

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 December 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	123 Buckingham Palace Road, London, SW1W 9DZ,		
<b>Proposal</b>	Extension of existing office and retail building and associated works to provide additional office floorspace at roof level, use of part of the ground floor for retail use within Class A1/A3/A4 (shop, restaurant or bar), part demolition and alterations to the stone facade fronting Buckingham Palace Road and the part removal of the glazed building canopy, alterations to the public realm, creation of high level terraces, alterations to coach facility on Bulleid Way and roof top plant along with highway, landscaping and other works.		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	c/o Agent		
<b>Registered Number</b>	17/07726/FULL	<b>Date amended/ completed</b>	29 August 2017
<b>Date Application Received</b>	29 August 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	No		

## 1. RECOMMENDATION

Grant conditional permission subject to a S106 legal agreement to secure:

- i) Provision of coach passenger facilities, including provision of public toilet facilities, in Bulleid Way at a peppercorn rent for period of 25 years to be provided prior to the occupation of the new office space. The s106 to include a clause that the space cannot be sublet by a commercial provider for financial gain.
- ii) A contribution of £141,000 (index linked) towards fit out of the coach passenger facilities (in addition to the public toilet facilities) payable 12 months prior to completion.
- iii) Replacement highway lighting to building side footway to Bulleid Way.
- iv) Highway works to Bulleid Way to include amended kerb line to provide a new loading area, amend traffic orders to provide for loading areas and deep clean to building side footway.
- v) Employment and training strategy.
- vi) Legible London contribution of £10,000 (index linked).
- vii) Provision of essential coach operator access to and from Bulleid Way through the building.
- viii) Crossrail Funding SPG payment of £2,014,200 (index linked).
- ix) The applicant to agree to restrictions on infilling remaining internal atrium space that could be

carried out as an internal alteration to the building.  
x) Monitoring costs.

## 2. SUMMARY

The application site comprises two office buildings dating from the early 1990's located to the south of Victoria Station. The site is bounded by Buckingham Palace Road, Eccleston Bridge, Bulleid Way and Elizabeth Bridge. The base of the building features a raised retail arcade known as Colonnade Walk and an area of open space called Fountain Court.

The site lies within the Core Central Activities Zone (CAZ) and the Victoria Opportunity Area.

The site lies outside a conservation area but is located adjacent to Belgravia Conservation Area to the west and Pimlico Conservation Area to the east. There are no listed structures on site but there are Grade II listed structures within the immediate vicinity details of which can be found in the main report.

Permission is sought to refurbish, extend and modify the existing office buildings with a two storey (plus mezzanine) extension, the infilling of part of Fountain Court, alterations to Colonnade Walk which include the removal of the canopy and part of the stone façade on Buckingham Palace Road, Elizabeth Bridge and Eccleston Bridge, the reconfiguration of retail uses into seven larger units for Class A1 (shops and retail outlets) and/or Class A3 (food and drink) and/or Class A4 (drinking establishments) and the provision of new ticket and information desks and coach waiting facilities on Bulleid Way.

Concerns have been raised by the Highways Planning Manager, TfL and on behalf of Arriva buses about the partial infilling of Fountain Square on pedestrian permeability and passenger safety in case of emergency. Letters have also been received from two residents in Hugh Street about the impact on amenity (loss of light, loss of privacy, noise from servicing) and the construction impact. The Westminster Society are generally supportive of the scheme.

The key issues raised by this application are:

- The impact of the two storey (plus mezzanine) extension on the character of the area including the setting of adjacent conservation areas and nearby listed buildings.
- The impact of the changes to Colonnade Walk on the appearance of the streetscene.
- The impact of the partial infilling of Fountain Square on pedestrian permeability and passenger safety.
- The provision of coach passenger facilities in Bulleid Way
- The impact of the additional height on the amenity of nearby residential properties.
- The impact on the character and function of the area from the proposed Class A3 (restaurant) and Class A4 (drinking establishment) entertainment uses.

The provision of additional B1 office floorspace and enhanced retail provision is welcome in this location in the Core CAZ and Victoria Opportunity Area. A condition is recommended to ensure that the mix of entertainment uses is acceptable in the context of our entertainment policies.

The proposed additional two storeys (plus mezzanine) and works to the ground floor along Colonnade Walk are considered acceptable in design terms. The extended building is considered

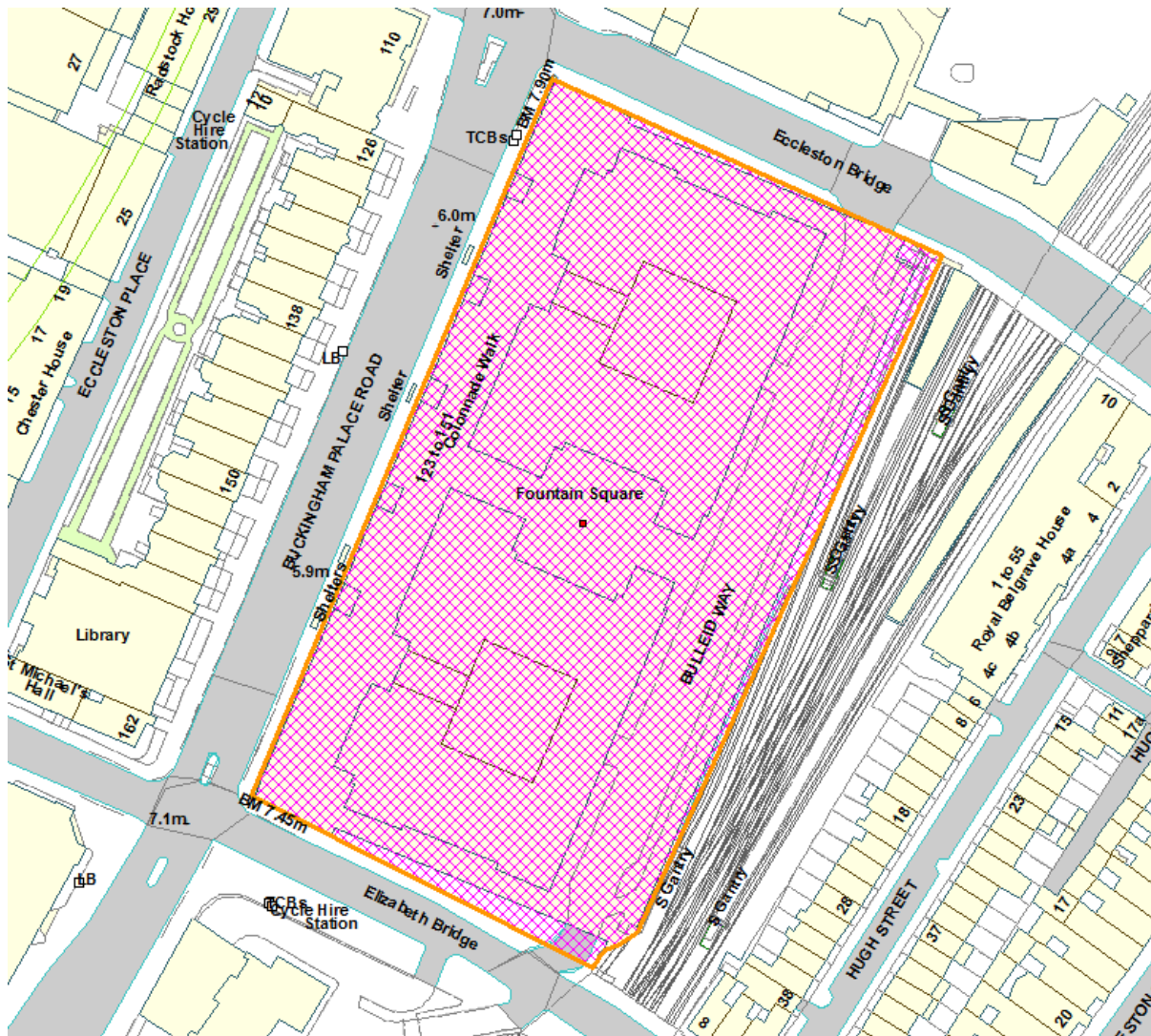
acceptable given the scale of buildings along Buckingham Palace Road.

The concerns about the infilling of Fountain Square are noted. However, it is considered that the benefits of the new coach waiting facilities outweighs the impact on pedestrian permeability. The applicant has responded to concerns raised about the impact on passenger safety in an emergency situation which is set out in detail in the main report.

Although objections on residential amenity grounds have been raised by two residents in Hugh Street the applicant has demonstrated that the scheme is BRE compliant in terms of daylight and sunlight. Given the separation distance and orientation of the proposed terraces it is not considered that there will be any loss of privacy.

The proposed scheme is considered acceptable in land use, design, highways, amenity and sustainability terms subject to the completion of a S106 legal agreement to secure the obligations set out in Section 1 and the recommended conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Nos. 123-151 Buckingham Palace Road: Front elevation

## 5. CONSULTATIONS

### Westminster Society

Generally content with what is proposed and without doubt, the existing retail "offer" leaves much to be desired. The same could be said of the coach station which is (and has always been) a dismal facility. If we have one doubt, it is about the retention of the columns on the Buckingham Palace Road frontage after the removal of the colonnade roof. But overall, we are content with these proposals.

### Cleansing - Development Planning

No objection subject to servicing management plan.

### Highways Planning

Concerned about removal of the pedestrian link provided by Fountain Square. The closure of this link will put extra pressure on Elizabeth and Eccleston Bridges and more particularly on the footways in Bulleid Way itself. Coach passenger facilities are welcome. The servicing arrangements from Bulleid Way are acceptable subject to some amendments to the carriageway. The cycle facilities should be provided with a cycle stair channel on the stairs.

### Arboricultural Section

Concerns raised about the tree size and species selected for the planters.

### Environmental Health

No objection.

### Designing Out Crime

The Metropolitan Police Service (MPS) have raised no serious concerns relating to crime and security implications of the development. In fact following consultation with the MPS Designing Out Crime team, the project has the potential to achieve a Secured by Design Gold Award & Commercial Award.

### Transport for London

It would be beneficial if a pedestrian route was preserved through Fountain Square from Buckingham Palace Road to Bulleid Way. If not then a financial contribution toward public realm and wayfinding improvements to both Bulleid Way and Eccleston Bridge Road should be sought. Concerned about reduction in light to Bulleid Way. Clarity needed on the new coach facilities in terms of maintenance and management. A Construction Logistics Plan should be secured by condition.

### Network Rail

No response

### Victoria BID

No response

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

No. Consulted: 287  
Total No. of replies: 2  
No. of objections: 2  
No. in support: 0

Arriva buses

Concerns raised from two residents in Hugh Street about:

- Noise from building works
- The length of time that the building works will take
- Loss of light from the extended roof form,
- Loss of privacy from high level terraces,
- The issue of unsightly plant equipment at roof level, and
- Noise from servicing the building.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site comprises two office buildings with each building designed as a single entity but linked by a glazed atrium and open space known as Fountain Court. Planning permission was granted in the 1980s for the redevelopment of the site for offices and commercial premises at ground floor level, on a podium deck above the existing Victoria Station platforms to the designs of Peter Foggo of Arup Associates. The building was constructed in 1988-1991.

he site is to the south of Victoria Station and is bounded by Buckingham Palace Road to the west, Eccleston Bridge to the north, Bulleid Way to the east and Elizabeth Bridge to the south. Bulleid Way is a one-way road (northbound) and is adopted public highway and primarily provides coach pick up and drop off facilities for regional and day trip services.

The base of the building features a retail arcade known as Colonnade Walk. It is entered at the north and south ends of the site on Eccleston and Elizabeth Bridges by a combination of steps and ramps. Colonnade Walk also has a central stepped entrance off Buckingham Palace Road. The glazed shop fronts are set back behind the structural columns.

At the centre of the development Fountain Court is a covered paved square located between the two office buildings which connects Colonnade Walk to Bulleid Way.

There are no listed structures on site but there are Grade II listed structures within the immediate vicinity. These are on Buckingham Palace Road, namely the Former Imperial Airways Empire Terminal immediately to the south, Nos. 126-158 (even), Victoria Library (No.160), 162 (including St Michael's Hall), Victoria Coach Station on the west side together with the group comprising 92-98 (even) and 2, 2A, 2B and 4 Eccleston Street.

Although the site sits above platforms serving Victoria Station, the listed parts of the station are contained to the north of Eccleston Bridge.

The site lies outside a conservation area but is located adjacent to Belgravia Conservation Area to the west and Pimlico Conservation Area to the east on the other side of the railway tracks.

The site lies within the Core Central Activities Zone (CAZ) and within the Victoria Opportunity Area.

## 6.2 Recent Relevant History

The key planning history is a planning permission granted in April 2014. The key components of this scheme were the infilling of Fountain Square with a Class A1 use (intended for a supermarket), partial retention of the stone facade fronting Buckingham Palace Road, Elizabeth Bridge and Eccleston Bridge, extensions to existing office entrances, construction of new shopfronts and reconfiguration to provide 12 retail units comprising (Class A1) and (Class A3) uses and creation of a coach waiting area to Bulleid Way. There was a S106 legal agreement that formed part of the permission that secured:

\* A financial contribution of £1,900,000 towards the City Council's affordable housing fund.

\* Provision of a seating area in Bulleid Way for coach/bus passengers.

\* A financial contribution of £111,500 towards either the provision of public conveniences in Bulleid Way (if feasible) or to public realm improvements in the vicinity.

This planning permission was not implemented and has now expired.

## 7. THE PROPOSAL

Permission is sought to refurbish, extend and modify the existing office buildings.

At roof level a two storey (plus mezzanine) extension is proposed to provide additional office floorspace. The new office floorspace will have its own entrance at ground floor level which will involve the infilling of part of Fountain Court. The covered open space at the centre of the site is to be renamed Central Square.

It is proposed to open up the retail arcade on Colonnade Walk by removing the stone facade at either end of the building and the glazed canopy over Colonnade Walk, Elizabeth Bridge and Eccleston Bridge. The building line will be moved forward at ground floor level to allow for the reconfiguration of retail uses into seven larger units and to make the existing office entrances more prominent. The retail units are to be used for either Class A1 (shops and retail outlets) and/or Class A3 (food and drink) and/or Class A4 (drinking establishments).

The scheme also proposes alterations to the public realm, to the soft landscaping and provision of new ticket and information desks and coach waiting facilities on Bulleid Way.



The existing and proposed land uses can be summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-	Percentage change
Office (Class B1)	49,860	64,107	14,247	+28.57%
Retail (Class A1/A3/A4)	1,299	1,517	218	+16.79%
Dedicated Coach Station Facilities (Sui Generis)	0	262	262	+100
Total	51,159	65,254	14,465	+28.27%

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The provision of additional office accommodation within the Core CAZ and Victoria Opportunity Area is supported by Policy S20 of Westminster's City Plan Strategic Policies and by London Plan policies. The Victoria Area Planning Brief also recognises that Victoria is an established centre for office floorspace in London. This part of Victoria is extremely well connected: it is adjacent to London Victoria rail and underground stations. The office floorspace increase of 14,247m<sup>2</sup> is therefore considered acceptable in land use terms.

Policy S1 of the City Plan states that within the Core CAZ where the net additional B1 office floorspace is less than 30% of the existing building floorspace (of all uses), no residential floorspace will be required. In this instance the net additional increase in office floorspace is 28.57% (compared to existing office floorspace in the building) and as such no residential floorspace is required.

Seven retail outlets are proposed at ground floor level. These will replace the existing 26 smaller retail units within the building. The applicant is seeking to maintain flexibility for the retail units and has applied for Class A1 (shops and retail outlets) and/or Class A3 (food and drink) and/or Class A4 (drinking establishments).

New retail floorspace in the Core CAZ and the Victoria Opportunity Area is encouraged by Policies S6 and S21 of Westminster's City Plan and the provision of A1 retail floorspace is therefore welcome.

New entertainment uses in the City are controlled by Policy S24 of the City Plan which states that 'New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-night entertainment uses of over 500 sqm floorspace will not generally be appropriate within Westminster.'

The application site is located in the Core CAZ within a predominantly commercial area. The nearest other entertainment uses to the application site are located within Victoria

Place, an indoor shopping centre above Victoria station. The nearest residential properties are located at 14 Eccleston Place to the east and on Hugh Street to the west. Given that the application site is a complete urban block the principle of new entertainment uses is considered appropriate. It is not considered that the new entertainment uses will have any cumulative impact and with the use of a condition to secure an operation management plan for each unit used for Class A3 or Class A4 purposes it is not considered that there will be harm to residential amenity, health and safety, local environmental quality and the character and function of the area. The scheme proposes seven retail units that will range in size from 117 sqm up to 473 sqm with an average size of 216 sqm. No retail unit will exceed 500 sqm.

As the applicant is applying for a flexible use of the retail units within Classes A1, A3 and A4, a scenario could arise whereby all the units are occupied for either Class A3 restaurant uses or Class A4 drinking establishments. As the application site is unlikely to be a shopping destination it is considered unrealistic to require the majority of the units to be provided within Class A1 shop use. It is therefore recommended that in order to comply with the objectives of Policy S24 and to achieve an acceptable mix of uses within the development, the following mix of uses is recommended through the use of a condition:

- A minimum of three Class A1 uses;
- A maximum of four Class A3 uses; and
- A maximum of two Class A4 uses.

Conditions are also recommended to prevent amalgamation of any A3 and A4 units and to ensure that all units are provided with access to an internal service riser that can accommodate a kitchen extract duct that will terminate at roof level. The requirement to provide an operation management plan for each Class A3 and A4 use will ensure that full details of opening hours, kitchen extraction, security and servicing are provided prior to each Class A3 and A4 use commencing.

Currently there are no dedicated coach facilities on site which are accessible for passengers departing or arriving from Bulleid Way. The proposals incorporate a new space for the introduction of such facilities and amenities to be provided at a peppercorn rent for a period of 25 years. The indicative drawing shows customer seating, toilet facilities and a small café area. This is welcome in land use terms and is considered to be a significant public benefit. It is recommended that these facilities, which include public toilets and a fit out contribution of £141,000 (index linked) are secured through the S106 legal agreement with a requirement that they are provided prior to the first occupation of the new office accommodation. The coach passenger facilities will not be managed by the applicant but by a third party which is likely to be Arriva (who currently manage the coach facility on Bulleid Way on behalf of the council) or Transport for London. Full details of the lease arrangements, opening hours and management of the facility will be secured through the S106 legal agreement.

Concerns have been raised about the infilling of part of Fountain Square on pedestrian permeability by the Highways Planning Manager and on behalf of Arriva. The implications of infilling of part of Fountain Square on pedestrian permeability is discussed in more detail in Section 8.4.

## 8.2 Townscape and Design

### Stone screen

The application seeks to remove a proportion of the existing colonnade along Buckingham Palace Road and to open up the site to create a more inviting and welcoming public space. The colonnade/ stone screen is partially an original façade, but was altered in 1988-1992 and permission was granted for its partial removal as part of the now expired permission from 2014. The principle of removing part of the colonnade is again considered acceptable on the basis that any replacement scheme provides a clear enhancement to the public realm. This issue is considered further below.

### Roof extension

In terms of massing, an additional two storeys are proposed, which given the context and surrounding heights is considered acceptable and sits comfortably on the building. The applicant advises that the height of the proposed additional storeys is governed by the required floor to ceiling heights and therefore cannot be reduced without the loss of floor space. When viewed from the residential streets of Belgravia the additional scale is noticeable, however, the application is generally viewed in relation to the surrounding larger scale buildings of Buckingham Palace Road and it is clear (from its design) that it is one of many buildings that define the edge of the Belgravia conservation area. The extension is to be one continuous form that would appear to take cues from the appearance of the existing building. It is of a simple design that is set in from the existing building on all sides and as such it successfully addresses the character of the host building below and is not considered out of character for the area.

### External Façade Alterations

The existing building is constructed of a metal exposed frame, which is currently white in colour. This application seeks to colour the frame dark blue. The darker colour is considered to revive the existing structure and allows the stoned faced to stand proud of the development behind and is therefore considered acceptable.

### Ground Floor Alterations

These works seek to improve the usability of the site and requires the demolition of part of the existing retained stone façade. The corner section on Eccleston Street is particularly limiting and aids the current enclosed feel of the area. Its removal and the removal of the existing canopy will provide notable advantages to the site and its character. The partly retained stone façade, which is to be read as its own element, standing as a piece of archaeology or a relic that partially obscures the modern glass façade behind, provides grounding to the open development and retains a level of interest in the area that would be hard to replicate within a new building alone. The open colonnade walk is enclosed by the stone façade where the revised shopfronts will form a social space. A planting scheme is included between the columns of the stone facade to alleviate the hard landscaping, but also to provide rest bite to those walking along Buckingham Palace Road. Given the partial retention of the stone façade, the relationship with the listed terrace (126-158 Buckingham Palace Road) opposite is considered unaffected.

Along Colonnade Walk the building line of the shopfronts and office entrances will be brought forward to enclose the structural columns. This will increase the visibility of the shop units and reduce visual clutter and is acceptable in design terms.

In summary the development is considered to provide benefits and enhancements to the area and as such is considered acceptable in design terms. It is not considered that the proposed alterations to the building cause harm to the setting of the adjoining Belgravia and Pimlico Conservation Areas or nearby listed buildings.

### **8.3 Residential Amenity**

The application site is a complete urban block. The nearest residential properties that have a direct line of sight of the building are located in Hugh Street which is in excess of 40m east of the application site, across the railway tracks. Concerns have been raised by the occupiers of two properties along Hugh Street about the impact of the additional bulk at roof level on their daylight and sunlight.

The applicant has submitted a Daylight and Sunlight report with the planning application which has assessed the impact of the development against the Building Research Establishment's document 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011 (the BRE guidelines). The full list of properties tested in the report are: 6-38 Hugh Street, 8,10,12 St George's drive, 1-55 Royal Belgrave House, Library Buckingham Palace Road, 162 Buckingham Palace Road, 98 Buckingham Palace Road, 7 & 9 Eccleston Bridge. The report concludes that all windows to the residential properties, the hotel and the library experience fully BRE compliant alterations in VSC or sunlight. For the Hugh Street residential properties; the maximum reduction in the VSC is 19.45%. The BRE Guidance advises that reductions up to 20% will be unnoticeable to the occupant. In terms of sunlight, none of the rooms in Hugh Street facing the application site are orientated within 90 degrees of due south thus not material for assessment.

Given the distances involved it is not considered that the additional height will have an impact on the sense of enclosure to any residential building surrounding the site.

Concerns have been expressed from residents about loss of privacy from high level terraces proposed as part of the scheme. The terraces are proposed at sixth floor level but as they are located at the north and south elevations of the building and will be screened they will not impact on privacy to properties on Hugh Street.

### **8.4 Transportation/Servicing/Public Realm**

#### **Pedestrian Permeability**

At ground floor level the overall aim of the scheme is to enhance the pedestrian experience. This will be achieved by making Colonnade Walk more legible by removing the return elevations of the stone screens on Eccleston Bridge and Elizabeth Street, widening an existing ramp and replacing some steps with a ramp. However, infilling part of Fountain Square at ground floor level will reduce the permeability of the site for passengers using the coaches in Bulleid Way. The Highways Planning Manager and Transport for London have raised concerns about this reduction in pedestrian permeability through the site which conflicts with TRANS 3 of the UDP which aims to improve conditions for pedestrians. The coach operator Arriva raises similar concerns but is also objecting to the scheme on the grounds that the infilling of the square will block a necessary means of escape for coach passengers in case of emergency.

These concerns are noted. However a scheme to infill the entire Fountain Square with a supermarket was approved in April 2014 on the grounds that Fountain Square was created as part of the 1980s redevelopment of the site and it is privately owned and is not considered to be a public highway or is subject to any walkways agreements. On this basis it is difficult to resist the infilling of the square although it is noted that the April 2014 permission has expired.

Officers acknowledge that infilling of part of Fountain Square will reduce pedestrian permeability through the site for coach passengers. However, coach passengers will benefit from improved passenger's facilities and as long as proper wayfinding is provided in the form of new signs and maps, particularly at the junction with Eccleston Bridge and Elizabeth Street, then coach users can be guided towards Bulleid Way rather than Colonnade Walk. It is recommended that a wayfinding strategy is secured by condition and a contribution towards Legible London signage secured through a legal agreement.

The applicant has also agreed to replace the highway lighting in Bulleid Way to a specification agreed with the council and carry out a one off deep cleansing of the footway. This is welcome and can be secured through a S106 agreement. It is also recommended that a lighting strategy is secured for Bulleid Way by condition to ensure that high levels of illumination are maintained after the infilling of Fountain Court. Taken together these changes will enhance the coach passenger experience of Bulleid Way and is considered to off-set concerns about reduced permeability through the site.

The letter of objection on behalf of Arriva raises some serious concerns about the safety of coach passengers in case of an emergency (such as a coach fire on Bulleid Way) if Fountain Court is allowed to be infilled. Currently passengers can escape via the open ends of Bulleid Way but also through Fountain Court midway between the two ends. Whilst this is largely a matter for Building Control to consider, the applicant has responded by confirming there will be two escape routes through the building with an aggregate width of 3m from Bulleid Way into the new Central Square. There will be fire escape doors from the new coach passenger facilities into these fire escape routes. Furthermore, the applicant has provided correspondence from a fire consultant and approved inspector (both provided as background papers) confirming these two escape routes would provide escape capacity for 600 people and that when Bulleid Way is taken into account (as at least one end of Bulleid Way would be available for escape) the scheme would easily be able to cope with the escape of 832 people which equates approximately to a full coach station of 16 full coaches. It is not considered reasonable to refuse the scheme on the basis of means of escape from Bulleid Way given this issue will be fully assessed under the Building Regulations.

The applicant has agreed that essential coach operator access through the building will be maintained. This will allow key coach operator staff to move easily from the coach stops on Buckingham Palace Road to Bulleid Way particularly in case of an emergency situation. It is recommended that this is secured through a legal agreement. Full details of what constitutes essential coach operator staff will be discussed with the coach operators as part of the S106 legal agreement negotiations.

### Servicing

The Highways Planning Manager is content that the extended building will continue to be serviced from Bulleid Way. However, this would require some amendments to the carriageway to create a space, together with making the necessary traffic orders, which would be the subject of further consultation. It is recommended that the necessary highway works to allow servicing from Bulleid Way are secured through a legal agreement.

The Cleansing Manager has advised that transport statement submitted is not detailed enough neither does it specifically cover waste servicing. It is therefore recommended that a condition requires a servicing management plan (SMP) before commencement giving full details of how all the servicing and deliveries for the site will be managed including waste servicing.

It is accepted that the risk of adverse impact of servicing noise given the location and screening is low. However, it is recommended that a delivery and servicing management plan includes a section on noise and best practice, particularly given the comments from one resident about noise from waste collections. It is also recommended that servicing and delivery is restricted to daytime hours only 07:00 19:00 unless a noise impact assessment has demonstrated that night time servicing and delivery will not cause any adverse impact to noise sensitive receptors.

### Cycle Parking

The Highways Planning Manager welcomes the provision of 209 cycle parking spaces including 17 short-stay cycle parking spaces on the Elizabeth Bridge side of the development. While a few stairs do need to be negotiated to reach the short-stay spaces they are reasonably accessible. It would however help if a cycle stair channel was installed at an appropriate location to allow cyclists to wheel their bikes up and down the stairs. It is considered that this can be secured by condition.

## 8.5 Economic Considerations

The applicant has predicted that the construction phase will support up to 310 construction workers on site with a predicted £0.9m local spend. Once completed the applicant predicts that 3,000 jobs will be supported on site with a predicted additional local spend of £1.5m annually. This is welcome in economic terms. It is recommended that an Employment and Training Strategy is secured through a legal agreement to ensure that residents of the City benefit from the employment opportunities offered by the development both during the construction and operation phase of the development.

## 8.6 Access

The new office accommodation within the extended building will have full accessibility. Improving the pedestrian access to the site is a key aim of the designs for the public realm.

## 8.7 Other UDP/Westminster Policy Considerations

### Noise

It is not considered that the scheme will generate noise levels that are harmful to the amenity of the area. However, our standard condition is recommended to prevent noise outbreak from the entertainment uses proposed.

### Plant

Environmental Health has no objection to the application in terms of noise from the mechanical plant on the roof of the extended building. However, at this stage the plant and machinery is unknown. Therefore, it is recommended that a supplementary acoustic report is secured by condition to demonstrate that both landlord and tenant plant will comply with the criteria set out within our standard plant and noise conditions.

### Refuse /Recycling

The Cleansing Manager has no objections to the proposed storage arrangements for waste and recyclable materials. The storage arrangements are in line with the requirements of the City Council. In order to ensure the continued provision of this facility, it is recommended that a condition be attached to the planning permission requiring the provision of the waste and recyclable storage.

### Biodiversity

The existing building has some soft landscaping along Colonnade Walk. The proposed scheme proposes something similar. However, the Arboricultural Officer has some reservations about the tree species selected by the applicant in terms of their suitability and trunk girth. The soft landscaping along Colonnade Walk is important as it softens the appearance of the raised plinth when viewed from Buckingham Palace Road and the other side roads. For this reason, it is considered appropriate to reserve full details of the soft landscaping by condition.

### Sustainability

London Plan Policy 5.2 sets out that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- (i) Be lean: use less energy
- (ii) Be clean: supply energy efficiently
- (iii) Be green: use renewable energy

The development is required to meet a carbon emission reduction target of 35% against Part L.

The proposed extended part of the building is currently predicting a site-wide 61.6% carbon dioxide emissions reduction over Part L 2013 through the following measures: fabric efficiency, high performance glazing, mechanical ventilation units to feature heat exchangers, new mechanical plant for existing offices and photovoltaic panels on the roof. The proposal therefore fully meets Policy 5.2 of the London Plan.

BREEAM pre-assessment has been carried out for the new build office areas (6th floor and 7th floor) targeting credits considered to be feasible to achieve. The scheme

achieves a BREEAM 'Excellent' rating with a score of 76.10%. It is recommended that this target rating is secured by condition with a required to provided certification within three months of occupation.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

### **8.10 Planning Obligations**

The draft 'Heads' of agreement are proposed to cover the following issues:

- i) Provision of coach passenger facilities, including provision of public toilet facilities, in Bulleid Way at a peppercorn rent for period of 25 years to be provided prior to the occupation of the new office space. The s106 to include a clause that the space cannot be sublet by a commercial provider for financial gain.
- ii) A contribution of £141,000 (index linked) towards fit out of the coach passenger facilities (in addition to the public toilet facilities) payable 12 months prior to completion.
- iii) Replacement highway lighting to building side footway to Bulleid Way.
- iv) Highway works to Bulleid Way to include amended kerblines to provide a new loading area, amend traffic orders to provide for loading areas and deep clean to building side footway.
- v) Employment and training strategy.
- vi) Legible London contribution of £10,000 (index linked).
- vii) Provision of essential coach operator access to and from Bulleid Way through the building.
- viii) Crossrail Funding SPG payment of £2,014,200 (index linked).
- ix) The applicant to agree to restrictions on infilling remaining internal atrium space that could be carried out as an internal alteration to the building.
- x) Monitoring costs.

The estimated Mayoral CIL payment is ££891,208.52 whilst the estimated Westminster CIL payment is: £2,200,068.27.

### **8.11 Environmental Impact Assessment**

The scheme is not significant enough to warrant an Environmental Impact Assessment. Environmental sustainability issues have been covered in sections 8.7.

### **8.12 Other Issues**

#### **Construction impact**

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the



Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues. A Constructions and Logistics Plan and Delivery and Servicing Plan are recommended to be secured through condition.

Letters of objection have been received from residents relating to construction impact, including the indicative construction timetable provided by the applicant. Whilst officers are sympathetic to this concern it is not possible to refuse the application on this basis. In response to these concerns the applicant advises that a precise start date for the works has not been agreed and as such it is not possible to confirm at this stage whether the 120-week programme will span 2 or 3 summers. It is currently anticipated that the external works to the building will last approximately 100 weeks.

### **Community Liaison**

A Statement of Community Involvement (SCI) has been submitted with this application. The engagement and consultation targeted Westminster City Council members and officers, local ward councillors, community and amenity groups as well as local residents and businesses. Exhibitions took place on site for current tenants of the site and for the wider public in June 2017. In addition to this, a website was launched to allow interested parties to access information online and provide contact details for the project team.

### **Crime and security**

The Metropolitan Police Service (MPS) have raised no serious concerns relating to crime and security implications of the development. In fact, following consultation with the MPS Designing Out Crime team, the project has the potential to achieve a Secured by Design Gold Award & Commercial Award. In addition to this, it is recommended that a Management Plan for the public spaces within the development is secured by condition.

## **9. BACKGROUND PAPERS**

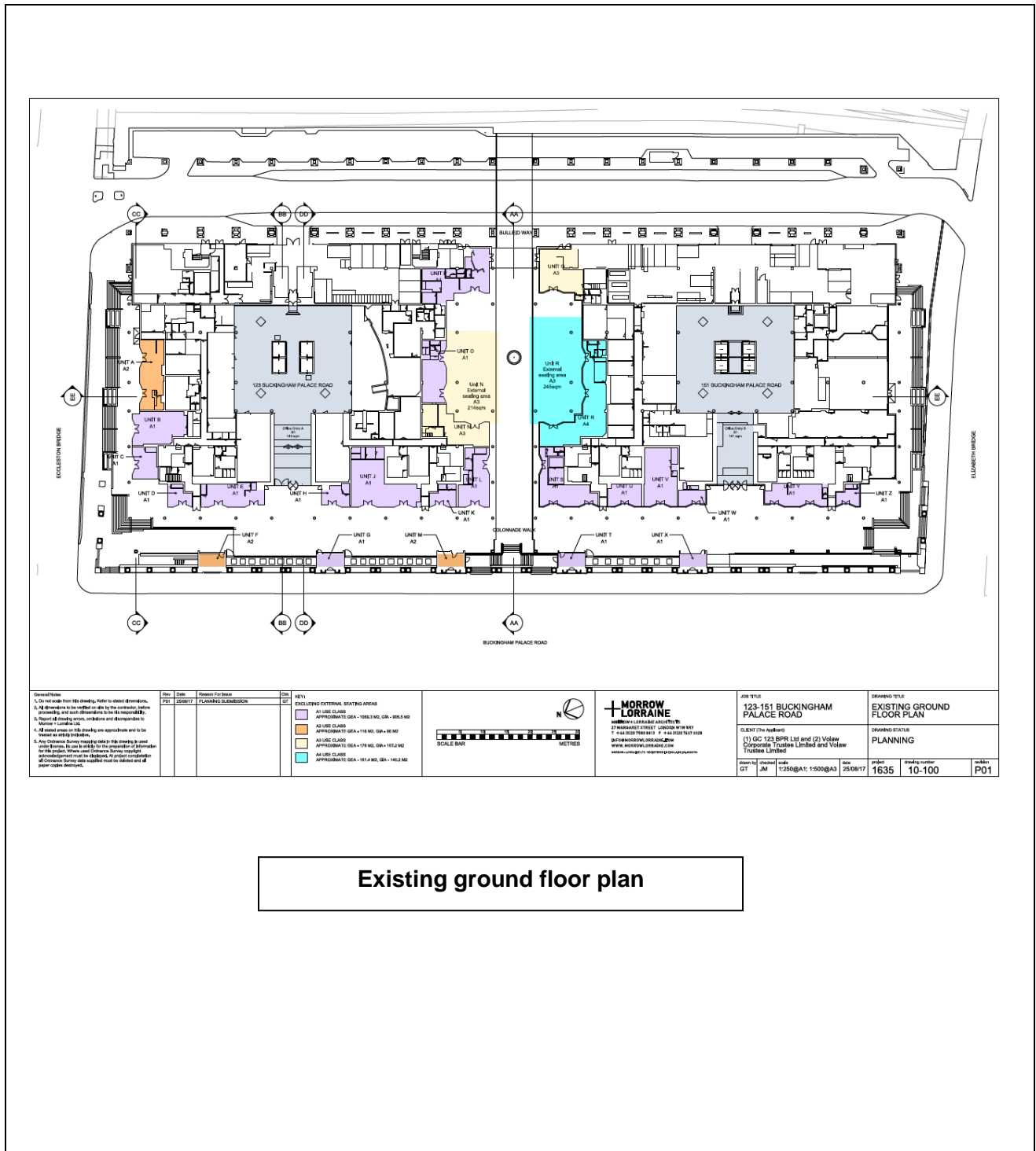
1. Application form
2. Response from Highways Planning Manager dated 17 November 2017.
3. Response from Environmental Health dated 4 October 2017.
4. Response from Cleansing dated 20 September 2017.
5. Response from Arboricultural Officer dated 17 November 2017.
6. Response from Transport for London dated 1 November 2017.
7. Response from Transport for London (Crossrail) dated 22 September 2017.
8. Response from Metropolitan police dated 3 October 2017.
9. Response from Westminster Society, dated 14 September 2017.
10. Letter from occupier of 12 Hugh Street, London, dated 23 September 2017.
11. Response from Clive King (on behalf of Arriva buses) dated 30 October 2017.
12. Letter from occupier of 53 Royal Belgrave House, Hugh Street, dated 2 October 2017
13. Letter from JGA Fire Engineering Consultants dated 6 November 2017.

14. Letter from Butler and Young Approved Inspectors dated 6 November 2017.

(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: MATTHEW MASON BY EMAIL AT <a href="mailto:mmason@westminster.gov.uk">mmason@westminster.gov.uk</a>
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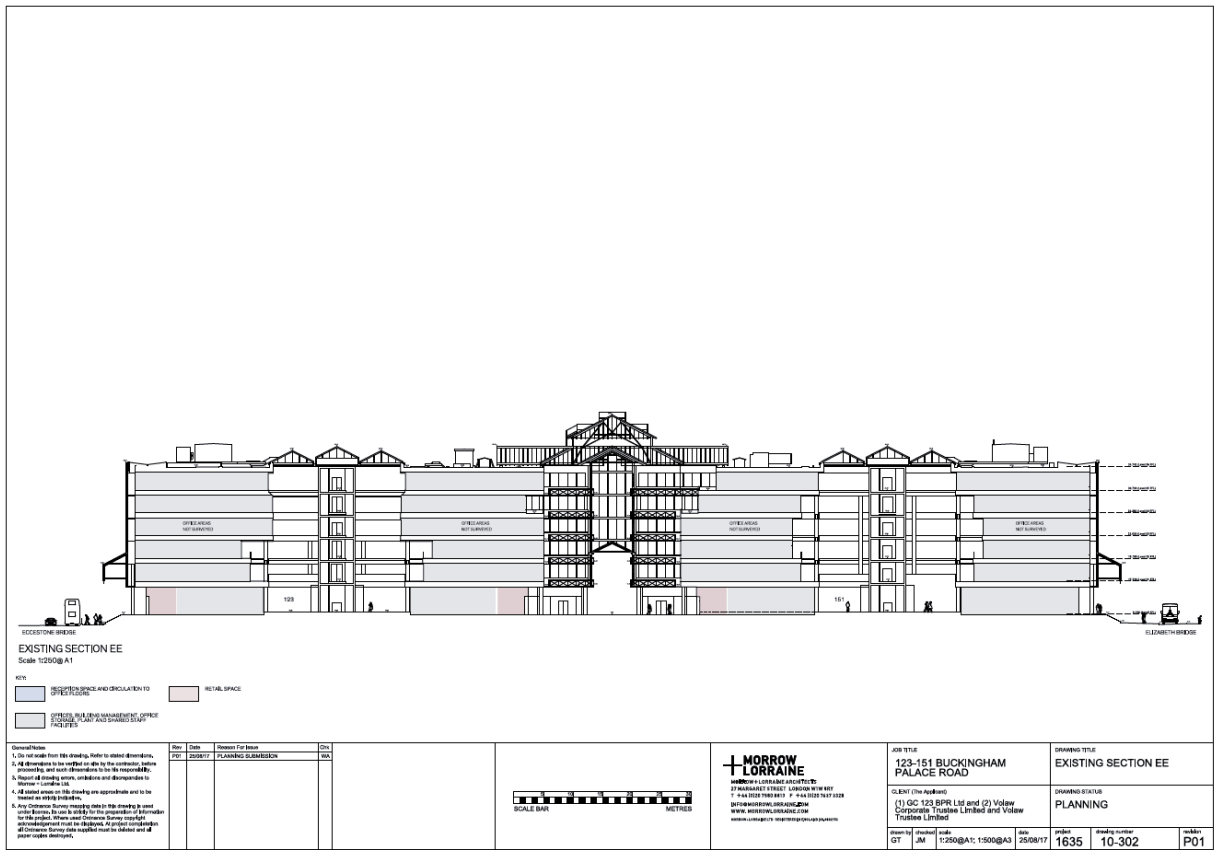
10. KEY DRAWINGS



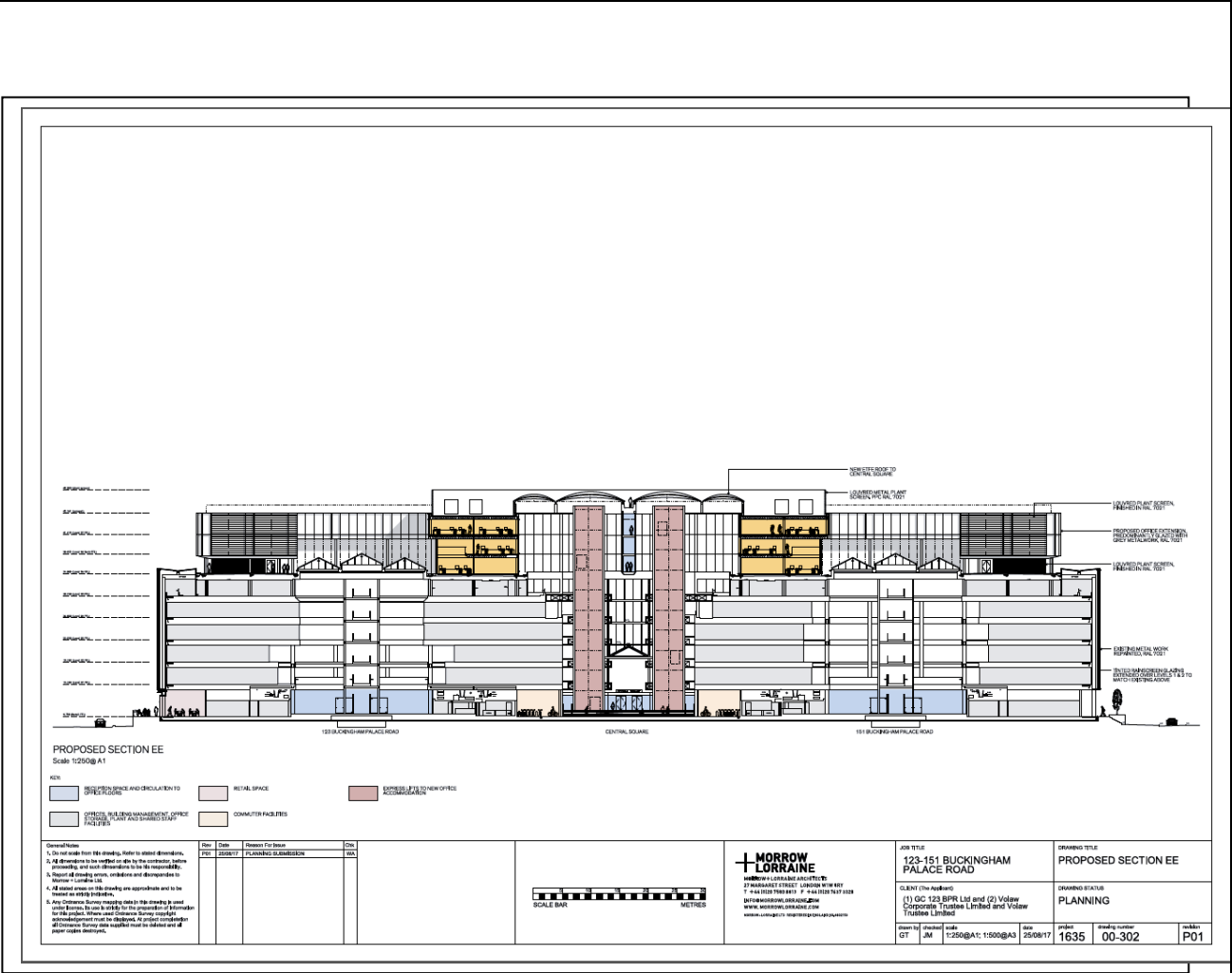
Existing ground floor plan



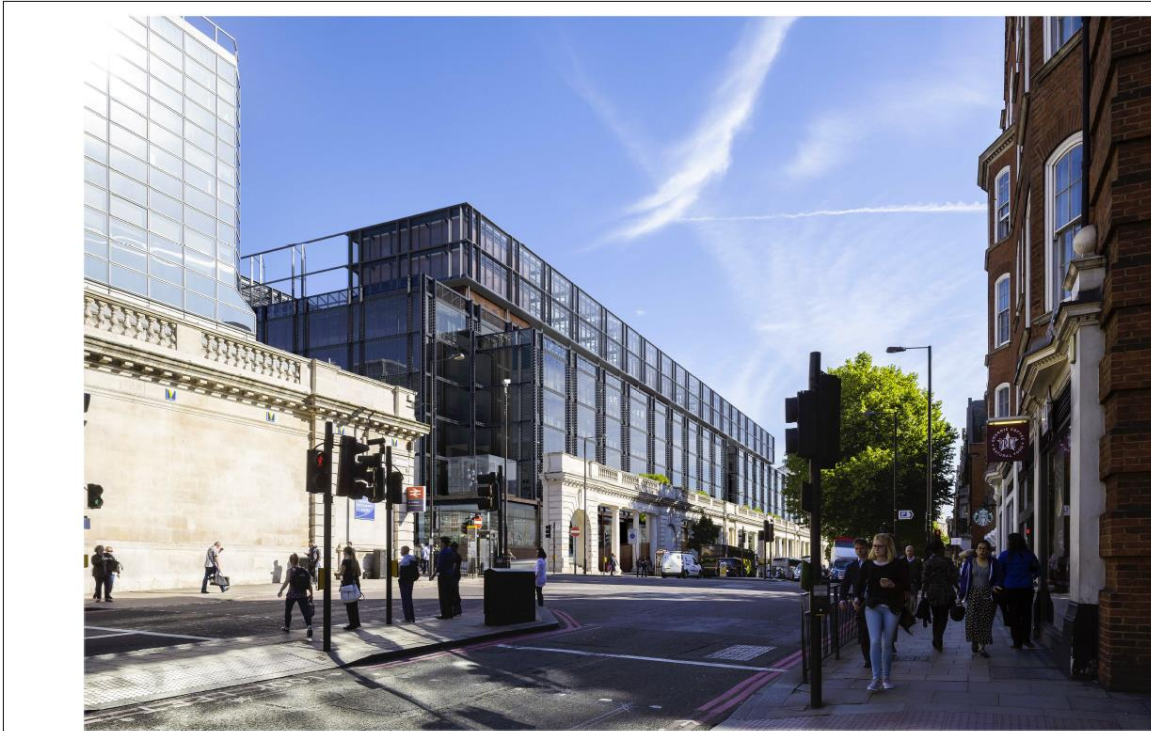




Existing section



Proposed section



VIEW FROM BUCKINGHAM PALACE ROAD

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Date	Issue	Reason for Issue	By
01/01/2024	01	PLANNING SUBMISSION	ST

**MORROW LORRAINE**  
 ARCHITECTS + INTERIORS  
 27 MANWELL STREET, LONDON W1W 6EE  
 T +44 (0)20 7601 4477 F +44 (0)20 7601 4478  
[info@morrowlorraine.com](mailto:info@morrowlorraine.com)  
[www.morrowlorraine.com](http://www.morrowlorraine.com)

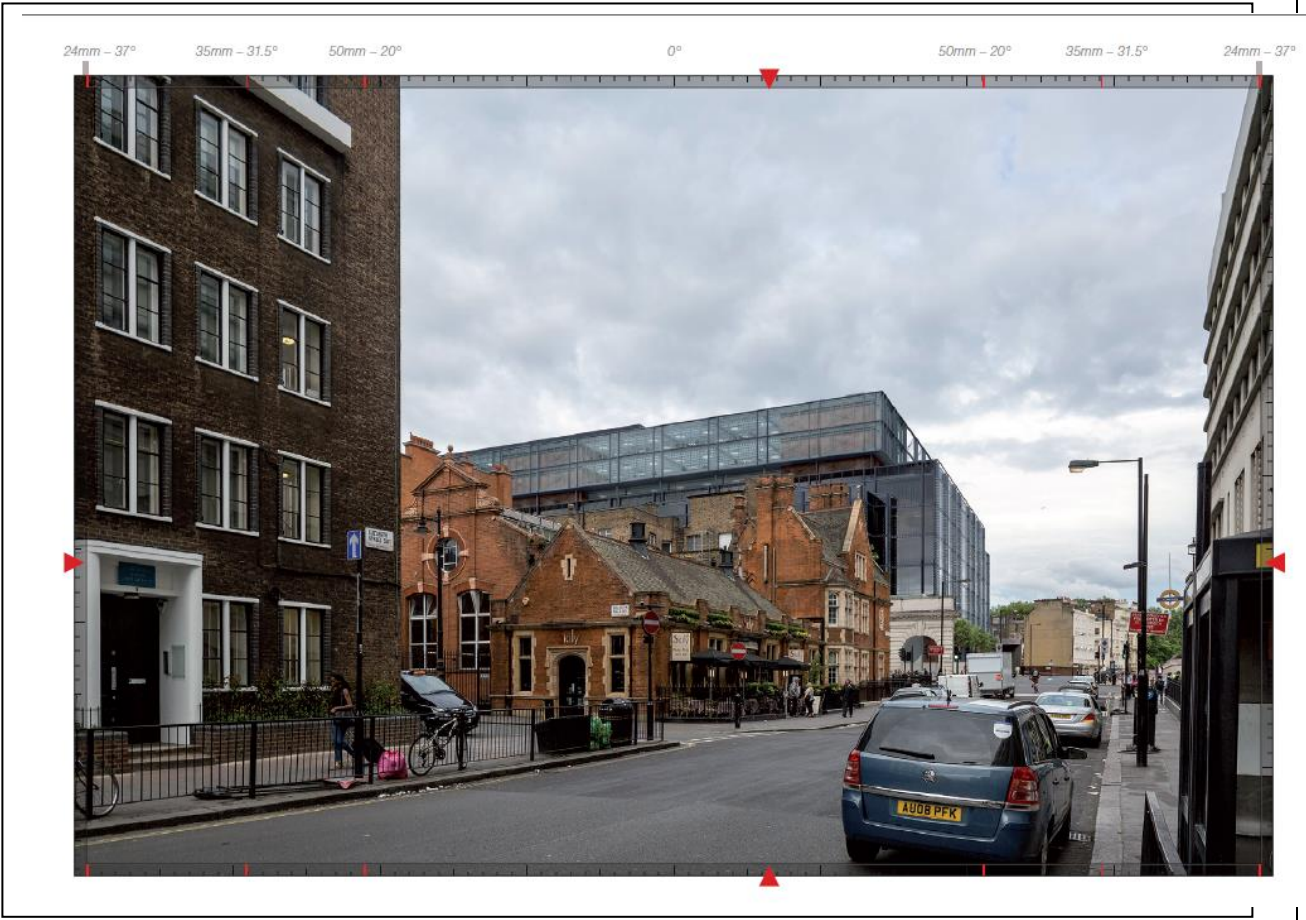
JOB TITLE  
 423-151 BUCKINGHAM PALACE ROAD

CLIENT (The Architects)  
 (1) GC 123 BPR Ltd and (2) Vidua Corporation, Trustee Limited and Vidua Trustee Limited

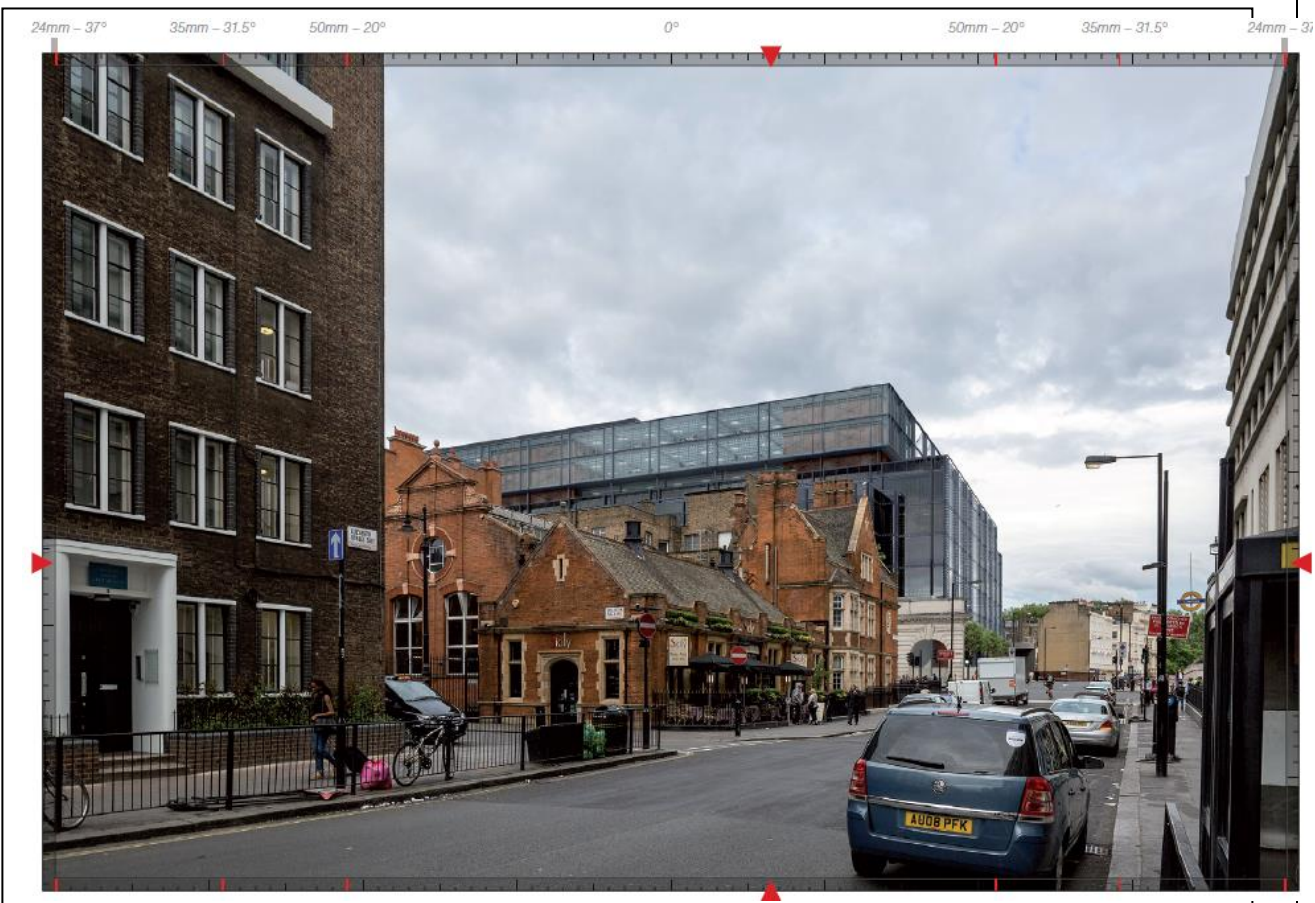
DRAWING TITLE		DRAWING STATUS	
PROPOSED VIEW FROM BUCKINGHAM PALACE ROAD		PLANNING	
Drawn by	Checked	Date	Scale
ST	JM	25/08/17	1635 00-400
			Sheet P01

View from Buckingham Palace Road





View from Elizabeth Street



Proposed Elizabeth Street

**DRAFT DECISION LETTER**

**Address:** 123 Buckingham Palace Road, London, SW1W 9DZ,

**Proposal:** Extension of existing office and retail building and associated works to provide additional office floorspace at roof level, use of part of the ground floor for retail use within Classes A1, A3 or A4, part demolition and alterations to the stone facade fronting Buckingham Palace Road and the part removal of the glazed building canopy, alterations to the public realm, creation of high level terraces, alterations to bus facility on Bulleid Way and roof top plant along with highway, landscaping and other works.

**Reference:** 17/07726/FULL

**Plan Nos:** Location Plan - 00-001 Rev P01., Existing - 10-100 Rev P01, 10-101 Rev P01, 10-102 Rev P01, 10-108 Rev P02, 10-200 Rev P01, 10-201 Rev P01, 10-202 Rev P01, 10-203 Rev P01, 10-300 Rev P01, 10-301 Rev P01, 10-302 Rev P01. , Proposed - 00-002 Rev P01, 00-100 Rev P01, 00-101 Rev P01, 00-102 Rev P01, 00-106 Rev P01, 00-106D Rev P01, 00-107 Rev P01, 00-108 Rev P01, 00-200 Rev P01, 00-201 Rev P01, 00-202 Rev P01, 00-203 Rev P01, 00-300 Rev P01, 00-301 Rev P01, 00-302 Rev P01, L/S/003/17153/PH03 Rev PL01, L/S/004/17153/PH04 Rev PL01., Documents - Air Quality Assessment, Daylight and Sunlight Assessment, Economic Statement, Energy and Sustainability Statement, Noise Impact Assessment, Planning Statement, , , For information purposes only - Design and Access Statement, Landscaping Strategy, Statement of Community Involvement, Transport Assessment, Townscape and Visual and Built Heritage Assessment. .,

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 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 , onot 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 S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 No development shall take place, including any works of demolition, until a Construction Logistics Plan has been submitted to, and approved in writing by, the local planning authority in consultation with TfL. The Construction Logistics Plan shall be adhered to throughout the construction period.

Reason:

To avoid blocking the surrounding streets and to protect the wellbeing and health of pedestrians and people in neighbouring properties during the demolition and construction phases of the development. This is as set out in S29, S31 and S32 of Westminster's City Plan (November 2016) that we adopted in January 2011 and STRA 25, ENV 5, ENV 6 and TRANS 1 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must provide the waste and recycling store shown on drawing 00-100 revision P01 before anyone moves into the property. You must clearly mark it and make it available at all times to occupants of the building. You must store waste inside the property and only put it outside just

before it is going to be collected. You must not use the waste and recycling store for any other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 7 You must provide a cycle stair channel for the short stay cycle parking spaces on the Elizabeth Bridge side of the development prior to first occupation of the extended office floorspace. Thereafter the cycle stair channel must be retained for the life of the development.

Reason:

To ensure the cycle parking spaces in this part of the development are accessible as set out in Policy 6.9 of the London Plan 2015.

- 8 You must not put external tables and chairs in any other location than that shown on drawing 00-100 P01.

Reason:

In order to ensure that colonnade walkway remains uncluttered and provides space for pedestrians as set out in S28 and S41 of Westminster's City Plan (November 2016) and DES 1 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 9 In the event that a retail unit is occupied for Class A3 or Class A4 purposes you must apply to us for approval of full details and detailed drawings where appropriate of the means for getting rid of cooking smells. You must occupy any retail unit for Class A3 and A4 purposes until we have approved what you have sent us. You must carry out the work according to the approved details prior to occupation.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 10 In the event that a retail unit is used for Class A3 or Class A4 purposes you must apply to us for approval of details of an operational management plan. You must not occupy the restaurant or drinking establishment units until we have approved what you have sent us., , The plan should include numbers of covers, servicing, smoking, and taxis., , You must carry out the development in accordance with the approved management plan unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 11 You must not amalgamate any retail unit for use within Class A3 or Class A4 purposes and no Class A3 or Class A4 use can occupy an amalgamated retail unit.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 12 Customers shall not be permitted within any Class A3 or Class A4 premises before 10.00 or after 23.30 on Monday to Thursday (not including bank holidays and public holidays), before 10.00 or after midnight on Friday and Saturday and before 10:00 or after 22.30 on Sundays, bank holidays and public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 13 The use of the seven ground floor retail units must be in accordance with the following mix: - A minimum of three units to be provided within Class A1 use; - A maximum of four units to be provided within Class A3 use at any one time; and , - A maximum of two units to be provided

within Class A4 use at any one time.

Reason:

To ensure an appropriate mix of retail uses is provided in the development. This is as set out in S21 and S24 of Westminster's City Plan (November 2016).

- 14 You must apply to us for approval of a servicing management plan for all office and retail uses within the building. You must not occupy any part of the new office floorspace until we have approved what you have sent us. Thereafter you must manage the entire building in accordance with the approved plan. The servicing management plan shall be consistent with the restrictions in Conditions 15 and 16.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 15 No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 16 All servicing for the building must take place between 07:00 to 19:00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the environment of residents and the area generally as set out in S29 and S32 of Westminster's City Plan (November 2016) and TRANS 20 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 17 Notwithstanding what is shown on the approved drawings you must apply to us for approval of detailed drawings of a soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development., , If you remove any trees or find that they are dying, severely damaged or diseased, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 18 (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 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 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 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 L A90, 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.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), 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.

- 19 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 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 20 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) 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 by an emergency loss of power., (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.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

- 21 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A3 and A4 use hereby permitted, when operating at its noisiest, shall not at any

time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class A3 and A4 use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), 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.

- 22 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 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in

January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 23 You must put up any plant screens for the plant and machinery shown on the approved drawings before you use that machinery. You must then retain and maintain it in the form shown for as long as the machinery remains in use.

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 S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 25 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 any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

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 S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 26 You must submit a method statement detailing how you will retain, protect and alter the existing stone façade. You must not start work on these parts of the development until we have

approved what you have sent us. You must then carry out the development according to the 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 S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 27 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the shopfronts. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the development according to the 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 S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 28 You must apply to us for approval of details of an estate management plan for the public areas of the site. You must not occupy the retail units until we have approved what you have sent. Thereafter the development shall be managed in accordance with the approved estate management plan.

Reason:

To ensure the public areas within the development are managed to provide a safe and welcoming environment for visitors to the site. This is as set out in S29 of Westminster's City Plan (November 2016).

- 29 Within three months of the occupation of the new office floorspace you must provide a copy of the BREEAM assessment for the office use showing an awarded score of 'Excellent'.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 30 You must provide the photovoltaics shown on the approved roof plan prior to first occupation

of the new office use. Thereafter you must retain them for the life of the development.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 31 You must apply to us for approval of details of a wayfinding strategy for the site. You must not start work on this part of the development until we have approved what you have sent us. You must not occupy the new office floorspace until you have carried out the wayfinding strategy in accordance with the details approved. Thereafter you must manage and maintain the development in accordance with the details approved.

Reason:

The scheme will reduce pedestrian permeability through the site. The provision of a wayfinding strategy will help direct visitors to the coach facilities on Bullied Way. This is as set out in S41 of Westminster's City Plan (November 2016) and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 32 You must apply to us for approval of details of a lighting strategy for Bulleid Way. You must not start work on this part of the development until we have approved what you have sent us. You must not occupy the new office floorspace until you have carried out the lighting in accordance with the details approved. Thereafter you must manage and maintain the development in accordance with the details approved.

Reason:

To ensure that appropriate lighting levels are achieved on Bulleid Way after Fountain Square has been infilled. This is as set out in S29 and S41 of Westminster's City Plan (November 2016) and DES 1 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 33 Notwithstanding the details submitted with the application you must apply to us for approval of details of the coach passenger facilities. You must not start work on this part of the development until we have approved what you have sent us. You must not occupy the new office floorspace until you have provided the coach passenger facilities in accordance with the details approved. Thereafter you must retain the coach passenger facilities in accordance with the details approved.

Reason:

In order to ensure that the layout of the bus facilities is appropriate in accordance with S33 of Westminster's City Plan (November 2016) and TRANS 6 of our Unitary Development Plan that

we adopted in January 2007.

**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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: , i) Provision of coach passenger facilities, including provision of public toilet facilities, in Bulleid Way at a peppercorn rent for period of 25 years to be provided prior to the occupation of the new office space. The s106 to include a clause that the space cannot be sublet by a commercial provider for financial gain., ii) A contribution of £141,000 (index linked) towards fit out of the coach passenger facilities (in addition to the public toilet facilities) payable 12 months prior to completion., iii) Replacement highway lighting to building side footway to Bulleid Way., iv) Highway works to Bulleid Way to include amended kerblines to provide a new loading area, amend traffic orders to provide for loading areas and deep clean to building side footway., v) Employment and training strategy., vi) Legible London contribution of £10,000 (index linked). , vii) Provision of essential coach operator access to and from Bulleid Way through the building., viii) Crossrail Funding SPG payment of £2,014,200 (index linked)., ix) The applicant to agree to restrictions on infilling remaining internal atrium space that could be carried out as an internal alteration to the building., x) Monitoring costs.,
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the

landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 5 The kitchen extract duct must discharge at highest roof level (at least 1m above roof eaves) and which is also higher than any building within 20 metres of the building housing the commercial kitchen. A scheme of odour reduction will need to be incorporated together with full height discharge if there are surrounding residential premises (and/or commercial buildings with openable windows) between 20 m 50 m distance and which are also higher than the discharge point of the building housing the commercial kitchen., , The final discharge point must be vertically upwards and unhindered ie use of plate, cowl or cap methods for the prevention of rainwater penetration should not be employed; All kitchen extract ducts must be fitted with doors/hatches for cleaning, at approximately 3 metre, intervals, complying with the H & S safe access standards.
- 6 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the ground floor can change between the Class A1, A3 and A4 uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)

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.