

4 April 2022

## Marks and Spencer, 456 - 472 Oxford Street

Local Planning Authority: Westminster

Local Planning Authority reference: 21/4050/FULL

### Strategic planning application stage 2 addendum to the stage 2 report considered on the 7 March 2022

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

#### The proposal

Demolition of three existing buildings on site for the construction of a ground plus 9 storey mixed use development (Use Class E) comprising of retail, cafe/restaurant, office and gym as well as a new pedestrian arcade, public realm works and associated works.

#### The applicant

The applicant is **Marks and Spencer Group PLC** and the architect is **Pilbrow & Partners**.

#### Reason for the Addendum:

As the City of Westminster is yet to issue its decision and the GLA has now published planning guidance on Whole Life Carbon and Circular Economy an addendum report has been prepared.

#### Strategic issues summary

**Sustainable Development:** The scheme complies with requirements related to circular economy and whole life carbon.

#### The Council's Decision

In this instance Westminster City Council has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

#### Recommendation

That Westminster City Council be advised that the Mayor concludes that there is nothing raised now which would have affected the decision reached on 7 March 2022 i.e. that the Council may determine the case itself. The Mayor also draws the Council's attention to the new Whole Life-Cycle Carbon Assessments LPG, Circular Economy Statements LPG and the representation.

## **Background**

1. Since the stage 2 decision on the 7 March the GLA has published its planning guidance on Whole Life Carbon (WLC) and Circular Economy and City of Westminster is yet to issue its planning decision. In light of this situation GLA officers consider it would be prudent to consider a further stage 2 report which would also allow consideration of a detailed report by Simon Sturgis examining the carbon emissions impacts of the proposed demolition.

## **Assessment**

2. This Mayor's WLC Assessments LPG and Circular Economy Statement LPG both require the retention and retrofitting of existing buildings to be prioritised. The Design & Access Statement submitted with the application demonstrates that the applicant considered the refurbishment of the three buildings on the site early in the project stage, as required by London Plan policy.
3. A 'heavy refurb' with retained facades at Orchard House was one option explored by the applicant; this was not considered feasible as the embodied carbon saving would have been immaterial, not to mention the lower operational energy performance when compared to a new build.
4. As an alternative to extensive demolition a 'lighter touch' refurbishment was also considered and it was determined that this approach would provide the maximum benefit regarding the reduction of embodied carbon. A comparison of the WLC emissions over a 60-yr period for the 'light touch' refurbishment against new build is contained in the WLC Assessment submitted with the application. The 'light touch' refurbishment scenario focuses on minimal repairs to the internal fabric, limited building services interventions, new internal partitions and finishes, and retention of the existing basement and frame with no structural interventions which provides carbon savings from the outset. It is envisaged that this refurbishment would occur every 5-10 years over the 60-year life of the proposal, with two major replacements.
5. According to the WLC Assessment, the 'light touch' refurbishment, though more efficient initially in terms of whole life carbon emissions, would become less efficient than a new build over the 60-yr period due to repeated refurbishment and maintenance, and poor operational energy performance.

### Simon Sturgis Report

6. The Mayor received a representation from Save Britain's Heritage in the form of a report prepared by Simon Sturgis. The report argues that the proposal is inconsistent with a positive architectural response to the climate crisis; the UK Government's 'net zero' legislation to reduce carbon emissions; GLA policies regarding the climate crisis, and prioritising retrofit; and, WCC's declaration of a climate emergency and policy statements for prioritising retrofit. It contends that when compared against a new build, a comprehensive retrofit is the best option.

7. In terms of architectural response, the report notes that the applicant's 'light touch' refurbishment scenario proposes no improvements in environmental standards and is not a long term or efficient (in material terms) alternative and is bound to suffer when compared to a new build. In examining the new build approach, the report acknowledges that there is insufficient detail in the submission to fully examine the whole life carbon position; but comments that excavation is a high carbon activity and a sustainable scheme would avoid extending further below ground level. It further questions the sustainability of the proposed facade, with a 30-year replacement cycle, since the existing facades have lasted for 90 years, 52 years and 36 years respectively with maintenance. The report also states that the construction of the new building is expected to release just under 40,000 tCO<sub>2</sub>e into the atmosphere, with the total embodied carbon cost over 60 years just under 53,000 tCO<sub>2</sub>e and the energy in use expected to be some 81,000 tCO<sub>2</sub>e. According to the report, BREEAM 'Outstanding' is not a suitable metric for meeting Government 2035 and 2050 Carbon Targets.
8. Referencing the 2019 amendment to the Climate Change Act of 2008, the 6th Carbon Budget (April 2021) and 'The Construction Playbook' (December 2020), the report states that the proposal represents an increase in carbon emissions rather than an improvement in line with the Government's requirements. It also notes that UK policy and Legislation is clear that Carbon Reduction is a key priority that affects all sectors of the economy and the requirement to reduce emissions by 78% by 2035 is particularly onerous.
9. Regarding London Plan Policy, it concludes that the application has not properly complied with Policy SI2 (Minimising greenhouse gas emissions), citing the requirement at Principle 1 under Table 2 of the then draft Whole Life-Cycle Carbon (WLC) Assessments LPG which states in part that *"[b]efore embarking on the design of a new structure or building, the retrofit or reuse of any existing built structures, in part or as a whole, should be a priority consideration as this is typically the lowest carbon option."* The report characterises the applicant's 'light touch' refurbishment as being inefficient, which inevitably shows the new build in a positive light when examined. It should be noted that there is a slight change in wording of this principle in the recently adopted WLC Assessment LPG, which now states: *"[r]etaining existing built structures for reuse and retrofit, in part or as a whole, should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option."*
10. On London Plan Policy SI7 (Reducing waste and supporting the circular economy), the report remarks that *"the most 'Circular Economic' action that should have been undertaken would have been to retrofit the existing buildings"* and further notes that retrofitting was not mentioned in the applicant's Circular Economy Statement.
11. In assessing the application in the context of local policy, the report cites the Council's public commitment to tackling Climate Change, City Plan 2019-2040 and the Environmental Supplementary Planning Document.

12. GLA officers accept that the retrofit and reuse of buildings can play an important role in meeting national and London Plan carbon reduction targets; however, neither Policy S12 nor Policy SI7 of the London Plan prohibits demolition, with the WLC Assessments LPG and Circular Economy LPG requiring priority consideration to be given to the retrofitting of buildings. GLA officers are satisfied that the applicant has given sufficient consideration to the retrofit and refit of the existing buildings and in this instance on balance the buildings can be demolished. In addition, GLA Officers have worked with the Council and the applicant to address the matters raised at the consultation stage in relation to the energy strategy, circular economy and WLC assessments. These matters have all been satisfactorily resolved, with the requisite post-construction monitoring requirements also being appropriately secured. Furthermore, the application proposes additional measures which are aimed at addressing carbon reduction in line with other London Plan policies, including: an urban greening strategy that exceeds the target prescribed for both non-residential and predominantly residential developments; substantial net biodiversity gain; and long and short-stay cycle parking.

## Conclusion

13. The strategic issues raised at consultation stage with respect to land use principles, skills and opportunities for all, urban design, transport and sustainable development and environment have been addressed. Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision and considering the material planning considerations of strategic importance raised in responses to the public consultation and representations to the Mayor, the application having regard to the development plan as a whole is acceptable in strategic planning terms.
14. In light of the new Whole Life-Cycle Carbon Assessments LPG, Circular Economy Statements LPG and the representation, it is recommended that the Mayor draw these to the attention of Westminster City Council.

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