

CITY OF WESTMINSTER			
PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE	Date 2 April 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Site Comprising 53-63 New Bond Street/5-17/17a Brook Street, London, W1S 1RJ		
Proposal	Alteration and extension of the existing buildings, including partial demolition and retention and retrofit to provide a building with basement, ground and ten upper floors, setback at fifth to eighth floors with terraces, setback at ninth floor with terrace and plant, and a roof terrace with lift over run and pavilion at the tenth floor, with satellite dish, green roof and solar photo voltaic panels on its roof, and associated works, to provide for retail (Class E (a)) and office (Class E(g)(i)) uses together with associated ancillary spaces to those uses.		
Agent	Gerald Eve		
On behalf of	Lazari Investments Limited		
Registered Number	23/08027/FULL	Date amended/ completed	20 November 2023
Date Application Received	20 November 2023		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair		

1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the views of the Mayor of London and subject to a S106 legal agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> a) A financial contribution of £150,480 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development); b) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data; c) A financial contribution of £257,473.50 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development); d) An Employment and Skills Training Plan; e) Travel Plan and associated monitoring costs; f) Potential Highways Works and associated costs (e.g. loading bay works, relocation of taxi bay
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- and provision of short stay cycle parking);
- g) All costs associated with stopping up parts of the highway;
 - h) The costs of monitoring the S106 agreement.

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

a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Town Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;

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

3. That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place. That the Director of Town Planning and Building Control, Executive Director of City Management, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant will be required to cover all costs of the Council in progressing the stopping up orders.

2. SUMMARY & KEY CONSIDERATIONS

The application site comprises an amalgamation of Victorian buildings that was until recently owned and largely occupied by the Fenwick department store (the site includes a building in separate retail and office use). Despite Fenwick receiving planning permission in 2020 for significant extensions at roof level for office use that was hoped to support the main retail function, changes in the retailing sector, compounded by the covid pandemic, meant that the store was unable to continuing operating and the site was sold to the current applicants. Government changes to the Use Classes Order also in 2020 meant that the site could be used for any other uses, apart from retail and offices, within Class E (including indoor sports, medical or health, etc). The 2020 permission was partially implemented and is therefore extant and a material planning consideration.

Permission is now sought for a largely office based scheme but with a substantial amount of retail accommodation at ground and first floor levels. The current application takes a deep retrofit approach, keeping approximately 50% of the building fabric, to deal with deficiencies in the current layout (in particular multiple level changes across the site). This will involve the 'jacking up' of parts of the building, including floor slabs and facades. As with the approved scheme there are substantial extensions at roof level, but these are broadly comparable with the 2020 permission.

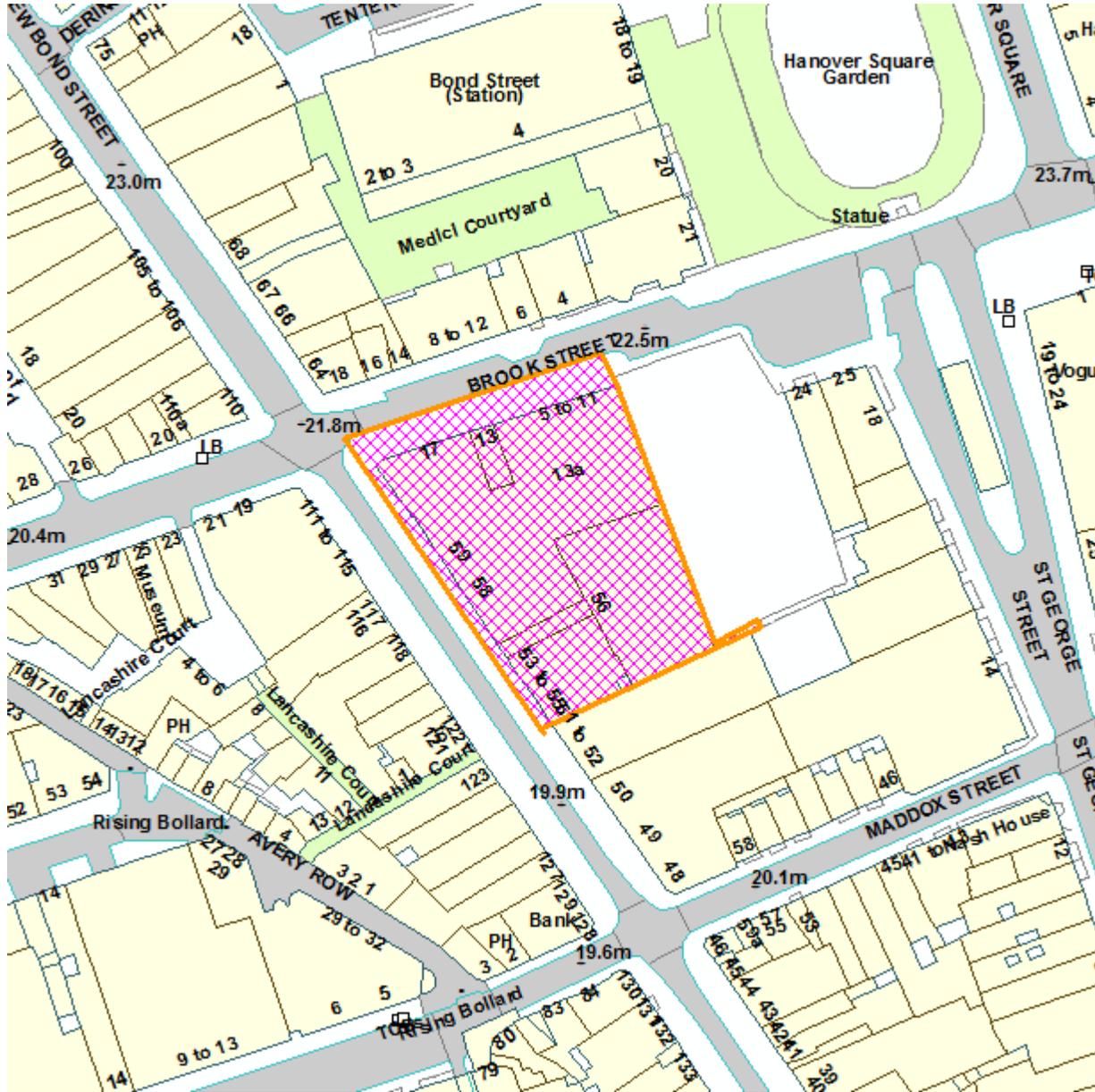
The key considerations in this case are:

- The acceptability of the proposed retail accommodation.
- The acceptability of the energy performance of the proposed building.
- The acceptability of the proposed building in design terms.
- The impact of the proposed building on the character and appearance of the Mayfair Conservation Area and the setting of other nearby designated heritage assets.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the provision of short stay cycle parking and potential implications for an existing taxi rank next to the site.

Notwithstanding some concerns expressed by the GLA and Historic England, the proposal is considered to cause less than substantial harm to the character and appearance of the Mayfair Conservation Area. The harm would be due, mostly, to the occasionally conspicuous upward extension of the building and to the scale of the office entrance in Brook Street which asserts its presence rather strongly. The level of harm caused would be at the lower end of less than substantial and the public benefits (as summarised in the report) would be significant and are considered to be sufficient to outweigh the less than substantial heritage harm. It is considered that the limited number of objections are either not sustainable or can be addressed by condition.

The proposal is referable to the Mayor of London under the Town and Country Planning (Mayor of London) Order 2008 category 1B of the Town & Country Planning (Mayor of London) Order 2008, namely, development which comprises or includes the erection of a building or buildings in central London (other than the City of London) and with a total floorspace of more than 20,000 square metres.

3. LOCATION PLAN



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4. PHOTOGRAPHS

The site viewed from the corner junction of New Bond Street and Brook Street



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS – any response to be reported verbally.

GREATER LONDON AUTHORITY

The Deputy Mayor considers that the application does not yet comply with the London Plan for the reasons set out in the accompanying report, but that the possible remedies set out in that report could address these deficiencies. If the Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged; or direct the Council under Article 6 to refuse the application; or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application.

Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- Land Use Principles: The redevelopment of this site within the CAZ to provide an office-led development, with two floors of retail, is supported in principle.
- Urban Design: The overall design of the proposed development is generally acceptable but further consideration is required regarding the jacking up of the façade and the colouring of the extension.
- Heritage: There would be less than substantial harm to the Mayfair Conservation Area and six nearby heritage assets. The harm identified to heritage assets could be outweighed by the public benefits delivered by the scheme.
- Transport: A street space scheme for Brook Street, to successfully accommodate public realm, taxis, servicing, and short stay cycle parking, should be developed and secured as part of any permission. Details of disabled persons car parking should be confirmed.
- Other issues on Sustainable Development, and Environmental Issues also require resolution prior to the Mayor's decision making stage.

TRANSPORT FOR LONDON

Key comments as follows:

Loss of existing taxi rank outside the site on the southern side of Brook Street (as part of the applicant's public realm plans) would not be acceptable without a nearby alternative being delivered - believe there is scope for it to be relocated to the north side of Brook Street, (noting this would remove pay by phone parking bays). Space on the site frontage could then be used for public realm including short stay cycle parking for this development, for there is currently a shortfall.

Overall, there is scope for a re-organisation of road space on Brook Street to better serve the development and serve the requirements for taxi ranking in the locality, with potential public realm benefits. TfL requests that a solution is developed and delivery attached to any permission. Particularly with regard to the taxi ranking space TfL wish to

review designs and proposals prior to determination.

Cycle Parking: Long stay cycle parking within the lower ground floor is acceptable (but would like more detailed information (arrangements for cyclists in the event of the lift breaking down, etc); query the provision of short stay cycle parking is proposed within the lower ground floor (38 short stay spaces are required by policy) and that it should be in convenient and accessible locations at grade, close to site entrance. The proposed location at lower ground floor is unsatisfactory and raises issues around how it would be used by visitors to the site. There is potential for some at-grade cycle parking to be delivered via a re-organisation of street space on Brook Street and TfL strongly encourages this to be explored.

Servicing strategy continuing from on-street loading bays on Brook Street is acceptable subject to the securing of a management plan with commitments to consolidate, actively manage and minimize the impacts. A draft Delivery and Servicing Plan has been submitted and the final plan should be secured as part of any permission having regard to the eventual highway layout on Brook Street.

No objections about trip generation and mode share, parking or construction, subject to conditions where relevant, including securing a final travel plan including on-going monitoring and funding.

TRANSPORT FOR LONDON (CROSSRAIL)

Confirm that the application relates to land within the limits of land subject to consultation by the Crossrail Safeguarding Direction but they have no comment on the application.

HISTORIC ENGLAND

Has some modest concerns regarding the application on heritage grounds, including the design of the shopfronts and believe that the predominantly glazed shopfront would detract from the richly decorative architecture above, causing some harm of a relatively low level would be caused to the Mayfair Conservation Area through the distortion of the Corner Building's proportions and architectural character.

Consideration should also be given as to whether a case has been made for the rebuilding of the Salisbury House façade on the basis of the structural information provided.

Consider that the increase in height of the frontage buildings would not overwhelm the streetscape and it would also help to soften the "harsh juxtaposition" with the Brook Street hotel development which is currently under construction next door [22 Hanover Square].

Taking account of the consented scheme, they consider that most of the proposed changes could be accommodated without causing any additional harm to the Mayfair Conservation area and the setting of nearby listed buildings. They welcome the cleaner and more architectural coherent roofscape proposed in the current plans which they consider an improvement on the consented.

HISTORIC ENGLAND (ARCHAEOLOGY)

Objection: Recommend additional on-site work is carried out before determination of the application (based on some archaeological finds at nearby development sites), including the potential for prehistoric and Civil War archaeology. The main impact on archaeology will be from the construction of a new basement in the southeast quadrant where there could be a relatively well-preserved sequence of post-medieval and potentially earlier remains. Evaluation will be necessary to properly assess the survival and significance of such remains, and scope appropriate mitigation. Advise that the applicant completes additional studies to inform the application, to be agreed with Historic England (Archaeology) beforehand.

If more archaeological information is not received before a planning decision is made, recommend that the applicant's failure to submit that is included as a reason for refusal.

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S

Any response to be reported verbally

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally

MAYFAIR NEIGHBOURHOOD FORUM

Supports the planning application. Comment that "the proposed changes will enhance this part of New Bond Street and the retail offer. It will add vitality and visual interest to this key corner site and the rationalisation of the floors levels will provide good quality employment space".

Request restricting the use of the roof terraces by condition so they are not used after 11pm in order to protect the amenity of neighbours.

Overall they "commend the way the applicant has engaged positively with members and hope the scheme can be determined speedily so the tight timetable for carrying out the works and reopening the building is not unnecessarily held up."

LEAD LOCAL FLOOD AUTHORITY

Objection - in the absence of an acceptable Flood Risk Assessment (FRA) / Drainage Strategy / supporting information relating to failure to adequately demonstrate the site will not increase surface water flood risk to the surrounding area or the site itself.

HIGHWAYS PLANNING

No objections with regard to servicing and welcomes the absence of any car parking;

Concern about the lack of short-stay cycle parking – whilst the applicant intends to provide all the necessary long and short-stay cycle parking at basement level, there should be some of the short-stay cycle parking on-street, where space is at a premium;

potential relocation of the taxi bay on the south side of Brook Street would have knock-on implications for loss of on-street visitor parking on the north side of the street. Overall considers that the over-provision of cycle parking in the basement is acceptable. and short-stay cycle parking.

No objection to Stopping-Up of parts of the highway (in-filling of some alcoves in between facade columns) - it is debateable whether these areas are highway or not, and they serve little purpose as highway, so there is no objection to the loss of these small areas but they should be formally stopped-up which would remove any future doubt as to their status.

PROJECTS OFFICER (WASTE)

No objection (subject to condition) following the submission of additional information.

ENVIRONMENTAL SCIENCES

No objection (subject to conditions) following the submission of additional information.

SUSTAINABILITY OFFICER RESPONSE (ENERGY)

No objection (subject to conditions) following the submission of additional information.

SUSTAINABILITY OFFICER (CIRCULAR ECONOMY/WHOLE LIFE)

No objection (subject to conditions) following the submission of additional information.

ARBORICULTURAL SERVICES

No objection (subject to conditions) following the submission of additional information.

ECONOMY AND EMPLOYMENT

Advise that scheme requires to submit a financial contribution of £257,473.50 and an Employment & Skills Plan. The contribution needs to be paid prior to the commencement

The Employment and Skills Plan has been subject to on-going discussion between the applicant's consultants and Council officers and an agreed updated version can be secured by condition – or secure agreed .

BUILDING CONTROL

No objections: Advise that due to the limited extent of proposed works, and existing external levels, the impact of the proposed works is expected to be extremely limited.

DESIGNING OUT CRIME OFFICERS

Highly recommend that the planning application, if granted, achieves a Secured by Design (SBD) Accreditation and would be happy to support the application, providing it achieves an SBD Accreditation, which should be secured by condition.

THAMES WATER

With regard to water network and water treatment infrastructure capacity, they do not have any objection to the above planning application (with detailed comments with regard to dealing with waste/sewage and water).

NEW WEST END COMPANY

Support the proposals

ADJOINING OWNERS/OCCUPIERS

No. consulted: 558; No. of replies: 2 - 2 letters of objection on the following grounds

- Loss of light
- Loss of views
- Disruption to business during building works

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

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

Wider public engagement was carried out by way of an introductory letter which was sent to 759 addresses to introduce the team and set out aspirations for the site whilst offering the opportunity to meet and engage with the project team. In September 2023, a newsletter was distributed to 770 addresses as well as social media advertisements on Meta platforms both of which set out emerging proposals and promoted upcoming in-person and virtual exhibitions. A website was also launched as part of the wider public consultation to showcase proposals and offer an opportunity for respondents to have comment on the future of the site.

Two public exhibitions and a pop-up event were held at Hanover Square exit of the Bond Street Elizabeth Line Station, on 14th September 2023, and at the southwest corner of Hanover Square on 19th September 2023. As part of this, approximately 1,000 newsletters were distributed to passing members of the public, with members of the design, project and client teams on hand to discuss the proposals and answer questions. In total, 16 meetings were held with key stakeholders, including residents, local councillors, neighbouring site owners and community groups through the engagement process.

Early engagement was also sought with key stakeholders, leading to meetings with the following groups to discuss the proposal: these are summarised in the table below.

Date	Organisation	Areas of Discussion
<i>Early Engagement</i>		
19 th April 2023	Mayfair Neighbourhood Forum <ul style="list-style-type: none"> • Nigel Hughes • Jeremy Bishop • Gordon Morrison • Hannah Corlett • Andrew Nutt • Paul O' Grady • Belinda Harley • Jenny Casebourne • Giles Easter 	<ul style="list-style-type: none"> • Introduction to the scheme – a brief update to the Forum announcing the appointment of Foster + Partners as well as the intention to meet again with the Forum at a later date to present the proposals in more detail.
27 th April 2023	Mayfair Neighbourhood Forum Planning Committee Chair <ul style="list-style-type: none"> • Nigel Hughes 	<ul style="list-style-type: none"> • Follow-up one to one updating on team, existing permission for the site and issues.
18 th May 2023	New West End Company <ul style="list-style-type: none"> • Dee Corsi (CEO) 	<ul style="list-style-type: none"> • Scheme – benefits of investment at this important location in Mayfair.
24 th May 2023	The Residents Society of Mayfair & St James (RSMSJ) <ul style="list-style-type: none"> • Mike Dunn 	<ul style="list-style-type: none"> • Design – noted top floor decorative external details are quite important in terms of the heritage of the building. • Design – noted issues with accessibility and level changes through the tour of the building. • Scale – noted extant permission for additional scale which the project team were seeking to broadly work with. • Use – current office space demand and prospective future tenants • Urban Greening – greening at upper levels needs to be visible from street level • Residential – noted limited residential occupiers in the area.
25 th May 2023	Westminster Ward Councillors <ul style="list-style-type: none"> • Cllr Paul Fisher • Cllr Jessica Toale 	<ul style="list-style-type: none"> • Design – importance of heritage value. • Design – Extant of demolition and retention. • Use/Retail – noted future trends in retail. • Accessibility – noted existing accessibility issues.

Date	Organisation	Areas of Discussion
7 th June 2023	Gabriele Rossi, Head of Export and Retail at Giovanni Raspini (Jewellery boutique located at 5 South Molton Street)	<ul style="list-style-type: none"> Noted that South Molton Street is undergoing redevelopment with many changes, affecting window visibility and the visitors' interest. Use/Retail – welcomed the emerging ideas and noted they could give retailers opportunities in New Bond Street. Design – agreed with the rationale for two-storey height shop fronts to enhance retail offer.
15 th June 2023	Grosvenor GBI <ul style="list-style-type: none"> Anna Bond (Executive Director Grosvenor) 	<ul style="list-style-type: none"> Sustainability – importance of keeping as much of the existing building fabric as possible whilst still delivering high-quality space, together with all other high sustainability credentials. Design – Opportunity to raise the facades and enhance the building's presence Engagement – Approach to engagement.
29 th June 2023	Motcomb Estates <ul style="list-style-type: none"> Humphery Voelcker Stuart Jones 	<ul style="list-style-type: none"> Context – Motcomb bought the building in Dec 2020 during Covid so were not consulted on the consented scheme brought forward by Fenwick and weren't aware that it had been implemented. Design – noted approach to lifting the facades to deliver improved retail frontages.
29 th June 2023	Clivedale (via email) <ul style="list-style-type: none"> Ed Blake David Laycock 	<ul style="list-style-type: none"> Potential concerns if pursued a hotel-led scheme as this could compete with the Mandarin Oriental. Clarification of retail ground floor and office space on upper levels. Desire for an ongoing dialogue.
13 th July 2023	Royal London Asset Management (RLAM) <ul style="list-style-type: none"> Mark Evans (Head of Property) Michael Lawrence (Head of Retail) 	<ul style="list-style-type: none"> Context – update on plans for Lancashire Court block to the west of the site. Public Realm – potential for public realm improvements around Bond Street. Proposals – welcomed principle of investment in the site.
25 th July 2023	Great Portland Estate (GPE) <ul style="list-style-type: none"> Andy White 	<ul style="list-style-type: none"> Context – opportunity to deliver more animation. Scale – future daylight / sunlight conversations. Sustainability – learning from green steel carbon numbers. Active travel – noting that cycle spaces should be separate for office and retail occupiers.

Date	Organisation	Areas of Discussion
<i>Engagement on Emerging Proposals</i>		
28 th July 2023	Eros / Clivedale • Sameer Gelhut	<ul style="list-style-type: none"> Supportive of commitment to working together going forward.
1 st August 2023	Mayfair Neighbourhood Forum • Nigel Hughes • Jeremy Bishop • Gordon Morrison • Paul O'Grady • Belinda Harley • Jenny Casebourne • Henry Hunter • Julian Milne	<ul style="list-style-type: none"> Design – enquired about the façade lift approach. Design – noted importance of creating a 21st-century retail space whilst incorporating 19th-century elements and that the plans were really interesting for the ground floor. Use/Retail – interest in ground floor approach and recognised have conversed with the surrounding retail operators and potential tenants. Also, that approach to retail needs to reflect what world-class retailers are likely to want. Design – interested in bulk and the realignment process with the facades. Public realm – desire not to see reduction in space for traffic on Brook Street or Bond Street. Sentiment of meeting: The Chair emailed after the meeting, welcoming the proposals in principle and impressed with the innovative approach taken by the project team.
15 th August 2023	The Residents Society of Mayfair & St James (second meeting) • Mike Dunn	<ul style="list-style-type: none"> Timeline – enquired about submission dates and how long Fenwick will continue operating. Noted that it is not in anyone's interest for the site to remain vacant for a considerable period of time. Construction Timeline and Process: Enquired about the construction timeline and 'jacking up' construction method for facades. Use/Retail: asked how many of the floors will be retail use and also what will be happening above roof level. Greening – enquired whether the team will face any issues with the proposed urban greening on the roof.
25 th August 2023	Ward Councillors and WCC Officers • Cllr Jessica Toale • Paul Quayle • Matthew Pendleton	<ul style="list-style-type: none"> Disruption – importance of minimising disruption to the local area through the redevelopment. Consultation – ensuring residents are and continue to be engaged. Heritage – ensuring plans continue to respect the heritage of the site and area.
31 st October 2023	Cabinet Member for Economic Development and Planning; and Chair of Planning plus officers • Cllr Geoff Barraclough • Cllr Ruth Bush • Paul Quayle • Matthew Pendleton	<ul style="list-style-type: none"> Heritage – status of the buildings Design – scale and retail Servicing – location and consolidation Sustainability – retention and maintenance of biophilia

In summary, across the range of engagement undertaken by the applicant the principal issues raised were related to the nature of demand for office space, the type and form of retail use and space being provided, the scope of the extension of the building, the extent of existing fabric retention, greening and sustainability, employment opportunities and construction management.

There was also an extended series of pre-application meetings with officers at the City of Westminster and GLA in respect of topics relating primarily to design, land use, sustainability, highways, transport and servicing. The proposals have been subject to ongoing revisions and amendments in response to the pre-application discussions.

The consultation strategy has been extensive and has sought to engage with statutory and non-statutory consultees including residents, local businesses, community groups and elected members throughout the design process. The applicant has responded to feedback in developing and finessing the proposal, including re-working the design treatment and facades (such as the design of the office entrance and other facades), arrangement for dealing with waste and recycling, and improving sustainability (including the provision of more photovoltaics panels).

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) (December 2023) and should be afforded full weight in accordance with paragraph 225 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 47 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The City Council is carrying out a partial review of the City Plan, with a Regulation 18 Statement made on 7 October 2022 setting out how this partial review will include:

- (i) Updates to Policy 9 to change the required tenure mix of affordable housing; (ii) To introduce a new policy prioritising retrofit and refurbishment of existing buildings, where appropriate; and
- (ii) The inclusion of Site Allocations to guide the development of key sites.

General principles rather than policy wording were set out and representations were invited by 18 November 2022. The Publication Draft City Plan and supporting information was published for consultation under Regulation 19 on 14 March 2024. This consultation will last at least six weeks, following which the Publication Draft City Plan will be submitted to the Secretary of State in accordance with Regulation 22 for consideration by an independent inspector at a series of hearings known as an examination in public. The inspector will provide a report following the hearings and, subject to the Inspector's recommendations and any necessary changes, the revised City Plan will be adopted by Full Council.

Having regard to the tests set out in paragraph 48 of the NPPF, given the early stage in

its preparation of the partial review of the City Council, currently no weight should be afforded in the assessment of this application to these emerging policies.

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 (December 2023) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The lawful Planning Use Class of the site is Class E (a) retail and Class E (g) (i) office. The site has the following planning designations

- Central Activities Zone
- West End Special Policy Retail Area;
- International Shopping Centre.
- Mayfair Conservation Area (none of the buildings are listed).

Within the Mayfair Neighbourhood Plan the site also has the following designations:

- Growth Area – East Mayfair Commercial Growth;
- West End Shopping Frontage along New Bond Street; and
- Mayfair Shopping Frontage along Brook Street.

The application relates to the former department store Fenwick, a family owned business, which began in 1882, with several other stores across the UK. The New Bond Street department store began trading in 1891 and was one of the flagship department stores within the wider West End retail area, and the only department store on Bond Street. Unfortunately, due to structural changes in the retail sector and the impact of the covid pandemic, it was no longer viable for the department store to continue operating. It was sold in late 2022 to the current applicant, Lazari Investments, and the store closed

on 3rd February this year.

The site is located in the east of Mayfair, on the corner of Brook Street and New Bond Street. The site primarily comprises the basement, ground plus four upper storey accommodation formerly occupied by Fenwick department store. There was a continuous retail frontage along New Bond Street and Brook Street, except for a section of the ground floor on Brook Street, which was used for staff access and access for deliveries and servicing. The main entrance to the store was located on the corner of Brook Street and New Bond Street, with two additional public entrances into the store located on both street frontages. Fenwick occupied all levels of the building at 5-17 Brook Street and 57-63 New Bond Street as retail (Class E (a)) accommodation. The neighbouring part of the site at 53-56 New Bond Street (which was also owned by Fenwick) comprises the retail unit located over basement, ground and first floor levels with self-contained office accommodation (Class E (g)) at the second to fifth floor levels.

The majority of the existing buildings date from 1887, although it was not until the 1980s that all of the composite buildings which formed the Fenwick store were unified to appear as one shop store on the New Bond Street and Brook Street elevations with the current reconstructed stone colonnaded ground floor unified shopfront.

The existing building comprises a number of composite buildings - 62-63 New Bond Street and 15-17 Brook Street; 60-61 New Bond Street (Rover House); 9- 13 Brook Street; 57-59 New Bond Street (Salisbury House); and 53-56 New Bond Street (Apollo House). All of the buildings were acquired throughout the period 1887 to 1961 and, in the 1980's, all of the composite buildings were unified to appear as one store on the Bond Street and Brook Street elevation. The existing building comprises basement, ground plus four upper storeys, and a small fifth storey facing onto the Bond Street frontage.

The surrounding area is predominantly commercial, given the central location within an internationally renowned shopping destination. Retail uses are located on the lower levels and a mix of retail, office and some residential uses are located on the upper levels of the buildings along New Bond Street and Brook Street. The surrounding area is mostly medium rise, with existing buildings ranging from 5-7 storeys. Recently permitted developments exceed these heights, and most relevant to the current application is the adjacent development at 22 Hanover Square (on the Brook Street frontage), which is close to completion- the approved development comprises a part 9, part 11 storey building, to provide a hotel (the Mandarin Oriental Hotel, due to open in 2024), up to 81 residential units and flexible restaurant, ancillary hotel, retail accommodation.

7.2 Recent Relevant History

On 6 September 2005, planning permission (ref. 04/09999/FULL) was granted for

“Demolition of Apollo House to rear of 53-55 New Bond Street and redevelopment to provide replacement office building with plant enclosure and screened plant at roof level; infill extensions to rear of 57- 58 New Bond Street (Salisbury House) and 59 New Bond Street (Rover House) to provide additional retail floor space for the existing Fenwick store”.

On 4 February 2009, an amendment application (ref. 08/05907/FULL) was permitted for

“Alterations during the course of construction to a permission dated 6 September 2005 for the demolition of Apollo House to rear of Nos. 53-55 New Bond Street and redevelopment to provide replacement office building with plant enclosure and screened plant at roof level; infill extensions to rear of Nos. 57-58 New Bond Street (Salisbury House) and No. 59 New Bond Street (Rover House) to provide additional retail floorspace for the existing Fenwick store; namely, replacement windows to Nos. 53-55 New Bond Street at second to fourth floor levels, a fourth floor extension to provide additional retail (Class A1) accommodation, re alignment of part of rear wall to eastern elevation at ground to 3rd floors minor alterations to atrium roof, extension of lift overrun, new louvres to plant enclosure and new roof level window cleaning cradle location and housing”.

On 17 March 2020 planning permission was granted for (19/07746/FULL)

“Extension to the existing retail department store and offices to deliver additional (Class B1) office floorspace with access from Brook Street, change of use of part retail Class A1 floorspace to Class B1 floorspace, new plant on the roof, new roof terraces on Brook Street and New Bond Street frontages, and other associated works.”

This was subject to a legal agreement to secure a financial contribution of £ 118,653.01 to support the Westminster Inclusive Local Economy and Employment Service (index linked and payable on commencement of development).

There was subsequently a Section 73 application (22/06973/FULL) granted on 3rd February 2023, amending the above planning permission as follows:

“Variation of conditions 6 (evidence of compliance with the council's Code of Construction Practice) and 16 (provision of sustainability and energy efficiency measures) of planning permission dated 17 March 2020 (RN:19/07746/FULL) for 'Extension to the existing retail department store and offices to deliver additional (Class B1) office floorspace with access from Brook Street, change of use of part retail Class A1 floorspace to Class B1 floorspace, new plant on the roof, new roof terraces on Brook Street and New Bond Street frontages, and other associated works' - NAMELY, to allow a phased development (Phase 1 - to carry out works sufficient to implement the permission, and Phase 2 - the remainder of the approved development), to allow the commencement of Phase 1 prior to submitting a detailed construction method statement (condition 6) and to allow phase 1 to commence prior to the remainder of the works within phase 2, and to approve an updated energy statement (condition 16). (S73 application).” (Subject to a Deed of Variation/revised S106 Agreement to secure the financial contribution of £118,653.01 to support the Westminster Inclusive Local Economy and Employment Service).

This permission was then partially implemented and a Certificate of Lawful Development (23/00755/CLOPUD) was granted on 22nd February 2023.

The extant, implemented planning permission is a material consideration of significant weight in the determination of this application.

8. THE PROPOSAL

The applicant's intention is to make efficient and effective use of a key site, through a reconfiguration which provides significantly improved retail accommodation and new and best in class office accommodation which responds better to the surrounding context, all whilst retaining and re-using significant amounts of the existing structure and façade. One of the aims of the scheme is to regularise the floor levels within the buildings, where there are currently 37 different floor levels within the group. There is the potential for a reasonable justification for works which seek to remedy this situation, which currently prevents the use of the retail areas by users requiring level access. The floorspace figures are shown in the table below.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Approved GIA (sqm)	Proposed GIA (sqm)	Existing vs Proposed +/-
Retail	12,292	11,111 (-1,181)	4,692	-7,600
Office	2,787	7,506 (+4,719)	16,262	+13,475
Total	15,079	18,617 (+3,538)	20,953	+5,874

The space within the proposed building would be arranged as follows:

- Retail space (Class E (a)), accessed from the four frontages on New Bond Street, would be provided at the ground and first floor levels, with a continuous frontage wrapping around the prominent corner, onto Brook Street;
- Office space (Class E (g)) would be provided at the second to ninth floors levels, accessed from a new office entrance and lobby on Brook Street, which are of larger proportions and more capable of accommodating pedestrian traffic, and closer to Bond Street Station on Hanover Square;
- External terraces accessed from the office accommodation would be located at fourth to ninth floor levels, with a roof garden at the tenth floor, which would also accommodate some plant; and
- The basement would accommodate ancillary and supporting elements such as plant, cycle parking and waste storage, via a service access at the east end of Brook Street.

The design approach maximises the retention of existing building fabric, reducing embodied carbon associated with construction, whilst also optimising the site's development potential to achieve an appropriate massing and quality of internal accommodation for a site in the heart of the West End. It does so by an innovative structural design that includes:

- Retaining, and lifting, the existing facades to Brook Street and Bond Street (with the

- exception of 57-59 Bond Street, which is in poor condition and which, it is assumed, will be rebuilt, though retaining and raising the existing structural facade frame);
- Retaining the existing basement, with some lateral extensions, thereby avoiding any substantial excavation below existing levels, although some tanks will be buried;
 - Retaining, but vertically repositioning significant portions of the existing floorplates and fabric behind the facades to create level floorplates and grade access;
 - Selective deconstruction of parts of the building, where necessary, and the re-use of material arisings as required; and
 - Extension to provide the new office accommodation on the upper levels.

This approach enables the development to retain approximately 50% of the existing structure and 75% of the existing historic facades, incorporating high quality architecture with extensive greening and outdoor amenity spaces. Benefits of the proposal would include:

- Increasing the poor floor-to-ceiling heights and therefore the quality of the internal space, including the introduction of an unusual, stepped atrium serving the office accommodation and lobby, bringing natural light deep into the plan;
- Creating a more efficient internal layout, removing the redundant circulation cores and internal corridors, thereby maximising the usable floorspace;
- Creating level access both internally and from the street, enhancing inclusivity and accessibility and enhancing the adaptability of the floorplates;
- Creating new ground and first floor facades of greater height and permeability, giving them greater visual emphasis and better activating the ground floor retail plane along New Bond Street;
- Repairing physically the deteriorated elements of the facades;
- Providing substantial new greenery and outdoor amenity space, serving the majority of the office floors and enhancing biodiversity; and
- Providing a building with high energy performance and sustainability credentials of a very high standard, contributing to the achievement of net zero carbon.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Policy

The National Planning Policy Framework (NPPF) seeks to promote mixed use developments and encourage multiple benefits from the use of land in urban areas. Paragraph 86 of the NPPF seeks to promote town centres as the heart of communities, through taking a positive approach to their growth, management and adaptation.

London Plan Policy SD4 seek to promote and enhance the unique mix of strategic functions and local uses within the Central Activity Zone (CAZ). The strategic functions of the CAZ include nationally and internationally significant office functions well as retailing, including specialist outlets, of regional, national and international importance.

The policy states that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values.

London Plan Policy E1 states that increases in the current stock of offices should be supported within the CAZ and goes on to assert that there will be a significant demand for office employment floorspace over the period 2016 to 2041. This includes demand within the CAZ. The London Plan also makes provisions to ensure that office space is flexible and varied. Policy E1 states that development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.

With regard to retail, London Plan Policy E9 states that a successful, competitive and diverse retail sector, which promotes sustainable access to goods and services for all Londoners, should be supported. The site is located within the West End Retail and Leisure Special Policy Area (WERSPLA), where retail should complement the strategic uses of the area. London Plan Policy SD4 makes provisions to support the viability, adaptation and diversification of the international shopping and leisure destinations of the West End (including Oxford Street, Regent Street, Bond Street and the wider West End Retail and Leisure Special Policy Area) and Knightsbridge.

Relevant Council policies as set out in the City Plan 2019 – 2040 (Adopted April 2021) include: Policy 1. Westminster's spatial strategy, which includes support for the growth, modernisation and adaptation of a variety of business space to provide at least 63,000 new office-based jobs alongside other forms of commercial growth, and supports town centres and high streets, including centres of international importance in the West End to evolve as multifunctional commercial areas to shop, work, and socialise; Policy 2. Spatial Development Priorities: West End Retail and Leisure Special Policy Area and Tottenham Court Road Opportunity Area, which similarly The intensification of the West End Retail and Leisure Special Policy Area (WERLSPA) to deliver significant jobs growth through a range commercial-led development including retail, leisure, offices and hotel use, as well as an improved retail and leisure experience and a diverse evening and night-time economy.

Policy 14 of the City Plan is of particular relevance in this case. It states that the intensification of town centres, high streets and the CAZ to provide additional floorspace for main town centre uses is supported in principle, subject to the impact on townscape and heritage. Proposals in existing town centres and high streets will enhance and diversify their offer as places to shop, work and spend leisure time. Part B of Policy 14 requires the provision of active frontages and uses that serve visiting members of the public at the ground floor throughout the town centre hierarchy. Part C of the policy states that all development within the town centre hierarchy will be of a scale, type and format that reflects and enhances the role and function of the centre within which it is proposed. It states that the "International Centres will provide a focal point for large format comparison retail, supported by complementary town centre uses that increase customer dwell time, and new office floorspace".

Policy 14 part C.2 states that "The WERLSPA will provide 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". Part D states that the provision of a range of retail unit sizes including small stores in redevelopment proposals is supported in principle. Part G states that the loss of town centre uses from the ground floor will be resisted in these locations.

Policy MR1 of the Mayfair Neighbourhood Plan encourages small scale retail development appropriate to the character (in terms of its scale and type) of the Mayfair Shopping Frontages. Policy MC1 states that new office floorspace will be particularly encouraged in Central and East Mayfair (which is where the site is located).

Assessment - Offices

The existing office and retail uses on the site all fall within Class E of the Use Classes Order, 'Commercial, Business and Service uses', which contains uses between which changes of use can occur without the need for planning permission (i.e. changes between them are no longer constitute development as set in Section 55 of the Town and Country Planning Act 1990). The uses contained within the new Class E include, retail shops, restaurants, financial and professional services, offices, medical uses, gyms and other indoor sport uses, creches and nurseries.

The existing site provides some office accommodation (2,787 sqm (GIA)) separate from the former department store at 53-56 New Bond Street. The applicant advises that this accommodation is dated and of poor-quality; the format of the existing office space is inefficient and heavily subdivided, with poor floor-to-ceiling heights and natural light, and an underwhelming entrance on New Bond Street, which lacks significant presence. The 2020 permission did not allow for the substantial reconfiguration of the existing building internally, or the provision of substantial external amenity spaces in the form of terraces. Fenwick's departure provides the opportunity to deliver a more substantial reconfiguration, so that the requirements of the site to provide flexible, adaptable office space in alignment with strategic policy which supports the intensification of employment use in this location, an International Centre.

The proposed development would deliver 16,262 sqm. of commercial office space (which the applicant advises will be Grade A), helping to meet an identified need within the CAZ – this is in accordance with the above policies and is welcomed. It is noted that the proposals have been designed to provide high quality office accommodation that includes generous amounts of amenity space in the form of multiple landscaped terraces that should help attract office workers back into the West End. The proposed office entrance occupies some ground level frontage on Brook Street, which is of lesser importance in the retail hierarchy. The proposals provide a relocated and significantly improved entrance with an appropriately sized office lobby commensurate to the scale of the accommodation and the expectations of occupiers in this core location. The applicant argues that the form proposed is required to accommodate the additional office floorspace and is also near Hanover Square and therefore the new Eastern Ticket Hall serving the Elizabeth Line. Locating the office entrance on Brook Street also allows the retail frontage on New Bond Street, which is the more important retail frontage of the two, to be maximised.

Assessment - Retail

The proposals would also result in an overall loss of retail space of 7,600 sqm (net change). The existing building contains 12,292 sqm of retail floorspace and 4,581 sqm. of retail use is to be re-provided. The proposal would provide four smaller, separate retail units, within Class E(a). The net loss of retail floorspace results from the reallocation of space for office use at the upper levels and aligns with policy. This is driven by the need to reconfigure the site to its optimal layout for office use on the upper floors, which is also an appropriate town centre use for the location. The frontages would be taller, with a greater extent of glazing and consequently improved visibility into the internal spaces compared to the existing elevations, allowing for the creation of retail displays with great impact. This would better activate the street than in the existing situation, better aligns with the modern retailer requirements and is an improvement over the 2020 permission.

The application is accompanied by a Retail Statement. This describes changes in consumer demand and the implications arising from this. The report identifies that, despite experiencing difficulties alongside the rest of the economy during recent years, there is substantial demand for very high-quality retail space on New Bond Street from leading global retailers. A substantial number of potential new retailers, not currently represented on New Bond Street, are identified in the report. The retail report also details the specific characteristics sought by leading retailers in retail units, whose focus is on creating a 'showcase' street presence with high visual impact to attract custom. The quality of the street presence which can be achieved is therefore of great importance. The report states that there is particular value given to two-storey frontages with good fascia presence at first floor as well as ground level, good internal ceiling heights and wide frontages allowing the creation of clear and unfettered displays. The applicant advises that the proposed retail units have been designed to occupy the ground and first floors in accordance with the demand and requirements identified in the Retail Statement for retailers in this location. The introduction of multiple smaller stores, in addition to better serving the identified demand for the site, would also introduce a wider variety of retail uses to the site, enriching the vibrancy and vitality of the International Shopping Centre, the WERLSPA and the CAZ.

The site was until recently occupied by a long-established department store with retail at all levels, but the operators have chosen to leave the premises, and it is acknowledged that this is the latest department store (following nearby Debenhams and House of Fraser) who have been affected by the structural change in the retail sector. It is well known that traditional high street shopping faces challenges, including competition from other retail hubs, online shopping, increased business rates and interest rates, challenges that were compounded the Covid 19 pandemic. The changes in retail demand have effectively led to declining demand for department store formats.

The development of the site which was approved in 2020 was sought primarily to support the retention of Fenwick's operation at the site. The internal alterations therefore largely retained the existing department store format and sought to add an office extension above the building to provide additional value and income to Fenwick. Focused as it was on Fenwick's particular needs, before the Covid pandemic, it did not seek to optimise the site's design that would provide the particular requirements of the retail demand which exists at the site, as identified in the applicant's Retail Statement.

The proposal retains retail use at ground and first floor levels, maintaining a strong and visible retail presence at the site, maintaining active frontages and uses serving the visiting public at street level within the International Shopping Centre, WERLSPA and CAZ. This is welcomed and in accordance with policy. Taking this into consideration, and given the potential use of the existing site for any other use within Class E, the loss of retail space in this instance is acceptable. The proposals would ensure that a ground and first floor retail element is retained in the site. It is considered appropriate, given the location, potential adverse implications of other Class E uses (arising from more intensive servicing or amenity implications), and to ensure compliance with the above policies, to have a condition that the proposed uses are retained for those purposes only (with some flexibility that the office accommodation could also be used for additional retail purposes if required).

In conclusion, the proposal will provide an appropriate combination of modern retail and office accommodation that accords with the relevant London Plan and City Plan policies and is therefore considered to be acceptable.

9.2 Environment & Sustainability:

Sustainable Design, Whole Life Carbon and the Circular Economy

Summary of policy and guidance

NPPF Para. 157 states, *“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; **encourage the reuse of existing resources, including the conversion of existing buildings;** and support renewable and low carbon energy and associated infrastructure”* [emphasis added].

London Plan Policy GG5 states, *“To conserve and enhance London’s global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must... [under Part H]: recognise and promote the benefits of a transition to a low carbon circular economy to strengthen London’s economic success”*. The supporting text states, *“Creating a low carbon circular economy, in which the greatest possible value is extracted from resources before they become waste, is not only socially and environmentally responsible, but will save money and limit the likelihood of environmental threats affecting London’s future”* (Para. 1.6.2).

‘Circular economy’ is defined within the London Plan’s glossary as, *“An economic model in which resources are kept in use at the highest level possible for as long as possible in order to maximise value and reduce waste, moving away from the traditional linear economic model of ‘make, use, dispose’”*.

The promotion of transitioning to a low carbon circular economy is also supported by London Plan Policy GG6 that states, *“To help London become a more efficient and resilient city, those involved in planning and development must... [under Part A]: seek to*

improve energy efficiency and support the move towards a low carbon circular economy, contributing towards London becoming a zero-carbon city by 2050”.

London Plan Policy D3 states, “*All development must make the best use of land by following a design-led approach that optimises the capacity of sites ... Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development... that responds to a site’s context and capacity for growth... and that best delivers the requirements set out in Part D’.* Part D refers to a number of requirements, including under Part 13 that development proposals should, “*aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy”.* Figure 3.2 and the supporting text set out a hierarchy of building approaches which maximises use of existing material, with ‘retain’ at its heart, stating, “*Diminishing returns are gained by moving through the hierarchy outwards, working through refurbishment and re-use through to the least preferable option of recycling materials produced by the building or demolition process”* (Para. 3.3.12).

Retaining existing building fabric is also supported by London Plan Policy SI 7(A)(1) that sets out the objective to, “*promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible”* and City Plan Policy 37(A) that states, “*The Council will promote the Circular Economy...”.* The supporting text for London Plan Policy SI7 states, “*London should move to a more circular economy as this will save resources, increase the resource efficiency of London’s businesses, and help to reduce carbon emissions. The successful implementation of circular economy principles will help to reduce the volume of waste that London produces and has to manage. A key way of achieving this will be through incorporating circular economy principles into the design of developments...”.* (Para. 9.7.1). The large proportion of London’s total waste that is made up of construction, demolition and excavation waste is highlighted in London Plan Para. 9.7.4 that states that in 2015, this waste stream constituted 54 per cent of the total waste generate in London (9.7 million tonnes).

Section 2.4 of the Mayor of London’s Circular Economy Statements guidance (March 2022) sets out Circular Economy design approaches for existing buildings, with Para. 2.4.1 stating that the ‘decision tree’ should be followed to inform the design process for the development from the outset (informed by a pre-redevelopment and pre-demolition audits, where possible, and a whole life carbon assessment). In cases where there are existing buildings on site, the decision tree asks it is technically possible to retain these buildings in whole or part. If so, the decision tree asks whether the existing building, or parts of these building, are suitable to the requirements of the site. If the answer is ‘yes in whole’, the guidance indicates that the building should be retained and retrofitted. If the answer is ‘yes in part’, the guidance indicates that the building should be partially retained and refurbished. This approach, the guidance states, is to follow the approach set out in Figure 3.2 of the London Plan, stating, “*...retaining existing built structures totally or partially should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option”* (Para. 2.4.2). Such an approach is required to adhere to London Plan Policy D3 that states that development proposal should take into account the principles of the circular economy. In terms of what optioneering is expected Para. 2.4.5 adds, “*When assessing whether existing buildings are suited to the*

requirements for the site, applicants should robustly explore the options for retaining existing buildings (either wholly or in part). Where disassembly or demolition is proposed, applicants should set out how the options for retaining and reconstructing existing buildings have been explored and discounted; and show that the proposed scheme would be a more environmentally sustainable development”.

City Plan Policy 38(A) states, “New development 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”. City Plan Policy 38(D) (Design Principles) adds, “Development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating **principles of sustainable design...**” [emphasis added]. The supporting text for City Plan Policy 38 states, “As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition...” (Para. 38.11).

Guidance on the meaning of ‘sustainable design principles’ is found within the ‘Retrofitting and Sustainable Design’ chapter of the Westminster’s Environmental SPD (February 2022). The guidance states, “The upgrade and reuse of existing buildings is a sustainable approach and can help by avoiding the higher carbon footprint associated with constructing new buildings” (p. 104). Page 87 also states, “Where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition. However, this needs to be carefully balanced against other sustainability objectives, the need to deliver new housing and economic growth, meaning demolition will still be appropriate in some circumstances. When balancing the merits and impacts of retention or demolition of the existing building, the council will consider environmental, economic and social sustainability issues in the round with reference to other City Plan policies”. This guidance adds that, “Putting the circular economy into action in Westminster’s built environment means in the first instance exploring retention and refurbishment of buildings rather than demolition and re-build. If this is not possible, then incorporating reused materials into a new development” (p.96).

Mayfair Neighbourhood Plan Policy MES3 states that development proposals should employ onsite reuse of demolition waste as a construction material, adopt sustainable and responsible sourcing approaches and exceed the standards for materials outlined in the Mayor’s supplementary planning guidance on sustainable design and construction. Mayfair Neighbourhood Plan Policy MES4 states that new non-domestic developments should be Zero Carbon (defined as a 100% improvement over the Target Emission Rate outlined in the national Building Regulations), and that all new developments shall demonstrate that measures will be put in place to manage energy use in operation.

Assessment – Whole life Carbon and Circular Economy

The submitted Circular Economy Statement, and the Whole Life Carbon Statement, describes the complex work that has been undertaken by the applicants consultants and architects to assess opportunities for retention and their various analyses. The stated ambition of the applicant from the beginning of the planning process has been to make

the scheme as sustainable as possible, including where possible the retention of the buildings, but taking account the deficiencies of the site (differing floor levels etc).

The proposed development is considered compliant with London Plan Polic S12 Minimising Greenhouse Gas Emissions, Policy S17 Reducing waste and supporting the Circular Economy, following closely GLA's Whole Life Carbon and Circular Economy Strategy guidance for early stages considerations. The proposal is also largely compliant with the City Plan Policy 38 Sustainable Design and 37 Waste Management.

The proposal seeks to retain 50% or more of the existing structures, 75% of the existing façades and 80% of existing steel (by volume) therefore the proposal should be considered 'deep retrofit' in accordance emerging definitions. The application site comprises of number of buildings with various structures and façade treatments. The existing floorplate is broken by multiple level changes, stairs, columns and exits on each floor. Structural interventions would be necessary if the existing building is be retrofitted to allow for level access, fire compliance, and efficient servicing. The approach to the site is to retain as much as possible from the existing buildings, through direct re-use on site and innovative structural interventions, such as 'jacking up' floors and facades.

The general approach to retention is supported. A pre-demolition audit has been completed, and a phased deconstruction is proposed. The applicant is encouraged to continuously update their re-use targets (both on and off-site, for all building layers), and report the final figures against the post-construction Circular Economy Statement.

The projected overall diversion from landfill for the project is 2,412.60 tonnes (99.47%) which is welcomed. The applicant is advised to report against the projected figure within the post-construction Circular Economy Statement, which is conditioned. The applicant is also advised to review the target by building layer and improve upon it as much as possible. It is understood that this will help reduce the upfront carbon emissions further.

Whole life carbon assessment

The applicant has submitted a compliant assessment. The projected upfront carbon for is 463 kgCO₂e/m², or LETI band B, which is welcomed. The assessment shows 40% fly ash cement replacement for all concrete elements – it is recommended that the applicant removes fly ash cement replacement and assumes 0%. It is also recommended that all concrete elements do not rely on cement replacements, partly due to the lack of availability for both fly ash and GGBS (Ground Granulated Blast-furnace Slag), as well as supporting the reduction of the demand for these resources. The applicant is advised to report on the updated upfront embodied carbon figure – it is not anticipated that the upfront carbon will increase significantly.

The whole life carbon assessment shows 797 kgCO₂e/m² (excluding B6-B7) This is welcomed, as the applicant has demonstrated a strategy on how the materials might procured in the future, incorporating material passports, minimising 'In-use' carbon through long-term maintenance plan, resource efficiency targets and design for disassembly. A whole life carbon assessment during technical stage, during construction, and post-completion will be secured through condition.

A summary of the carbon figures compared with the GLA current and aspirational targets is shown in the following table:

	Part retention and part redevelopment	GLA benchmark (offices)	GLA aspirational benchmark (offices)
Upfront carbon ('cradle to practical completion') (i.e. Modules A1-A5) (kgCO2e/m2)	463	<950	<600
Whole life carbon ('cradle to grave') (i.e. Modules A-C (excluding B6 and B7) (kgCO2e/m2)	797	<1,400	<970

The GLA supports the approach taken to retain the existing building on site and carry out alterations to ensure its ongoing use is supported. It considers that the internal amendments to resolve the issues related to the various changes in levels on different floors have been demonstrated to be successful, making the building suitable for the various uses proposed.

Energy Performance

Summary of policy and Guidance

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

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

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

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

National building regulations were updated to enhance energy performance standards for new buildings through Part L 2021 that came into force on 15 June 2022. The Mayor of London's updated Energy Assessment Guidance states that an on-site carbon reduction of at least 35 per cent beyond Part L 2021 of building regulations should be achieved, with the GLA website stating that all applications submitted on or after 1 January 2023 will be required to follow the 2022 Energy Assessment guidance and use the 2022 Carbon Emissions Reporting Spreadsheet (version 2). This application was submitted before this date and therefore is still assessed as improvement against a notional development that meets the requirements of Part L 2013. Regardless of the baseline used to compare the development proposal and the methodology used, the above energy policies all require development proposals to achieve the maximum possible operational regulated carbon savings, with the aim to be zero carbon.

Assessment

The Energy Statement submitted by the applicant has been reviewed in accordance with the Westminster City Plan 2019 -2040 Policy 36 A-E and the London Plan 2021 Policy SI2. The development targets energy efficiency improvements and carbon emissions reductions for the building.

The Baseline (the Target Emissions Rate) against which the carbon emissions savings have been calculated is based on Part L 2021 of the Building Regulations. The Applicant has calculated the carbon dioxide emissions related to each part of the development using the Building Regulations methodology Part L 2021. For the Proposed Development, a Part L calculation has been done to evaluate the major renovation works separately from the new-built extension. From the basement level to Level 4, the scheme was calculated using Part L 2021 and following a Notional specification for existing buildings as described in Appendix 3, Energy Assessment Guidance (June 2022). From Level 5 to the roof, the scheme was calculated using Part L 2021 and following a Notional specification for new buildings as given in the 2022 National Calculation Methodology.

The table below is a summary of the regulated carbon dioxide savings for the overall development (see the Sustainability Officer Response (Energy) dated March 2024 in the background papers for details of the new build and refurbished areas). The overall target of achieving an overall on-site regulated carbon emissions reduction of 35% over Part L 2021 has been complied with for the refurbished areas of the building. For the new build this has not been achieved; however, it is recognised that since the adoption of the new PartL 2021, meeting this target for new builds is very challenging therefore the targeting of 25% on-site regulated carbon emissions reduction is deemed acceptable.

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

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
Be Lean: Savings from energy demand reduction	110.1	57%
Be Clean: Savings from heat network	0	0%
Be Green: Savings from renewable energy	4.9	3%
Cumulative on-site savings	115	60%
Carbon shortfall	76.6	-
	Tonnes CO2	
Cumulative savings for offset payment	456	
Cash-in-lieu contribution	£150,480	

Be Lean

As illustrated in the Energy Statement, to maximise the energy efficiency of the development and thereby reduce energy demands, several key design principles have been incorporated. This strategy involves optimising the building envelope's performance and reducing the proportion of glazed surfaces to limit solar heat gain while still ensuring ample natural light (thereby reducing the need for artificial lighting and cooling). The design also features articulated facades that incorporate shading solutions and windows with openable panes in all orientations, facilitating mixed-mode ventilation and thereby decreasing reliance on HVAC systems (heating, ventilation, and air conditioning). These design choices are supported by the building's compact floor plans and the achieved percentage of openable area, enhancing overall energy efficiency.

Moreover, energy-efficient lighting and controls have been thoughtfully implemented across the entire development. These fixtures and control systems not only reduce energy consumption but also provide flexible and adaptable lighting solutions.

Be Clean

While the possibility of a site-wide heating system was explored, which would have included all demises within the main building in one efficient network, this option was ultimately deemed unviable as there are no district heat networks (DHN) within the vicinity of the application site and therefore there are no opportunities to make carbon

savings through connecting to a heat network. Therefore, in line with the requirements of WCC and the GLA the applicant has future proofed the plantroom space allocating circa 12m² for technical equipment which can be used to connect to a DHN should this become available in the future.

Be Green

The heating and cooling strategy for the site employs Hybrid VRF (variable refrigerant flow) air source heat pumps (ASPH) located at level 9, offering active heating and cooling to the office spaces. These systems are in line with the building's all-electric, zero fossil fuel requirements. Complementing the VRF systems, additional ASHPs serve the reception and basement areas, stairwells, and back-of-house locations, as well as providing domestic hot water to basement facilities. This decentralised approach to heating and cooling allows for targeted climate control across the building's various zones and enhances the flexibility and scalability of the system, accommodating different occupancy patterns and thermal loads with minimal energy waste.

In terms of ventilation strategy, each office level features dedicated Air Handling Units (AHUs) paired with Mechanical Ventilation with Heat Recovery (MVHR) systems, which recover energy from exhaust air to preheat incoming fresh air. The MVHR units, especially beneficial in areas like showers and changing rooms, manage moisture levels effectively, providing both energy efficiency and indoor air quality.

Additionally, the applicant has accommodated the Westminster City Council's request to enhance the solar energy capabilities of the building by expanding the area allocated for photovoltaic panels on the roofs. The total PV panels area has been increased by an additional 60 m² resulting in a total photovoltaic installation area of circa 90 m².

In conclusion, with regard to the energy issues, the proposal is considered to be acceptable and officers are now satisfied that the carbon savings are the maximum that can be achieved on site. A financial contribution towards the City Council's Carbon Offset Fund of £150,480 will be secured by legal agreement to fund carbon savings off-site to offset the residual operational carbon emissions arising from the proposed development.

The GLA have asked for additional information to further refine the energy strategy and submit further information to fully comply with London Plan requirements. Council officers are satisfied with the information that has been submitted and the GLA will be able to reconsider this matter when the case is referred back to it at Stage 2.

BREEAM

The Sustainable Design Statement explains that the proposed development is targeting a BREEAM score of 89.1%, which would exceed the minimum Outstanding score of 85%. The applicant comments that further opportunities to improve its score will be explored during design development.

Air Quality

London Plan Policy SI1 states that development proposals should not lead to further

deterioration of existing poor air quality; create any new areas that exceed air quality limits, or delay the date at which compliance will be achieved in areas that are currently in exceedance of legal limits; and create unacceptable risk of high levels of exposure to poor air quality. As a minimum, development proposals must be at least Air Quality Neutral, and should use design solutions to prevent or minimise increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro-fitted mitigation measures. Similar policy requirements are sought by Council Policy 32. Air quality and in the Environmental SPD, and Mayfair Neighbourhood Plan MES 1.2

The applicant has submitted an Air Quality Neutral Assessment. The report establishes that the proposed development is air quality neutral for buildings and transport. During the construction phase the impact of dust has been classed as that there is a High Risk of demolition and is a Medium Risk of construction dust impacts. The applicant's report sets out the proposed mitigation measures and subject to these being implemented (which should be sought as part of the Code of Construction requirements) the residual effect from all dust generating activities is predicted to be negligible and therefore not significant in accordance with the Mayors Guidance.

Flood Risk & Sustainable Drainage

The NPPF identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 169 of the NPPF confirms that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Policy GG6 of the London Plan seeks to help London become a more efficient and resilient by ensuring that buildings are designed to reduce impacts from natural hazards like flooding. London Plan Policy SI 12(C) states that development proposals should ensure that flood risk is minimised, mitigated and the residual risks are addressed. Developments should aim to achieve greenfield run-off rates by maximising the use of above ground Sustainable Urban Drainage Systems (SuDS) in line with policy SI 13 of the London Plan. Proposals should follow the drainage hierarchy set out at part B of the policy.

Policy 35 of the City Plan states that all development proposals should take flood risk into account and new development should reduce the risk of flooding. Part J states that new development should incorporate SuDs to alleviate and manage surface water flood risk. Developments should aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

A Drainage Strategy and a Flood Risk Assessment (FRA) have been submitted in support of the application. This confirms that the Site is located within Flood Zone 1, which generally indicates a low likelihood of flooding. A formal Sequential Test is not required for the site. The nearest areas within Flood Zone 2 and 3, a medium and high risk of flooding respectively, are associated with the River Thames and are located approximately 1.2 km to the south / south-east of the site. The Proposed Development is identified to be within a Surface Water Flood Risk (SFRA) Hotspot according to Westminster City Council SFRA and therefore qualifies for assessment. The surface water flood map produced by the Environment Agency indicates that the Proposed

Development is classified as having a Very Low probability of surface water flooding.

The proposed development is located within an area of increased potential for elevated groundwater, though this is considered to primarily pose a risk to underground structures. With the proposed waterproofing, the FRA concludes that the risk of groundwater flooding is considered to be Low.

The FRA states that the proposed drainage strategy reduces the surface water discharge rate to greenfield rates through attenuation via various SuDS measures such as green roofs, terrace planting and a rainwater harvesting tank. The drainage strategy states that the proposal achieves a 97% improvement in surface water discharge from the site.

Although the FRA concludes that, through the careful design and the incorporation of the above mitigation measures, the risk of flooding is reduced where possible and the proposed development is safe from flooding for its design lifetime and that it will not increase the risk of flooding elsewhere, there has been an objection from the consultant's (WSP) acting on behalf of the Council. Their objection is to lack of sufficient detail, including calculations related to climate change events that demonstrate that flood risk will not be increased to the site or surrounding area. Additionally, they are not satisfied that the development has assessed the floor risk that groundwater could pose to the new basement extension or the impact this could have on the surrounding area.

It is noted that the GLA considers that the FRA provided for the proposed development generally complies with The London Plan Policy SI.12. However, the GLA does state that in terms of sustainable drainage, more detailed hydraulic calculations should be provided including a range of storm durations and return periods, in particular for the detailed component of the application. It is noted that the Flood Studies Report (FSR) method has been used for the estimation of rainfall for simulation of the drainage networks. This method underpredicts rainfall intensity in the London area. As such, the drainage simulations should instead use the latest Flood Estimation Handbook (FEH22) method. Additionally an assessment of exceedance flood flow routes above the 100 year event plus 40% climate change should be provided.

The applicant has sought to address these concerns and additional information has been provided but this has not been sufficient to overcome the objection, for example insufficient information regarding water recycling and a water holding tank in the basement of the development. The applicant has made repeated efforts to engage with WSP and it is considered that the matter could be addressed but that it would be unreasonable for this to delay consideration of the application. Accordingly it is recommended that conditions are attached to the draft decision requiring the submission of the required information.

9.3 Biodiversity & Greening

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

London Plan Policy G5 Part (B) confirms that Local Planning Authorities should develop

an Urban Greening Factor (UGF) assessment for their Borough. In the interim, the Mayor recommends that development proposals seek to achieve an Urban Greening Factor score of 0.3 for major developments which are predominantly commercial. London Plan Policy G6(D) requires development proposal to manage impacts on biodiversity and aim to secure net biodiversity gain. Policy 2,3 of the Mayfair Neighbourhood Plan supports greening measures.

City Plan Policy 35(G) states, “Developments should achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats”.

The proposal includes the provision of greenery at multiple locations across the terraces at the uppermost storeys, from the fourth floor to the roof. The GLA considers that the proposed development presents a well-considered approach to integrating green infrastructure and urban greening within the masterplan which is strongly supported. This includes the incorporation of green roof areas and proposed trees on the terraces, which supports multifunctionality. The applicant has calculated the Urban Greening Factor (UGF) score of the proposed development as 0.31, which exceeds the target set by Policy G5 of the London Plan.

However, the GLA comment that applicant has excluded the streetscape within the site boundary. This does not comply with the UGF Guidance, and as such is not in accordance with Policy G5 of the London Plan. The GLA requests that the applicant should review the UGF calculation for the total site area, equivalent to the red line boundary. This is a matter that will need to be addressed as part of the Stage 2 referral. Their request that the opportunity for the provision of biosolar roofing should be explored has been addressed by the applicant, with the introduction of additional PV screens on some of the terraces.

Measures to improve diversity through the Biodiversity Net Gain were introduced on 12th April 2024. The Biodiversity Impact Assessment that accompanies the application advises that the existing biodiversity baseline is 0.03 biodiversity units, which will increase to 1.14 biodiversity units, a net change in biodiversity units of 1.11, or an uplift of 3373.92%. The net gain is calculated by comparing the pre development baseline (almost entirely developed land; sealed surface) and the post development baseline (includes significant green infrastructure). This increase is welcome.

There are no trees on the site itself but there is one single English elm tree directly adjacent to the site on Brook Street. The tree is classified as a Category A tree with significant historical and commemorative value in that it was planted to commemorate 125 years of Fenwick Bond Street, in memory of Peter J Lockyer, 1960-2016. An Arboricultural Impact Assessment, has been submitted, which identifies the need only for minor facilitation pruning on the building façade side, to allow the development to be delivered.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

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

Section 72 of the LBCA Act requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

Relevant Council policy comprises Policy 38 Design Principles, Policy 39 Westminster's heritage, Policy 40 Townscape and architecture, Policy 41 Building height and Policy 44 Security measures in the public realm.

Key representation - GLA

London Plan Policy HC1 states that proposals affecting heritage assets, and their settings should conserve their significance, avoid harm, and identify enhancement opportunities. The NPPF states that when considering the impact of the proposal on the significance of a heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The NPPF states that in weighing applications that affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

The GLA comments that the demolition of 57 to 59 New Bond Street (Salisbury House) is not considered to cause harm to the conservation area. The proposed extensions at upper floor levels are considered to cause a low level of direct harm to the significance of the Mayfair Conservation Area. However, the GLA does consider there to be some levels of harms, as follows:

- the large office entrance on Brook Street is considered to cause some harm to

the conservation area through the disruption of the unity of a historic, albeit altered, facade from circa 1838;

- the loss of the mansard roof at Number 13 Brook Street;
- jacking up parts of the facade is considered to be harmful, since it results in the loss of historic hierarchy of floors, a sensation of disproportion, a visual issue in its relationship with 5 to 13 Brook Street adjacent with the Palladian pattern of the window hoods on Brook Street and the proposal results in the richness of the historic façade at 62-63 New Bond Street being elevated above a plainer and more contemporary ground and first floor; and
- the introduction of a large, heavily glazed retail floor at first floor is harmful since the appearance will be anachronistic in historical architectural terms.

Overall, though, GLA officers consider that a very low level of harm would result from the proposed development on all of the nearby heritage assets, except from the Mayfair Conservation area which would see a low level of harm.

Key Representations - Historic England

The key comments from Historic England are as follows:

- Although noticeably taller than the existing buildings further along New Bond Street, as a prominent corner site, they consider that the increase in height of the frontage buildings would not overwhelm the streetscape. The increased height would also help to soften the harsh juxtaposition with the Brook Street hotel development which is currently under construction next door.
- While they have no in-principle issue with the removal of the 1988-9 shopfronts, they consider that the creation of double-height units would distort the proportions of the historic facades. The Corner Building would be particularly affected due to the sleek stripped-back glazed design of the shopfronts which would contrast with the more elaborate decoration above.
- They note that the shopfront design for the Corner Building has been slightly refined to include more robust masonry mullions to the first-floor windows in response to the concerns raised at pre-application stage but this is unchanged and they still consider some harm of a relatively low level would be caused to the Mayfair Conservation Area through the distortion of the Corner Building's proportions and architectural character.
- Taking account of the consented scheme, they consider that most of the proposed changes could be accommodated without causing any additional harm to the Mayfair Conservation area and the setting of nearby listed buildings. They welcome the cleaner and more architectural coherent roofscape proposed in the current plans which they consider an improvement on the consented.
- They note that the design of the new shopfront for the Corner Building has not changed significantly since their pre-application discussions and therefore remain of the view that the predominantly glazed shopfront would detract from the richly decorative architecture above, causing some harm to the Mayfair Conservation Area.
- In determining the application, advise that the Council should consider whether this harm, which they consider to be of a low level, has been clearly and convincingly justified and outweighed by public benefits in accordance with the NPPF.

Officer Assessment

The application site comprises a group of buildings in the Mayfair Conservation Area to which they make a positive contribution. It has frontages to New Bond Street and Brook Street and was, until recently, mostly occupied by Fenwick. There are several listed building nearby and the site is an area of special archaeological priority.

Permission has previously been granted for substantial alterations and extensions on the site for Fenwick, but those alterations were specific to their requirements, do not suit a multi-occupancy arrangement, and do not optimise use of the site.

Partial demolition and redevelopment of the buildings behind their retained facades is proposed. Some of the street frontages are to be raised by addition of a storey at ground floor level, which will allow the facades and their attractive outlines to be maintained while concealing the additional height and bulk of the new upper floors from most street level views. The existing, rather squat and repetitive shopfronts (reflecting the previous commercial tenure of the buildings), will be replaced with a designs of greater practicality and visual interest, each tailored to suit the individual buildings. The facades of 5-15 Brook Street are to be retained at their current level with upward extensions in matching materials/designs and some modifications around the existing windows

Currently, the maximum amount of demolition likely to be required is shown on the drawings. As regards 57-59 New Bond Street, preliminary investigations indicate it is in poor condition despite being fairly modern, and may not be structurally capable of ensuring the lifting process. Therefore, it is proposed for demolition and reconstruction. There is no objection in design or heritage asset terms to the treatment of the building in this way and should it be possible to retain the façade then it is stated the development will be carried out in that way.

The GLA has commented that there is increased visibility of the newly proposed built form from the street scene and they would welcome further material experimentation to minimise this impact, which they believe could be achieved through the use of lighter materials for the upper levels.

Where visible from surrounding properties the new upper floors will be seen in the context of the recently redeveloped, neighbouring, property at 22 Hanover Square. At street level, the upper floors will be slightly visible from, for example, the junction of Brook Street to the west of New Bond Street and most obvious in views from Brook's Mews. However, the facades have been carefully designed and detailed using appropriate materials. Therefore, they will not appear incongruous in these views. Similarly, when seen from the upper floors of surrounding properties the new building will be an improvement compared to the existing rooftop clutter of mechanical plant.

Natural Portland stone, both curved and straight, with a honed finish, will clad the new ground floor and level 1 shopfronts (as well as the upper facades on levels 5 and 6). Grey granite with a flamed finish will form the ground floor plinths at pavement level. White timber frames will be used in replacement windows on the lower levels up to Level 5 to suit the historic character and appearance of the surrounding conservation area. The shopfronts will be of bronze frames, patinated and waxed, along with and the office entrance on the ground and first floors. Bronze-coloured steel frames will be used at the

upper levels, from Level 6 and above. Grey slate, curved and straight, with a matte honed finish, will clad the facade from level 7 to level 9 and the level 10 pavilion. This will add visual interest to the uppermost levels. The east and south facades will be clad with brick slips to complement the surrounding architecture. These material are acceptable in principle, and samples may be approved by condition.

Some concerns have been raised by Historic England about the detailed design of the new double-height shopfronts. However, these aspects of the proposal are acceptable in design and heritage asset terms and provide a suitably deferential, yet modern, base to the retained and raised facades above. Public art is to be provided as part of the development and this is to be located at the new office entrance in Brook Street. This is an appropriate location and details of the art may be secured by condition.

Impact on Heritage Assets

The comments from the GLA and Historic England are noted, but overall, and as set out above, the proposal is considered to cause less than substantial harm to the character and appearance of the Mayfair Conservation Area. The harm would be due, mostly, to the occasionally conspicuous upward extension of the building and to the scale of the office entrance in Brook Street which asserts its presence rather strongly. The level of harm caused would be at the lower end of less than substantial and the proposals are considered to be acceptable in design and heritage terms.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant (see section 9.11 for a fuller assessment of the planning balance):

- Substantial contribution towards the City Council's growth policy objectives and targets within the heart of the Central Activities Zone (CAZ);
- The provision of new high quality retail accommodation, which will support and enhance this part of the West End to compete with other global shopping destinations, in accordance with strategic policy;
- Improved quality active frontages, encouraging increased activity, vitality and vibrancy at street level;
- The creation of a package of employment and training benefits;
- Significant employment opportunities in the local area, both during the construction and during the whole lifetime of the building;
- The delivery of a highly sustainable scheme, retaining around half of the existing structure and three quarters of the historic facades, embracing the net zero carbon and wider sustainability and environmental performance objectives;
- Delivery of high quality, well-designed buildings which will enhance the character and appearance of the surrounding area and preserve the Mayfair Conservation Area;
- Significantly increased urban greening and biodiversity, with the provision of over 1,100 sqm of greenery across the new terraces; and
- Significant enhancements to the accessibility and inclusivity of the building.

The public benefits summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in

compliance with paragraph 208 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 206 of the NPPF.

Fire Safety

The GLA advises that In the interests of fire safety and to ensure the safety of all building users, Policy D12 of the London Plan seeks to ensure that development proposals achieve the highest standards of fire safety. A fire statement has been submitted with the planning application which has been prepared by a fire engineer, i.e. a suitably qualified assessor, as required by Policy D12 and the Fire Safety draft LPG.

The submitted Fire Statement is in accordance with the requirements of London Plan Policies D5 and D12 and should be secured by condition as part of any consent.

Inclusive Access

London Plan Policy D5 seeks to ensure that new development achieves the highest standards of accessible and inclusive design, and any development should ensure that it can be entered and used safely, easily and with dignity by all; is convenient and welcoming; and provides independent access without additional undue effort, separation or special treatment. City Plan Policy 38 Design principles seeks all development to create inclusive and accessible spaces and places.

The application submission includes an Inclusive Design and Accessibility Statement which demonstrates that the application includes significant efforts to embed inclusive design throughout the development. These interventions include providing step-free access to all floor levels, levelling internal layouts and the consideration of how to accommodate users who are neurodiverse.

Landscaping & Public Realm

Relevant City Plan policies are Policy 40. Townscape and architecture, Policy 43. Public realm and Policy 34(H) & (I). Green infrastructure.

The GLA has commented on the absence of any details to demonstrate any improvements to the public realm along Bond Street and they request for more information on this element. However, in view of the relatively recent major refurbishment of New Bond Street, there are not considered to be any reasonable grounds for requesting additional works as part of this development.

There is potential for some public realm changes along Brook Street, if there were agreement about moving, or removing, the taxi rank currently on the south side of Brook Street (without the loss of paid for parking spaces on the north side), if this was in order to provide more easily accessible short stay cycle parking facilities. The current proposals are considered to be acceptable, but the recommendation allows for potential highway works if the issue of the taxi rank is resolved at a future date, possibly following the stage 2 referral back to the Mayor of London.

Archaeology

Council Policy 39(N), (O) & (P relates to Westminster's heritage. Although there is no new basement as part of the development, there are some excavation works in the southeast quadrant of the site to laterally extend the existing basement, and Historic England (Archaeology) believe that there could be a relatively well-preserved sequence of post-medieval and potentially earlier remains.

Historic England (Archaeology) objects to the application and requested excavation of trial pits to establish the archaeological potential of the site (based on some archaeological finds at nearby development sites, including the potential for prehistoric and Civil War archaeology) before a decision is made on the application. This is in addition to the usual desk-based assessment (DBA) but the findings of the requested evaluation excavation recently carried out supports the conclusions of the DBS, namely that there is no indication of potential for archaeological assets of national importance on the site. The DBA identifies that there is a low potential for any prehistoric, Roman or medieval remains, while there is a possibly moderate potential for paleoenvironmental remains and a localised moderate potential for truncated post-medieval remains.

The objection refers to relevant planning policies and policy guidance in the National Planning Policy Framework (NPPF, August 2023) and advises that they need more information before they can advise on the effects on archaeological interest and their implications for the planning decision. If more archaeological information is not received before a planning decision is made, recommend that the applicant's failure to submit that is included as a reason for refusal.

However, Council officers consider that the applicant has gone as far as possible to address the objection (with repeated attempts to engage with Historic England (Archaeology) to discuss their concerns) and the final evaluation and recording of the site can be adequately dealt with by an archaeological watching brief and recording condition.

9.5 Residential Amenity

The City Council places high priority on protecting residential amenity, with City Plan Policy 7(A) stating that development will be neighbourly by, *'Protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking'*. City Plan Policy 33(A) states, *'The council will make sure that quality of life and health and wellbeing of existing and future occupiers, and the natural environment are not adversely affected by harmful pollutants and other negative impacts on the local environment'*.

At the national level, Paragraph 130 of the NPPF refers to the need to secure a high standard of amenity for all existing and future occupants of land and buildings. London plan policy D6(D) states that the design of developments should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst minimising overshadowing and maximising the usability of outside amenity space.

Daylight & Sunlight

The commonly accepted methodology for assessing the impact of development proposals upon daylight and sunlight is the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The third edition of this guidance was published in 2022.

Daylight

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

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

Sunlight

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

Assessment

There is relatively limited residential use in the surrounding area, where the predominate use, even at the upper floors, is commercial. However, residential accommodation (up to 81 residential units were approved in the 2017 planning permission, along with hotel and ancillary bars, restaurants and leisure facilities) is in the new development at 22 Hanover Square, to the east of the site, which is taller than the existing site and of a similar scale to the proposed development. 22 Hanover Square contains residential use in the northern building (fronting Brook Street) and at the upper floors of the southern building. The lower portion of the southern building contains hotel accommodation, which is less sensitive to amenity impacts than residential use. As with all buildings that might be affected by the proposals, consultation letters have been sent to this building but it is not known if any of these unit are yet occupied and no consultation responses have been received from occupiers in this building. More limited residential use is also present to the north at 21 Hanover Square and 16-18 Brook Street, to the west at 120-122 New Bond Street and 111- 115 New Bond Street and, further away to the south at 51 Maddox

Street. Two objections have been from residents in New Bond Street and Maddox Street on grounds of loss of light.

The applicant advises that the proposed development has been conceived and designed with the aim of avoiding a material worsening of the impact on the amenity of surrounding properties, compared to the approved development for which planning permission has already been granted. This has been achieved primarily by carefully sculpting the proposed massing and building envelope, including by the introduction of the terraces and progressive stepping back of the building line at the upper levels. The highest elements of the new upper massing have been positioned toward the southeast of the plot, to limit its visibility in key views from the surroundings, but the applicant states that it has also been sculpted to sit nearer to the hotel accommodation (in the lower levels of the southern element) than the residential accommodation. In addition, the uppermost storeys also step back away from the east and therefore 22 Hanover Square.

The applicant has submitted an assessment of the impact of the increase in height and bulk of the proposed development upon the amount of sunlight (the Annual Probable Sunlight Hours), daylight (VSC) and the distribution of that daylight within affected rooms (NSL) to residential properties within the vicinity of the site. The buildings that have been assessed are as follows:

- 16-18 Brook Street
- 21 Hanover Square
- 22 Hanover Square
- 51 Maddox Street
- 120-122 New Bond Street
- 111-115 New Bond Street (top floors only)

The results of analysis of the impact of the proposals demonstrate that 21 Hanover Square, 51 Maddox Street and 111-115 New Bond Street fully adhere to the BRE guidelines and therefore the effects to them will not be noticeable. With regard to the objection on amenity ground grounds from the occupier in Maddox Street, the buildings located in between the site and Maddox Street would prevent any significant impact on the amenity of the objector's property.

Each of the remaining properties experience some effects that exceed the BRE criteria which are described in more detail below.

120-122 New Bond Street:

This comprises two building and is located to the west of the site and contains residential accommodation above ground floor retail space. There are two residential dwellings face towards the site: it is the occupier of one of these who has objected to the proposal on grounds of loss of light and this property has been visited by the case officer. One flat comprises a lateral conversion (used as sitting rooms) between the first floors of both buildings, with a bedroom on each of the second and third floors of one building. The second and third floors of the other building are a maisonette and it is believed that the sitting room is at second floor level and a bedroom at third floor level.

The results of the VSC analysis show that 9 of the 12 windows assessed (on the front façade, one room known to be a bedroom, with unaffected rooflights, and the other room also believed to be a bedroom) would meet the VSC criteria when the effects are considered against the existing building. The other three windows would only experience VSC changes of between 21.1-23.0% so are just slightly beyond guidance. Furthermore, the windows would each retain between 19-20% VSC which is a very good level for this area of central London.

For NSL, the results demonstrate that two of the six rooms (one a sitting room and one a bedroom) assessed would experience relative losses of 21.3% and 25.6% respectively so are only marginally beyond guidance. Furthermore, the room to experience the slightly larger loss is in use as a bedroom. Paragraph 2.2.10 of the BRE states *“bedrooms should also be analysed (for NSL) although they are less important”* so are generally considered to be less sensitive than main habitable rooms by local planning authorities. Nevertheless, the impacts are at a scale which is very common in central London locations and not dissimilar to other losses that the Council has previously considered acceptable elsewhere.

For sunlight, all main habitable rooms are northerly orientated so have therefore not been considered within the APSH analysis as per the BRE recommendations.

Overall, the effect to this building is considered to be reasonable and the occupants will continue to enjoy good levels of daylight for this central London location. Whilst sympathetic to the objector’s concerns that the proposal will affect his daughter’s bedroom (also used for homework, etc) the impact of the proposals is considered to be acceptable in this location and would not justify a refusal on planning grounds. This objection is therefore not considered to be sustainable.

16-18 Brook Street:

This property is located to the north of the site. It is understood that there are three residential dwellings facing towards the site which are located above retail uses on the ground and 1st floor. Room layouts have been modelled from plans obtained from a previous planning application for this building.

The results of the VSC technical analysis show that 41 of the 42 windows assessed would meet the VSC criteria. The remaining window experiences a relative change of 23.6% but this is located beneath a balcony and in instances such as this, paragraph 2.2.13 of the BRE states *“existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight”*. Both of the windows located directly next to this window would meet the BRE criteria, indicating that the window would meet the BRE criteria were it not for this architectural feature. Therefore, it is the presence of the balcony rather than the Proposed Development which is the main factor in the relative loss of light.

For NSL, all 12 habitable rooms assessed will meet the BRE criteria. In regard to sunlight, the 3 living rooms assessed would comfortably meet the BRE criteria retaining at least four times the winter APSH targets and at least three times the total APSH

targets. Overall, the effect to this property is negligible.

22 Hanover Square:

This building is located directly to the east of the Site and is in the final stage of construction. The building is split into two blocks, with the northern block being entirely in residential use and the southern block in use as a hotel up to the 6th floor with residential use above. Internal room layouts and uses have been modelled from floorplans obtained from Council planning records.

When assessing the impact of the 2020 scheme, it was noted that there are a number of residential habitable windows, including single aspect flats, which directly face across the then existing Fenwick store. These future residential properties are located close to Fenwick's site boundary, arguably placing a significant unfair burden over the Fenwick site. It was also noted that there was a previous permission for fewer (41) flats, where less of the principle habitable rooms were orientated towards the Fenwick site, but that the developer of that site pursued a more intensive scheme for up to 81 flats.

At the time of the 2020 scheme, the developer of 22 Hanover Square advised that they have been consulted by Fenwick in relation to their planning application, and had held a dialogue in relation to the plans, and that they had no objections to that planning application.

It was noted that as part of the application submission for 22 Hanover Square, no regard appeared to have been given to the potential development of Fenwick. The application for the Fenwick scheme referred to the BRE Guidelines with regard to these unique circumstances, which stated that "...a higher degree of obstruction may be unavoidable if new development are to match the height and proportions of existing buildings". Appendix F5 stated "...in cases where an existing building has windows that are unusually close to the site boundary... To ensure new development matches the height and proportions of existing buildings, the VSC and APSH targets could be set to those for a 'mirror-image' building of the same height and size, an equal distance away on the other side of the boundary". This advice has been retained in the attest version of the BRE Guidelines.

As with the earlier scheme approved by the Council, the current proposals would involve comparable, and significant, losses of daylight and sunlight for the new hotel rooms and flats – a few windows would lose up to 92% of their VSC (though these are mostly hotel rooms and bedrooms to flats), and a number of others lose varying amounts between the recommended 20% up to 90%. There are comparable losses of sunlight. This is unfortunate, but has largely arisen due to the fact that any heightening of the application site would have a material impact on the neighbouring windows since they have been built so close to the application site. This has the effect of prejudicing any upward extension of the Fenwick site, as any such extension would lead to light reductions to below the BRE recommendations.

However, it is considered important to compare the current scheme with the approved one and the following table provided by the applicant's daylighting consultants summarises the results for the proposed development compared with the existing situation and the approved scheme.

Assessment	Scenario	No. Meeting BRE Criteria	20-30% Change	30-40% Change	>40% Change	Total No. Assessed
VSC	Consented	58	6	11	154	229
	Proposed	60	4	8	157	
NSL	Consented	39	4	9	74	126
	Proposed	36	5	9	76	
APSH	Consented	9	0	0	27	36
	Proposed	10	0	0	26	

The above table demonstrates the effects of the approved scheme and the proposed development broadly fall within the same percentage change categories. In relation to VSC there has been a redistribution of effects with 2 additional windows meeting guidance for the proposed development. These windows are all located within the northern block. 3 additional windows will experience effects of 40% or more, however overall the VSC effects are very comparable.

For NSL, 3 additional rooms fall short of guidance, with the majority of these rooms being in use as 'less important' bedrooms/hotel rooms. Just one additional living room would fall short of guidance which would experience a relative change of 34.5% which is not uncommon for schemes located within central London locations. The effects to the remaining rooms are very similar between the two schemes. For sunlight, one additional room would meet guidance for the proposed development so again the effects are very comparable.

When comparing the approved scheme with the proposed development (VSC and APSH), the VSC results demonstrate that 154 of the 229 windows (67%) will either receive improved levels of VSC by comparison to the approved scheme or they will meet the VSC criteria. The degree of improvement varies across the elevation, with more noticeable improvements (up to 14% absolute VSC) experienced by the windows at the upper levels of the northerly block and changes to the upper levels of the southern block (up to 8% absolute VSC). Overall, two thirds of the windows see some degree of improvement by comparison to the Consented Scheme or will retain values that are compliant with the BRE targets which is a significant achievement.

A further 53 windows (23%) would experience less than a 1% change in absolute VSC by comparison to the approved scheme, which is unlikely to be perceptible. Of the remaining 22 windows, 10 (4%) would experience changes in absolute VSC of between 1-2% by comparison to the Consented Scheme. Again, there are unlikely to be and perceptible differences to these windows.

The remaining 12 windows (6%) are located on the 9th and 10th floors and would experience absolute changes in VSC that range from 2.2-7.7%. Whilst in some

instances, these additional changes could be noticeable, 10 of these windows would retain between 21-25% VSC which is a very high level of daylight for a Central London location. The remaining 2 windows would retain between 15-16.5% VSC which is a level commonly seen and considered acceptable in dense central London locations such as this.

Full details of the VSC comparison between the existing, approved and proposed analysis are provided in Appendix A.

In regard to sunlight, the APSH results demonstrate that 14 of the 36 (38%) southerly orientated living/studio rooms would either receive greater levels of sunlight by comparison to the approved scheme or would continue to meet the BRE targets. 17 rooms (47%) would experience no change at all and therefore 86% of rooms either experience no change or improved levels of sunlight by comparison to the approved scheme. The remaining 5 rooms (14%) would experience changes that range between 1- 3% APSH which is unlikely to materially alter the amenity of the rooms.

Overall, the daylight and sunlight effects of the proposed development have reduced by comparison to the approved scheme. In the few instances where there are further reductions compared with the approved scheme, in the majority of cases they are unlikely to be perceptible or where they are, the retained values remain good for central London. Furthermore the retained values are higher than what has previously been considered appropriate for this site.

The current proposals are slightly higher than the approved scheme but do include some changes to the massing at the upper levels. The overall impact on 22 Hanover Square is considered to be comparable with the scheme that the Council approved in 2020 and which is an extant permission that could still be implemented. Bearing this in mind, it is again considered that to refuse the proposals because of the impact it would have on windows built close to the shared boundary would not in the circumstances be reasonable or equitable. It is also necessary to balance the impact on residential amenity in these circumstances against the benefits the proposal will bring in line with other local planning policies, listed in detail in section 9.11 below. Therefore, given the approved permission, and that the BRE guidelines are to be interpreted flexibly in appropriate circumstances, the proposals are considered acceptable in daylight and sunlight terms in this case.

Sense of Enclosure

The application site and the residential and hotel accommodation in 22 Hanover Square are in very close proximity and any increases to the application site will increase enclosure to the windows in 22 Hanover Square. However, for the reasons outlined above, this is considered acceptable in this special case. It is not considered that the proposals will have any adverse impact on the sense of enclosure to any of the other residential properties.

Roof Terraces - privacy and noise nuisance

The scheme includes a number of terraces: most of these are set back on the New Bond Street frontage and are not considered to pose a problem for the amenity of

neighbouring residents. The Mayfair Neighbourhood Forum has asked the use of the roof terraces by condition so they are not used after 11pm in order to protect the amenity of neighbours – 10pm is considered to be a more appropriate time in this location. As with most new terraces for offices, their use will be restricted to the use of office occupiers (in case the use were to change to another use within Class E at a future date), as well as preventing the playing of live or recorded music. A condition also requires the provision of screens to prevent overlooking where terraces are close to the windows in 22 Hanover Square.

With regard to the new windows in the east elevation of the development, these could result in a loss of privacy through overlooking of the flats in 22 Hanover Square, as well as potential light pollution. In this case it is considered appropriate to require the new office windows to have obscure glazing, details of which are secured by condition.

Noise & Vibration

The proposals include significant amounts of replacement mechanical plant. Policy 33(B). Local environmental impacts and the Environmental Supplementary Planning Document Adopted 2022 (ESPD). Seek to prevent noise nuisance. The application submission included a noise assessment: this has been assessed by Environmental Sciences, who have no objections to the proposals subject to standard noise restrictions by condition.

9.6 Transportation, Accessibility & Servicing

Chapter 9 of the NPPF sets out the Government's policies with regards to Transport. The overall aims are to promote solutions that support a reduction in greenhouse gas emissions and reduce congestion, which also contribute to wider sustainability and health objectives. The NPPF outlines aims for a transport system balanced in favour of sustainable transport modes, in order to give people a real choice about how they travel.

London Plan policy T1(B) encourages development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

London Plan Policy T2(D) requires that development proposals should demonstrate how they would deliver improvements that support the ten Healthy Streets Indicators in line with Transport for London guidance, reduce the dominance of vehicles on London's streets, and be permeable by foot and cycle and connect to local walking and cycling networks as well as public transport.

London Plan policy T4 requires transport assessments submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed.

Relevant Council policies in this case are Policy 24. Sustainable transport, Policy 25. Walking and cycling, Policy 26. Public transport and infrastructure, Policy 27. Parking,

Policy 28. Highway access and management. Policy 29. Freight and servicing, and Policy 37(B). Waste management

The planning submission is accompanied by a Healthy Streets Transport Assessment, a Transport Assessment, a Framework Travel Plan

Highway Impact

The site has a Public Transport Accessibility ('PTAL') Level 6b on a scale where 0 is low and 6b high. Oxford Street Underground station, Bond Street underground station and Tottenham Court Road Underground station are located within a fifteen-minute walk from the site, including the new entrances to the Elizabeth line at Hanover Square and Davies Street, which are a 3-4-minute walk from the site. There are also a number of bus stops located along Oxford Street and Regent Street, which provide routes across London.

The GLA notes that the submitted Transport Assessment includes a comparison of the proposals expected trip generation against the extant permission and existing use, for office use only. The proposals are predicted to generate in the region of 350 two-way trips in each peak hour, with the vast majority undertaken by sustainable modes, in line with London Plan Policy T1. Although no specific trip generation for the retail units is provided, it is agreed that the reduction in floorspace would correlate with a reduction in trips and overall, in this instance mitigation towards public transport capacity is not required.

A Construction Logistics Plan (CLP) has been provided in support of the application outlining the indicative strategy for construction vehicles and how the impacts would be managed. The GLA comment that in line with London Plan policy T7, the final secured CLP will need to include details of how these works would be mitigated to ensure the safety of vulnerable road users at all times of day. Any temporary changes to the adjacent taxi stand would need to be agreed in advance with TfL. Although these matters would normally be dealt with as part of the Council's Code of Construction Practice, a condition is considered appropriate in this case to deal with the GLA's interest in this matter.

The GLA did note that the site is located 50 meters south of the Elizabeth line and as such Infrastructure Protection conditions are likely to be required as part of any permission. However, Crossrail has separately advised that it has no comment to make and on this basis conditions are not considered to be required.

Accessibility

In accordance with the GLA's policies regarding healthy streets, walking and vision zero, an active travel zone (ATZ) assessment, including the night-time environment, has been undertaken, reviewing routes to key destinations against the 10 Healthy Streets indicators. The GLA notes although the routes are generally of good quality, there are some areas for improvement where TfL would support the Council in seeking developer contributions to delivery of these in line with London Plan Policy T2. However, there are not considered to be reasonable grounds for seeking contributions beyond the vicinity of the site (bearing in mind the recent improvements to New Bond Street and Brook

Street).

Car Parking

It is not intended that the site should have any car parking, which is welcome and in line with London Plan and City Plan policies. The GLA and TfL note that the closest on street disabled persons parking bay is currently 90m from the site; given that this is beyond the recommended maximum of 50m, alternatives should be identified in closer proximity to the front door of the development. The accessible route from front door to the parking space(s) should also be confirmed. It is considered that these matters should be dealt with directly between the applicant and the GLA/TfL.

Servicing and Waste & Recycling Storage

London Plan Policy T7 requires servicing and deliveries to take place on-site. In this instance, as much of the existing building is being retained which constrains the ability to deliver this, it is proposed that servicing activity will continue to take place (as per the former department use and the extant permission) from the dedicated loading bays on Brook Street. Policy 29 does also make an allowance for development where it is not possible to fully meet these needs within the site itself and states that in this situation the needs 'must be met in such a way that minimises adverse effects on other highway and public realm users, and other residential or commercial activity'.

The applicant advises that the servicing frequencies are predicted as follows:

Use	Extant Servicing Visits (Average Daily)	Proposed Servicing Visits (Average Daily)
Retail	20	8
Office	16	21
Total Daily	36	30

The overall delivery and servicing frequencies are therefore anticipated to reduce to that of the extant (2020) development. The proposals would aim to consolidate deliveries and plan these outside of highway peak hours, as far as possible. A Delivery and Servicing Plan has been submitted but the final plan should be secured by condition as part of any permission, having regard to potential occupiers and in the event that changes to the highway layout on Brook Street are subsequently agreed (see Cycling & Cycle Storage and the Brook Street Taxi Rank).

Based on the information submitted with the application, the applicant has not demonstrated that all of the range of uses within Class E would not have a detrimental impact on the highway or highway users. For example, the on-street servicing arrangements may not be suitable for all of the uses possible under Class E, such as restaurants, which would require more intensive servicing. It is therefore considered to be appropriate to restrict the use of the building to the uses sought (also considered necessary in land use terms to meet other policy objectives): this would mean that a revised Transport Assessment and Servicing Management Plan could be sought in the event that alternative uses were applied for at a future date.

Cycling & Cycle Storage and the Brook Street Taxi Rank

The proposal incorporates a bike store for the office accommodation with a capacity of 220 bike spaces with 9 Sheffield stands for another 13 bikes, and a retail bike store for 34 spaces (as well as welcome provision of showers and staff lockers). The minimum parking standards set out in GLA policy T5 are

Office – Long-stay - 217, short-stay – 13;
Retail – Long-stay – 8, short-stay – 25;

Long stay cycle parking is proposed in line with London Plan standards contained within Policy T5 and the London Cycle Design Standards (LCDS) within the lower ground floor of the development accessed from Brook Street. However, the 38 short stay cycle parking required by policy is also proposed within the lower ground floor. Short stay cycle parking should be in convenient and accessible locations, close to site entrance. TfL comment that the proposed location at lower ground floor is unsatisfactory and raises issues around how it would be used by visitors to the site, such as access into the store, which is assumed to be via key fob / pass or similar. (They have also asked for more detailed information, such as arrangements for cyclists in the event of the lift breaking down.)

The applicant wanted to put some of the short-stay cycle parking on-street (as opposed to an easily accessible location within the development), where space is at a premium. One option put forward was to remove the taxi bay on the south side of Brook Street but it is understood that the taxi trade do not want to lose. However, the area to which the applicant wanted to move the taxi bay, to the north side of the street, currently provides on-street visitor parking, and officers have been advised that the bays in question are well used, and the Parking Team do not want to lose them.

Both the GLA and TfL believes that there is potential for some cycle parking to be delivered via a re-organisation of street space on Brook Street and they strongly encourage this to be explored. They state that loss of the existing taxi rank outside the site on the southern side of Brook Street would not be acceptable without a nearby alternative being delivered. TfL requests that a solution is developed by stakeholders and delivery attached to any permission. Particularly with regard to the taxi ranking space TfL wish to review designs and proposals prior to determination.

At the time of writing the Highways Planning Manager does not think that a way has been found of accommodating the taxi rank, parking bays and short-stay cycle parking on-street. The applicant is now proposing that all the long and short stay cycle parking should be provided within the building, which he thinks is acceptable, albeit not ideal.

In the opinion of the Highways Planning Manager, a better option would be to lose the taxi rank and have some short-stay cycle parking on-street. The surveys that the applicant has carried out show that the taxi bay was only ever used a maximum of 6% of the time and even in that survey only 12 of the 19 visits to the bay over the whole day were "legitimate" (i.e. seven vehicles using the taxi bay were not taxis).

The applicant's transport consultant's conclusion is that all taxi bays experienced

exceptionally low use throughout the survey, particularly the bay directly outside the application site. In contrast, the loading and parking bays were all relatively well used. This demonstrates that the taxi ranks are substantially underutilised and represent a far less efficient / beneficial use of highway space than the other bays. The taxi bay on Brook Street directly outside the application site experienced the lowest level of utilisation. Over the 3 full survey days this bay experienced just 9, 12 and 7 taxi visits respectively, corresponding to an average taxi bay occupancy of 3%. This suggests that this area could be better utilised for other purposes and to provide wider public benefits.

While the Highways Planning Manager is happy for the application to be approved as it now stands, with the short-stay cycle parking within the building as an overprovision of long-stay cycle parking, he hopes that discussions can continue with regard to some provision being made on-street. This is a matter that the Mayor of London could consider as part of the Stage 2 referral.

Travel Plan

A Travel Plan has been submitted and forms an acceptable baseline for promoting higher levels of active travel to and from the site, including targets, monitoring and measuring of travel behaviour. The final travel plan including on-going monitoring and funding should be secured as part of any permission in line with London Plan Policy T4 (and has been included as one of the obligations to be secured as part of the s106 legal agreement).

Stopping Up

The existing building line incorporates very minor areas of land between the existing pillars. Whilst those are not regularly traversed across, as they are immediately in front of the existing façade and between existing architectural features, the applicant acknowledges that these areas may form part of the highway. There is also a recessed entrance on the corner of Brook Street and New Bond Street, which provides the entrance into the former Fenwick department store, and although visibly demarcated to be separate from the highway on Brook Street and New Bond Street, it is again likely that this is part of the highway.

The design of the development includes the building façade for the ground floor incorporating these areas referred to above, so that the building line abuts what will commonly be understood to be the highway boundary. Under these circumstances, and in the interest of removing any potential impediment to its delivery, the stopping up of those small, isolated areas of land is sought as part of this development.

The City Council has previously accepted elsewhere that an element of stopping up is necessary where existing facades are being retained or altered, particularly where (as in this case) those small areas of land would not genuinely reduce space on the highway for pedestrians and vehicles or impede movement and traffic flow. Ample space would remain for pedestrian movement and the proposals will have no material impact whatsoever on usable footway width.

The Council's Highway Planning Manager agrees that there is some ambiguity about the status of these pieces of land. Whilst Policy 28 normally resists proposals which involve

the loss of highway, in this case the Highways Planning Manager he does not think that they serve any useful purpose as highway. Therefore he does not object to the loss of these small areas and believes that having them stopped up would remove any future doubt as to their status.

9.7 Economy including Employment & Skills

Relevant City Plan Policies are Policy 1. Westminster's Spatial Strategy, Policy 13. Supporting Economic Growth, Policy 18(D). Education and skills and Policy 19. Digital infrastructure, information and communications technology.

City Plan Policy 18(D) states, "*Major developments will contribute to improved employment prospects for local residents. In accordance with the council's Planning Obligations and Affordable Housing SPD, this will include:*

- 1. financial contributions towards employment, education and skills initiatives; and*
- 2. for larger schemes, the submission and implementation of an Employment and Skills Plan".*

The Planning Obligations and Affordable Housing SPD (adopted March 2024) sets out how developments proposing a net increase in commercial floorspace of over 10,000 sq.m will be required to make a financial contribution and to produce an Employment and Skills Plan. Based on the formula within the guidance note, the proposed development would be liable to make a financial contribution of £257,473.50 to support the Westminster Employment Service (payable prior to the commencement of development). This financial contribution would be secured by legal agreement.

The applicant has argued that the proposed development does not exceed the 10,000sqm of additional floorspace (bearing in mind the amount of floorspace that is to retained) at which an Employment and Skills Plan would be required in line with the Planning Obligations and Affordable Housing Supplementary Planning Document. Nonetheless, the applicant, recognising the aspirations of policy and the need to ensure that the development contributes to the improvement of skills and employment prospects for residents, proposes to commit to an Employment and Skills Plan, which will include over 100 apprenticeships, local jobs, work experience placements and curriculum support opportunities, with an Employment and Skills coordinator engaged for four years (three years during construction and one year post completion of the building).

A draft Employment and Skills Plan has been submitted but is subject to ongoing discussions and will be secured as part of the legal agreement.

Digital Infrastructure & Connectivity

The GLA has requested that a planning condition should be secured requiring the submission of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development in line with London Plan Policy SI6. This condition is included as part of the draft decision letter.

9.8 Other Considerations

One of the residential objectors (in Maddox Street) has objected on the grounds of disturbance during building works. However, this is not valid planning grounds for refusing an application. The permission would be subject to the standard hours of work restriction and the obligation for the developer to sign up to the Council's Code of Construction Practice).

Crime and Security

The applicant has been in discussions with the Metropolitan Police Service (Designing Out Crime Officers) who have no objections to the proposals. However, at their request a condition is proposed requiring that the scheme achieves Secured by Design Accreditation.

Procedural

As set out above, the application at Site 1 is referable to the Mayor of London under Category 1C of Part 1 of the Schedule of the Town and Country Planning (Mayor of London) Order 2008. Following a resolution to determine this application, the application will have to be referred to the Mayor of London. Following receipt all the required information, the Mayor has 14 days to make a decision to allow the local planning authority decision to stand, to direct refusal, or to take over the application (and thus becoming the local planning authority for the determination of the application).

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 NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

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

The Planning Obligations and Affordable Housing Supplementary Planning Document (PO&AH SPD) was adopted by the City Council on 7 March 2024. This sets out guidance on several matters that constitutes a material consideration in the assessment of these applications.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

- a) A financial contribution of £150,480 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- b) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- c) A financial contribution of £257,473.50 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development);
- d) An Employment and Skills Training Plan;
- e) Travel Plan and associated monitoring costs;
- f) Potential Highways Works and associated costs (eg loading bay works, relocation of taxi bay and provision of short stay cycle parking);
- g) All costs associated with stopping up parts of the highway;
- h) The costs of monitoring the S106 agreement.

The estimated Westminster CIL payment is approximately £1,623,000, whilst the estimated Mayoral CIL payment is approximately £1,209,000 . Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition. At the time of writing agreement is awaited for the whole life carbon and circular economy conditions (25 and 26).

9.11 Assessment of Planning Balance

Paragraph 208 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the

proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

Similarly, the GLA's conservation conclusions refer to NPPF Paragraph 202, which states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal..." The GLA considers that the proposed development does cause harm to the heritage assets and that it is contrary to The London Plan Policy HC1 Heritage conservation and growth Part C: "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings". However, the GLA believes that this could be outweighed by the public benefits of the proposals, which will be assessed at the Mayor's decision making stage.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- Substantial contribution towards the City Council's growth policy objectives and targets within the heart of the Central Activities Zone (CAZ) through the delivery of over 16,000 sqm (GIA) of new Grade A office space (including a net uplift of over 8,500 sqm), assisting Westminster City Council to meet its target for office space growth;
- The provision of new high quality retail accommodation, which will support and enhance this part of the West End to compete with other global shopping destinations, in accordance with strategic policy,
- Improved quality active frontages, encouraging increased activity, vitality and vibrancy at street level;
- The creation of a package of employment and training benefits within Section 106 financial obligations, including an Employment and Skills Training plan, which will include over 100 apprenticeships, local jobs, work experience placements and curriculum support opportunities, with an Employment and Skills coordinator engaged for four years. A draft Employment and Skills Plan has been submitted with the application and is subject to on-going discussion with the Council's Economic Regeneration Team.
- Significant employment opportunities in the local area, both during the construction and during the whole lifetime of the building. The applicant estimates that the proposed development would provide 415 construction jobs during a three year construction period and 1,120 gross direct jobs on site upon completion, representing an uplift of 560 compared to the existing site, resulting in net additional economic activity and tax revenues each year;
- The delivery of a highly sustainable scheme, retaining around half of the existing structure and three quarters of the historic facades, embracing the net zero carbon and wider sustainability and environmental performance objectives;

- Delivery of high quality, well-designed buildings which will enhance the character and appearance of the surrounding area and preserve the Mayfair Conservation Area;
- Significantly increased urban greening and biodiversity, with the provision of over 1,100 sqm of greenery across the new terraces;
- The provision of a car free development which encourages sustainable transport modes, particularly cycling and walking, including the provision of new end-of-trip facilities (including showers and bicycle storage) for employees in the building;
- The removal of fossil fuel use from the building, to create an entirely electrically powered new building;
- Significant enhancements to the accessibility and inclusivity of the building; and,
- A Community Infrastructure Levy contribution of over £2.8 million.

The public benefits summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm detailed in paragraph 9.4 above, in compliance with paragraph 208 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 206 of the NPPF.

10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme.

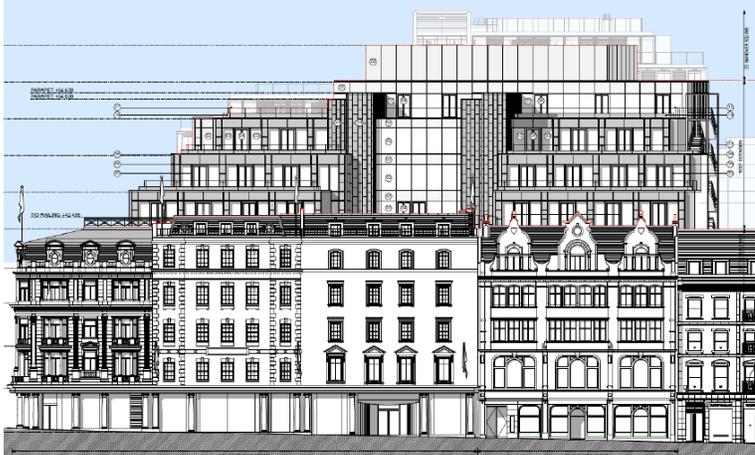
Having regard to this assessment, it has found that the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission is granted, subject the conditions listed at the end of this report and completion of a Section 106 agreement to secure the obligations identified above to make the development acceptable.

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

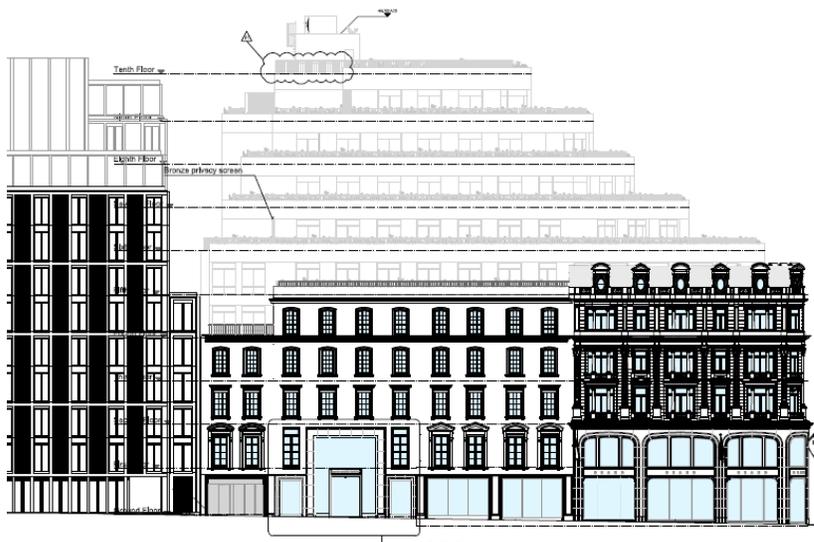
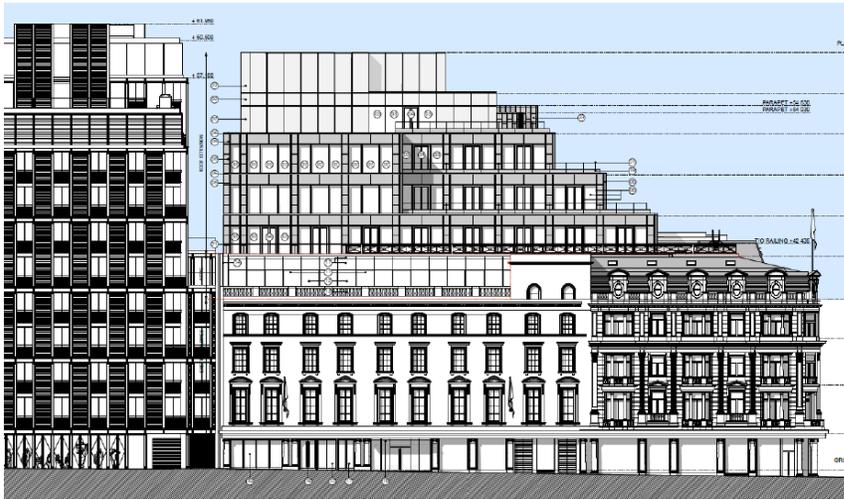
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

11. KEY DRAWINGS

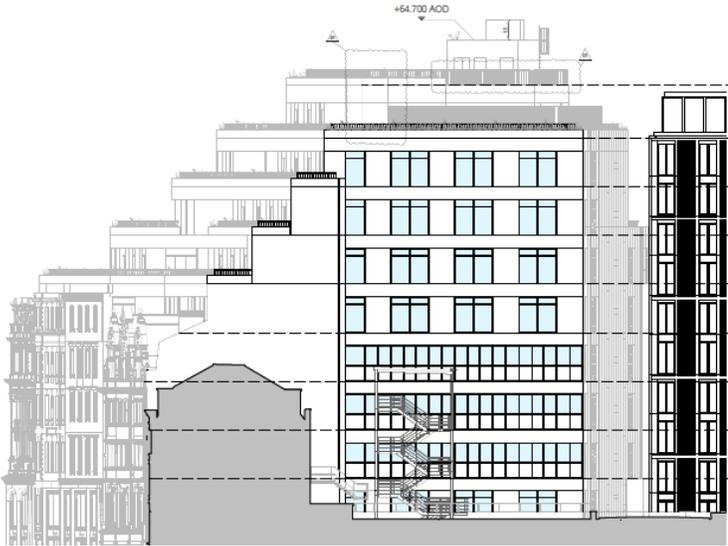
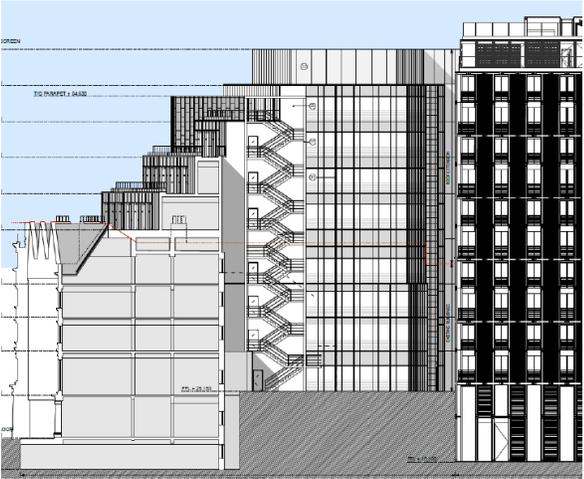
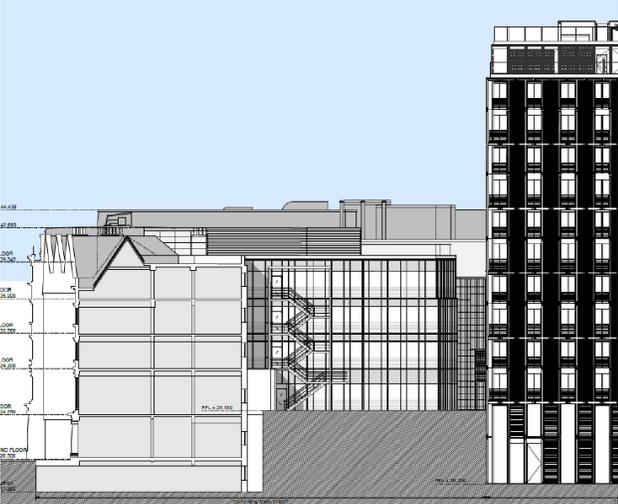
New Bond Street elevation – existing, approved and proposed



Brook Street – existing, approved and proposed



South elevation – existing, approved and proposed



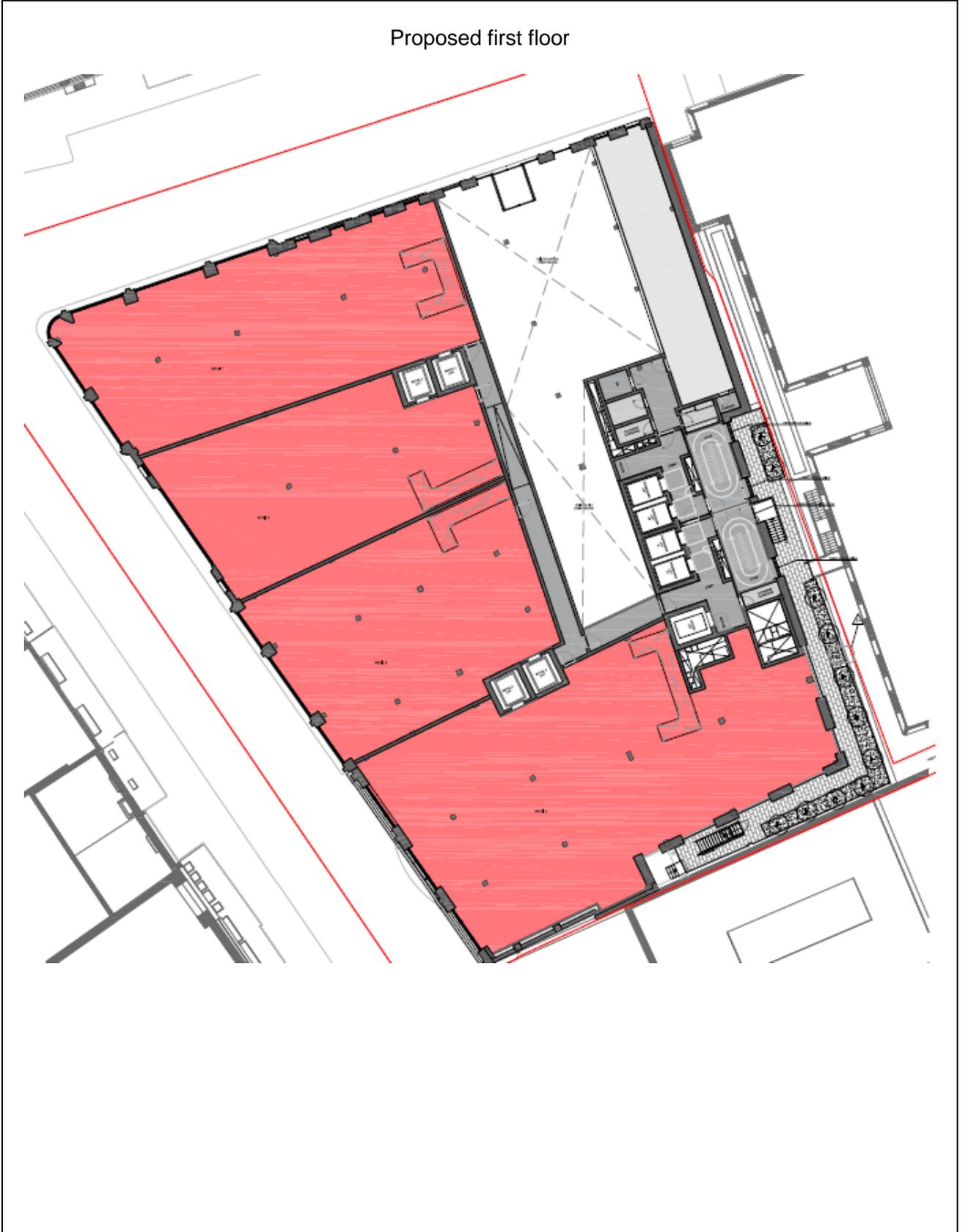
Proposed basement



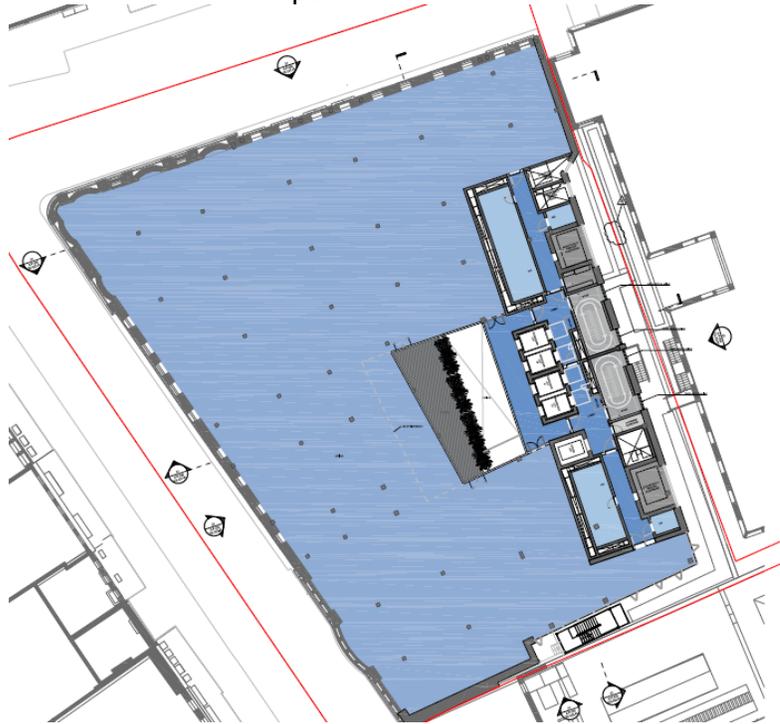
Proposed ground floor



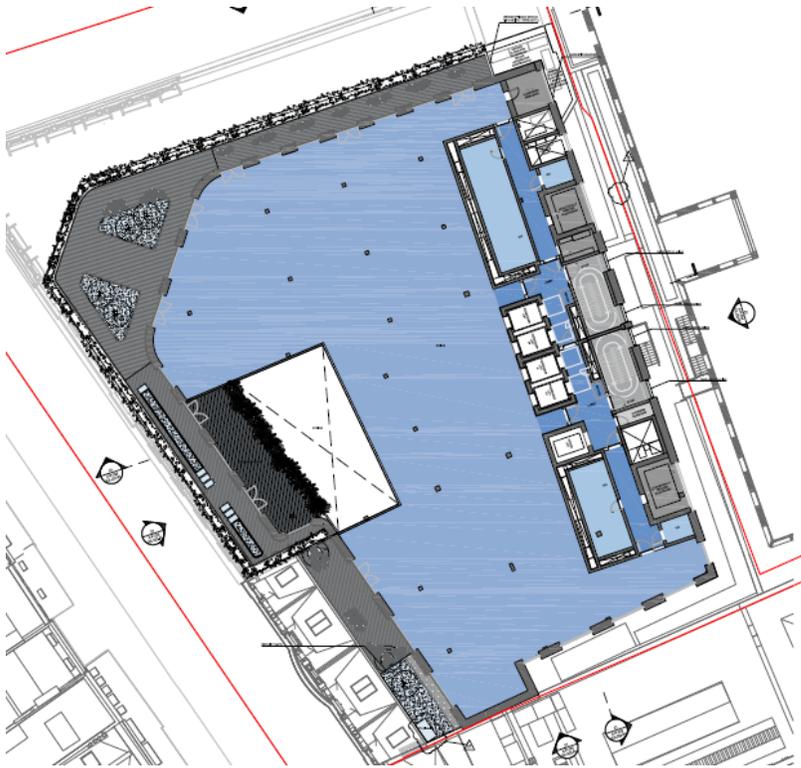
Proposed first floor

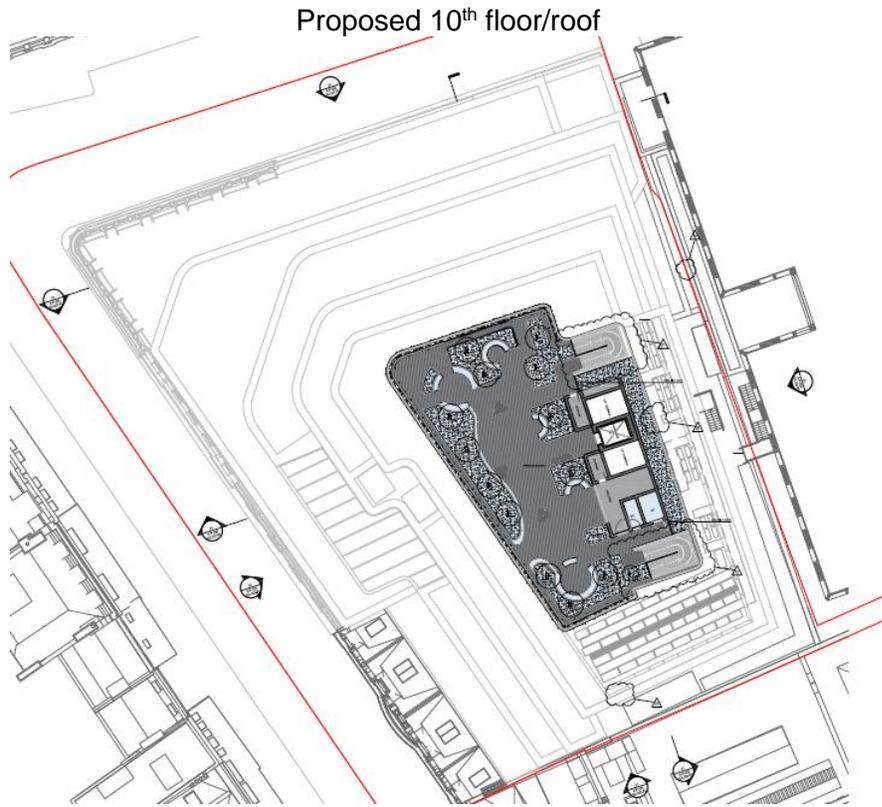


Proposed Second floor

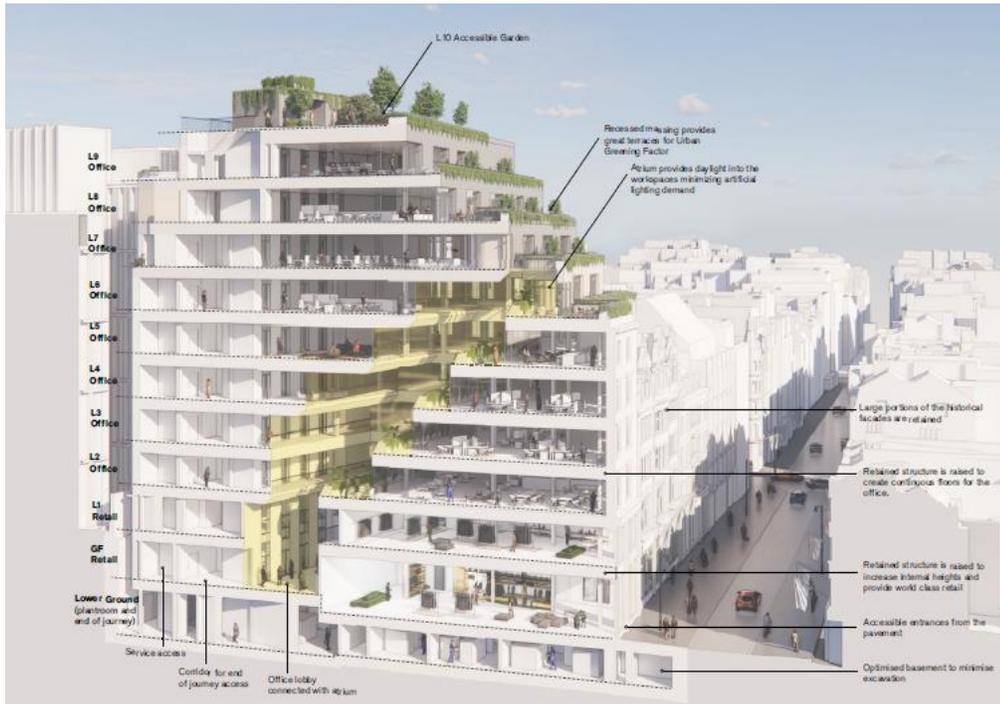


Proposed Sixth floor





Cross sectional view showing atrium



£D montage aerial view



Appendix A

			Existing vs Proposed				Consented vs Proposed			
Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
16-18 BROOK STREET										
R1/32	BEDROOM	W1/32	28.4	25.2	3.2	11.3	27.7	25.2	2.5	9.1
R1/32	BEDROOM	W2/32	28.1	24.6	3.5	12.4	27.4	24.6	2.7	9.9
R2/32	BEDROOM	W3/32	27.6	23.7	3.9	14.1	26.7	23.7	3.0	11.1
R2/32	BEDROOM	W4/32	27.2	23.2	4.1	15.0	26.3	23.2	3.1	11.8
R3/32	BEDROOM	W5/32	26.6	22.3	4.3	16.2	25.5	22.3	3.2	12.5
R3/32	BEDROOM	W6/32	26.6	22.1	4.6	17.1	25.3	22.1	3.3	12.9
R3/32	BEDROOM	W7/32	26.6	22.0	4.6	17.3	25.2	22.0	3.2	12.8
R1/33	ASSUMED_BEDROOM	W1/33	31.6	28.2	3.4	10.7	30.9	28.2	2.7	8.7
R1/33	ASSUMED_BEDROOM	W2/33	31.8	28.0	3.8	11.9	31.0	28.0	3.0	9.7
R2/33	ASSUMED_BEDROOM	W3/33	31.2	27.0	4.2	13.3	30.3	27.0	3.3	10.9
R2/33	ASSUMED_BEDROOM	W4/33	28.1	23.6	4.4	15.8	27.1	23.6	3.5	12.8
R3/33	ASSUMED_BEDROOM	W5/33	20.1	15.4	4.8	23.6	19.0	15.4	3.6	19.1
R3/33	ASSUMED_BEDROOM	W6/33	27.0	22.0	5.0	18.5	25.6	22.0	3.6	14.1
R3/33	ASSUMED_BEDROOM	W7/33	30.4	25.2	5.2	17.0	28.8	25.2	3.6	12.5
R1/34	ASSUMED_BEDROOM	W1/34	35.7	32.4	3.3	9.2	34.9	32.4	2.5	7.1
R2/34	ASSUMED_BEDROOM	W2/34	33.9	30.1	3.8	11.3	33.1	30.1	3.0	9.0
R2/34	ASSUMED_BEDROOM	W3/34	33.4	29.1	4.3	13.0	32.5	29.1	3.4	10.4
R3/34	ASSUMED_BEDROOM	W4/34	33.3	28.6	4.7	14.0	32.2	28.6	3.6	11.0
R3/34	ASSUMED_BEDROOM	W5/34	32.1	27.9	4.1	12.9	30.9	27.9	2.9	9.5
R3/34	ASSUMED_BEDROOM	W6/34	33.1	28.2	4.9	14.8	31.8	28.2	3.6	11.3
R1/212	LKD	W1/212	25.5	25.5	0.0	0.0	25.5	25.5	0.0	0.0
R1/212	LKD	W2/212	26.5	26.5	0.0	0.0	26.5	26.5	0.0	0.0
R1/212	LKD	W3/212	28.3	28.3	0.0	0.0	28.3	28.3	0.0	0.0

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1

R1/212	LKD	W4/212	29.2	29.1	0.1	0.4	29.2	29.1	0.1	0.4
R1/212	LKD	W5/212	28.2	28.2	0.0	0.0	28.2	28.2	0.0	0.0
R1/212	LKD	W6/212	28.8	28.0	0.8	2.9	28.7	28.0	0.8	2.6
R1/212	LKD	W7/212	29.2	26.9	2.3	7.7	28.7	26.9	1.8	6.1
R1/212	LKD	W8/212	25.9	23.1	2.8	10.8	25.2	23.1	2.0	8.0
R1/213	ASSUMED_LKD	W1/213	28.4	28.4	0.0	0.0	28.4	28.4	0.0	0.0
R1/213	ASSUMED_LKD	W2/213	30.0	30.0	0.0	0.0	30.0	30.0	0.0	0.0
R1/213	ASSUMED_LKD	W3/213	31.5	31.5	0.0	0.0	31.5	31.5	0.0	0.0
R1/213	ASSUMED_LKD	W4/213	31.8	31.7	0.1	0.3	31.8	31.7	0.1	0.3
R1/213	ASSUMED_LKD	W5/213	30.1	30.1	0.0	0.0	30.1	30.1	0.0	0.0
R1/213	ASSUMED_LKD	W6/213	30.6	29.7	0.9	3.0	30.5	29.7	0.8	2.7
R1/213	ASSUMED_LKD	W7/213	31.8	29.2	2.5	8.0	31.2	29.2	2.0	6.3
R1/213	ASSUMED_LKD	W8/213	28.1	25.0	3.1	11.1	27.3	25.0	2.3	8.5
R1/214	ASSUMED_LKD	W1/214	17.8	17.8	0.0	0.0	17.8	17.8	0.0	0.0
R1/214	ASSUMED_LKD	W2/214	23.9	23.9	0.0	0.0	23.9	23.9	0.0	0.0
R1/214	ASSUMED_LKD	W3/214	18.0	18.0	0.0	0.0	18.0	18.0	0.0	0.0
R1/214	ASSUMED_LKD	W4/214	21.8	21.4	0.5	2.1	21.8	21.4	0.4	1.8
R1/214	ASSUMED_LKD	W5/214	27.0	26.6	0.4	1.5	27.0	26.6	0.4	1.5

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R1/214	ASSUMED_LKD	W6/214	21.7	21.1	0.5	2.4	21.5	21.1	0.4	1.7
21 HANOVER SQUARE										
R4/72	DINING	W4/72	17.1	17.1	0.0	0.2	17.1	17.1	0.0	0.0
R4/72	DINING	W5/72	32.8	32.8	0.0	0.0	32.8	32.8	0.0	0.0
R4/72	DINING	W6/72	33.1	33.1	0.0	0.0	33.1	33.1	0.0	0.0
R1/73	BEDROOM	W1/73	26.2	26.2	0.0	0.0	26.2	26.2	0.0	0.0
R1/73	BEDROOM	W2/73	81.5	81.5	0.0	0.0	81.5	81.5	0.0	0.0
R1/73	BEDROOM	W3/73	14.4	14.4	0.0	0.0	14.4	14.4	0.0	0.0
R1/73	BEDROOM	W4/73	85.9	85.9	0.0	0.0	85.9	85.9	0.0	0.0
R1/73	BEDROOM	W5/73	36.2	36.2	0.0	0.0	36.2	36.2	0.0	0.0
R1/73	BEDROOM	W6/73	14.5	14.5	0.0	0.0	14.5	14.5	0.0	0.0
R1/73	BEDROOM	W7/73	28.2	27.3	0.9	3.0	27.6	27.3	0.2	0.8
R1/73	BEDROOM	W8/73	83.3	83.4	-0.2	-0.2	82.8	83.4	-0.6	-0.8
R1/73	BEDROOM	W9/73	81.8	82.0	-0.2	-0.2	81.3	82.0	-0.7	-0.8
R1/73	BEDROOM	W10/73	25.8	24.7	1.1	4.1	25.0	24.7	0.3	1.0

22 HANOVER SQUARE											
R6/10	JUNIOR SUITE	W11/10	2.9	0.8	2.1	72.5	0.7	0.8	-0.1	-14.5	
R6/10	JUNIOR SUITE	W12/10	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
R7/10	GUEST ROOM	W13/10	2.3	0.8	1.6	66.7	0.8	0.8	0.0	-2.6	
R8/10	GUEST ROOM	W14/10	3.0	1.2	1.9	62.2	1.0	1.2	-0.1	-13.9	
R9/10	JUNIOR SUITE	W15/10	3.3	1.5	1.7	53.1	1.4	1.5	-0.1	-7.7	
R9/10	JUNIOR SUITE	W16/10	4.0	2.4	1.6	39.7	2.4	2.4	-0.1	-3.4	
R10/10	JUNIOR SUITE	W17/10	6.4	4.9	1.5	23.2	5.1	4.9	0.2	3.0	
R10/10	JUNIOR SUITE	W18/10	11.6	11.5	0.1	0.7	11.4	11.5	-0.1	-0.4	
R10/10	JUNIOR SUITE	W19/10	10.7	10.6	0.0	0.3	10.6	10.6	-0.1	-0.9	
R1/11	BEDROOM	W1/11	21.7	21.7	0.0	0.0	21.7	21.7	0.0	-0.1	
R1/11	BEDROOM	W2/11	5.8	5.8	0.0	-0.5	4.5	5.8	-1.3	-27.8	
R2/11	BEDROOM	W3/11	5.3	2.9	2.4	44.9	2.7	2.9	-0.3	-10.2	
R3/11	STUDIO	W4/11	2.0	0.5	1.5	74.3	0.4	0.5	-0.1	-33.3	
R4/11	STUDIO	W5/11	3.5	0.8	2.7	77.5	0.6	0.8	-0.2	-36.8	
R5/11	LKD	W6/11	4.0	0.9	3.2	78.4	0.6	0.9	-0.2	-38.1	
R5/11	LKD	W7/11	4.4	0.9	3.5	79.3	0.7	0.9	-0.2	-33.3	
R5/11	LKD	W8/11	4.1	0.7	3.4	82.1	0.8	0.7	0.0	2.7	
R5/11	LKD	W9/11	2.0	0.3	1.7	83.7	0.4	0.3	0.0	5.7	
R6/11	JUNIOR SUITE	W10/11	2.2	0.6	1.7	75.1	0.4	0.6	-0.1	-25.0	
R6/11	JUNIOR SUITE	W11/11	3.8	1.3	2.6	66.8	0.9	1.3	-0.4	-42.7	
R6/11	JUNIOR SUITE	W12/11	4.9	1.0	3.9	80.2	0.8	1.0	-0.2	-18.5	
R7/11	JUNIOR SUITE	W13/11	4.9	1.0	3.9	79.6	0.9	1.0	-0.1	-13.6	
R7/11	JUNIOR SUITE	W14/11	4.9	1.1	3.8	78.1	1.0	1.1	-0.1	-10.4	

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R8/11	GUEST ROOM	W15/11	4.8	1.2	3.6	75.8	1.1	1.2	-0.1	-7.4
R9/11	GUEST ROOM	W16/11	4.8	1.4	3.3	70.3	1.3	1.4	-0.2	-11.9
R10/11	JUNIOR SUITE	W17/11	4.9	1.9	3.0	61.7	1.8	1.9	-0.1	-7.4
R10/11	JUNIOR SUITE	W18/11	5.8	3.0	2.8	47.7	2.9	3.0	-0.1	-4.1
R11/11	JUNIOR SUITE	W19/11	9.0	6.7	2.3	25.1	6.7	6.7	0.0	-0.4
R11/11	JUNIOR SUITE	W20/11	15.0	14.9	0.0	0.2	14.8	14.9	-0.2	-1.0
R11/11	JUNIOR SUITE	W21/11	14.8	14.8	0.1	0.4	14.7	14.8	-0.1	-0.8
R13/11	BEDROOM	W23/11	1.6	0.3	1.3	81.5	0.3	0.3	0.0	3.3
R1/12	BEDROOM	W1/12	24.9	24.9	0.0	0.0	24.9	24.9	0.0	-0.1
R1/12	BEDROOM	W2/12	6.7	6.8	-0.1	-1.5	5.3	6.8	-1.5	-28.3
R2/12	BEDROOM	W3/12	6.8	3.3	3.5	51.2	3.0	3.3	-0.3	-10.3
R3/12	STUDIO	W4/12	3.2	0.7	2.5	78.3	0.5	0.7	-0.2	-40.0
R4/12	STUDIO	W5/12	6.2	1.1	5.1	82.3	0.8	1.1	-0.3	-44.7
R5/12	LKD	W6/12	7.3	1.2	6.1	83.6	0.8	1.2	-0.4	-41.7
R5/12	LKD	W7/12	7.9	1.2	6.7	84.3	0.9	1.2	-0.3	-37.8
R5/12	LKD	W8/12	5.8	0.9	4.9	83.9	1.0	0.9	0.0	3.1
R5/12	LKD	W9/12	3.0	0.4	2.5	85.1	0.5	0.4	0.0	6.4
R6/12	JUNIOR SUITE	W10/12	3.3	0.8	2.5	77.1	0.6	0.8	-0.2	-25.0
R6/12	JUNIOR SUITE	W11/12	5.7	1.7	4.0	70.0	1.2	1.7	-0.5	-43.3
R6/12	JUNIOR SUITE	W12/12	8.3	1.2	7.1	85.4	1.0	1.2	-0.2	-17.5
R7/12	JUNIOR SUITE	W13/12	8.1	1.3	6.9	84.6	1.1	1.3	-0.2	-13.6
R7/12	JUNIOR SUITE	W14/12	7.9	1.3	6.6	83.7	1.2	1.3	-0.1	-8.4
R8/12	GUEST ROOM	W15/12	7.7	1.4	6.3	81.6	1.3	1.4	-0.1	-6.0
R9/12	GUEST ROOM	W16/12	7.5	1.7	5.8	77.5	1.5	1.7	-0.2	-9.7

R10/12	JUNIOR SUITE	W17/12	7.6	2.3	5.4	70.3	2.1	2.3	-0.1	-6.6
R10/12	JUNIOR SUITE	W18/12	8.5	3.6	4.9	57.4	3.5	3.6	-0.1	-3.4
R11/12	JUNIOR SUITE	W19/12	11.9	7.9	4.0	33.6	7.9	7.9	0.0	-0.3
R11/12	JUNIOR SUITE	W20/12	18.3	18.3	0.1	0.4	18.1	18.3	-0.2	-1.0
R11/12	JUNIOR SUITE	W21/12	18.2	18.1	0.1	0.5	18.0	18.1	-0.1	-0.7
R13/12	BEDROOM	W23/12	2.2	0.4	1.9	83.0	0.4	0.4	0.0	5.0
R1/13	BEDROOM	W1/13	27.6	27.6	0.0	0.0	27.6	27.6	0.0	-0.1
R1/13	BEDROOM	W2/13	8.2	8.7	-0.5	-5.5	6.6	8.7	-2.1	-32.5
R2/13	BEDROOM	W3/13	8.9	3.9	5.1	56.8	3.5	3.9	-0.4	-11.2
R3/13	STUDIO	W4/13	5.5	1.0	4.5	81.7	0.7	1.0	-0.3	-51.5
R4/13	STUDIO	W5/13	12.1	1.6	10.5	86.6	1.1	1.6	-0.6	-53.8

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R5/13	LKD	W6/13	14.2	1.7	12.5	88.0	1.2	1.7	-0.6	-48.7
R5/13	LKD	W7/13	15.3	1.7	13.5	88.8	1.2	1.7	-0.5	-40.2
R5/13	LKD	W8/13	8.4	1.2	7.2	85.3	1.3	1.2	0.1	3.9
R5/13	LKD	W9/13	4.1	0.6	3.5	85.4	0.6	0.6	0.0	6.3
R6/13	JUNIOR SUITE	W10/13	4.4	1.0	3.4	76.5	0.9	1.0	-0.2	-19.8
R6/13	JUNIOR SUITE	W11/13	8.6	2.4	6.2	72.4	1.7	2.4	-0.7	-42.2
R6/13	JUNIOR SUITE	W12/13	14.9	1.6	13.3	89.6	1.3	1.6	-0.2	-17.4
R7/13	JUNIOR SUITE	W13/13	14.1	1.6	12.5	88.9	1.4	1.6	-0.2	-11.4
R7/13	JUNIOR SUITE	W14/13	13.4	1.6	11.8	88.1	1.5	1.6	-0.1	-7.4
R8/13	GUEST ROOM	W15/13	13.0	1.7	11.3	86.8	1.7	1.7	-0.1	-4.2
R9/13	GUEST ROOM	W16/13	12.8	2.0	10.8	84.1	1.9	2.0	-0.1	-7.4
R10/13	JUNIOR SUITE	W17/13	12.9	2.7	10.2	79.0	2.6	2.7	-0.1	-5.4

R10/13	JUNIOR SUITE	W18/13	13.7	4.3	9.4	68.8	4.2	4.3	-0.1	-2.2
R11/13	JUNIOR SUITE	W19/13	16.8	9.1	7.7	45.8	9.1	9.1	0.0	-0.1
R11/13	JUNIOR SUITE	W20/13	22.4	22.3	0.2	0.7	22.1	22.3	-0.2	-0.9
R11/13	JUNIOR SUITE	W21/13	22.2	22.1	0.1	0.6	22.0	22.1	-0.1	-0.5
R13/13	BEDROOM	W23/13	3.0	0.5	2.5	82.9	0.6	0.5	0.0	7.3
R1/14	BEDROOM	W1/14	30.2	30.1	0.0	0.0	30.1	30.1	0.0	0.0
R1/14	BEDROOM	W2/14	14.0	15.4	-1.4	-10.0	12.3	15.4	-3.2	-25.8
R2/14	BEDROOM	W3/14	11.3	4.6	6.7	59.5	4.1	4.6	-0.5	-12.8
R3/14	STUDIO	W4/14	8.9	1.6	7.2	81.5	0.9	1.6	-0.7	-76.3
R4/14	STUDIO	W5/14	20.9	2.6	18.3	87.5	1.6	2.6	-1.0	-63.1
R5/14	LKD	W6/14	23.7	2.6	21.1	89.0	1.7	2.6	-0.9	-55.7
R5/14	LKD	W7/14	25.0	2.5	22.5	90.0	1.7	2.5	-0.8	-44.8
R5/14	LKD	W8/14	11.3	1.7	9.7	85.4	1.8	1.7	0.1	5.7
R5/14	LKD	W9/14	5.5	0.8	4.6	84.7	0.9	0.8	0.1	7.7
R6/14	JUNIOR SUITE	W10/14	5.6	1.5	4.1	73.5	1.3	1.5	-0.2	-16.4
R6/14	JUNIOR SUITE	W11/14	11.2	3.3	7.9	70.6	2.4	3.3	-0.9	-38.1
R6/14	JUNIOR SUITE	W12/14	24.3	2.1	22.3	91.6	1.8	2.1	-0.3	-17.1
R7/14	JUNIOR SUITE	W13/14	23.3	2.0	21.3	91.4	1.8	2.0	-0.2	-10.4
R7/14	JUNIOR SUITE	W14/14	22.9	2.0	20.9	91.2	1.9	2.0	-0.1	-4.7
R8/14	GUEST ROOM	W15/14	23.2	2.1	21.1	90.8	2.1	2.1	0.0	-1.4
R9/14	GUEST ROOM	W16/14	23.7	2.5	21.2	89.5	2.4	2.5	-0.1	-4.2
R10/14	JUNIOR SUITE	W17/14	23.9	3.3	20.7	86.3	3.2	3.3	-0.1	-3.8
R10/14	JUNIOR SUITE	W18/14	24.3	5.1	19.2	79.2	5.0	5.1	0.0	-0.8
R11/14	JUNIOR SUITE	W19/14	26.1	10.5	15.6	59.7	10.5	10.5	0.0	0.2
R11/14	JUNIOR SUITE	W20/14	27.0	26.8	0.2	0.8	26.6	26.8	-0.2	-0.8
R11/14	JUNIOR SUITE	W21/14	26.9	26.7	0.2	0.6	26.6	26.7	-0.1	-0.5

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R13/14	BEDROOM	W23/14	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
R1/15	BEDROOM	W1/15	32.2	32.2	0.0	0.0	32.2	32.2	0.0	0.0
R1/15	BEDROOM	W2/15	25.3	23.2	2.1	8.3	24.2	23.2	1.1	4.4
R2/15	BEDROOM	W3/15	15.2	5.8	9.4	62.1	4.9	5.8	-0.8	-17.1
R3/15	STUDIO	W4/15	19.1	3.5	15.6	81.8	1.5	3.5	-2.0	-127.5
R4/15	STUDIO	W5/15	31.0	4.4	26.6	85.9	2.5	4.4	-1.9	-73.4
R5/15	LKD	W6/15	32.4	4.1	28.4	87.5	2.5	4.1	-1.6	-62.4
R5/15	LKD	W7/15	33.4	3.7	29.7	88.8	2.5	3.7	-1.2	-48.6
R5/15	LKD	W8/15	14.0	2.3	11.8	83.7	2.5	2.3	0.2	6.9
R5/15	LKD	W9/15	6.8	1.2	5.6	82.3	1.3	1.2	0.1	9.0
R6/15	JUNIOR SUITE	W10/15	6.9	2.2	4.6	67.7	2.0	2.2	-0.2	-11.1
R6/15	JUNIOR SUITE	W11/15	13.4	4.6	8.8	65.6	3.5	4.6	-1.1	-30.7
R6/15	JUNIOR SUITE	W12/15	34.2	2.8	31.4	91.9	2.4	2.8	-0.4	-14.5
R7/15	JUNIOR SUITE	W13/15	34.0	2.6	31.4	92.2	2.5	2.6	-0.2	-7.3
R7/15	JUNIOR SUITE	W14/15	34.1	2.6	31.5	92.3	2.6	2.6	0.0	-1.2
R8/15	GUEST ROOM	W15/15	34.4	2.7	31.6	92.1	2.8	2.7	0.1	2.2
R9/15	GUEST ROOM	W16/15	34.6	3.1	31.5	91.0	3.1	3.1	0.0	-0.3
R10/15	JUNIOR SUITE	W17/15	34.8	4.0	30.8	88.5	4.0	4.0	0.0	-1.0
R10/15	JUNIOR SUITE	W18/15	34.9	5.9	28.9	83.0	6.0	5.9	0.1	1.7
R11/15	JUNIOR SUITE	W19/15	35.0	11.9	23.1	66.0	12.0	11.9	0.1	0.8
R11/15	JUNIOR SUITE	W20/15	31.9	31.6	0.3	0.8	31.4	31.6	-0.2	-0.6
R11/15	JUNIOR SUITE	W21/15	31.7	31.6	0.2	0.6	31.5	31.6	-0.1	-0.3
R13/15	BEDROOM	W23/15	4.8	1.0	3.8	78.7	1.1	1.0	0.1	7.3

R1/16	LKD	W1/16	34.0	34.0	0.0	0.0	34.0	34.0	0.0	0.0
R1/16	LKD	W2/16	33.8	33.8	0.0	0.0	33.8	33.8	0.0	0.0
R1/16	LKD	W3/16	37.3	30.3	7.1	19.0	27.7	30.3	-2.6	-9.4
R1/16	LKD	W4/16	37.3	24.2	13.1	35.2	23.4	24.2	-0.8	-3.6
R1/16	LKD	W5/16	37.2	12.4	24.8	66.6	13.3	12.4	0.9	6.8
R2/16	BEDROOM	W6/16	37.0	9.3	27.7	74.9	4.7	9.3	-4.6	-99.8
R3/16	LD	W7/16	37.0	8.0	29.0	78.3	3.9	8.0	-4.1	-105.1
R4/16	BEDROOM	W8/16	37.4	7.1	30.2	80.9	4.1	7.1	-3.1	-75.4
R5/16	LKD	W9/16	37.7	6.4	31.4	83.1	4.1	6.4	-2.3	-55.5
R5/16	LKD	W10/16	38.1	5.6	32.4	85.2	4.0	5.6	-1.6	-40.6
R5/16	LKD	W11/16	15.3	3.3	12.0	78.7	3.6	3.3	0.3	8.9
R5/16	LKD	W12/16	7.5	1.8	5.7	75.8	2.0	1.8	0.1	7.1
R6/16	BEDROOM	W13/16	8.3	3.5	4.9	58.3	3.3	3.5	-0.2	-5.8
R6/16	BEDROOM	W14/16	15.5	6.6	8.9	57.5	5.5	6.6	-1.2	-21.1

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R6/16	BEDROOM	W15/16	38.5	3.8	34.7	90.1	3.5	3.8	-0.3	-8.0
R7/16	LKD	W16/16	38.6	3.6	35.1	90.7	3.5	3.6	0.0	-1.1
R8/16	BEDROOM	W17/16	38.7	3.5	35.2	90.9	3.7	3.5	0.2	4.3
R9/16	LD	W18/16	38.7	3.6	35.1	90.7	3.9	3.6	0.3	6.7
R10/16	BEDROOM	W19/16	38.8	4.0	34.7	89.6	4.2	4.0	0.2	4.7
R11/16	BEDROOM	W20/16	38.7	5.0	33.8	87.1	5.2	5.0	0.2	3.1
R12/16	BEDROOM	W21/16	38.7	7.1	31.6	81.6	7.4	7.1	0.3	3.8
R12/16	BEDROOM	W22/16	38.6	13.4	25.2	65.4	13.6	13.4	0.2	1.8
R12/16	BEDROOM	W23/16	36.5	36.2	0.3	0.7	36.0	36.2	-0.2	-0.4
R13/16	BEDROOM	W24/16	5.3	1.5	3.7	71.0	1.6	1.5	0.1	3.8

R1/17	LKD	W1/17	35.3	35.3	0.0	0.0	35.3	35.3	0.0	0.0
R1/17	LKD	W2/17	35.1	35.1	0.0	0.0	35.1	35.1	0.0	0.0
R1/17	LKD	W3/17	38.6	32.7	5.9	15.3	30.6	32.7	-2.1	-7.0
R1/17	LKD	W4/17	38.7	30.9	7.9	20.3	25.7	30.9	-5.1	-20.0
R1/17	LKD	W5/17	38.8	24.9	13.9	35.8	14.8	24.9	-10.1	-68.0
R2/17	BEDROOM	W6/17	38.9	18.1	20.8	53.5	6.9	18.1	-11.2	-161.4
R3/17	LD	W7/17	39.0	14.2	24.9	63.7	7.1	14.2	-7.1	-99.6
R4/17	BEDROOM	W8/17	39.1	11.8	27.3	69.9	7.7	11.8	-4.1	-53.4
R5/17	LKD	W9/17	39.1	10.1	29.1	74.2	7.6	10.1	-2.5	-33.3
R5/17	LKD	W10/17	39.2	8.7	30.5	77.9	7.1	8.7	-1.6	-22.1
R5/17	LKD	W11/17	16.0	4.8	11.2	69.9	5.4	4.8	0.6	10.6
R5/17	LKD	W12/17	8.0	2.8	5.1	64.3	2.9	2.8	0.1	3.1
R6/17	BEDROOM	W13/17	10.2	5.8	4.4	42.8	5.7	5.8	-0.1	-1.7
R6/17	BEDROOM	W14/17	17.8	9.8	8.0	44.9	8.9	9.8	-0.9	-10.6
R6/17	BEDROOM	W15/17	39.3	5.5	33.8	86.1	5.5	5.5	0.0	0.5
R7/17	LKD	W16/17	39.3	5.1	34.2	87.0	5.5	5.1	0.4	6.6
R8/17	BEDROOM	W17/17	39.3	5.0	34.3	87.2	5.6	5.0	0.6	10.6
R9/17	LD	W18/17	39.4	5.1	34.2	87.0	5.9	5.1	0.7	12.6
R10/17	BEDROOM	W19/17	39.4	5.5	33.9	86.0	6.2	5.5	0.7	11.3
R11/17	BEDROOM	W20/17	39.4	6.5	32.9	83.5	7.1	6.5	0.7	9.1
R12/17	BEDROOM	W21/17	39.4	8.7	30.8	78.0	9.4	8.7	0.7	7.8
R12/17	BEDROOM	W22/17	39.4	15.0	24.5	62.1	15.6	15.0	0.6	3.9
R12/17	BEDROOM	W23/17	39.6	39.3	0.2	0.6	39.2	39.3	-0.1	-0.3
R13/17	BEDROOM	W24/17	5.7	2.3	3.4	59.3	2.4	2.3	0.1	2.1
R1/18	LKD	W1/18	36.3	36.3	0.0	0.0	36.3	36.3	0.0	0.0

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R1/18	LKD	W2/18	36.1	36.1	0.0	0.0	36.1	36.1	0.0	0.0
R1/18	LKD	W3/18	38.8	34.5	4.4	11.2	34.5	34.5	0.1	0.3
R1/18	LKD	W4/18	38.9	33.5	5.4	14.0	30.5	33.5	-3.0	-10.0
R1/18	LKD	W5/18	39.0	31.9	7.1	18.2	19.9	31.9	-12.1	-60.7
R2/18	BEDROOM	W6/18	39.1	28.3	10.8	27.6	14.1	28.3	-14.2	-100.6
R3/18	LD	W7/18	39.1	23.9	15.2	38.9	16.3	23.9	-7.7	-47.1
R4/18	BEDROOM	W8/18	39.2	19.2	20.0	51.1	17.1	19.2	-2.1	-12.2
R5/18	LKD	W9/18	39.2	15.8	23.4	59.7	15.9	15.8	0.1	0.6
R5/18	LKD	W10/18	39.3	13.3	26.0	66.2	14.1	13.3	0.8	5.7
R5/18	LKD	W11/18	16.9	7.5	9.4	55.7	7.9	7.5	0.5	5.8
R5/18	LKD	W12/18	8.8	4.4	4.4	49.7	4.6	4.4	0.2	4.1
R6/18	BEDROOM	W13/18	14.2	10.7	3.4	24.2	10.8	10.7	0.0	0.3
R6/18	BEDROOM	W14/18	21.9	15.5	6.4	29.2	15.2	15.5	-0.3	-2.0
R6/18	BEDROOM	W15/18	39.4	8.4	30.9	78.6	9.1	8.4	0.7	7.8
R7/18	LKD	W16/18	39.4	8.0	31.4	79.6	9.1	8.0	1.1	11.7
R8/18	BEDROOM	W17/18	39.4	7.9	31.5	79.8	9.3	7.9	1.3	14.3
R9/18	LD	W18/18	39.4	8.0	31.4	79.6	9.5	8.0	1.5	15.7
R10/18	BEDROOM	W19/18	39.4	8.4	31.1	78.8	9.9	8.4	1.5	15.5
R11/18	BEDROOM	W20/18	39.5	9.2	30.3	76.7	10.7	9.2	1.6	14.5
R12/18	BEDROOM	W21/18	39.5	11.1	28.4	71.9	12.8	11.1	1.6	12.9
R12/18	BEDROOM	W22/18	39.5	16.9	22.6	57.2	18.3	16.9	1.4	7.5
R12/18	BEDROOM	W23/18	39.6	39.4	0.2	0.5	39.4	39.4	-0.1	-0.2
R13/18	BEDROOM	W24/18	6.5	3.5	3.0	45.9	3.7	3.5	0.2	6.2
R1/19	LD	W2/19	37.5	37.5	0.0	0.0	37.5	37.5	0.0	0.0

R1/19	LD	W3/19	38.8	34.3	4.5	11.7	36.5	34.3	2.3	6.2
R1/19	LD	W19/19	39.2	39.2	0.0	0.0	39.2	39.2	0.0	0.0
R1/19	LD	W20/19	37.9	37.9	0.0	0.0	37.9	37.9	0.0	0.0
R1/19	LD	W21/19	37.7	37.7	0.0	0.0	37.7	37.7	0.0	0.0
R2/19	BEDROOM	W4/19	39.3	31.6	7.7	19.6	34.8	31.6	3.3	9.4
R3/19	BEDROOM	W5/19	39.3	26.5	12.8	32.5	31.5	26.5	4.9	15.7
R4/19	BEDROOM	W6/19	39.3	22.7	16.6	42.2	27.2	22.7	4.4	16.3
R4/19	BEDROOM	W7/19	19.9	13.0	6.9	34.7	13.5	13.0	0.5	3.5
R5/19	BEDROOM	W8/19	21.9	19.4	2.4	11.0	19.7	19.4	0.3	1.4
R5/19	BEDROOM	W9/19	28.9	24.6	4.3	15.0	24.3	24.6	-0.3	-1.1
R5/19	BEDROOM	W10/19	39.4	14.5	25.0	63.3	14.4	14.5	-0.1	-0.6
R6/19	LKD	W11/19	39.4	14.1	25.3	64.2	14.5	14.1	0.3	2.4
R7/19	BEDROOM	W12/19	39.5	14.1	25.4	64.3	14.8	14.1	0.7	4.7

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R8/19	LD	W13/19	39.5	14.2	25.3	64.1	15.2	14.2	1.0	6.8
R9/19	BEDROOM	W14/19	39.5	14.5	25.0	63.4	16.0	14.5	1.5	9.6
R10/19	BEDROOM	W15/19	39.5	15.1	24.4	61.9	17.4	15.1	2.4	13.6
R11/19	BEDROOM	W16/19	39.5	16.5	23.0	58.2	19.8	16.5	3.3	16.4
R11/19	BEDROOM	W17/19	39.5	21.2	18.3	46.4	24.2	21.2	3.1	12.6
R11/19	BEDROOM	W18/19	36.6	36.6	0.0	0.0	36.6	36.6	0.0	0.0
R1/20	BEDROOM	W1/20	27.5	26.3	1.1	4.1	26.3	26.3	-0.1	-0.3
R1/20	BEDROOM	W2/20	34.4	32.2	2.3	6.5	31.5	32.2	-0.6	-1.9
R1/20	BEDROOM	W3/20	39.5	21.5	18.0	45.6	23.7	21.5	2.2	9.4
R2/20	LKD	W4/20	39.5	20.8	18.7	47.3	24.0	20.8	3.2	13.4

R3/20	BEDROOM	W5/20	39.5	20.8	18.7	47.4	24.4	20.8	3.6	14.9
R4/20	LD	W6/20	39.5	21.3	18.3	46.2	25.0	21.3	3.7	15.0
R5/20	BEDROOM	W7/20	39.5	22.0	17.5	44.3	26.3	22.0	4.3	16.4
R6/20	BEDROOM	W8/20	39.5	23.1	16.4	41.6	29.2	23.1	6.1	20.8
R7/20	BEDROOM	W9/20	39.5	24.7	14.9	37.6	32.3	24.7	7.7	23.7
R7/20	BEDROOM	W10/20	39.5	28.0	11.6	29.2	34.7	28.0	6.7	19.3
R7/20	BEDROOM	W11/20	39.6	39.6	0.1	0.1	39.6	39.6	0.0	0.1
R1/21	BEDROOM	W1/21	36.1	35.4	0.6	1.7	35.7	35.4	0.2	0.6
R1/21	BEDROOM	W2/21	39.5	30.1	9.4	23.9	37.7	30.1	7.6	20.1
R1/21	BEDROOM	W3/21	39.5	29.3	10.2	25.9	37.7	29.3	8.4	22.3
R2/21	BEDROOM	W4/21	39.6	29.8	9.8	24.8	37.8	29.8	8.1	21.4
R3/21	BEDROOM	W5/21	39.6	30.9	8.7	21.9	38.0	30.9	7.1	18.6
R4/21	LIVINGROOM	W6/21	39.6	33.1	6.4	16.3	38.5	33.1	5.3	13.9
R4/21	LIVINGROOM	W7/21	39.6	39.5	0.1	0.3	39.6	39.5	0.1	0.3
51 Maddox Street										
R1/373	ASSUMED_6M	W1/373	24.0	23.7	0.3	1.0	23.9	23.7	0.2	0.8
R1/373	ASSUMED_6M	W2/373	23.4	23.1	0.3	1.1	23.3	23.1	0.2	0.8
R1/373	ASSUMED_6M	W3/373	23.8	23.5	0.3	1.2	23.8	23.5	0.2	0.9
R1/374	ASSUMED_4.5M	W1/374	18.8	18.4	0.4	2.2	18.6	18.4	0.2	1.0
R1/374	ASSUMED_4.5M	W2/374	18.4	17.9	0.6	3.0	18.2	17.9	0.3	1.5
R1/374	ASSUMED_4.5M	W3/374	96.3	96.3	0.0	0.0	96.2	96.3	-0.1	-0.1
120-121-122 NEW BOND STREET										
R1/141	LIVINGROOM	W4/141	17.6	15.2	2.4	13.5	17.3	15.2	2.1	12.1
R1/141	LIVINGROOM	W5/141	17.3	14.8	2.5	14.4	17.0	14.8	2.2	13.0
R2/141	LIVINGROOM	W6/141	17.3	14.5	2.7	15.8	17.1	14.5	2.5	14.9

Room	Room Use	Window	Existing VSC	Proposed VSC	Loss	%Loss	Consented VSC	Proposed VSC	Loss	%Loss
R2/141	LIVINGROOM	W7/141	17.2	14.3	2.9	16.7	17.0	14.3	2.7	16.0
R1/142	LIVINGROOM	W4/142	21.7	18.0	3.7	16.9	20.9	18.0	2.9	14.0
R1/142	LIVINGROOM	W5/142	21.4	17.5	3.9	18.0	20.7	17.5	3.1	15.2
R2/142	BEDROOM	W6/142	21.0	17.0	4.1	19.3	20.3	17.0	3.4	16.6
R2/142	BEDROOM	W7/142	20.9	16.7	4.2	20.0	20.2	16.7	3.6	17.5
R1/143	BEDROOM	W4/143	25.2	20.2	5.0	19.8	23.7	20.2	3.5	14.6
R1/143	BEDROOM	W5/143	25.0	19.7	5.3	21.1	23.5	19.7	3.8	16.1
R2/143	BEDROOM	W6/143	24.4	19.0	5.4	22.3	22.9	19.0	4.0	17.3
R2/143	BEDROOM	W7/143	24.2	18.7	5.6	23.0	22.8	18.7	4.1	18.1
R2/143	BEDROOM	W8/143	84.3	84.5	-0.2	-0.3	83.3	84.5	-1.2	-1.5
111-115 NEW BOND STREET										
R1/84	LKD	W1/84	31.6	27.4	4.2	13.3	30.6	27.4	3.2	10.3
R1/84	LKD	W2/84	32.3	28.8	3.5	10.8	31.4	28.8	2.6	8.1
R1/84	LKD	W3/84	27.4	24.4	3.0	10.8	26.3	24.4	1.8	7.0
R1/84	LKD	W4/84	30.3	28.0	2.3	7.6	29.5	28.0	1.5	5.0
R1/84	LKD	W5/84	30.5	30.2	0.3	0.9	30.4	30.2	0.2	0.8
R1/84	LKD	W6/84	31.8	31.8	0.0	0.0	31.8	31.8	0.0	0.0
R1/84	LKD	W7/84	30.0	30.0	0.0	0.0	30.0	30.0	0.0	0.0
R1/84	LKD	W8/84	33.6	33.6	0.0	0.0	33.6	33.6	0.0	0.0
R1/84	LKD	W9/84	32.7	32.7	0.0	0.0	32.7	32.7	0.0	0.0
R1/85	BEDROOM	W1/85	31.6	29.6	2.0	6.4	31.1	29.6	1.5	4.9
R1/85	BEDROOM	W2/85	32.9	30.7	2.2	6.7	32.2	30.7	1.4	4.5
R1/85	BEDROOM	W3/85	34.7	34.7	0.0	0.0	34.7	34.7	0.0	0.0

Item No.
1

DRAFT DECISION LETTER

Address: 58 - 63 New Bond Street, London, W1S 1RJ

Proposal: SITE COMPRISING 53-63 NEW BOND STREET/5-17/17A BROOK STREET:
Alteration and extension of the existing buildings, including partial demolition and retention and retrofit to provide a building with basement, ground and ten upper floors, setback at fifth to eighth floors with terraces, setback at ninth floor with terrace and plant, and a roof terrace with lift over run and pavilion at the tenth floor, with satellite dish, green roof and solar photo voltaic panels on its roof, and associated works, to provide for retail (Class E (a)) and office (Class E(g)(i)) uses together with associated ancillary spaces to those uses.

Reference: 23/08027/FULL

Plan Nos: TO BE ADDED

Case Officer: Paul Quayle

Direct Tel. No. 07866039895

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7

and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

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

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

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

Reason:

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

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces.

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)

- 7 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)

- 8 You must apply to us for approval of a scheme of public art at the office entrance in Brook Street. You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

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

Reason:

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

- 10 Before any demolition or excavation is carried out at or below the level of the floor in the basement, you must, , (a) apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us., , (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA. , , (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. ,

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on the drawing numbers A-P-031-LG-000-PL Revision 00 and A-P-031-00-000-PL Revision 00. Thereafter you must permanently retain them for the storage of waste and recycling and not use them for any other purpose. You must clearly mark them and make them available at all times to everyone using the building. No waste should be left on the public highway. (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 hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

- 13 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

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

- 14 Before commencement of any of the uses in the building, you must apply to us for approval of an updated version of the Servicing Management Plan (SMP) that must identify process, internal storage locations, scheduling of deliveries and staffing, etc. It should also take account of any changes to the layout of Brook Street that may subsequently be agreed with the City Council (including any changes to the taxi rank on the Brook Street frontage of the site). You must not start any uses in the building until we have approved in writing what you have sent us. You must then carry out the measures included in the approved SMP at all times and it must be followed by the occupants for the life of the development.

Reason:

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

- 15 (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)

- 16 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)

- 17 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) 15 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)

- 18 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the retail use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the retail use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:.,

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AC)

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

Reason:

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

- 20 The use of the building must be operated in accordance with the submitted Fire Statement (reference 055684-BHE-XX-XX-RP-FS-0001,, 0055684, dated 15 November 2023, Revision P04).

Reason:

In accordance with the requirements of London Plan Policies D5 and D12 and as requested by the Mayor of London.

- 21 Prior to commencement of superstructure works, an updated Cooling Hierarchy shall be submitted to and approved by us in writing. The updated Cooling Hierarchy must

include details of the following: , , 1) Passive measures included in the design to mitigate against overheating including. Passive measures may include, but not limited to, external shading, insulation, exposed thermal mass, provision of green infrastructure, windows specification and design to achieve G-values in line with or lower than the Notional Building specification as set out in the relevant Building Regulations. , , 2) Details of measures that would be installed to prevent overheating in common areas with communal heating pipework in line with objective 3.9 of CIBSE CP1. , , 3) Details of any management strategies required to control overheating and information that will be supplied to occupants to support the strategy. , , 4) Where the methodology informing the updated Cooling Hierarchy differs from that set out in the Energy Statement submitted at application stage, updated dynamic modelling, in line with requirements of the Mayor of London's Energy Assessment Guidance (June 2022) (or any guidance that may supersede it) shall be carried out to demonstrate that the measures proposed are appropriate to control overheating and minimise the need for mechanical cooling (required only where passive measures set out under (1) are insufficient to prevent overheating)., , The Cooling Hierarchy we approve shall be implemented prior to first occupation of the development and thereafter be permanently retained and maintained in accordance with the manufacturer's recommended maintenance regime for the passive and mechanical elements of the hierarchy. (C17FA)

Reason:

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 22 The development shall be carried out in accordance with the approved Energy Strategy (prepared by Buro Happold; dated November 2023 and subsequent revision) and shall achieve regulated carbon dioxide emission savings of not less than 25% for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021 and of not less than 64% for emission beyond Notional specification for existing buildings. The energy efficiency and sustainability measures set out there in shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development. (C17CA)

Reason:

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 23 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review

before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 24 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability. Where the performance of the development is measured using BREEAM, it shall achieve not less than the total credits for each of the Energy, Materials and Waste categories in the BREEAM Pre-Assessment hereby approved. , , A post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating and has maintained or exceeded the approved total credit scores for each of the Energy, Materials and Waste categories, shall be submitted to us for our approval within three months of first occupation of the development. (C44BC)

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

- 25 **Pre-Commencement Condition.** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development:
- (a) Prior to commencement of any work on site including all works of deconstruction and demolition.
 - (b) Prior to commencement of any construction works.,
 - (c) Within 3 months of first occupation of the development., Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 463 kgCO₂e/m² and/or Whole Life Carbon (A1-C4) above 797 kgCO₂e/m², which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised., You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved.

The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part

(b). (C17AB)

Reason:

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022).

- 26 **Pre-Commencement Condition** (a) Prior to commencement of any works on site including works of deconstruction and demolition full details of the pre-demolition audit in accordance with section 4.6 of the GLA's adopted Circular Economy Statement guidance shall be submitted to us and approved by us in writing. The details shall demonstrate that the development is designed to meet the relevant targets set out in the GLA Circular Economy Statement Guidance. You must not carry out any works on site including works of demolition until we have approved what you have sent us. The demolition and other pre-construction works shall then be carried out in accordance with the approved details.

(b) Prior to the commencement of any construction works and following completion of RIBA Stage 4, a detailed Circular Economy Statement including a site waste management plan (or updated version of the approved Circular Economy Statement that reaffirms the approved strategy or demonstrates improvements to it), shall be submitted to us and approved by us in writing. The Circular Economy Statement must be prepared in accordance with the GLA Circular Economy Guidance and demonstrate that the development has been designed to meet the relevant targets set out in the guidance. The end-of-life strategy included in the statement shall include the approach to storing detailed building information relating to the structure and materials of the new building elements (and of the interventions to distinguish the historic from the new fabric). The development shall be carried out in accordance with the details we approve and shall be operated and managed throughout its life cycle in accordance with the approved details. (C17BA)

Reason:

To ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy SI7 in the London Plan 2021, Policy 37 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022).

- 27 Before commencement of any of the uses in the building, you must apply to us (in consultation with the GLA) for approval of detailed plans demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. You must not start any uses in the building until we have approved in writing what you have sent us. You must use the building in accordance with the approved details unless otherwise agreed in writing.

Reason:

In accordance with London Plan Policy SI6 and as requested by the Mayor of London.

- 28 On-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards for Central Activities Zone (London Plan Policy SI 1 (D)).

Reason:

In accordance with London Plan Policy SI 1 (D) and as requested by the Mayor of London.

- 29 You must protect the Street tree (English elm T1) according to the details, proposals, recommendations set out in the Arboricultural Impact Assessment (dated February 2024) by Arborclimb Consultants. You must undertake the special methods of working and arboricultural supervision according to these details. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details

Reason:

To protect the trees and the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 30 You must apply to us for approval of detailed drawings and a bio-diversity management (including details of an Ecological Management Plan) plan in relation to the green roof and terrace planting to include construction method, layout, watering, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 31 No development (with the exception of demolition and temporary works) shall commence until hydraulic flood modelling drainage calculations and design drawings are submitted and approved by the Local Authority, to demonstrate that the proposed development will not impact upon wider drainage network.

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 32 You must provide, maintain and retain the flood mitigation measures before you start to use any part of the development, as set out in your application. You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 33 Prior to the occupation of the development hereby approved, details of measures to minimise the risk of crime and meet the specific security needs of the development (informed by the principles and objectives of Secured by Design) shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Metropolitan Police Designing Out Crime Office. The development shall accord with the approved details and shall be retained and maintained for the lifetime of the development.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Mayfair Conservation Area as set out in Policies 38 and 39 of the City Plan 2019-2040 (April 2021). (R16BD)

- 35 You must apply to us for the approval of an external lighting strategy for the development. This must include:

- Drawings (plans and elevations) to show location and position of proposed lights,
- Manufacturers specification of proposed lights,
- Lighting level details relative to nearby properties to show details of potential light spillage,
- Hours of operation of the lighting.,

You must not install external lighting until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the approved strategy.

Reason:

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

- 36 The roof terraces hereby approved shall only be used by users of the office accommodation and only between the hours of 07.00 and 22.00.

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)

37 No live or recorded music shall be played on the roof terraces hereby approved.

Reason:

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

38 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated 17th November 2023 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

39 The glass that you put in the windows in the east (facing 22 Hanover Square) elevation of the building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

40 The privacy screens at the end of the roof terraces adjacent to 22 Hanover Square as shown on the drawings hereby approved must be 1.8m high (from the floor of the terrace) and must be installed before commencement of the office use hereby approved and thereafter permanently maintained.

Reason:

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

41 Details of the precise scope of the method for securing and lifting the retained parts of the building, including structural alterations and deconstruction etc, must be submitted for our approval before any structural demolition works commence.

Reason:

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

42 You can use the ground and first floors of the property only for Class E(a) (display or retail sale of goods, other than hot food) where indicated for such use on the drawings hereby approved, and the second floor and above only for E(a) (display or retail sale of goods, other than hot food) or E(g)(i) (offices to carry out any operational or administrative functions), and for no other uses within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of retail and office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Activities Zone and the West End Retail and Leisure Special Policy Area. The retail and office accommodation also contributes to meeting the business and employment needs of the City. This would not meet Policies 1, 2, 13 and 14 of the City Plan 2019 - 2040 (April 2021). Also we cannot grant planning permission for unrestricted Class E use because servicing activity would have an adverse impact on the local highway network and would not meet Policy 29 of the City Plan 2019 - 2040 (April 2021).

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to the following:
 - a) A financial contribution of £150,480 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development); ,
 - b) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;;
 - c) A financial contribution of £257,473.50 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development);,
 - d) An Employment and Skills Training Plan; ,
 - e) Travel Plan and associated monitoring costs;;
 - f) Potential Highways Works and associated costs (e.g. loading bay works, relocation of taxi bay and provision of short stay cycle parking);,
 - g) All costs associated with stopping up parts of the highway;;

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h) The costs of monitoring the S106 agreement., (I55AA)

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.