

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 6 August 2024	<b>Classification</b> For General Release	
<b>Addendum report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Marylebone	
<b>Subject of Report</b>	<b>Development Site At 38-70 Baker Street, 64-66 Blandford Street And 43-45, Dorset Street, London,</b>		
<b>Proposal</b>	Demolition of the existing buildings and redevelopment above a retained basement to create a mixed-use scheme providing Class E commercial space (retail, restaurants, offices), a community space, and 17 residential units within a new building consisting of ground plus 7 storeys plus rooftop amenity for the commercial, and ground plus 7 storeys for the residential element, improvements to the public realm and pedestrian routes around the perimeter of the Site and along Broadstone Place, consolidated servicing, ancillary plant and storage, cycle parking, and other associated works.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Derwent Lazari Baker Street GP Limited		
<b>Registered Number</b>	22/08200/FULL	<b>Date amended/ completed</b>	1 December 2022
<b>Date Application Received</b>	1 December 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		
<b>Neighbourhood Plan</b>	N/A		

## 1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:

- a) The drawing down of affordable housing credits equivalent to 1,328.5 sq.m GIA of affordable housing floorspace at Castle Lane / Palace Street pursuant to planning permission dated 6 February 2019 (Ref: 18/01971/FULL), prior to the commencement of development.
- b) Car club membership for the occupiers of each of the 17 x residential dwellings for a continuous period of at least 25 years.
- c) Submission of an Employment and Skills Plan and a financial contribution of £405,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development through the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the development (including demolition). Financial contribution payable prior to the commencement of development.
- d) A financial contribution to the City Council's Carbon Off-Set Fund of £820,000 (index linked and payable prior to commencement of development) to mitigate the residual regulated operational

carbon emissions arising from the development over the anticipated 30-year life of the building's services.

e) Delivery of an off-site carbon savings project at St Mary's Bryanston Square Primary School (or another local carbon savings project making equivalent carbon savings if unforeseen circumstances prohibit delivery of this project). Delivery of this off-site carbon savings project prior to occupation of development. If the off-site carbon savings project at St Mary's Bryanston Square Primary School (or another local carbon savings project making equivalent carbon savings) are not able to delivered despite the owner's reasonable endeavours, a financial contribution to the City Council's Carbon Off-Set Fund of £32,000 (index linked and payable prior to occupation of any part of the development) in order to mitigate the residual regulated operational carbon emissions arising from the development over the anticipated 30-year life of the building's services.

f) Be seen energy monitoring on the actual operational energy performance of the building, including as-built and in-use stage data.

g) Undertaking of highways works on the parts of Baker Street, Dorset Street and Blandford Street that about the development site and the entirety of Broadstone Place that are necessary to accommodate the development (including the provision of a footway along the entire western length of Broadstone Place and, if possible and desirable to the City Council as Highways Authority, short stay cycle parking provision for at least 42 bicycles on the part of Baker Street immediately adjacent to the development). If undertaken by the owner (with the agreement of the City Council), highway works to be completed prior to occupation of any part of the development.

h) Dedication of areas on Broadstone Place, Dorset Street, Baker Street and Blandford Street as public highway.

i) The costs of stopping up of areas of public highway on Broadstone Place, Baker Street and Dorset Street (payable and stopping up order confirmed prior to commencement of development).

j) Provision of an Educational and Cultural Space within the development at peppercorn rent in perpetuity and fitted out to a Category A standard.

k) 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 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 Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Authorise the making up a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway on Broadstone Place, Baker Street and Dorset Street to enable this development to be constructed. That the Director of Planning and Building Control, Executive Director of Environment and City, Director of City Highways 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 order and to make the order as proposed if there are no unresolved objections to the draft order.

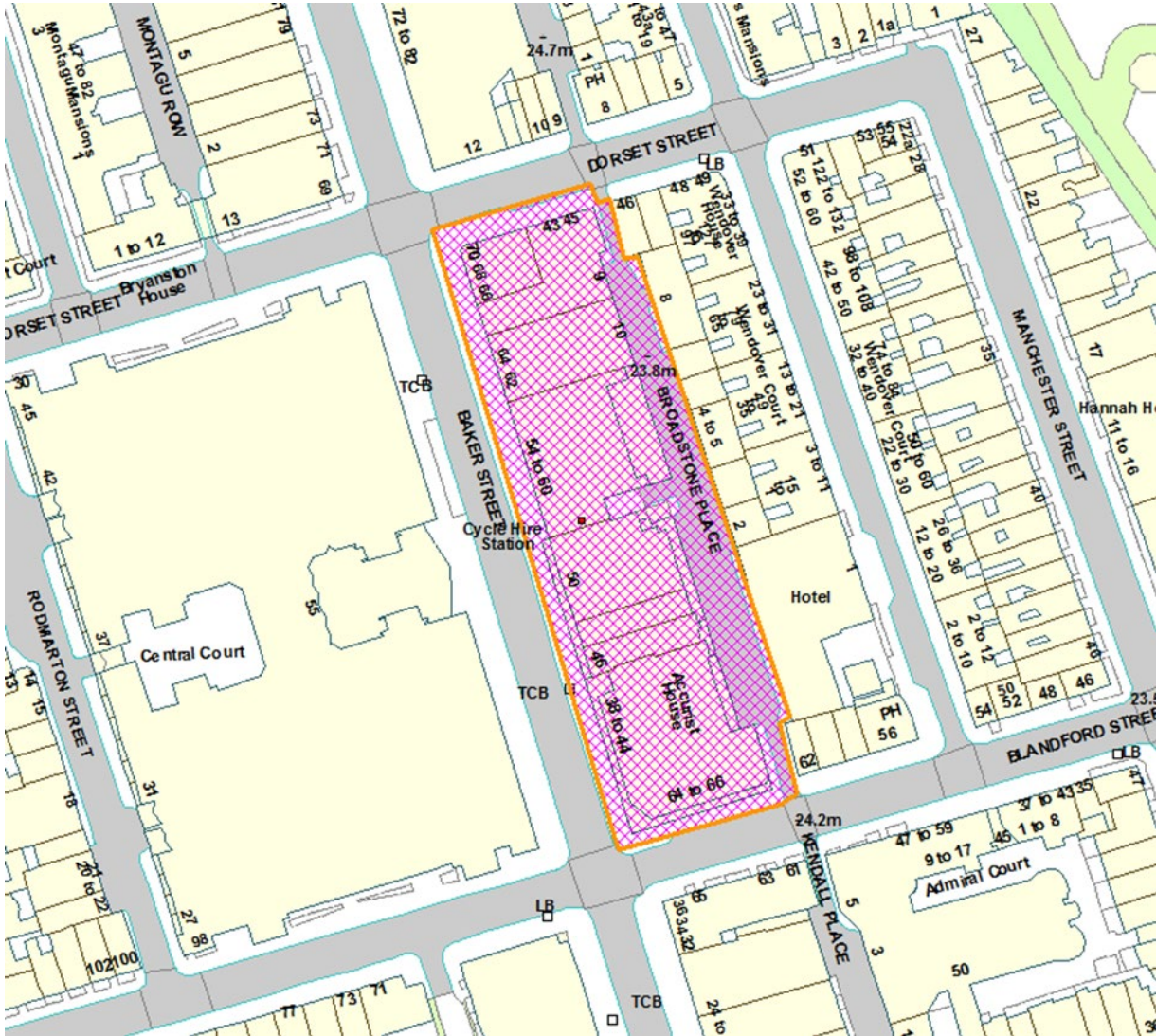
## **2. SUMMARY & KEY CONSIDERATIONS**

This application was due to be considered by the Committee on 25<sup>th</sup> June, but due to unforeseen staffing reasons, the application was withdrawn from the agenda by officers. The application is therefore reported back to the committee for determination.

Since the last report was prepared, officers have now amended condition 34 to secure the updated circular economy commitments made by the applicant to incorporate recycled materials in the development and to ensure that the removal of waste off-site is minimised. The draft decision notice, and the original report are appended here.

Accordingly, the application is recommended for conditional approval subject to referral to the Mayor of London and the completion of a legal agreement to secure the items set out above in the officers' recommendation.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



66-70 Baker Street



62-64 Baker Street



Watson House - 54-60 Baker Street



Accurist House - 38-52 Baker Street

## 5. CONSULTATIONS

### **ADDITIONAL REPRESENTATIONS RECEIVED FOLLOWING PUBLICATION OF THE 25<sup>th</sup> JUNE COMMITTEE REPORT**

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

17 letters of objection (including one on behalf of the residents of Wendover House) on the following grounds:

##### Design

- \*Excessive height and massing
- \*Overbearing scale
- \*Poor quality design

##### Land Use

- \*Lack of community benefit
- \*Inadequate public benefits

##### Sustainability

- \*Demolition is contrary to the Council's retrofit-first policy
- \*Existing building should be renovated
- \* Increased energy consumption, waste generation, pollution

##### Amenity

- \*Loss of sunlight and daylight
- \*Increased sense of enclosure

##### Other matters

- \*Disruption during construction
- \*Increase in parking pressure
- \*Original concerns have not been addressed.

(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: JO PALMER BY EMAIL AT [jpalme@westminster.gov.uk](mailto:jpalme@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Development Site At 38-70 Baker Street, 64-66 Blandford Street And 43-45, Dorset Street, London,

**Proposal:** Demolition of the existing buildings and redevelopment above a retained basement to create a mixed-use scheme providing Class E commercial space (retail, restaurants, offices), a community space, and 17 residential units within a new building consisting of ground plus 7 storeys plus rooftop amenity for the commercial, and ground plus 7 storeys for the residential element, improvements to the public realm and pedestrian routes around the perimeter of the Site and along Broadstone Place, consolidated servicing, ancillary plant and storage, cycle parking, and other associated works.

**Reference:** 22/08200/FULL

**Plan Nos:** Demolition drawings:  
 PL508 Rev. P00, PL509 Rev. P00, PL510 Rev. P00, PL511 Rev. P00, PL512 Rev. P00, PL513 Rev. P00, PL514 Rev. P00, PL515 Rev. P00, PL516 Rev. P00, PL517 Rev. P00, PL518 Rev. P00, PL601 Rev. P00, PL602 Rev. P00, PL603 Rev. P00, PL604 Rev. P00, PL701 Rev. P00 and PL702 Rev. P00. , ,

Proposed drawings:  
 PL002 Rev. P01, PL099 Rev. P04, PL100 Rev. P05, PL100A Rev. P03, PL101 Rev. P04, PL102 Rev. P04, PL102A Rev. P01, PL103 Rev. P04, PL104 Rev. P04, PL105 Rev. P04, PL105A Rev. P01, PL106 Rev. P03, PL107 Rev. P03, PL108 Rev. P02, PL109 Rev. P02, PL201 Rev. P01, PL202 Rev. P03, PL203 Rev. P04, PL204 Rev. P01, PL301 Rev. P03, PL302 Rev. P02, PL303 Rev. P01 and PL304 Rev. P01.

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641  
07866040156

**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** 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 the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

**5** You must apply to us for approval of detailed drawings, including sections (scale 1:50,



1:20 & 1:10 where appropriate) of each primary type of the following parts of the development:

- a) All new windows,
- b) Louvred openings,
- c) All new doors,
- d) Shopfronts,
- e) Plant enclosures,
- f) Balustrades,
- g) Key typical façade bay studies

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 6 You must apply to us for approval of sample panels of the following parts of the development - brickwork. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these panels. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 7 You must apply to us for approval of advertisement design guidelines for the development. The ground floor commercial units must not be occupied until we have approved what you have sent us. Notwithstanding the deemed consent provisions in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements are to be displayed on the premises that do not comply with the approved guidelines unless we have agreed otherwise in writing.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 8 You must apply to us for approval of drawings and full particulars of a site-wide public art strategy and the detailed public art proposals.

No part of the development hereby approved shall be occupied until the approved public art proposals have been installed.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 9 You must apply to us for approval of detailed drawings including sections (scale 1:50, 1:20 & 1:10 where appropriate) showing the following alterations to the scheme:
- a) Provision of decorative louvres in lieu of the proposed 'air louvre grilles' to the east (Broadstone Place) façade.
  - b) Detailed drawings (scale 1:20) showing relief and interest to the flank wall to Dorset Street.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 10 With the exception of elements shown on the approved drawings or secured as part of separate conditions, you must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 11 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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 12 You must reinstate the commemorative Special Operations Executive (SOE) plaque to the Baker Street façade prior to the occupation of the building.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26CE)

- 13 Prior to the commencement of the installation of the photovoltaic (PV) installation at roof level, a detailed roof layout plan shall be submitted to and approved in writing by the City Council. The plan shall demonstrate that the roof's potential for a photovoltaic (PV) installation has been maximised, clearly outlining with mark-ups any constraints to the provision of further PVs, such as plant space or solar insolation levels. The plan shall also indicate how PV can be integrated with any green/brown roof areas using a bio-solar arrangement and any proposed amenity areas.

Reason:

To ensure the effective use of renewable energy sources and to comply with WCC City Plan 2019-2040 Policy 36 and the London Plan 2021 Policy SI2

- 14 The development shall be carried out in accordance with the approved Energy Strategy (prepared by Buro Happold; dated 5 June 2023 and Energy Statement Addendum dated 13 February 2024 and GLA Energy Memorandum dated 10 April 2024) and shall achieve regulated carbon dioxide emission savings of not less than 32% for emissions for the commercial part of the development and of not less than 83% for the residential-domestic part of the development (both beyond the Target Emissions Rate of Part L of Building Regulations 2021). The energy efficiency and sustainability measures set out therein shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development.

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)

- 15 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.

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)

- 16 You must carry out the development in accordance with the approved overheating strategy and install all passive and/or active measures to prevent overheating prior to first occupation of the development. Thereafter you must retain the approved passive and/or active measures to prevent overheating and maintain them in an operational condition for the lifetime of the development.

Reason:

To ensure the development is designed and operated to minimise the risk of internal overheating and is an energy efficient building in accordance with Policy SI4 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). (R17EA)

- 17 (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)

- 18 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) 17 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)

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

Reason:

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

- 20 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)

- 21 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition(s) 19 and 20 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. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

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

- 22 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises.  
(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.  
(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 23 You must apply to us for approval of details of the ventilation system to get rid of

cooking smells, including details of how it will be built and how it will look. You must not undertake any primary cooking on site until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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

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

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

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

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

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

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

- 25 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)

- 26 Prior to commencement of above ground works, details of a system of mechanical ventilation shall be submitted to and approved in writing by the City Council. The ventilation system shall ensure that:
1. A system of air quality filtration is installed and or inlets are positioned so that that they are drawing air of a sufficient quality so that the National Air Quality Objectives and WHO guideline levels for Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10/2.5</sub>) are not exceeded within the residential properties hereby approved.
  2. The mechanical ventilation is designed in compliance with the current Technical Memorandum produced by CIBSE to prevent overheating when the windows are closed.

The approved system shall be installed and be operational before occupation of the residential flats hereby approved and the system shall be checked and maintained in accordance with the manufacturer's specification and retained for the life of the development.

**Reason:**

To ensure that the occupants of residential units do not suffer from poor air quality of overheating, as required by City Plan Policies 12, 21 and 36 and London Plan Policies D6, SI 1 and SI4.

- 27 You must only use the parts of the building coloured blue on the approved drawings as:
- (i) an office to carry out any operational or administrative functions,
  - (ii) the research and development of products or processes, or,
  - (iii) any industrial process
- being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit

You must only use the parts of the building coloured orange on the approved drawings:

- , , (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, ,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
  - (i) financial services,
  - (ii) professional services (other than health or medical services), or,
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality.

You must not use it for any other purposes, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

**Reason:**

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



Class E that may have different or unacceptable waste storage, servicing, amenity or transportation requirements and / or impacts, to ensure that the public benefits associated with the uses sought are delivered, and to ensure that the ground floor uses provide active frontages and serve visiting members of the public, in accordance with Policies 7, 14, 16, 29, 32, 33 and 37 of the City Plan 2019 - 2040 (April 2021)., ,

- 28 A maximum of 70% of the floorspace coloured orange on the approved drawings shall be used for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises (Class E).

Reason:

To ensure that a suitable mix of uses occupy the ground floor, to prevent an overconcentration of entertainment uses being created and to preserve the amenity of local residents, in accordance with City Plan Policies 7, 16 and 33.

- 29 Any ground floor units used for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises (Class E) shall not permit customer access before 07.00 or after 00.00 (midnight) each day.

Reason:

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

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

Reason:

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

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

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 32 You must provide the separate stores for waste and materials for recycling shown on the approved drawings prior to commencement of use of the corresponding part of the

development. Thereafter, you must permanently retain them only for the storage of waste and recycling.

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)

- 33 **Pre-Commencement Condition.** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment (whereby the updated assessment identifies changes to the design, procurement, or delivery) 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 an increase in embodied carbon (A1-A5) above 532kgCO<sub>2</sub>e/m<sup>2</sup> and/or Whole Life Carbon (A1-C4) above 831kgCO<sub>2</sub>e/m<sup>2</sup>, 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).

- 34 **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 and for circa. 59% of the Accurist House superstructure in the proposed

building's raft foundations, at least 29% of the existing material on site by volume to be reused in the construction of the approved development, and for at least 24% of the new building materials to come from recycled or reused sources. 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. 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).

- 35 The terraces associated with the office floorspace hereby approved at fifth, seventh and eighth floor level shall only be used between 07.00 and 22.00 (Monday to Friday). This is with the exception of maintenance.

If you play live or recorded music on the terraces, the received music noise level in neighbouring residential habitable spaces shall be 10 dB below the existing ambient and maximum noise levels in the residential habitable spaces when music is not playing, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq and LFmax in the octave bands 63 Hz and 125 Hz; The overall music noise level in terms of LAeq,5mins should be at least 10 dB below the existing background noise level in terms of dB LA90,5mins.

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)

- 36 You must provide the total number of approved cycle parking spaces and the associated end of trip facilities shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose.

All staff working within the ground floor units coloured in orange on the approved

drawings shall be provided with access to the basement cycle storage and associated facilities (coloured blue on the approved drawings).,

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).

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

Reason:

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

- 38 You must submit a Servicing Management Plan (including hours of servicing) for our approval.

The commercial parts of the development hereby approved shall not be occupied until we have approved what you have sent us. The servicing of the development shall take place in accordance with the approved Servicing Management Plan (including hours of servicing).

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)

- 39 With the exception of doors servicing a fire escape or a UKPN sub-station, 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)

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

Reason:

To make sure that the trees on the site are adequately protected during building works.

This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 41 You must apply to us for approval of:
- Detailed drawings of the green roof elements of the development hereby approved, including detailed sections through the different types of green roof showing the drainage layer and the depth of planting material.
  - The number, size, species and position of planting.

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 planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you find that any plants are dying, severely damaged or diseased, you must replace them with plants of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 42 Prior to the commencement of work to these parts of the approved development, you shall submit to us for approval of detailed drawings showing the location, depth and volume of green roof, blues roof and attenuation tanks that are required to reduce the surface water run-off from the building to greenfield run-off rates. The required mitigation shall be installed in full prior to the occupation of the development hereby approved and shall be retained for the life of the development.

Reason:

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

- 43 The residential unit(s) hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 44 The 'cultural and educational space' shown in pink on the approved drawings shall only be used for purposes within Classes F.1 and F.2 of the Town and Country Planning

(Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).,

Reason:

To deliver one of the public benefits of the development proposal and to provide new community infrastructure and facilities within the development, in accordance with City Plan Policy 17.

- 45 A Management Plan for the operation of the 'cultural and educational space' shown in pink on the approved drawings shall be submitted for the City Council's approval. The commercial parts of the development hereby approved shall not be occupied until we have approved what you have sent us. The 'cultural and educational space' shall be operated in accordance with the approved Management Plan.

Reason:

To deliver one of the public benefits of the development proposal and to provide new community infrastructure and facilities within the development, in accordance with City Plan Policy 17.

- 46 The 'cultural and educational space' shown in pink on the approved drawings shall incorporate a permanent exhibition commemorating the works undertaken by the Special Operations Executive, the details of which shall be submitted for the City Council's approval. The exhibition shall accord with the approved details, shall be installed prior to the occupation of the commercial parts of the development hereby approved, and shall be retained for the life of the development.

Reason:

The commemorate the site's association with the Special Operations Executive.

### **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.

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.

**APPENDIX 1 – Committee report dated 25<sup>TH</sup> June 2024**

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 25 June 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Marylebone	
<b>Subject of Report</b>	<b>Development site at 38-70 Baker Street, 64-66 Blandford Street and 43-45 Dorset Street, W1</b>		
<b>Proposal</b>	Demolition of the existing buildings and redevelopment above a retained basement to create a mixed-use scheme providing Class E commercial space (retail, restaurants, offices), a community space, and 17 residential units within a new building consisting of ground plus 7 storeys plus rooftop amenity for the commercial, and ground plus 7 storeys for the residential element, improvements to the public realm and pedestrian routes around the perimeter of the Site and along Broadstone Place, consolidated servicing, ancillary plant and storage, cycle parking, and other associated works.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	Derwent Lazari Baker Street GP Limited		
<b>Registered Number</b>	22/08200/FULL	<b>Date amended/ completed</b>	1 December 2022
<b>Date Application Received</b>	1 December 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		
<b>Neighbourhood Plan</b>	N/A		

## 1. RECOMMENDATION

1. Subject to the views of the Mayor of London, grant conditional permission subject to a legal agreement to secure the following:

- a) The drawing down of affordable housing credits equivalent to 1,328.5 sq.m GIA of affordable housing floorspace at Castle Lane / Palace Street pursuant to planning permission dated 6 February 2019 (Ref: 18/01971/FULL), prior to the commencement of development.
- b) Car club membership for the occupiers of each of the 17 x residential dwellings for a continuous period of at least 25 years.
- c) Submission of an Employment and Skills Plan and a financial contribution of £405,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development through the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the development (including demolition). Financial contribution payable prior to the commencement of development.
- d) A financial contribution to the City Council's Carbon Off-Set Fund of £820,000 (index linked and



payable prior to commencement of development) to mitigate the residual regulated operational carbon emissions arising from the development over the anticipated 30-year life of the building's services.

- e) Delivery of an off-site carbon savings project at St Mary's Bryanston Square Primary School (or another local carbon savings project making equivalent carbon savings if unforeseen circumstances prohibit delivery of this project). Delivery of this off-site carbon savings project prior to occupation of development. If the off-site carbon savings project at St Mary's Bryanston Square Primary School (or another local carbon savings project making equivalent carbon savings) are not able to delivered despite the owner's reasonable endeavours, a financial contribution to the City Council's Carbon Off-Set Fund of £32,000 (index linked and payable prior to occupation of any part of the development) in order to mitigate the residual regulated operational carbon emissions arising from the development over the anticipated 30-year life of the building's services.
- f) Be seen energy monitoring on the actual operational energy performance of the building, including as-built and in-use stage data.
- g) Undertaking of highways works on the parts of Baker Street, Dorset Street and Blandford Street that abut the development site and the entirety of Broadstone Place that are necessary to accommodate the development (including the provision of a footway along the entire western length of Broadstone Place and, if possible and desirable to the City Council as Highways Authority, short stay cycle parking provision for at least 42 bicycles on the part of Baker Street immediately adjacent to the development). If undertaken by the owner (with the agreement of the City Council), highway works to be completed prior to occupation of any part of the development.
- h) Dedication of areas on Broadstone Place, Dorset Street, Baker Street and Blandford Street as public highway.
- i) The costs of stopping up of areas of public highway on Broadstone Place, Baker Street and Dorset Street (payable and stopping up order confirmed prior to commencement of development).
- j) Provision of an Educational and Cultural Space within the development at peppercorn rent in perpetuity and fitted out to a Category A standard.
- k) 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 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 Planning and Building Control is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Authorise the making up a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway on Broadstone Place, Baker Street and Dorset Street to enable this development to be constructed. That the Director of Planning and Building Control, Executive Director of Environment and City, Director of City Highways 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 order and to make the order as

proposed if there are no unresolved objections to the draft order.

## 2. SUMMARY & KEY CONSIDERATIONS

The application site comprises a city block bounded by Baker Street, Dorset Street, Broadstone Place and Blandford Street. The site is located within the Central Activities Zone (CAZ). None of the buildings are listed and the site is outside of a conservation area. The development proposal would, however, affect the setting of several Grade II listed buildings and affect the setting of the Portman Estate Conservation Area that abuts the site to the east and south. The existing buildings are used as shops and restaurants over ground and part ground floor level, car parking at part basement level, offices on part of the upper floors, and 13 x residential maisonettes over the fourth and fifth floors of Accurist House (Nos. 64-66 Blandford Street and Nos. 38-52 Baker Street).

Planning permission is sought to demolish the five existing buildings on site, excavate to lower the existing basement, and erect a replacement building over basement, ground and seven upper floors, as well as roof top plant and roof pavilions providing access to a roof top terrace and greening. The replacement building is mixed use and would provide offices over the upper floors accessed via a ground floor reception that spans the width of the building with entrances on both Baker Street and Broadstone Place, flexible shops and / or restaurants over the majority of the Baker Street, Dorset Street and Blandford Street frontages, and 17 x flats over the upper floors of the north-east part of the replacement building and accessed from a reception on Dorset Street. A cultural and education space is proposed over part ground and first floor level and accessed from Broadstone Place. This space is intended to be managed by the Baker Street Quarter Partnership and let at a peppercorn rent. It will be used for a variety of community-based purposes and provide a permanent exhibition to commemorate the site's association with the Special Operations Executive (SOE) that was headquartered in Nos. 62-64 Baker Street (one of the buildings proposed to be demolished). An off-street servicing bay is proposed on the southern end of Broadstone Place.

The key considerations in this case are:

- The acceptability of drawing down affordable housing credits at Castle Lane / Palace Street equivalent to 50% of the market housing proposed on-site (by floorspace), prior to the commencement of development, rather than providing the policy requirement of proving 35% of the housing proposed on site as affordable housing on-site (by floorspace).
- Whether or not the redevelopment of these building adheres to the sustainability and circular economy policies within the development plan that promote circular economy principles and principles of sustainable design, both of which prioritise the retention, refitting and refurbishment of existing buildings.
- The impact on the amenity of neighbouring residential properties, particular in terms of daylight, overlooking, and sense of enclosure.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed replacement building on the setting of the Portman Estate Conservation Area and the setting of other nearby designated heritage assets in the form of the Grade II listed buildings that adjoin or are close to the site.

Linking the development proposal to drawing down of affordable housing credits at Castle Lane / Palace Street will result in more affordable housing units and floorspace being delivered within Westminster than were it provided on site, generating materially greater public benefits when

compared to a policy compliant on-site delivery of affordable housing. These greater public benefits comprise sufficiently compelling material considerations to outweigh the conflict with City Plan Policy 9 and London Plan Policies H4 and H5.

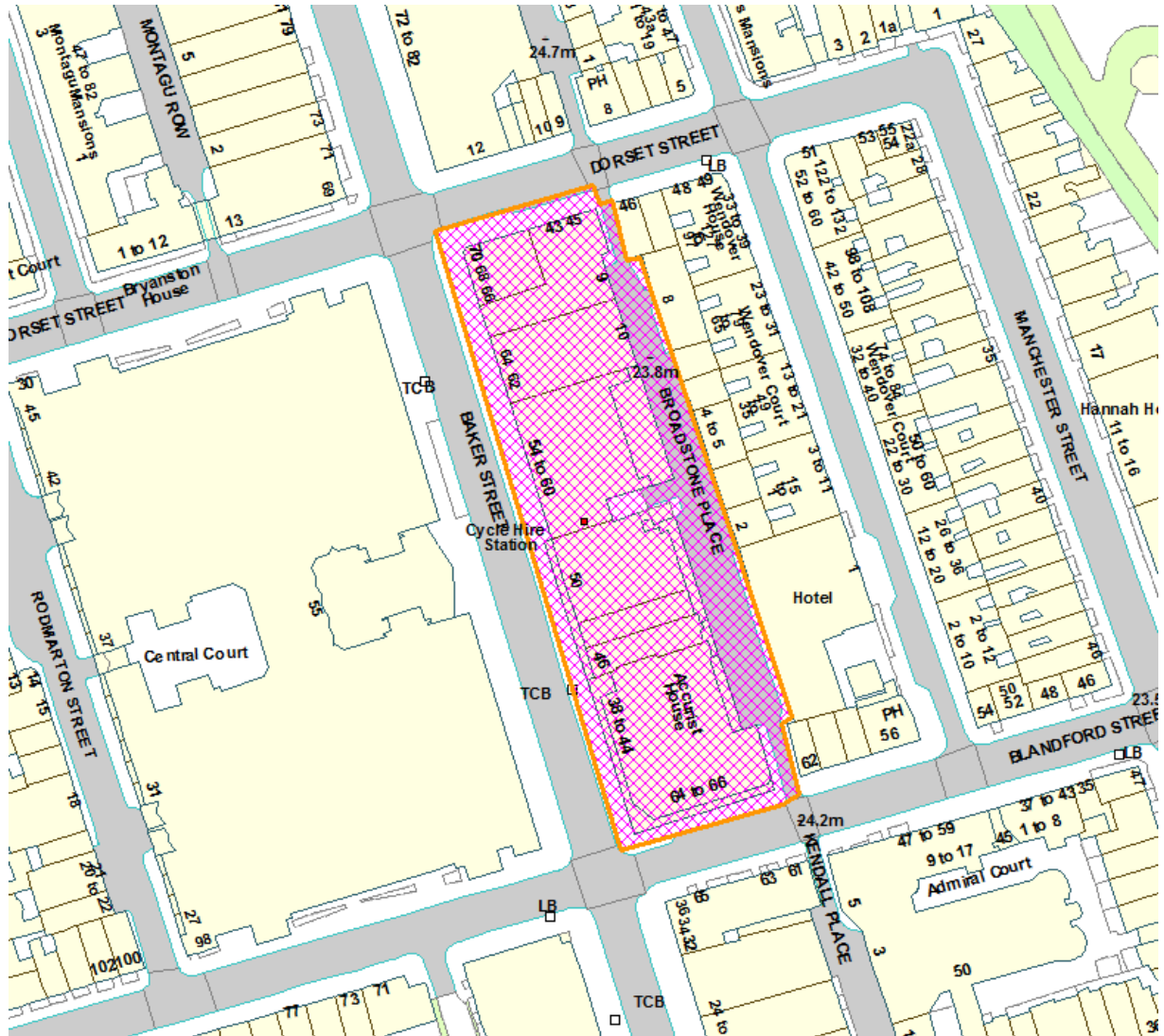
The applicant has undertaken a comprehensive analysis of the existing building on site and has considered a full suite of development options for the site. From this analysis, the retention of the ground to third floor of Accurist House was the most suitable for retention. However, the analysis found that the integration of Accurist House into the redevelopment proposal would result in a development that would have a comparable upfront carbon impact with the comprehensive redevelopment of the site. Further analysis found that there are more opportunities to reduce the upfront carbon impact of the comprehensive redevelopment scheme. Since submission of the application, the applicant is now committed to making further carbon savings and reduction in waste through the re-use of approximately 59% of the existing Accurist House as part of the raft foundations for the development scheme. In this context, the development proposal is acceptable from a sustainability and circular economy perspective.

Whilst the increase in height, depth and bulk of the replacement building will result in material losses of daylight within nearby residential properties, the localised harm to residential amenity would be outweighed by the significant commercial growth in the CAZ that the development proposal will deliver and the other public benefits that will flow from the development. Furthermore, the development will not result in a material loss of amenity through increased overlooking or an increased sense of enclosure for the occupants of the neighbouring residential properties.

The development will cause a low level of less than substantial harm through the demolition of Nos. 62-64 Baker Street (considered to be a non-designated heritage asset) and as a result of the additional height, bulk, massing and prominent plant enclosure that will detract from the domestic scale of architecture within the nearby Portman Estate Conservation Area to the east. However, the public benefits of the development are significant and would outweigh this low level of less than substantial harm.

For these reasons, it is considered that the development proposal is acceptable and is accordingly recommended for conditional approval subject to referral to the Mayor of London and the completion of a legal agreement to secure the items set out above in the officers' recommendation.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.  
All rights reserved License Number LA 100019597

#### 4. PHOTOGRAPHS

Baker Street frontage from the south (Accurist House is in the foreground):



Baker Street frontage from the north (Nos. 66-70 Baker Street is in the foreground):



Broadstone Place frontage from the north (looking south):



Broadstone Place frontage from the centre (looking south):



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### First round of notification (December 2022)

##### MAYOR OF LONDON:

- The significant uplift in the quantum and quality of office space on the site is welcomed but further information should be provided as to how the development will meet the London Plan's strategic aims in terms of the flexibility and adaptability of the office space.
- Specific Class E uses on the ground floor which respond appropriately to the character of the area should be discussed and agreed with the Council.
- The proposal does not deliver any affordable workspace and the applicant should give serious consideration to an affordable workspace offer, which could be a significant public benefit that may contribute to the overall planning balance.
- Given the development overall proposes a significant uplift in office floorspace, the residential component of the development is considered to be acceptable through not compromising the strategic functions of the CAZ.
- The re-provision of the residential floorspace on site at a higher density is supported in principle.
- Notes that the affordable housing being delivered at the Castle Lane / Palace Street is not compliant with the tenure mix within City Plan Policy 9(E) that requires 60% of affordable units to be 'intermediate' affordable housing for rent or sale and 40% will be social rent or London Affordable Rent.
- The applicant's concerns that a mixed tenure core for on-site affordable housing delivery can be problematic and are often not attractive to Registered Providers are noted but are common to many schemes and do not constitute an exceptional circumstance justifying off-site provision in this case.
- Certainty needs to be provided that the linkage of the proposed development with an off-site affordable housing site at Castle Lane / Palace Street represents true additionality and that there will be no 'double counting;' with other schemes relying on the same off-site affordable housing credits. Additional information is requested to allay these concerns.
- Concern that the majority of the new units are single-aspect and will not enjoy sufficient internal light levels.
- In townscape terms, the proposed building's height would sit comfortably amongst other buildings of similar height on Baker Street in most views. However, the proposed building is considered to cause less than substantial harm to the setting of the following Grade II listed buildings (No. 8 Dorset Street (the Barley Mow Public House), the Chiltern Street Firehouse, Nos. 61–67 (odd) Blandford Street and Nos. 34 and 36 Baker Street), the Portman Estate Conservation Area, the Dorset Square Conservation Area, the Portman Square and Manchester Square Registered Park and Garden (Grade II) and the Regent's Park, Registered Park and Garden (Grade I). This is because the proposed replacement building would harm the backdrop to the gable and dormer details of the Chiltern Street Firehouse and because of its overwhelming scale.
- The idea of the 'City Room' in the centre of the building at ground floor level that would provide a semi-public space that provides permeability between Baker

- Street and Broadstone Place, presents a unique opportunity for the ground plane of the building to act almost as a covered public space. This is strongly supported.
- Given the limited opportunities for public realm and greening within the site, the proposed scheme details a thorough and well-considered approach to integrating green infrastructure and urban greening, both on ground plane, and on the roofscape. This is supported.
  - The improvements to the accessibility of Broadstone Place and the creation of active frontages on the west side of this street are welcome.
  - The sustainability impacts of a full demolition proposal need to be weighed in the planning balance and in view of the benefits of the scheme. The final whole life carbon assessment must robustly demonstrate that whole life carbon principles and carbon savings have been fully maximised.
  - Further information is required in regard to the energy strategy, whole life cycle carbon assessment, circular economy, air quality, urban greening, and sustainable drainage.

**COUNCILLORS ROWLEY, SCARBOROUGH AND ARZYMANOW:**

- Concerns about the height and bulk of the above proposed development and would request that the Committee look closely at this.
- Welcomes the reinstatement of the SOE plaque on the replacement building and the additional commemoration within the replacement building.

**COUNCILLOR ROWLEY AND CLLR SCARBOROUGH:**

- Extremely supportive of application although considers that the residential entrance together with the second residential escape should be situated on Dorset Street and not Broadstone Place.

**MARYLEBONE ASSOCIATION:**

- Objection on the following grounds:
  - o Scale and massing – the excessive height and bulk of the replacement building will harm the setting of the Portman Estate Conservation Area, harm townscape view and will be detrimental to the occupiers of the properties to the east backing onto Broadstone Place.
  - o The demolition of Nos. 62-70 Baker Street and especially Nos. 62-64 Baker Street which, above ground floor, is a decent example of stone architecture from the 1930s in the Marylebone area is unwelcome as they have some local merit. Considers that their replacement with singular architecture is convenient rather than convincing.
  - o The application site is half the urban block, which extends to Chiltern Street to the east and that the proposals should be considered in this context.
  - o In respect to the embodied carbon of the proposed replacement building, expects the City Council to consider the proposed demolition over refurbishment in light of the Marks and Spencer case and be consistent with this.
  - o The removal of smaller development parcels and the agglomeration into a single large development with a central entrance is an unwelcome intervention into an area mostly characterised by smaller development footprints, with the building opposite on Baker Street being an unusual



- exception. It is not in keeping with the urban grain or rhythm of the local area.
- The proposed central entrance and two cores means that the proposed building can at most be divided into two which seems an inherently inflexible approach. Does not agree that the proposed configuration represents a future proofed and flexible building.
  - The proposed architecture is not yet of exemplary quality. The lack of variety in elevational treatment over such a long facade, including turning the corners onto Blandford and Dorset Street is unwelcome and the detail lacks the refinement of some other distinguished works by the architect. The design of the central entrance is prosaic and would benefit from refinement.
  - Concerns about the quality of the residential units proposed, which are mostly single aspect.

#### AFFORDABLE HOUSING SUPPLY MANAGER:

- On the basis that the development is proposing to draw down 20 off site units from Castle Lane and this is a recognised affordable housing credit site and is more than the 8 affordable homes that could be provided on site and the affordable off site is being delivered earlier – this proposal in relation to affordable housing is acceptable

#### ENVIRONMENTAL SCIENCES:

- No objection from an air quality perspective.
- No objection from a contaminated land perspective, subject to the imposition of an appropriate condition.
- No objection from a plant noise or internal noise perspective, subject to the imposition of suitable conditions.

#### THAMES WATER UTILITIES LTD:

- No objection.

#### HISTORIC ENGLAND (ARCHAEOLOGY):

- Given that the site is not within an Archaeological Priority Area, has few records of finds in its immediate vicinity and will have been extensively truncated by modern basements, advises that the site has low archaeological potential. As such, no further assessment or condition is necessary.

#### BUILDING CONTROL:

- Advises that further information is required to assess the impact of the proposed excavation.

#### ARBORICULTURAL MANAGER:

- Advises that, in general, the street trees on Baker Street and Blandford Street are not large or close enough to be affected by the development proposal and that tree protection details could be secured by condition. There is one area of basement on Blandford Street that, if demolished from the top down, risks cutting the tree roots and killing two fairly small and newly planted trees. This would require suitable replacement trees to be secured.
- Comments provided on some of the proposed planting species at roof level.
- Requests that further information is provided on the planting depth for the proposed intensive green roof prior to determination to ensure that it is not downgraded to an extensive roof later due to insufficient planting depth.

**HEALTH AND SAFETY EXECUTIVE:**

- Content from a fire safety design perspective to the extent that it affects land use planning.

**TRANSPORT FOR LONDON:**

- The introduction of active, fine grain uses along all street frontages and the improvements to the poor pedestrian environment on Broadstone Place are welcome.
- The removal of the existing car parking on site is strongly supported.
- The applicant should explore options for overcoming the shortfall in short-stay cycle parking spaces.

**HIGHWAYS PLANNING MANAGER:**

- The removal of the existing car parking on site is strongly supported.
- If possible, it would be welcome if the residents of the proposed residential units are not able to apply for permits to park vehicles in on-street residential parking bays.
- Welcomes that the development will meet the long-stay cycle parking requirements and confirms that there is no objection to the access arrangements.
- Welcomes the proposed off-street servicing bay off Broadstone Place and that vehicles will be able to enter and leave in a forward gear. Whilst the retention of some on-street servicing from a dedicated servicing bay on Baker Street is contrary to policy, overall the situation represents an improvement upon the status quo, particularly if a Servicing Management Plan is secured by condition.
- Whilst the loss of any public highway is contrary to City Plan Policy 28(A), the proposed stopping up of a strip of public highway on the west side of Broadstone Place to tidy up the building line and remove recesses is unlikely to cause any problems in highway terms. However, considers that need for and benefits of stopping up of two strips of land on Baker Street is less convincing given that this is a busy footway and is the location where short-stay cycle parking is proposed.
- The provision of 42 x on-street short-stay cycle parking spaces is well short of the 102 x spaces that policy requires and that more should be done to accommodate the demand for short-stay cycle parking, as least some of which would be off-street and on the development site.
- The application has been assessed on the basis of particular uses within Class E. The applicant has not demonstrated that the proposed range of other uses within Class E would not have a detrimental impact upon the highway.

**METROPOLITAN POLICE SERVICE:**

- Advises that Broadstone Place is not suitable for a residential entrance or a residential cycle store entrance given that it benefits from very little natural surveillance, especially after office hours, and that future residents would have no view of who is standing / loitering in the recessed area on Broadstone Place to the rear of No. 46 Dorset Street. This would result in an increased fear of crime, personal safety issues, and the opportunity for crime to take place.
- The proposed cycle store is far too large. The area must be separated into a number of secure stores in order to avoid cycle thefts.
- The linked door between the residential and retail basement is unacceptable.
- All recesses must be reduced to a maximum of 600mm.
- Requests the imposition of a Secure by Design condition.

**VICTORIAN SOCIETY:**

- The proposals would introduce a new building of significantly greater mass and height than the existing structures, harming the setting of the surrounding Portman Estate Conservation Area, the Grade II listed Chiltern Street Fire House, and the unlisted buildings of merit on Chiltern Street.

**HISTORIC BUILDINGS AND PLACES (THE WORKING NAME OF THE ANCIENT MONUMENTS SOCIETY):**

- Objects due to scale and massing of the proposed development and the intrusive impact it would have on the character and setting of the Portman Estate Conservation Area and associated listed buildings.
- The monolithic nature of the proposed replacement building, by virtue of its scale, height, materials, and monotony of the main elevation extending the entire block, mean the new building would be completely overpowering and dominate this part of the Portman Estate Conservation Area.
- The proposed development would be completely overbearing to the adjacent buildings in Broadstone Place and Chiltern Street.
- It is disingenuous for the application to argue the existing buildings cannot be sustainably adapted and reused due to the different levels of the floor plates between each building, then to introduce a residential component that has different floor levels to the rest of the building. Adapting at least one of the existing buildings for residential would certainly help break up the dominance of the proposed building, and reducing the overall height would help it fit better with the surrounding area.

**LONDON AND MIDDLESEX ARCHEAOLOGIAL SOCIETY:**

- Objects to the application due to scale and massing of the proposed development and harmful impact it would have on the character and setting of the Portman Estate Conservation Area and associated listed buildings.
- The Committee has no objection to the demolition of the buildings on the site as these are of limited significance. However, the monumental nature of what is proposed, by virtue of its scale and height, mean the new building would be completely overpowering and dominate this part of the Portman Estate Conservation Area.

**PROJECTS OFFICER (WASTE):**

- No objection subject to the imposition of a suitable condition.

**HISTORIC ENGLAND:**

- No comment.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 952

Total No. of replies: 59

No. of objections: 48

No. in support: 6

No. neutral: 5

Objections on the following grounds:

Design and Conservation:

- The urban design approach is based on a flawed analysis that the development site comprises an 'urban block' which is incorrect. The block is bound by Chiltern Street to the east with Broadstone Place comprising an internal road within this block. The developments to the west of Baker Street are entire urban blocks with much deeper plans that are capable of accommodating the difference in scale and a different kind of office typology. Applying the same strategy to this narrow half block results in a hugely incongruous and uncomfortable drop in height, which becomes over-bearing to the mews street and Wendover Court. The application should be proposing a scale of building on Broadstone Place that is appropriate in terms of the mews scale of this street and setting the bulk of the building back towards Baker Street. The applicant is attempting to emulate the scale of nearby sites when the context and constraints are completely different.
- The development propose is too large in terms of its height and depth, being wider than the existing buildings and reducing the space between the buildings to the east of Broadstone Place. The development proposal fails to appropriately step down to the lower buildings to the east.
- The justification for the height of the development proposal through reference to other buildings on Baker Street is not accepted. The fact that this development site borders onto smaller buildings to the east needs to be respected. The development proposal will be detrimental to the streetscape and character of Marylebone, particularly on Blandford Street and Dorset Street.
- The sloping central portion of the development proposal to the Broadstone Place is visually unpleasing.
- The setting of the Chiltern Street Firehouse will be harmed through the destroying the distinctive roofline of the building which will no longer be seen against the sky.
- The public benefits of the proposed community space do little to offset the harm caused to the area's character caused by the scale of the proposed development.
- Objections to the demolition of Accurist House which is a meaningful piece of period construction. Demolishing these buildings would cause the erasure of a timeline of 20th century architectural history.
- Objections to the demolition of Nos. 62-64 Baker Street due to its historic association with the Special Operations Executive (SOE) during the second world war. The front façade and some of the original features should be retained and a permanent, public historical exhibition describing the role of the SOE should be incorporated within the proposed community space fronting onto Blandford Street, the commemorative plaque on Baker Street should be retained, and the applicant should consider a further heritage memorial on site (such as a bronze sculpture in the entrance lobby).
- The proposed design is undistinguished and bland – the replacement building would be an anonymous block that could be from any city in the world.
- The proposed replacement building looks incoherent and fussy. Would much prefer something elegant and modern that complements the conservation area.
- The scale of the fenestration of the development proposal does not reflect the Georgian character of the area.

Sustainability:

- Queries whether the demolition of every building is necessary given the negative environmental impacts compared to the refurbishment of the buildings.

- The justification for the redevelopment of the site from a sustainability perspective is based on a pre-conceived commercial position of proposing a very large replacement building, such that a new building would become more sustainable than refurbishing the existing buildings on site. This is a false choice. It would be more sustainable to build less floorspace and to keep and refurbish more of the existing buildings on site. This relative approach to sustainability is now being wrongly exploited as leverage to over-develop sites rather than reuse and refurbish buildings at a scale in keeping with townscape, and expend less carbon.
- The natural ventilation justification for demolition is questionable given that Baker Street is very noisy and polluted. It is disputed whether the occupiers will ever use the natural ventilation.
- The development proposal will add to traffic and pollution in the immediate vicinity.

#### Land Use:

- Questions the proposal to provide the required affordable housing off-site elsewhere within Westminster which may result in absent overseas people purchasing the proposed flats, with associated hollowing out of the economy of Marylebone.

#### Amenity:

- Loss of daylight and sunlight.
- Increased sense of enclosure.
- Loss of privacy.
- Increased noise resulting from the activation of Broadstone Place and from the proposed terraces.
- Light pollution.
- Noise disturbance and loss of daylight and privacy for hotel guests.

#### Transportation:

- Increase pressure on on-street car parking caused by the proposed occupants of the residential flats.
- Request that construction traffic and delivery vehicles should be forbidden from using the section of Blandford Street between Baker Street and Gloucester Place.
- The impact the proposed service area will have on the existing on-street servicing arrangement for the Chiltern Firehouse, as well as the safety of non-hotel guests leaving and staff using Blandford Street to exit.

#### Other:

- Disruption during the course of construction.
- Negative impact upon property values.

#### Support on the following grounds:

##### Land Use:

- The provision of high quality and flexible office and retail floorspace will help attract high quality tenants, contributing to the long-term economic rejuvenation of Baker Street.
- Welcome the proposed new community space and accompanying office space for the Baker Street Quarter Partnership.

**Sustainability:**

- Supports the proposed urban greening on and around the building.
- Supports the opportunity to install photovoltaic panels on the roof of a nearby school.

**Other:**

- Welcomes the proposed enhancements proposed to and sensitive activation of Broadstone Place which will help to design out anti-social behaviour.

PRESS NOTICE/ SITE NOTICE: Yes.

**Second round of notification following revisions to the scheme to: (i) Add a second fire escape stair to serve the residential element; and (ii) Relocate the entrance to the residential units from Broadstone Place to Dorset Street. (October 2023)**

**MARYLEBONE ASSOCIATION:**

- No response.

**METROPOLITAN POLICE SERVICE:**

- Welcomes the relocation of the residential entrance to Dorset Street.
- The retention of the cycle entrance on Blandford Street is, however, not acceptable. The cycle store must be accessible via the main entrance.
- The basement cycle store remains far too large and must be separated.

**HEALTH AND SAFETY EXECUTIVE:**

- Content from a fire safety design perspective to the extent that it affects land use planning.

**Third round of notification following revisions to the scheme to: (i) Reduce the height and massing of the proposed replacement building, (ii) Alter the architectural appearance of the proposed replacement building and make changes to proposed materials; (iii) Reduction in the number of residential units proposed from 21 to 17; (iv) Enhance the applicant's commitments to circular economy principles, including the re-use of some of the existing Accurist House superstructure within the proposed basement slab; (v) Commit to re-providing the SOE green plaque on the Baker Street frontage on the proposed new building; and (vi) To remove the basement door linking the commercial and residential parts of the proposed building. (February 2024)**

**THE MARLEBONE ASSOCIATION:**

- Accepts that the amended development proposal is an improvement in the following ways:
  - o The reduction in scale on to Blandford Street is welcomed and helps to mitigate the impact on the existing street scene.
  - o The graded brick treatment to the Blandford Street and Southern part of Broadstone Place is successful in complementing the neighbouring buildings.
  - o The reduction in scale of the residential building to Dorset Street and the North of Broadstone Place is welcomed and the architectural treatment appears in keeping with the Marylebone Conservation Area.
  - o The brickwork to Broadstone place at first floor level is welcomed.

- However, concerns remain in relation to:
  - o The flank wall of stone of the office building at high level facing East towards Dorset Street is prominent in views looking West and would be improved with either recesses or glazing.
  - o The scale and bulk in relation to the impact on the outlook and sense of enclosure for the occupants of the residential properties to the east, particularly Wendover Court and Wendover House.
  - o The sloping glazing to the rear – its proximity and impact on Wendover Court remains a concern.
  - o The high level 'green' plant enclosures which are prominent in corner views and seem incongruous. Concerned if these are appropriate or maintainable – other examples within Marylebone have failed previously.
  - o The sloping metal roof to the upper level, running around the office building seems out of place and would benefit from an alternative design solution.
  - o The cornice between the 'book ends' to each wing onto Baker Street seems overly bulky and dominant and would benefit from a more refined approach.

#### HEALTH AND SAFETY EXECUTIVE:

- Initial response raised concerns but, following clarification provided by the applicant, is now content from a fire safety design perspective to the extent that it affects land use planning.

#### METROPOLITAN POLICE SERVICE:

- Any response to be reported verbally.

No. Consulted: 987

Total No. of replies: 20

No. of objections: 18

No. in support: 2

No. neutral: 0

Objections on the following grounds:

#### Design and Conservation:

- The development proposal remains incongruous and is too tall, being incompatible with the residential nature of the streets to the east of the site.
- The scale and detailed design of the proposed development is totally out of character with the current architecture of the surroundings streets.
- Harm to the setting of the Chiltern Firehouse.

#### Amenity:

- The reduction in the height of the development proposal is minimal and the loss of sunlight and increase sense of enclosure are still unacceptable.
- Loss of daylight and sunlight.
- Overlooking.
- Noise.
- Increased sense of enclosure.

#### Sustainability:

- The overbearing scale and impact of this proposal is driven by the misappropriation of sustainability policy. The huge volume has been contrived to present a big enough building to 'justify' demolition of an existing structure. This is a fundamental misapplication of the carbon policy resulting in a higher amount of carbon in absolute terms. The policy correctly applied to the constraints of this site should translate into a retrofit structure of appropriate scale to its context, resulting in both less carbon and less impact.

#### Transportation:

- There are still concerns about the impact of adjusting the building line on Broadstone Place and the impact that this will have on the servicing and operation of the Chiltern Firehouse.
- The development proposal will significantly add to traffic and pollution in the immediate vicinity.

#### Land Use:

- The demolition of the existing buildings will result in the loss of the NVS Pharmacy and the Chess and Bridge shop.

#### Support on the following grounds:

#### Design and Conservation:

- Subject to: (i) The site of No. 64 Baker Street retaining some recognition of its SOE role; (ii) SOE heritage being displayed within the proposed community use floorspace on the Broadstone Place frontage; (iii) Text relating to the SOE being displayed on the site's hoardings; and (iv) A photographic record being carried out of any remaining period features in the existing building; considers that the plans for the site will adequately reflect, and indeed improve knowledge of, the site's SOE heritage.

#### Sustainability:

- Supports the opportunity to install photovoltaic panels on the roof of a nearby school.

## 5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in full accordance with the principles set out in the Early Community Engagement guidance.

The main issues raised were as follows:

- Immediate neighbours indicated a preference for a sensitive and sympathetic oasis within Broadstone Place with fewer vehicles, but which did not generate significant noise or daytime footfall. As such, the applicant's initial proposals to animate this space were curtailed.
- Reducing the scale and bulk of the emerging proposals, making a significant set-back in the centre of the Baker Street frontage, and introducing a design which seeks to respect the local context.



- Developing a servicing strategy which consolidates servicing arrangements at one location at the southern end of the site, away from the nearest residential accommodation.
- Introducing a new community room, to be operated by the Baker Street Quarter Partnership, to deliver a programme of curated events and opportunities for the local business and residential communities.
- Providing assurances around seeking to relocate the NVS Pharmacy and opticians, as essential local services, at alternative premises in the local area.
- Developing a significant urban greening programme for the building, much of which will be visible from street level.
- Developing an Operational Management Plan for the use of the terraced areas to ensure their use will not impact upon local residential amenity.
- Ensuring the delivery of new homes on site and facilitating the delivering of new affordable homes, which would be delivered earlier in the process, in the Borough.

Given the number of objections to the development proposal received from the occupiers of neighbouring properties, clearly the responses made by the applicant to this feedback are considered by many to not have adequately responded to the concerns raised during the pre-application consultation process.

## **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.

### **6.2 City Plan Partial Review**

The council published its draft City Plan Partial Review for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 on 14 March 2024. The consultation continues until 25 April 2024. The Partial Review includes updated policies for affordable housing, retrofitting and site allocations.

An emerging local plan is not included within the definition of "development plan" within s.38 of the Planning and Compulsory Purchase Act 2004. However, paragraph 48 of the NPPF provides that a local authority may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation,

- the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Footnote 22 to paragraph 48 states that during the transitional period for emerging plans consistency should be tested against the version of the Framework, as applicable, as set out in Annex 1 (paragraph 230). This means that the consistency of the policies in the City Plan Partial Review must be tested for consistency for the purposes of paragraph 48(c) against the September 2023 version of the NPPF.

Accordingly, at the current time, as the Partial Review of the City Plan remains at a pre-submission stage, the policies within it will generally attract limited if any weight at all.

### **6.3 Neighbourhood Planning**

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

### **6.4 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 site is located within the CAZ and the Baker Street South CAZ Retail Cluster. It is bounded by Baker Street, Dorset Street, Broadstone Place and Blandford Street.

Five buildings occupy the site - Accurist House (Nos. 64-66 Blandford Street and Nos. 38-52 Baker Street); Watson House (Nos. 54-60 Baker Street); Nos. 62-64 Baker Street; No. 66-70 Baker Street; and Nos. 43-45 Dorset Street. A City of Westminster green plaque was installed at the ground floor level of Nos. 62-64 Baker Street in May 2010. This plaque commemorates the location of the headquarters of the Special Operations Executive (SOE), a secret service operation formed in 1940 to support resistance in all enemy-occupied countries during WW2.

There are 13 x maisonettes on the fourth and fifth floors of Accurist House. The remainder of the upper floors of the buildings on site are in use as offices. There is a small area of sub-basement beneath part of Accurist House used for plant, whilst the remainder of the site has a single level of basement, the majority of which is used for vehicular parking accessed from Broadstone Place. There is also surface level car parking on the west side of Broadstone Place, alongside servicing bays. In total, the existing site has capacity for parking 102 x vehicles. Shops and restaurants occupy the

ground floors of the buildings.

None of the buildings on site are listed and the site is not within a conservation area. Immediately to the east and south is the Portman Estate Conservation Area. No. 1 Chiltern Street (known as the Chiltern Firehouse) is located to the east of the site and is Grade II listed. To the north-east of the site is the Grade II listed Barley Mow public house at No. 8 Dorset Street, whilst to the south is a cluster of four Grade II listed buildings – Nos. 61 and 63 Blandford Street, No. 65 Blandford Street, Nos. 67 Blandford Street and No. 36 Baker Street, and No. 34 Baker Street. The site is not located in the Protected Vista of any London View Management Framework views.

There are several residential properties in close proximity to the site – to the east within Wendover Court, Wendover House and Nos. 58, 60 and 62 Blandford Street; to the south within Nos. 61, 63 and 65 Blandford Street; and to the north within Nos. 7, 8 and 9-10 Dorset Street and No. 69-71 Baker Street. None of the buildings on the east side of Broadstone Place are in residential use with the exception of the first floor of No. 7 Broadstone Place.

The site is not within an Air Quality Focus Area, although the whole of Westminster is within an Air Quality Management Area.

## **7.2 Recent Relevant History**

None of relevance.

## **8. THE PROPOSAL**

The application proposes the demolition of all five buildings on site, with only three of the four retaining walls of the existing basement retained. Excavation is proposed to provide a deeper single basement and a replacement building erected over basement, ground and seven upper floors, as well as roof top plant and two structures to provide access to roof top terraces.

The basement is proposed to be used to provide a large cycle store and associated end of trip facilities for the commercial component of the proposed development and accessed via two entrances on Broadstone Place. Also proposed at basement level is plant, a sprinkler tank room, rainwater attenuation / harvesting, and a smaller cycle storage area for the residential component of the proposed development

At ground floor level, the main entrance for the offices proposed on the upper floors of the building is located on Baker Street roughly in the centre of the building. Flexible retail or restaurant units are proposed along the remainder of the Baker Street frontage, the entirety of the Blandford Street frontage (including wrapping around the south-east corner onto Broadstone Place), and along around two-thirds of the Dorset Street frontage. The entrance to the residential units on the upper floors of the north-east part of the proposed building is from Dorset Street in the form of an entrance lobby at the corner of Dorset Street and Broadstone Place. The entrance to the basement level residential cycle store and the two-storey proposed 'cultural and education' space (at a peppercorn rent) are proposed to be from Broadstone Place. Finally, a loading bay with turntable to ensure that vehicles can enter and exit in forward gear is proposed to be

located to the south of the building and accessed from Broadstone Place.

The majority of the first to seventh floors of the building are proposed to be used as offices, with associated terraces at first floor level at the corner of Blandford Street and Broadstone Place, at the north and south of the building at the set-back seventh floor level, and at main roof level.

17 x residential units comprising 7 x one-bed / 2-person, 5 x two-bed / 4 person and 5 x three-bed / 5 person are proposed to be located over first to sixth floor levels of the separate residential part of the building located in the north-east corner of the building.

**Table 1: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail and restaurant (Class E)	3,533	1,739	-1,794
Office (Class E)	13,672	28,299	+14,627
Residential (Class C3)	2,413 (13 x dwellings)	2,657 (17 x dwellings)	+244 (+4 x dwellings)
Cultural and Educational Space (Class F)	0	236	+236
<b>Total</b>	<b>19,618</b>	<b>32,931</b>	<b>+13,313</b>

All of the supporting information is based on the above distribution of uses within Class E and therefore the application has been assessed on this basis.

The application was amended in October 2023 to: (i) Add a second fire escape stair to serve the residential element; and (ii) Relocate the entrance to the residential units from Broadstone Place to Dorset Street (replacing flexible 'retail' floorspace). This amendment was to:

- Future proof the fire escape strategy for the residential element of the development through providing a second fire escape stair in response to emerging requirements for residential developments that exceed 18m in height; and
- To address the crime and security concerns expressed by the Metropolitan Police Service in respect to the suitability of Broadstone Place as the location for a residential entrance.

The Marylebone Association, the Health and Safety Executive and the Metropolitan Police Service were notified of this amendment.

The application was amended again in February 2024 to: (i) Reduce the height and massing of the proposed replacement building; (ii) Alter the architectural appearance of the proposed replacement building and make changes to proposed materials; (iii) Reduce the number of residential units proposed from 21 to 17 to improve their quality in terms of luminance levels and to increase the proportion that would be dual-aspect; (iv) Enhance the applicant's commitments to circular economy principles, including the re-use of some of the existing Accurist House superstructure within the proposed basement slab; (v) Commit to re-providing the SOE green plaque on the Baker Street frontage on

the proposed new building; and (vi) Remove the basement door linking the commercial and residential parts of the proposed building.

These amendments required a number of application documents to be revised or addendums provided. These include an updated Daylight /Sunlight Report and an updated Townscape, Visual and Built Heritage Assessment. As set out above, a full re-consultation exercise was undertaken.

A summary of the land use implications of the amendments to the proposed development is set out below.

**Table 2: Originally proposed and revised proposed by land use.**

Land Use	November 2022 GIA (sqm)	February 2024 GIA (sqm)	+/-
Retail and restaurant (Class E)	1,865	1,739	-126
Office (Class E)	28,663	28,299	-364
Residential (Class C3)	2,480 (21 x units)	2,657 (17 x units)	+177 (-4 x units)
Cultural and Educational Space (Class F)	215	236	+21
<b>Total</b>	<b>33,233</b>	<b>32,931</b>	<b>-292</b>

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Provision of Office Floorspace and Job Capacity

London Plan Policy SD4(B) states, “*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(B) states that increase in the current stock of office should be supported in various locations, including the CAZ, whilst London Plan Policy E1(C) states, “*The unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market, including the CAZ... should be developed and promoted*”. London Plan Policy E2(B) states, “*Development of B Use Class business uses should ensure that the space is fit for purpose having regard to the type and use of the space*”.

City Plan Policy 1 outlines how growth will primarily be delivered through the intensification of the CAZ, the West End and the town centre hierarchy in order to provide at least 63,000 new office-based jobs. City Plan Policy 13 reiterates the new office-based job target set out within City Plan Policy 1 and provides support for new and improved office floorspace that meets the needs of modern working practices within the parts of the CAZ with a commercial or mixed-use character (which includes the application site), enabling the continued growth and clustering of the creative, knowledge and research-based sectors. City Plan Policy 14 supports the intensification of town centres, high streets and the CAZ.

The proposed development would provide 28,299 sq.m of high-quality office floorspace in the CAZ. This is supported by London Plan Policies SD4, E1 and E2(B) and City Plan Policies 1(B)(1), 13(A) and 14(A).

Based on an employment density of 1 employee per 11.6 sq.m (the average density of the general office sub-sectors<sup>1</sup>), the proposed increase in office floorspace of 10,412 sq.m (NIA) will add capacity for 898 FTE office-based jobs. This will contribute significantly to the target of providing capacity for at least 63,000 new office-based jobs over the Plan period (i.e. 3,000 jobs per annum), as set out within City Plan Policy 13.

### **Affordable and Flexible Workspace**

London Plan Policy E1(G) requires development proposals relating to new or existing offices to, “...take into account the need for a range of suitable workspace including lower cost and affordable workspace”. Furthermore, London Plan Policy E2(A) supports boroughs working up policies, “...that support the provision, and where appropriate, protection of a range of B Use Class business space, in terms of type, use and size, at an appropriate range of rents, to meet the needs of micro, small and medium-sized enterprises and to support firms wishing to start-up or expand”, and Part D states, “Development proposals for new B Use Class business floorspace greater than 2,500 sq.m. (gross external area), or a locally determined lower threshold in a local Development Plan Document, should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises”.

These supportive general policies for the provision of affordable workspace are complemented by London Plan Policy E3 that sets out a number of circumstances where planning obligations may be used to secure affordable workspace at rents maintained below market rates for specific social, cultural or economic development purposes. These circumstances are where there is affordable workspace currently on site or where boroughs have identified specific locations where affordable workspace should be protected or provided and have worked up detailed policies accordingly.

There is no affordable works space currently on-site and, although City Plan Policy 13(C) provides general support throughout the City for proposals that involve the provision of affordable workspace, it does not contain an overt policy requirement for affordable workspace provision.

For this reason, despite the comments in the GLA Stage 1 in respect to the delivery of affordable workspace, it is concluded that the failure to provide affordable workspace in the proposed development is not in breach of policy.

In terms of the flexibility of the proposed floorspace, whilst the replacement building proposes larger and more open plan office floorplates than existing, the building could be let to different occupiers by floor or by sub-dividing the floors, providing a degree of flexibility for small and medium sized enterprises (SMEs). This is in accordance with London Plan Policy E2.

---

<sup>1</sup> Employment Density Guide (3<sup>rd</sup> edition), November 2015.

## Ground floor Commercial Uses

City Plan Policy 14 (A) states, *“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 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”*.

City Plan Policy 14(B) states, *“Uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy”*.

City Plan Policy 14(C) states, *“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”*. In respect to CAZ Retail Clusters, such as the application site, City Plan Policy 14(C) states, *“CAZ Retail Clusters will provide further large format retail and complementary town centre uses to meet the needs of residents, workers, and visitors”*.

In respect to the potential for restaurants to occupy the proposed ground floor units, City Plan Policy 16(A) states, *“Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate”*.

Despite the development proposal resulting in a loss of 1,794 sq.m GIA of retail and restaurant floorspace, it is proposed to provide generous and flexible retail units on Baker Street, Dorset Street and Blandford Street that will still provide active frontages on the main three elevations of the site. Whilst the entrance to the office does break up the active frontages, it is accepted that a commercial building of this scale requires an entrance lobby of commensurate size.

The retail units have been designed architecturally to allow for the future flexibility of retail tenants of varying sizes and types, with the provision for subdivisions in multiple locations, depending on future requirements. There is capacity in the proposed design for two potential restaurant units on either end of the site.

In order to ensure that there is a suitable mix of uses on site, to prevent an overconcentration of entertainment uses being created, and to protect the amenity of local residents, it is recommended that a condition be imposed preventing more than 70% of the ‘retail’ floorspace being used as a restaurant and limiting the operating hours of any restaurant to midnight.

There is no objection to the proposed roof top termination points for the commercial kitchen extract systems.

## Residential Use

The application proposes to replace the 13 x dwellings currently on the fourth and fifth floor of Accurist House with 17 x dwellings in the north-eastern corner of the site where the character is more residential, it is away from the noise and air pollution of the Baker Street frontage, and away from the late-night exit from the Chiltern Street Firehouse which is located to the south of Broadstone Place.

The provision of four additional dwellinghouse at a higher density than existing will make a small contribution to the requirement within City Plan Policy 8(A) to deliver more than 20,685 dwellings over the plan period. This residential development will not compromise the strategic functions of the CAZ given that its reprovision is accompanied by significant growth in office floorspace, in accordance with London Plan Policy SD5(A).

City Plan Policy 10(A) and London Plan Policy H10 state that new development should generally consist of a range of unit sizes to contribute towards meeting Westminster's housing needs whilst also optimising site densities. City Plan Policy 10(B) states that all 25% of all new homes across Westminster will be family sized (i.e. containing between three and five bedrooms).

The following mix is proposed:

- 7 x 1 bed / 2 person homes
- 5 x 2 bed / 4 person homes
- 5 x 3 bed / 5 person homes (2 of which are duplex units)

The mix is acceptable, within 29% being family-sized. 18% are design as wheelchair adaptable, which exceeds the 10% minimum required by London Plan Policy D7 and City Plan Policy 12.

The minimum space standards set out at London Plan Policy D6 are exceeded for all the proposed housing units. All but the one-bedroom flats are dual aspect, will be well lit, and design measures are capable of ensuring that future residents are protected from external noise levels. Overall, it is considered that the proposed residential units will be of good quality and therefore compliant with City Plan Policy 12(A).

## Affordable Housing

London Plan Policy H4(A) sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. To achieve this objective, major development which trigger affordable housing requirements are required to provide affordable housing through the threshold approach set out within London Plan H5. The presumption within London Plan Policy H4(B) is that affordable housing is provided on site, with off-site provision or a payment in lieu of affordable housing provision only permissible in exceptional circumstances.

London Plan Policy H5 sets out a number of criteria to allow developments to follow the Fast Track Route and thereby avoid having to provide a viability assessment at application stage. Of relevance to this development proposal, one of these criteria is that a development must provide at least 35% of affordable housing on site. Where a



development proposal is not eligible to follow the Fast Track Route, it must follow the Viability Tested Route whereby the maximum level of affordable housing that a development proposal can viably deliver is assessed. Development proposals that follow the Viability Tested Route are required to be subject to Early and Late-Stage Viability Reviews. Early-Stage Viability Reviews incentivise the timely delivery of affordable housing, whilst Late-Stage Viability Reviews allow any additional profit created by sales values that exceed those assumed in the viability assessment to be captured through a financial contribution to the City Council's affordable housing fund.

City Plan Policy 1(A)(2) states that at least 35% of the new homes delivered during the plan period will be affordable. To this end, City Plan Policy 9(B) requires that this development proposal provides a minimum of 35% of the total residential units as affordable housing on-site. City Plan Policy 9(C) states that off-site provision (in whole or in part) in the vicinity of the host development may only be permissible where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate in terms of the quantity or quality of affordable housing to be provided. In terms of the provision of affordable housing off-site (in whole or in part) beyond the vicinity of the host development, City Plan Policy 9(C) states that this will only be acceptable where:

1. *"It can be demonstrated that a rigorous search for sites revealed no sites are available for affordable housing in the vicinity that could be reasonably and viably purchased, including on council owned land; and*
2. *the site proposed can demonstrably provide more affordable housing and of a higher quality than would have been possible on or off-site in the vicinity; and*
3. *provision off-site will demonstrably contribute to achieving mixed communities".*

As this summary of the affordable housing policy context demonstrates, there is a strong policy requirement that at least 35% of the residential floorspace proposed on site be affordable housing. This equates to 930.0 sq.m (GIA). City Plan Policy 9(E) requires 60% of this affordable housing floorspace to be 'intermediate' affordable housing for rent or sale and 40% to be for social rent or London Affordable Rent.

The development proposal fails to provide any on-site affordable housing. The applicant does, however, propose to undertake to link the development to the provision of 1,328.5 sq.m GIA of affordable housing (i.e. 50% of the residential floorspace proposed) at a development site comprising the North, South, Mews and Alexandra Buildings on Castle Lane and Palace Street, Victoria. This is through the purchase of 'affordable housing credits' for this amount of floorspace from a third party that owns all of the remaining credits at Castle Lane / Palace Street.

By way of background, planning permission (Ref: 18/01971/FULL) was granted on 6 February 2019 for alterations and extensions to buildings on Castle Lane / Palace Street to provide 86 x affordable residential units (65 x one-bed, 19 x two-bed and 2 x three-bed) totalling 4,948 sq.m GIA. Following the approval on 14 September 2020 (Ref: 20/01753/MOD106) of an amendment to the legal agreement for this development, 26 of these units (comprising 5 x one-bed, 19 x two bed and 2 x three-bed) (i.e. 30.2% by unit) will comprise London Affordable Rent units and 60 of these units (all comprising one-bed units) (i.e. 69.8% by unit) will be let as intermediate rents or be shared ownership units (34 x let at intermediate rents and 26 x shared ownership units). Full details of the

location, eligibility criteria and rents payable can be found in the legal agreement dated 6 February 2019 (Ref: LS/PHL/30111866/JA) and subsequent deed of variation dated 14 September 2020 (Ref: CT/40005742) that has been included as a background paper to this report.

These affordable housing units were originally to provide off-site affordable housing for a development proposal to convert the nearby Portland House, Bressenden Place into flats or, if Portland House was unsuccessful or delayed, it could be similarly applied to another residential scheme by the same applicant (Land Securities Properties Limited) in the Victoria area. This development proposal at Portland House, however, is no longer coming forward and Land Securities Properties Limited advised that it was unlikely to bring forward other major residential development in Westminster.

In an attempt to facilitate the early delivery of the approved affordable housing at Castle Lane / Palace Street given that the Portland House, Bressenden Place residential development was unlikely to come forward, a Memorandum of Understanding (Appendix Two of the legal agreement dated 6 February 2019 (Ref: LS/PHL/30111866/JA)) sets out an agreed approach between the owner of the Castle Lane / Palace Street site and the City Council for how affordable housing linkages can be made with other sites within wards in the centre and south of the City. This system enables development proposal that generate an affordable housing requirement to form planning links with the Castle Lane / Palace Street site and, once the required affordable housing is built out off-site, those schemes may then draw down the credits. The development site is outside of this defined area and therefore an exception would need to be agreed to the principle that third party sites shall be in reasonably close proximity to the Castle Lane / Palace Street site.

Of the 4,948 sq.m GIA of affordable housing floorspace approved at Castle Lane / Palace Street, a link has been created to 2,948 sq.m GIA as part of the 'Nova East' development (land bound by Victoria Street, Buckingham Palace Road, Bressenden Place and Allington Street) that was granted planning permission on 12 March 2020 (Ref: 19/00012/FULL). A third party entered into an agreement to acquire the remaining 2,000 sq.m of credits from Land Securities Properties Limited on 15 September 2020. 536 sq.m GIA of these purchased credits are linked to a commercial development by this third party at Lansdowne House, 57 Berkeley Square that was granted permission on 15 October 2021 (Ref: 20/04428/FULL) and is currently being built out. Despite the establishment of this linkage, the legal agreement that sits alongside this planning permission allows the owner of this site to make a financial contribution of £3,000,000 (index linked from the date of the permission) to the City Council's Affordable Housing Fund rather than draw down the affordable housing credit. The trigger for deciding whether to make a financial contribution or to draw down affordable housing credits at Castle Lane / Palace Street is prior to the occupation of the development. The project will not be completed for 2-3 years there is therefore currently no certainty which option will be chosen by the owner of this site.

It is understood that the applicant has acquired from this third party the residual affordable housing credits that are left over from the linkage of the redevelopment of Lansdowne House, 57 Berkeley Square with Castle Lane / Palace Street (i.e. 1,464 sq.m GIA). It is these affordable housing credits where a planning link is yet to be formed. The vast majority of these credits (1,328.5 sq.m GIA) would be drawn down by

the development proposal, leaving only 135.5 sq.m GIA that would remain with no link to an off-site development proposal. The Castle Lane / Palace Street development is currently nearing completion and a contract has been entered into to transfer the lease of the affordable housing units to a registered provider (Notting Hill Genesis) once they are ready for residential occupation.

There are some disbenefits to the proposed approach to linking the development proposal to the delivery of the Castle Lane / Palace Street site. These are as follows:

- The off-site delivery of affordable housing undermines the principle set within City Plan Policy 9 and London Plan Policies H4 and H5 that affordable housing be providing on site. The proposed approach would therefore undermine the objective of delivering mixed and inclusive communities. The application site is a significant distance from the Castle Lane / Palace Street site and outside of the area from which the Memorandum of Understanding envisages third party sites would come forward (unless an exception is made).
- The tenure mix approved at Castle Lane / Palace Street is not compliant with City Plan Policy 9(E) through failing to provide 40% of the units as social rent or London Affordable Rent units, with only 26 x of the approved units (i.e. 30.2% by unit) being let at London Affordable Rent.
- The mix of residential unit sizes at Castle Lane / Palace Street is only 2.3% family-sized (i.e. containing between three and five bedrooms) with the vast majority of the units comprising one-bedroom units (75.6%). The development therefore undermines the requirement within City Plan Policy 10(B) that 25% of all new homes across Westminster will be family-sized.

These disbenefits, however, are considered to be outweighed by the additional quantum of affordable housing that would be delivered off-site (1,328.5 sq.m GIA) when compared to the policy requirement to provide 930.0 sq.m GIA on-site<sup>2</sup>). Delivering 26.8% of the total floorspace at Castle Lane / Palace Street (1,328.5 sq.m GIA of the total of 4,948 sq.m GIA), equates to approximately 23 x affordable units made up of approximately 16 x intermediate units and 7 x units let at London Affordable Rent (both if calculated on a pro-rata basis). Had the required affordable housing been delivered on site, both the floorspace and the number of affordable housing units would have been significantly lower.

In terms of the timing for the delivery of affordable housing, the Castle Lane / Palace Street development is nearing completion. As such, the affordable housing credits system will shortly have been successful by bringing forward affordable housing in advance of the linked market housing elsewhere in Westminster. In addition, the affordable housing credits system will shortly have enabled a site, the majority of which has been vacant since 2011, and has been entirely vacant since 2013, to be brought back into an active use that contributes to this part of Westminster and provides much-needed affordable housing. Whilst it is accepted that the affordable housing at Castle Lane / Palace Street will be delivered shortly with or without the development proposal,

---

<sup>2</sup> This assumes that an Early-Stage Review Mechanism is not triggered should substantial implementation of the development proposal not be reached after two years of permission being granted and the scheme is found to be viable if 50% of the residential floorspace approved were to be provided as affordable housing.

the reason it has been able to come forward and provide the above benefits, is because of the certainty provided by the system whereby affordable housing credits may be used by and transferred between third parties, as agreed by the City Council and the freeholder of the Castle Lane / Palace Street site in the Memorandum of Understanding. For these reasons, the principles established within the Memorandum of Understanding should be honoured despite the advanced stage in building out of Castle Lane / Palace Street.

In conclusion, the affordable housing credits system as set out in the Memorandum of Understanding at the Castle Lane / Palace Street site will shortly have enabled the delivery of affordable housing many years earlier than if it had been provided on individual development sites, including the current development site. Furthermore, linking the development site to the provision of 1,328.5 sq.m GIA of affordable housing (i.e. 50% of the residential floorspace proposed) at Castle Lane / Palace Street will result in more affordable housing units and floorspace being delivered within Westminster than had it been provided on site. For these reasons, the proposed approach to the delivery of affordable housing would generate materially greater public benefits when compared to a policy compliant on-site delivery of affordable housing. This is notwithstanding the tenure mix and unit size disbenefits set out above. These greater public benefits comprise sufficiently compelling material considerations to outweigh the conflict with City Plan Policy 9 and London Plan Policies H4 and H5. For these reasons, linking the development proposal to the delivery of 1,328.5 sq.m GIA of affordable housing floorspace at Castle Lane / Palace Street as a drawdown of affordable housing credits, prior to the commencement of development, is considered to be acceptable in this instance. This may be secured by legal agreement.

There is no need to impose an Early-Stage review mechanism as the affordable housing will be delivered prior to the commencement of development at the application site and therefore the objective of incentivising the timely delivery of the development proposal falls away. Similarly, there is no need to impose a Late-Stage review mechanism as the development proposal would already be linked to the delivery affordable housing at Castle Lane / Palace Street equivalent to 50% of the total residential floorspace proposed on site, already meeting the affordable housing cap that would have been included in such a review mechanism.

### **Social & Community Uses**

City Plan Policy 17(A) states, *“New community infrastructure and facilities will be supported where there is an identified present or future need”*. Part B of the policy adds, *“Where new facilities are provided they should be designed to accommodate a range of community uses wherever possible. The council will strongly encourage the co-location of facilities and access for appropriate organisations and the local community”*.

The development proposed include the creation of a dedicated cultural and educational space over two floor levels on the Broadstone Place frontage. It has been designed to meet an identified need for a full suite of local users, including charities and educational organisations, to be occupied and managed by the Baker Street Quarter Partnership at a peppercorn rent. The Baker Street Quarter Partnership is a not-for-profit organisation currently located in one of the buildings on-site.

In addition to expanding and improving the existing activities of the Baker Street Quarter Partnership, the cultural and educational space would provide an affordable space for hire for local people and to host social activities and exhibitions. It is proposed that hire fees would be used to cover running costs and any profit would be ring-fenced and reinvested in the facility and/or used to support the charitable/social uses of the space. Subject to a condition securing a management plan setting out how the cultural and educational space will operate, this aspect of the development proposal is acceptable.

The cultural and educational space will also incorporate a permanent, bespoke exhibition that recognises the site's use during World War II by the SOE at Nos. 62-64 Baker Street, the concepts of which will be developed in partnership with the Special Forces Club. The detail of this exhibition may be secured by condition.

## 9.2 Environment & Sustainability

### Sustainable Design 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 Good Growth Objective 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 Good Growth Objective 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. If the answer is 'no', the guidance indicated that the building should either be 'disassembled for re-use' or 'demolished and recycled'. 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).

### *Assessment*

Retaining and retrofitting buildings is a key means by which to reduce the City’s dependence on creating new building materials (with the associated carbon emissions associated with their production), reduce the emissions associated with the construction of new buildings, and reduce the waste associated with the demolition of existing buildings.

The applicant has undertaken a comprehensive analysis of the existing buildings on site and has considered a full suite of development options for the site. From this analysis, the retention of the ground to third floor of Accurist House was found to be the most suitable for retention. This was because of the lack of contiguous floor slabs between the other buildings on site and the structural deficiencies of the other buildings that would be precluded increases in floorspace on a site that was otherwise capable of delivering significant growth in the CAZ, in accordance with a number of policies within the development plan.

This analysis also showed that, to deliver a comparable proposal, the retention of Accurist House would represent c.13% of the structure within the proposal. c.34% would be 'new' construction that was freed of constraints and was therefore able to operate at maximum structural (and carbon) efficiency. The remaining c.53% of the structure would be new, but would be 'influenced' by the retained Accurist House - either driving lower floor-to-floor heights (to match the existing), deep piles as with the existing, double columns along the 'stitch line' between new or old, or the requirement for new structure to be lightweight (but carbon-intensive) steel in order to work to existing loads.

Whereas retaining Accurist House would require structural considerations to work with, strengthen and unite the existing structure, a new build scenario does not need to make such allowances. This means that not only can the below ground construction be minimised by utilising a low-carbon raft-slab but also that fewer columns are required and lower carbon intensive materials (such as concrete) can be utilised in place of carbon-intensive steelwork.

Since the submission of the application, the applicant is now committed to making further carbon savings and reduction in waste through the re-use of approximately 59% of the existing Accurist House as part of the raft foundations for the development scheme.

The result is that the applicant has demonstrated that the redevelopment of the entire site would result in lower carbon emissions than a scheme that retained Accurist House. Furthermore, the full redevelopment scheme would also result in significant savings in operational energy.

In this context of this comprehensive analysis and the pioneering commitments made by the applicant in terms of the re-use of significant parts of the existing structures in the development proposal, it is concluded that the wholesale redevelopment of the site is acceptable from a sustainability and circular economy perspective.

### **Energy Performance**

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'*.



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 carbon intensity factors adopted for the calculations are in line with the GLA carbon reporting spreadsheet tool and based on the latest SAP/SBEM calculation methodology. The electricity carbon intensity factor used for the operational energy assessment is 0.136 KgCO<sub>2</sub>/kWh meaning that for each kWh of energy used, 0.136 KgCO<sub>2</sub> will be emitted.

**Table 3: Regulated carbon dioxide savings from each stage of the energy hierarchy (commercial component).**

	Regulated Carbon Dioxide Savings	
	Tonnes CO <sub>2</sub> per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	33.3	27
<b>Be Clean:</b> Savings from heat network	0.0	0
<b>Be Green:</b> Savings from renewable energy	5.5	4
Cumulative on-site savings	38.8	32%
Carbon shortfall	83.0	-
	Tonnes CO <sub>2</sub>	
Cumulative savings for offset payment	2,491	
Cash-in-lieu contribution (£330 / tonne)	£821,700	

**Table 4: Regulated carbon dioxide savings from each stage of the energy hierarchy (residential component).**

	Regulated Carbon Dioxide Savings	
	Tonnes CO <sub>2</sub> per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	1.7	10
<b>Be Clean:</b> Savings from heat network	0.0	0
<b>Be Green:</b> Savings from renewable energy	13.1	74
Cumulative on-site savings	14.8	83
Carbon shortfall	3.0	-
	Tonnes CO <sub>2</sub>	
Cumulative savings for offset payment	90	
Cash-in-lieu contribution (£330 / tonne)	£30,000	

For the residential part of the development, the GLA target for on-site regulated carbon emissions (35%) has been met and surpassed. However, for the commercial parts, the target has not been fully achieved. Despite this, it is acknowledged that reaching the 35% target is considerably challenging; therefore, the achievement of a 32% reduction is considered satisfactory. Both the GLA policy and technical guidance recognise that the 35% target is very ambitious for commercial developments and that some flexibility is appropriate during the initial adoption of the new Part L 2021 methodology.

Based on a full-electric scheme and a carbon offset payment of £330 tonneCO<sub>2</sub>e/year over a period of 30 years, the remaining regulated emissions for the development as a whole will require a payment of £851,700 to achieve the net zero target.

The applicant is proposing the installation of additional 35 kWp PV panels on the nearby St. Mary's Bryanston Square Primary School on Enford Street roof to further offset the carbon emissions associated to the development. The school is very supportive of this project. Planning permission is not required, with the works being 'permitted development'. Should this installation go ahead, it is estimated that the school PV installation will offset a further 3.2 tonneCO<sub>2</sub>e/year and reduce the energy bills of this state school. In terms of carbon offset payment, this would reduce the carbon offset down by £31,680 bringing the carbon offset payment down from £851,700 to £820,020.

Whilst the applicant is fully committed to this local carbon saving project, it seeks to agree that if unforeseen circumstances prohibit delivery of this project, another carbon savings project could be explored, or payment of the full carbon offset contribution, as a cascade of options agreed with the City Council. To this end, it is recommended that the applicant's reasonable efforts to deliver this off-site carbon savings project prior to

occupation of the development proposal be secured by legal agreement. If, despite the applicant's reasonable endeavours, this off-site carbon savings project or another local carbon savings project making equivalent carbon savings cannot be delivered, it is recommended that as a last resort a financial contribution of £32,000 be made to the City Council's Carbon Off-set fund (index linked and payable prior to occupation of any part of the development).

## BE LEAN

### Commercial Areas

The energy strategy for the commercial areas at 38-70 Baker Street emphasises a fabric-first approach, focusing on passive design measures to reduce energy demands before introducing active systems. Retaining the facade optimisation from the 2022 scheme, the design ensures optimal thermal performance with high-quality U-values, y-values, and g-values. Glazing is carefully balanced to reduce solar gain while providing natural daylight, thus decreasing the need for artificial lighting and cooling. The facade includes shading through recessed windows and external fins and features openable panes across all orientations to support mixed-mode ventilation, reducing reliance on mechanical systems. The mixed-mode ventilation system, enabled by the narrow floor plan, allows natural ventilation during shoulder seasons (March-May and September-October), covering up to 25% of occupied hours without mechanical systems. This reduces energy usage for ventilation throughout the year.

### Residential Areas

The residential areas at 38-70 Baker Street also follow a fabric-first approach, prioritising passive design to minimise energy demands before considering active solutions. The 2024 scheme retains the facade optimisation from the 2022 design, ensuring excellent thermal performance with better than Notional U-values, y-values, and g-values. The design strategically uses glazing to balance solar gain reduction and natural daylight, reducing the need for artificial lighting and cooling. Shading elements such as recessed windows and external fins, along with openable panes in all orientations, facilitate mixed-mode ventilation, lowering mechanical equipment requirements. Additionally, the design meets the standards for Dwelling Fabric Energy Efficiency (DFEE) as required by Part L1 of the Building Regulations. DFEE measures how well the building's fabric (walls, roof, floors, windows, and doors) keeps in heat, using less energy for heating and cooling. It is compared to the Target Fabric Energy Efficiency (TFEE), which is the benchmark set by regulations. Calculations using the SAP 10.2 method show that the building's fabric achieves a DFEE of 31.93 kWh/m<sup>2</sup>/year, which is better than the TFEE of 32.65 kWh/m<sup>2</sup>/year. This demonstrates a 2.19% improvement over the required standard, confirming the building's high energy efficiency.

## BE CLEAN

The energy strategy for the commercial and residential areas at 38-70 Baker Street follows the heating and cooling hierarchy outlined in London Plan Policy SI 3. The scheme's heating demand is met by an on-site all-electric, highly efficient heat pump system, which provides both heating/cooling and hot water. The site energy centre is designed with provisions for a future connection to a district heating network, including

space for a plate heat exchanger installation when a decarbonised district heating connection becomes available.

## BE GREEN

### Commercial Areas

The commercial areas have a heating and cooling strategy that relies on electricity only, without any fossil fuels, to minimise carbon emissions. The strategy uses four air-sourced chillers at the roof level, which are very efficient and provide cooling to the ventilation system and local active cooling. The cooling demand is significantly reduced for most of the year by using a mixed-mode ventilation strategy and a cooling hierarchy. Thermal stores are used to lower and balance the peak electricity demand, so that Air Source Heat Pumps (ASHPs) can load the thermal stores when the temperatures are not too high, increasing efficiency and avoiding frequent switching on of chillers, which also extends their lifespan. Heating and cooling are delivered through embedded coils in concrete slabs, which use the thermal mass of the concrete to keep steady internal temperatures throughout the year.

The commercial energy strategy also includes the installation of 150 south-facing PV panels on the roof, which are expected to generate 52,650 kWh of electricity annually, with a generation capacity of 60.10 kWp. This renewable energy generation offsets circa 7 tonnes of carbon emissions, contributing to the project's overall sustainability.

### Residential Areas

The development proposal uses an all-electric strategy for heating and cooling the residential areas, based on reversible ASHPs. These keep a common water loop at a stable temperature of 25°C by adding or removing heat as required. Each apartment has its own reversible water-to-water heat pump that connects to this loop, which can either take energy from the loop for space heating and domestic hot water (DHW) or return heat back to the loop for cooling. This system allows excess energy from one apartment's cooling to be used by another apartment for heating or DHW, lowering the overall need for primary electrical energy. Fan-assisted radiators are used to reduce noise from the energy-efficient heating and cooling systems. Both residential and commercial systems are linked through a heat exchanger to maximise heat sharing opportunities, using waste heat from the office scheme.

### **BREEAM 'Excellent'**

City Plan Policy 38(E) requires non-domestic developments of 500 sq.m or above to achieve at least BREEAM 'Excellent' or equivalent standard.

The development proposal will achieve at least BREEAM 'Excellent', with an aspiration for 'Outstanding'.

## Circular Economy

London Plan Policy SI 7(B) requires referable application (such as the development proposal) to promote circular economy outcomes and aim to be net zero-waste. The policy requires that a Circular Economy Statement should be submitted to demonstrate:

- 1) how all materials arising from demolition and remediation works will be re-used and/or recycled
- 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life
- 3) opportunities for managing as much waste as possible on site
- 4) adequate and easily accessible storage space and collection systems to support recycling and re-use
- 5) how much waste the proposal is expected to generate, and how and where the waste will be managed in accordance with the waste hierarchy
- 6) how performance will be monitored and reported.

The Mayor of London adopted the Circular Economy Statement guidance in March 2022. This guidance states, "*CE [Circular Economy] statements, or elements of the statement, can be submitted as compliant or pioneering. To demonstrate the promotion of Circular Economy outcomes in line with Policy SI 7, all Circular Economy statements should aim to set out best practice, rather than recording business-as-usual activities*" (Para. 3.4.1).

City Plan Policy 37(C) states, "*Developers are required to demonstrate through a Circular Economy Statement, Site Environment Management Plan and/or associated Site Waste Management Plan, the recycling, re-use, and responsible disposal of Construction, Demolition and Excavation waste in accordance with London Plan targets and the council's Code of Construction Practice (CoCP)*". The accompanying guidance states, "*Implementing the waste hierarchy and promoting circular economy principles is key to reducing the amount of waste produced and ensuring that more materials are reused, repaired and recycled*" (p. 94 of the Environmental SPD).

The applicant's circular economy commitments either meet or exceed those set out within London Plan Policy SI 7(A) and are therefore acceptable.

In addition, the applicant is committed to reusing 29% of the existing materials by volume and reusing c.59% of the existing concrete superstructure in the Accurist House slab in the proposed building's raft foundations.

Furthermore, the applicant has set out the following 'stretch' opportunities: (i) To explore the creation of concrete planks for reuse from the remaining in-situ frames for reuse on other projects; and (ii) Investigate increase concrete reuse. The applicant has confirmed that it is happy to accept a suitably worded planning condition to secure the revised Circular Economy Commitments and to explore the workstreams identified within the stretch opportunities.

In addition to the above, the applicant is proposing to apply material passports to all key new and / or re-used elements such as steelwork, façade materials, Raised Access

Flooring and MEP equipment and the applicant is engaging with a third-party material passport provider to inform this approach.

### **Air Quality**

City Plan Policy 32 requires Air Quality Assessments to be submitted for all major developments, with London Plan Policy SI 2 stating that development proposal should not:

- a) *“lead to further deterioration of existing poor air quality*
- b) *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*
- c) *create unacceptable risk of high levels of exposure to poor air quality”.*

The site is located outside of an Air Quality Focus Area, being located two blocks to the south of the Air Quality Focus Area that straddles Marylebone Road (to the north).

The submitted Air Quality Assessment concludes that during construction, emissions generated will have the potential to affect local air quality on a temporary basis, and as such mitigation measures are recommended in order to ensure that the impact on local air quality is not significant.

Once operational, as the development is located within an Air Quality Management Area (AQMA), consideration has been given to the exposure of future site occupants to poor air quality. Mitigation in the form of sealed façade with mechanical ventilation and NOx filtration is recommended at certain residential locations in order to ensure exposure to poor air quality is maintained. Details may be secured by condition.

An Air Quality Neutral Assessment has also been carried out by comparing transport and building emissions associated with the Proposed Development with air quality neutral benchmarks. As development emissions are below air quality neutral benchmarks, it can be concluded that the development will be air quality neutral.

### **Whole Life Carbon**

The development proposal will achieve a 532 kg COE2e/m<sup>2</sup> GIA upfront (i.e. Modules A1-A5 (excluding sequestration)) embodied carbon figure. This figure is comfortably below the GLA aspirational target of 600 kg COE2e/m<sup>2</sup> GIA. The whole life carbon emissions (i.e. Modules A-C (excluding operational energy and water but including sequestered carbon) of the development proposal are predicted to be 831 kg COE2e/m<sup>2</sup> GIA which is again comfortably below the GLA aspirational target of 970 kg COE2e/m<sup>2</sup> GIA. These figures are industry leading.

### **Flood Risk & Sustainable Drainage**

The site is in Flood Zone 1 but is located within the Marylebone and Mayfair Surface Water Management Zone.

In terms of sustainable drainage, both London Plan Policy SI 13 and City Plan Policy 35(J) require development proposals to aim to achieve greenfield run-off rates and demonstrate how all opportunities to minimise site run-off have been taken.

A surface water drainage system will be installed to collect surface water run-off from the proposed building. Roof water runoff will be collected and attenuated by a green / blue roof before being transferred via internal rainwater pipes to a combined rainwater attenuation / harvesting plant in the basement.

All surface water runoff from the proposed building is attenuated for up to 1:100-year storm event plus 40% climate change and will gradually be released to the public sewer at a greenfield runoff rate of 1.74l/s. This represents a 97% betterment in surface water discharge from the Site compared to the existing at 58.38l/s.

### **Land Contamination**

Subject to the imposition of a contaminated land condition (including an assessment of radon), there is no objection.

### **9.3 Biodiversity & Greening**

An Urban Greening Factor (UGF) assessment has been undertaken and the expected score is 0.3189 within the building footprint. This is achieved through the provision of intensive green roofs (minimum 150mm depth), flower-rich perennial planting, a green wall, sedum mats with gravel, and extensive green roofs (minimum 80mm depth). The development will achieve the UGF target for a predominantly commercial development, as set out within London Plan Policy G5. The potential for the scheme to accommodate urban greening has been maximised taking into account the site circumstances and development constraints in this instance and the development would provide net gains in terms of urban greening compared to the existing site circumstances. As such, the application accords with the City Plan Policies 7(E) and 34, as well as London Plan Policy G5.

London Plan Policy G6(D) requires development proposal to manage impacts on biodiversity and aim to secure net biodiversity gain. 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 Biodiversity Survey and Net Gain Report that accompanies the application states that the proposals would achieve a biodiversity net gain of 273% over the existing site. This is acceptable.

### **9.4 Townscape, Design & Heritage Impact**

#### Legislation and policy

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 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”*.

Conservation areas form designated heritage assets, whilst there is no statutory duty to take account of effect on their setting, Paragraph 206 of the NPPF requires, *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*.

Paragraph 209 of the NPPF states, *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.

Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities taken to enhance their settings, wherever possible.

Policy 38 of the City Plan 2019-2040 (April 2021) requires all development to positively contribute to Westminster’s townscape and streetscape. It requires proposals to have regard to:

1. the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways.
2. materials, building lines, scale, orientation, access, definition, surface treatment, height and massing.

Policy 39 relates to the conservation of Westminster’s heritage and requires development to, *“Place heritage at the heart of place making and good growth, maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings”*.

Policy 40 outlines the importance of sensitive design throughout the city. This is particularly pertinent in this case because this relates to development outside of conservation area boundaries. Part A states, *“Development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape”*. Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.



Historic England's 'The Settings of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)' (December 2017) sets out guidance on managing change within the settings of heritage assets.

#### The site and its context:

The application site is bound by Baker Street to the west, Broadstone Place to the east, Dorset Street to the north and Blandford Street to the south. The site is formed of five buildings, Accurist House (38-52 Baker Street), Watson House (54-60 Baker Street), 62-64 Baker Street, 66-70 Baker Street and 43-44 Dorset Street. They are five-to-six storeys with generous plot sizes, roughly reflecting those in the block to the north and the opposite side of Baker Street to the west.

The site itself is not within a conservation area. However, the western boundary of the Portman Estate Conservation Area runs along Broadstone Place and Blandford Street. Several Grade II listed buildings are located within close proximity of the site, and intervisible including; Chiltern Fire Station (1 Chiltern Street), 50-54, 61, 64, 65 and 67 Blandford Street, 34 Baker Street, 28-46 Manchester Street and the Barley Mow Public House to the north. The mews properties along Broadstone Place are identified as buildings of merit within the Portman Estate Conservation Area Audit and, therefore, considered to be non-designated heritage assets.

66-70 Baker Street forms a neo-Georgian property of four storeys with dormered slate mansard above. It is faced in red brick with timber six-over-six sash windows. The height, form, materiality and fenestration speak to the buildings found along the eastern portion of Dorset Street, within the Portman Estate Conservation Area. This provides a sensitive transition from the larger buildings along Baker Street to the domestic urban scale of architectural along Dorset Street and within the conservation area. The detailed design of 43-44 Dorset Street is less sympathetic.

62-64 Baker Street has a handsome stone frontage with Acanthus adorned corbels and scroll details. While it rises a storey taller than its neighbours, it forms an attractive building which shares a historic association with the SOE, demonstrated by City of Westminster green plaque at ground floor level on the Baker Street frontage. While internally, this building retains no architectural features of interest, save for one staircase, and is not likely to meet Historic England's criteria for listing, it does hold a degree of historic interest and is considered to be a non-designated heritage asset. 54-60 Baker Street and Accurist House are of a larger scale, which do not appear out of place within the context of Baker Street.

The rear facades of the existing buildings detract from the setting of the grade II listed Chiltern Fire Station, the Portman Estate Conservation Area and streetscape along Broadstone Place. This is due to their utilitarian character, blank ground floor elevations, ad-hoc arrangement and visual clutter associated with back-of-house functions. The redevelopment of this site is, therefore, to be considered in the context of the existing townscape and surrounding heritage assets.

#### Proposed Redevelopment

The proposals seek to demolish all the buildings on site and replace with a single

building. Any proposed replacement building should preserve or enhance the townscape and settings of aforementioned heritage assets. Since its submission the design of the proposed replacement building has been amended, the height has been reduced, the massing altered in some places and finishes changed.

The new building will be ground plus seven storeys tall with two plant enclosures above, reaching a height of approximately 33.5m, discounting two lift overruns. The front elevation to Baker Street is formed of a ground plus six-storey street façade, with the seventh storey set back by approximately 2m, with the plant enclosure set back above. The façade is formed of 15 bays with a recessed portion finished in a metal framework with solid panels and glazed sections behind, to mark the main entrance. The remainder of this facade will be finished in pre-cast aggregated concrete panels, with large aluminium windows with louvre systems. Mid-to-dark grey pre-cast concrete finishes are proposed to the ground floor columns and shopfront stallrisers. Some bays project in a curved oriel character from first to fifth floors. The sixth floor incorporates a loggia arrangement in two places. The seventh floor is set back and finished in metal. The rear façade, to Broadstone Place has a varied scale and architectural treatment. The northern, residential portion rises approximately 25m with ground plus five storeys forming a coherent street-facing elevation finished in brick with pre-cast concrete stringcourses, projecting balconies and a pre-cast concrete finish to the ground floor level. The two storeys above will also be finished in brick but are slightly set back from the parapet.

The central area is formed of a two-storey street facing elevation finished in a dark grey brickwork above which a raked area of glazing will be overlaid with metalwork to form solar shading and solidity. The southern portion of the elevation will be formed of ground plus six-storeys. There will be six bays, with the southernmost bay stepping down to five storeys. This part of the building will be finished in brickwork with hit-and-miss panels flanking the windows.

Opportunities of providing public art has been discussed with the applicant during the course of considering the application, however nothing is shown on the submitted drawings to indicate that this is proposed.

The SOE green plaque is proposed to be reinstated on to the front of the building and interpretation provided internally within the proposed 'cultural and education' space at ground and first floor level on the Broadstone Place frontage.

### Assessment

#### Views along Baker Street

Block width buildings are not unusual within this part of Baker Street, as seen at 37-67, 35, 18, 11 and 6 Baker Street for example. Many of these building are of modern design with large windows and light coloured finishes, such as Portland stone cladding. The height, scale, architectural treatment and materiality of the proposed building will sit comfortably within this part of Baker Street. The height is reflective of that at 37-67 Baker Street opposite. It also takes a similar approach in terms of the height, massing and expressed principal entrance. As such, the proposals respond to this context and in terms of policy 38 B2.

As outlined above, there is a group of Grade II listed buildings located to the south of the site, including 32, 34 and 36 Baker Street and 61-65 Blandford Street. They form grand terraced townhouses, built c.1790. The existing buildings on site do not particularly contribute to their settings. They are experienced against uniform terraces along the south side of Blandford Street and the eastern side of Baker Street. Accurist House forms a modern addition to the townscape of a larger scale, particularly in terms of its footprint. The proposals will see a substantial increase in height and bulk on the site, however, whilst this will alter the surroundings of these listed buildings this is not assessed as being harmful to their special interest (significance).

#### Views along Dorset Street

Dorset Street forms a secondary route within the Portman Estate Conservation Area, continuing across the boundary at Baker Street. When walking through the eastern portion of the street from the junction with Manchester Street, its character is primarily formed of four-storey buildings of a domestic scale, comprising a mix of later-eighteenth century terraced townhouses with shopfronts at ground floor level. Plots sizes are modest, contributing to a tight-knit grain of development. Buildings facing Baker Street are a storey or two taller, marking the change in character between the secondary (residential) and primary (commercial routes). The existing buildings on site (66-70 Baker Street and 43-45 Dorset Street) follow this pattern and sit a storey taller than 46-49 Dorset Street.

The proposals will see a considerable increase in massing and height where the building returns to Baker Street. The change in character between Baker Street and Dorset Street is reflected through the step down in height towards Broadstone Place, change in materiality, reduction in floor to ceiling heights and modest fenestration. The use of brick and introduction of a canted bay reflects the domestic scale, architectural features and palette of materials found within the Portman Estate Conservation Area. The increased height and massing is considerable and the introduction of blank flank walls is undesirable. Officers sought improvements to this aspect of the proposals but it could not be achieved. The additional height, bulk, massing and prominent plant enclosure will detract from the domestic scale of architecture within the nearby Portman Estate Conservation Area to the east. This is considered to cause a low level of less than substantial harm to its character and appearance through changes within its setting. However, the proposals do somewhat respond to the surrounding context through the stepped massing and architectural detailing discussed above.

Some relief has been provided to the blank flank wall facing east towards Dorset Street. However, this does not go far enough. A condition is recommended to be imposed requirement detailed drawings to be provided show some relief and interest to this flank wall.

#### Views along Blandford Street

The eastern portion of Blandford Street is primarily characterised by three storey brick terraced townhouses with shopfronts at ground floor level, save for Accurist House and 55 Baker Street which are much larger in scale and footprint. The additional storeys of Accurist House and the wider plot size creates a legible contrast between the primary

route along Baker Street and secondary route of Blandford Street. The clutter to the sixth floor serves to detract from a harmonious roof form and the aeriels and balustrade form undesirable clutter. This is seen in Views 7, 8 and 9 of the submitted Heritage, Townscape and Visual Impact Assessment (HTVIA).

The proposed building will step down in height by two storeys and would be finished in brick to reflect the palette of materials found within this part of the Portman Estate Conservation Area. While the increase in the building's height and massing is considerable and will constitute a change in the townscape and setting of the conservation area, nevertheless when compared with the scale, modern design and poor quality of the rear of Accurist House, the proposals will have a neutral impact on the setting of the conservation area and remain legible as a building that marks the change in townscape character towards Baker Street.

### Views from Chiltern Street

The character of Chiltern Street is primarily formed of two terraces of apartment mansions and the former fire station. The two terraces date from 1875 and form handsome buildings finished in red brick with terracotta details and intricate roof forms with gables. The Chiltern Firehouse, formerly known as the Manchester Square Fire Station, is Grade II listed, dating from 1889, and comprises a former fire station in a free Gothic style with an elegant gabled roof form with tall chimneystacks and octagonal tower. The southern wing of the building is a recent extension which replaced the steel exercise tower. Its design was informed by the architectural style of the main building and forms a seamless and harmonious addition to the listed building and the townscape. The modest ladder shed remains to the south of this.

The rear of Accurist House is visible from Chiltern Street and forms the backdrop against which the firehouse is experienced (see view 10 of the THVIA). It has a utilitarian appearance and does not provide a positive contribution to the setting of the Chiltern Firehouse. The proposed height, bulk and massing of the new building will see a considerable increase in comparison with the existing situation. This will be particularly noticeable as the building façade will sit closer to the site boundary. However, the proposals have been negotiated to provide a calm and consistent backdrop to avoid competing with the grandeur and detailing of the Firehouse. Some interest is provided by the graduated brick treatment of the Broadstone Place façade. As such, while the proposals will see a great degree of change within this part of the setting, this change will not harm the special interest (significance) of the listed building or the setting of this part of the conservation area.

### Broadstone Place

Broadstone Place forms a secondary route, which is characterised by modest two storey buildings. The rear portion of Accurist House and 54-60 Baker Street are two storeys tall and reflective of the modest scale of the mews buildings to the east. The dead frontages, plant, car port and ductwork contribute to a cluttered and unresolved back-of-house character which detracts from the traditional character of the mews buildings.

The proposals will see an increase in height, bulk and massing. The central portion of the façade will, however, read as two storeys because the raked glazed structure will not be visible from low level views. This speaks to the modest scale of the mews opposite.

The proposed drawings indicate that areas of louvres are proposed at ground floor level. A condition is recommended to ensure that decorative metalwork is provided to provide interest and activation at street level. This area may also be suitable for public art in accordance with policy 43E of the City Plan 2019-2040.

The introduction of glazed shopfronts and large windows to ground and first floor levels introduces a new character to Broadstone Place. However, given the poor quality of the existing façades, there is no objection to this. The drawings also indicate that there would be double-height garage doors to the southern portion of the building.

### Comments received

Objections were received in relation to the original submission these included responses from the Ancient Monument Society (Historic Buildings & Places), the Victorian Society, London and Middlesex Archaeological Society (LAMAS) on the following design and heritage grounds:

- Excessive height, bulk and massing will harm the Portman Estate Conservation Area
  - The height and massing will harm the setting of the Chiltern Street Fire station (Grade II)
  - The loss of pattern of development in terms of smaller plots
- Following amendments to the proposals neighbours and consultees were reconsulted. No further response has been received from the Ancient Monument Society (Historic Buildings & Places), The Victorian Society, London and Middlesex Archaeological Society (LAMAS). The following concerns have been raised through the re-consultation, including a further response from the Marylebone Association:
- Excessive height, bulk and massing which would appear out of place in the townscape.
  - Excessive height, bulk and massing will harm the Portman Estate Conservation Area
  - The height and massing will harm the setting of the Chiltern Street Fire station (Grade II).
  - High level green plant enclosures prominent appearance and concerns about the maintainability of the proposed planting.
  - The flank wall of stone of the office building at high level facing east towards Dorset Street is prominent in views looking West and would be improved with either recesses or glazing.

The height, bulk and massing and its impact has been considered above. Options have been provided by the architect regarding the green screen to the plant room. Including the option of a low-level climbers to the enclosure. However, given that these are climbing plants, they will eventually reach the full height of the enclosure anyway. As such, the proposed greening is supported and will comply with Policy 34 of the City Plan 2019-2040.

As previously discussed, some relief has been provided to the blank flank wall facing east towards Dorset Street. It is agreed that this may not go far enough. A condition is recommended that detailed information is provided to show the proposed relief and interest.

## Summary

While the proposals will see great change to this part of Baker Street and form a substantial building. The proposals will see the demolition of a non-designated heritage asset in the form of 62-64 Baker Street and a low level of less than substantial harm to the setting of the Portman Estate Conservation Area. However, the materials and architectural detailing speaks to the surrounding context.

As required by NPPF Para. 208, Section 9.11 of this report weighs this harm against the public benefits of the development proposal.

## **Fire Safety**

On 23 December 2022, the Department for Levelling Up, Housing and Communities (DLUHC), confirmed that Central Government began a consultation on plans to mandate second staircases in new residential buildings over 30m. At this time, the residential component of the development proposal reached a maximum height of 25.4m and, as such, fell under the threshold for the incorporation of a second staircase.

On 29 March 2024, the government published amendments to Approved Document B (Fire Safety), which accompanies the Building Regulations 2010, which confirmed that second staircases will be required for new residential buildings in England that are 18 metres or more in height. The changes take effect on 30 September 2026. Transitional arrangements mean that projects which have submitted building regulation applications before that date and which are 'sufficiently progressed'<sup>3</sup> before 30 March 2028 can continue with a single staircase.

Despite this allowed period of grace and giving fire safety for residential buildings the highest importance, the applicant redesigned the residential component to now incorporate a second staircase. The HSE was notified of this amendment to the development proposal and, following some revisions to the internal layout of the building in response to feedback from the HSE, confirmed that it is content with the development proposal from a fire safety design perspective to the extent that it affects land use planning.

## **Archaeology**

Historic England (Archaeology) has reviewed the development proposal and advises that it is unlikely to have a significant effect on heritage assets of archaeological interest and therefore no further assessment or conditions are necessary.

## **Basement Excavation**

Excavation is proposed to lower the existing basement level on site. The extent and depth of the basement complies with the parameters set out within City Plan Policy 45(B) and, whilst the concerns from Building Control in respect to the lack of information

---

<sup>3</sup> In this case, when the pouring of concrete for the permanent placement of the trench, pad or raft foundations has started, or the permanent placing of piling has started.

in terms of how the basement will be constructed are noted, this information is not required by City Plan Policy 45 and the construction of the basement will be required to adhere to the Building Regulations, in the normal way.

## 9.5 Residential Amenity

City Plan Policy 7(A) requires development to 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 outlook”*.

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”*.

City Plan Policy 38(C) requires, *“All development will place people at the heart of design, creating inclusive and accessible spaces and places, introducing measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers”*.

### Daylight & Sunlight

A number of owners and occupiers of residential properties in close proximity to the application site have objected on the ground that the height, bulk and increased depth of the replacement building will result in an unacceptable loss of daylight and/or sunlight to neighbouring properties.

The original application was accompanied by a Daylight and Sunlight Report prepared in accordance with the advice and recommendation set out in the BRE Guidelines ‘Site layout planning for daylight and sunlight: A guide to good practice’ (3<sup>rd</sup> edition 2022). Following the amendments to reduce the height and massing of the proposed replacement building in February 2024 and revised Daylight and Sunlight Report was submitted and was subject to re-consultation. The properties tested are: 67-71 Baker Street; 6, 7, 8 and 9-10 Dorset Street; Wendover House (at the corner of Dorset Street and Chiltern Street, Wendover Court, Chiltern Street (east and west block), 7 Broadstone Place; and 60, 61, 62, 63 and 65 Blandford Street / 36 Baker Street.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. Using this method, if an affected window is already relatively poorly lit (i.e. the VSC is less than 27%) 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 rooms where daylight is required, including living rooms, kitchens and bedrooms. Windows to non-habitable rooms, such as bathrooms, storerooms or circulation space, do not need to be analysed.

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 on the distribution of light within a room. If, following construction of a new development, the no sky line moves so that the area of the habitable 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. Again, habitable rooms need to be analysed although bedrooms are less important.

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, following the construction of the development proposal, a rooms will receive less than these recommended standards and reduced by more than 20% of its former values over the whole year or over the winter months, 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. Bedrooms and kitchens are less important and do not normally need to be analysed.

### *Analysis*

#### Nos. 69-71 Baker Street

There is expected to be no material impact upon these properties in respect to daylight (either in terms of its impact upon VSC or NSL) or in terms of sunlight.

#### Nos. 9-10 Dorset Street

The development proposal is expected to result in seven minor breaches in VSC beyond the 20% threshold above which it will be noticeable to the occupants (between 22.07% and 25.46% losses). The main window in the centre of each canted bay has been used for this analysis, as permitted by the BRE Guidelines (Para. 2.2.6). These losses in VSC are minor and the retained VSC values will remain reasonable or good for this highly urbanised location, being between 17.07% and 24.52%.

Floorplans of this building are not publicly available. It is assumed in the submitted Daylight / Sunlight Report that each bay serves a room and that each of the three windows in a column above the main entrance serve separate rooms. Following the preparation of the Daylight / Sunlight Report, the occupier of Flat 2, 10 Dorset Street (at second floor level) has provided the floorplan of this flat. This confirms that the assumption made in the preparation of the submitted Daylight / Sunlight Report was correct for this second floor flat and is also likely to be correct for the flats at first and third floor levels.

Each of the three rooms at first, second and third floor served by the column of windows above the main entrance are expected to see material losses in NSL, with losses of 32.9%, 46.5% and 49.8%, with the impact progressively getting greater as one rises up the building. In respect to Flat 2 at second floor level, this room is a bedroom, albeit used as a study. It is likely that the first and second floor flats have the same layout and these



two rooms are also bedrooms. Given that the main living rooms are likely to be in front of one of the canted bays, the most important habitable room is therefore unlikely to be affected in terms of the distribution of daylight and only bedrooms are likely to be affected (albeit one is currently being used as a study). As set out above, the BRE Guidelines (2022) states that bedrooms are less important in respect to daylight distribution. For this reason, the impact upon the amenity of the occupants of the three flats at first, second and third floor level is not considered to be materially harmed as a result of the development proposal from a daylight distribution perspective.

In respect to sunlight, only two of the eleven rooms assessed are expected to see material losses in daylight. Two smaller rooms at first and second floor level would marginally fail over the winter period (both 4%) but these rooms will still retain 51% and 55% APSH which means that over the year as a whole the rooms will enjoy very good levels of sunlight. As indicated by the floorplan provided by the occupier of Flat 2, 10 Dorset Street (at second floor level) one of the affected rooms is a bedroom, albeit currently used as a study. It is therefore likely that the other affected room is also a bedroom. As set out above, the BRE Guidelines (2022) states that bedrooms and kitchens do not normally need to be assessed in respect to losses of sunlight. Given that: (i) One of the affected room is a bedroom (albeit currently used as a study) and the other is also likely to be a bedroom; and (ii) Overall, the sunlight to the rooms within these properties will still remain good as a result of the development proposal; the amenity of the occupants of the flats at first and second floor levels is not considered to be materially harmed as a result of the development proposal from a sunlight perspective.

Overall, the impact on the amenity of these occupants of these flats from a daylight or sunlight perspective is not considered to be materially harmful.

#### Nos. 6, 7 and 8 Dorset Street

There is expected to be no material impact upon these properties in respect to daylight (either in terms of its impact upon VSC or NSL) or in terms of sunlight.

#### Wendover House and Wendover Court (west), Chiltern Street

Records indicate that Wendover House contains 20 x flats, whilst the part of Wendover Court located to the west of Chiltern Street contains 24 x flats. These flats are located over first to fourth floor. Site visits by officers to a number of properties within these two buildings indicate that the flats within Wendover House are dual aspect, with bedrooms and kitchens facing west towards the development site. A living room and a bedroom front onto Chiltern Street and would be unaffected by the development proposal. The same is not true of the flats within Wendover Court, where a number of flats are single aspect, facing west toward the development site.

There are four wings to Wendover House / Wendover Court that project out westwards towards the development site. There are therefore a large number of windows (mainly serving kitchens) that are flanked by these projecting wings and a large number of smaller secondary windows within the north and south-facing parts of these projecting wings that generally serve bedrooms that are flanked by the main rear elevation of Wendover House / Wendover Court. Such a scenario is discussed within the BRE

Guidelines (2022) that states, “A larger relative reduction in VSC may also be unavoidable if the existing window has projecting wings on one or both sides of it, or is recessed into the building so that it is obstructed on both sides as well as above” (Para. 2.2.14). The vulnerability of these windows to large relative changes to VSC due to the amount of sky visible having already been obstructed due to the form of the host building needs to be born in mind when reviewing any losses in VSC.

#### *Wendover House*

In respect to Wendover House, of the 49 x windows analysed for losses in VSC, 29 x windows are expected to see losses of more than 20% of their former values as a result of the development proposal. This is made up of 11 x windows expected to see between 20% and 30% losses in VSC (minor adverse impact), 15 x windows are expected are expected to see between 30% and 40% losses in VSC (moderate adverse impact), and 3 x windows are expected to see above 40% losses in VSC (significant adverse impact). The most affected rooms would be a living room and a kitchen at second floor level and would be expected to see reductions in VSC of between 42.78% and 53.40%, with VSC reductions of from between 12.36% and 14.80% to between 5.76% and 6.65%. Both the losses and the eventual VSC levels indicate that the development proposal would significantly reduce the daylight received to these windows.

In terms of retained VSC values, of the 29 x windows expected to see losses of more than 20% of their former values, a significant proportion (13) would retain values in excess of 15%. Whilst the losses to these windows will be material, the retained VSC values will remain reasonable for this highly urbanised location. 9 x windows, however, would have retained values of between 10% and 15%, whilst 7 x windows would retain values of between 5% and 10% (albeit three of these were already very low).

In respect to NSL, of the 27 x rooms assessed, 12 x rooms are expected to see material worsening of the distribution of light, albeit three of the affected rooms are bedrooms that the BRE Guidelines (2022) states are of less importance. Of the nine rooms that are not bedrooms, six are expected to see losses of more than 40% NSL. These losses will result in significantly more gloomy rooms.

Only one room (excluding bedrooms and kitchens) is expected to be materially affected in terms of sunlight. This is a living room that is expected to see a 57.1% loss in winter sun and a 59.3% loss over the whole year.

#### *Wendover Court (west)*

In respect to Wendover Court, of the 120 x windows analysed for losses in VSC, 82 x windows are expected to see losses of more than 20% of their former values. This is made up of 57 x windows expected to see between 20% and 30% losses in VSC (minor adverse impact), 23 x windows are expected are expected to see between 30% and 40% losses in VSC (moderate adverse impact), and 2 x windows expected to see above 40% losses in VSC (significant adverse impact).

In terms of retained VSC values, of the 82 x windows expected to see losses of more than 20% of their former values, the majority (53) would retain values in excess of 15%. Whilst the losses to these windows will be material, the retained VSC values will remain

reasonable for this highly urbanised location. 23 x windows, however, would have retained values of between 10% and 15%, whilst 6 x windows would retain values of between 5% and 10%.

The significantly lower impact of the development proposal upon Wendover Court compared to Wendover House in terms of daylight, is even greater when reviewing the impact upon NSL. Of the 72 x rooms assessed, 29 x rooms are expected to see material worsening in terms of NSL, albeit all but two of the affected rooms are bedrooms that the BRE Guidelines (2022) states are of less importance. Of the two rooms that are not bedrooms, both are kitchens and would see reductions of 25.0% and 31.7% which would be categorised as minor and moderate adverse impacts, respectively.

No rooms (excluding bedrooms and kitchens) are expected to be materially affected in terms of sunlight given that only kitchens and bedrooms face the development site.

### 7 Broadstone Place

The flat at first floor is the closest residential building to the application site, being directly opposite the site on the east side of Broadstone Place. As a result of the proposed replacement building extending further into Broadstone Place than the existing building, it will be even closer than as present. The three windows affected are expected to see reductions in VSC of 51.42%, 52.18% and 53.43%, reducing VSCs from reasonable for this context (between 16.92% and 17.95%) to between 7.88% and 8.35%.

The internal layout of the building is not publicly available. However, based on the assumption that the three windows serve two rooms, the development proposal is expected to see NSL reductions of 58.9% and 67.2%.

With regard to sunlight, the two rooms are expected to see reductions in APSH of 44.1% and 45.7%, leaving both with APSH of 19%, of which 5% is during the winter.

The development proposal will therefore have a significantly adverse impact upon daylight levels to this property. The development proposal will also result in material losses of sunlight, albeit the retained values are reasonable in the context of this dense urban environment. Overall, the development proposal will result in significant harm to the amenity of its occupant. It should be noted, however, that the occupant of this flat has not objected to the development proposal.

### 60 Blandford Street

This building contains residential accommodation over first to third floor levels, with side window within the closet wing at first, second and third floor levels directly facing the development site. The use of these rooms is unknown and no representations have been received by the occupant to allow the use of these rooms to be verified. Floorplans indicate that the windows within the main rear façade of the building serve a staircase (i.e. a non-habitable room) and that the affected flats are dual aspect, with the main living space likely to front into Blandford Street.

The analysis shows that the impact in terms of VSC will have a significant adverse

impact, with losses of between 36.74% and 53.96%. In addition, the resulting VSC will be below, ranging from 4.30% and 10.26% (higher as one rises up the building). This significant impact is partly a result of the window already being flanked by the rear elevations of Nos. 60-62 Blandford Street which means that the development proposal will have a more significant impact than would otherwise be the case. But it also because these windows are close to and directly facing the part of the development proposal on the Broadstone Place frontage with the greatest mass.

In terms of NSL, the rooms are also expected to see significant adverse impacts with losses between 40.4% and 83.0%.

In terms of sunlight, the rooms already have very low levels of APSH and none during the winter. The losses expected are not material.

### 61 Blandford Street

This dwellinghouse is located to the south of the application site and the analysis reveals that the daylight and sunlight to windows / rooms proposal will be minimal, with no material losses in VSC or NSL. The affected windows face north and therefore sunlight is not a consideration.

### 62 Blandford Street

This building contains residential accommodation over first to third floor levels, with the rear facing windows potentially affected by the development proposal. The nearest column of three windows serves a staircase (i.e. a non-habitable room), whilst the adjacent column of three windows are likely to serve habitable rooms.

The analysis shows that these windows are expected to see between 23.45% and 34.67% losses in VSC, with smaller losses as one rises up the building. The impact upon the third-floor window is not of concern as it still retains a VSC of 19.42% which is typical of this dense urban environment. The other two windows would retain a VSC of 16.8% and 10.95%, which is less than.

In terms of NSL, the expected losses exceed the BRE Guidelines (2022) and range between 33% and 44%. Having said that, given the layout of the building, the rooms are likely to be bedrooms, which the BRE Guidelines (2022) states are of less importance. The occupier of these flats has not objected to the development proposal and therefore the layout of the flats has not been able to be verified.

The affected windows face north and therefore sunlight is not a consideration.

### 63 Blandford Street

This dwellinghouse is located to the south of the application site and the analysis reveals that the daylight and sunlight to windows / rooms proposal will be minimal, with no material losses in VSC or NSL. The affected windows face north and therefore sunlight is not a consideration.

### 65 Blandford Street / 34 Baker Street

This dwellinghouse is located to the south of the application site and the analysis reveals that the daylight and sunlight to windows / rooms proposal will be minimal, with no material losses in VSC or NSL. The affected windows face north and therefore sunlight is not a consideration.

### Wendover Court (east)

The significant distance between the development proposal and these flats means that the impact upon daylight and sunlight to windows / rooms that have a view of the development proposal will be minimal, with no material losses in VSC, NSL and sunlight expected.

### Conclusions

As the above analysis show, the most significant impact upon the amenity of the occupants of nearby residential properties from a daylight perspective are to the flats within Wendover House and to No. 7 Broadstone Place. In respect to Wendover Court, this is because the affected flats are single aspect, are located directly opposite the residential northern 'bookend' of the development proposal, and are already flanked by the rear elevation of Nos. 46 and 47 Dorset Street which means that the development proposal will have a greater impact than would have otherwise been the case. In respect to No. 7 Broadstone Place, it is located too close to the development proposal to benefit from the reduced massing in the central sloping roof section of the development proposal.

The impact upon the amenity of the flats within Wendover Court (west) is more modest. This is partly because the outlook towards the development proposal is towards the central sloping roof section that significantly reduce the mass in the centre of the proposed replacement building. It is also because many of the affected windows are bedrooms which the BRE Guidance (2022) gives less importance to and because these flats are dual aspect, with the main living space fronting onto Chiltern Street and are therefore unaffected by the development proposal.

The impact upon the amenity of the occupants of nearby residential properties from a sunlight perspective are more minor and isolated and, as such, are not considered to be of concern.

The harm to the amenity of the occupants of nearby residential properties needs to be weighed against the public benefits of a development proposal that is generating significant commercial growth in the CAZ through optimising the development potential of the site and generating a number of public benefits as set out within Section 9.11 of this report. The localised loss of amenity is not considered to be significant enough to outweigh the wider benefits of the scheme.

### **Sense of Enclosure**

The distance between the proposed replacement building and the affected occupants of nearby residential dwellings will mean that the development proposal is not considered

to result in a material increase in the sense of enclosure.

### **Privacy**

The reasonable distance between the proposed building and terraces and the affected neighbouring properties means that the development proposal will not cause a material loss of amenity for the occupants of nearby residential properties.

### **Noise & Vibration**

Subject to the imposition of a condition securing the submission of a supplementary acoustic report once the plant has been chosen, there is no objection from a plant noise perspective.

The applicant has submitted a draft Operational Management Plan for the proposed roof top room and terraces. The applicant proposes that the hours of operation be between 0700 and 2200 (Monday to Friday). Events may use amplified background pre-recorded music inside the room at a modest sound level.

Subject to these hours of use being controlled by condition and the imposition of a condition ensuring the noise levels would not disturb local residents, the operation of the roof terraces is not considered to give rise to any unacceptable amenity concerns.

## **9.6 Transportation, Accessibility & Servicing**

### **Parking**

The removal of the existing car parking on site is welcome.

The development proposes the provision of 450 x long-term cycle space and 65 x short-term cycle parking spaces. The development proposal exceeds the minimum long-stay cycle parking standards but is 38 x spaces short of the policy requirement for short-terms spaces.

This deficit in short-term cycle parking may be able to be accommodated adjacent to the development proposal on Baker Street, with the applicant showing a possible location of 42 x spaces adjacent to the development site. However, whether or not this would interfere with other functions of this stretch of footway is a matter for the City Council's in its capacity as Highways Authority. As such, as part of the highways works secured by legal agreement, it is recommended that flexibility is provided so that these spaces are only provided if it is possible and desirable to the City Council as Highways Authority.

The applicant has agreed to providing car club membership for the occupiers of each of the 17 x residential dwellings for a continuous period of at least 25 years. This may be secured by legal agreement.

In addition, to prevent future tenants of these flats applying for on-street residents' car parking permits and thereby increase parking stress levels, it is recommended that a condition be imposed requiring appropriate arrangement to be submitted for the City Council's approval preventing such permits being issued. This is supported by the

Planning Obligations and Affordable Housing SPD (2024).

### Servicing

The provision of the off-street servicing bay from Broadstone Place where vehicles can enter and exit in forward gear is acceptable. The retention of some servicing from an existing service bay on Baker Street is contrary to the expectation within City Plan Policy 29(B) that the servicing needs of a development should be met within the application site, given that the proposal represents an overall improvement upon the *status quo*, subject to securing a Servicing Management Plan (including hours) by condition, the serving arrangements are considered to be acceptable in this instance.

### Stopping up / dedication as public highway

	Area of land proposed to be stopped up	Area of land proposed to be dedicated as public highway	+/-
Dorset Street	1.10 sq.m	13.70 sq.m	+12.6
Blandford Street	-	45.94 sq.m	+45.94
Broadstone Place	83.71 sq.m	10.10 sq.m	-73.61
Baker Street	5.29 sq.m	103.65 sq.m	+101.36
<b>Total</b>	<b>90.10</b>	<b>173.39</b>	<b>+83.29</b>

**Table 5: Areas of public highway for stopping up and areas of land offered up for dedication as public highway.**

There is a presumption within City Plan Policy 28(A) against the loss of public highway and in particular, footways. As the above table demonstrates, however, the development proposal will not only result in there being 83.29 sqm more of adopted public highway compared to the existing situation but the three frontages with the greatest footfall will all see additional pavement widths. Only Broadstone Place will see a net loss of public highway. This is acceptable as the development proposal will result in a dedicated footway along the western side of Broadstone Place, improving pedestrian safety despite the slightly narrower width of this street.

## 9.7 Economy including Employment & Skills

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 above 10,000 sq.m will be required to produce an Employment and Skills Plan and to make a financial contribution to support the Westminster Employment Service. Based on the formula within the guidance note, the proposed development would be liable to make a financial contribution of £405,000 (index linked and payable prior to the commencement of development). These may be secured by legal agreement.

## 9.8 Other Considerations

### Procedural

As set out above, the application at Site 1 is referable to the Mayor of London as it constitutes 'Large Scale Development' under Categories 1B and 1C of Part 1 of the Schedule of the Town and Country Planning (Mayor of London) Order 2008. This is because the development proposal comprises the erection of a building in Central London (outside of the City of London) with a total floorspace of more than 20,000 sq.m and because the proposed building is more than 30m high above ground floor level and is outside of the City of London.

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 of London 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).

### Crime and Security

The relocation of the residential entrance from Broadstone Place to Dorset Street and the removal of the linked door between the residential and retail basements have partly addressed the concerns from the Metropolitan Police Service.

The Metropolitan Police Service, however, still object to the retention of the residential cycle store entrance on Broadstone Place. This is because it benefits from very little natural surveillance, especially after office hours, and that future residents would have no view of who is standing / loitering in the recessed area on Broadstone Place to the rear of No. 46 Dorset Street. This would result in an increased fear of crime, personal safety issues, and the opportunity for crime to take place.

Following discussions with the applicant, it has been agreed that the entrance to the cycle store will be automatically locked 'out of hours', during which occupants of the flats will be able to utilise the basement cycle store via the residential entrance on Dorset Street. This is a much safer environment than Broadstone Place. To avoid any misunderstanding with the concierge, this ability should be written into the tenancy agreements for the flat. Residents should be able to access and egress the cycle store via the residential entrance on Dorset Street between the hours of 20.00 and 06.00 daily. This may be secured by condition.

The Metropolitan Police Service also objects to the size of the proposed basement cycle store, arguing that it should be split into several smaller cycle stores to avoid cycle thefts. It is argued that crime risk analysis shows that the smaller the cycle store the less crime is committed. The applicant states that how the commercial cycle store will be segregated will be determined during the later design stages of the project once an incoming occupier or occupiers are identified to ensure that the configuration reflects tenant requirements. Again, this may be dealt with by condition.

Finally, following further review, the applicant confirms that the 'recesses' along



Broadstone Place would be less than the 600mm maximum requested by the Metropolitan Police Service. This addresses this concern.

## 9.9 Environmental Impact Assessment

In response to a request for a screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (Ref: 22/06748/EIASCRC), the City Council confirmed on 28 October 2022 that the development proposal was 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. Of relevance to this application, the PO&AH SPD makes changes to the per tonne monetary figure that enable developments to offset operational regulated carbon emissions when they fail to be operationally zero carbon and sets out guidance on how major developments will contribute to improved employment prospects for local residents.

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) The drawing down of affordable housing credits equivalent to 1,328.5 sq.m GIA of affordable housing floorspace at Castle Lane / Palace Street pursuant to planning permission dated 6 February 2019 (Ref: 18/01971/FULL), prior to the commencement of development. .
- b) Car club membership for the occupiers of each of the 17x residential dwellings for a continuous period of at least 25 years.
- c) Submission of an Employment and Skills Plan and a financial contribution of £405,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development through the Westminster Employment Service. Employment and Skills Plan submitted prior to the commencement of the development (including demolition). Financial contribution payable prior to the commencement of development.
- d) A financial contribution to the City Council's Carbon Off-Set Fund of £820,000 (index

- linked and payable prior to commencement of development) in order to mitigate the residual regulated operational carbon emissions for heating, cooling, lighting equipment etc arising for the development over the anticipated 30-year life of these services.
- e) Delivery of an off-site carbon savings project at St Mary's Bryanston Square Primary School (or another local carbon savings project making equivalent carbon savings if unforeseen circumstances prohibit delivery of this project). Delivery of this off-site carbon savings project prior to occupation of development. If the off-site carbon savings project at St Mary's Bryanston Square Primary School (or another local carbon savings project making equivalent carbon savings) are not able to delivered despite the owner's reasonable endeavours, a financial contribution to the City Council's Carbon Off-Set Fund of £32,000 (index linked and payable prior to occupation of any part of the development) in order to mitigate the residual regulated operational carbon emissions for heating, cooling, lighting equipment etc arising for the development over the anticipated 30-year life of these services.
  - f) Be seen energy monitoring on the actual operational energy performance of the building, including as-built and in-use stage data.
  - g) Undertaking of highways works on the parts of Baker Street, Dorset Street and Blandford Street that abut the development site and the entirety of Broadstone Place that are necessary to accommodate the development (including the provision of a footway along the entire western length of Broadstone Place and, if possible and desirable to the City Council as Highways Authority, short stay cycle parking provision for at least 42 bicycles on the part of Baker Street immediately adjacent to the development). If undertaken by the owner (with the agreement of the City Council), highway works to be completed prior to occupation of any part of the development.
  - h) Dedication of areas on Broadstone Place, Dorset Street, Baker Street and Blandford Street as public highway.
  - i) The costs of stopping up of areas of public highway on Broadstone Place, Baker Street and Dorset Street (payable and stopping up order confirmed prior to commencement of development).
  - j) Provision of an Educational and Cultural Space within the development at peppercorn rent in perpetuity and fitted out to a Category A standard.
  - k) The costs of monitoring the S106 agreement.

All of these are policy requirements or are required in order to deliver the public benefits that outweighed the less than substantial harm to designated heritage assets identified in Section 9.4 of this report.

The estimated Westminster CIL payment is £3,131,271, whilst the estimated Mayoral CIL payment is £2,624,379. 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.

Officers are in discussion with the applicant on the wording of the required pre-commencement conditions and the Sub-Committee will be verbally advised of the outcome to these discussions during the officer's presentation.

### **9.11 Assessment of Planning Balance**

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the setting of the Portman Estate Conservation Area. The harm would be caused by the demolition of 62-64 Baker Street (considered to be a non-designated heritage asset) and the additional height, bulk, massing and prominent plant enclosure detracting from the domestic scale of architecture within the nearby Portman Estate Conservation Area to the east. The level of harm caused would be at the lower end of less than substantial.

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.

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:

- The creation of a dedicated Cultural and Educational Space to meet an identified need for a full suite of local users, including charities and educational organisations, to be managed by the Baker Street Quarter Partnership at a peppercorn rent. This will also incorporate a permanent, bespoke exhibition recognising use of Nos. 62-64 Baker Street as the headquarters of the SOE during World War II, the concepts of which have been developed in partnership with the Special Forces Club.
- The improvement of the west side of Broadstone Place from an unattractive and utilitarian service yard with surface level vehicular parking to a well-considered and more active space during the daytime with improved pedestrian experience through the provision of a footway along its entire western edge.
- The consolidation of delivery and servicing trips to reduce impact on local residents and improve air quality, and the environment in Broadstone Place.
- Significant improvements to biodiversity, urban greening, and air quality across the development site.

- The delivery of 28,299 sq.m GIA of Grade A office floorspace, representing a net increase of 14,627 sq.m GIA.
- An increase of between 1,375 and 1,960 net additional FTE jobs.
- An additional economic output per year between £253.3m - £315.0m for both full-time and part-time workers.
- The drawing down of affordable housing credits at Castle Lane / Palace Street equivalent to 50% of the market housing proposed in the development scheme by floorspace prior to commencement of development will honour the affordable housing credit system that will shortly have delivered 86 x affordable housing units in advance of the delivery of the linked market housing off-site. If calculated on a pro-rata basis, the development proposal's contribution will be approximately 23 x affordable units, made up of approximately 16 x intermediate units and 7 x units let at London Affordable Rent.

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.

## 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 is acceptable.

Accordingly, 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 to the conditions listed at the end of this report and completion of a Section 106 agreement to secure the obligations identified in Sections 1, 9.10 and 9.11, which are necessary 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)

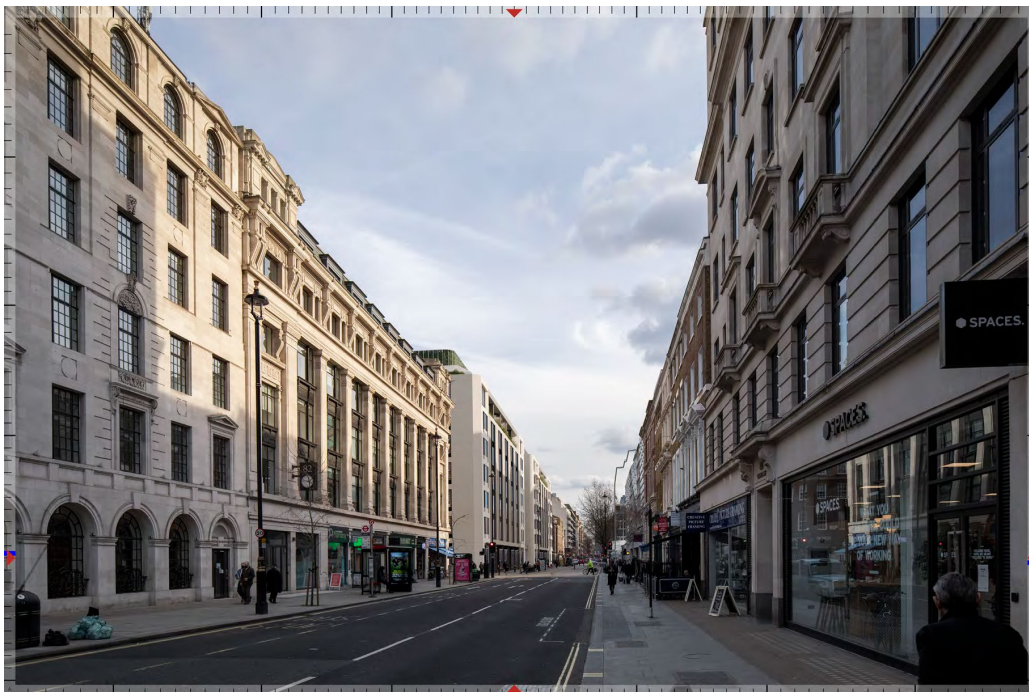
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

## 11. KEY DRAWINGS

Existing verified view looking south from the junction of Baker Street and Crawford Street:



Proposed verified view looking south from the junction of Baker Street and Crawford Street:



**Existing verified view from Baker Street, outside Nos. 19-35 Baker Street (looking north):**



**Proposed verified view from Baker Street, outside Nos. 19-35 Baker Street (looking north):**



**Existing verified view from Blandford Street looking west from its junction with Manchester Street:**



**Proposed verified view from Blandford Street looking west from its junction with Manchester Street:**



**Existing view looking west from opposite the Chiltern Street Firehouse courtyard:**



**Proposed view looking west from opposite the Chiltern Street Firehouse courtyard:**





**Existing view from Dorset Street from its junction with Chiltern Street (looking west):**



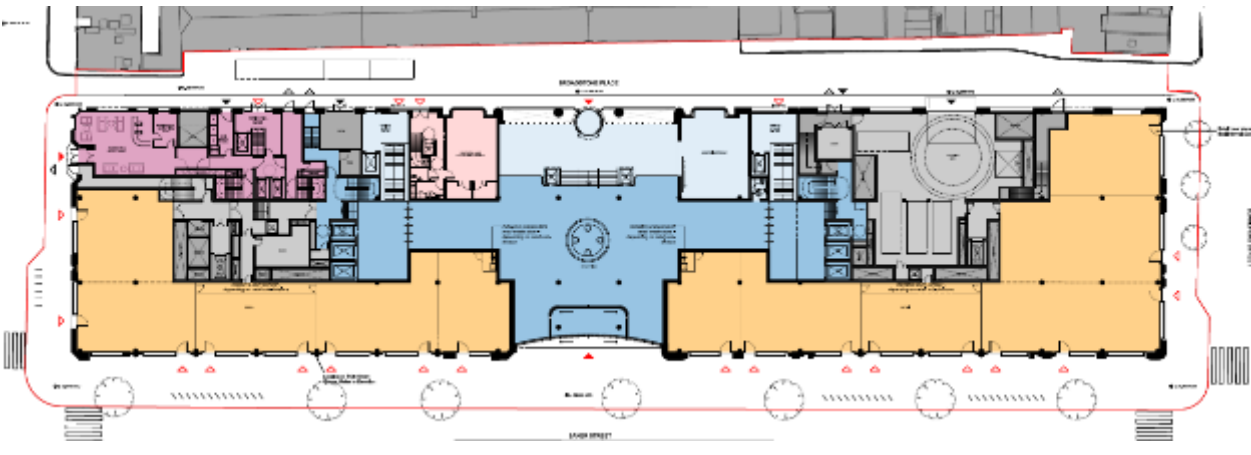
**Proposed view from Dorset Street from its junction with Chiltern Street (looking west):**



**Existing ground floor plan:**



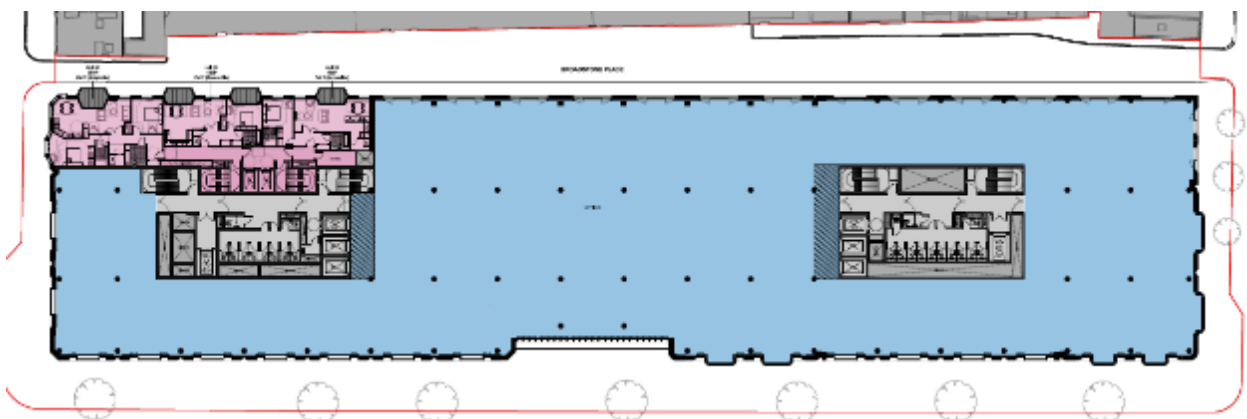
**Proposed ground floor plan:**



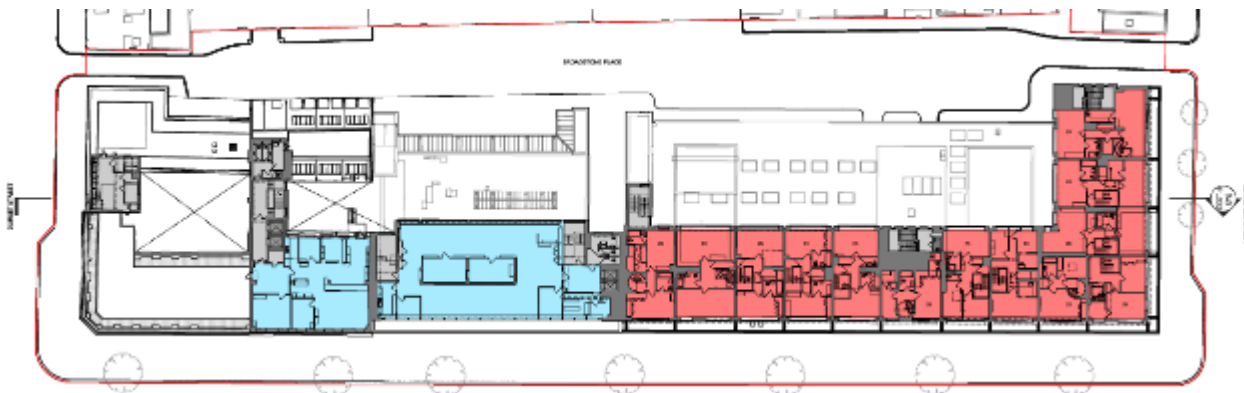
**Existing first floor plan:**



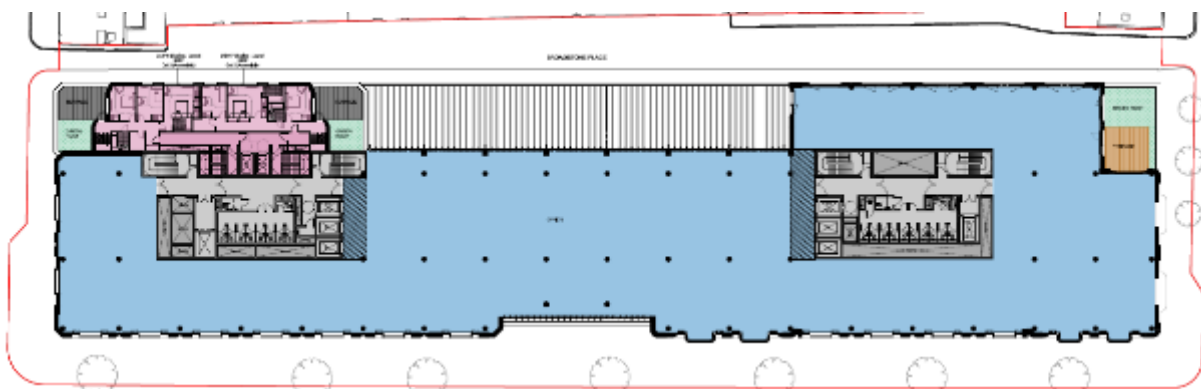
**Proposed first floor plan:**



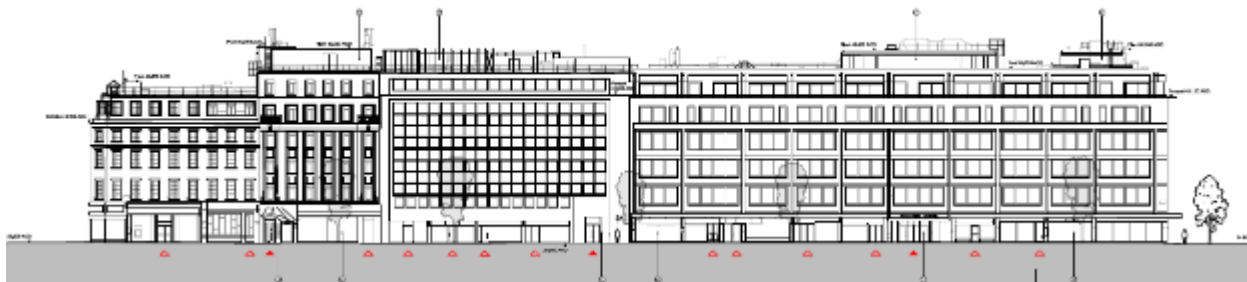
**Existing sixth floor plan:**



**Proposed sixth floor plan:**



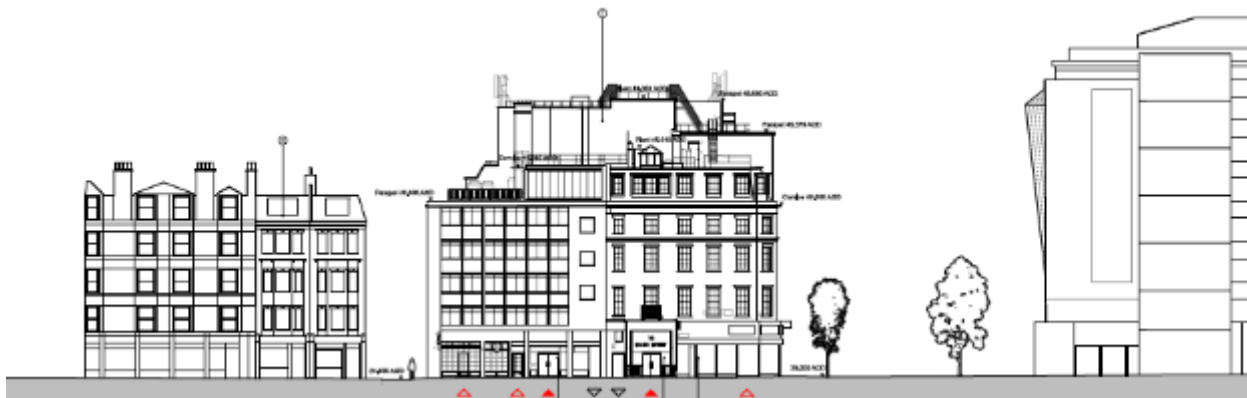
**Existing Baker Street elevation:**



**Proposed Baker Street elevation:**



Existing Dorset Street elevation:



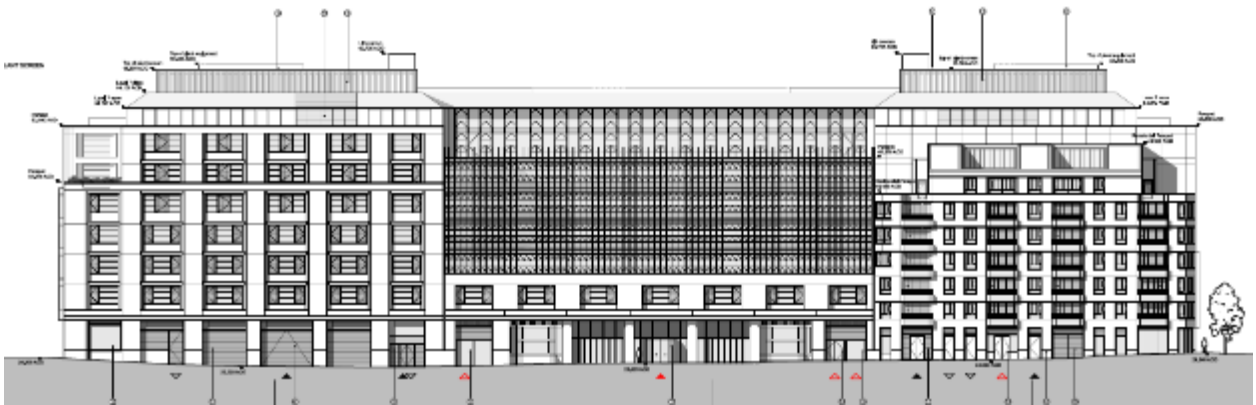
Proposed Dorset Street elevation:



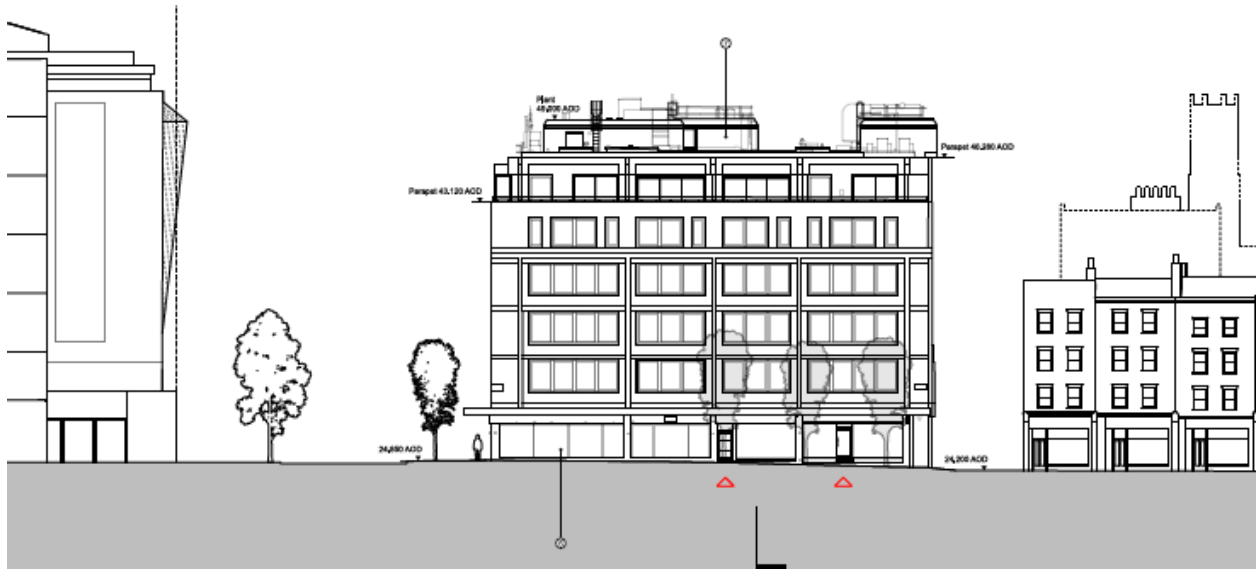
Existing Broadstone Place elevation:



Existing Broadstone Place elevation:



Existing Blandford Street elevation:

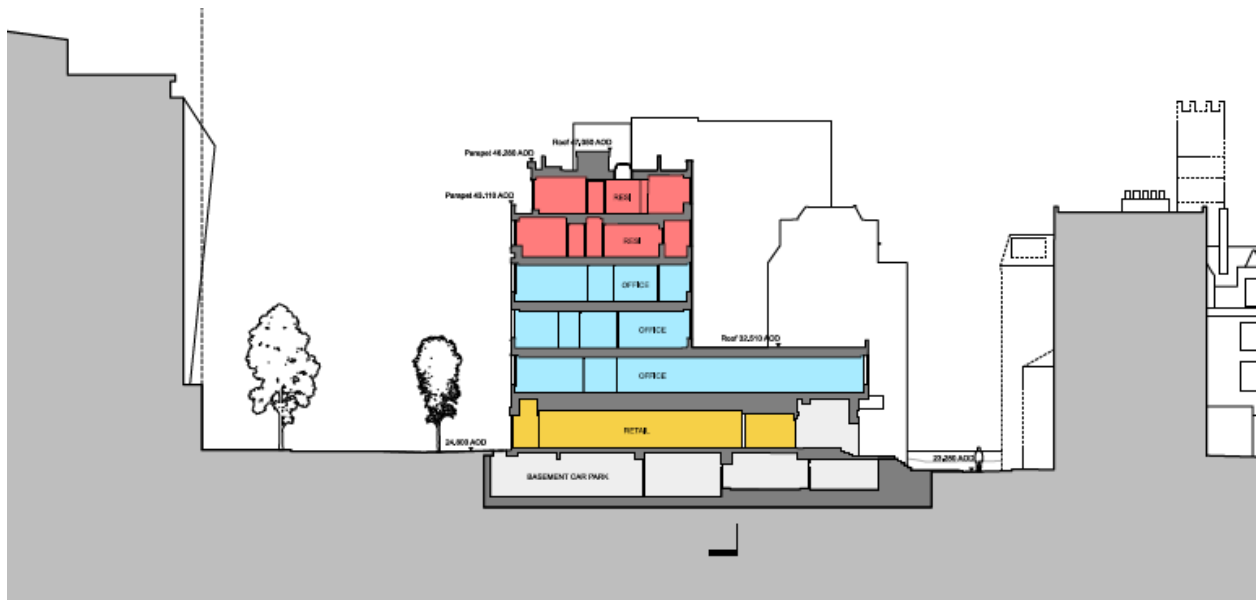


Proposed Blandford Street elevation:

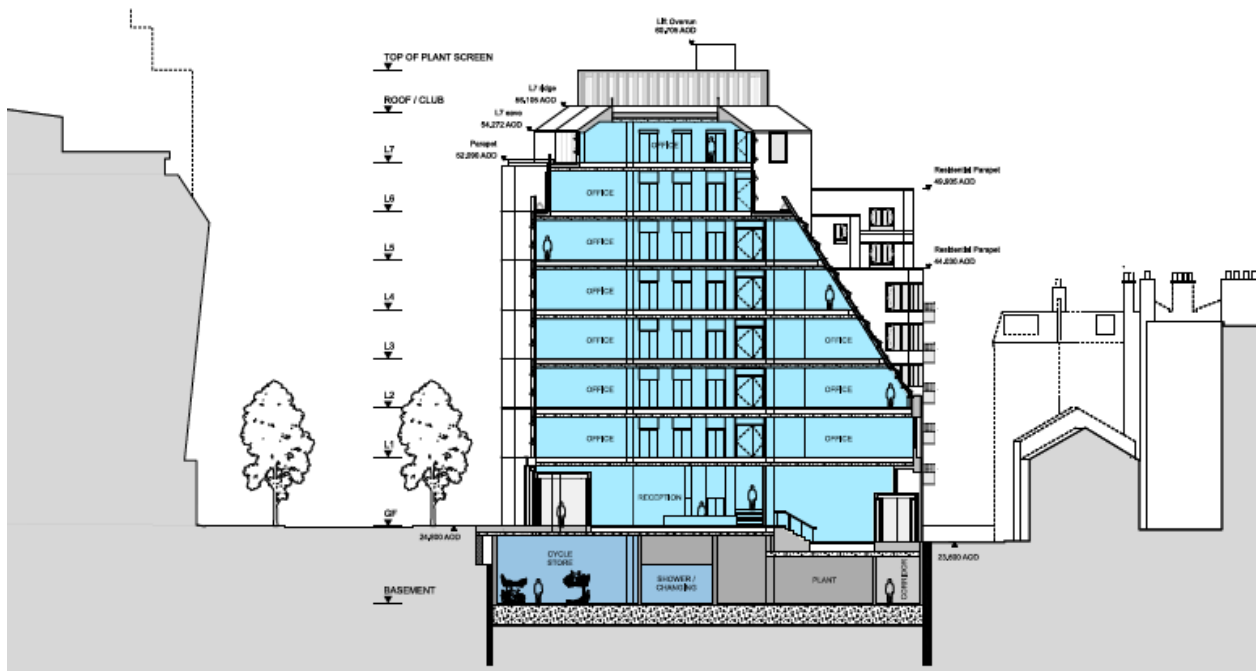




Existing Section A-A:



Proposed Section A-A:



Item No.
----------

<b>2</b>
----------

**DRAFT DECISION LETTER (TO FOLLOW)**