

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 October 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	West One Shopping Centre, 381 Oxford Street, London, W1C 2JS		
Proposal	Variation of Conditions 1, 7, 28 and 29 of planning permission dated 6th March 2024 (RN:21/06879/FULL) for the Part demolition and alterations to existing building comprising demolition of second to fifth floor level, part demolition of ground and first floor at south eastern corner, removal of existing facades at ground and first floor level, erection of new second to seventh floors with setback eighth floor plant level to provide office (Class E) accommodation, new and replacement façades, installation of entrance canopies along Oxford Street and Davies Street, provision of terraces at third, fifth, sixth and seventh floor levels including greening, installation of plant and enclosure at second floor level, provision of cycle parking spaces and facilities and associated works; NAMELY, to enable the use of the first floor as either Class E office or Class E retail use, to revise the waste store layout, and associated façade changes to enable either an office or retail use. [Application under S73]		
Agent	Gerald Eve		
On behalf of	c/o agent		
Registered Number	24/04248/FULL	Date amended/ completed	25 June 2024
Date Application Received	25 June 2024		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

1. Grant conditional permission subject to a deed of variation to the legal agreement dated 6 March 2024 to secure the following:

- a) A financial contribution of £162,450 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- b) Provision of and adherence with an Employment and Skills Plan for the construction and operational phases of the development;
- c) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;

- d) A financial contribution of £137,094 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
- e) A financial contribution of £35,000 (index linked) to provide an extension to a nearby Cycle Hire docking station;
- f) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of redundant crossovers in Weighhouse Street. All of the above to the Council's specification, at full cost (administrative, legal and physical) of the developer;
- g) Costs of the stopping-up process; and
- h) The costs of monitoring the S106 agreement.

2. SUMMARY & KEY CONSIDERATIONS

The application seeks to vary the planning permission approved on 6 March 2024 for the part demolition and redevelopment of the West One Shopping centre for mixed retail and office purposes. That permission restricts the first floor to retail use, and this application seeks to amend conditions 28 and 28 to enable this floor to be used as flexible Class E office / retail use. Minor design amendments are also sought to facilitate the use of the first floor for an office use.

Application context

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

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

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

Whilst the consideration of such an application is limited to the conditions that should be imposed, if granted, it will result in a new permission. As such, the City Council cannot ignore the wider consideration of issuing a new permission. The application must be determined in accordance with the development plan (i.e. the London Plan (March 2021), the City Plan (April 2021) and Mayfair Neighbourhood Plan (August 2019) unless material considerations indicate otherwise. The fall-back position of the original planning permission carries great weight in the decision-making process.

A number of concerns have been raised to the application requesting that the original application is revisited, however, the City Plan is the same as when the extant permission was granted and therefore there is no reason to revisit the proposals in any substantial way outside of the changes made in the current s73 application.

Land Use

Objections to the loss of retail were initially received from the Mayfair Neighbourhood Forum, but the

Forum have since confirmed that they support the flexible office/retail use sought by the applicant.

The site is situated within the Oxford Street International Centre which provides a focal point for large format comparison retail uses supported by complementary town centre that increase customer dwell time, and new office floorspace. It also sits within the West End Special Retail Policy Area which provides a wide mix of commercial uses that support the West End's role as a retail, employment and cultural hub, and as a centre for the visitor, evening and night-time economy. Davies Street is also defined as a Mayfair Shopping Frontage within the Mayfair Neighbourhood Plan (MNP).

The MNP sets out under paragraph 4.1.2. that "current City Plan policy already recognises the special status of the world-renowned West End Retail Frontages of Oxford Street, Bond Street and Regent Street. Accordingly, the Plan does not repeat or address these further". The MNP therefore focusses on the shopping frontages, which includes Davies Street. Policy MR1 states that the loss of A1 retail units will be resisted within the Shopping Frontages. Paragraph 4.1.8 explains that "the purpose of the map's frontage designation is to identify ground-floor uses, although in places the retail expands to basement, and, in the case of the West End Retail Frontage, to the upper floors". The reasoned justification under paragraph 4.1.10 states that "the Mayfair Shopping Frontages ... are characterised by Small Scale Retail units and are predominantly occupied by high-end and luxury retailers. Whilst supporting London's world-renowned shopping status, it would not be appropriate for large retail floorplates to be located here." In this case, the loss of retail is entirely at first floor, currently occupied in its entirety by JD Sports, and as such is not a small-scale ground floor retail unit and is more akin to the large retail floorplates that are cited as not appropriate for the location. It is therefore considered that the approach to the loss of retail within the Mayfair Shopping Frontages set out by MR1.1 does not seek to protect the type of retail accommodation located on the first floor on Davies Street.

The City Plan as the most recently adopted policy does take priority in the decision-making process, and the loss of 2,307 sqm GIA of first floor retail floorspace would be in accordance with Policy 14 of the City Plan which states that "uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy. Uses serving visiting members of the public will also be supported at first floor level within centres characterised by large format, multi-level stores." The focus of the policy within the International Centres is therefore on maintaining a strong retail core at ground floor level and immediately above where appropriate. The reasoned justification to the policy states that new and improved office floorspace on upper floors can support wider jobs growth, and support customer spend within the International Centres. The retention of retail at basement and ground floors, with offices above is in accordance with this policy.

In this regard, the substantial retail offer (approximately 3,300 sqm GIA) that is retained on site, including the whole of the basement and the majority of the ground (excluding the office entrance onto Davies Street and the loading facilities at rear ground floor) and circa 30m of active retail frontage to Oxford Street is in accordance with Policy 14.

It is also acknowledged that the issues surrounding the future vitality of retailing on Oxford Street are well known and other retailers along Oxford Street have already sought to introduce other land uses above their retail floorspace in reflection of the reduced need for such space.

The use as retail floorspace at basement and ground floor levels would continue to be protected through condition, maintaining an active frontage to the Oxford Street International Centre and serving visiting members of the public as sought by City Plan policy 14.

For these reasons, it is considered that the building will still contribute significantly to the International Shopping Centre as a retail destination.

Townscape and Design

Associated with the proposed change of use of the first floor as either class E office or retail use, the proposals also seek to amend the design of the double height shopfronts approved as part of the 2024 approved scheme.

Double height shopfronts are a characteristic of Oxford Street. As a primary retail destination within the city, retaining and enhancing the retail frontage along the street is essential in supporting the retail offer and activity of the area.

In the event that the first floor is used for office purposes, a solid spandrel is introduced above ground floor level to break up the double height glazing, in terrazzo and metal. This serves to break up the glazing, whilst maintaining a defined base of the building, but will allow a more flexible use at first floor level. The design changes are not felt to inhibit a retail use being re-established and in the event that the first floor is retained for retail purposes, a condition is proposed to ensure that the development is built out in accordance with the originally approved double height shopfronts.

The overall impact on the design and appearance of the development is considered modest, given the appropriate use of materials. The potential loss of retail at first floor level is undesirable given the status of Oxford Street, however the design changes are not opposed from a townscape and design perspective.

Other Issues

As set out in Section 5 below, a number of objections have been received to the application on design, amenity, servicing and sustainability/demolition grounds. The objectors believe that the original planning permission should be revisited, however, the local planning authority can consider only the question of the conditions subject to which planning permission should be granted. The City Plan is the same as when the extant permission was granted and therefore there is no reason to revisit the proposals in any substantial way outside of the changes made in the current s73 application.

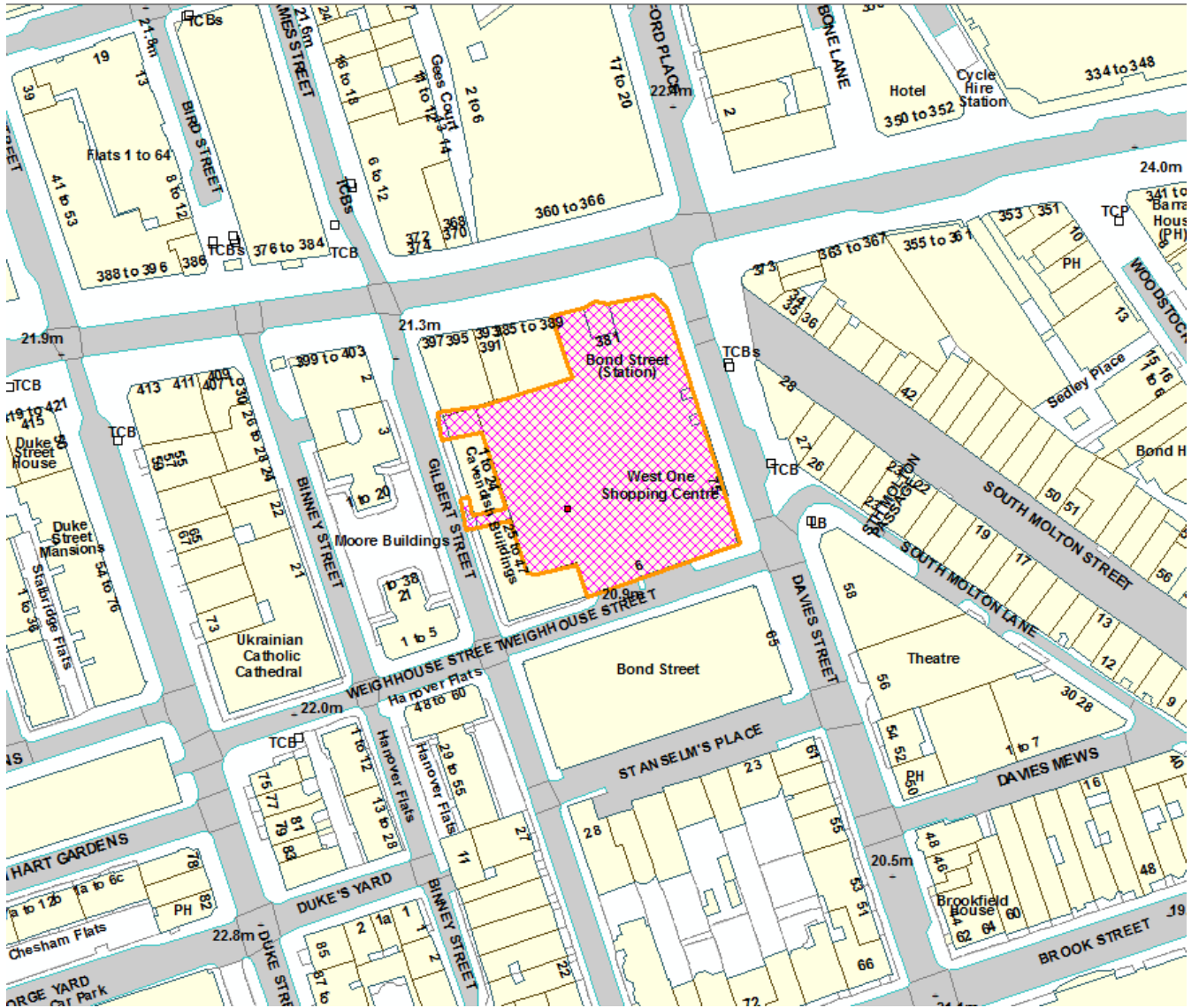
Strong objections to the original application were raised to the original permission on similar grounds, and the original report to committee, is provided within the background papers to this report. In determining that application, the Committee were satisfied that the application was acceptable in amenity, design, highways and sustainability grounds, and the fall-back position of the original planning permission carries great weight in the decision-making process.

A number of concerns have been received regarding the consultation process, both for the original application and to this variation application, however, the City Council has carried out a wide consultation exercise to both applications, including the immediate neighbours, and the applicant has since confirmed that, despite Covid restrictions being in place at the time of the original permission, extensive engagement took place which included virtual exhibitions and a social media campaign.

Conclusion

Subject to appropriate conditions, the proposals are considered acceptable in land use and design terms and the application is recommended for approval subject to a Deed of Variation to the original legal agreement.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Oxford Street/Davies Street junction

5. CONSULTATIONS

5.1 Application Consultations

GREATER LONDON AUTHORITY

The amendments do not give rise to any new strategic planning issues.

TRANSPORT FOR LONDON

The proposals do not raise any new strategic transport issues.

MAYFAIR NEIGHBOURHOOD FORUM

Originally raised objections to the loss of retail floorspace at first floor, but now support the application.

MAYFAIR RESIDENTS GROUP

No response to date

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

The proposal fails on WCC sustainability guidelines; over-development; loss of retail is contrary to the Neighbourhood Plan; the excessive height of the development will blight the living conditions of residents; loss of light; overlooking and increased sense of enclosure; West One is already on record for grave infringements of safety, and unsafe and anti-social deliveries; deliveries should be on Oxford Street, not pose a current and future threat to vulnerable residential areas.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 232

Total No. of replies: 10

No. of objections: 10

No. in support: 0

Ten letters of objection on the following grounds:

- * The planning permission granted to West One for their build should be revisited
- * Overlooking and noise from terraces
- * Loss of light
- * Demolition contrary to sustainability policies
- * Design and height
- * Lack of consultation
- * Unsafe and anti-social deliveries with delivery vans leaving engines running
- * Servicing should be from Oxford Street and an extra delivery bay should not be allowed.
- * Current problems from waste from shopping centre
- * Noise from construction
- * Increased footfall associated with additional retail space and will exacerbate existing issues such as crime and noise pollution.
- * Objections to closure of Weighhouse Street
- * Queries regarding whether there is any need for either additional office or retail space

PRESS NOTICE/ SITE NOTICE:

Yes

(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

6. KEY DRAWINGS

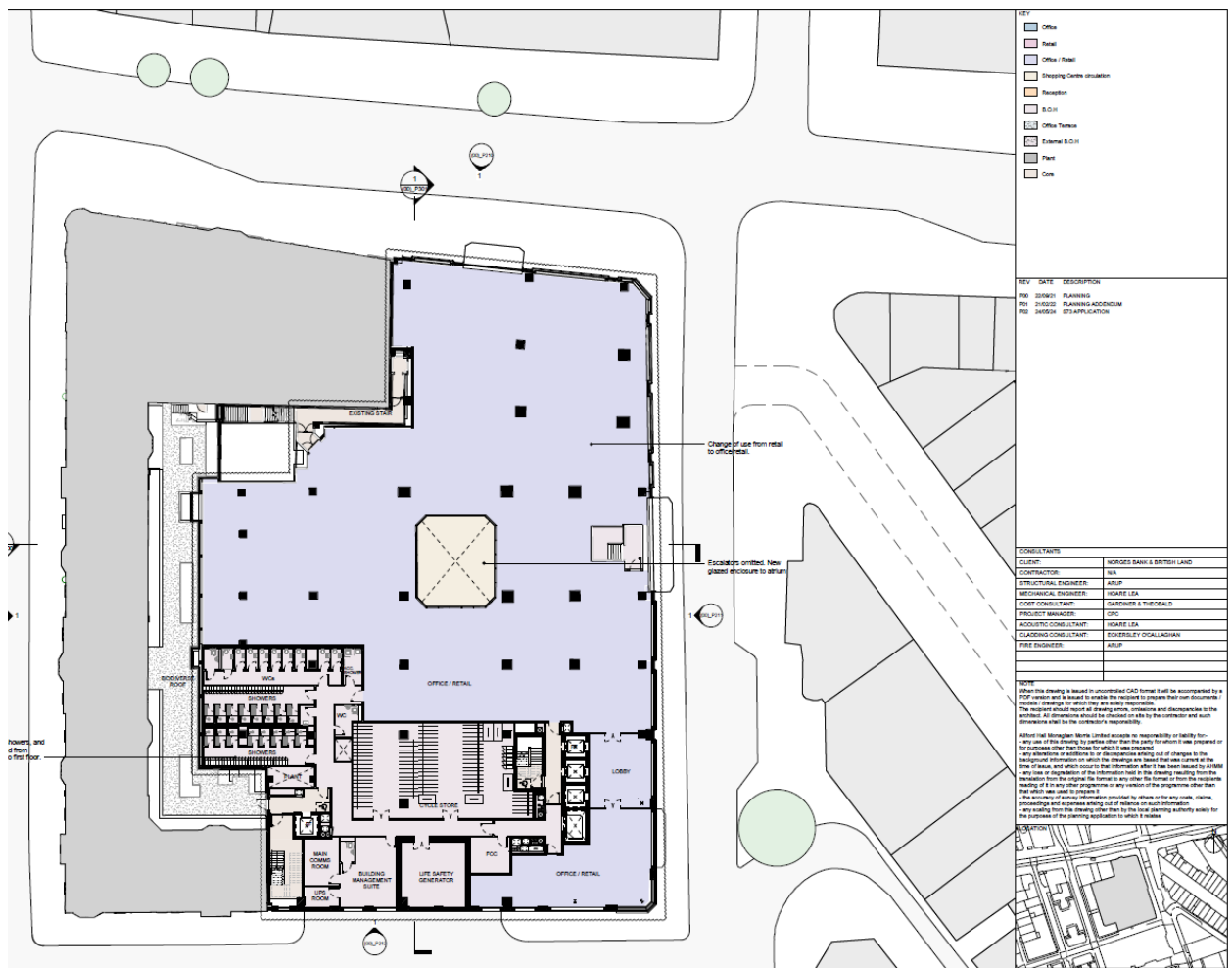
Proposed Oxford Street frontage



Consented Oxford Street frontage



Proposed first floor plan



REV	DATE	DESCRIPTION
00	20/02/20	PLANNING
01	24/02/20	PLANNING ADDENDUM
02	24/02/20	STP APPLICATION

CONSULTANTS	NAME
CLIENT	NORDE BANK & BRITISH LAND
CONTRACTOR	ALUP
STRUCTURAL ENGINEER	ALUP
MECHANICAL ENGINEER	HOARE LEA
COST CONSULTANT	STANBROOK & THORNTON
PROJECT MANAGER	OPC
ACOUSTIC CONSULTANT	HOARE LEA
PLANNING CONSULTANT	FOURFIELD COLLAGANIAN
FIRE ENGINEER	ALUP

NOTE: When this drawing is issued in accordance with the CAC format it will be accompanied by a PDF version and is issued to enable the recipient to prepare their own documents. It is not a contract document. The recipient should ensure all drawings are complete, consistent and unambiguous to the extent that it is possible to ensure the recipient's responsibility.

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DRAFT DECISION LETTER

Address: West One Shopping Centre, 381 Oxford Street, London, W1C 2JS

Proposal: Variation of Conditions 1, 7, 28 and 29 of planning permission dated 6th March 2024 (RN:21/06879/FULL) for the Part demolition and alterations to existing building comprising demolition of second to fifth floor level, part demolition of ground and first floor at south eastern corner, removal of existing facades at ground and first floor level, erection of new second to seventh floors with setback eighth floor plant level to provide office (Class E) accommodation, new and replacement façades, installation of entrance canopies along Oxford Street and Davies Street, provision of terraces at third, fifth, sixth and seventh floor levels including greening, installation of plant and enclosure at second floor level, provision of cycle parking spaces and facilities and associated works; NAMELY, to enable the use of the first floor as either Class E office or Class E retail use, to revise the waste store layout, and associated façade changes to enable either an office or retail use. [Application under S73]

Reference: 24/04248/FULL

Plan Nos: 16162_(00)_P100 REV P04, P101 REV P02, P102 REV P02, P210 REV P04, P211 REV P04, P212 REV P04, P300 REV P04, P301 REV P04; 23919903-STR-HGN-100-DR-D-10102 rev P1

21/06879/FULL

16162_(00)_P099 P00, 16162_(00)_P100 P01, 16162_(00)_P101 P01, 16162_(00)_P102 P01, 16162_(00)_P103 P01, 16162_(00)_P104 P01, 16162_(00)_P105 P01, 16162_(00)_P106 P01, 16162_(00)_P107 P01, 16162_(00)_P108 P01, 16162_(00)_P109 P01, 16162_(00)_P210 P02, 16162_(00)_P211 P02, 16162_(00)_P212 P02, 16162_(00)_P213 P02, 16162_(00)_P300 P02, 16162_(00)_P301 P02, 16162_(00)_P059 Rev P00, 16162_(00)_P060 Rev P01; 23919901-STR-HGN-100-DR-D-20102; Acoustic Report REVISION 06 dated 04 FEBRUARY 2022; Ventilation and Extractment Statement Rev C dated 01 OCTOBER 2021; Structural Survey / Structural Methodology Statement ref: W1-ARP-REP-STR-001 dated 29 September 2021 (FOR INFORMATION ONLY); 16162_(12)_P099 P00, 16162_(12)_P100 P00, 16162_(12)_P101 P00, 16162_(12)_P102 P00, 16162_(12)_P103 P00, 16162_(12)_P104 P00, 16162_(12)_P105 P00, 16162_(12)_P106 P00, 16162_(12)_P210 P00, 16162_(12)_P211 P00, 16162_(12)_P212 P00, 16162_(12)_P213 P00, 16162_(12)_P300 P00, 16162_(12)_P301 P00

Case Officer: Jo Palmer

Direct Tel. No. 020 7641
07866040238

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, and London Underground Infrastructure Protection Team's, 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 details 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
- (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)

- 6 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)

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 23919903-STR-HGN-100-DR-D-10102 - REV P1 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

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

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

Reason:

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

- 9 All servicing must occur from within the off-street servicing area, including refuse collection. All areas for servicing, holding areas and access corridors, must be retained for this purpose for the life of the development and used for no other purpose that prevents off-street servicing from occurring. Within the off-street loading bay and access, a minimum vertical clearance of 4.5 metres shall be retained at all points (not to be reduced with plant, lighting, signage, fire fighting items etc)

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)

- 10 Prior to any works to alter the loading bay, an updated Servicing Management Plan is required to be approved followed/maintained for the life of the development, unless revised strategy is approved (in writing) by the Local Planning Authority. The plan must identify process, freight consolidation, internal storage locations, scheduling of deliveries and staffing as well as a commitment to using cycle couriers when viable and a clear process for transporting of goods between sites. All servicing must occur from within the off-street servicing area, including refuse collection. The SMP must thereafter be maintained and followed by the occupants for the life of the development.

Reason:

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

- 11 Prior to any works to alter the loading bay, details of a rapid (minimum 50kW) electric vehicle charging point within the loading bay for freight vehicles shall be submitted and approved in writing by the Local Planning Authority. It must be demonstrated that the charging point is suitable for LGV delivery vehicle use.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 12 No waste should be left or stored on the public highway.

Reason:

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

- 13 Any structure over the highway must maintain 2.6 metres vertical clearance from the footway surface at all times and not extend closer than 1 metre to the kerb edge; when within 1 metre of the kerb edge and over carriageway, 5.3 metres vertical clearance must be maintained by any structure. This includes building overhangs, public art,

flags, signage, awnings and canopies.

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)

- 14 The development shall target a BREEAM rating of 'Excellent' for the Office floorspace or any such national measure of sustainability that, replaces that scheme of the same standard. A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval to the Local Planning Authority within 6 months of completion of the development on site.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 15 You must apply to us for approval of detailed drawings to show where plant space has been provided to allow for the future connection to a district heating network (DHN), as well as further evidence of communication with stakeholders/local authority in order to demonstrate that heat load available to any future DHN has been maximised., , You must not use any part of the basement plant room until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

Reason:

To ensure that the development is designed to allow for the cost-effective connection to a future heat network a later date. This is as set out in SI 3 of the London Plan (2021).

- 16 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either;

(a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or

(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

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

Reason:

To maintain the setting of the Mayfair and Stratford Place Conservation Areas.

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

Reason:

To maintain the setting of the Mayfair and Stratford Place Conservation Areas.

- 18 No construction shall take place within 5m of the water main until any temporary or permanent change to the loading are demonstrated to be acceptable incorporating any required mitigation measures. Information must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason:

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

- 19 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:
- * provide detailed design and RAMS - These will have to be submitted during the life cycle of the construction programme and no work to commence without written approval from TfL Infrastructure Protection Engineer,
 - * accommodate the location of the existing London Underground structures and tunnels - any temporary or permanent change to the loading must be demonstrated to be acceptable to London Underground incorporating any required mitigation measures.
 - * and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012

- 20 No piling shall take place until piling method statements (detailing the depth and type of piling to be undertaken and the methodology by, which such piling will be carried out, including measures to prevent and minimise the potential for damage to both subsurface sewerage and subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the

terms of the approved piling method statement.,

Reason:

The proposed works will be in close proximity to underground sewerage and water utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility and underground water utility infrastructure.,

- 21 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green walls and green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 22 You must apply to us for approval of detailed drawings in relation to the courtyard planted ventilation and plant area to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 23 You must not use the terraces except between the hours of 09.00 and 21.00 Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays. You must not play any amplified music on the terraces which is audible from the boundary of the site.

Outside of these hours you can only use the terraces to escape in an emergency.,

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 24 The glass that you put in the 4th, 5th and 6th floors in the flank wall west elevation of the building must not be clear glass, and you must fix it permanently shut. You must

apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 25 You must apply to us for approval of detailed drawings (at scale 1:50) showing the following alteration to the scheme;

1. Details of boundary treatment for the third floor roof terrace areas showing the areas for sitting out.

You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawing. Thereafter the remaining part of the flat roof outside of the terrace boundary shall be used for emergency access and maintenance purposes only.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 26 You must apply to us for details of the proposed boundary treatment to the seventh floor roof terrace.

You must not start any work on this part of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings and the boundary treatment shall be installed in full prior to the use of the terraces and thereafter retained.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 27 Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance.

The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason:

In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Policy 38 of the City Plan 2019 - 2040 (April 2021).

- 28 The areas at basement floor level shown hatched and marked 'Class E Retail' on drawing number 16162 (00)_P059 P00 and at ground floor the areas shown as 'Existing Retail Unit' on drawing 16162 A A (00)_P100 P04 shall only be used for retail Class E (a) and shall be used for no other purposes including for other uses within Class E of the Use Classes Order (as amended September 2020).

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 14 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 29 You must only use the part ground and first (if not in retail use) to seventh floors for office use. You must not use it for any other purpose, including any uses within Class E of the Town and Country Planning Use Classes Order 1987 as amended September 2020 or any equivalent class in any order that may replace it.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed and 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, contrary to Policies S24, S29, S31, S32, S41 and S42 of Westminster's City Plan (November 2016) and ENV 5, ENV 6, ENV 12, ENV 13 and TACE 8 or TACE 9 or TACE 10 of our Unitary Development Plan that we adopted in January 2007.

- 30 You must apply to us for approval of details of the ventilation system to get rid of cooking smells for the retained hot food take-away use shown on drawing numbers 16162 (00)_P059 Rev P00 and 16162 (00)_P060 Rev P01. You must not carry out any demolition works until we have approved what you have sent us and you have carried out the work according to the approved details., , Following completion of the development, you must install the high level extract duct shown in your ventilation and extraction statement dated 01 October 2021

Reason:

To ensure that cooking odours are adequately dispersed, in accordance with Policy 16 and 33 of the City Plan 2019 - 2040 (April 2021).

- 31 You must apply to us for approval of sample panels of the cladding proposed for:

- i) The terrazzo to the base (ground and first floor)
- ii) The street-facing terracotta (second to sixth floor)
- iii) The terrazzo used for the seventh floor and plant enclosure,

which show the colour, texture, bond and face-jointing details. You must not start work on this part of the development until we have approved the sample panels in writing.

You must then carry out the work according to the approved samples.

Reason:

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

- 32 You must apply to us for approval of full details of the following parts of the development:, i) Typical external door and windows;,
ii) External shopfronts
iii) Metal railings
iv) Doors/Screens facing onto Weighhouse Street;
v) External canopies;
vi) External lighting.

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

Reason:

To 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)

- 33 You must apply to us for approval of details of the following parts of the development - a signage and shopfront display strategy for the Oxford Street and Davies Street facing facades. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details.

Reason:

To 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)

- 34 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Air Source Heat Pumps and photovoltaic panels (PV)

You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 35 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) 5 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)

- 36 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)

- 37 Prior to the occupation of the office accommodation, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Reason:

In the interests of sustainable waste management and in order to maximise the re-use of materials.

- 38 The development shall be implemented in accordance with the approved fire statement and retained as such for the lifetime of the development.

Reason:

To ensure compliance with Policy D12 of the London Plan adopted March 2021

- 39 a) On-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards.
b) Measures to control emissions during the construction phase relevant to a high-risk site should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG, to be submitted to and approved by the City Council, and the measures and monitoring protocols implemented throughout the construction phase.

Reason:

To make sure that the development complies with Policy S11(D) of the London Plan adopted March 2021 and Policy 32 of the City Plan 2019 - 2040 (April 2021).

- 40 You must apply to us for details of an ecological management plan showing details of ecological compensation and enhancement actions.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

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

- 41 Prior to the occupation of the office use hereby approved, you must submit to us, in consultation with the Greater London Authority, updated information on Air Source Heat Pump datasheets that aligns with the supporting modelling outputs and reported carbon emissions savings.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 42 The development hereby permitted shall not be commenced until detailed design statements (in consultation with Transport for London), have been submitted to and approved in writing by the local planning authority which reports the assessment of the effects of noise and vibration arising from the Bond Street Station operations on the new office floorspace, and describes mitigations, if required and feasible.

The development shall thereafter be carried out and completed in accordance with the approved design statements, before the office use hereby permitted is occupied.

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)

- 43 You must apply to us for approval of a wayfinding design to Bond Street Station, both inside and outside the building. You must not start work on this part of the development until we have, in consultation with TfL, approved the wayfinding strategy in writing. You must then carry out the work according to the approved strategy.,

Reason:

To facilitate and encourage walking journeys in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021) and Policy T2 of the London Plan (March 2021).

- 44 Prior to the occupation of the office use hereby approved, details of a Travel Plan shall be submitted to and approved by the City Council in consultation with Transport for London. The use shall thereafter be carried out in accordance with the terms of the Travel Plan thus approved.

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)

- 45 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the new ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-
(i) Accommodate the location of the Crossrail structures including temporary works,
(ii) Assess and mitigate, if required, the effects on Crossrail, of ground movement arising from development, , The development shall be carried out in all respects in accordance with the approved design and method statements. All new structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and (ii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

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

46 You must apply to us for approval of detailed drawings of how you will give people with disabilities access to all new parts of the development. These drawings must include:

- full details of threshold levels;
 - relevant elevations, plans and cross sections of the building at a scale of 1:50;
- and,
- plans of all doors and handrails at a scale of 1:20.

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 according to the approved drawings. (C20BB)

Reason:

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

47 You must submit to us a report showing the feasibility of providing rainwater harvesting. Thereafter you must carry out the development in accordance with the details approved before the office use hereby permitted is occupied.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

48 In the event the first floor of the building is occupied for office use, the development shall be built out in accordance with drawing references 16162A A (00)_P210 P04 and 16162 A A (00)_P211 P04.

In the event the first floor of the building is occupied for retail use, the development shall be built out in accordance with drawing references 16162 A A (00)_P210 P02 and 16162 A A (00)_P211 P02.

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)

49 This permission must be commenced no later than 5 March 2027

Reason:

This permission authorises amendments to the original planning permission granted on 6 March 2024 (RN: 21/06879/FULL) which must be commenced no later than the above date. (R03HA)

Item No.
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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.