

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 February 2018	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	Trafalgar Buildings, 1-6 Northumberland Avenue, 1-3 Whitehall and 7-13 Whitehall, SW1A.		
Proposal			
Agent	CBRE Ltd.		
On behalf of	Royal London Asset Management		
Registered Number	17/07968/FULL & 17/07969/LBC	Date amended/ completed	5 September 2017
Date Application Received	5 September 2017		
Historic Building Grade	1-6 Northumberland Avenue and 1-3 Whitehall – Grade II		
Conservation Area	Trafalgar Square		

1. RECOMMENDATION

1. Grant conditional permission including a Grampian condition to secure a s106 legal agreement in order to mitigate the shortfall of the development's on-site carbon reductions and to facilitate the provision of Crossrail.
2. Grant conditional listed building consent.
3. Agree the reasons for granting consent as set out within Informative 1 of the draft decision letter.

2. SUMMARY

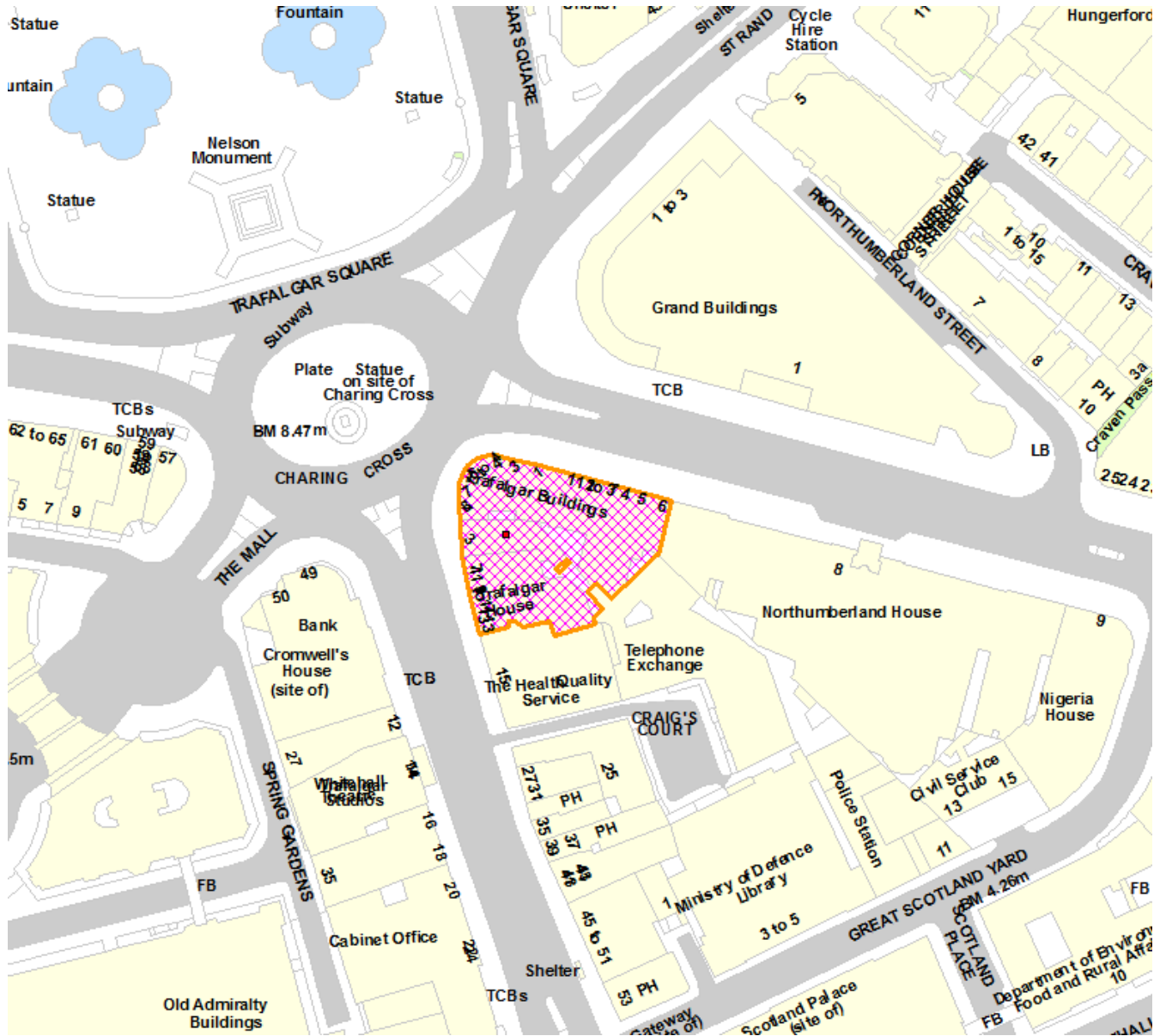
The site consists of three interconnected buildings on the corner of Northumberland Avenue and Whitehall. The buildings contain offices on the upper floors with a mix of restaurants and retail units over basement and ground floor levels. The application seeks permission to demolish the existing buildings behind retained facades and redevelop by means of erection of a new building comprising a newly excavated second basement, basement, ground and seven upper floors. The replacement building would provide for increased office (Class B1), retail (Class A1) and restaurant (Class A3) floorspace.

The key issues for consideration are:

- The impact of the proposed demolition, other alterations and new build on the special architectural or historic interest of the listed buildings and Trafalgar Square Conservation Area;
- The impact of the proposal on the amenity of neighbouring occupiers; and
- The impact of the proposals on the surrounding highway network.

For the reasons set out in the report, the proposals are considered acceptable in land use, amenity, highways and design terms and comply with the City Council's policies as set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). The application is recommended for approval subject to the conditions as set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPH

Photograph taken from Trafalgar Square



5. CONSULTATIONS

HISTORIC ENGLAND

Authorisation given to determine the application as seen fit.

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend approval of supplementary desk-based geo-archaeological deposit model and recommendation for pre-determination geo-archaeological bore-hole survey.

WESTMINSTER SOCIETY

No objection.

THE VICTORIAN SOCIETY

Object strongly to the roof extension proposed due to the serious and far-reaching harm they would cause to nationally important building and the wider historic environment in this most prominent and significant of settings.

TRANSPORT FOR LONDON

No objection.

LONDON UNDERGROUND LTD

No objection subject to condition.

DESIGNING OUT CRIME OFFICER

Recommend a condition to demonstrate Secured by Design Accreditation.

ARBORICULTURAL SECTION

No objection subject to conditions to protect street trees.

HIGHWAYS PLANNING

No objection subject to conditions.

CLEANSING

Revised drawings will need to be submitted once the extent of food waste and waste cooking oil storage for the A3 use is established and an area of temporary waste holding at ground floor is identified.

BUILDING CONTROL

The structural method statement is considered to be acceptable.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 93

Total No. of replies: 2

Two letters of objection have been received from the adjoining Club Quarters Hotel (8 Northumberland Avenue) on the following grounds:

AMENITY

- Amenity of hotel residents and businesses will be harmed during construction;
- Development will result in a loss of daylight, sunlight, rights of light, privacy and increase the sense of enclosure to hotel rooms;

DESIGN

- Need to protect the listed buildings during construction;
- Safeguards need to be in place during construction to protect 8 Northumberland Avenue;

HIGHWAYS

- Construction will result in increased traffic, loss of trade and impede emergency access; and
- Development needs adequate servicing without adversely impacting the pedestrian environment, adjoining business, traffic, etc.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

The site is located in a prominent position at the junction of Whitehall and Northumberland Avenue facing onto Trafalgar Square. It is made up of three interconnected buildings, 1-6 Northumberland Avenue and 1-3 Whitehall which are both Grade II listed and 7-13 Whitehall which is an unlisted building of merit. The site is located within both the Core Central Activities Zone (CAZ) and Trafalgar Square Conservation Area.

The buildings comprise office accommodation over part basement, ground, mezzanine and first to sixth floors. At part basement, ground and mezzanine levels there are five retail units (Class A1) and two restaurants (Class A3). The buildings have been subject to extensive redevelopment in the past with the only historic interest of the buildings retained with the external elevations facing Whitehall and Northumberland Avenue.

6.2 Recent Relevant History

All three buildings have been substantially altered internally in the late C20. The whole site was comprehensively refurbished in 1999 in what appears to have been a façade retention scheme.

7. THE PROPOSAL

Planning permission and listed building consent are sought to demolish the entirety of the buildings behind the retained facades. The replacement building would comprise of two basements (one more than existing), ground floor and seven upper storeys. The extensions would essentially increase the height of the Northumberland Avenue building by one storey and the Whitehall building by two storeys. The floor levels would be aligned across the buildings to provide a more efficient and high quality standard of accommodation.

To the rear of the site the new building form would be in a contemporary style and this extends above the roofline of the Whitehall buildings though set a significant distance back from the front façade. A new, higher mansard roof with dormers is proposed for 1-6 Northumberland Avenue with the existing domes reconstructed.

Roof terraces in connection with the offices are sought at fifth and sixth floor levels above the Whitehall facing elevation. Existing roof top clutter is removed and plant equipment is rationalised with discreet plant enclosures at roof level. Photovoltaic panels are sought to the roof of 1-6 Northumberland Avenue.

In relation to land use, the net gains of uses are variable due to the flexible permission sought for parts of the basement, ground and mezzanine level. The replacement building would re-provide and increase the office floorspace to a higher quality. The amount of Class A1 retail floorspace would be re-provided and potentially increased due to the areas of flexible use. The provision of Class A3 restaurant floorspace is also sought albeit within areas allocated for flexible A1/A3 use.

Use	Existing GIA (sqm)	Proposed GIA (sqm)
Class B1 - Office	5,503	7,276
Class A1 - Retail	1,296	1,198
Class A3 - Restaurant	711	0
Flexible A1/A3	0	1,189
Flexible A1/A3/B1	0	423
Plant and ancillary areas	484	1,343
Total	7,994	11,429

8. DETAILED CONSIDERATIONS

8.1 Land Use

Office use

Policy S20 of the City Plan relates to offices and directs new office development to areas of the city which includes the CAZ. The city has seen a significant trend in the loss of offices since 2010/11. Policy S20 seeks to encourage new offices with the CAZ to help retain and enhance Westminster's strategic role in London's office sector. The site is considered to be an appropriate location for office growth.

The office floorspace would increase by 1773sqm which equates to 22% of existing floorspace or in the event that the full mezzanine level area for flexible use is utilised the total office floorspace would increase to 2195sqm which equates to 27% of existing floorspace. Under each option the 30% increase on existing floorspace is not triggered under Policy S1 of the City Plan and as such no residential floorspace will be required.

Retail uses (Class A1 and A3)

The existing combined total Class A1 and Class A3 floorspace amounts to 2,007sqm. Much of the existing retail floorspace is unusable or inaccessible to customers. The proposals would open up the floorplate and provide for more flexible use of the space. The minimum combined Class A1 and A3 floorspace proposed amounts to 2,387sqm which results in a gain of at least 380sqm. In the event that the flexible floorspace at mezzanine level is used the combined increase in A1 and A3 floorspace could rise to 803sqm.

Individually, the A1 retail floorspace spread when taking into account the flexible use areas would amount to a minimum of 1,296sqm or maximum of 2,810sqm. The potential for an increase in Class A1 retail floorspace is welcomed and in line with City Plan Policy S21.

The specific sub-division of units has not yet been clearly defined and it is considered reasonable at this stage to allow for added flexibility. A condition is proposed to ensure there is at least three separate units and that there is no reduction in Class A1 floorspace compared to the existing situation. This is considered sufficient to provide for an appropriate mix of uses ensuring the viability and viability of this part of the CAZ is not harmed.

With regard to the Class A3 restaurant floorspace, the potential spread could amount to a minimum of 0sqm to a maximum of 1,612sqm. UDP Policies TACE8, 9 and 10 state that permission will only be granted where the proposal would not have an adverse impact on residential amenity or the local environmental quality.

The following hours for the Class A3 use are recommended by condition: 06.30 to 00.00 on Monday to Saturday and 08.00 to 23.00 on Sundays. A full height extract duct is proposed and full details of the ventilation system are secured by condition once they are confirmed by the respective tenants. Environmental Health has raised no objections subject to standard conditions.

In addition to the above measures, the submission of an operational management plan is recommended to be secured by condition. This will ensure the restaurant uses use mitigating measures to prevent harm to the local environment, including causing nuisance to occupiers of nearby buildings.

Given the busy location of the site, with the nearest residential located within 25 Whitehall approximately 20m away without a direct line of sight to the retail frontage, it is considered that the use mix would not adversely affect the amenity of neighbouring occupiers, local environmental quality, or the character or function of the surrounding area. The proposals are considered acceptable in terms of Policy TACE 8, 9 and 10 of the UDP.

8.2 Townscape and Design

The site is located in a prominent position within the Trafalgar Square Conservation Area. It has an important townscape function as one of the perimeter buildings to the Square, listed as grade I on the Register of Parks and Gardens. It commands one corner of the Square and is a focal point on the ceremonial route from Buckingham Palace to the Palace of Westminster.

In townscape terms, its location is of the highest significance. 1-3 Whitehall is the oldest building, dating from 1864-6 and is an ornate design in Portland stone and granite. There have been some façade changes to the first and second floors but the building remains a distinguished mid C19 design. It is listed grade II.

Trafalgar Buildings (1-6 Northumberland Avenue) were built 1881-82 as part of the works following the completion of Northumberland Avenue. The building is an ornate design,

faced in stone and, similar to many other buildings facing Northumberland Avenue, has the scale and architectural detailing reminiscent of Parisian architecture of this period. The design has a close relationship to Grand Buildings, opposite, and the two provide a formal “gateway” to Northumberland Avenue from Trafalgar Square. One of the distinctive aspects of the design is the low mansard roof and prominent domes. The building is also listed grade II.

Trafalgar House (7-13 Whitehall) was built in 1902. It is an eclectic design, faced in stone and provides a positive contribution to the Whitehall townscape. It is identified as an Unlisted Building of Merit in the Trafalgar Square Conservation Area Audit.

All three buildings have been substantially altered internally in the late C20. They were all linked internally at this time and no significant internal fabric or decorative detail remains. In many places new floorplates run across existing window openings and a number of later extensions have been added to the rear in an ad hoc manner. The main interest lies in their street facades and their skyline details and rooflines, though these are somewhat compromised by later plant, roof-top railings and other background structures. However, it is considered that the three buildings as a group provide a rich and evocative collection of mid to late C19 architectural idioms and form an important townscape composition within the conservation area. While the rear elevations have been altered, they do still retain elements of significance though these are considered of secondary importance and are completely hidden from public view by surrounding buildings.

The current application is to demolish the entirety of the buildings behind the retained facades, including the roofs and rear walls. New floors would then be constructed to unify levels across the three buildings and relate to historic window openings. Where the floor levels do not correspond on no.3 Whitehall, the floorplate is cut back to create a clear separation between floorplate and front elevation. The rear of the site is proposed to be occupied by a new building form in a contemporary style and this extends above the roofline of the Whitehall buildings though set a significant distance back from the front façade. A new, higher mansard roof with dormers is proposed for Trafalgar Buildings with the domes reconstructed.

In historic building terms, the extent of demolition is not something that would normally be supported. However, in the absence of any features of significance to the interior, the secondary nature of the rear elevations and the totally enclosed nature of the rear of the site, the loss of significance is minor in the extreme. The most visible intervention is the proposal to demolish the mansard roof to Trafalgar Buildings, including the domes, and replace it with a higher mansard with dormers and reconstructed domes. The current mansard appears to be the original design though there may well have been substantial work, even reconstruction, during the late C20 refurbishment. The domes similarly appear to have been subject to later works.

The current mansard is comparatively low, partly occupied and lit by skylights and windows to the rear. It is not clear whether it was originally intended to be an inhabited roof. The current roof has had plant rooms and perimeter railings added that detract from the skyline and are visible in views from Trafalgar Square. The proposed new mansard is higher and more steeply pitched and has simple, traditional-scaled dormers aligned with the windows below. In architectural terms, the scale of the proposed mansard seems appropriate to the scale of the building. It reflects the scale of other roofs on surrounding

buildings and, while the prominence of the domes is marginally reduced, they still remain as prominent and clearly identifiable architectural features. A new lift over-run is proposed to be located behind the easternmost dome, which will largely conceal it from view. There is slight visibility in long views from certain angles but the impact is minimal. It is not considered that the replacement of this roof causes any substantial harm to the listed building and indeed its impact could be considered neutral given the unfortunate accretions to the existing roof. The applicants have confirmed that the new roof would not need to accommodate any plant or railings and any maintenance would be carried out with a man-safe system.

The attractive roof form of 1-3 Whitehall would be carefully dismantled, stored off-site and rebuilt like for like using the existing materials as far as possible. The roof of the unlisted Trafalgar House will be removed and reconstructed in new materials. Both of these measures are acceptable and reflect the relative status of the two roofs.

The front facades of all three buildings are to be repaired and refurbished where necessary. The distinctive metal windows and timber sash windows of 1-3 Whitehall are retained and refurbished. The existing windows to Trafalgar Buildings are inappropriate metal sash windows and they should be replaced by timber sashes, which would be a significant enhancement to the building's significance. All windows to the listed buildings will be single glazed with secondary glazing where necessary. The timber windows to the unlisted Trafalgar House will be replaced by matching timber, double-glazed windows. The ground floor shopfronts will be refurbished and tidied up to remove much of the clutter and later additions. Internally, at ground floor level, elements of the existing party walls are retained and consolidated to help to define the three different buildings as visually separate entities in street views.

The major intervention in townscape terms is the rebuilding of the rear of Trafalgar Buildings as a contemporary office building and its extension above the roof line of the buildings facing Whitehall. Most of this structure is screened by surrounding buildings and has no impact on the conservation area townscape. However, at 5th and 6th floor levels the building rises above the roofline of the buildings facing Whitehall and is visible in certain street views. Following extensive discussion with officers, the 5th floor level has been set back a considerable distance from the Whitehall frontage to the extent that it has no impact on street views from Whitehall and the present skyline silhouette of the Whitehall buildings remains uninterrupted. However, this 5th floor element is visible in longer distance views from the south-west corner of Trafalgar Square and Cockspur Street.

The existing view from these locations is of an assortment of various pieces of plant and telecommunications equipment providing a confusing and cluttered backdrop to the Whitehall buildings. The proposed 5th floor office extension would screen much of this clutter and provide a more coherent and uniform backdrop to the Whitehall buildings. The office façade line is also set far enough back from the Whitehall frontage that it appears to be a separate building behind the front range and therefore does not need to bear any architectural relationship to the front buildings. The design is in a contemporary form with a curvilinear façade of oriel windows contained within a light coloured faience façade. The design is distinct from the foreground buildings, giving the impression of a background building, and with a colour palette designed to help it blend into the sky. The design is

considered to be high quality and appropriate for this sensitive site. The 6th floor structure is set so far back that it would be barely perceptible in street views.

Policy S25 of the City Plan affirms the Council's commitment to protecting the historic environment. Policy S26 states the importance of protecting views, including local views. Policy DES 1 of the UDP requires the highest standards of design for new developments and DES 9 and DES 10 contain policies relating to conservation areas and listed buildings. The statutory requirement is for the Council to have special regard to preserving listed buildings and their setting and to ensure that development preserves or enhances the character or appearance of the conservation area. Paragraph 134 of the National Planning Policy Framework states that where a development will lead to less than substantial harm to a heritage asset then the harm should be weighed against the public benefits of the proposal.

It is considered in this case that any harm that the proposal may cause due to the loss of the existing roof to Trafalgar Buildings and the rear wall of the listed buildings is less than substantial and of a modest nature. It is also considered that the public benefits of refurbishment of the historic facades, the improved ground floor design and the reinstatement of historically correct timber windows to Trafalgar Buildings would outweigh the harm identified.

8.3 Residential Amenity

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Objections have been received from the Club Quarters Hotel at 8 Northumberland Avenue which directly adjoins 1-6 Northumberland Avenue and backs onto 1-3 and 7-13 Whitehall. The objections relate to loss of light, increased sense of enclosure and loss of privacy to hotel rooms.

Sunlight and Daylight

The nearest residential to the site is located at 25 Whitehall approximately 20m away. Permission has been granted to convert the upper floors of 49 Charing Cross to residential flats but this has not yet been implemented. 49 Charing Cross Road is located on the opposite side of Whitehall approximately 30m away. It is considered that the windows in this property are sufficiently distant so as not to be materially harmed by the proposed development.

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight'. The applicant has undertaken a detailed daylight and sunlight assessment of the proposed scheme for the existing residential at 25 Whitehall. The assessment considers the impact of the development on the vertical sky component (VSC) and

daylight distribution (NSL) available to windows in these properties. Sunlight is also assessed.

The analysis shows that in the majority of cases the impacts fall well within the BRE Guidelines and as such there will be no noticeable impact. All windows pass the VSC test. There are three rooms within 25 Whitehall which experience minor NSL transgressions. Those losses are unlikely to represent material harm due to the small extent of the reductions beyond the 20% threshold (21.79%, 22.03% and 24.28%). The sunlight analyses show that there would be no breach of the BRE Guidelines.

The neighbouring Club Quarters Hotel has objected on the grounds of loss of light to its windows. This is a commercial property the nature of which is not offered the same protection as permanent residential accommodation. It would not normally be requirement to undertake a detailed daylight and sunlight assessment of this use when considering a planning application.

Notwithstanding this the applicant has undertaken an assessment in line with the BRE Guidelines. The conclusion being that of the 139 windows tested for VSC, 134 meet the BRE criteria which represents 96.4% compliance. In terms of NSL, of the 93 rooms tested, 87 meet the BRE criteria. In terms of sunlight, 132 windows have been tested and 130 windows meet the BRE criteria.

The hotel would retain an acceptable level of BRE compliance and the small level of losses incurred are not considered so harmful as to compromise the use of that property as a hotel.

Sense of Enclosure

The massing of the proposed development will increase along the rear boundary with the neighbouring hotel and telephone exchange. The hotel contains a column of windows closest the site boundary and these would be at a right angle to the proposed extension. The remaining windows along the rear of the hotel do not directly face the site. The development would not result in an unacceptable sense of enclosure to nearby occupiers including the neighbouring hotel use or residents in 25 Whitehall.

Privacy

Roof terraces are provided behind the Whitehall frontage at fifth and sixth floor levels. Given the massing the seventh floor and core of adjoining building and the distanced involved the development would not result in an unacceptable loss of privacy to the neighbouring hotel or residential occupiers.

The application is considered to have an acceptable impact on the amenity of surrounding properties, and accords with S28 of the City Plan and ENV13 of the UDP.

8.4 Transportation/Parking

Servicing

Policy TRANS20 generally requires servicing to be provided off-street. The proposed development will continue to be serviced on-street in line with existing restrictions, as is the case currently. The Transport Statement suggested that the new building will lead to an additional 6 to 8 deliveries being made each day.

A draft Servicing Management Plan has been submitted. The Highways Planning Manager has raised no objection to the servicing arrangements. It is considered reasonable to impose a condition requiring a final Servicing Management Plan once the requirements of the occupiers are known. This should also include a statement on consolidation of servicing to avoid the different uses requiring multiple deliveries if unnecessary. This is considered to be an improvement to the existing unregulated situation.

Cycle parking

Secure cycle parking spaces are provided at basement level. 104 spaces are provided for the offices use and 12 spaces for retail elements. The level of provision is considered acceptable and a condition is recommended to secure it.

8.5 Economic Considerations

The economic benefits that would be generated by an increase in office and retail floorspace is welcomed.

8.6 Access

The new building would be fully accessible to those with disabilities, with level access proposed as part of the scheme to all floors in accordance with Policies TRANS27 and DES1 in the adopted UDP.

8.7 Other UDP/Westminster Policy Considerations

Noise

Mechanical plant is to be located in designated plant areas which include within the new second basement and at roof level. Environmental Health have no objection subject to standard noise and vibration conditions. Subject to this it is considered that the plant will not result in noise nuisance or a loss of neighbouring amenity.

Refuse /Recycling

Sufficient bin storage has been provided within the development for all uses, in accordance with Westminster's guidance. The applicant has confirmed that a private refuse contract would be arranged for refuse collections which would ensure no bins are left on the footway prior to or after collections. Additional detail is required to identify areas for food waste and waste cooking oil for the potential A3 uses and for a temporary waste holding area at ground floor level for all uses. It is proposed that this be secured by condition.

Trees

The Council's Arboricultural Officer has no objection to the proposals subject to pre-commencement conditions being added to ensure the street trees along Northumberland Avenue are protected during the construction process.

Sustainability

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA's 'energy hierarchy', the applicant commits to maximising the energy performance through passive measures within the design including facade insulation and along with improved glazing. The scheme will also ensure that a future connection to a local heat network could be possible in future.

The energy strategy has explored various options for the use of renewable technologies. It is proposed to use an array of photovoltaic panels at roof level. If the measures described above are implemented, then the applicant states there will be an overall carbon saving of 10.19% beyond Part L 2013 of the Building Regulations. This remains below the target of 35% set out in the London Plan.

Policy 5.2 of the London Plan states: "The carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere".

It is therefore appropriate in this case to secure a carbon-offset contribution which has been calculated in accordance with the London Plan formula to be £131,058.

The development is targeting BREEAM 'very good' which is to be secured by condition.

Air Quality

The applicants have submitted an air quality assessment. It identifies short term impacts from construction (dust/particulates) which can, to a degree, be managed. In the longer term, the impact of plant emissions is likely to be negligible. Environmental Health are satisfied with the conclusions of the report and as such the development is in line with policy S31 which seeks to minimise static and traffic based sources of air pollution in developments.

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 (secured by Grampian condition) are proposed to secure the following:

- i) A contribution to the carbon off-setting fund of £131,058;
- ii) A consolidated Mayoral CIL and Crossrail Planning Obligation of approximately £416,040 (index linked);
- iii) Monitoring costs.

The estimated Westminster's CIL charge for this development would be £687,000 (index linked).

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant, the environmental impact of the development has been assessed in earlier sections of this report.

8.12 Other Issues

Basement excavation

The proposals involve the excavation of a sub-basement. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

Construction impact

A condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours

except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. These impact include noise, hours of working, traffic management, etc. The applicant is required to sign up to the CoCP. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

Archaeology

The site lies in an area where heritage assets of archaeological interest are expected, based on information held in the Greater London Historic Environment Record and the desk based assessment supplied in support of the application.

Historic England recommend that evaluation fieldwork should be carried out before any decision is made on the application. However, the applicant has advised that this is not practical because they do not have full control of the site until they are in possession of a lease from the vendor.

The potential significance of the site as a heritage asset in terms of archaeology is acknowledged. However, for the reason set out above evaluation fieldwork is not practical. It is therefore recommended that a pre-commencement condition is attached requiring the applicant to implement a programme of archaeological investigation in accordance with a Written Scheme of Investigation as recommended by Historic England in their letter.

Crime and security

The applicant has submitted a Crime and Security Statement which has been compiled in consultation with the Designing Out Crime Officer and the Metropolitan Police Counter Terrorism Security Advisor. It is considered reasonable to attach a condition to ensure the development is implemented in accordance with the submitted statement.

Damage to listed buildings

The application is supported by a Structural Methodology Statement with supporting technical documents considered appropriate for the planning stage. Building Control have confirmed that the submitted statement is satisfactory. The scope of the proposed works is not an uncommon form of development within Westminster. There is no indication that these works could not be undertaken without harming the structural integrity of neighbouring building. Notwithstanding this, any works to the party wall of the building will be subject to a party wall agreement which is a private matter between the respective land owners.

9. BACKGROUND PAPERS

1. Application form.
2. Response from Historic England dated 29 September 2017.
3. Responses from Historic England Archaeology dated 2 October and 27 November 2017.
4. Response from the Westminster Society dated 27 September 2017.
5. Response from the Victorian Society dated 10 November 2017.
6. Response from the Design Out Crime Office dated 2 October 2017.
7. Response from Transport for London dated 4 and 11 October 2017.
8. Response from Building Control dated 27 November 2017.
9. Response from Cleansing dated 29 September 2017.
10. Response from Environmental Health dated 22 November 2017.
11. Responses from Tree Section dated 16 October and 14 November 2017.
12. Response from Highways Planning dated 5 September 2017.
13. Responses from Quarters Hotel, 8 Northumberland Avenue dated 3 October 2017 and 4 January 2018.

(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: VINCENT NALLY BY EMAIL AT VNALLY@WESTMINSTER.GOV.UK

Existing and proposed Northumberland Avenue elevations



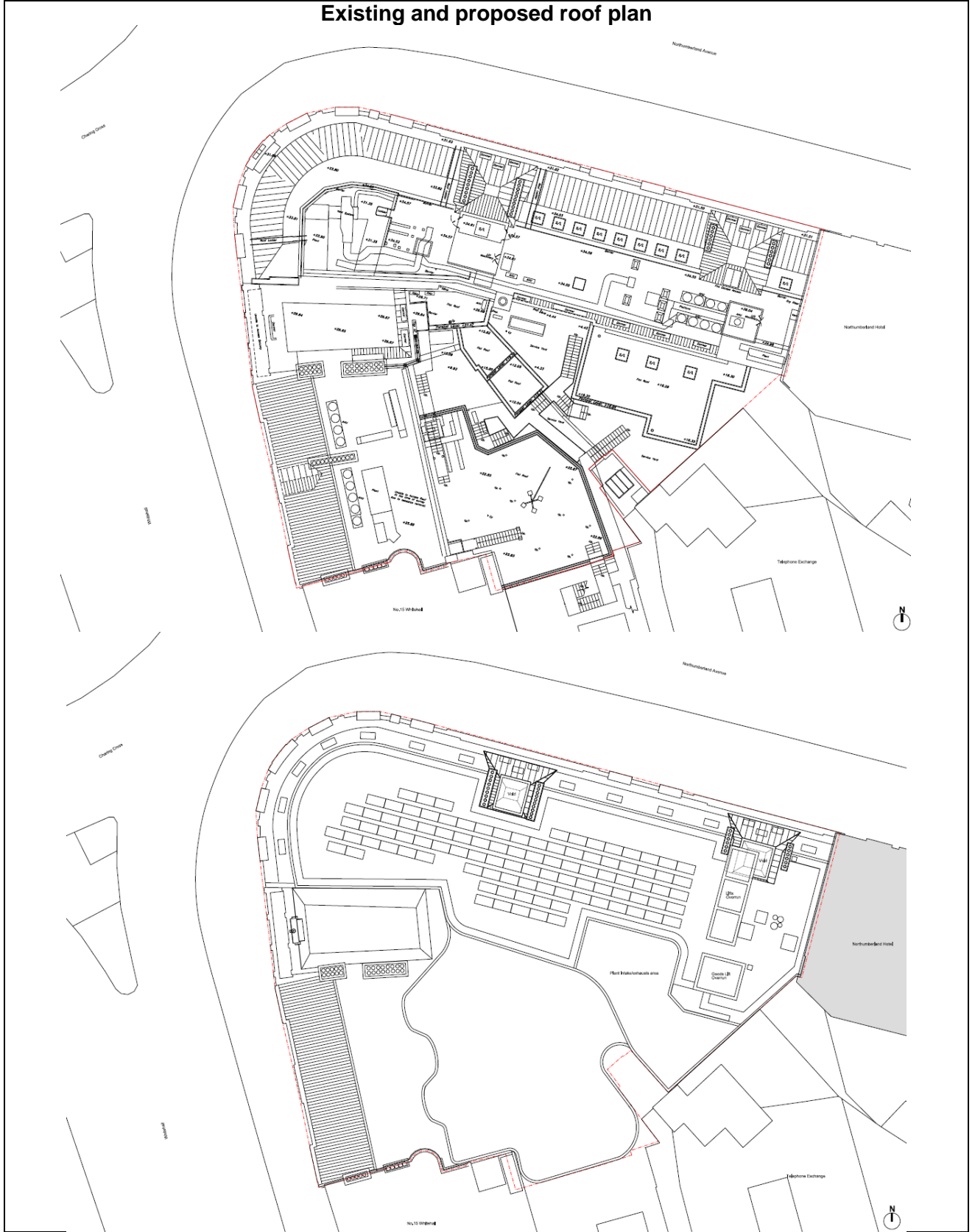
Existing and proposed Whitehall elevations



Existing and proposed ground floor plan



Existing and proposed roof plan



DRAFT DECISION LETTER

Address: Trafalgar Buildings, 1-3 Whitehall, London, SW1A 2DD

Proposal: Partial demolition and redevelopment behind retained façades of three buildings to provide a building rising to a maximum 7 storeys above ground with two levels of basement accommodation provided following the excavation of an additional basement level all in connection with the use of the building as offices (Class B1) across part basement, part ground, part mezzanine (flexible use unit) and 1st to 6th storey level, retail (Class A1) and restaurant (Class A3) uses at part basement, ground and mezzanine levels (including areas for flexible A1/A3/B1 use). Site includes 1-6 Northumberland Avenue and 7-13 Whitehall.

Plan Nos: 2500 Rev A; 2505 Rev A; 2506 Rev A; 2600 Rev A; 2601 Rev A; 2602 Rev A; 2603 Rev A; 2604 Rev A; 2605 Rev A; 2606 Rev A; 2607 Rev A; 2608 Rev A; 2609 Rev A; 2610 Rev A; 2620 Rev A; 2621 Rev A; 2630 Rev A; 2631 Rev A; 2650 Rev A; 2651 Rev A; 2652 Rev A; 2653 Rev A; 2654 Rev A; 2655 Rev A; 2656 Rev A; 2657 Rev A; 2658 Rev A; 2659 Rev A; 2660 Rev A; 2661 Rev A; 2662 Rev A; 2663 Rev A; 2664 Rev A; 2665 Rev A; 2700 Rev A; 2701 Rev A; 2702 Rev A; 2703 Rev A; 2704 Rev A; 2705 Rev A; 2706 Rev A; 2707 Rev A; 2708 Rev A; 2709 Rev A; 2710 Rev A; 2711 Rev B; 2800 Rev A; 2801 Rev A; 2802 Rev A; 2900 Rev A; 2901 Rev A; 3000 Rev A; 3001 Rev A; 3002 Rev A; 9000 Rev A; 9010 Rev A; SK133 Rev A; SK134 Rev A; SK135a Rev A; SK135b Rev A; SK135c Rev A; SK135d Rev A; SK136a; SK136b; Acoustic Planning Report Ref: 24223/A/NS/RP01/00; Archaeological Assessment dated Nov 2017; Geo-archaeological Deposit Model - Historic Environment Assessment Supplement dated Nov 2017; Crime and Counter Terrorism Security Strategy Ref: 1109.01; Design and Access Statement Ref: A/TBR 9010; BREEAM Report Ref: 19786/S/BRE/RP01/03; Energy Strategy Ref: 19786/S/ES01/00/01; Historic Building Report dated Aug 2017; Planning Statement dated Aug 2017; Structural Methodology Report Ref: 1792 (for information only); Daylight and Sunlight Report Ref: 11467; Servicing Management Strategy dated Aug 2017; Site Waste Management Plan dated Aug 2017; Transport Assessment dated Aug 2017; Tree and Arboricultural Impact Assessment Ref: JKK9761; Visual Impact Study dated Sept 2017; Mansard Assessment Historic Report dated Nov 2017; Air Quality Neutral Statement Ref: 19786/MEP/PAQ/RP01/01; Tree Analysis and Protection Plan Drawing Ref: JMK9761.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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 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)

- 4 You must apply to us for approval of the following parts of the development:

- i) new windows, including dormers, at a scale of 1:10 with cross sections at 1:5;
- ii) new external doors at a scale of 1:20;
- iii) new shopfronts at a scale of 1:50 with cross sections at 1:10.

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 details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start 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 this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 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/documentation we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To maintain the character of the Trafalgar Square Conservation Area as set out in S25 and S28 of

Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 9 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved a 'very good' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

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)

- 10 (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.

- 11 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.

- 12 (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.

- 13 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed.

Phase 1: Desktop study - full site history and environmental information from the public records.

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

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

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

(C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007.

(R18BA)

- 14 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 15 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look for each restaurant (Class A3) use. You must not begin the relevant restaurant use (Class A3) allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 16 You must apply to us for approval of an operational management plan for each restaurant (Class A3) unit to show how you will mitigate the uses from being harmful to the local environment, including causing nuisance to people who live in nearby buildings. You must not start the relevant restaurant uses until we have approved what you have sent us. You must then carry out the measures included in the operational management plan at all times for as long as the relevant restaurant unit is in use. (C05JB)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 17 Customers shall not be permitted within the restaurant (Class A3) premises before 06.30 or after 00.00 on Monday to Saturday and before 08.00 or after 23.00 on Sundays. (C12BD)

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 18 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 2700 Rev A. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

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)

- 19 You must apply to us for approval of details of how food waste and waste cooking oil will be stored for each restaurant (Class A3) unit and the temporary waste holding area at ground floor level for all uses. You must not occupy the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the building. You must not use the waste 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)

- 20 You must hang all doors or gates so that they do not open over or across the road or pavement

unless they are required for emergency or UKPN use only.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 21 You must apply to us for approval of details of a delivery and servicing plan. You must not occupy the office and retail uses within the building until we have approved what you have sent us. Thereafter you must manage the retail and office uses in accordance with the approved delivery and servicing plan.

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)

- 22 The retail (Class A1 and flexible Class A1/A3) floorspace hereby permitted at ground floor level must comprise of at least three individual shop units and the total Class A1 floorspace across the development must be at least 1296sqm (GIA).

Reason:

To ensure the mix of commercial uses within the development contribute to the character and function of this part of the Central Activities Zone. This is set out in S21 and S29 of Westminster's City Plan adopted November 2013.

- 23 After the occupation of all of the Class A1 and/or Class A3 and/or Class B1 accommodation at basement, ground and mezzanine levels allowed by this permission a plan identifying the planning use of each unit shall be provided to us and the deposited plan shall be updated as and when any changes in planning uses occur until the time stated in Condition 24. The deposited plan shall be in accordance with the restriction set out in Condition 22.

Reason:

To ensure the mix of commercial uses within the development contribute to the character and function of this part of the Central Activities Zone. This is set out in S21 and S29 of Westminster's City Plan adopted November 2013.

- 24 The flexible use and occupation of the Class A1 and/or Class A3 and/or Class B1 use allowed by this permission can continue until 10 years from the date of first occupation of the accommodation at which time the use occupying the accommodation shall become fixed unless planning permission is granted for any change. The prevailing use and occupation must be in accordance with the restriction set out in Condition 23.

Reason:

As set out in Part 3, Class E of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 (as amended).

- 25 You must not paint the window glass of the Class A1 shopfronts or block it in any other way. The windows must contain a display which must be maintained to our satisfaction.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R261A)

- 26 You must provide the access for people with disabilities as shown on the approved drawings before you use this building.

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 S28 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R20AC)

- 27 The development shall be carried out in accordance with the submitted DGA Crime and CTM Security Statement's Recommendations.

Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 28 You must apply to us for approval of details of secure cycle storage for the all uses including short-stay cycle parking. This permission does not allow for cycle parking to be placed on the highways. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide parking spaces for people using the development as set out in STRA 25 of our Unitary Development Plan that we adopted in January 2007 and the London Plan. (R22AB)

- 29 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 30 **Pre Commencement Condition.** You must undertake trial excavations in the locations proposed for the concrete footings of the support towers, to determine whether the trees are rooting above the vaults in these areas. The excavations must be carried out by hand and any roots with a diameter of more than 25mm or any masses of roots must be retained and protected with damp hessian. Once you have undertaken the trial excavations you must contact the Council's arboricultural officer in order to arrange a site inspection. Once you have had written confirmation that Council's arboricultural officer is satisfied with the findings, these must subsequently inform your tree protection details which are subject to Condition 30 of this permission.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 31 **Pre Commencement Condition.** i) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant (or their heirs and successors in title) and approved by us.

ii) No development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (i).

iii) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (i) and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 32 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each stage of the development for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof;
- 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 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 33 **Pre Commencement Condition.** You must not start work on the site until we have approved appropriate arrangements to secure the following.

- Carbon off-setting;
- Facilitate the provision of Crossrail;
- Monitoring.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19AB)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S19, S33 and S40 of Westminster's City Plan (November 2016) (R19AC)

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 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their

requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 8 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 9 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 10 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 11 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

- 12 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 13 With regard to Condition 21 you are advised to include a statement on consolidation of servicing across uses.
- 14 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

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

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.

- 15 This permission is based on the drawings and reports submitted by you including the structural

methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 16 In aiming to satisfy the condition 28 should seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.nw@met.police.uk

You are advised that the areas of concern raised by DOCO are as follows:

- 1) The reception area needs two lines of security, with access to the building core being fobbed. A secondary door off the main reception area off Northumberland Avenue are a matter for concern as this leads out onto a mixed use area.
- 2) There should be no mixed/shared use between people accessing the core of the building and the access for the commercial areas. There appears to be uncertainty by the Northumberland avenue entrance where deliveries to commercial units, refuse collection and persons accessing the core. This causes a serious security issue with access to the premises could be compromised.
- 3) All the main access doors to be LPS1175 SR2.
- 4) Laminated glazing to be fitted on all doors and windows.

For a complete explanation of certified products please refer to the Secured by Design guidance documents which can be found on the website www.securedbydesign.com

- 17 When you apply to us for approval under Condition 29 you must include details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- o identification of individual responsibilities and key personnel.
- o induction and personnel awareness of arboricultural matters.
- o supervision schedule, indicating frequency and methods of site visiting and record keeping
- o procedures for dealing with variations and incidents.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

- 18 The applicant is advised to contact London Underground Infrastructure Protection (020 3054

1365) in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation and construction methods.

- 19 Under condition 33 we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure:
- Carbon off-setting;
 - Facilitate the provision of Crossrail;
 - Monitoring.

as set out in the letter dated 29th January 2018 from CBRE Ltd.

Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)

DRAFT DECISION LETTER

- Address:** Trafalgar Buildings, 1-3 Whitehall, London, SW1A 2DD
- Proposal:** Partial demolition and redevelopment behind retained façades of three buildings to provide a building rising to a maximum 7 storeys above ground with two levels of basement accommodation provided following the excavation of an additional basement level all in connection with the use of the building as offices (Class B1) across part basement, part ground, part mezzanine (flexible use unit) and 1st to 6th storey level, retail (Class A1) and restaurant (Class A3) uses at part basement, ground and mezzanine levels (including areas for flexible A1/A3/B1 use). Site includes 1-6 Northumberland Avenue and 7-13 Whitehall.
- Plan Nos:** 2500 Rev A; 2505 Rev A; 2506 Rev A; 2600 Rev A; 2601 Rev A; 2602 Rev A; 2603 Rev A; 2604 Rev A; 2605 Rev A; 2606 Rev A; 2607 Rev A; 2608 Rev A; 2609 Rev A; 2610 Rev A; 2620 Rev A; 2621 Rev A; 2630 Rev A; 2631 Rev A; 2650 Rev A; 2651 Rev A; 2652 Rev A; 2653 Rev A; 2654 Rev A; 2655 Rev A; 2656 Rev A; 2657 Rev A; 2658 Rev A; 2659 Rev A; 2660 Rev A; 2661 Rev A; 2662 Rev A; 2663 Rev A; 2664 Rev A; 2665 Rev A; 2700 Rev A; 2701 Rev A; 2702 Rev A; 2703 Rev A; 2704 Rev A; 2705 Rev A; 2706 Rev A; 2707 Rev A; 2708 Rev A; 2709 Rev A; 2710 Rev A; 2711 Rev B; 2800 Rev A; 2801 Rev A; 2802 Rev A; 2900 Rev A; 2901 Rev A; 3000 Rev A; 3001 Rev A; 3002 Rev A; 9000 Rev A; 9010 Rev A; SK133 Rev A; SK134 Rev A; SK135a Rev A; SK135b Rev A; SK135c Rev A; SK135d Rev A; SK136a; SK136b; Acoustic Planning Report Ref: 24223/A/NS/RP01/00; Archaeological Assessment dated Nov 2017; Geo-archaeological Deposit Model - Historic Environment Assessment Supplement dated Nov 2017; Crime and Counter Terrorism Security Strategy Ref: 1109.01; Design and Access Statement Ref: A/TBR 9010; BREEAM Report Ref: 19786/S/BRE/RP01/03; Energy Strategy Ref: 19786/S/ES01/00/01; Historic Building Report dated Aug 2017; Planning Statement dated Aug 2017; Structural Methodology Report Ref: 1792 (for information only); Daylight and Sunlight Report Ref: 11467; Servicing Management Strategy dated Aug 2017; Site Waste Management Plan dated Aug 2017; Transport Assessment dated Aug 2017; Tree and Arboricultural Impact Assessment Ref: JKK9761; Visual Impact Study dated Sept 2017; Mansard Assessment Historic Report dated Nov 2017; Air Quality Neutral Statement Ref: 19786/MEP/PAQ/RP01/01; Tree Analysis and Protection Plan Drawing Ref: JMK9761.
- Case Officer:** Vincent Nally **Direct Tel. No.** 020 7641 5947

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

2 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings/documentation or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

3 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

4 Notwithstanding that shown on the approved plans, the windows to the front facades (excluding shopfront windows) shall be single glazed.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

5 Notwithstanding that shown on the approved plans, the windows (excluding shopfront windows) to the front facade of Trafalgar Buildings (1-6 Northumberland Avenue) shall be made of timber.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.

(R27AC)

6 You must apply to us for approval of the following parts of the development:

- i) new windows, including dormers, at a scale of 1:10 with cross sections at 1:5;
- ii) new external doors at a scale of 1:20;
- iii) new shopfronts at a scale of 1:50 with cross sections at 1:10.

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 details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

7 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007.
(R27AC)

Informative(s):

1 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- * any extra work which is necessary after further assessments of the building's condition;
- * stripping out or structural investigations; and
- * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

- 2 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.