

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 16 September 2014	Classification For General Release	
Report of Strategic Director Built Environment		Wards involved St James's	
Subject of Report	63, 64 and 65 Buckingham Gate, 1-3 Brewer's Green and 30-42 Palmer Street, London, SW1		
Proposal	Recladding and reconfiguration of the tower building to provide 65 residential flats, Class B1 office use and Class A1 retail. Construction of six storey building for B1 office use and Class A retail (A1 and A2 or A3) on Caxton Street and four storey building comprising B1 office use and Class A1 retail on Buckingham Gate. Retention of existing basement levels. Associated works including highway works, new mechanical plant, car and cycle parking provision and loading facilities.		
Agent	Jones Lang LaSalle		
On behalf of	Anquila Corporation Limited		
Registered Number	14/03631/FULL	TP / PP No	TP/2162
Date of Application	12.05.2014	Date amended/ completed	12.05.2014
Category of Application	Major		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central Activities Zone Within Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

For Committee's consideration:

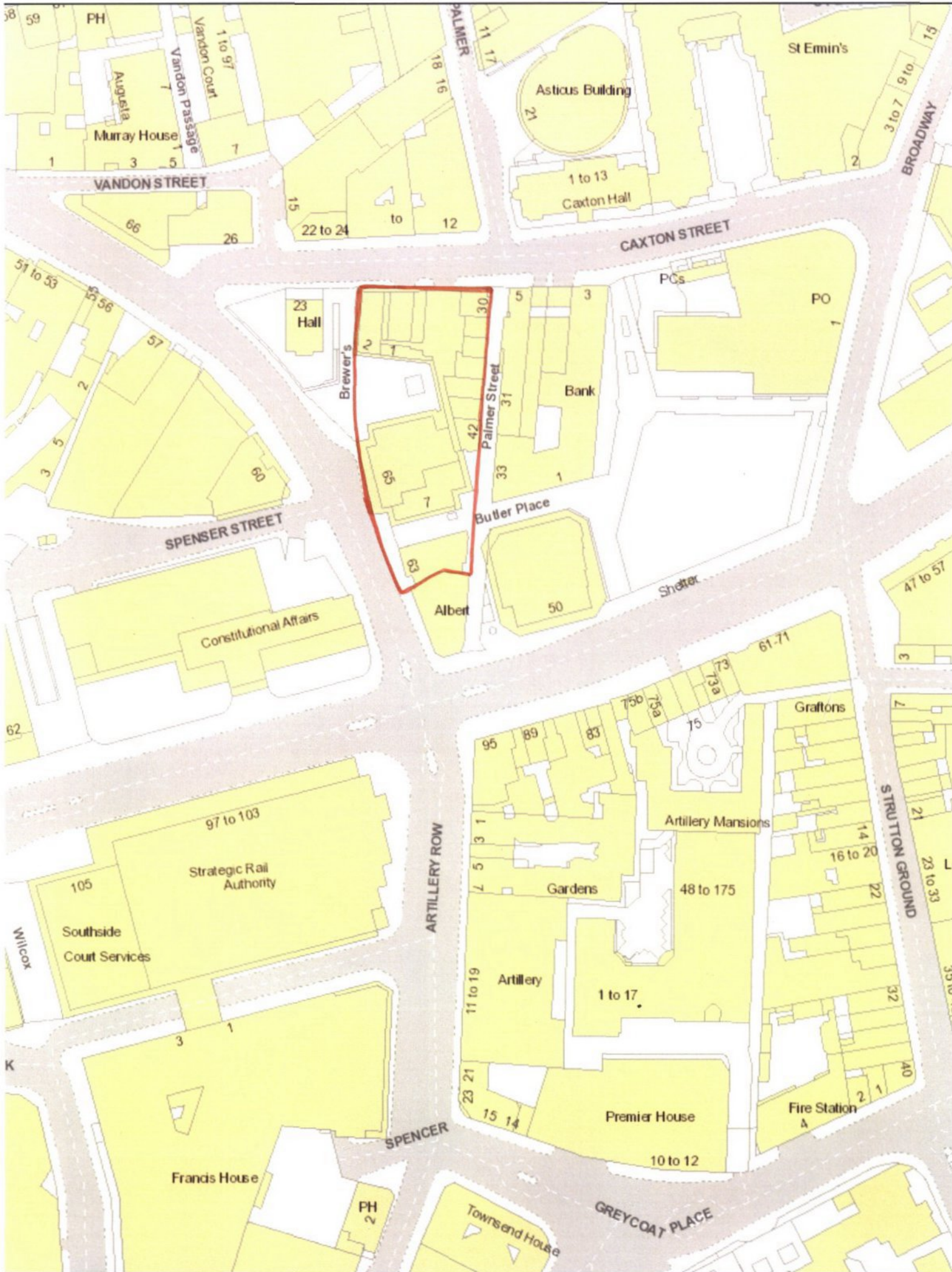
1. Does the Committee consider that the overall loss of A1 retail is outweighed by the benefits of the scheme?
2. Subject to 1. above, grant conditional permission subject to a S106 legal agreement to secure the following:
 - i. Payment of £3,645,423 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
 - ii. Carbon off set payment of £53,190 (index linked and payable on commencement of development);
 - iii. A Walkways Agreement to secure access to the public realm;

- iv. The applicant to sign up to the Council's Code of Construction Practice and to pay up to £18,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (both index linked and payable on commencement of development);
- v. Highway works;
- vi. An Employment and Training Opportunities strategy during construction works; and
- vii. S106 Monitoring contribution.

3. If the S106 legal agreement has not been completed within six weeks of the date of the Committee's resolution then:

(a) The Strategic Director shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Strategic Director is authorised to determine and issue such a decision under Delegated Powers; however, if not

(b) The Strategic Director shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Strategic Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.



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Data Source:

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0 5 10 20 Metres



The tower building

**63, 64 AND 65 BUCKINGHAM GATE, 1-3 BREWER'S GREEN AND
30-42 PALMER STREET, SW1**



Caxton Street elevation

**63, 64 AND 65 BUCKINGHAM GATE, 1-3 BREWER'S GREEN AND
30-42 PALMER STREET, SW1**

2. SUMMARY

The application site faces Buckingham Gate and Caxton Street and is also bounded by the pedestrianised Palmer Street, Brewer's Green and Butler Place. The site comprises a 16 storey mixed office and residential tower and two smaller commercial buildings facing Caxton Street and Buckingham Gate. The three buildings are joined by a shared basement area which provides car parking over two levels and a delivery bay with access to both from Caxton Street.

The buildings within the application site are unlisted but the site is located within the Broadway and Christchurch Gardens Conservation Area. The nearest listed buildings are the Grade I listed Blewcoat School, the Grade II listed Albert Public House and the Grade II listed Caxton Hall. The site is within the Core Central Activities Zone (CAZ).

Permission is sought to re-clad the existing tower with a black anodized metal curtain wall system and to introduce more residential floorspace. A total of 65 residential flats are proposed. New commercial buildings are proposed on Caxton Street and Buckingham Gate. New retail units are proposed at ground and basement floor level. The scheme provides an area of public realm at the junction of Buckingham Gate and Palmer Street. 39 car parking spaces are provided at basement level together with cycle parking.

The keys issues in this case are:

- The impact of the scheme on the character and appearance of the conservation area.
- The provision of affordable housing.
- The impact of the scheme on the daylight to neighbouring occupiers.
- The loss of Class A1 retail floorspace.

The proposal will deliver design and public realm benefits that will enhance the character and function of this part of the City and the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area. These benefits are welcome.

The applicant has demonstrated that it is not practical to provide the required affordable housing on site and a payment in lieu is therefore considered acceptable.

The scheme will result in losses in daylight to three flats in a neighbouring building beyond that recommended in the BRE guidelines. However, this is considered acceptable for the reasons set out in the report.

There will be an overall reduction in Class A1 floorspace which is contrary to policy. Committee's views are therefore sought as to whether the loss of A1 floorspace is acceptable given the overall benefits of the scheme. In all other respects the scheme is considered to comply with policies in the adopted Westminster City Plan: Strategic Policies and UDP.

3. CONSULTATIONS

HIGHWAYS PLANNING MANAGER

The reduction in off street parking spaces is likely to be acceptable given that the flats are to be let out rather than sold. The servicing arrangements are probably workable with use of conditions.

CLEANSING MANAGER

No objection subject to submission of revised drawing.

ENVIRONMENTAL HEALTH

No objections to mechanical plant subject to condition requiring supplementary noise report.

WESTMINSTER SOCIETY

On balance this is considered to be a good scheme. Provision of open space is welcome. Retention of existing tower core is welcome. Provision of on site affordable housing is impractical. Concerned though about the brickwork on Building B and consider that matching London stocks should be used for Building C.

ENGLISH HERITAGE

The application should be determined by the City Council.

ENGLISH HERITAGE (ARCHAEOLOGY)

Recommends that further studies should be undertaken.

VICTORIA BID

The building recesses make it a preferred place for rough sleeping. Vents should not release hot air at pavement level. More trees in the area are welcome. Details of the biodiversity roof and bird and bat boxes should be secured by condition. We note the new public realm comprises no public seating. Details of on street cycle facilities should be clarified. The energy generation measures are welcome.

ADJOINING OWNERS/OCCUPIERS AND OTHER RESPONDENTS

No. Consulted: 222; Total No. of Replies: 3

One letter objecting, one letter part objecting/part supporting and one letter supporting for the following reasons:

Design

- The introduction of brick into the scheme with a lattice pattern does not work.
- The increase from a contextual three storey to a proposed six storey building is alarming and will suffocate the Blewcoat School.
- The replacement of No. 63 Buckingham Gate needs to be better detailed.
- The opening up between No. 1 Brewer's Green and No. 64 and 65 Buckingham Gate works and might revitalise the area.
- The Statement of Community Involvement is misleading.

Land Use

- Loss of local shops.
- Change in the character of Victoria.
- The redevelopment of the building will greatly enhance the local neighbourhood.

4. BACKGROUND INFORMATION**4.1 The Application Site**

The application site faces Buckingham Gate and Caxton Street and is also bounded by the pedestrianised Palmer Street, Brewer's Green and Butler Place. The site comprises three separate buildings:

64-65 Buckingham Gate (Building A) - comprises a 16 storey tower accommodating retail at ground and mezzanine floor, B1 office floorspace at levels 01 to 07 and 42 residential flats on levels 09 to 15. Level 08 is a plant floor.

1-3 Brewer's Green and 30-42 Palmer Street (Building B) – known as the podium building, it comprises ground, mezzanine and two upper storeys with a mix of office and retail uses.

63 Buckingham Gate (Building C) – comprises ground plus two storeys and accommodates retail and office uses.

The three buildings are joined by a shared basement area which provides car parking over two levels plus mechanical plant, a UKPN substation and estate management accommodation. The car parking is accessed via a ramp on Caxton Street. There is also an enclosed double height service yard accessed via Caxton Street.

The buildings within the application site are unlisted but the site is located within the Broadway and Christchurch Gardens Conservation Area. The nearest listed buildings are the Grade I listed Blewcoat School, the Grade II listed Albert Public House and the Grade II listed Caxton Hall.

The site is within the Core Central Activities Zone (CAZ), the Victoria Opportunity Area, the Ledenwic and Thorney Island Area of Special Archaeological Priority and Flood Zone 3.

The immediate vicinity is commercial in character with the majority of neighbouring buildings in office use. The closest residential is within Christchurch House on the opposite side of the pedestrianised Palmer Street.

4.2 Relevant Planning History

Permission granted 14 June 1973 for the redevelopment of the site by the erection of a two storey podium with mezzanine floor, a 16 storey tower block and sub-basement, basement comprising retail shops, restaurant, showroom, offices, commercial bank and residential flats.

Permission granted for use of ground, first and second floors of 63 Buckingham Gate as an NHS Primary Care walk-in centre. The permission was subject to a condition stating that should the NHS walk-in centre vacate the premises it shall revert back to retail use (Class A1). The NHS has now vacated the premises and the site is occupied by a travel agent.

5. THE PROPOSAL

Permission is sought for the following works:

64-65 Buckingham Gate (Building A)

It is proposed to re-clad the existing tower with a black anodized metal curtain wall system. The existing glazing will be replaced with triple glazed floor to ceiling glass panels. At level 16 the plant room will be replaced with an additional residential floor with integrated plant room. At the base of the tower the existing dark glazing will be replaced by clear glazing.

The ground floor will comprise a separate office and residential entrance and two retail units within Class A1. Class B1 office use is retained at level 01 to level 04 with level 05 to level 16 providing 65 residential flats (Class C3). The following mix of residential units is proposed within the scheme:

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
No. of units	23	21	18	2	1	65
Percentage of units (%)	35	32	28	3	2	100

1-3 Brewer's Green and 30-42 Palmer Street (Building B)

The existing building is to be demolished and replaced with a six storey brick building to provide retail use (Classes A1 and A2 or A3) at part ground and part basement levels with Class B1 offices above. A service delivery bay is provided together with a single car lift to

access basement parking. The reduced footprint of the podium building will create an area of open space at the junction of Buckingham Gate and Palmer Street.

63 Buckingham Gate (Building C)

The existing building is to be demolished and replaced with a new three storey building to provide retail use (Class A1) at part ground and part basement levels with Class B1 offices above. A fully enclosed plant room is proposed at roof level. The building is constructed from yellow 'London Stock' coloured metal panels with a black anodized/cast metal trellis in front.

Basement

39 car parking spaces are provided at basement level together with cycle parking, showers, mechanical plant, refuse stores and retail floorspace to be used in connection with the ground floor retail units in Building B.

6. DETAILED CONSIDERATIONS

6.1 Land Use

Table 1 below sets out the existing and proposed uses and their respective floor areas based on gross external floorspace (GEA).

Table 1 – Existing and Proposed land uses

Existing (GEAm2)				
	Office (B1)	Retail (A1, A2, A3)	Residential	Total
Building Tower	5,411	381	5,335	11,127
Building Podium	1,383	812	0	2,195
Building Annexe	336	168	0	504
Total	7,130	1,361	5,335	13,826

Proposed (GEAm2)				
	Office (B1)	Retail (A1, A2, A3)	Residential	Total
Building A (Tower)	3,087	332	8,830	12,249
Building B (Caxton Street)	3,546	728	0	4,274
Building C	625	115	0	740
Total	7,258	1,175	8,830	17,263

Difference +/-	+128	-186	+3495	+3437
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6.1.1 Office use

The provision of additional office floorspace 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.

6.1.2 Residential use

The proposed increase in residential floorspace is considered acceptable and in line with the aims of Westminster's City Plan: Strategic Policies and UDP.

The scheme provides 33% family sized units arranged as 3 bed, 4 bed and 5 bed units. This is welcome and is fully compliant with Policy H5 of the UDP. The scheme does not provide

amenity space for the flats other than an internal courtyard space at Level 16 for the five bed penthouse. This is acceptable given the constraints of the site.

The proposed residential units have been designed to meet the Mayor's dwelling space standards set out in London Plan Policy 3.5. All 65 units have been designed to meet Lifetime Homes Standards and 10% of units (3x1 bed and 3x2 bed) have been designed to meet Wheelchair Accessible standards.

There is no policy requirement for the scheme to provide new play space for children as there will be fewer than 25 family sized units and the site is not located in a Priority Area for Additional Playspace.

6.1.3 Affordable Housing

The new residential floorspace prompts a requirement for the provision of affordable housing under the terms of Policy S16 of Westminster's City Plan: Strategic Policies. The City Plan requires in principle that affordable housing should comprise a proportion of the overall floorspace and is not linked to unit numbers. Prior to the adoption of the City Management Plan, the Council has published an Interim Guidance Note, originally for the purposes of the Public Inquiry into the Core Strategy.

The proposed residential floorspace uplift is 3495m² GEA. Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace uplift to be provided as affordable housing. This equates to 873.75m² or 10.92 units.

Policy S16 of Westminster's City Plan: Strategic Policies requires the provision of affordable housing on-site. It adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note.

The applicant argues that it would not be practical to provide affordable housing on site. The reasons given include:

For Building A

- No ability to insert another core into the tower or to provide a separate entrance for management of a registered social provider (RSP).
- No ability to separate M&E services for RSP.
- No private amenity space can be provided in the tower.
- High service charge.

For Building B

- Limited footprint for additional affordable core given service bay and car lift plus retail units and office core.
- Reduces the amount of retail at ground floor.
- Affordable housing would remove significant value from the scheme.
- Reduces amount of office floorspace that can be provided – against the new strategic direction in emerging City Plan policies.
- The building's footprint would necessarily mean some single aspect north-facing units would be created.

For Building C

- The upper level of the building will provide a large amount of plant equipment which may impact on residential amenity in noise and vibration terms.
- The flats will be predominantly north-facing and there is no opportunity for outdoor amenity space.
- Only a small number of flats can be created.

The applicant has approached affordable housing registered providers and has advised that there is little interest in the site because the quantum of affordable housing floorspace would be too small and because the service charges would be high.

The arguments put forward by the applicant for not providing affordable housing on site are considered reasonable in this instance.

The applicant advises that they do not own any other buildings in London and therefore is unable to pursue an off-site solution.

The applicant is therefore looking to satisfy Policy S16 through a payment in lieu of £3,645,423. This represents the full amount required by policy.

6.1.4 Retail uses

The table below sets out the breakdown of Class A1, Class A2 and Class A3 floorspace as existing and as proposed.

Description	Existing GEA (m2)	Proposed GEA (m2)	Difference GEA (m2)
A1 - Shops	1,120	647 (minimum provision)	-473
A2 - Financial and professional services	0	Up to 157	Up to +157
A3 - Restaurants and cafés	88	Up to 371	Up to +371
A4 - Drinking establishments	153	0	-153
TOTAL	1,361	1,175	-186

There will be an overall reduction in Class A retail floorspace across the site of 186m². This is largely because of the removal of the podium building and its replacement with new public realm. The new public realm is recognised as a benefit of the scheme that will enhance the character and appearance of this part of Victoria.

A minimum of 647m² of Class A1 floorspace is to be re-provided arranged as two A1 units in Building A, one unit in Building B and two units in Building C. The applicant is seeking flexibility on the remaining retail floorspace within Classes A1, A2 and A3. Overall therefore there will be a reduction of up to 473m² of Class A1 retail floorspace. This is contrary to Policy S21 of Westminster's City Plan: Strategic Policies which states that 'Existing A1 retail will be protected throughout Westminster...'. Exceptions to this policy are where the Council considers that the unit is not viable. The scheme is also contrary to Policy SS 4 of the UDP which states that 'Development schemes should provide at least the same amount of retail floorspace as was there before. The size and type of units must be appropriate to the character and function of the street'.

Committee's views are sought as to whether the loss of A1 floorspace is acceptable given the overall benefits of the scheme.

The scheme also reduces the number of retail units from 10 as existing to seven as proposed. Comments have been received from the owners of Run and Become who currently have a shop within the site about the loss of small shops. The concern of Run and Become is noted. However, given that the scheme represents the redevelopment of a single large block, it will effectively introduce a new character and function to this part of Victoria. On this basis the provision of larger retail units is considered acceptable.

There will be an increase in A3 floorspace for restaurants of up to 371m². The applicant considers that the increase in A3 floorspace across the site will allow for active units at ground floor with tables and chairs that will help animate the new public realm. As it is not proposed to replace the existing wine bar within the scheme there will be a net reduction in Class A4 floorspace of 153m².

Policy S24 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.

Policy TACE 8 relates to proposed restaurant uses between 150m² and 500m² within the CAZ. Permission will only be granted for restaurant uses where the City Council is satisfied that the use will not have an adverse impact on residential amenity or local environmental quality in the area as a result of noise, vibration, smells, increased late night activity or increased parking and traffic and would have no adverse impact on the character and function of the area.

It is considered that with conditions to restrict opening hours and secure details of how cooking smells will be dealt with, an increase in A3 floorspace of up to 371m² is acceptable in principle in this location.

6.2 Townscape and Design

The site falls within the Broadway and Christchurch Gardens Conservation Area. The two lower buildings (B and C) are identified as making a neutral contribution to the conservation area, while the tower is identified as making a negative contribution. It is considered that these attributes are appropriate. As such, there is no in principle objection to the demolition of Buildings B and C subject to their replacement by suitable buildings.

Building A – The tower

The tower is identified as making a negative contribution to the conservation area by virtue of its size/height and the nature of its dark cladding, which tends to conceal architectural detail. The design is strongly influenced by the towers of Mies van der Rohe, though some of the architectural detail and the colour and nature of the cladding detract from the overall appearance. The proposal is to reinforce the Mies van der Rohe influence by replacing the existing cladding with a black anodized curtain wall system and spandrel panels in proportions that match his Seagram building in New York. The glazing is changed to clear glass to allow for greater transparency and contrast with the black cladding. At ground floor, the double height space is opened up with clear glazing and a marble-clad feature wall to the central core. The soffits are treated in a white finish, again reflecting van der Rohe's very specific detail, and giving the effect of the office floors floating over the recessed and glazed ground floor. The removal of the Palmer Street link building helps the tower to sit on the ground in a more convincing manner and aids legibility. The removal of the plant room in the middle of the tower allows the cladding to rise uninterrupted from the base to the top of the tower and

improves the proportions, rhythm and architectural detailing of the building. The plant room at the top of the building is also removed and replaced by a new floor of residential accommodation. This marginally increases the height (approx. 1m) and bulk of the building at high level. The applicant has provided views analysis of this alteration. It is considered that this minor change in roof profile and height has no adverse effect on the appreciation of the building from either close or distant views. In summary, it is considered that the alterations to the tower constitute a significant improvement in its appearance and will meet the test of preserve or enhancing the character and appearance of the conservation area.

Building B – The podium building

The podium building is in the same architectural language and materials as the tower. Its attachment to the corner of the tower is rather contrived and compromises the public realm at the base of the tower. The materials are out of context with the other buildings in Caxton Street which are predominantly brick with stone detailing. The Caxton Street frontage is dominated by service bays and vehicle entrances. The principle of the demolition of this building is not opposed.

The proposed replacement building is higher than the existing, six floors rather than three plus plant, approximately 13m higher than existing. The existing building is considered out of scale with the buildings elsewhere in Caxton Street which are generally four to six storeys in height. The replacement building, despite its increase in height, sits comfortably within the street scene and does not appear out of scale with its surroundings. The relationship to the lower, Grade I listed Blewcoat School is moderated by a set back at fourth floor level to this elevation. The new building still has a more imposing effect on the school than the existing, but it is not considered that this is detrimental given the scale of other buildings in the vicinity.

The new building is rendered in brick to reflect the predominant cladding material in Caxton Street and to differentiate it from the tower which now stands on its own. The ground floor facade is animated with active uses to all four elevations. The service bay and vehicle entrance to Caxton Street are reduced in extent and treated more in the manner of a recessed lobby. Dark cast iron trellis gates would screen the area, but still allow views through to the brick clad interior which is proposed to be managed to be kept clear of clutter and other debris.

The facade detail is an intricately modelled combination of patterned brick with both deep set and flush fitting windows, with a variety of different window proportions and sizes. Black anodized metal modesty panels are proposed for the windows on the lower floors adding another level of detail. A roof terrace is proposed at fourth floor level and a roof garden to the top floor of the building. The building is highly modelled, reflecting some of the richness of detail of other buildings in Caxton Street and presenting a distinct and different aesthetic to the refurbished tower.

In summary, it is considered the building provides a much better response to the conservation area character than the existing building and would constitute an enhancement to the character and appearance of the conservation area.

Building C – 63 Buckingham Gate

The existing building is rendered in the same materials and detail as the adjacent tower. Its architecture and materiality bears no relationship to the Grade II listed Albert Public House adjacent. The building is considered to make a neutral contribution to the conservation area and there is no in principle objection to its demolition.

The replacement building is designed to sit more comfortably with the Grade II listed pub, while still retaining an architectural individuality and reference to the other new buildings on the site. The new building is slightly higher than the existing (approx. 1m) but has a different form with a sloping roof accommodating plant that services the site as a whole. The

fenestration pattern has a variety of proportions, reflecting some of the detail of Building B. The materials are proposed to be metal with anodized yellow London Stock coloured panels forming the main cladding material. Over this a trellis of black anodized or cast metal forms a texture/pattern reflecting some of the detail of Building B while the black colour refers to the adjacent tower. As the roof curves away, the solid metal backing is dispensed with allowing free airflow to the roof top plant area.

The proposed building will have a unique, crafted quality that reflects some of the architectural detail of the Grade II listed pub, while still retaining its own distinct architectural identity. It is considered that the new building would constitute an enhancement to the conservation area.

Townscape Issues

The development creates a new plaza between the tower and Building B that extends the area of open space that currently exists around the Blewcoat School. This space replaces an unsatisfactory, recessed space that has little public use and has no active frontages or destination. The new plaza will be faced by active ground floor uses and will provide a new route through to Palmer Street and the St James's Park Underground Station beyond. A large mature tree is proposed to be planted at the junction with Palmer Street to further enhance the quality of the space and signal the location of the plaza from Palmer Street. It is anticipated that this space will form an attractive and useful route for people moving through the area. This is considered a major benefit to the local townscape.

Elsewhere on the site, the existing open space is tidied up with all steps being removed and at grade movement being accommodated throughout the site. Active frontages help to enliven the space and new paving will create an improved pedestrian environment around the site.

Overall, it is considered that the changes to the ground plan will result in significant enhancement to the public realm, introducing step free movement across the site and creating a new vibrant open space within the heart of the scheme.

The concerns from Victoria BID about rough sleeping are noted. The applicant advises that the public space will be managed with 24 hour security. This is welcome and it is recommended that a public realm management plan is secured by condition.

6.3 Amenity

UDP Policy ENV13 seeks to protect existing premises, particularly residential, from a material loss of daylight and sunlight as a result of new development.

The scheme proposes additional bulk on Caxton Street where the overall height of Building B increases from 19.5 to 27.5m. The applicant has undertaken a daylight and sunlight assessment to neighbouring residential properties in accordance with BRE guidelines. The windows included in the assessment serve flats in Christchurch House, Caxton Street at levels 3 to 7, flats within Caxton Hall, Caxton Street and residential accommodation above the Albert Public House at levels 2 to 5. The properties on the opposite side of Caxton Street are in commercial use and are not protected by Policy ENV 13.

For daylight matters, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. It also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances. The 'No Sky Line' method has also been used, which measures the daylight distribution within a room, calculating the area of working plane inside the room that has a view of the sky.

The use of the affected rooms has a major bearing on the weight accorded to the effect on residents' amenity as a result of material losses of daylight. For example, loss of light to living rooms, dining rooms, bedrooms, studies and large kitchens (if they include dining space and are more than 12.6m²) is of more concern than loss of light to non habitable rooms such as stairwells, bathrooms, small kitchens and circulation areas.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, then the occupants of the existing building are likely to notice the loss of sunlight.

Christchurch House, Caxton Street

Christchurch House has five flats at levels 3 to 7 that have windows that overlook Palmer Street to the west and Windsor House to the south. The west facing windows serve a kitchen and dining/living area of an open plan living/kitchen/dining room. The rooms are each served by an additional south facing window.

Six windows, two west facing windows per flat at third, fourth and fifth floor level will be in breach of BRE guidelines with losses of 85.96%, 84.51%, 71.82%, 71.32%, 35.39% and 33.32% respectively. However, the BRE guidelines state that if a room has two or more windows of equal size, the mean of their VSC may be taken.

The mean VSC of the windows to each of the flats at third, fourth and fifth floor level is set out in the table below.

Christchurch House, Caxton Street						
Level	Window	Existing VSC	Average	Proposed VSC	Average	Average % Loss
Three	Kitchen/ living/dining	28.5	23.9	4.0	8.0	66.8
		27.6		4.3		
		15.7		15.6		
Four	Kitchen/ living/dining	29.9	25.1	8.3	11.0	56.3
		28.9		8.3		
		16.5		16.4		
Five	Kitchen/ living/dining	31.1	26.1	20.1	19.1	26.9
		29.9		20.0		
		17.3		17.2		

Existing VSC and Proposed Average VSC values for flats at Christchurch House.

For sunlight, each of the south facing windows on the third, fourth and fifth floor level will continue to receive good levels of sunlight in excess of the BRE criteria.

Albert Public House

There are losses to three out of the four north-west facing windows to levels three and four. The VSC losses are 61.5%, 26.1% and 31.6%. These windows appear to serve ancillary staff accommodation of the pub rather than self-contained residential units. Each of these windows receives low levels of VSC in their current condition, between 11.8 and 13.7, where the BRE guide suggests 27% as a target. Any further reduction below these levels is therefore likely to translate into a large proportional change. Given the above conditions, the impact on this property is considered acceptable.

The rear windows of this property are not orientated within 90 degrees of due south and as such they are not relevant for Annual Probable Sunlight Hours assessment.

Caxton Hall

The results show that the impact on daylight to flats within this property is fully BRE compliant but that there are reductions in winter sunlight to a ground and first floor window from 1 to 0 (100%) and 2 to 1 (50%). The affected windows currently receive low levels of winter sunlight. Any further reduction will therefore translate into a large proportional change. Given the above conditions, the impact on this property is considered acceptable.

6.3.1 Conclusions on Daylight

The table shows that the daylight impact on flats in Christchurch House is not fully BRE compliant. However, the affected rooms are also served by a south facing window unaffected by the scheme. The affected west facing windows could also be considered as bad neighbour windows as they rely upon light from the application site. On this basis the impact on residential amenity is not considered to be sufficiently harmful to justify a refusal. No objections have been received from the occupiers of the flats.

6.4 Transportation

6.4.1 Parking

The application site is served by basement car parking, provided over two levels. There are approximately 18 bays on the first basement level and 40 on the second basement level, a total of 58 bays. However, the applicant advises that only 27 bays are set out to the standard minimum dimension of 2.4m (w) by 4.8m (l).

The residential car parking provision in the current scheme is 39 spaces for 65 residential units. This results in a car parking provision of 58%. The car parking will be accessed from a car lift within the loading bay area. An electric vehicle charging point is provided for every parking space.

UDP Policy TRANS23 relates to off-street parking for residential development and states that the Council will normally consider there to be a serious deficiency where additional demand would result in 80% or more of available legal on-street parking spaces. The evidence of the Council's most recent daytime parking survey in 2011 indicates that the parking occupancy within a 200 metre radius of the development site is 78.6%. Overnight the pressure on Residents' and Shared Use Bays increases still further to 82.1%. Although with the addition of Single Yellow Line availability at night, the parking occupancy level will fall.

The Highways Planning Manager has raised concerns about the level of parking and initially considered that the car parking should be provided unallocated to best accommodate the needs of the development. However, the applicant has since confirmed that the residential units in the scheme will not be sold but will (with the exception of the penthouse) be let on assured shorthold tenancies. The Highways Planning Manager has accepted that this is likely to reduce the demand for car parking and on this basis unallocated parking will not be necessary. It is recommended that a Car Parking Management Plan, which will include reference to the tenancy arrangements of the flats, is secured by condition.

The applicant advises that the scheme will provide 113 cycle spaces for the residential units and 66 spaces for the commercial floorspace with access via a separate cycle lift from Caxton Street. As there is some discrepancy over the exact amount of cycle parking, it is recommended that full details are secured by condition.

6.5 Servicing

The existing site has a service yard with turntable and a separate basement car park entrance which leads to a two-way ramp, both accessed from Caxton Street.

The proposal is to provide a combined delivery bay and car park entrance on Caxton Street and replacing the internal car ramp with a single car lift. The applicant advises that this is to reduce the visual impact of the delivery and servicing bay.

The Highways Planning Manager has advised that he is concerned about reducing the size of the service yard and replacing a car park ramp with a single car lift. Notwithstanding this, he has welcomed the fact that vehicles should be able to enter and exit the service area in forward gear and acknowledges that as the existing turntable in the service bay is not used vehicles are currently stopping on-street to service the development. On balance therefore, the Highways Planning Manager is satisfied with the arrangements subject to conditions to secure a Servicing Management Plan and to require all servicing to be undertaken off-street.

A condition is recommended to require all doors that open onto the highway to be inward opening.

6.6 Economic Considerations

The scheme is in accordance with the UDP and the economic benefits generated by the increase in commercial floorspace and residential units are welcomed.

6.7 Access

The scheme proposes to remove the steps and provide ramped access across the site to deal with the change in levels. This is welcome.

Level access will be provided to the residential entrance doors. Part M compliant lifts and Lifetime Homes compliant communal stairs will allow access to all floors within each building.

6.8 Other UDP/Westminster Policy Considerations

6.8.1 Refuse and recycling

The Cleansing Manager has agreed the arrangements for the storage and collection of waste and recyclable material for the residential flats and commercial uses within the development. A condition is recommended to secure these agreed arrangements.

6.8.2 Construction Impact

In order to mitigate the construction impact the applicant has agreed to sign up to the Council's Code of Construction Practice and to contribute towards the monitoring of the code by the Environmental Inspectorate and the monitoring of noise, dust and air pollution by Environmental Sciences. This could be secured through a S106 legal agreement.

In addition, the City Council's standard hours of works condition would be recommended to ensure all works audible at the site boundary are only carried out within the following hours: 08.00 and 18.00 Monday to Friday; 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays.

6.8.3 Noise pollution

Mechanical plant is proposed within the basement of the building, within an integrated plant room on the tower building and within a roof level enclosure within 63 Buckingham Gate (Building C). A plant noise assessment report has been submitted with the application that demonstrates that the plant will comply with the Council's standard noise conditions.

6.8.4 Archaeology

English Heritage has recommended that the Council secure a desk based assessment as part of the application. The applicant has since confirmed that the scheme will re-use the entirety of the existing basement and there will be no basement excavation. On this basis it is not considered that a desk based assessment or archaeological condition are required.

6.9 London Plan

The proposal does not raise strategic issues and does not have significant implications for the London Plan.

6.10 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

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

6.11 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Policy S33 of Westminster's City Plan: Strategic Policies relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

The City Council's Planning Obligations Supplementary Planning Guidance sets out in detail the scope and nature of obligations to which certain types of development will typically be subject.

It is recommended that the following principal items should be secured through the S106 legal agreement:

- i. Payment of £3,645,423 towards the City Council's affordable housing fund (index linked and payable on commencement of development);
- ii. Carbon off set payment of £53,190 (index linked and payable on commencement of development);
- iii. A Walkways Agreement to secure access to the public realm;
- iv. The applicant to sign up to the Council's Code of Construction Practice and to pay up to £18,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (both index linked and payable on commencement of development);
- v. Highway works;
- vi. An Employment and Training Opportunities strategy during construction works; and
- vii. S106 Monitoring contribution.

6.12 Environmental Assessment including Sustainability and Biodiversity Issues

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

Policy S40 of Westminster's City Plan: Strategic Policies considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The application is accompanied by a Sustainability Statement, an Energy Statement and a Code for Sustainable Homes Credit Review.

Energy

The development delivers an overall improvement of 32.17% over 2010 Building Regulations. This will be achieved through various measures including high specification glazing and building facade and the provision of a CHP serving all the domestic hot water as well as 65% of the heating demand.

It is proposed to provide photovoltaic (PV) panels on the roof of the main tower (Building A). Overall the scheme provides a site wide renewable energy reduction in carbon dioxide of 1.76%. This falls significantly short of the 20% policy requirement.

Overall this development only achieves 33.93% regulated carbon reduction. This represents a shortfall of 19.7 tonnes of carbon and does not comply with London Plan policy 5.2. However, the applicant has agreed to make a policy compliant contribution towards the Council's carbon offset fund to make up the shortfall in carbon reduction. The fund is used to enhance the

energy efficiency or installing renewable energy infrastructure on public or community buildings.

Code for Sustainable Homes

The pre-assessment report for Code for Sustainable Homes indicates that the residential units will achieve Level 4 with a score of 75.19% which is considered acceptable. It is recommended that a Code Level 4 is secured by condition.

BREEAM

The scheme is using a BREEAM Offices 2011 to showcase its sustainable development credentials. At interim design stage it is shown to achieve 'Excellent', with a pre-assessment score of 78.67%.

Overheating

The thermal modelling results show that the living spaces meet the CIBSE Guide A criterion. In addition, the windows have been designed to be openable and the flats are served by comfort cooling.

Biodiversity

The proposed development will involve the construction of a roof garden on Building B together with smaller areas of biodiversity roof. More information is needed on the biodiversity roof proposals (depth of substrate, seed mix etc). It is recommended that the green roof specification is secured by condition to ensure biodiversity and water attenuation benefits are secured rather than a low value sedum blanket roof.

The applicant has agreed to the provision of bird and bat boxes. It is recommended that full details of these are reserved by condition. This is to ensure that they are designed into the building's facade rather than simply added on to the building.

It is proposed to plant a feature Gingko tree into the new public realm which the applicant advises can attain a mature height of 15-20m in a hard landscape situation. It is recommended that full details of this soft landscaping are reserved by condition including details of the tree pit.

6.13 Other Issues

The applicant has submitted a Statement of Community Involvement with the application. The consultation has included meetings with local councillors and amenity groups, meetings with neighbours, a public exhibition held over two days, and a questionnaire for local people to make comments on the proposal.

6.14 Conclusion

The proposal will deliver design and public realm benefits that will enhance the character and function of this part of the City and the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area. These benefits are welcome. However, there will be an overall reduction in Class A1 floorspace which is contrary to policy. The Committee's views are therefore sought as to whether the loss of A1 floorspace is acceptable given the overall benefits of the scheme.

BACKGROUND PAPERS

1. Application form.
2. Memorandum from Cleansing Manager dated 9 July 2014.
3. Memorandum from Highways Planning Manager dated 18 July 2014.

4. Memorandum from Environmental Health dated 13 August 2014.
5. Letter from Westminster Society dated 10 June 2014.
6. Letters from English Heritage dated 2 June and 29 May 2014.
7. Letter from Victoria BID dated 23 June 2014.
8. Letter from Flat 19, Murray House, 3 Vandon Street dated 23 May 2014.
9. Letter from 40-42 Palmer Street dated 7 June 2014.
10. Letter from Rolls Royce dated 29 May 2014.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA JACKSON ON 020 7641 2934 OR BY E-MAIL – ajackson@westminster.gov.uk

DRAFT DECISION LETTER

- Address:** 63, 64 and 65 Buckingham Gate, 1-3 Brewer's Green and 30-42 Palmer Street, London, SW1E 6AS
- Proposal:** Recladding and reconfiguration of the tower building to provide 65 residential flats, Class B1 office use and Class A1 retail. Construction of six storey building for B1 office use and Class A retail (A1 and A2 or A3) on Caxton Street and four storey building comprising B1 office use and Class A1 retail on Buckingham Gate. Retention of existing basement levels. Associated works including highway works, new mechanical plant, car and cycle parking provision and loading facilities.
- Plan Nos:** Existing Plans - FP_BG_PA_ : L00_01000 Rev 01, LB1_00001 Rev 01, LB2_00000 Rev 01, L00_00002 Rev 01, L00_00003 Rev 01, L01_00004 Rev 01, L02_00005 Rev 01, L03_00006 Rev 01, L04_00007 Rev 01, L05_00008 Rev 01, L06_00009 Rev 01, L07_00010 Rev 01, L08_00011 Rev 01, L09_00012 Rev 01, L10_00013 Rev 01, L11_00014 Rev 01, L12_00015 Rev 01, L13_00016 Rev 01, L14_00017 Rev 01, L15_00018 Rev 01, LRF_00019 Rev 01, SW_00100 Rev 01, SW_00101 Rev 01, SW_00102 Rev 01, SW_00103 Rev 01, SW_00104 Rev 01, SW_00105 Rev 01, SW_00106 Rev 01, SW_00200 Rev 01, SW_00202 Rev 01, SW_00201 Rev 01, SW_00203 Rev 01.
Proposed Plans - FP_BG_PA_ : LB1_20001 Rev 02, LB2_20000 Rev 01, L00_20002 Rev 02, L00_20003 Rev 01, L01_20004 Rev 01, L02_20005 Rev 01, L03_20006 Rev 01, L04_20007 Rev 01, L05_20008 Rev 01, L06_20009 Rev 01, L07_20010 Rev 01, L08_20011 Rev 01, L09_20012 Rev 01, L10_20013 Rev 01, L11_20014 Rev 01, L12_20015 Rev 01, L13_20016 Rev 01, L14_20017 Rev 01, L15_20018 Rev 01, L16_20019 Rev 01, LRF_20020 Rev 01, SW_21000 Rev 01, SW_21001 Rev 01, SW_21002 Rev 01, SW_21003 Rev 01, SW_21004 Rev 01, SW_21005 Rev 01, SW_21006 Rev 01, SW_22001 Rev 01, SW_22002 Rev 01, SW_22003 Rev 01, SW_22000 Rev 01.
Daylight and Sunlight Assessment, Daylight and Sunlight Addendum (7 August 2014), Wind Microclimate Review, BREEAM Retail and Office Pre-Assessment, Code for Sustainable Homes Pre-Assessment, Management Strategy, Transport Assessment, Planning Statement, Affordable Housing Strategy (1 September 2014), Statement of Community Involvement, Design and Access Statement, Townscape and Visual Impact Assessment and Heritage Appraisal, Energy Strategy, Flood Risk Assessment, Plant Noise Assessment, Thermal Comfort Analysis, Drainage Management Plan.

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 You must carry out any building work which can be heard at the boundary of the site only:

* between 08.00 and 18.00 Monday to Friday;

- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 (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: Strategic Policies adopted November 2013, 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.

- 4 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.

- 5 You must provide the waste and recycling stores shown on the approved drawings before anyone moves into the residential or commercial units. You must clearly mark them and make them available at all times to everyone using the commercial and residential units. You must store waste inside the shared basement and only put it outside just before it is going to be collected. You must not use the waste stores 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: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 You must apply to us for approval of details of secure cycle parking for people who live and work in the development. You must not start work on this part of the development until we have approved what you have sent us. Thereafter the cycle spaces must be provided prior to occupation of any part of the development. Thereafter the cycle parking must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

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

- i) public seating within the public realm.
- ii) cycle parking for visitors to the development.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the public seating and visitor cycle storage in line with the approved details prior to the occupation of the offices and thereafter retain them in accordance with the details approved.

Reason:

To provide cycle parking spaces and seating for people using the development as set out in TRANS 10 and ENV 15(B) of our Unitary Development Plan that we adopted in January 2007.

- 8 You must apply to us for approval of details of:
- i) A Car Parking Management Plan. (See Informative 2)
 - ii) A Servicing Management Plan.
 - iii) A Public Realm Management Plan.

You must not occupy any part of the development until we have approved what you have sent us. Thereafter the car parking, servicing and public realm shall be managed in accordance with the approved plans.

Reason:

To ensure that the car parking provision is acceptable, to avoid blocking the surrounding streets and to ensure the public realm is properly managed as set out in S28, S29, S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, DES1, TRANS 20, TRANS 21 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 9 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development.

Reason:

To provide parking spaces for people living in the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the biodiversity roofs on Building B and sedum roof on Building A to include construction method, layout, species and maintenance regime.

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

Reason:

To enhance the bio-diversity of this part of the City as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 11 A Code for Sustainable Homes assessment must be completed and certified by the Building Research Establishment (or other authorised assessor) and a copy of the certificate detailing the award score for the residential flats within the building shall be submitted to us within 16 week of first occupation. In the event that this fails to meet the Pre-Assessment Score of 'Level 4' (or equivalent from another authorised assessor) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating, such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013.

- 12 A BREEAM Offices 2011 assessment must be completed and certified by the Building Research Establishment (or other authorised assessor) and a copy of the certificate detailing the award score for the building shall be submitted to us within 16 week of first occupation. In the event that this fails to meet the Pre-Assessment Score of 'Excellent' (or equivalent from another authorised assessor) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating, such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013.

- 13 You must apply to us for approval of details of bird boxes for the approved development. 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 detailed drawings and thereafter retain and maintain the boxes.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 14 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.

- combined heat and power unit.

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

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44BC)

- 15 The flexible use and occupation of the Class A1 and/or A2 and/or A3 accommodation 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.

Reason:

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

- 16 You must provide a minimum of 647sqm(GEA) of floorspace at ground floor level within the

development for Class A1 use or which is made available for Class A1.

Reason:

In order to ensure that an appropriate amount of A1 floorspace is provided within the development which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January 2007.

- 18 After the occupation of all the Class A1 and/or Class A2 and/or Class A3 accommodation allowed by this permission, a plan identifying the planning use of each unit shall be provided to the Local Planning Authority, and the deposited plan shall be updated as and when any changes in planning uses occur until the time stated in Condition 15.

Reason:

To make sure that you carry out the development according to the terms of the planning permission and any details we have approved.

- 19 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: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 20 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

- 21 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the surfacing of any part of the site not covered by buildings and details of the size, species and planting pit for the feature tree. You must not start work on this part of the development until we have approved what you have sent us.

You must then carry out the hard landscaping according to the approved drawings prior to occupation of the commercial units and the soft landscaping within one planting season of completing the development. If you remove tree or find that it is dying, severely damaged or diseased, you must replace it with a tree of a similar size and species.

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: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

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

Reason:

To provide family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007.

- 23 You must apply to us for approval of details of a Tables and Chairs Management Plan to include a drawing to showing the location of areas to be used for external tables and chairs for the Class A units, details of all external furniture, the hours of operation and details of how the tables and chairs for will be managed for each individual unit. You must not put out any tables and chairs or other furniture until we have approved what you have sent us. Thereafter the tables and chairs and other furniture must be managed in accordance with the approved management plan.

Reason:

To make sure pedestrians can move easily within the site and to ensure that the external seating will not cause nuisance for people in the area. This is as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8, TACE 9, TACE 11, TRANS 3 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 24 Customers shall not be permitted within any Class A3 restaurant use before 07.00 or after 23.30 on Monday to Saturday (not including bank holidays and public holidays) and before 08.00 or after 23.00 on Sundays, bank holidays and public holidays. (C12BD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 25 You must apply to use for approval of details of the ventilation system to get rid of cooking smells for the restaurant unit(s). The Class A3 restaurant use allowed by this permission must not begin until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 26 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 3 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 27 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 Broadway and Christchurch Gardens Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 28 You must apply to us for approval of samples of the facing materials you will use, including glazing and paving, and elevations, floor and roof plans annotated to show where the materials are to be located. You must not start work until we have approved what you have sent us. You must then carry out the work using the approved materials.

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 Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 29 You must apply to us for approval of details of the following parts of the development:
- i) typical elevational details at a scale of 1:50
 - ii) ground floor elevations, including shopfronts and signage zones, at a scale of 1:50
 - iii) plans and x-sections at a scale of 1:50 showing communal satellite dish(es) to be located in purpose-designed areas that are not open to public views
- 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 Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 30 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

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 Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

- 31 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 Broadway and Christchurch Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 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)

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: Strategic Policies adopted November 2013, 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 are advised that the car parking management plan required by condition 8 should contain the following details:
 - i) Provision of a vehicle signalling system to ensure that vehicles entering the development site have priority over those leaving and will not have to reverse onto the public highway or wait on the public highway for the lift access to be clear for use and thereafter maintained in working order for the life of the development;
 - ii) Provision of a minimum of 20% active and 20% passive provision of electric car charging points within the car park;
 - iii) Marked disabled bays are for the use of white badge holders only;
 - iv) No more than 1 car parking space ("right to park") per residential unit;
 - v) The approved residential car parking spaces only be used by occupants of the residential development and for no use or user and maintained for the life of the development;
 - vi) Car parking spaces, vehicle manoeuvring areas and vehicle access routes to be maintained for the life of the development and used for no other purpose than providing vehicle car parking and access to the spaces
 - vii) Confirmation that the residential units are to be occupied as rented accommodation and will not be sold.

- 3 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (138AB)

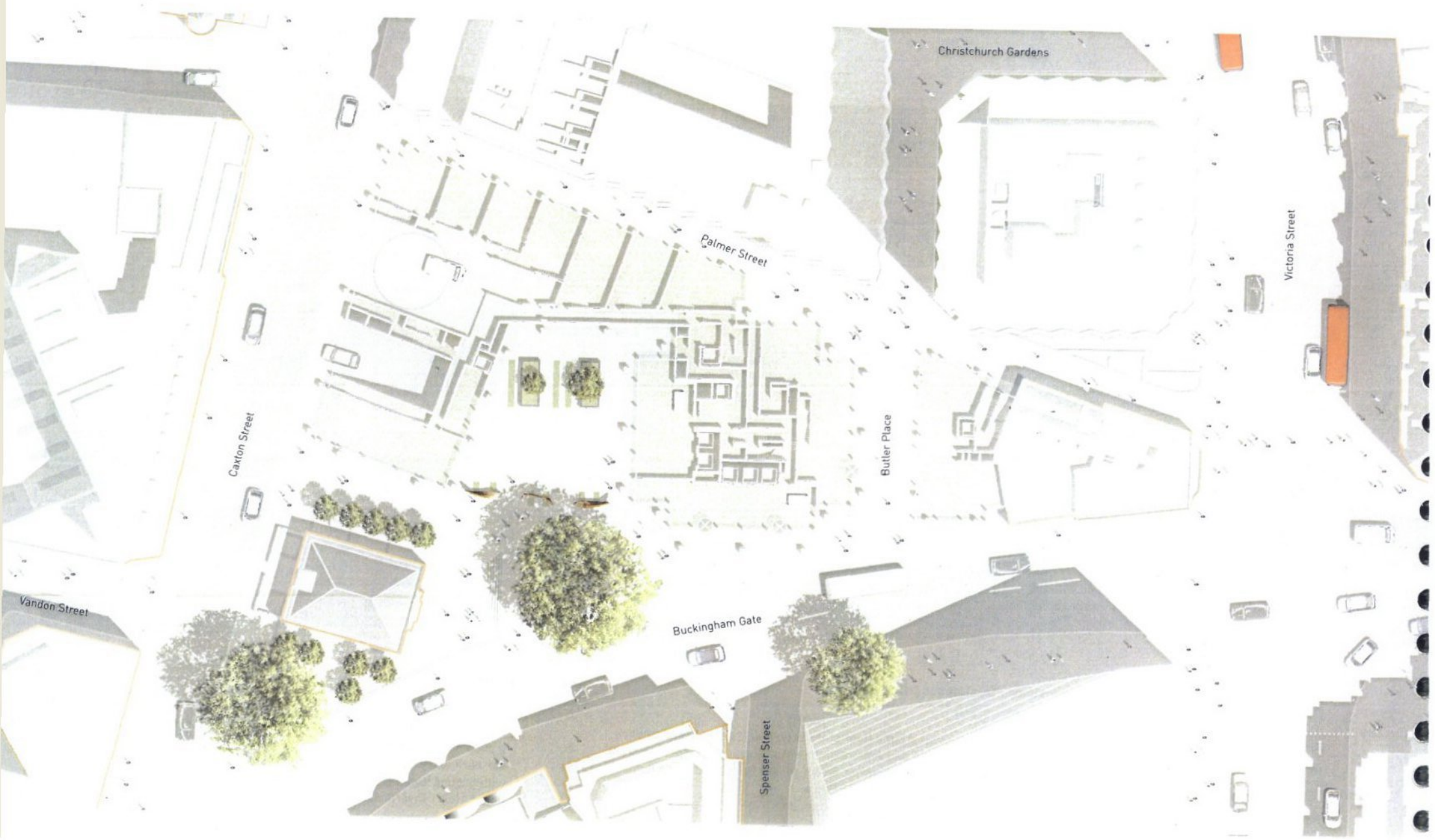
- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.
If you have not already done so you must submit an Assumption of Liability Form to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>
Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.
You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- 5 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) Payment of £3,645,423 towards the City Council's affordable housing fund (index linked and payable on commencement of development)
 - ii) Carbon off set payment of £53,190 (index linked and payable on commencement of development);
 - iii) A Walkways Agreement to secure access to the public realm;
 - iv) The applicant to sign up to the Council's Code of Construction Practice and to pay up to up to £18,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (both index linked and payable on commencement of development);
 - v) Highway works;
 - vi) An Employment and Training Opportunities strategy during construction works; and
 - vii) S106 Monitoring contribution.
- 6 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)
- 7 The kitchen extract ducts should be designed to discharge at highest roof level and clear of all existing and proposed windows in the vicinity. We accept systems with a flue height level which is higher than any building within 20 metres of the building housing the commercial kitchen.

A scheme of odour reduction may 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.

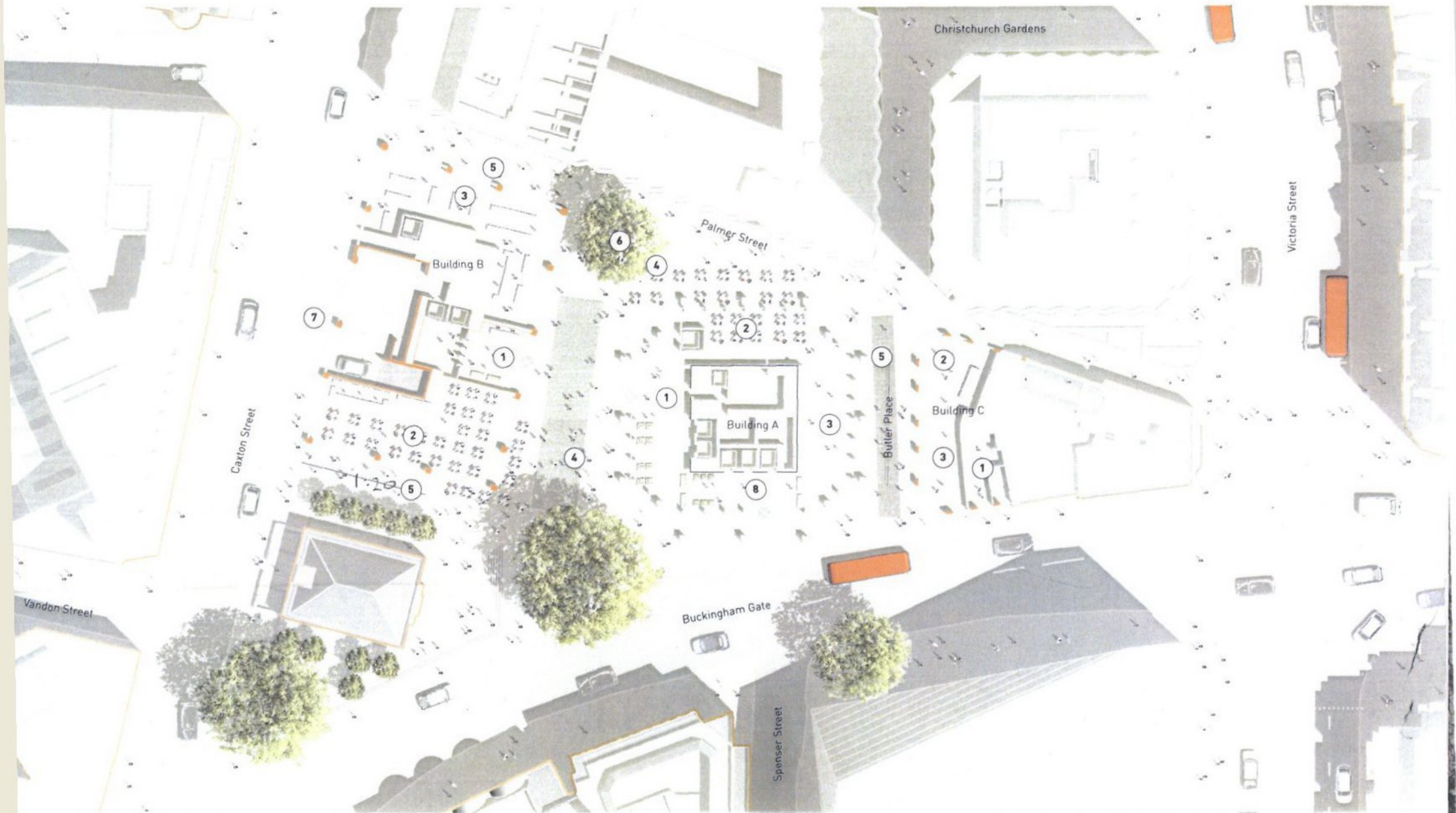
All kitchen extract ducts must be fitted with doors/hatches for cleaning, at 3 metre intervals, complying with the H & S safe access standards

Noxious substances from flue : No substances shall be discharged from the duct in concentrations which are injurious to persons living or working in the vicinity of the premises or which cause a nuisance to any occupants in the area.

Existing ground level plan

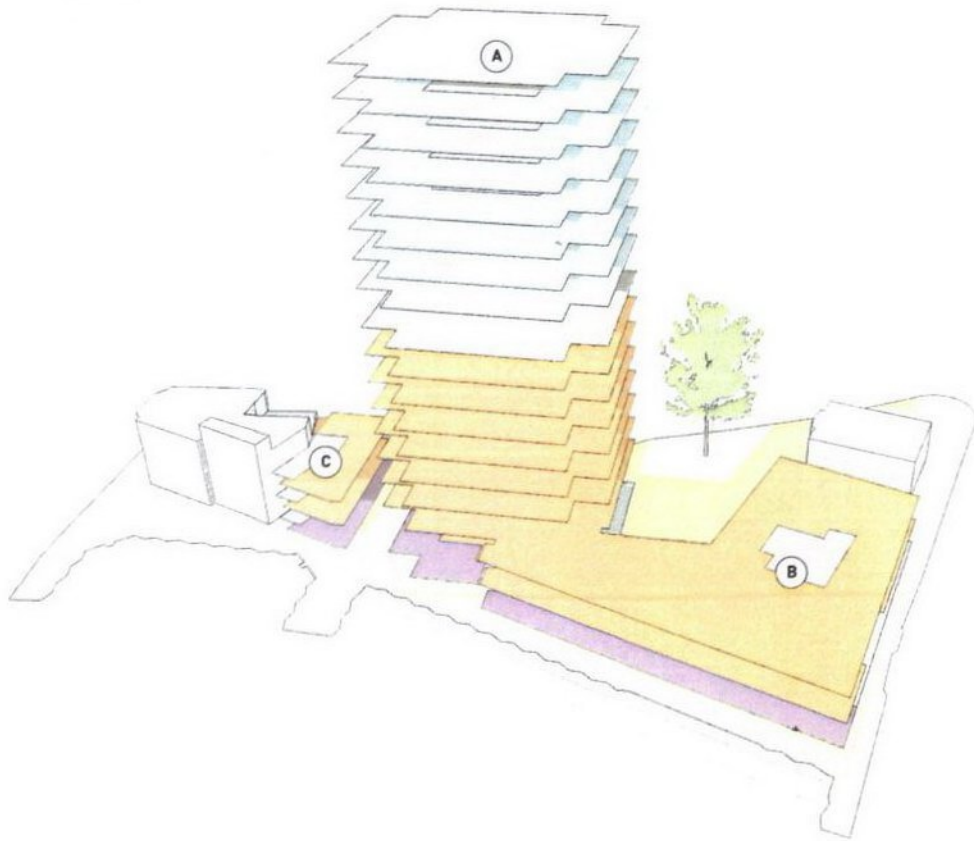
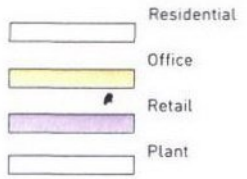


Proposed ground level plan



Legend: 1. Office entrance | 2. Cafe / restaurant | 3. Shop | 4. New step-free public realm | 5. Existing public realm upgraded and step-free | 6. New tree | 7. Loading bay and car park entry frontage is minimised | 8. Residential entrance

Legend :



Existing use configuration



Proposed use configuration

Elevations

In the proposal for Building A, the central plant floor is removed and the residential use is increased, so that office levels occupy L01 to L04, and residential apartments occupy L05 to L16.

The building is proposed to be re-clad by increasing the glass : solid ratio to modernise the facade, and give the effect of a 'new building'. There is no visual distinction externally between office and residential uses internally.

The typical Mies van der Rohe t-profile fin is replicated, emphasising the slender vertical proportions of the building. High quality black anodized metal spandrel panels have a matt finish, and have a slender horizontal slots gap at the top and bottom of the panel which allows the ventilation for the flats to be mechanically exhausted through the facades.

Triple glazed windows meet the relevant requirements under Building Regulations Part L for thermal performance, at both office and residential levels, whilst optimising views out of the building. A proportion of the windows act as openable vents, allowing natural background thermal comfort and ventilation.

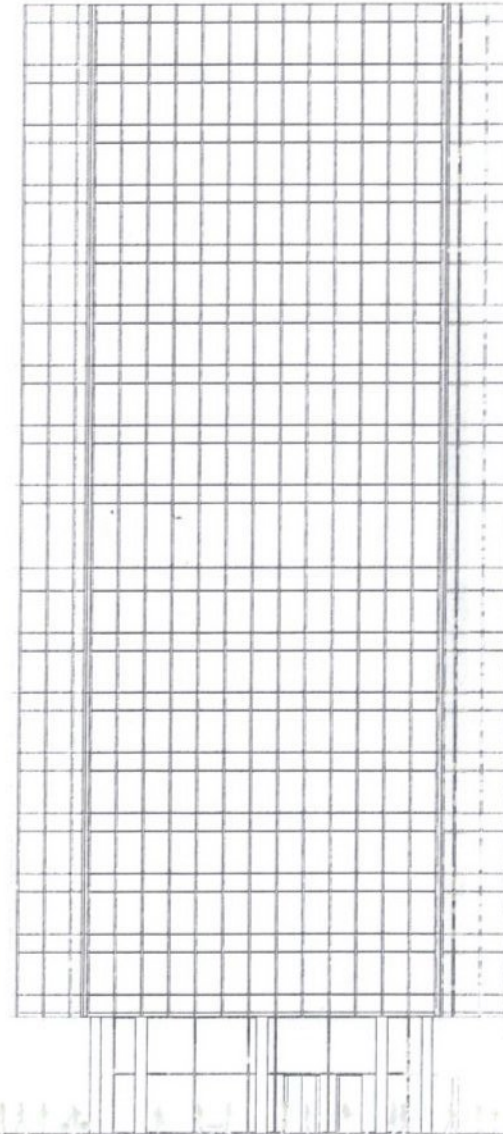
The existing roof plant level is extended to the building perimeter to provide a new residential floor at Level 16, repeating the typical cladding module. A small, low level plant enclosure is set back from the edge of the elevations, and is not visible from street level.

The bottom of the building is separated from Building B, and meets the ground with full height clear-glazed retail and reception spaces.

Existing West Elevation



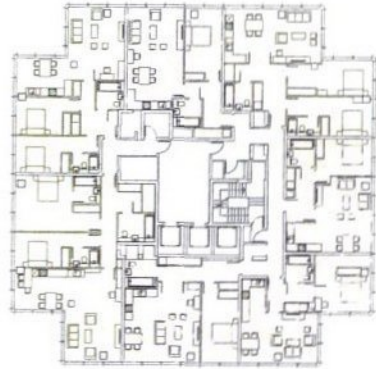
Proposed West Elevation



L06



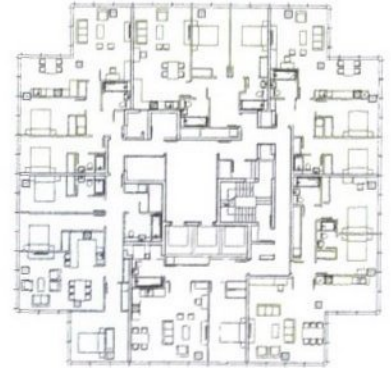
L07



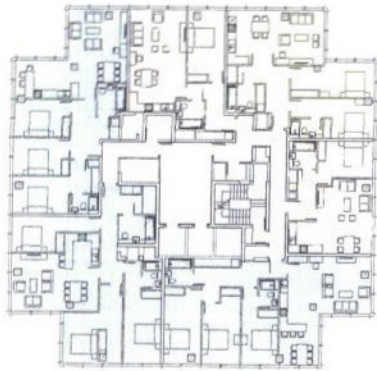
L08



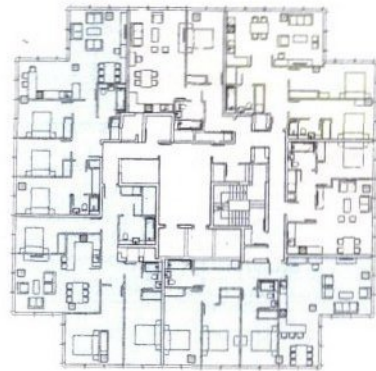
L09



L11



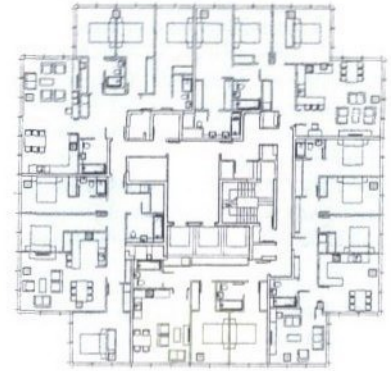
L12



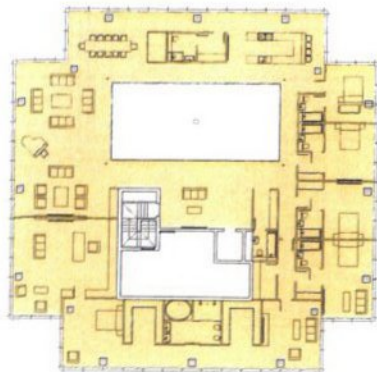
L13



L14



L16



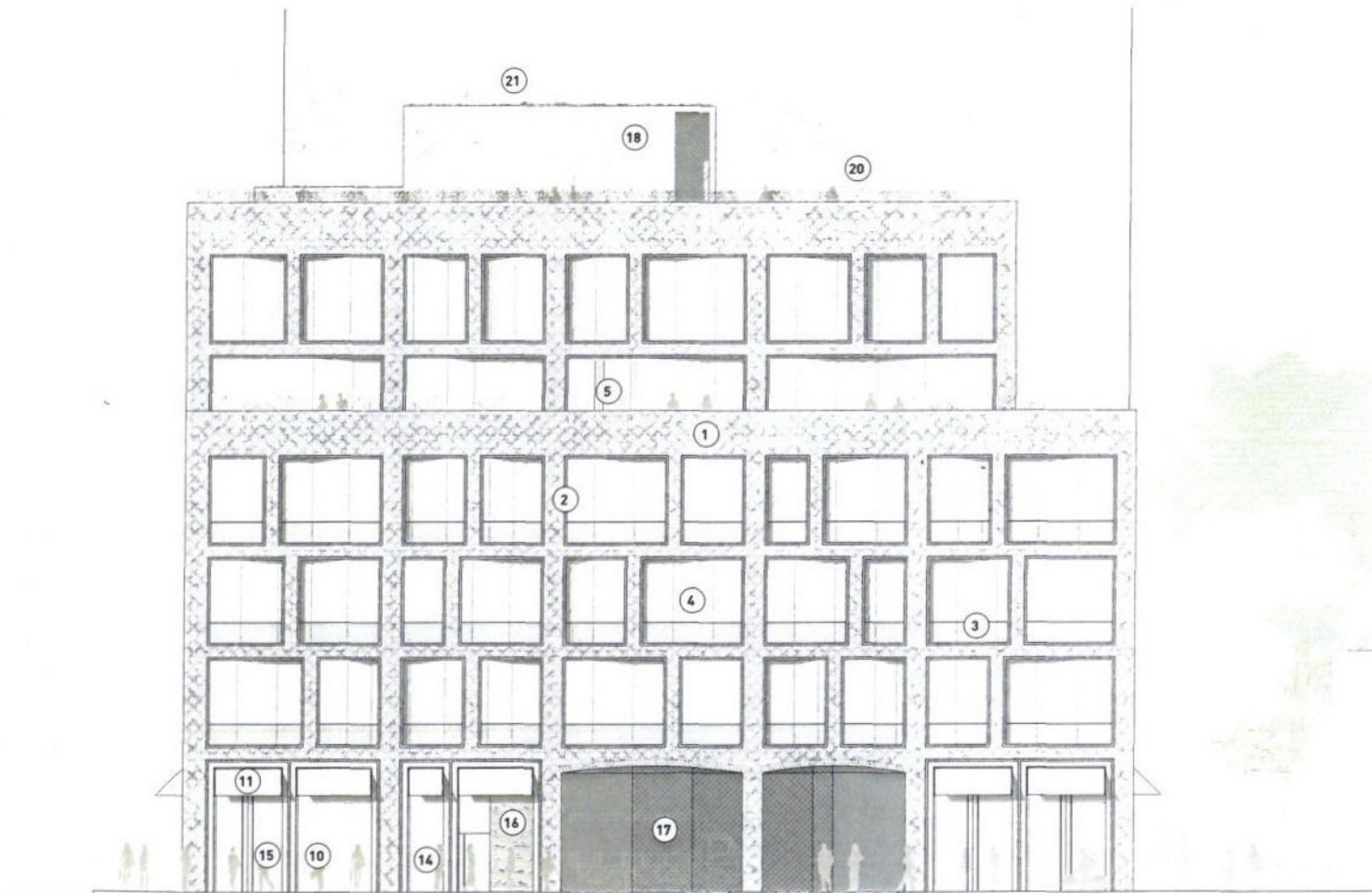
View 8: Looking north from Artillery Row Proposed



63-65 BUCKINGHAM GATE AND 1 BREWER'S GREEN, LONDON SW1E 6AT

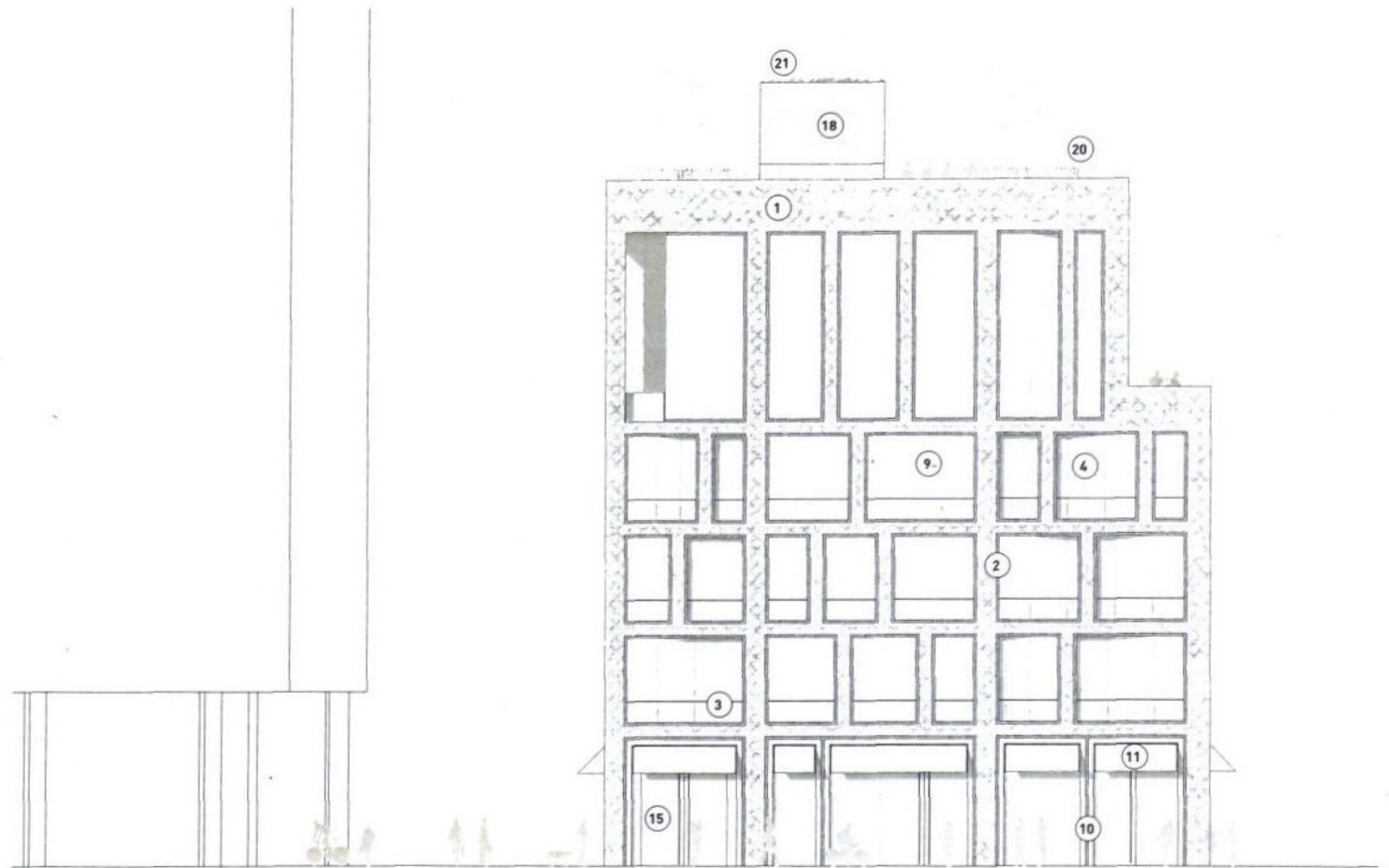
North Elevation - Caxton Street

- 1 Red-brick façade with protruded trellis patterning
- 2 Black anodized metal shadow gap to glazing and spandrel panels
- 3 Black anodized metal spandrel panel
- 4 Double glazed clear glass curtain wall system with high performance coating
- 5 Double glazed clear glass door with high performance coating onto terrace
- 6 Clear glass balustrade to 'loggia' terrace
- 7 Clear glass balustrade to Juliette balcony
- 8 Double glazed clear glass sliding door with high performance coating
- 9 Double glazed fritted units within curtain wall system with high performance coating
- 10 Black anodized/cast metal frames to retail frontage
- 11 Retractable canvas canopies
- 12 Clear glass frameless revolving door
- 13 Double-glazed clear glass pass door
- 14 Double-glazed clear glass door to cyclists entrance
- 15 Double-glazed clear glass door to retail
- 16 Black anodized metal ventilation louvres in trellis pattern
- 17 Black trellised anodized/cast metal sliding door to loading bay
- 18 Black trellised anodized/cast metal plant enclosure
- 19 Glass lift doors
- 20 Roof garden
- 21 Sedum roof













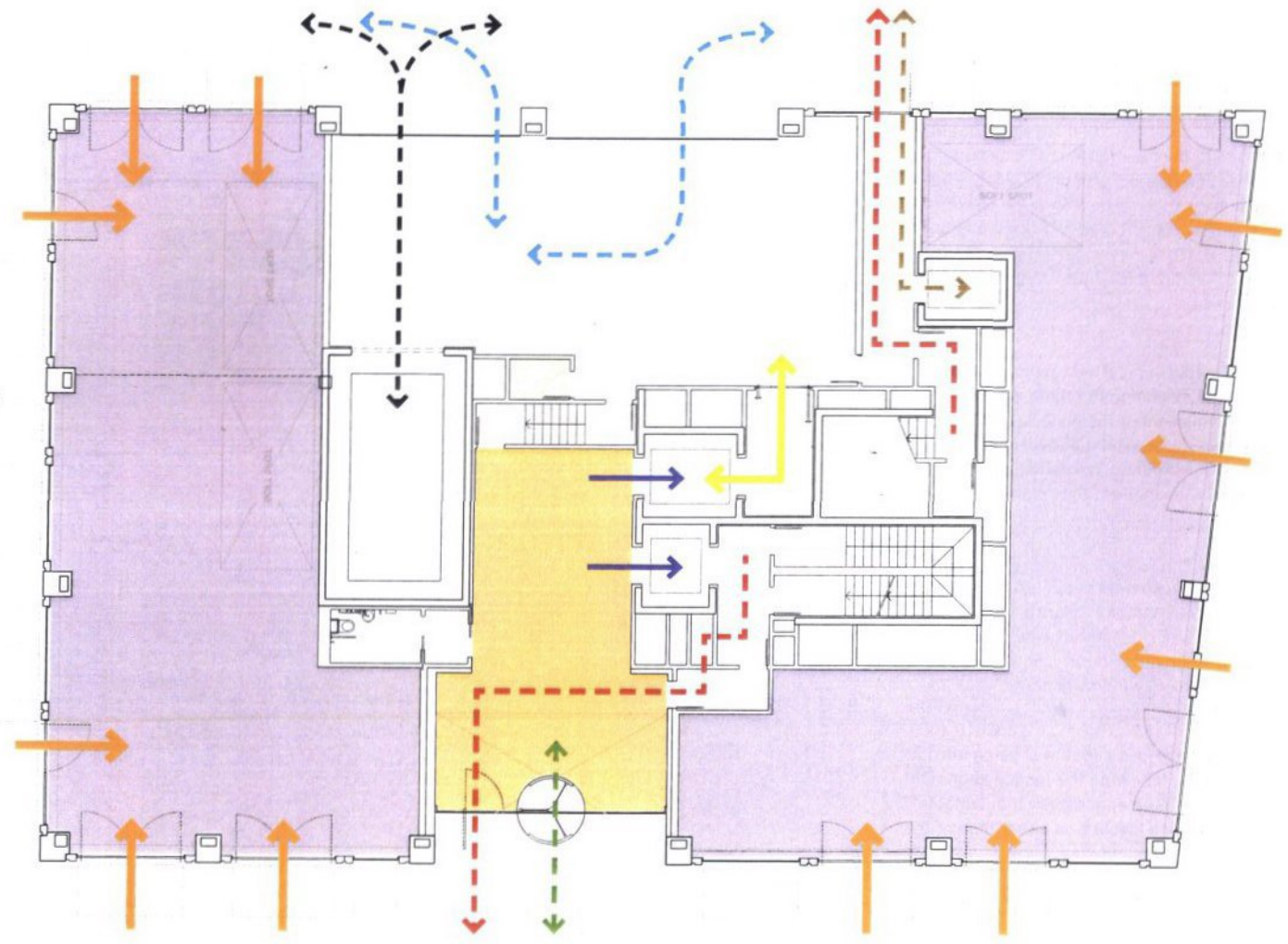
East Elevation - Palmer Street

- 1 Red-brick façade with protruded trellis patterning
- 2 Black anodized metal shadow gap to glazing and spandrel panels
- 3 Black anodized metal spandrel panel
- 4 Double glazed clear glass curtain wall system with high performance coating
- 5 Double glazed clear glass door with high performance coating onto terrace
- 6 Clear glass balustrade to 'loggia' terrace
- 7 Clear glass balustrade to Juliette balcony
- 8 Double glazed clear glass sliding door with high performance coating
- 9 Double glazed fritted units within curtain wall system with high performance coating
- 10 Black anodized/cast metal frames to retail frontage
- 11 Retractable canvas canopies
- 12 Clear glass frameless revolving door
- 13 Double-glazed clear glass pass door
- 14 Double-glazed clear glass door to cyclists entrance
- 15 Double-glazed clear glass door to retail
- 16 Black anodized metal ventilation louvres in trellis pattern
- 17 Black trellised anodized/cast metal sliding door to loading bay
- 18 Black trellised anodized/cast metal plant enclosure
- 19 Glass lift doors
- 20 Roof garden
- 21 Sedum roof



+ 70 %
 increase in active
 frontage to Caxton Street

- Legend :
-  Retail
 -  Potential Retail entrance
 -  Office reception
 -  Office entrance /exit
 -  Entry to passenger lifts
 -  Proposed means of escape
 -  Goods route
 -  Servicing vehicle entry + exit
 -  Car parking entry and exit
 -  Dedicated cyclist entry + exit



Loading bay management staff office

Proposed ground floor plan

Office floors - Typical Levels

New office floor plates extend the full depth and width of the building footprint, accessed from the central office lifts - with a toilet and escape core behind.

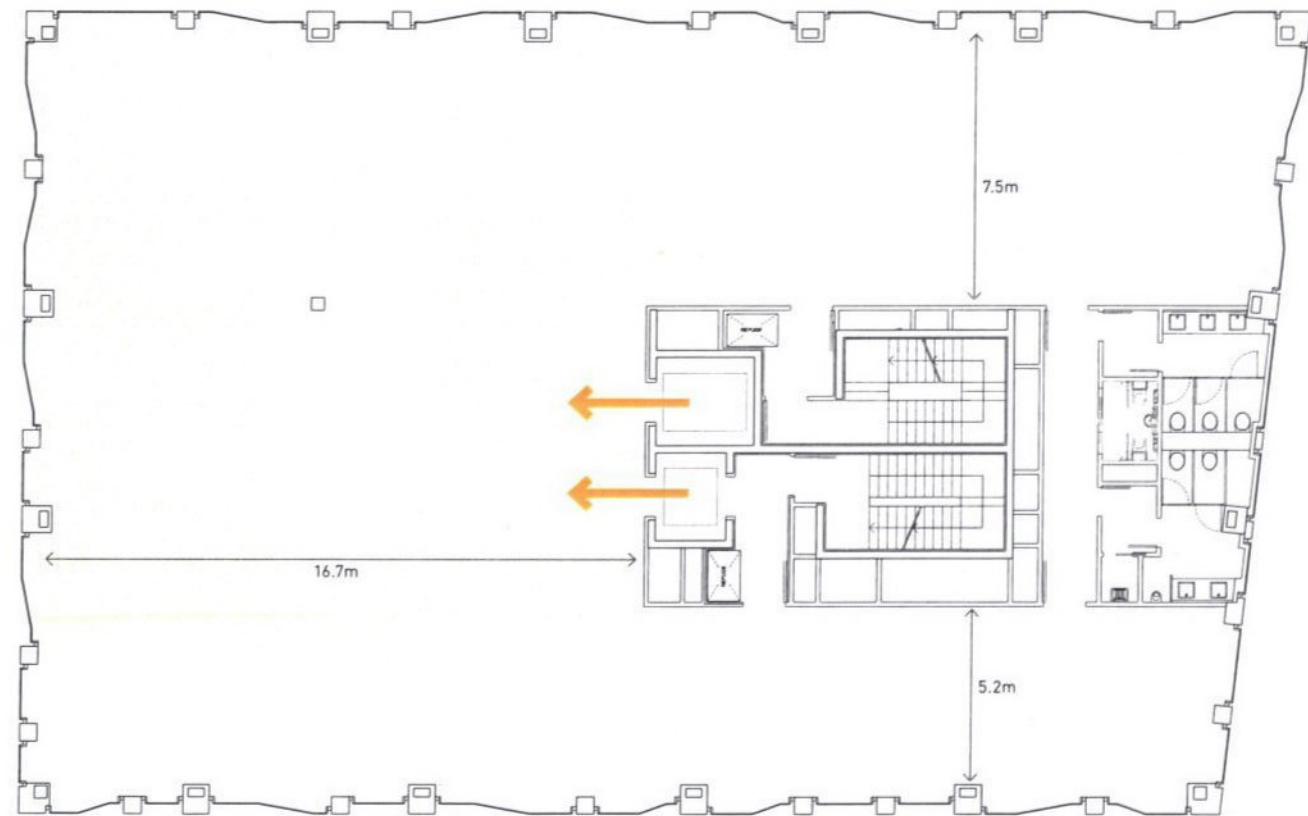
The core is arranged at the Palmer Street end of the building in order to maximise views out of the office space to the newly created Buckingham Green, the Blewcoat School, particularly when exiting the passenger lifts, and to the Caxton Street street-scene of listed red-brick buildings. The mechanical and electrical service risers are arranged to facilitate multiple tenancy splits if required.

The windows fold in faceted vertical sheets, recessing and extruding to create a modern bay window, reminiscent of the historic brick buildings along Caxton Street, whilst allowing wider angled views out of the building, responding to the narrow conditions of Buckingham Green and Palmer Street.

The floor to ceiling height is set out at 2.8m, whilst the floorplate is arranged to suit a BCO planning grid of 1.5m, and brings natural daylighting into high specification office floors, which are between 4.5m to 16.5m from window to core.

A 1.5m planning grid is capable of being introduced to the floorplate, following the facade alignment, allowing for optimum space planning, suitable for cellular or open layouts, at either high or low density occupancy.

At first floor level, there is a void over the ground floor reception, to create a feature entrance, which is intended to have a brick vaulted ceiling. The rest of the floorplate is the same as the levels above



View 7: Looking west along Caxton Street from outside Caxton Hall Proposed



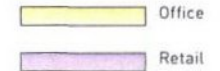
Concept

Building C acts as a transition between the Grade II listed Albert Tavern, and the shift in massing to the taller Building A, sitting on the intersection of Victoria Street, Buckingham Gate, Palmer Street, and Butler Place.

The proposal is to complement the architectural style and massing of the Albert Tavern, by replacing the existing Building C with a building which;

- changes the footprint and frontage of the building, as well as the overall height, to sit with the Grade II listed Albert Tavern
- removes the dark, oppressive glazing and replaces it with visually permeable frontage
- animates the face of the building to Palmer Street so that it becomes an autonomous element rather than an annexe to the central building
- allows level access to Building A and Building C through Butler Place, removing the clutter of the existing stepped arrangement
- replaces inactive frontage at ground floor with an increased retail presence, which re-activates the street-scene
- at upper levels, the 1960's office floors are replaced, with modern studio-office space, targeting a different kind of occupier to the other emerging local large floor-plate office buildings

Legend :



Existing ground floor plan in context

Proposed ground floor plan in context

Elevations

Floor and ceiling levels are set out so that the fenestration on the exterior of the building is proportioned to match the architectural features of the Grade II Albert Tavern. This allows for generous floor to ceiling heights, and a practical ceiling void for mechanical and electrical services over a shallow floor plate.

The setting out of floor levels allows the building to sit comfortably with the Albert Tavern, and complete the island block



Elevations

- 1 Yellow 'London Stock' coloured anodized metal panels with black anodized/cast metal trellis in front
- 2 Yellow 'London Stock' coloured anodized metal spandrel panel with recessed trellis patterning
- 3 Yellow 'London Stock' coloured anodized metal shadow gap to glazing and spandrel panels
- 4 Double glazed clear glass curtain wall system with high performance coating
- 5 Black anodized/cast metal frames to retail frontage
- 6 Double-glazed clear glass door to retail
- 7 Double glazed clear glass office entrance door
- 8 Black anodized/cast metal trellis plant enclosure with acoustic screen behind



North Elevation - Butler Place