor work to remain 2250 to basement level | 38. Existing floor work to remain 2250 to basement level |
| 15. Existing floor work to remain 2250 to basement level | 39. Existing floor work to remain 2250 to basement level |
| 16. Existing floor work to remain 2250 to basement level | 40. Existing floor work to remain 2250 to basement level |
| 17. Existing floor work to remain 2250 to basement level | 41. Existing floor work to remain 2250 to basement level |
| 18. Existing floor work to remain 2250 to basement level | 42. Existing floor work to remain 2250 to basement level |
| 19. Existing floor work to remain 2250 to basement level | 43. Existing floor work to remain 2250 to basement level |
| 20. Existing floor work to remain 2250 to basement level | 44. Existing floor work to remain 2250 to basement level |
| 21. Existing floor work to remain 2250 to basement level | 45. Existing floor work to remain 2250 to basement level |
| 22. Existing floor work to remain 2250 to basement level | 46. Existing floor work to remain 2250 to basement level |
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| 30. Existing floor work to remain 2250 to basement level | 54. Existing floor work to remain 2250 to basement level |



1 GA Elevation, Elevation 02



DRAFT DECISION LETTER FOR PLANNING PERMISSION

Address: 7 Burlington Gardens, London, W1S 3QG

Proposal: Partial change of use to facilitate the use of the buildings as a 'retail gallery' and restaurant(s) with ancillary wine and champagne and caviar bar (Class E); replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; installation of plant and new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.

Reference: 22/02155/FULL

Plan Nos: Demolition Plans
A-011-B1-04-PL REV 01, A-011-00-04-PL REV 01, A-011-01-04-PL REV 01, A-011-01M-04-PL REV 01, A-011-02-04-PL REV 01, A-011-03-04-PL REV 01, A-011-RF-04-PL REV 01

Proposed Plans

A-031-B1-01-PL REV 01, A-031-00-01-PL REV 01, A-031-01-01-PL REV 01, A-031-01M-01-PL REV 01, A-031-02-01-PL REV 01, A-031-03-01-PL REV 01, A-031-RF-01-PL REV 01, A-053-X-02-PL REV 01, A-053-X-01-PL REV 01, A-053-X-03-PL REV 01, A-053-X-04-PL REV 01, A-053-X-10-PL REV 01, A-053-X-11-PL REV 01, A-053-X-12-PL REV 01, A-053-X-13-PL REV 01, A-064-X-01-PL REV 01, A-064-X-02-PL REV 01, A-064-X-03-PL REV 01, A-064-X-04-PL REV 01, A-331-X-01-PL REV 01, A-SK-0650 REV 01, Y-RP-000-X-06-PL REV P01, Y-RP-000-X-05-PL REV 04, Y-RP-000-X-03-PL REV P04, ME-RP-000-X-02-PL REV P04, ME-RP-000-X-03-PL REV P05, YE-RP-000-X-00-PL REV P03, Ecological Assessment dated March 2022, Kitchen Planning Report dated 11 March 2022 V1, Outline operational waste management strategy dated March 2022, E-RP-660-X-0-PL REV P06, Y-RP-000-X-07-PL Planning Addendum, Payment in Lieu – Justification Statement

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- o between 08.00 and 18.00 Monday to Friday;
- o between 08.00 and 13.00 on Saturday; and
- o not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 3 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.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of full details of the following parts of the development:

- i) The new roof above the main eighteenth century house, including the glazed central section, the rebuilt chimney stack and all interfaces with retained fabric;
- ii) Modifications to existing windows, any new windows or external doors;
- iii) The new lantern to the rear infill of no.2 Old Burlington Street;
- iv) Rooftop access and maintenance interventions including any walkways, platforms or railings;
- v) All new plant screens and their finishes;
- vi) External lighting;
- vii) External CCTV cameras;
- viii) ventilation and other services terminations and routes at façade and roof.
- ix) Internal lighting at third floor level nearby the roof skylight at level 03

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development - the landscaped terrace above the former banking hall including all elements fixed structure and modifications to existing fabric, including the raised deck, planters, fixed furniture, the dumbwaiter and alterations to the rooflights/funnels providing top-light to the former banking hall. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 (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)

- 8 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)

- 9 There shall be no primary cooking in the basement kitchen. You must not cook raw or fresh food, reheat food or use cooking equipment used for hot food products within the basement floor level kitchen.

Reason:

We do not have enough information to decide whether it would be possible to provide extractor equipment that would deal properly with cooking smells and look suitable. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R05DD)

- 10 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) 7 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)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number A-SK-0650 Revision 01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the property. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

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

Reason:

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

- 13 Prior to occupation, a robust Servicing Management Plan is required to be submitted to and approved by the City Council to identify process, internal storage locations, scheduling of deliveries and staffing.

You must then follow/maintain the requirements as set out in the plan for life of development, unless a revised strategy is approved (in writing) by the Local Planning Authority.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 14 The retail gallery must only be open to visiting members of the public between the following hours:
- 09:00 - 23:00 (Sunday to Wednesday) and,
 - 09:00 - 00:30 (Thursday to Saturday).

Outside of these hours, visiting members of the public are not permitted to be in the retail gallery.

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)

- 15 The external terrace on L02 will be open to visiting members of the public between the following hours:
- 08:00 - 22:00 (Monday to Saturday) and,
 - 09:00 - 22:00 (Sunday).

Outside of these hours visiting members of the public are not permitted to be on the external terrace and any external lighting must also be switched off.

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)

- 16 You must not allow more than 64 customers onto the external terrace on L02 at any one time.

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)

- 17 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:

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)

- 18 You must not play live or recorded music on the external terrace on L02.

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)

- 19 Prior to occupation of the external terrace on L02, an Operational Management Plan is required to be submitted to and approved by the City Council to identify how the day-to-day management of the roof terrace will be carried out.

You must then follow/maintain the requirements as set out in the plan for life of development, unless a revised Management Plan is approved (in writing) by the Local Planning Authority.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 20 You must not use the building for;
- (i) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
 - (ii) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner);
 - (iii) Creche, day nursery or day centre (not including a residential use)
 - (iv) Uses which can be carried out in a residential area without detriment to its amenity:
 - Offices to carry out any operation or administrative functions (except where the use is ancillary to the primary permitted use of the premises);
 - Research and development of products or processes;
 - Industrial processes.

Reason:

The application does not include a transport statement and for this reason we cannot agree to unrestricted use as a creche, day nursery or day centre. This is to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 28 of the City Plan 2019 - 2040.

- 21 The publicly accessible internal floorspace used directly for provision of restaurant, wine bar and champagne and caviar bar purposes within the building should not exceed a cumulative total of more 650 sqm (GIA).

Reason:

We cannot grant planning permission for unrestricted Class E use because it would harm the character and function of the Mayfair and harm the amenity of neighbouring occupiers. This would not meet Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05IA)

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 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 3 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following;
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.

 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

 - * Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 4 You must ensure that the environment within a workplace meets the minimum standard set out in the Workplace (Health, Safety and Welfare) Regulations 1992 with respect to lighting, heating and ventilation. Detailed information about these regulations can be found at www.hse.gov.uk/pubns/indg244.pdf. (I80DB)
- 5 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:,* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;,* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;,* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;,* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;,* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 6 Conditions 7 and 10 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (I88AA)

Item No.

3

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.

DRAFT DECISION LETTER FOR LISTED BUILDING CONSENT

Address: 7 Burlington Gardens, London, W1S 3QG

Proposal: Replacement roof structure at 7 Burlington Gardens; minor extension to the rear of 2 Old Burlington Street; new external roof terrace and a series of associated external and internal works to reconfigure and refurbish the fabric of the buildings.

Reference: 22/02174/LBC

Plan Nos: Demolition Plans,
A-011-B1-04-PL REV 01, A-011-00-04-PL REV 01, A-011-01-04-PL REV 01, A-011-01M-04-PL REV 01, A-011-02-04-PL REV 01, A-011-03-04-PL REV 01, A-011-RF-04-PL REV 01

Proposed Plans,
A-031-B1-01-PL REV 01, A-031-00-01-PL REV 01, A-031-01-01-PL REV 01, A-031-01M-01-PL REV 01, A-031-02-01-PL REV 01, A-031-03-01-PL REV 01, A-031-RF-01-PL REV 01, A-053-X-02-PL REV 01, A-053-X-01-PL REV 01, A-053-X-03-PL REV 01, A-053-X-04-PL REV 01, A-053-X-10-PL REV 01, A-053-X-11-PL REV 01, A-053-X-12-PL REV 01, A-053-X-13-PL REV 01, A-064-X-01-PL REV 01, A-064-X-02-PL REV 01, A-064-X-03-PL REV 01, A-064-X-04-PL REV 01, A-331-X-01-PL REV 01, Y-RP-000-X-07-PL Planning Addendum

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

Recommended Condition(s) and Reason(s)

- 1 The works 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 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.

Reason:

To protect the special architectural or historic interest of this building and to make sure

the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of full details of the following parts of the development:
- i) The new roof above the main eighteenth century house, including the glazed central section, the rebuilt chimney stack and all interfaces with retained fabric;
 - ii) Modifications to existing windows, any new windows or doors;
 - iii) The new lantern to the rear infill of no.2 Old Burlington Street;
 - iv) The interior treatment of the new roof space above the main eighteenth century house including the glazed toplight above the Leoni staircase;
 - v) The new feature lift through the main eighteenth century former house;
 - vi) Modifications or restoration works to existing stairs;
 - vii) The new mezzanine fixings, finishes and shadow gap detail to the floor and the new partitions associated with the new mezzanine at ground and first floor;
 - viii) strategy and methodologies for any proposed restoration works to facades;
 - xix) Works to existing interiors: ceilings, cornices, plasterwork, joinery and fireplaces;
 - x) Interior fit-out and finishes to interiors at lower ground, ground and first floors, including fixed joinery;
 - xi) Services routes, associated modifications and their appearance;
 - xii) Fire strategy installations;
 - xiii) Rooftop access and maintenance interventions including any walkways, platforms or railings;
 - xiv) All new plant screens and their finishes;
 - xv) Internal and external lighting;
 - xvi) Secondary glazing;
 - xvii) CCTV cameras
 - xviii) ventilation and other services terminations and routes at façade and roof.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 4 You must apply to us for approval of full details of the following parts of the development - the landscaped terrace above the former banking hall including all elements fixed structure and modifications to existing fabric, including the raised deck, planters, fixed furniture, the dumbwaiter and alterations to the rooflights/funnels providing top-light to the former banking hall. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 You must apply to us for approval of full details of the following parts of the development - the means by which retained historic fabric is protected during construction works, notably details of full protection measures to the retained staircases, especially the Leoni staircase; to fireplaces; and to retained bank features. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 6 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, , * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.