



## City of Westminster

Title:

**Planning (Major Applications) Sub-Committee**

Meeting Date:

**Tuesday 10th November, 2020**

Time:

**6.30 pm**

Venue:

**Please note that this will be a virtual meeting.**

Members:

**Councillors:**

Robert Rigby (Chairman)  
David Boothroyd  
Geoff Barracough

Jim Glen  
Louise Hyams  
James Spencer

**This will be a virtual meeting and members of the public and press are welcome to follow the meeting and listen to discussion to Part 1 of the Agenda**

**This meeting will be live streamed and recorded. To access the recording after the meeting please revisit the link.**

**If you require any further information, please contact the Committee Officer, Georgina Wills: Committee and Governance Officer.**

**Tel: 07870 548348; Email: [gwillis@westminster.gov.uk](mailto:gwillis@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### **3. MINUTES**

**(Pages 5 - 12)**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

Please note that you must register by 12 Noon on the Friday before the Committee meeting

In the event that you are successful in obtaining a speaking slot at the virtual meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

- |    |  |                   |
|----|--|-------------------|
| 1. | <b>LANSDOWNE HOUSE 57 BERKELEY SQUARE LONDON W1J 6ER</b> | (Pages 17 - 46)   |
| 2. | <b>FIRST CHICAGO HOUSE 90 LONG ACRE LONDON WC2E 9RA</b>  | (Pages 47 - 98)   |
| 3. | <b>DEVELOPMENT SITE AT 52 TO 73 WILTON ROAD LONDON</b>   | (Pages 99 - 170)  |
| 4. | <b>THE COLONNADES 34 PORCHESTER SQUARE LONDON W2 6AT</b> | (Pages 171 - 202) |

**Stuart Love  
Chief Executive  
30 October 2020**

## **Order of Business**

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

<b>Order of Business</b>
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

## MINUTES

### Planning (Major Applications) Sub-Committee

#### MINUTES OF PROCEEDINGS

Minutes of a virtual meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 15th September, 2020**

**Members Present:** Councillors Robert Rigby (Chairman), David Boothroyd, Geoff Barraclough, Jim Glen, Louise Hyams and James Spencer

**Also Present:** Councillor Antonia Cox (Item 1)

#### 1 MEMBERSHIP

There were no changes to the membership.

#### RESOLVED:

That Councillor Jim Glen was elected as deputy chairman for the meeting

#### 2 DECLARATIONS OF INTEREST

- 2.1 The Chairman explained that a week before the meeting, all six Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.3 Councillor Robert Rigby declared in respect of Items 1 and 4 that he had sat on the Sub-committee when these applications had previously been considered. Councillor Spencer made the same declaration in respect of Item 1.

- 2.4 Councillor Louise Hyams declared that the application site for Item 2 was located in her ward. She further declared that she had received a briefing on the proposal with her ward colleagues but had not commented on the application.
- 2.5 Councillor Geoff Barraclough declared in respect of Item 1 that although he had spoken publicly in relation to the application he had come to the meeting with an open mind. He further declared that he had met with Westbourne Terrace Road Residents in relation to another scheme.
- 2.6 Councillor Boothroyd declared, he is the Head of Research and Psephology for Thorncliffe, whose clients are companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were, he would be precluded from working on them under the company's code of conduct.
- 2.7 Councillor Boothroyd further declared that some Thorncliffe clients have also engaged planning consultants who are separately representing the applicants tonight: CBRE on item 1, Gerald Eve on items 2 and 4. However, he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.
- 2.8 On item 1, Councillor Boothroyd declared that he had made a ward councillor representation to the committee in January in support of the officer recommendation (not as erroneously stated in the GLA report of 23 March, support for the application). He had no involvement in the Labour Group press release. He was confident that he approached the revised scheme with an open mind.

### **3 MINUTES**

- 3.1 That the minutes of the meeting held on the 21 July 2020 be signed by the Chairman as a correct record of proceedings.

### **4 PLANNING APPLICATIONS**

#### **1 5 KINGDOM STREET LONDON**

Erection of a mixed-use development comprising ground floor (at Kingdom Street level) plus 19 storeys to provide offices (B1a) and retail (A1/A3) plus plant and amenity areas at roof level. Three floors below Kingdom Street delivered in phases to provide an auditorium (Sui Generis), and a flexible mix of business (B1a), retail (A1/A3/Sui Generis), sport and leisure (D2) and exhibition/conference (D1/Sui Generis) uses within the former 'Crossrail box'. New outdoor terraces adjacent to railway at basement level; creation of a new pedestrian and cycle link between Harrow Road and Kingdom Street including internal and external garden and landscaping; and associated works.

Michael Meadows addressed the committee in support of the application.

Samantha Speirs addressed the committee in objection of the application.

An additional representation was received from British Land (9.9.2020).

Late representations were received from Councillors Melvyn Caplan, Lorraine Dean and Matthew Green in their capacity as Little Venice Ward Councillors (undated).

The presenting officer tabled the following amendments to the recommendations and the Draft Decision Notice.

Reason for objection 1:

To raise objection to the revised height, mass, location and design of the proposed building, which would result in less than substantial harm being caused to the setting of a number of nearby designated heritage assets, ~~and to protected and local views including those identified within the London Views Management Framework~~. The identified harm is not sufficiently outweighed by the revised public benefits that the proposed development would secure.

**RESOLVED UNANIMOUSLY:**

Following the council's resolution, on the 23 March 2020, the Deputy Mayor for Planning, Regeneration & Skills, acting under delegated authority issued a direction to the Council that the Mayor will act as the Local Planning Authority for the purposes of determining the Application (under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 and the powers conferred by Section 2A of the Town and Country Planning Act 1990 (as amended)). The applicant has submitted revisions to the mayor who has consulted the Council.

The Sub-Committee agreed the following representations:

1. To raise objection to the revised height, mass, location and design of the proposed building, which would result in less than substantial harm being caused to the setting of a number of nearby designated heritage assets. The identified harm is not sufficiently outweighed by the revised public benefits that the proposed development would secure.
2. To raise an objection on the grounds of the cumulative loss of daylight and sunlight to windows serving habitable rooms of neighbouring residential properties (Westbourne Terrace Road and Warwick Crescent) in light of the new evidence submitted by the applicant.
3. To raise objection to the loss of the dedicated 150m<sup>2</sup> of community space.
4. That in the event the Mayor of London resolves to grant permission following the public hearing, to delegate authority to the Director of Place Shaping and Town Planning to enter into a S106 agreement to secure the planning obligations as may be agreed by the Mayor of London acting as the local planning authority under Article 7 of the Mayor of London Order (2008).

## **2 DEVELOPMENT SITE AT 55-58 PALL MALL AND 1-4 CROWN PASSAGE LONDON**

Demolition of 55-58 Pall Mall and 1-4 Crown Passage, and erection of a new building with a part retained facade comprising basement, ground and six upper floors plus mezzanine with a new raised height mansard roof level, to provide office (Class B1) use at basement, part ground to seventh floor level, and provision of two flexible retail/ restaurant (Class A1/ A3) units at part ground level. Creation of terraces at 5th, 6th floor level and 6th floor mezzanine level, installation of plant, and provision of cycle parking spaces and facilities.

Colin McColl addressed the committee in support of the application.

A late representation was received from the applicant in the form of a brochure of the proposed re-development of 55-58 Pall Mall and 1-4 Crown Passage (undated)

The presenting officer tabled the following revised recommendation:

1. Grant conditional permission, subject to receiving no substantive objection and the imposition of recommended conditions from Historic England Greater Archaeology Advisory Service (GLAAS) following expiry of their consultation on 28 September 2020.
2. Grant conditional permission, subject to the completion of a S106 legal agreement to secure the following planning obligations:
  - a) A financial contribution of £28,003 to the Westminster Employment Service (index linked and payable on commencement of development); and b) The costs of monitoring the S106 legal agreement.
3. If the legal agreement has not been completed within six weeks of the date of the Sub-Committee resolution then:
  - a) The Director of Place Shaping and Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Place Shaping and Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Additional condition (no.22) 'Demolition'

22. 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.

**RESOLVED UNANIMOUSLY:**

1. That conditional permission be granted, subject to receiving no substantive objection and the imposition of recommended conditions from Historic England Greater Archaeology Advisory Service (GLAAS) following expiry of their consultation on 28 September 2020.
2. That conditional permission be granted, subject to the completion of a S106 legal agreement to secure the following planning obligations:
  - a) A financial contribution of £28,003 to the Westminster Employment Service (index linked and payable on commencement of development); and
  - b) The costs of monitoring the S106 legal agreement.
3. That conditional permission be granted subject to the additional condition 22 as tabled and set out above.
4. If the legal agreement has not been completed within six weeks of the date of the Sub-Committee resolution then:
  - a) The Director of Place Shaping and Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate the Director of Place Shaping and Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

**3 56 WINCHESTER STREET LONDON SW1V 4NH**

Replacement of existing rear single-storey infill extension at lower ground level with two-storey infill extension rising up to first floor level; vertical extension of existing second-floor closet wing to rear; construction of new staircase to front lightwell; construction of double-pitched mansard roof extension to create new third floor level and rear terrace, all to facilitate the conversion of the single family residential property into two residential flats (planning use class C3).

Conrad Koslowsky addressed the committee in support of the application.

Jennifer Dell addressed the committee in support of the application.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted.

**4 50 EASTBOURNE TERRACE LONDON W2 6LG**

Details of Servicing Management Plan and waste storage pursuant to condition 18 and 24 of planning permission dated 5th February 2020 (RN:19/07378/FULL).

Mark Younger addressed the committee in support of the application.

Amy Rogers addressed the committee in objection of the application.

John Walton addressed the committee in objection of the application

Councillor Antonia Cox addressed the committee as the local ward councillor.

An additional representation was received from SEBRA (7.9.2020, 9.9.2020) and the Occupier of Chilworth Mews (undated).

Late representations were received from Applicant and SEBRA (up to 14.9.2020); SEBRA (14.9.2020), a resident (14.9.2020) and YardNine (11.9.2020)

The presenting officer tabled the following additional informative to be added to the draft decision notice:

3. Additional informative 2

You are advised to consider providing a prominent and permanent notice stating the permitted servicing hours and giving a telephone number with which residents can report any problem being caused.

**RESOLVED UNANIMOUSLY:**

That details be approved subject to:

- (i) the acceptance of the applicant's offer of further concessions to the service management plan (SMP). The SMP to be amended accordingly and that officers be authorised to approve the details under delegated powers following the review of the revised SMP by the Chairman, and
- (ii) the inclusion of an additional informative as tabled and set out above and a further informative for the applicant to contact the council's Highways manager in relation to the funding of a no idling sign within the mews.

The Meeting ended at 9.08 pm

**CHAIRMAN:** \_\_\_\_\_ **DATE** \_\_\_\_\_



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# Agenda Annex

**CITY OF WESTMINSTER**  
**PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 10th November 2020**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

Item No	References	Site Address	Proposal	Applicant
1.	<b>RN(s):</b> 20/04428/FULL  West End	Lansdowne House 57 Berkeley Square London W1J 6ER	Demolition of the existing building and redevelopment of the site to provide a new building, comprising of basement, lower ground, ground and nine upper storeys for use as office (Class B1) accommodation, flexible retail (Class A1 and/or Class A3 and/or Class A4) and/or gym (Class D2) uses at part lower ground and ground floor level, public realm improvements, and associated works.	Juramia Limited

**Recommendation**

1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:
  - Provision of 536 m<sup>2</sup> of affordable housing at Castle Lane to be made ready for occupation prior to commencement of development or a financial contribution of £3 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
  - Employment and Skills Plan including a Financial Contribution of £ 230,564.74 (index linked and payable on commencement of development)
  - All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions and associated work (legal, administrative and physical).
  - Tree Planting and maintenance within the vicinity of the site
  - Monitoring costs
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:
  - a) the Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
  - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Item No	References	Site Address	Proposal	Applicant
2.	<b>RN(s) :</b> 20/03062/FULL  St James's	First Chicago House 90 Long Acre London WC2E 9RA	Part demolition, infilling and alterations to existing building to provide a building comprising 4-10 storeys for office use (Class B1) with flexible uses at lower and upper ground floor level including retail, restaurant, bar, assembly and leisure and non-residential institutions (within classes A1, A3, A4, D1, D2, and Sui Generis); internal pedestrian routes with a publicly accessible atrium; upgraded roof terraces; plant at main roof level; servicing, storage, cycle parking and associated works.	Northwood Investors

**Recommendation**

1. Grant conditional permission, subject to the views of the Mayor of London and the completion of a S106 legal agreement to secure:
  - Employment and Skills Plan including a Financial Contribution of £258,145.64 (index linked and payable on commencement of development).
  - Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).

**CITY OF WESTMINSTER**  
**PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 10th November 2020**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

	<ul style="list-style-type: none"> <li>• Dedication of highway.</li> <li>• Walkways agreement for the new public route through the building.</li> <li>• Monitoring costs.</li> </ul> <p>2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:</p> <ul style="list-style-type: none"> <li>a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</li> <li>b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</li> </ul>
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Item No	References	Site Address	Proposal	Applicant
3.	<b>RN(s):</b> 19/06682/FULL  Warwick	Development Site At 52 To 73 Wilton Road London	Demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storeys building and 2 basement levels for a mixed-use development comprising office floorspace (use Class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th and 5th floor levels, 5 residential flats (4 x 2 bedroom flats and 1 x 3 bedrooms flat) with balconies (use Class C3) at first to third floor levels at the corner with Gillingham Row and retail floorspace (use Classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays.	Vitcorp Limited

**Recommendation**

1. Grant conditional permission subject to the completion of a S106 legal agreement to secure the following:

- Carbon offset payment of £43,956 (index linked) payable on commencement of development.
- All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, provision of soil crating system for tree planting and associated work (legal, administrative and physical).
- A financial contribution towards employment, training and skills of £180,468.03 (index linked) payable on commencement of development.
- Tree Planting contribution of £20,000 index linked, to be used for the purposes of tree planting and maintenance, with planting priority where conditions allow to be given in the following order:
  - Zone 1; In the location shown on planning application drawing 055-A-11-10 G
  - Zone 2; Within 200m of the development site
  - Zone 3; Within Tachbrook ward
  - Zone 4; Any sites outside Zones 1-3 within the administrative boundary of the City of Westminster
- Costs of monitoring the S106.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible

CITY OF WESTMINSTER  
 PLANNING (MAJOR) APPLICATIONS SUB COMMITTEE – 10th November 2020  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not</p> <p>b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.</p> <p>3 i) That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place.</p> <p>ii) That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.</p>			
Item No	References	Site Address	Proposal	Applicant
4.	<b>RN(s):</b> 20/05356/FULL	The Colonnades 34 Porchester Square London W2 6AT  Bayswater	Erection of single storey roof extension to provide additional accommodation to 7 residential flats facing Bishop's Bridge Road.	Lim, Alsuwaidi, Osho, Osomo, Kuti, Ong & Al-Malazi
<b>Recommendation</b>		Grant conditional permission.		

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# Agenda Item 1

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b>	<b>Classification</b>
Report of Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End
<b>Subject of Report</b>	<b>Lansdowne House, 57 Berkeley Square, London, W1J 6ER</b>	
<b>Proposal</b>	Demolition of the existing building and redevelopment of the site to provide a new building, comprising of basement, lower ground, ground and nine upper storeys for use as office (Class B1) accommodation, flexible retail (Class A1 and/or Class A3 and/or Class A4) and/or gym (Class D2) uses at part lower ground and ground floor level, public realm improvements, and associated works.	
<b>Agent</b>	Gerald Eve	
<b>On behalf of</b>	Juramia Limited	
<b>Registered Number</b>	20/04428/FULL	<b>Date amended/completed</b>
<b>Date Application Received</b>	14 July 2020	14 July 2020
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>	Mayfair	

## 1. RECOMMENDATION

1. Subject to referral to the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure:
  - Provision of 536 m<sup>2</sup> of affordable housing at Castle Lane to be made ready for occupation prior to commencement of development or a financial contribution of £3 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
  - Employment and Skills Plan including a Financial Contribution of £ 230,564.74 (index linked and payable on commencement of development)
  - All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions and associated work (legal, administrative and physical).
  - Tree Planting and maintenance within the vicinity of the site
  - Details of Internal structural design, including columns and soffits, to be agreed prior to commencement of development
  - Monitoring costs
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution then:

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<b>1</b>

- a. The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b. The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## **2. SUMMARY**

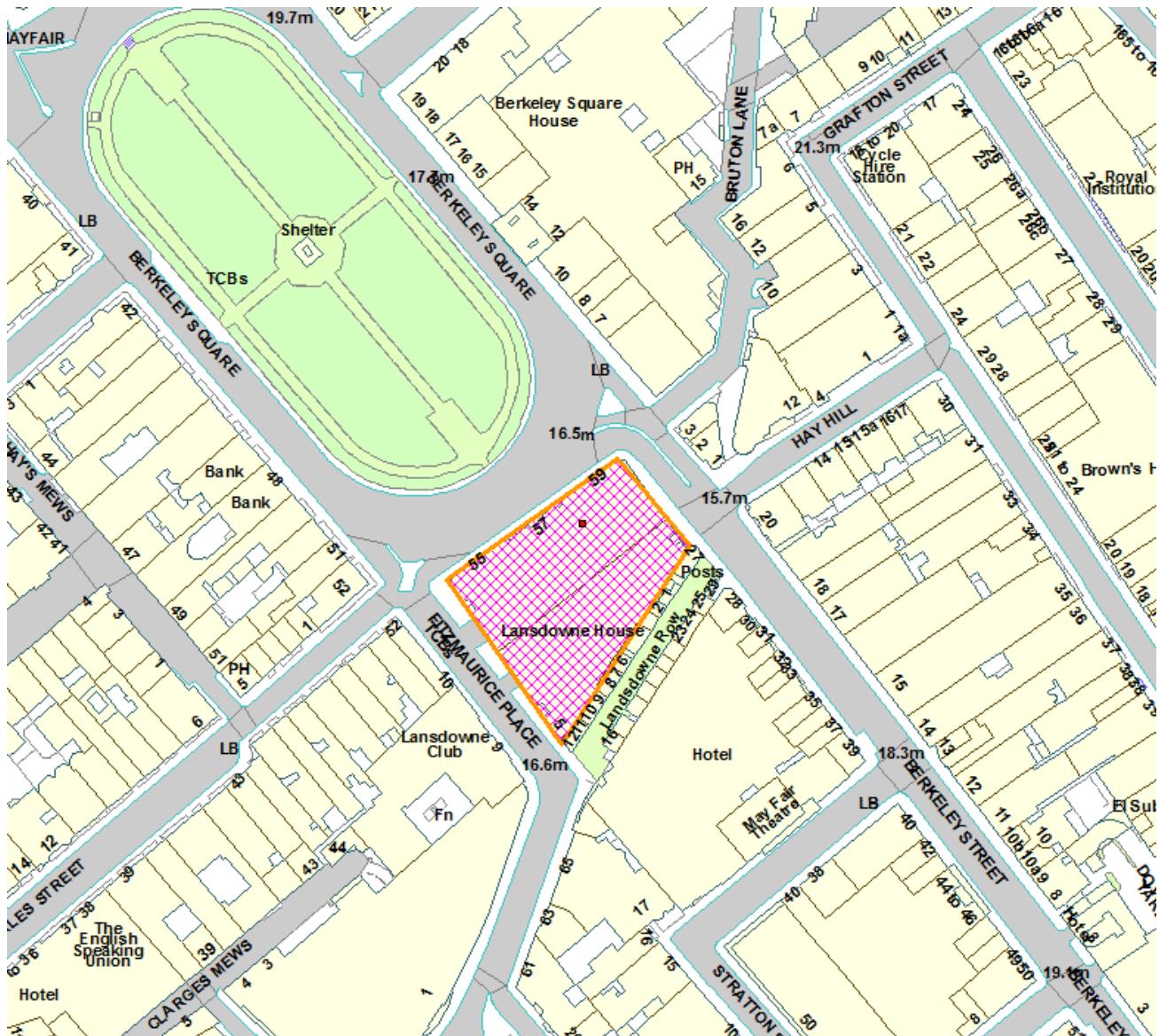
The site is a 1980's building which occupies the whole of the full southern side of Berkeley Square. Permission is sought for the demolition of the existing building and redevelopment of the site to provide an office led mixed-use development including service uses on the lower floors. The new building would comprise lower floors, ground and nine upper floors.

The key issues for consideration are:

- The acceptability of the scheme in land use terms;
- The impact of the proposed building on the townscape, the setting of the Mayfair Conservation Area and the settings of adjacent listed buildings;

Redevelopment of the site is supported in principle. The increase in height and bulk of the buildings would result in some harm to the townscape in certain views. This harm is considered to be less than substantial and the public benefits in providing a high quality design, which would optimise a commercial led development providing significant employment opportunities, are considered, to outweigh the less than substantial harm to the Mayfair Conservation Area. The application is recommended for approval subject to referral back to the Greater London Authority and subject to the completion of a legal agreement.

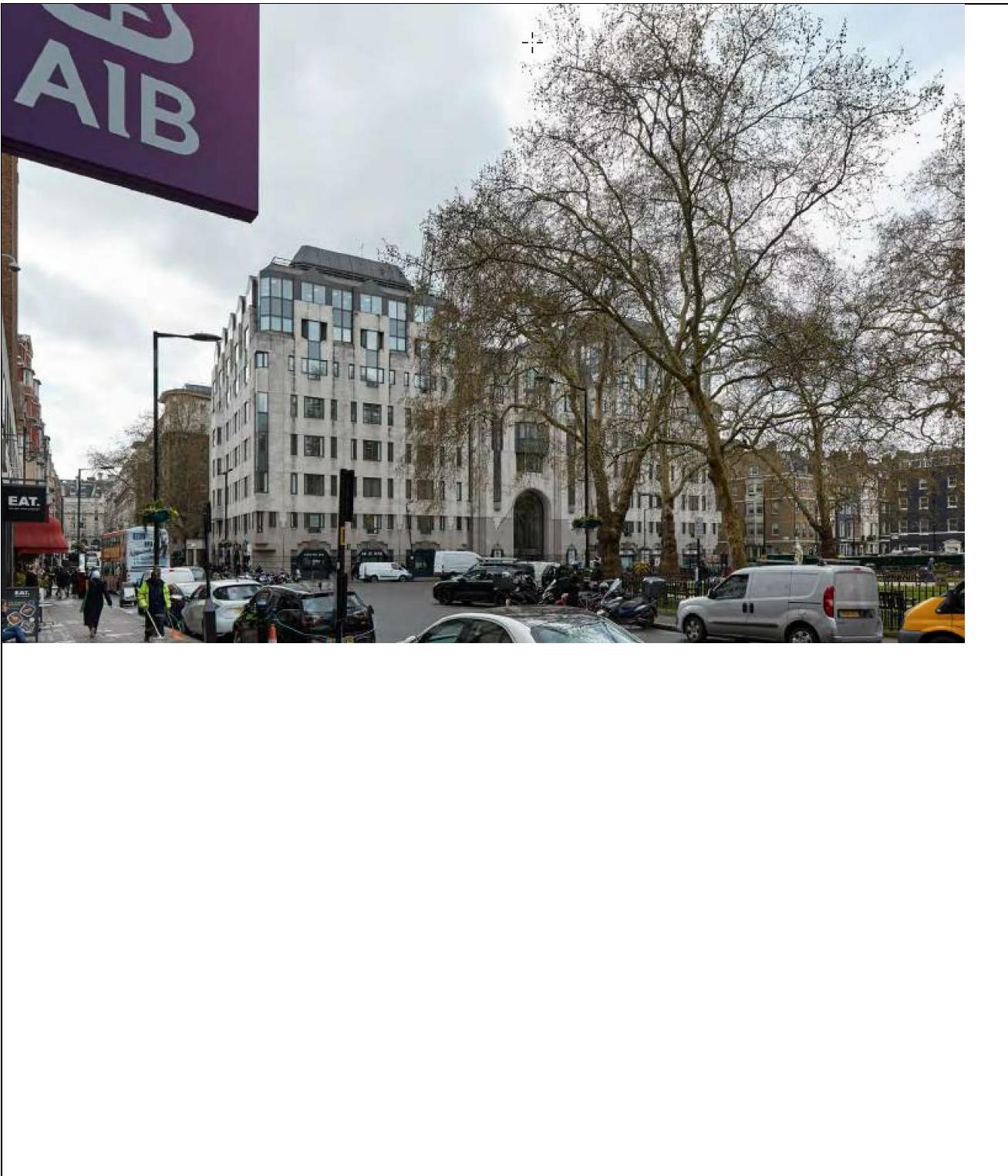
### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's

Item No.
<b>1</b>

#### 4. PHOTOGRAPHS



Item No.
<b>1</b>

## 5. CONSULTATIONS

### GREATER LONDON AUTHORITY

Stage 1 response

Principle of development: The offer of contribution towards offsite affordable housing is welcomed. Further information on the provision of affordable workspace is required

Urban design: The proposed height, massing, architecture and layout is broadly supported

Heritage: The proposed development is considered to preserve the significance of Mayfair Conservation Area and surrounding listed buildings and will not result in harm to them

Transport: Further information on blue badge parking and electric vehicle charging is required. Further justification on the proposed quantum of short stay cycle parking is required and a contribution towards the cycle hire scheme is required. A Construction Logistics Plan, a Delivery and Servicing Plan and a Travel Plan should be secured. The applicant should commit to working with the Council on the Berkeley Square South public realm improvement scheme and an appropriate contribution should be secured

Sustainable development: Further information on energy strategy, urban greening, and circular economy strategy is required

### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to comment

### HISTORIC ENGLAND (Archaeology)

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest no further assessment or conditions are therefore necessary.

### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally

### RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally

### HIGHWAYS PLANNING MANAGER

Response to be reported verbally

### WASTE PROJECT OFFICER

Further refuse and recycling details are required.

### ENVIRONMENTAL SERVICES

No objection subject to appropriate conditions

### ARBORICULTURAL SECTION

Objection; comment that the removal of the pear tree on Fitzmaurice Place is considered

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<b>1</b>

acceptable subject to funding to secure a replacement, however the submission doesn't adequately demonstrate that the development will not harm 3 London Plane trees on Lansdowne Row.

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

No. Consulted: 596

Total No. of replies: 1

No. of objections: 1

1 objection received on behalf of the Lansdowne Club at 9 Fitzmaurice Place, whilst no objection is raised to the principle of redevelopment, the following concerns are raised:

- i) impact on the setting of the Listed building;
- ii) loss of daylight and sunlight, and increased light pollution
- iii) harm to Fitzmaurice Place due to the increased mass of building, and the location the service access in conflict with the club's servicing arrangements.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

### 6. BACKGROUND INFORMATION

#### 6.1 The Application Site

Lansdowne House, 57 Berkeley Square, occupies the southern side of Berkeley Square, with the main building entrance fronting the Square. The building comprises basement, lower ground, ground, plus seven upper floors. The upper floors are in office use, the ground floor is predominantly retail and restaurant space. The two top floors are set back from the building edge and the central part of the building is lower than the east and west 'wings'. Lansdowne House was first constructed in the mid 1930's. However, this building was demolished, and the existing building was constructed in its place in 1988.

The site is bordered by Berkeley Street to the east, Fitzmaurice Place to the west and Lansdowne Row to the south. Fitzmaurice Place is used predominantly for deliveries and servicing at ground floor level, and Lansdowne Row is a pedestrian thoroughfare which consists of a series of sandwich bars, cafes and restaurants.

The site lies with the Core Central Activities Zone (CAZ) and the Mayfair Conservation Area. The building is not listed. Berkeley Square to the front of the site is a Grade II Registered Park and Garden. Berkeley Square is characterised by a particularly diverse range of land uses. The immediate vicinity includes office, retail, restaurants, cafes, residential, galleries and public houses.

Berkeley Square sits in a part of Mayfair of varied townscape. A number of early houses remain around the Square, many are listed and these are principally located along the southern part of the west side. The public realm around the site is fairly inhospitable for pedestrians with the footways along Berkeley Square and Lansdowne Row being particularly narrow and tight. Comprehensive public realm works are being undertaken around the northern side of Berkeley Square, and there are aspirations for the delivery of enhanced public realm around the entire square, subject to funding.

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## 6.2 Recent Relevant History

On 10 June 2019 a Certificate of Immunity from listing was issued. This confirms that the building did not meet the necessary criteria for statutory designation, and that no new listing applications could be made for the building prior to June 2024.

There are a number of permissions relating to the ground floor shop units, none are however directly relevant to this redevelopment scheme.

## 7. THE PROPOSAL

The proposed new building comprising basement, lower ground, ground and nine upper storeys for use as office accommodation, flexible retail and/or restaurant, or bar or gym uses at part lower ground and ground floor levels. Plant machinery and ancillary building uses such as showers/ changing facilities and cycle parking are to be located at basement level.

The applicant consider that the existing building is outdated and in need of redevelopment as it doesn't meet the demands of a 21<sup>st</sup> Century office environment. There are five structural cores which result in a poor spatial efficiency and give a warren-like feeling to the internal spaces. These cores, along with the dense façade, low ceilings and an atrium largely obscured at high level, result in poor levels of natural light to the office floorplates.

The proposed building seeks to increase the height on the site by adding approximately two storeys. It is also proposed to increase the floor to ceiling heights to modern standards. The proposed floorplates are clear and unobstructed, to create open and contiguous office floorplates. Landscaped and planted break out roof terraces on the set back upper floors will provide external amenity space for the office occupiers. The core is located centrally and the office floorplates will enable subdivision for multiple tenants.

Service access to the building will remain in a similar location to the existing, on Fitzmaurice Place. All servicing will take place within the building, other than one loading bay proposed on Berkeley Street. The application includes improvements to the public realm around the site on Lansdowne Row, Berkeley Street and Fitzmaurice Place.

## 8 DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the

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Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class. Of relevance to this application, former Class B1 (Business) A1 (Shops) A3 (Restaurants) and D2 (Gymnasium) are now included within Class E. Planning permission is not required to change the use of a building (or part of a building) between these uses. This is because changes of use within a use class does not constitute development.

There is currently a legal challenge to these Regulations that was heard on 14-15 October 2020. If a decision is made on this legal challenge by the time of this Committee meeting, Members will be verbally updated.

Regardless of the outcome of this legal challenge, as the application was submitted before these Regulations came into force, the application has been assessed and must be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), restaurant (Class A3), bar (Class A4) gymnasium (Class D2) and offices (Class B1).

The existing and proposed floorspace figures are set out in the table below

	Existing GIA (m <sup>2</sup> )	Proposed (m <sup>2</sup> )	
<b>Office</b>	<b>24,092</b>	<b>30,267</b>	<b>+6175</b>
<b>Retail/restaurant/ bar/ Sui Gen use</b>	<b>1618</b>	<b>2240</b>	<b>+622</b>
<b>Total</b>	<b>25710</b>	<b>32,507</b>	<b>+6797</b>

### Offices

The site lies within the Core CAZ and Central Mayfair (as designated in the Mayfair Neighbourhood Plan) where City Policy S6 identifies as being an appropriate location for a range of commercial and cultural uses.

The proposed development is office led proposal and the provision of significant new office accommodation is one of the applicant's key drivers for the scheme. The office reception/ entrance will be accessed from both Berkeley Square as currently exists and Lansdowne Row. The proposed development will provide up to 30,267 m<sup>2</sup> of office floorspace, an increase of 6175m<sup>2</sup>.

Commercial developments are directed to the Core CAZ, Paddington, Victoria and Tottenham Court Road Opportunity Areas, Named Streets and the North Westminster Economic Development Area. New office floorspace is encouraged within the Core CAZ to enhance Westminster's strategic role in London's office sector, and support London's global competitiveness.

City Plan policy S20 states:

'The council will work to exceed the target of additional B1 office floorspace capacity for at least 58,000 new jobs (774,000 sq. m B1 office floorspace) between 2016/17 and 2036/37, an average of 2,900 new jobs per annum. The provision of increased commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location.'

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The provision of a significant quantum of commercial offices accords with the City Council's strategic objectives and policies. An office led scheme is considered to be appropriate to the site and this part of the West End. The scheme will contribute to the Core CAZ being a competitive business location. The applicant states that the proposed development has the potential to provide 317 net additional jobs of which up to 80 will likely go to City of Westminster Residents.

The increase in employment and jobs as part of the scheme is in accordance with City Plan and London Plan policies would be a benefit. The improved quality and increase in quantum of office floorspace is supported in land use terms. In their stage 1 response the GLA advise that the proposed office-led mixed- use development would support the strategic functions of the CAZ and other London Plan policies and is supported.

To ensure that the development is carried out in accordance with the use sought and that the upper floors of the building are not used for other uses within Class E that may have different or unacceptable impacts in terms of waste storage, servicing, amenity or transportation requirements, it is recommended that a condition be imposed requiring the floorspace sought for use as offices to be used for this purpose only and for no other purpose within Class E.

#### Mixed Use Policy

##### Adopted Policy

Policy S1 is applicable for developments within the Core CAZ, the Named Streets, and Opportunity Areas, which includes net additional B1 office floorspace. Residential is required where the increase in office floorspace is more than 30% of the existing building (for all uses).

In this case as the net additional floorspace of all uses is 26% (ref table below) this is below the threshold of 30% accordingly under adopted mixed use policy there is no mixed- use requirement to provide housing.

	Existing m <sup>2</sup>	Proposed m <sup>2</sup>	Increase m <sup>2</sup>	Additional as % of existing
All uses	25,710	32,507	6,797	26%

The scheme that formed part of pre -application discussions sought a bigger replacement building and the additional floorspace would have triggered a requirement to provide residential under adopted policy S1. The height and bulk was however reduced in response to townscape concerns.

##### Emerging City Plan Policy

Notwithstanding the fact that there is now no mixed-use policy requirement, the applicant at pre-application stage considered the implications of providing an increased quantum of commercial office floorspace that would have triggered the provision of housing under adopted policy and the delivery of affordable housing under the then emerging policy.

At the time the application was submitted the emerging City Plan draft policy 10 set a threshold for increases in office floorspace of 2,750 m<sup>2</sup>, above which 35 % affordable housing would be sought. The proposed development will result in an office uplift of 6,175 m<sup>2</sup>. In applying the draft policy to the scheme this would have resulted in a requirement to provide 2,160 m<sup>2</sup> of affordable housing. The cascade set out under draft Policy 10 would be for affordable housing units to be delivered on-site, "unless it is demonstrably impracticable or unviable to do so".

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Where officers were satisfied that affordable housing cannot be provided on-site the housing could be provided off site within the vicinity of the host development and a PIL was considered to be the last resort. The emerging policy influenced the applicant to explore options for the delivery of residential floorspace rather than opting for a PIL.

#### Initial Proposal

##### On site housing

In recognition of the direction of travel of the City Council's policy the applicant assessed the feasibility of the provision of on- site housing. The study concluded that it would not be feasible to provide residential on site. The residential units would be substandard in terms of amenity and quality with the majority being single aspect and in certain configurations suffering from poor daylight and sunlight and noise levels, and being overlooked. Furthermore the provision of residential as part of an island site office development would significantly compromise the office floorplates, rendering the commercial scheme undeliverable; and the cores required to serve the residential accommodation would not only impact on the efficiency of the offices but would compromise the flexible retail space at ground floor level.

##### Off- site housing

On the basis that on-site residential couldn't be provided the applicant considered off-site provision. The applicant advises that they own no other available, or suitably sized, alternative sites within the vicinity of the application site which could deliver residential floorspace. Accordingly, alternative solutions were considered.

The applicant entered into an agreement with Landsec regarding use of part of its approved residential development at 2-4 Castle Lane, Victoria, London. Planning permission was granted for this on 6 February 2019 (ref. 18/01971/FULL). The proposals would create 86 affordable housing units. In granting permission, it was resolved that the affordable housing to be provided could in principle be used as an affordable housing credit for proposed developments requiring the provision of affordable housing in the West End and St James's ward. The credits were created and secured in the Memorandum of Understanding (MoU) to the Section 106 Agreement for the Castle Lane scheme. The credits could be transferred and used in connection with development by a third party. This enabled developments that generate an affordable housing requirement to form planning links with Castle Lane and, once the affordable housing is built out, those schemes may then draw down the credits. The number of credits acquired by the applicant was close to the total requirements under the emerging policy.

#### Implications of the September 2020 Proposed Modifications to Policy 10

The Examination in Public of the City Plan was delayed and the Council has proposed a substantial revision to draft Policy 10. Instead of seeking on-site provision as a strong preference, financial payments in lieu will be sought in all cases, rather than a floorspace-based requirement. The rate at which this would be sought would be (for Lansdowne House) £450/sqm. The revised emerging policy generates a requirement for a PIL of £3.05m.

#### Current Housing Offer

In the context of the City Council's broad objective of the delivery of affordable housing, the applicant's preference would be for any requirement in emerging policy to continue to be met by the drawdown of an appropriate quantum of Castle Lane affordable housing credits. Emerging Policy 10 however now has no requirement to provide residential floorspace. As stated the

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financial payment arising from Lansdowne House under this policy would be £3.05m. There is no recognised formula within policy to calculate how this could be transferred to floorspace. The tariff rate has been arrived at purely on viability grounds and is not a payment in lieu of providing actual floorspace. The tariff amount of £3.05m could be equated to the per unit sum that would have been charged under the current PiL system. On the basis of the current formula's 75sqm/unit assumption, this would mean the equivalent credit would be 563sqm. This would mean the equivalent of providing 7.5 units.

The applicant requests that the remaining balance of the 2,000 m<sup>2</sup> of credits acquired at Castle Lane would continue to be used by third party developers as currently permitted by the existing Memorandum of Understanding. The credit balance would, simply, be in the applicant's ownership rather than Landsec's, but the acquisition and transfer of those credits would have allowed Castle Lane to be delivered.

The Applicant considers that this is a preferable outcome in planning terms, for the following reasons:

- i)The application would be supporting tangible physical delivery of a specified quantum of affordable housing at Castle Lane.
- ii)It would create a link between the proposals for Lansdowne House and the overall delivery of Castle Lane as a whole. The Applicant's intention is that it continues to acquire c. 2,000sqm of affordable housing credits. The acquisition of these will enable the delivery of Castle Lane by Landsec and Notting Hill Genesis which would be a significant planning benefit and
- iii)It would be a demonstrably better outcome than would arise from the application of adopted City Plan policy.

Notwithstanding the adopted policy position it is recommended that the legal agreement secures either the provision of 563m<sup>2</sup> of affordable housing at Castle Lane to be made ready for occupation prior to commencement of development or a financial contribution of £3.05 million towards the City Council's affordable housing fund (index linked and payable on commencement of development).

#### Ground / Lower Ground floor Uses

The existing site includes 1714 m<sup>2</sup> of shop unit floorspace. This comprises a mixture of retail, restaurant, bar, and betting office uses. The shop units are on all four frontages of the building. In all cases the units are relatively small, this is particularly true on Lansdowne Row where the units are shallow and are primarily in use as sandwich bars.

The proposed scheme seeks to provide 8 larger units across the ground and lower ground floors. In total the shop unit floorspace would increase from 1714 m<sup>2</sup> to 2,240 m<sup>2</sup> (ref table below)

Land Use	Existing m <sup>2</sup>	Proposed m <sup>2</sup>	Change m <sup>2</sup>
Retail	764	2240	+1476
Restaurant	348	1700	+1352
Bar	495	1000	+505
Betting Office	108	0	-108
Gym	0	550	+550
Total	1,714	2,240	+526

The applicant is seeking flexibility in the occupation of these units to be used as either retail, restaurant, bar and or gym. A maximum cap in terms of floorspace is proposed for the

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respective uses as set out in the table. The implications of the respective uses are discussed in turn below.

**Retail:**

City Plan Policy S21 relates specifically to retail and states that new retail will be directed to designated shopping centres and existing A1 retail will be protected throughout Westminster except where the council considers that the unit is not viable as demonstrated by long term vacancy despite reasonable attempts to let. The site is within the Core CAZ outside the West End Special Policy Area (WERSPA). City Plan Policy S21 states that new retail floorspace will be directed to the designated shopping centres. Retail is appropriate to the Core CAZ.

The potential increase in retail floorspace is welcomed in accordance with policy. The flexible approach with regards to the use of the shop units is supported in principle. It is however considered that there should be no loss of retail (Class A1) across the site. It is therefore recommended that a minimum of 764 m<sup>2</sup> of retail (Class A1) floorspace is secured by condition.

**Restaurants**

City Plan Policy S24 and UDP Policies TACE 8-10 deal with entertainment uses including restaurants. The TACE policies are on a sliding scale whereby developments where TACE 8 is applicable would be generally permissible and where TACE 10 (gross floorspace exceeds 500 m<sup>2</sup>) is applicable only in exceptional circumstances. City Plan policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of type and size of use, scale of activity, relationship to any concentrations of entertainment uses and the 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. The proposal states that new large scale entertainment uses of over 500 m<sup>2</sup> floorsoace will not generally be appropriate within Westminster.

The policies aim to control the location, size and activities of entertainment uses in order to safeguard residential amenity, local environmental quality and the established character and function of various parts of the City while acknowledging that they provide important services in the City and contribute to its role as an entertainment centre of national and international importance.

At present the site includes a single restaurant comprising 348 m<sup>2</sup>. As proposed the restaurant floorspace could increase to 1352 m<sup>2</sup>. Servicing would take place from the proposed off street servicing area accessed from Fitzmaurice Place. Cooking fumes would be dispersed via internal risers discharging at roof level.

The provision of a restaurant or restaurants within the development would result in the provision of a service use which is considered acceptable in principle. The proposed restaurant floorspace would not be out of context for the size of the site. The operational details of any restaurant or restaurants would need to be secured as part of an Operational Management Statement (OMS). It is likely that hours of opening would be restricted to normal core hours for licensed premises with evening opening rather than night time use. Any OMS would need to be significantly robust to ensure that any restaurants are properly run to safeguarding amenity and minimise their environmental impact.

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The same policies are applicable to assessing drinking establishments ( wine bars and other drinking establishments) as set out above for restaurants (Class A3). Given the size of the site and the character of the area an increase in bar floorspace is considered to be acceptable in principle. The proposed maximum floorspace that could be used as a bar is significantly less than both retail and restaurant uses. It is however recognised that drinking establishments in which alcohol is the main offer can have a much greater impact on residential amenity than restaurants. Any drinking establishments on the site will need to adhere to approved OMS's setting out operational controls to ensure that the uses are acceptable and would not have adverse environmental impacts.

#### Gym

It is proposed that a maximum of 550 m<sup>2</sup> of the flexible space within the shop type units comes forward as a gym. The provision of a gym would result in service uses that would support the local community. The proposed gym use would contribute to the overall mix of uses proposed. The provision of this leisure facility accords with land use policies.

### **8.2 Townscape and Design**

Lansdowne House was built in 1988. It occupies the whole street block, defined by Berkeley Square, Berkeley Street, Lansdowne Row and Fitzmaurice Place. It was designed in a post-modern style and is of some architectural interest, although it has a certificate of immunity from listing. This was granted in June 2019 and expires in 2024. The building has solid facades clad in Portland stone, with a dark metal clad roofscape. Seen from Berkeley Square it comprises two 8 storey blocks which flank a lower central section, with a tall arched opening which marks the office entrance. It has a solidity (solid to void ratio) similar to that of the Georgian houses in the Square. It is considered to make a neutral contribution to the character and appearance of the Mayfair Conservation Area.

In the Georgian period the site was the garden in front of the original Lansdowne House which lay to the west. When Fitzmaurice Place was created in 1931 Lansdowne House was partially demolished and what remained was used to form the Lansdowne Club, on the west side of Fitzmaurice Place. Morris House was then built on the gardens, the site of the current Lansdowne House. Lansdowne Row, on the south side of the site, was originally a passage between the gardens of the original Lansdowne House and Devonshire House which faced onto Piccadilly.

In the 1930's the Georgian houses on the east side of the Square were demolished and replaced by Berkeley Square House, which, along with Morris House, transformed the east and south sides of the Square. Both buildings were very significantly taller than the Georgian houses that remained on the west and north sides of the Square.

The site is a sensitive one in terms of heritage assets. It occupies an important location in the Mayfair Conservation Area. It defines the southern edge of Berkeley Square, one of the key Georgian Squares in the West End. The gardens are included in the Historic England Register of Historic Parks and Gardens at grade 2. There are a number of very important listed buildings in the area, mainly to the north and west, including:

- the Lansdowne Club (grade 2 star)
- 49-52A Berkeley Square (grade 2)
- 47 Berkeley Square (grade 2 Star)
- 44, 45, 46 Berkeley Square (grade 1)

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- 48, 50, 51 Charles Street (grade 2)
- 1, 2, 3 Berkeley Square (grade 2)

### Demolition

It is considered that there is not a strong presumption to retain the existing building because it is considered to make a neutral contribution to the character and appearance of the conservation area. Its demolition could be acceptable if the proposed building is considered to be an appropriate replacement. The issue then is whether or not the proposed building preserves or enhances the character and appearance of the conservation area, and does not harm the settings of the adjacent heritage assets. If it does cause harm to these heritage assets, that harm should be outweighed by public benefits if planning permission is to be granted.

### The proposed building

#### a. Plan form

The ground floor plan generally follows the existing building lines. However, on Berkeley Square it takes a slightly concave line, rather than the existing linear frontage. This new line extends slightly further north than the existing building line at its east and west ends. The upper floors, second to seventh floor levels, project further from the building line below by approximately 1.6 metres. This building line gives the building a greater prominence in views from the east and the west, most notably from Charles Street (see below).

The ground floor plan features a large office reception which runs north – south from Berkeley Square to Lansdowne Row. Retails and restaurant units face onto all frontages. The loading bays is on Fitzmaurice Place, in a similar location to the existing, opposite the northern end of the Lansdowne Club. This arrangement of uses is considered acceptable in urban design terms.

#### b. Height and bulk

One of the key issues of this proposal is the proposed height and bulk and its impact on this part of the Mayfair Conservation Area. The proposed building is significantly taller and bulkier than the existing building. The existing building is eight floors high with a large plant rooms at its east and west ends. The top of the 8<sup>th</sup> floor is 30.8 metres above street level and the top of the plant room is 36.6 m above street level. In the centre of the plan a small section of the building rises to approximately 40 metres above street level

The proposed building is ten storeys high with a large roof plant area above. The main parapet level of the proposed building (8<sup>th</sup> floor level) is 34.2 above street level, which is 3.4 metres above the equivalent level on the existing building. The proposed 9<sup>th</sup> floor is 42.8 m above street level, 6.2 metres above the top of the existing plant room. The proposed plant room is 45.7 m above street level, approximately 9 metres above the top of the existing plant room.

A key consideration is the impact of this increased height and bulk on local views in the conservation area and on the settings of listed buildings. The application includes an assessment of the proposal on a number of important local views.

#### a. From the north in Berkeley Square .

In summer the existing trees in the Berkeley Square gardens would hide much of the proposed building in many views, especially the longer views. It would be more visible in winter. In views from the northern part of the Square and the gardens the full height and bulk of the building would be seen. It would appear similar to, but greater than, the massing of Berkeley Square House to the left (east).

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In the views from immediately north east and north west of the building the massing of the main part of the building is visible but the upper floors are not fully apparent because of the proposed setting back.

It is considered that this height and bulk would cause less than substantial harm to the settings of the Berkeley Square and adjacent listed buildings on the west side.

b. From the west in Charles Street

The building will be seen at the eastern end of Charles Street and will appear significantly taller than the existing (by approximately two storeys). The proposed building also extends slightly further north than the existing, which also increases its prominence in these views. It is considered that this would cause less than substantial harm to the settings of the listed buildings in Charles Street.

c. From the east in Hay Hill

This view is framed by the buildings which line Hay Hill, which are not listed buildings. The increased bulk is apparent in this view, but it is not considered harmful in this context.

d. From the south along Berkeley Street

The proposed building is seen in the context of the large buildings in Berkeley Street, especially those on the west side. The top of the 8<sup>th</sup> floor appears slightly higher than the buildings to the south, but the top two floors are not readily apparent. This not considered harmful.

### Design

The proposed building is a framed building, with the structural frame expressed on the facade, in contrast to the existing building which features a solid stone facade with relatively small 'punched' window openings in it. The solid facade is more characteristic of the Mayfair Conservation Area; there are relatively few framed buildings within the conservation area.

Notable recent examples are 50 Stratton Street (to the south of the site), 25-35 Park Lane, and the recently approved but unbuilt Berger House, in the north west corner of Berkeley Square.

It has a two storey base, with arched openings framing the shopfronts and office entrances on Berkeley Square and Lansdowne Row. On Berkeley Street and Fitzmaurice Place a rectilinear design is used. Above this are six storeys expressed as double height (two storey) framed openings. The bay widths of the frame vary; on Berkeley Square and Lansdowne Row they are wide; on the two other facades the bay widths are narrow, giving a more vertical expression.

The use of framed facade is not necessarily inappropriate in a conservation area characterised by solid facades. The key issue is the extent of glazing within the framework. Framed facades can be highly glassy and can appear incongruous in historic contexts.

The proposed fenestration consists of oriel windows spanning between the columns, but not projecting forward of them, over two floors with profiled spandrel panels between. On Berkeley Square the oriels have curved corners. The east and west facades have facetted (canted) bays. On the Lansdowne Row (south) facade the glazing is square edged on the second to fifth floors, and facetted on the sixth and seventh. The corners of the facades feature curved glazing and spandrel panels.

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The Berkeley Square facade also includes loggia, or recessed balconies, which seek to mirror the projecting oriels and provide sheltered external terraces for the office floors. In the central two bays the balconies are double height, to give emphasis to the entrance below. Elsewhere on this facade they are single storey height.

The 8<sup>th</sup> and 9<sup>th</sup> floors (the top two) are treated in a different manner from the facades below. They are framed within a dark metal structure, with the windows set back behind metal columns and under a projecting canopy, on the north and south facades. Although highly glazed, the use of the columns and canopy reduce the visual impact of the glass facades. The east and west facades do not include a canopy and it is recommended that a condition is used to require the canopy and columns to be carried around the whole of the top two storeys.

This is a highly modelled and detailed facade, with considerable variety and richness in design. The extent of glazing is mitigated to some degree by the three dimensional nature of the columns, the oriel windows and the use of spandrel panels. The design is quite different to the more traditional buildings in the area, however, the existing Lansdowne House also contrasts with the other buildings in Berkeley Square. Taking into account this existing contrast, and given the richness and quality of the facades, it is considered that the design approach is acceptable.

#### Shopfronts

The shops in the existing building are relatively small and the shopfronts are low key and do not present a strongly active street frontage. The proposed building seeks to address this by proposing larger units with shopfronts with greater street presence.

On Berkeley Square and Lansdowne Row the shopfronts are set within the two storey arched openings. The columns have scalloped edges to visually soften their mass. On the east and west facades single storey rectangular openings are proposed. Reeded spandrel panels, facias and stallrisers enrich the design. In Lansdowne Row curved oriel shopfronts are proposed; the applicant's aim is to enhance the quality of Lansdowne Row as part of the 'Tyburn Opportunity Frontage' as identified in the Mayfair Neighbourhood Plan.

It is considered that the shopfronts are of high quality design and will create successful street frontages, and will enhance the four streets and the character and appearance of the conservation area.

#### Materials

The stone which characterises the Mayfair Conservation Area is natural Portland stone. The use of the proposed structural framework does not lend itself easily to being clad in natural Portland stone, and it is proposed to be made of reconstituted stone. This should be required to closely match the appearance of natural Portland stone. The base of the building (ground floor) is proposed to be clad in natural stone, which should be required by condition to be natural Portland stone.

The window frames and decorative metal panels will be in a bronze coloured metal. The two roof storeys and plant room are clad in metal. This should be required to be either lead or zinc, to reflect the characteristic colours of the roofscape of the Mayfair Conservation Area.

#### Design and sustainability

The demolition of the existing building raises issues of carbon costs, because of the loss of embedded carbon. However, there is no current policy requirement for an applicant to

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demonstrate that demolition and redevelopment is more environmentally advantageous than retention and refurbishment of the existing building in the long term.

The applicant's aim is to create a high quality building which will be more efficient environmentally than the existing building, and which will be long-lasting because of its high quality externally and internally. The stated intention is to provide a sustainable development with the use of self-finished materials maximised within the design, minimising waste and improving future reuse and recycling opportunities. The precast frame is an important part of the scheme's sustainability credentials. It is intended to have a long life span and have a strong architectural character. Internally it is suggested that the architectural concrete structure will remain exposed, with the concrete columns and pre-cast soffits contributing to cooling through their thermal mass.

Whilst the interior of a new building would not normally be controlled through a planning permission it is considered that as this is a key part of the applicant's proposals, these matters should be controlled by legal agreement in order to secure a high quality internal structure. The applicant has agreed to this.

#### Public realm

On Berkeley Square the proposed building has a concave building line so the east and west ends project beyond the existing building line. It is proposed to extend the pavement 4m beyond the frontage. This is a public benefit, although it also benefits the commercial value of the scheme by improving the building's setting. The application makes reference to possible future proposals for public realm in Berkeley Square, as put forward by the two major landowners, Grosvenor and Astrea. These might include reducing the carriageway width and creating much wider pavements at the southern end, however, these plans are aspirational and have no formal status at present.

In Lansdowne Row the existing pavement is widened from the existing 6 metres by 2.5 metres, with an extra 4 metres at the office entrance. However, the upper floors cantilever out from the first floor upwards, so that the width of Lansdowne Row at higher level is 7.5 metres (rather than 8.5 metres at ground floor level). The intimate qualities of the existing arrangement are derived from the historic character of Lansdowne Row when it was a passage between gardens. Widening it would have a harmful impact on its historic origins but it would also bring public realm benefits, in terms of a more attractive and usable space.

#### Conclusion on townscape and design

This is a large, imposing office building which will significantly change the south end of Berkeley Square. It is considered that this is a high quality design which complies generally with the City Council's urban design and conservation policies, including S25 and S28 of the City Plan and DES 1, DES 4, DES 9, DES 10 and DES 15 of the Unitary Development Plan. However, it will cause a moderate degree of less than substantial harm to the Mayfair Conservation Area and adjacent heritage assets, as set out above. That harm needs to be balanced against the public benefits of the proposal, which include urban design benefits, namely a high quality replacement building, improved ground floor frontages and activity, and public realm improvements.

### **8.3 Residential Amenity**

City Plan Policy S29 seeks to safeguard the amenity of existing residents. Policy ENV13 of the UDP seeks to protect and improve the residential environment and resist proposals which would

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result in a material loss of daylight and sunlight and/or a significant increase in sense of enclosure or overlooking.

#### Daylight and Sunlight and Sense of Enclosure

A daylight and sunlight assessment has been submitted as part of the application in accordance with Building Research Establishment (BRE) guidelines. The technical analysis confirms that 50 Charles Street, 63 Curzon Street, 48 Berkeley Square would remain compliant for daylight (VSC and NSL) and Sunlight (APSH).

The report does show that there would be breaches to BRE guidelines to three properties, Berkeley House, 44 Clarges Mews and 8-10 Bruton Lane. The impact on each of these properties is discussed below:

#### Berkeley House,

This property is located to the north east of the site and comprises of residential flats at the first to sixth floors. The report assesses 55 windows within the property serving 15 rooms for Daylight. 34 of these windows face within 90 degrees due south and have therefore been assessed for Sunlight (APSH).

Of the 55 windows assessed for daylight purposes 50 are compliant with BRE guidelines in terms of VSC. In the case of 5 windows which do not meet BRE compliance all 5 windows would experience only minor alteration in the level of daylight and all 5 windows retain a VSC level over 20%. This is not uncommon for a dense urban environment.

The test for sunlight (APSH) demonstrates that of the 34 relevant windows assessed, 32 windows will meet the values suggested within the BRE Guidelines. Of the two windows which would experience breaches in guidelines these are moderate and the rooms are served by multiple windows. Therefore, when considering this assessment on a room basis, the impact on sunlight levels is not significant.

#### 44 Clarges Mews:

This property is located to the south west of the site and comprises of residential flats at the second to sixth floor facing directly east. In terms of the Daylight 20 windows were assessed all of which complied with BRE guidelines with regards to VSC. A single room would see a breach in the No Sky Line (NSL)assessment as the reduction is 22.2 % marginally above the 20% guideline. With regards to Sunlight due to the orientation of the property no windows required assessment.

#### 8-10 Bruton Lane

This property is located to the north east of the site and comprises of residential at the first to sixth floors. The study shows that 19 windows serving 10 rooms have been assessed for Daylight. 15 of these windows face within 90 degrees due south and have therefore been assessed for Sunlight (APSH). With regards to daylight the assessment shows that all 19 windows are compliant in terms of VSC. Of the 10 rooms assessed with regards to NSL the single transgression is to a bedroom which the loss is 21.1% of the former value. This is a very minor loss of daylight. The test for sunlight (APSH) demonstrates that all 15 (100%) of the windows assessed meet the values suggested within the BRE Guidelines for annual and winter sunlight.

It is considered that overall the proposed scheme would not cause a material loss of amenity to

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any of the surrounding properties and is acceptable on a daylight and sunlight basis.

An objection has been received on behalf of the Lansdowne Club at 9 Fitzmaurice Place on the western side of the site that the scheme would result in a loss of daylight, sunlight and light pollution. Members Club's are not afforded the same level of protection as residential. The daylight and sunlight study did not therefore assess the impact on the Club. Notwithstanding this the study submitted illustrates that the impact on surrounding properties will be relatively minor. Permission could not reasonably be withheld on that the development would result in any material losses of either daylight or sunlight.

#### Sense of Enclosure

The relationship between the proposed development and residential means that there is not considered to be any material increase in the sense of enclosure for neighbouring residential occupants.

#### Privacy

The replacement building will have no material impact in terms of overlooking to surrounding properties there will be no material loss of privacy arising from the scheme.

#### Light Pollution

The objection on behalf of the Lansdowne Club also refers to potential light pollution. The existing office building has windows on its western elevation opposite the Club. This objection is not considered sustainable.

### **8.4 Transportation/Parking**

The application is accompanied by a Transport Assessment. This details the proposed parking, servicing and waste management arrangements in connection with the development.

#### Car parking

The proposed development provides no off street car parking in accordance with draft New London Plan policies T6.2 and T6.3 and removes 20 existing car parking spaces within the basement.

#### Cycle parking

Long stay cycle parking is provided at lower ground floor level accessible via a dedicated cycle lift and stair core. Showers and locker rooms are also provided. A total of 474 long stay cycle spaces are provided which exceeds the policy requirement of 455. In terms of short stay cycle parking 22 short stay cycle parking spaces are proposed along Fitzmaurice Place to the north west of the site. It is noted that the 22 short stay cycle parking spaces is below the draft new London Plan target of 134, however a balance needs to be struck between the provision of short stay cycle parking and not creating an obstruction to pedestrian movements.

A travel plan has been submitted as part of the application, this sets out a long term strategy to encourage travel to the site by sustainable modes of transport in accordance with City Plan Policy S41.

#### Servicing

UDP policy TRANS 20 and City Plan policy S42 seeks that servicing should be undertaken off street. The development includes a servicing bay off Fitzmaurice Place in a similar location to

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an existing loading bay. The loading bay has been designed to accommodate large vehicles with a turntable to enable all vehicles to exit in forward gear. An objection from the Lansdowne Club at 9 Fitzmaurice Place opposite the application site refers to the proposed service access being in potential conflict with the clubs own servicing arrangements. The existing building is however currently serviced from Fitzmaurice Place which will not change as part of this development. This is the only frontage where servicing could occur. Subject to a condition which secures a Servicing Management Plan this aspect of the application is considered to be acceptable.

## **8.5 Economic Considerations**

The economic benefits of the scheme are substantial. Berkeley Square is a major commercial location within the West End. An Economic Statement was submitted in support of the approved application. This concluded that there would be significant economic benefits including an estimated provision of between 286 (lowest potential employment scenario) and 317 (highest potential employment scenario) net additional jobs of which between 71 and 79 are anticipated to go to Westminster residents. The provision of enlarged and improved office floorspace remains one of the key drivers of the development. The economic benefits are a significant public benefit of the scheme.

## **8.6 Access**

The entirety of the development will be step free, with passengers' lifts serving all publicly accessible areas of the proposed development. No blue badge parking will be provided on site but a number of accessible on-street bays are provided within a short distance of the site.

The primary entrances to the office floors are from Berkeley Square (North) and Lansdowne Row (South). Step free access to the upper levels is provided by 8no. passenger lifts located off the central lobby. Cycle facilities are located in the basement and accessed via a separate entrance off Fitzmaurice Place. Step free access to these is via a pair of dedicated shuttle lifts through the same entrance.

The upper terraces share the same finished floor level as the internal office floor. These are accessed via sliding doors and level thresholds. There are no steps or ramps across the terrace.

## **8.7 Other UDP/Westminster Policy Considerations**

### Sustainability

The London Plan states that developments 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

London Plan Policy 5.1 and 5.2 expects an overall reduction in carbon dioxide emissions by 60% by 2025, and it is expected that under guidance from the GLA, London boroughs will take measures to meet this target. Policy 5.2 requires development to follow an energy hierarchy and seek to reduce carbon dioxide emissions, with a current target for non-domestic Development to minimise emissions by 35% against Part L of the Building Regulations 2013.

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The applicant has submitted an energy statement and sustainability statement in support of the application. The energy strategy use the carbon factors (SAP 10) that were released in July 2018 and apply from January 2019 onwards this is in line with the most recent Energy Assessment guidance (October 2018) published by the Greater London Authority (GLA). The report assess the impact of using passive and low energy design technologies to reduce baseline energy demand and carbon dioxide emissions followed by the application of low and zero carbon technologies. It sets out how the principles of the above referenced energy hierarchy in London Plan Policy 5.2 has been incorporated into the proposals.

The results of the analysis undertaken indicate that the proposed energy strategy for the new building would result in an overall improvement of 39% over the standards set out in Part L of the 2013 Building Regulations. This is above the 35% target as set out in the London Plan. City Plan Policy S40 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 proposed scheme includes the provision of ground source heat pumps, air source heat pumps and photovoltaic (PV) panels. An area of roof suitable for 237 m<sup>2</sup> of PV panels has been identified. This is expected to contribute an additional 26% carbon emissions savings for the new building on the site. This accords with City Plan Policy S40.

It is considered that the Proposed Development achieves a high level of environmental and economic sustainability and carbon reduction and therefore accords with the Development Plan.

#### Air Quality

An Air Quality assessment submitted with the application considers the impact during the construction period, the suitability of the site for the proposed uses and the potential impact of traffic and energy-related emissions associated with the proposed development once operational. The Air Quality assessment concludes that the development is air quality neutral in terms of its on-going operational impact.

#### Plant

UDP policies ENV6 and ENV7 deal with the subject of noise and vibration both from new uses, internal activity and the operation of plant, and seek to protect occupants of adjoining noise sensitive properties. The policies require the potential for any disturbance to be ameliorated through operational controls and/or attenuation measures. Policy S32 of the City Plan requires disturbance from noise and vibration to be contained.

The scheme includes the provision of plant in a dedicated screened plant enclosure at roof level. An acoustic report has been submitted as part of the application. Subject to the imposition of suitable conditions, Environmental Health has no objection from an environmental nuisance perspective, agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

#### Refuse /Recycling

Waste storage is provided at basement level. A refuse and goods lift will provide access between the ground and basement levels, allowing refuse to be transported from the store to

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the loading bay prior to waste collection times. Details of the refuse storage will be secured by condition to ensure compliance with City Plan policy S44.

#### Trees

An Arboricultural Impact Assessment has been submitted in support of the application. The proposed development will require the removal of a pear tree on Fitzmaurice Place. This is a relatively young and small specimen and the arboricultural officer advises that this is acceptable provided that appropriate funding for the provision, establishment and maintenance of a replacement tree is secured via S106.

The development will also affect three mature London planes on Lansdown Row. An arboricultural impact assessment (AIA) states that these trees will need to be pruned to facilitate development and that the extent of pruning will be agreed prior to commencement. The arboricultural officer objects to this approach on the basis that the extent of pruning required may have a significant detrimental impact on the trees. Advising that the extent of pruning should be included in the AIA. Furthermore, the AIA doesn't include information about the foundation depths of this part of the existing building and it is possible that the London planes are rooting underneath the existing property foundations.

Whilst the objection is acknowledged it is not considered that permission should be withheld for this large scale development because the impact on the trees on Lansdowne Row is unresolved. It is recommended that the impact on the trees is dealt with by condition which will provide clarification if there will be harm to the trees and should this prove to be the case require suitable replacement tree planting in the vicinity of the site.

#### Biodiversity and Urban Greening

An ecological Appraisal has been submitted in support of the application. The results show that the site has low ecological value with very limited suitable habitat for breeding birds and negligible for bats. There are limited foraging resources for birds on the site. The provision of an extensive green roof and planters with a mix of species (evergreen and deciduous, perennials and shrubs) are ecological enhancements. This is welcomed.

#### Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service by:

-Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

-Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

- -The note sets out how contributions will be calculated according to the type of development proposed. The applicant has agreed to make contributions in accordance with the guidance note. Based on the increase in floorspace the scheme will generate a financial contribution of £ 230,564.74 (index linked and payable on commencement of development which will be secured as part of the S106 agreement.

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## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

## **8.9 Neighbourhood Plans**

The Mayfair Neighbourhood Plan includes policies on a range of matters including character, heritage, community uses, retail, offices, housing, cultural uses, transport and the environment. It has been through independent examination and supported at referendum on 31 October 2019, and therefore now forms part of Westminster's statutory development plan. It will be used alongside the council's own planning documents and the Mayor's London Plan in determining planning applications in the Mayfair Neighbourhood Area. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed elsewhere in this report.

## **8.10 London Plan**

The proposed replacement building will be over 30m in height and over 20,000 m<sup>2</sup> and is therefore referable to the Mayor of London.

Stage 1 response from the GLA is summarised in section 5 (consultations) and included as a background paper to this report.

## **8.11 National Policy/Guidance Considerations**

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

### Assessment of Public Benefits against Heritage Harm

As set out in section 8.2 (Townscape and Design) of this report the proposal is considered to cause less than substantial harm to the Mayfair Conservation Area and adjacent heritage assets. Para. 196 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

When undertaking this weighing exercise, the Committee must fulfil its statutory duties within

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Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

In this instance, the public benefits are considered to derive from: (i) The replacement of the poor quality retailing on site with a greater quantum (+622) of high quality and flexible retail floorspace over lower ground and ground floor levels; and (ii) The replacement of the fragmented and poor quality office accommodation on site with a greater quantum (+6175) of high quality and flexible office floorspace.

The improved flexible retail space and office floorspace will enhance the Core CAZ. The increase in office floorspace will contribute to meeting the target set out within City Plan Policy S20 for an additional 774,000 sq.m of office floorspace between 2016/17 and 2036/37 (providing capacity for at least 58,000 new jobs). The applicant estimates that the new office floorspace will create approximately 300 jobs. Again, this is a public benefit.

It is considered that an appropriate balance has been struck between the statutory duties within Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of optimising the development potential of the site that will enable the proposal to generate the public benefits that are considered to outweigh the less than substantial harm to the Mayfair Conservation Area. For these reasons, it is considered that the scheme complies with the requirements of the NPPF.

## **8.12 Planning Obligations**

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

- Provision of 536 m<sup>2</sup> of affordable housing at Castle Lane or a financial contribution of £3.05 million towards the City Council's affordable housing fund (index linked and payable on commencement of development)
- Employment and Skills Plan including a Financial Contribution of £ 230,564.74 (index linked and payable on commencement of development)
- All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions and associated work (legal, administrative and physical).
- Details of Internal structural design, including columns and soffits, to be agreed prior to commencement of development
- Tree Planting and maintenance within the vicinity of the site
- Monitoring costs

The estimated CIL payment is: £1,753,561.62

## **8.13 Environmental Impact Assessment**

Under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (amended 2018) a screening opinion for the redevelopment scheme was determined on 6 April 2020 (ref 20/00958/EIASCR). This decision confirmed that the development was unlikely to have significant environmental impacts and an Environmental Impact Assessment would therefore not be required.

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## 8.14 Other Issues

### Basement

The application involves the excavation of an additional basement level beneath the site, which is dealt with under City Plan Policy CM28.1. As required by this policy, the applicant has provided a structural method statement setting out the construction methodology. Any report by a member of the relevant professional institution carries a duty of care, which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction, which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

The City Council is not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

### Construction impact

A condition is proposed which requires the applicant to sign up to the Council's 'Code of Construction Practice' (COPC) to ensure that the construction process is carefully managed. As part of this process, Environmental Health Officers will liaise with both the applicant and neighbouring occupiers during the construction process. Regular site visits will be undertaken to monitor construction operations and ensure compliance.

The applicant is committed to carrying out the development in accordance with the City Council's Code of Construction Practice and in accordance with the Council's requirements they have completed appendix A in the submission regarding the future requirements regarding the submission and approval of bespoke construction management plans at a point when a contractor is in place.

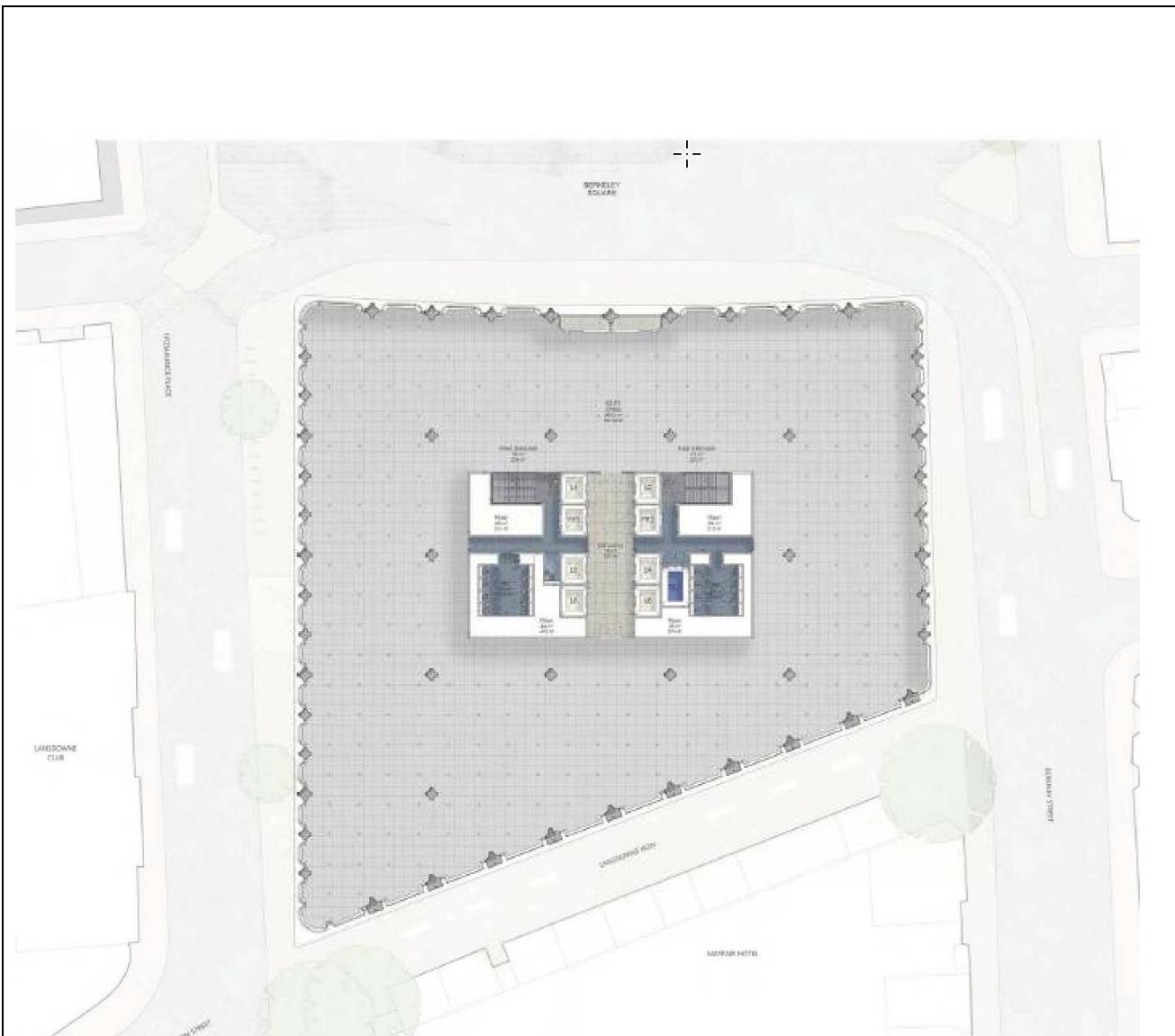
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

<b>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT <a href="mailto:mwalton@westminster.gov.uk">mwalton@westminster.gov.uk</a></b>
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## 8. KEY DRAWINGS



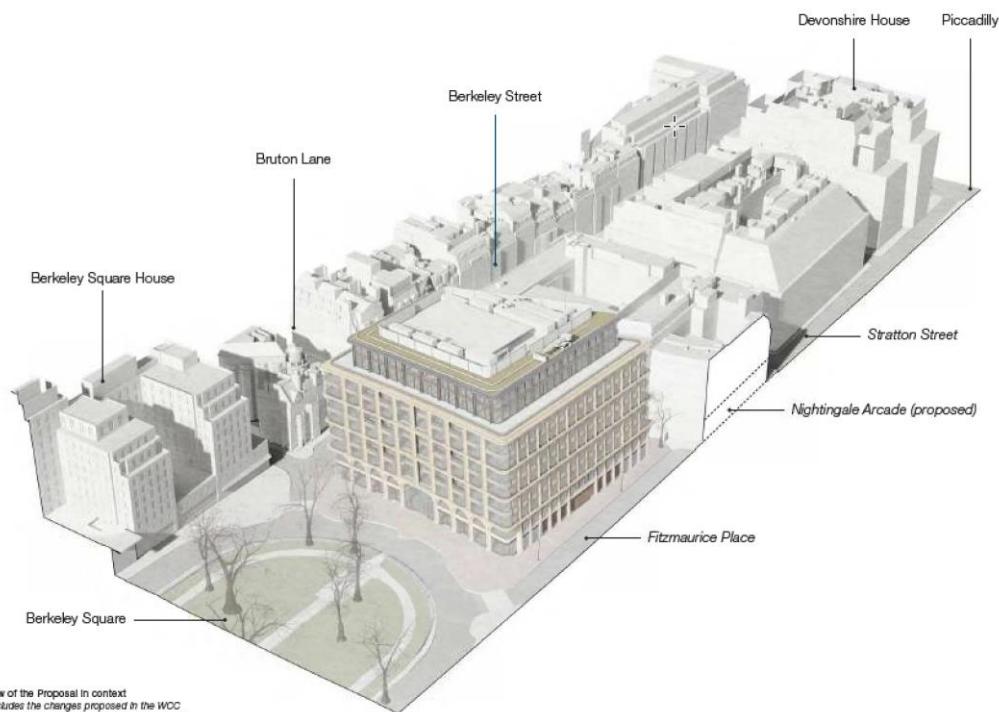
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Typical Office Floor Plan

## 5.0 Proposal for a New Lansdowne House

## 5.3 Massing &amp; Composition





Proposed Elevation - North West (Facing Berkeley Square)



Proposed Elevation - South East (Facing Lansdowne Row)

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# Agenda Item 2

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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's
<b>Subject of Report</b>	<b>First Chicago House, 90 Long Acre, London, WC2E 9RA</b>	
<b>Proposal</b>	Part demolition, infilling and alterations to existing building to provide a building comprising 4-10 storeys for office use (Class B1) with flexible uses at lower and upper ground floor level including retail, restaurant, bar, assembly and leisure and non-residential institutions (within classes A1, A3, A4, D1, D2, and Sui Generis); internal pedestrian routes with a publicly accessible atrium; upgraded roof terraces; plant at main roof level; servicing, storage, cycle parking and associated works.	
<b>Agent</b>	Miss Amy Robinson	
<b>On behalf of</b>	N/a	
<b>Registered Number</b>	20/03062/FULL	<b>Date amended/completed</b>
<b>Date Application Received</b>	13 May 2020	13 May 2020
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>	Covent Garden	

## 1. RECOMMENDATION

1. Grant conditional permission, subject to the views of the Mayor and the completion of a S106 legal agreement to secure:

- Employment and Skills Plan including a Financial Contribution of £258,145.64 (index linked and payable on commencement of development).
- Walkways agreement for the new public route through the building.
- Dedication of highway.
- Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
- Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to final Energy Strategy).
- Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

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- a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

The application relates to a complete city block bounded by Long Acre, Endell Street, Shelton Street and Arne Street, located on the border with the London Borough of Camden. Permission is sought for an office led scheme with flexible uses including retail, restaurant, bar, health, leisure, private members club or cultural rehearsal space at lower and upper ground floor level, with new shopfronts to all street elevations and a publicly accessible route through the building linking Long Acre and Endell Street.

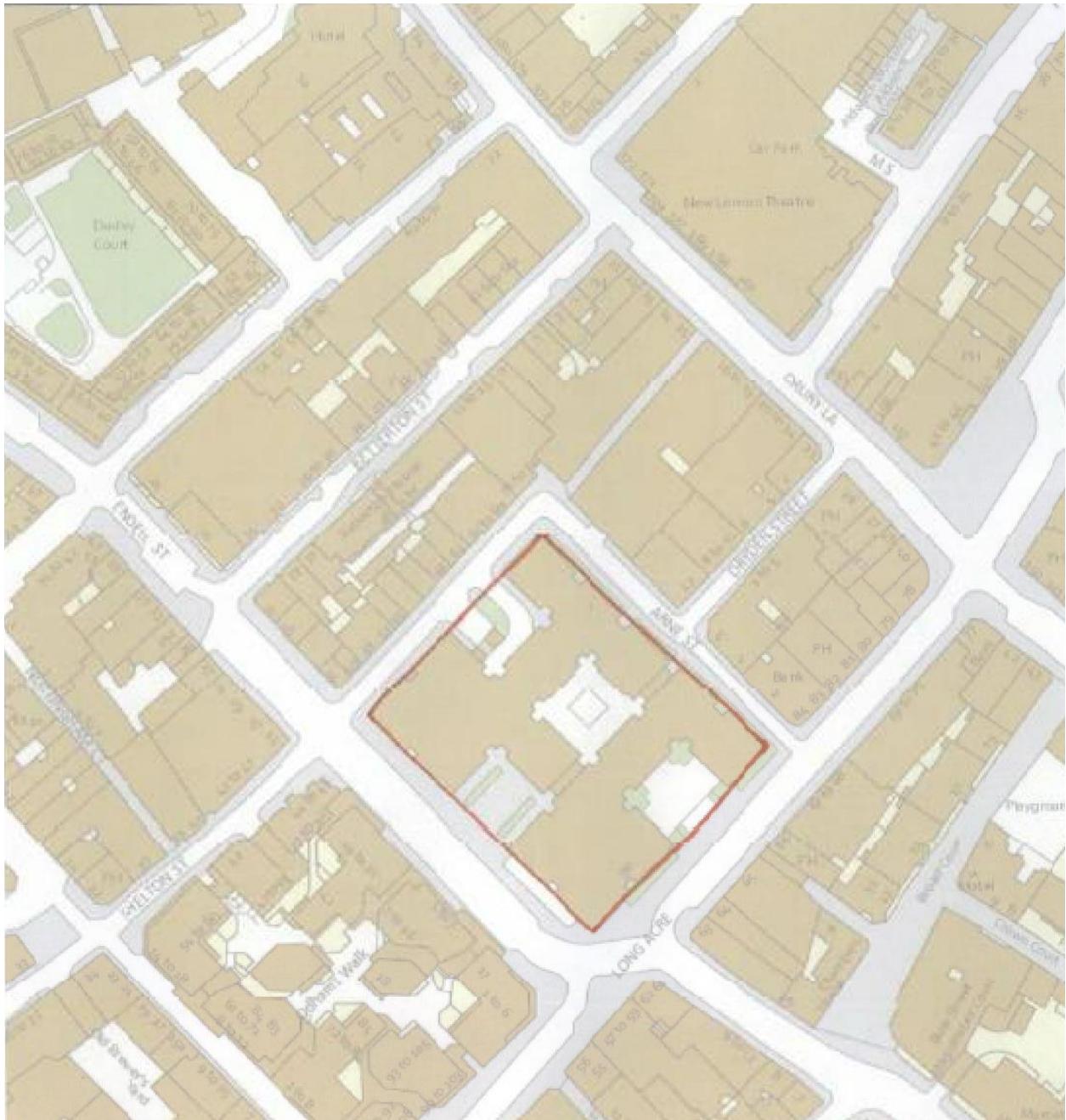
The key issues for consideration are:

- The impact of the proposals on the character and appearance of the building, the adjacent Covent Garden and Seven Dials Conservation Areas and on the setting of nearby designated heritage assets.
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

In terms of height and bulk, the proposal will affect the setting and appreciation of a number of designated heritage assets and views from the surrounding conservation areas. However, the proposal represents an opportunity to secure the delivery of a high quality office development with new retail, health and leisure uses, with active street frontages to enliven the area, and public realm improvements, including widening the pavement on the corner of Long Acre and Endell Street and a new publicly accessible route through the building. The retention and refurbishment of the existing building, as opposed to its wholesale demolition (as previously consented for on the site) also aligns with the Council's sustainability agenda. Thus, whilst there is harm caused, in terms of design, townscape and heritage impacts, it is considered that while finely balanced the benefits of the scheme outweigh the level of harm identified.

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### 3. LOCATION PLAN



**4. PHOTOGRAPHS**

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## 5. CONSULTATIONS

### ORIGINAL APPLICATION

#### GREATER LONDON AUTHORITY

- The proposal to provide 29,581 sqm. of flexible office floorspace is supported in this highly-accessible location in the CAZ. The proposed provision of 4,392 sqm. of other commercial uses is also supported.
- The proposal represents a high-quality design that effectively responds to the existing building and surrounding context. However, efforts should be made to improve the inclusivity of the proposal. In addition, a fire statement must be submitted in line with Policy D12 of the Mayor's Intend to Publish London Plan.
- The proposal would cause less than substantial harm to surrounding heritage assets, which would be outweighed by the improved quantity and quality of office and commercial floorspace and the improvements to the public realm and publicly accessible areas.
- Further information on energy, water, urban greening, and circular economy is required.
- The development is car-free which is welcomed and delivers positive public realm improvements by creating active frontages and pedestrian access points and on-site delivery in line with Healthy Streets and Vision Zero. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured as part of any permission.

#### TRANSPORT FOR LONDON

The development complies with the Intend to Publish London Plan in terms of car parking and healthy streets. Further information is required to understand how the cycling parking meets standards and the quantum of cycle parking should be increased. The servicing strategy is not preferable to TfL and poses a highway safety risk. TfL's Streetspace guidance should be referred to when planning construction logistics.

#### WARD COUNCILLORS FOR ST JAMES'S

Any response to be reported verbally

#### HISTORIC ENGLAND

No Comment. The application should be determined in accordance with national and local policy guidance.

#### HISTORIC ENGLAND ARCHAEOLOGY

Archaeology condition recommended.

#### LONDON BOROUGH OF CAMDEN

Any response to be reported verbally.

NATIONAL AMENITY SOCIETIES (Georgian Group, Victorian Society, 20<sup>th</sup> Century Society, Design Council ; Society for the Protection of Ancient Buildings and Council for British Archaeology)

Any response to be reported verbally.

#### NATURAL ENGLAND

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Any response to be reported verbally.

**ENVIRONMENT AGENCY**

Any response to be reported verbally.

**THAMES WATER**

No objection. Condition recommended.

**COVENT GARDEN AREA TRUST**

Raise objection. The existing 90 Long Acre complex effectively reconciles the considerable size of the complex with the scale and character of its immediate and wider settings and provides generously sized, publicly accessible open-spaces on Endell Street and Long Acre, a central courtyard and an east-west pedestrian link between Endell Street and Arne Street.

Welcome in principle the proposal to retain the greater part of the existing Seifert and Partners-designed complex, but object to the highly damaging impacts of the proposed, oversized 'infills' on the Long Acre, Endell Street and Arne Street elevations, the oversized, corner-tower at the junction of Endell Street and Long Acre and the proposed, very substantial increase in bulk at roof-level and its design, on the architectural integrity and significance of the existing complex and on the settings and significance of the adjacent Covent Garden and Seven Dials Conservation Areas and nearby listed buildings.

Welcome the inclusion of retail uses along the street frontages and the improved engagement with the adjacent footways, but object to the loss of the existing pedestrian link between Endell Street and Arne Street, the central courtyard open to the sky and the publicly accessible, un-roofed insets on Long Acre and Endell Street frontages which constitute major losses to the amenity of the area.

Any proposed 'infills' should be set back significantly from the faces of the adjoining, retained elements of the original complex and should rise no higher than the penultimate storey. The corner element of the existing complex should be retained rather than replaced with the excessively high corner-tower. By reducing the potential impact of the proposed infills and corner-tower the architectural integrity and significance of the existing complex and relationship with the adjacent conservation areas and nearby listed buildings can be sustained.

The proposed detailed design and materials will militate against the need for architectural distinction between the original and new elements, and to enable the additions to be read as subordinate elements.

The substantial increase in bulk of development at roof-level and its design will have a similarly damaging impact on the architectural integrity of the original complex, and will be clearly visible from a wide area within both the Covent Garden and Seven Dials Conservation Areas, and will be viewed in conjunction with nearby listed buildings, including the grade I listed Royal Opera House.

Covent Garden already suffers from the impact of delivery vehicles. The total number of deliveries should be capped at 50 and be restricted to between 08:00-20:00. If outside

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this time, deliveries must be required to comply with TfL's Guidance on Quieter Deliveries and must not take place between 23:00 and 07:00, use electric vehicles, silenced reversing alarms; use of a banksman; and doors silent in operation and closed before any loading or unloading activity is carried out.

#### **COVENT GARDEN COMMUNITY ASSOCIATION**

The proposal is bulky and will seriously damage the setting of the adjacent listed buildings and the quality of the two conservation areas on two sides of the proposed development.

Concur with the objections raised by the Covent Garden Area Trust. Loss of the east west route across the site and current public open space in the centre; filling in the sizeable indents that exist along Long Acre and Endell Street that currently assist in breaking up the monolithic quality of the building; and the overall bulk and overbearing nature of the development that will have a very serious adverse effect on the two Conservation Areas adjoining the site, and the plethora of the neighbouring listed buildings.

Over intensification will result in excessive additional servicing. The servicing area is adjacent to residential use, vulnerable to noise. There should be a banksman at all times.

Noise and Disruption will be caused during demolition/construction. The applicant should adopt the Councils Code of Construction Practice and have a dedicated contact on the development site to deal with any issues that may arise with residents.

Concern regarding the use of the proposed roof terraces and disappointing these are not to be a public space offered to local residents. Use should be restricted to 7.30pm and no music or alcohol to protect the amenity of neighbours.

#### **BUILDING CONTROL**

The structural methodology is in outline form only.

#### **CRIME PREVENTION DESIGN ADVISER**

Any response to be reported verbally.

#### **ARBORICULTURAL MANAGER**

Any response to be reported verbally.

#### **WASTE PROJECT OFFICER**

No objection.

#### **ENVIRONMENTAL HEALTH**

Any response to be reported verbally.

#### **HIGHWAYS PLANNING MANAGER**

No car parking is proposed which is acceptable. The scheme provides 300 long term cycle spaces. This is above the minimum generated by the uplift and new uses the scheme introduces, but does not cover the full B1 floor space. The lack of providing fully compliant cycle parking is regrettable. 60 short stay cycle parking spaces are provided

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which is short of London Plan policy, but site limitations are acknowledged.

It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes. Trip generation modelling indicates that the proposed development will not have a significantly detrimental impact on the safety or operation of the highway network. An Operational Management Plan for any D class/Sui Generis uses should be secured by condition to minimise the impact on the surrounding highway network.

The additional pedestrian space created around the building where the building line (Long Acre frontage and Endell Street corner) is being set back is welcomed and is considered a public benefit. These areas need to be dedicated as highway. A Walkways Agreement should be secured to ensure the public route through the building is retained and accessible to all.

The application includes an off-street servicing facility to service the whole development. The design and layout of the loading bay is considered acceptable. Conditions are required that all servicing should occur from within the servicing bay and to secure a servicing management plan.

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

No. Consulted: 323

No. of replies: 7

Letters of objection have been received from six residents within Odhams Walk (1), 80 Long Acre (1), Shelton Street (2), Betterton House, Betterton Street (1) and Sandringham Flats, Charing Cross Road (1).

#### Land use

- Welcome the increased commercial use at ground floor level particularly along Endell Street which is currently a lost opportunity.
- The flexible uses need to be clearly defined.
- Question the need for new office, retail and restaurant space as a result of COVID-19.
- The area already has many bars and restaurants with many standing empty so an alternative use should be defined.
- There is a need for more affordable housing in the area.

#### Design

- The bulk and height of the scheme is not acceptable. High rise tower blocks should not be allowed in historic Covent Garden.
- The proposal will create an even higher building than the excessively high one which already exists.
- The existing building is not unpleasant. There is unity of architecture and the different height levels give it a castellated look.
- By introducing entirely new buildings of an entirely different style in between the existing ones, the unity of architecture will be broken.

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- The proposal will make the appearance of the building more oppressive and would de-humanise the area. There are historic Georgian residential townhouses right behind this site.
- Welcome the removal of the railings and lightwells, but the infills will remove valuable space at the front of the building.
- The new facades are totally out of keeping with the building and other buildings in the area. Mystified to the allusion to 'townhouse typology'.

#### Amenity

- Loss of daylight, privacy and overshadowing to Odhams Walk residents which comprises 105 residential flats.
- Loss of sunlight and daylight to residents in Shelton Street, Long Acre and Betterton Street.
- Noise from the roof terraces. Numbers should be limited so as not to cause noise and nuisance (10 people maximum).
- Loss of light to Endell Street which already has a 'canyon' feel to it, making it unpleasant for pedestrians.

#### Highways

- Increased traffic and noise disturbance to residents in Shelton Street from increased deliveries and servicing requirements, particularly early in the morning.

#### Other

- Reference to previous planning consent is misleading. The fact that they already have permission for an even bigger building is not a reason to except another one.
- Noise and disturbance during building works (but acknowledge it will be significantly less with reduced construction time over consented scheme for the site).
- Residents should be given a point of contact for complaints during construction.
- Loss of television signal.

#### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

#### ADDITIONAL COMMENTS RECEIVED IN RESPONSE TO REVISED APPLICATION

Revisions made to the detailed design and materials of the proposed infill extensions.  
All of the above reconsulted.

#### JOINT RESPONSE FROM COVENT GARDEN AREAT TRUST AND COVENT GARDEN COMMUNITY ASSOCIATION

Welcome a number of the adjustments to the external design of the proposals, but they do not address their fundamental concerns to any significant degree.

The formal comments to original consultation remain about the seriously harmful impacts on the architectural integrity and significance of the existing Seifert and Partners' complex and on the setting and significance of the adjacent Covent Garden and Seven Dials Conservation Areas and nearby listed buildings of the proposed, substantial 'infills' on the Long Acre, Endell Street and Arne Street elevations, rising to a greater height than the adjacent elements of the existing complex; by their not being set back

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significantly from the external faces of the adjacent elements of the existing complex; by the design, massing and materiality of the proposed, substantially-scaled tower at the south-west corner of the existing complex; and by the proposed, very substantial increase in the bulk of development at roof-level and its design.

The new public access route is likely to be negated by the need for a staircase linking the upper and lower ground floor levels at the heart of the complex between the two entrances on Long Acre and Endell Street. The proposed entrance to the proposed A1 unit at the corner of Long Acre and Endell Street is likely to be perceived as the main entrance to the complex.

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

No. Consulted: 323

No. of replies: 1

- The scale of the proposal is too large for the site. The overall effect is too overbearing and will reduce the amount of space for pedestrians.
- Loss of light to 80 Long Acre.
- Increased traffic and problems from deliveries to the proposed retail and restaurants.
- Noise and disturbance during construction

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

90 Long Acre forms a whole street block with frontages to Long Acre (south east), Endell Street (south west), Shelton Street (north west) and Arne Street (north east). It is located on the border with the London Borough of Camden, which runs along the middle of Shelton Street.

The building was designed by R. Seifert and Partners and was constructed between 1979 and 1981. It comprises a series of connected blocks of varying height of between four and eight storeys plus two basement levels, upper and lower ground floors, with a central courtyard. It is wholly in office use (Class B1).

The building is not listed and falls outside, but adjacent to the Covent Garden and Seven Dials (London Borough of Camden) Conservation Areas. It is located within the Core Central Activities Zone (CAZ), West End Special Retail Policy Area and the West End Stress Area. The surrounding area is a mix of commercial, retail and residential uses.

### 6.2 Recent Relevant History

In April 2016, planning permission was granted for the demolition of existing office building (forming whole street block with frontages to Long Acre, Endell Street, Shelton Street and Arne Street) and redevelopment to provide two new buildings comprising two basements, ground and part seven to part 12 upper floors to provide a mix of uses comprising office (Class B1), 119 residential units (Class C3), retail (Class A1/A3), rehearsal space (sui generis), car parking for 30 cars accessed from Shelton Street

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together with new kiosk, publicly accessible courtyard, landscaping works, public realm improvements, plant, cycle parking and other ancillary works.

In February 2019, a non-material amendment application was granted for amendments to planning permission dated 29 April 2016 (RN: 14/11129/FULL). Namely, omission of the second level of basement beneath the office building only; reduced shopfront heights; entrance to basement level 2 retail removed; adjustment of doors and louvres at ground floor level to co-ordinate with new basement layout; car lift reconfigured to stop at basement level 1; amended first floor level intermediate residential unit layout; level 1 fenestration and balconies adjusted; double height void created in front of office entrance; alterations and change of materials to vertical element of commercial facade and central blade of vertical element adjusted to centre (Long Acre elevation); and intermediate residential lobby moved from Arne Street to Shelton Street. Addition of two conditions to secure detailed drawings and samples of the vertical element to Long Acre and north-west courtyard façade, and details of storage space for the retail (class A1/A3) units.

In March 2019, a certificate of lawful existing use was granted for confirmation that the proposed works comprising the installation of four 750mm piles to the designed depth on Endell Street elevation to form part of the permanent basement structure constitute a material operation to implement the extant planning permission dated 29 April 2016.

## **7. THE PROPOSAL**

The current application is for an office-led scheme for part demolition, infilling and alterations to the existing building. This differs from the previous consented scheme for the site (as outlined above) whereby wholesale demolition and redevelopment was proposed to provide office and residential buildings.

Planning permission is sought to replace and extend four blocks, midway along the Long Acre, Arne Street and Endell Street frontages and on the corner of Long Acre and Endell Street, to provide a building of basement, lower ground, upper ground and three to eight upper floors with a plant enclosure at main roof level. Terraces on the existing building will be upgraded at third, sixth, seventh and eighth floor level.

Flexible commercial uses including retail (Class A), restaurant (class A3), bar (class A4), non-residential institution (class D1), assembly and leisure (class D2), private members club (*sui generis*) or cultural rehearsal space (*sui generis*) are proposed at lower and upper ground floor level, with new active frontage to all streets. Office use (Class B1) is proposed at part upper ground, first to eighth floor level. A new publicly accessible route is proposed through the building from Long Acre and Endell Street with central atrium space in the heart of the building.

Ancillary facilities including plant, refuse, cycle parking, shower/changing room facilities are proposed at basement level. An off-street servicing area is proposed at lower ground floor level accessed from Shelton Street.

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## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

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

Use	Existing GIA (sqm)	Proposed (sqm)	Change (+/-)
<b>Office</b>	26,008	29,581	+3,573
<b>A1/A3/A4/D1/D2/Sui Generis</b>	-	4,392	+4,392
<b>Total</b>	26,008	33,973	7,965

(Applicants calculations)

#### Office use

Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the Core CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports it's living, working and visiting populations. Policy S1(B) goes onto state that where the net additional floorspace (of all uses) is between 30% and 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be required, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. This policy seeks to restrict the loss of office space to housing within the CAZ.

The proposal seeks to refurbish and extend the office floorspace by approximately 3,573sqm which is considered acceptable in land use terms. The additional floorspace, of all uses, is 30.6%, however, the increase in office floorspace is less than 30% of the existing building floorspace (of all uses) and it will not therefore trigger the requirement for new residential floorspace.

The proposed offices are located at part upper ground, first to eighth floor level and will be served by a new office reception area in the heart of the building accessed from Long Acre and Endell Street. The extension of the existing floorplates will create more efficient and flexible floorspace in order to meet the needs of modern office occupiers and would enable the space to be multi-let with the flexibility to provide small and medium scale office floorspace which is characteristic of the Covent Garden area. The offices will benefit from upgraded terraces at levels three, six, seven and eight.

The principle of the extension and enhancement of an existing office building in the Core CAZ is in accordance with Council policy.

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## Retail, restaurant, bar, health and leisure uses

### Policy context

The site falls within the West End Special Retail Policy Area. Policy S7 of Westminster's City Plan (November 2016) relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate; and improved linkages to and from surrounding retail areas and visitor attractions and provision of appropriate service uses where they complement the shopping environment.

Policy S6 (Core Central Activities Zone) and S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP encourage new retail floorspace in the CAZ. Policy SS4 states that development schemes in areas that would benefit from more shops or services must include an appropriate number of shop type premises at street level.

Policy SS5 (West End International Centre and CAZ) of the UDP relates to non-A1 town centre uses at basement, ground and first floor level within the CAZ and states that they will only be granted where the proposal would not be detrimental to the character and function of an area or to the vitality or viability of a shopping frontage or locality.

Policy S6 of the City Plan states that within the West End Stress Area new entertainment uses will only be allowed where the Council considers that they are small-scale, low impact and they will not result in an increased concentration of late-night uses.

Policy S24 of the City Plan relates to entertainment uses and 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. The Policy also states that new large scale late-night entertainment uses over 500 sq. m floorspace will not generally be appropriate within Westminster.

Policies TACE 8 and 9 (Entertainment uses) of the UDP relate to restaurant/cafe uses (class A3) up to 500sqm and TACE 9 to bar (class A4) uses up to 150sqm within the CAZ and West End Stress Area. These policies aim to ensure that restaurant and bar uses have no adverse effect upon residential amenity or local environmental quality as a result of noise, vibration, smells, increased late night activity or increased parking and traffic; and no adverse effect on the character and function of the area. Policy TACE 10 relates to restaurant and café uses over 500sqm and bar uses over 150sqm and states that they will only be permissible in exceptional circumstances.

Policy TACE 5 of the UDP and S22 of the City Plan relate to Arts and Cultural uses. These policies states that new arts and cultural uses will be granted in the Core CAZ where they would be compatible with the character and function of the area, there would be no adverse effects on residential amenity and no adverse environmental or traffic effects.

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Policy S34 of the City Plan and SOC1 and SOC7 of the UDP relate to social and community infrastructure and encourage new social and community facilities. These policies supports the provision of community facilities, which includes uses within class D1 and D2, and states that community facilities will be required to be located as near as possible to the residential areas they serve; not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and be safe and easy to reach on foot, by cycle and by public transport.

### **Consideration**

The proposed development includes the provision of 4,392sqm sqm of floorspace for flexible uses including retail (Class A1), restaurant (class A3), bar (class A4) non-residential institution (class D1), assembly and leisure (class D2), private members club (sui generis) or cultural rehearsal space (sui generis) at lower and upper ground floor level.

There is currently no retail floorspace within the existing building. The Infilling of existing voids, lowering floor slabs and the introduction of shopfronts to all street elevations, will activate the street frontages; and a new publicly accessible route through the building from Long Acre and Endell Street with central atrium space will enhance the character and vitality of the area.

The internal layout and external shopfronts will provide flexibility in terms of configuration to provide up to 10 units. The size and use of each unit can be summarised as follows:

<b>Unit Number</b>	<b>Use Class</b>	<b>Unit Size (GIA WCC sqm)</b>
1	A1/A3	177 sqm
2	A1/A3	223 sqm
3	A1/A4	104 sqm
4	A1/A3	619 sqm
5	A1/A3/A4	447 sqm
6	A1/D1/D2/Sui Generis	975 sqm
7	A1/A3	307 sqm
8	A1	493 sqm
9	A1	63 sqm
10	A1/D1/D2/Sui Generis	984 sqm

In terms of the size and operation of the units the applicant states:

- Units 1, 2 and 7 may comprise a three storey retail or restaurant unit, accessed at lower ground floor level from Endell Street, which is likely be occupied by a single operator, although units 1 and 2 could operate separately to unit 7.
- Units 6 and 10 along the length of Arne Street are likely to be a single unit, but they could be operated separately as two independent units.
- The other units are not likely to be combined and are conceived as operating separately, subject to market requirements.

The Applicant seeks the flexibility for a range of uses across the proposed units which

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they state is particularly pertinent given the long term impacts that the retail and hospitality sector are likely to experience in light of Covid-19.

The provision of up to 4,392sqm of retail floorspace (class A1) is welcomed and a condition is recommended to secure a minimum of 556sqm for retail use only, in accordance with policies S6 and S21 of the City Plan and SS4 of the UDP.

The applicant seeks to use up to 1773 sqm (GIA) of the flexible floorspace for restaurant/café (Class A3) uses and up to 551 sqm for bar (class A4) use. Unit 4 comprises 619sqm and it is the applicant's aspiration for units 1,2 and 7 to have a single operator comprising one unit of 607sqm, which are proposed to have the flexibility to be used as restaurant use. Unit 7 comprises 447sqm and would include bar use. Single restaurant and bar uses of this size are only permissible in exceptional circumstances under Policy TACE 10.

The UDP recognises that larger entertainment uses can have a disproportionate impact on residential amenity and local environmental quality. However, the plan acknowledges that there can be considerable variation between the effects of different types of entertainment uses. The London Plan, the Intend to publish London Plan 2019 (policy HC6) and Culture and Night time Economy SPG 2017, are also material considerations in planning decisions. These support the growth and diversification of the night-time economy, particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seeks to protect and support evening and night-time cultural venues.

The provision of restaurant and bar floorspace will complement the retail uses, activating the street frontages and will contribute towards the vitality and viability of the area. It is considered that with appropriate conditions, bar and restaurant uses of the scale proposed are acceptable in this central area of Westminster.

The applicant seeks the following hours of use for restaurant and bar uses:

<b>Use Class</b>	<b>Hours of Use</b>
Restaurant	Monday to Thursday 07:30 – 23:30 Friday to Saturday 08:00 – 00:00 Sunday and Bank Holidays 09:00- 23:00
Bar	Monday to Thursday, Sundays and Bank Holidays 07:00-00:30 Friday and Saturday 07:00-01:00

Conditions are recommended to secure an operational management plan for any restaurant and bar uses; to limit the hours of opening (as stated above); and to control internal noise to prevent noise outbreak from the units in order to protect the amenity of surrounding residents. Unit 7, on the corner of Endell Street and Shelton Street includes flexible bar and restaurant use. Shelton Street is a narrow street with residential above commercial units immediately opposite. Should a bar or restaurant occupy this unit, a condition is recommended that customers shall only access/egress the unit from Endell street which is a busier thoroughfare to protect the amenity of residents within Shelton Street.

As part of an application for a restaurant use the City Council requires the applicant to

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submit details of ventilation and ducting equipment required, in order to ensure that the proposal would not result in a smell/cooking odour or noise and vibration nuisance. The applicant has made provision for full height kitchen extract ducts from the flexible units, and it is recommended that full details of plant be secured by condition.

The applicant also seeks to use up to 1959sqm of the flexible floorspace for uses within classes D1 or D2 or as a private members club (*sui generis*) and/or private rehearsal space (*sui generis*). In respect of the D1/D2 uses, the applicant envisages that these would comprise of either art gallery, health clinic, cinema or gym/health facility.

These uses are consistent with the mix of uses supported within the CAZ, and will contribute towards the character and function of the Covent Garden area. Conditions are recommended to restrict the uses within Class D1 and D2 to those outlined above and to secure an operational management plan to provide full details of future uses, including operating procedures, hours of operation, numbers of staff and customers, membership details (if relevant) and how they will prevent customers who are leaving the building from causing nuisance to surrounding residents, to ensure that neighbouring residential amenity will not be negatively impacted upon.

All of the flexible units will be serviced from within the off-street servicing area proposed off Shelton Street. A condition is recommended that all servicing must take place between 0800 and 2000 and to secure a servicing management plan which sets out the servicing process, internal storage locations, scheduling of deliveries and staffing in order to protect residential amenity.

## 8.2 Townscape and Design

### Legislation and Policy

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore, Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty, the relative significance of the affected asset and the severity of the harm caused.

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## Background

Historically the site was occupied by two perimeter blocks, and has been occupied by a variety of buildings, including St. Martins Music Hall (1850s), Queen's Theatre (1911) and later in the 1930s the site was used by Odhams Press. Before its redevelopment in the late 1970s, and following the demolition of Odhams Press, the site was briefly occupied by a Japanese Community Garden.

Designed by modernist architect Richard Seifert, 90 Long Acre is a notable example of his brutalist style, but not as refined or as noteworthy as some of his other work, such as Centre Point. Occupying the entire street block bounded by Long Acre, Endell Street, Shelton Street and Arne Street, the building consists of a series of 16 blocks, each clad in pre-cast concrete panels creating projecting bays two windows wide. Their varying heights, which range between four and ten storeys, assist in moderating the bulk and mass of the building. The building is completed by a series of subdued pitched metal roofs and turrets, which screen a succession of roof terraces.

Originally designed for office use, the ground floor is largely inactive. Sections fronting Long Acre are detached from the street by a moat of light-wells and where the plant is located on the southern corner on Endell Street, the building exhibits an imposing impenetrable wall.

Unlisted, the building resides outside of, but on the north eastern edge of the Covent Garden Conservation Area. The building features prominently in important townscape views from within the Conservation Area, including from along Long Acre, but especially from Bow Street where the building is read in the context of the grade I listed Royal Opera House, and the former Bow Street Magistrates Court, which is grade II listed.

## Proposals

The Proposal intends to retain the existing structure, which when compared to the extant scheme provides significant sustainability credentials. The existing building is to be refurbished, cleaned and the glazing upgraded.

Three new infill blocks are proposed, one providing a new centralised entrance to Long Acre, a second and third to Endell Street and Arne Street. All connect to the central core of the building and existing adjoining blocks. The infills align with the bays of the existing building and none of the infills exceed the height of the existing building. Recessive elements at roof level have been introduced to ease the perceived bulk of the infills. The four-storey corner block fronting Long Acre and Endell Street is to be replaced by a nine-storey component, which is completed by a contemporary mansard style roof.

All the new extensions have a complementary architectural language which link them, but include variants, specifically the corner block, which has a chamfered corner and features glazed terracotta; and the infill to Arne Street, which is less adorned and features framed glazing. All blocks are faced in pre-cast concrete, which following officer advice has been coloured to match the tone of the existing building.

One of the main aims of the development is to improve upon and activate the principal frontages along Long Acre and Endell Street. This has been achieved by remodelling the ground floor to provide generous retail frontages which are set within articulated pre-cast bays which align with the original bays above. Also, the western light-well is to be

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removed to enable the building to address the street directly.

During the course of the application a number of design concerns were raised and have subsequently been addressed through revisions. In order to reduce the extent of glazing and increase the solidity of the façade, chamfered metal fins have been introduced to the window apertures, which also serve to provide shading. Glazed terracotta surrounds have been applied to the glazing on the corner infill to improve its tonality and introduce warmth, and the infills have been remodelled at roof level to include recessed corners to reduce their bulk.

Objections to the proposed design have been received, notably from the CGCA and CGAT. Their concerns are various but include the increased height on the corner of Endell Street and Long Acre (which is very prominent with the local townscape) and by the new extensions not being set back from the face of the Seifert facades, to provide a degree of subordinance to the original building. Officers have sympathy with these concerns and have sought to secure further modifications to the design to address this, however, the applicant has indicated that further amendments of the nature sought would threaten their ability to deliver the scheme and so have not made any further alterations to the height on the corner or to the building line of the new extensions.

### **Impacts**

The site lies within the immediate setting of both the Covent Garden and Seven Dials (Camden) Conservation Areas and within the wider setting of grade I Listed Royal Opera House, the grade II\* Freemasons' Hall (Camden), as well as grade II listed former Bow Street Magistrates Court and 11-19 Broad Court. As such the development has the potential to impact upon the setting of numerous designated heritage assets.

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. The setting of a heritage assets is defined in the NPPF glossary in the following terms: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

Historic England elaborates on the definition of 'setting' as follows: "Setting is the surroundings in which an asset is experienced and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not."

With regards to the setting of the Royal Opera House, when viewed from along Bow Street, the tall corner element of the proposed development will prominently terminate the vista looking north and draws the eye from the iconic Classical facade of the Opera House. This has the effect of eroding the prominence of the Opera House façade within this view and in this local townscape context. A similar effect occurs looking eastward along Long Acre, where the new corner block will rise prominently in relation to the more distant tower of the Freemasons' Hall..

The existing building on the site falls away at the corner of Long Acre and Endell Street, lessening its bulk and mass, this arrangement also alleviates its visual presence in views

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from Bow Street and Long Acre. In contrast, the proposed infill on the corner of Long Acre and Endell Street would introduce additional height and bulk on this corner which would appear to encroach upon the skyline and create a more assertive building. The increased prominence of the site on this corner serves to compete with townscape contribution of notable listed buildings within its context, notably the grade I Royal Opera House, when viewed from Bow Street.

In terms of the setting of the Covent Garden Conservation Area, the development has an indirect visual impact, affecting key townscape views from within the conservation area. This is demonstrated by verified views submitted along Bow Street and eastward along Long Acre. In these views the building is already a substantial presence albeit the relief and modelling of Seifert's design moderates this to some degree, whereas the new extensions will only increase the building's scale and dominance. It is certainly the case that the Covent Garden Conservation Area is one of variety in terms of building age, size and use and to this extent the proposed development would be another component in this eclectic townscape, however, for the most part the conservation area has a smaller scale and grain to it and this is certainly challenged by the proposal, although it is accepted that the existing building has a similar impact.

Seven Dials Conservation Area also lies directly to the north west of the site within the London Borough of Camden. Of relevance are views from Seven Dials, Endell Street and Shelton Street. Whilst not within Westminster, objections have been raised with regard to the impact of the development on views from within the Seven Dials Conservation Area, due to its height, bulk and design. In many respects the impact on the Seven Dials Conservation Area is similar to that on the Covent Garden Conservation Area, in that it is the scale and dominance of the proposed development, contrasting with the finer grain and generally lower scale of the conservation area, which results in an abrupt interface and a degree of harm caused.

Due its height and massing, the proposed development would impact upon the setting of numerous designated heritage assets, which is considered to result in less than sustainable harm.

Para 196 of the NPPF requires that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is recognised that the proposal does deliver a number of public benefits including the creation of a more open and active frontage at the base of the building, creating new retail, health and leisure uses to enliven the area. Widening of the pavement on the corner of Long Acre and Endell Street would also improve pedestrian movement within the vicinity of the site.

The retention and refurbishment of the existing building, as opposed to its wholesale demolition, also means this scheme is significantly more sustainable than the extant scheme, and aligns with the City's sustainability agenda.

Thus, in terms of design, townscape and heritage impacts, the proposals offer a number of beneficial and welcome components, while at the same time introducing elements

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which do cause harm. The proposal needs to be assessed in the round taking into account the overall impact of the scheme. While there is harm caused, as will be seen from the rest of the report and from the recommendation, it is considered that while finely balanced the benefits of the scheme are capable of outweighing the level of harm identified.

### 8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings and educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

#### **Sunlight and Daylight**

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, GIA, has carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 4-6 Arne Street; Betterton House, Betterton Street; 31 and 33 Betterton Street; 18 Endell Street; 55-56, 57-59, 61-62, 63, 64-65, 65A, 66, 69-76 Long Acre; Odhams Walk; 43-47 Shelton Street and 15-21 Endell Street; and 49, 51, 53, 55, 57, 59, 61, 63 Shelton Street.

GIA have also undertaken a consented v proposed analysis to understand any additional alterations in daylight and sunlight that may occur as a result of the proposed massing when compared to the consented massing.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The sunlight and daylight report shows that windows within Betterton House, Betterton Street; 31 and 33 Betterton Street; 18 Endell Street; 55-56, 57-59, 61-62, 69-76 Long Acre; 43-47 Shelton Street and 15-21 Endell Street; and 49, 51, 53, 55, 57, 59, 61, 63 Shelton Street will comply with BRE guidelines for daylight and sunlight.

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Of the windows relevant for the sunlight assessment all will adhere to BRE guidelines, with 100% compliance achieved

Residential windows within 4-6 Arne Street, 63, 64-65, 65A, 66 Long Acre and Odhams Walk will experience some losses in daylight to living room and bedroom windows beyond BRE guidelines. Bedrooms are not considered to be main habitable rooms and are therefore considered to be less important. This report therefore focuses on the proposed losses of daylight to living, kitchen, dining room and studio units.

#### 4-6 Arne Street

There are three residential apartments at first to third floor level with living rooms on the corner of Arne Street and Dryden Street which are served by multiple windows. The Arne Street and corner chamfered windows to each of the three living rooms (8 windows in total) will experience losses in VSC beyond BRE guidelines of between 21.2% - 34.9%, with retained levels of between 4.6 – 17.9%. The windows to the Dryden Street elevation, however, serving the same living rooms will comply and the three living rooms will remain BRE compliant with regards to the daylight distribution test (NSL). The retained daylight level within 4-6 Arne Street as a result of the current application will also be an improvement to those retained as a result of the previous consented scheme for the site.

#### 63 Long Acre

The upper floors of 63 Long Acre are in use as residential flats. Three of the flats at first to third floor level have living/kitchen/dining room windows fronting Long Acre. Nine windows serving the three rooms will breach BRE guidelines for daylight with losses of VSC of between 28 and 29.8%. Retained VSC levels, however, will be between 11 and 16.5 which are typical levels within a densely developed urban location. These rooms are also served by a further window to Bow Street which will not be affected by the proposal. The rooms will comply with the daylight distribution test (NSL).

#### 64 and 65 Long Acre

Planning permission was granted for the use of the first to third floor levels as eight residential flats in January 2019. It would appear that this consent has not yet been implemented, but the consented layout shows that six of the flats would have their living/kitchen/dining room windows facing Long Acre.

Seventeen windows have been tested which serve the six rooms and will breach BRE guidelines for daylight with losses of VSC of between 29.5 and 33.1%. Retained VSC levels, however, will be between 10.4 and 14.1 which are typical levels within a densely developed urban location. In terms of NSL one of the six rooms will meet BRE criteria, but the other five rooms will experience losses in NSL of between 21.7 and 37%.

It is considered that the retained lighting levels to the six flat proposed would not prohibit this development from taking place.

#### 65A Long Acre

The upper floors of 65A Long Acre are in use as residential flats. Six flats at first to third floor level have living/kitchen/dining room windows fronting Long Acre and a flat at fourth floor level has a living room. These rooms are served by fifteen windows which will

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breach BRE guidelines for daylight with losses of VSC of between 23.7 and 30.5%. Retained VSC levels, however, will be between 10.7 and 17.3 which again are typical levels within a densely developed urban location. In terms of NSL three of the seven rooms will meet BRE criteria with four experiencing losses in NSL of between 22.5 and 31.4%.

#### 66 Long Acre

66 Long Acre is in use as a public house with ancillary residential accommodation at second and third floor level. The windows facing Long Acre are bedroom windows.

#### Odhams Walk

Odhams walk is a residential housing estate on the opposite side of Endell Street. The applicant has identified 21 flats with windows facing the site. 86 windows serving 51 rooms have been assessed, with 28 rooms compliant with BRE guidelines with regards to VSC and NSL.

17 windows serving 13 kitchens and living rooms and 1 studio apartment will breach BRE guidelines for daylight with losses of VSC of between 20.9 and 29.1 (with the exception of one window which will have a 50% loss as it already receives a very low level of light due to its location set within a lightwell, but this does not directly face the site). However retained VSC levels will be between 10.1 and 18 which are typical levels within a densely developed urban location. In terms of NSL five kitchen windows will breach BRE guidelines experiencing losses of between 30.75 and 37.8%.

Inevitably, any new development which increases height and bulk on a site within a close urban environment is likely to have some impact on the light received by neighbouring properties. The proposal will result in a material worsening of daylight standards to a number of residential flats within Long Acre and Odhams Walk as outlined above. Whilst these daylight losses are regrettable, the retained VSC and NSL levels are not uncommon in a close urban environment and it is not considered that a refusal on the grounds of loss of daylight to these properties could be sustained.

#### Sense of Enclosure

Long Acre and Endell Street are wider streets in comparison to many of the narrow, relatively enclosed streets which are characteristic of this area, and it is not considered that the proposal will result in a sense of enclosure to properties on Long Acre or Endell Street.

Given that the existing building is being retained to the Shelton Street frontage (with the exception of the servicing area) the proposal will not result in a sense of enclosure to residents of Shelton Street. These properties would be significantly impacted upon in terms of light and enclosure were the consented scheme for the site implemented.

#### Privacy

CGCA and a neighbouring residents have raised an objection on the grounds that the proposed terraces will result in noise and a loss of privacy.

Seven existing roof terraces are to be upgraded at third (1), sixth (3), seventh (1) and eighth Floor level (2) for use in connection with the offices. All seven terraces are on the retained part of the existing building where terraces already exist and they will not

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therefore give rise to any new amenity implications. Accordingly the proposal is considered acceptable in amenity terms.

#### **8.4 Transportation/Parking**

The applicant has submitted a Transport Assessment in support of their application. No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22 of the UDP.

##### **Cycle parking**

300 long stay cycle parking spaces are proposed for the office and flexible uses. This falls short of the Intend to Publish London Plan policy which would require 328 cycle parking spaces for a new development. It is disappointing that the full amount of cycle parking space required for a development of this size is not being provided, however, the amount proposed is above that which would be generated from the increase in floorspace and new uses introduced into the site and it is not therefore considered that the application could reasonably be refused on the grounds of lack of cycle parking.

A further 60 short stay cycle parking spaces are proposed, a shortfall of 103 spaces against London Plan standards. Due to site constraints and lack of public realm spaces this is considered acceptable in this instance.

It is recommended that the cycle parking provision be secured by condition. Showers and changing facilities are provided at basement level which is welcomed.

##### **Servicing**

Policy S42 of the City Plan and TRANS20 of the UDP require adequate off-street servicing provision. The proposed development includes an off-street servicing bay on Shelton Street to service the whole development.

The applicant maintains that all servicing will be able to be accommodated within the proposed servicing bay. The Highways Planning Manager considers that the design and layout of the loading bay is acceptable and raises no objection to this element of the scheme subject to conditions that all servicing occurs from within the servicing bay and not from the highway; and to secure a servicing management plan.

##### **Highway works**

The proposed building on the corner of Long Acre and Endell Street has been chamfered to increase the pavement width in this area, in order to improve the pedestrian environment at this corner which is currently very narrow. This set back is welcomed and it is recommended that its dedication as public highway be secured through a s.106 legal agreement.

A new public access route is proposed through the building and it is recommended that a walkways agreement be secured through the s.106 legal agreement to ensure public access is retained and accessible to all.

It is recommended that highway works to Long Acre, Endell Street, Shelton Street and Arne Street, including changes to on-street restrictions, alterations to the vehicle access

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and adjoining footway and associated works are also secured through the S106 legal agreement.

## **8.5 Economic Considerations**

The economic benefits of the development are welcomed.

## **8.6 Access**

Level access is proposed into each of the uses at lower and upper ground floor level with lift access to the basement and upper floors. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

Long Acre and Endell Street are at different levels and it is not therefore possible for the new public route, which links the two street via an internal atrium, to provide a single floor level. However, it has been designed to provide a single continuous journey between the two entrances, which will include a step free route with sloping floors and landings for the mobility-impaired.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Noise/Plant**

Plant is proposed in the basement and within a new plant enclosure at main roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures are available to confirm compliance with the Council's standard noise condition.

### **Refuse /Recycling**

A central waste store is proposed at basement level with separate waste, recycling and food waste storage areas, which are large enough to accommodate the waste expected from the development. A collection area is proposed within the servicing bay at ground floor level to prevent waste being stored on-street pending collection. The Council's Waste Project Officer raises no objection.

### **Trees/Biodiversity**

There are three street trees surrounding the site, two Pears on Long Acre and one London Plane on Endell Street. There are Hornbeams and shrubs growing in raised planters within the site.

The Pear trees have restricted root development into the site and will not be affected by the proposal. The London Plane tree will need to be protected during construction work and it is recommended that details be secured by condition. The loss of the Hornbeams is considered acceptable.

Urban greening is proposed in the form of biodiverse and sedum roof areas, planting on the roof terraces and within the moat and climbers along the moat railings.

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Given the physical constraints of the existing building, the infill elements and the improved pavement areas proposed, there are limited opportunities for further greening. Notwithstanding this, the proposals would provide a net improvement in terms of urban greening and biodiversity compared to the existing situation.

It is recommended that full details of landscaping, water irrigation and the biodiverse living roofs, including a management plan are secured by condition.

### **Sustainability**

The applicant has submitted an Energy Statement and a Sustainability Strategy in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

The applicants approach to the energy efficiency measures for the proposed development has been holistic for both the new-build and refurbished elements of the scheme to ensure that it will be as energy efficient as practicable as a whole. It is proposed to deliver a 78% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this by reducing the building surface area and therefore heat loss; retention of a significant part of the existing building; and energy efficient building fabric including mixed mode ventilation with natural ventilation; a high performance thermal envelope to the new build elements and significant improvements to the existing facade and glazing; energy efficient fan coil units; high efficiency lighting and lifts; and heat recovery devices . Renewable energy is proposed in the form of high efficiency Air Source Heat Pumps for heating and cooling; water-to-water heat pumps for changing and shower facilities; and roof mounted PVs.

The carbon dioxide savings exceed the on-site target set within the London Plan for non-domestic uses. However, the new build element does not meet the 35% Carbon reduction requirement set out in the Intend to Publish London Plan.

The applicant is currently in discussions with the GLA about further carbon reduction measures which can be implemented for the new build elements of the development. A carbon offset payment will be required for any shortfall in carbon savings relative to the requirements of the London Plan and will be secured through the s.106 legal agreement. The carbon offset payment will be calculated when the final energy strategy is agreed.

There are no available existing or proposed district heating networks in the vicinity of the proposed development. However, the scheme will be future proofed to make allowance for connection should a low-carbon district heat network become available.

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The scheme seeks to achieve a BREEAM 'Excellent' rating under BREEAM New Construction 2018 assessment methodology.

#### **Air Quality**

The site falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application which concludes that the development will be air quality neutral.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

#### **8.9 Neighbourhood Plans**

Not applicable.

#### **8.10 London Plan**

The application has been referred to the Mayor of London and the stage 1 referral letter has been received. The Mayor supports the application in principle and considers that it represents a high-quality design that effectively responds to the existing building and surrounding context. The proposal would cause less than substantial harm to surrounding heritage assets, which would be outweighed by the improved quantity and quality of office and commercial floorspace and the improvements to the public realm and publicly accessible areas. The development is car-free which is welcomed and delivers positive public realm improvements by creating active frontages, pedestrian access points and on-site delivery. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured. Further clarification/details are required in relation to inclusivity, fire, energy, water, urban greening, and circular economy.

Informal post stage 1 comments have been received confirming outstanding issues relating to inclusivity, urban greening, water (rainwater harvesting) and circular economy have been addressed. The proposed fire strategy will need to be secured by condition. A carbon offset payment will be required for any shortfall in carbon savings when the final energy strategy is agreed.

#### **8.11 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of this application are

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considered to be consistent with the NPPF unless stated otherwise.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, archaeology and tree protection measures. The applicant has agreed to the imposition of these conditions.

## **8.12 Planning Obligations**

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

- Employment and Skills Plan including a financial contribution of £258,145.64 (index linked and payable on commencement of development).
- Walkways agreement for the new public route through the building.
- Dedication of highway.
- Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
- Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to final Energy Strategy).
- Monitoring costs.

The estimated CIL payment is: £3,360,446.22 (£1,970,600 Westminster CIL and £1,389,846.22 Mayor's CIL).

## **8.13 Environmental Impact Assessment**

The City Council issued a screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 on 1 November 2016 confirming that a development of this nature would not require an Environmental Impact Assessment (EIA).

Sustainability and environmental issues have been covered in section 8.7 above.

## **8.14 Other Issues**

### **Construction impact**

A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to

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provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)**

## 9. KEY DRAWINGS

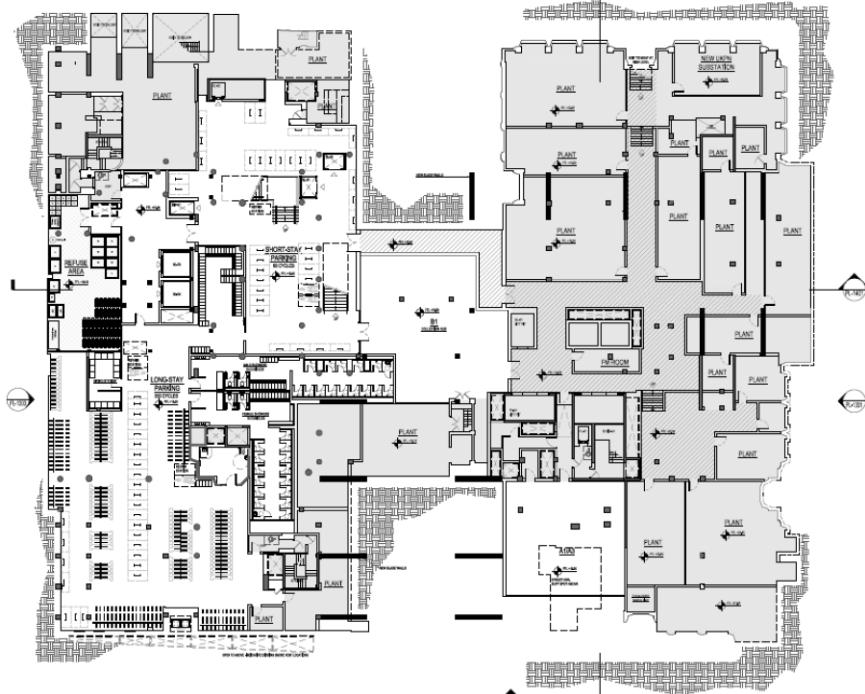




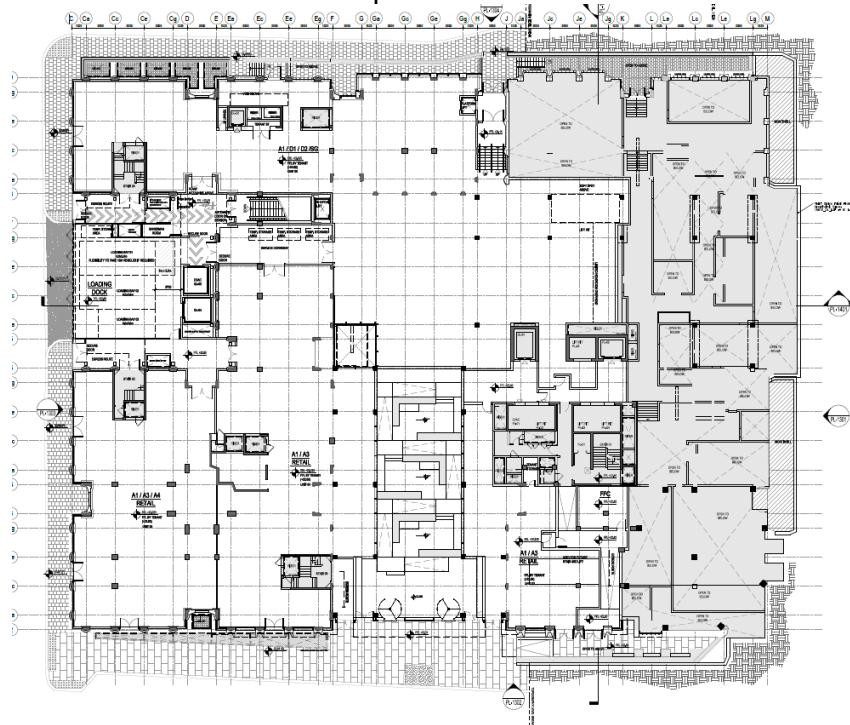
Proposed Shelton Street



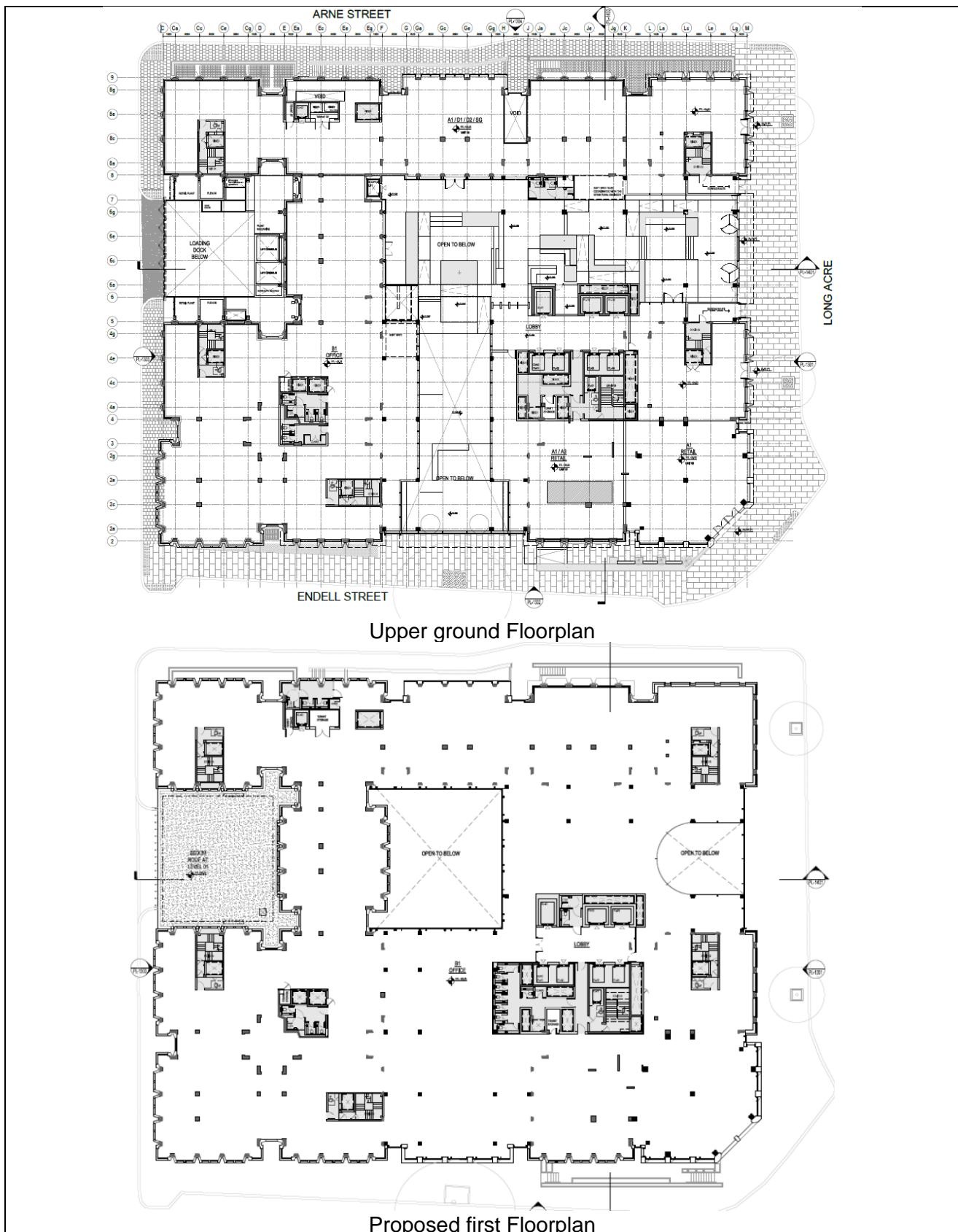
Proposed Arne Street

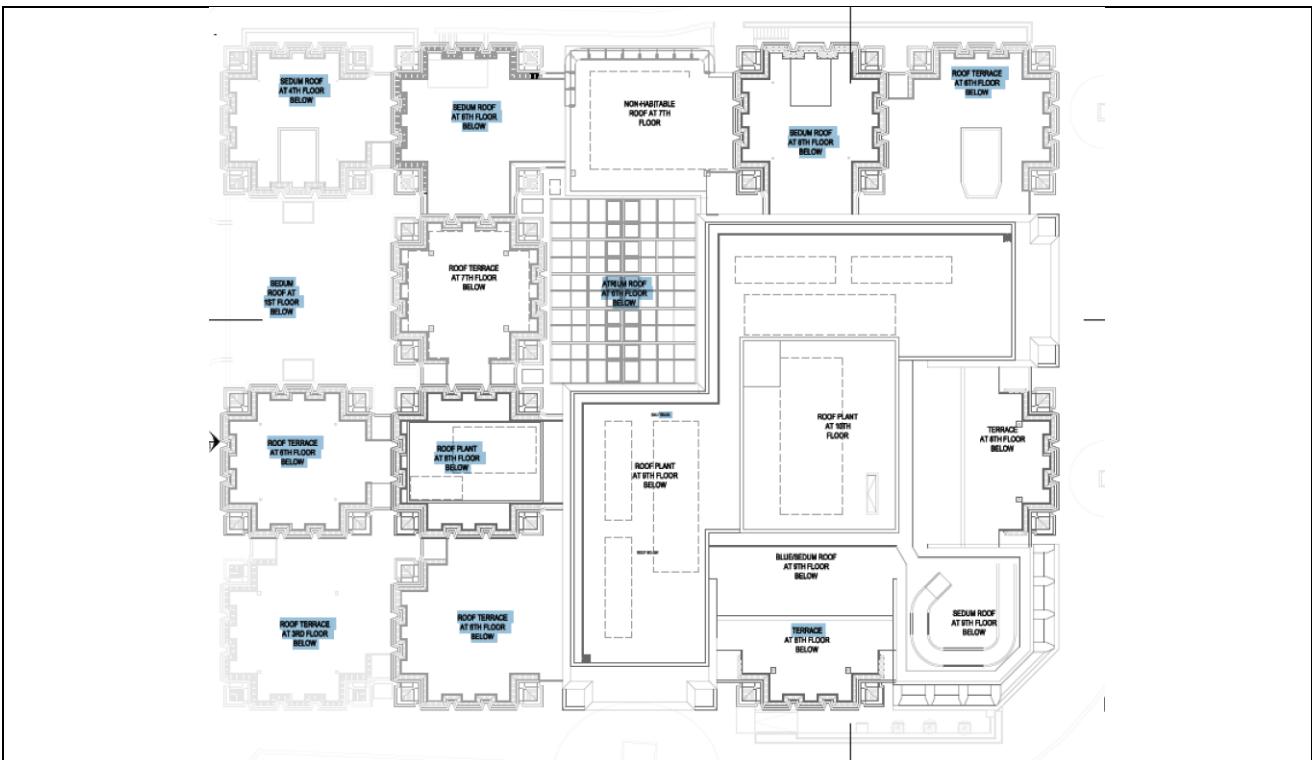


Proposed Basement

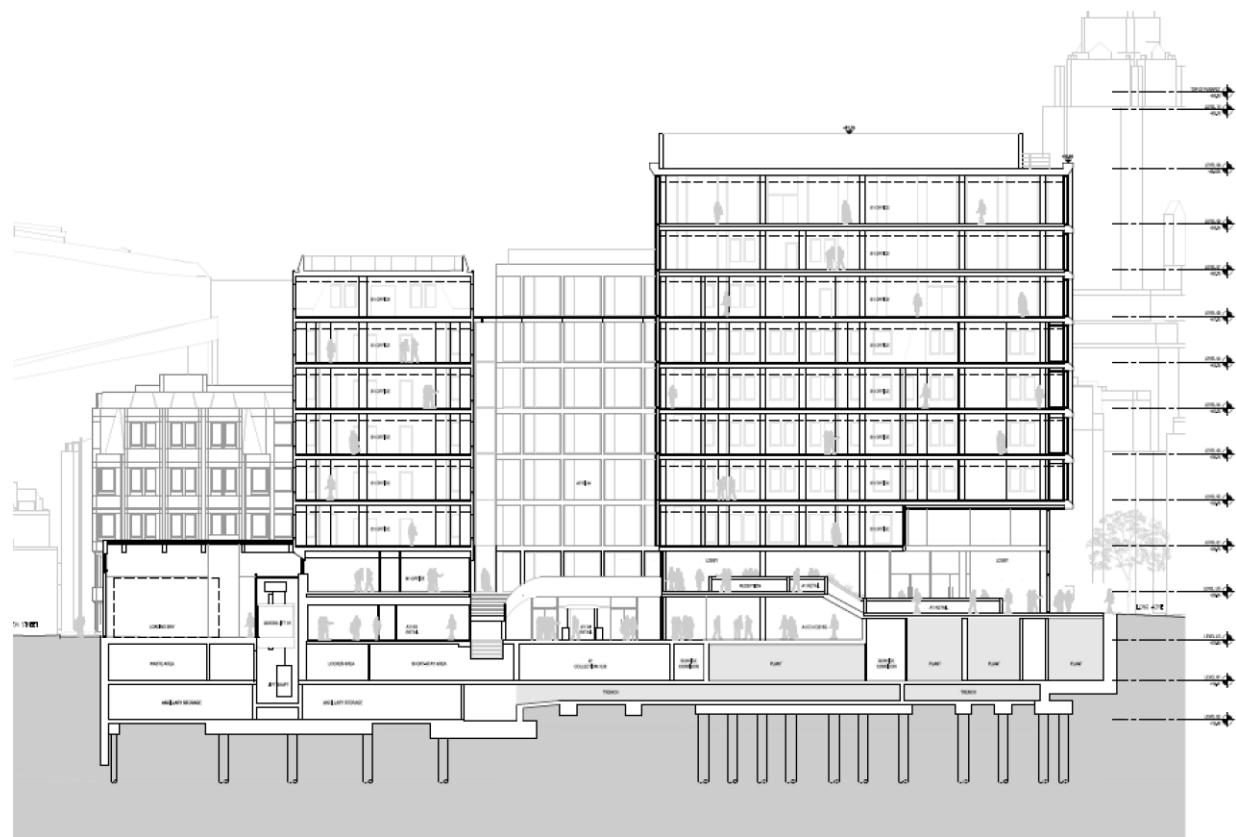


Proposed Lower Ground Floorplan





Proposed Roof Plan



Proposed section



Corner Long Acre and Endell Street

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## DRAFT DECISION LETTER

- Address:** First Chicago House, 90 Long Acre, London, WC2E 9RA,
- Proposal:** Part demolition, infilling and alterations to existing building to provide a building comprising 4-10 storeys for office use (Class B1) with flexible uses at lower and upper ground floor level including retail, restaurant, bar, leisure and non-residential institutions (Class A1, A3, A4, D1 , D2, and Sui Generis accommodation); internal pedestrian routes with a publicly accessible atrium; upgraded roof terraces; and servicing, ancillary plant and storage, cycle parking and other associated works.
- Reference:** 20/03062/FULL
- Plan Nos:** Existing Drawings: LA GEN XX B2 DR PL 0107/P01; LA GEN XX B1 DR PL 0108; LA GEN XX LG DR PL 0109/P01; LA GEN XX UG DR PL 0110/P01; LA GEN XX 01 DR PL 0111/P01; LA GEN XX 02 DR PL 0112/P01; LA GEN XX 03 DR PL 0113/P01; LA GEN XX 04 DR PL 0114/P01; LA GEN XX 05 DR PL 0115/P01; LA GEN XX 06 DR PL 0116/P01; LA GEN XX 07 DR PL 0117/P01; LA GEN XX 08 DR PL 0118/P01; LA GEN XX 09 DR PL 0119/P01; LA GEN XX RF DR PL 0120/P01; LA GEN XX XX DR PL 0131/P01; LA GEN XX XX DR PL 0132/P01; LA GEN XX DR PL 0133/P01; LA GEN XX XX DR PL 0134/P01; LA GEN XX XX DR PL 0141/P01 and LA GEN XX XX DR PL 0142/P01. Demolition drawings: LA GEN XX B2 DR PL 1007/P01; LA GEN XX B1 DR PL 1008; LA GEN XX LG DR PL 1009/P01; LA GEN XX UG DR PL 1010/P01; LA GEN XX 01 DR PL 1011/P01; LA GEN XX 02 DR PL 1012/P01; LA GEN XX 03 DR PL 1013/P01; LA GEN XX 04 DR PL 1014/P01; LA GEN XX 05 DR PL 1015/P01; LA GEN XX 06 DR PL 1016/P01; LA GEN XX 07 DR PL 1017/P01; LA GEN XX 08 DR PL 1018/P01; LA GEN XX 09 DR PL 1019/P01; LA GEN XX RF DR PL 1020/P01; LA GEN XX XX DR PL 1031/P01; LA GEN XX XX DR PL 1032/P01; LA GEN XX XX DR PL 1033/P01; LA GEN XX XX DR PL 1034/P01; LA GEN XX XX DR PL 1041/P01 and LA GEN XX XX DR PL 1042/P01.  
Proposed drawings: LA GEN XX RF DR PL 0201/P01; LA GEN XX RF DR PL 0202 LA GEN XX LG DR PL 0209/ P01; LA GEN XX UG DR PL 0210/P01; LA GEN XX B2 DR PL 1207/P01; LA GEN XX B1 DR PL 1208/P02; LA GEN XX LG DR PL 1209/P02; LA GEN XX UG DR PL 1210/P02; LA GEN XX 01 DR PL 1211/P01; LA GEN XX 02 DR PL 1212/P01; LA GEN XX 03 DR PL 1213/P01; LA GEN XX 04 DR PL 1214/P01; LA GEN XX 05 DR PL 1215/P01; LA GEN XX 06 DR PL 1216/P01; LA GEN XX 07 DR PL 1217/P01; LA GEN XX 08 DR PL 1218/P02; LA GEN XX 09 DR PL 1219/P02; LA GEN XX RF DR PL 1220/P02; LA GEN XX XX DR PL 1301/P02; LA GEN XX XX DR PL 1302/P02; LA GEN XX XX DR PL 1303/P01; LA GEN XX XX DR PL 1304/P01; LA GEN XX XX DR PL 1310/P01; LA GEN XX XX DR PL 1320/P02; LA GEN XX XX DR PL 1321/P01; LA GEN XX XX DR PL 1322/P01 and LA GEN XX XX DR PL 1323/P01; LA GEN XX XX DR PL 1401/P01 and LA GEN XX XX DR PL 1402.  
For Information Only: Design and Access statement, prepared by Gensler May 2020; Design and Access Statement Addendum August 2020; Planning Statement, prepared by Gerald Eve LLP May 2020; Energy Statement, prepared by Arup May 2020; Sustainability Statement, prepared by Arup May 2020; Daylight & Sunlight Report, prepared by GIA May 2020; Townscape, Heritage and Visual Assessment, prepared by Turley May 2020; Transport Assessment including Travel Plan and

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Delivery and Servicing Management Plan, prepared by Arup May 2020; Air Quality Assessment, prepared by Arup May 2020; Arboricultural Impact Assessment, prepared by Waterman May 2020; Outline Construction Logistics Plan, prepared by Platform May 2020; Technical Report (including, Flood Risk Assessment, Noise Impact Assessment, Structural Survey/Structural Methodology Statement, Ventilation / Extraction Statement, Circular economy statement), prepared by Arup May 2020; Fire Strategy Rev 02 by Arup dated 20 August 2020; Transport and Logistics Comment Responses by Arup 7 July 2020, 5 August 2020 and 21 September 2020; Response to Thames Water by Arup 8 July 2020; and Response to GLA stage 1 Report including Appendix 1 - 7 by Gerald Eve dated 7 August 2020.

**Case Officer:** Julia Asghar

**Direct Tel. No.** 07866037964

### **Recommended Condition(s) and Reason(s)**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.
 You must carry out piling, excavation and demolition work only:
  - o between 08.00 and 18.00 Monday to Friday; and
  - o not at all on Saturdays, Sundays, bank holidays and public holidays.
 Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
  - (a) Demolition, and/or,
  - (b) Earthworks/piling and/or
  - (c) Construction

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On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority, in consultation with Transport for London, has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

**Reason:**

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

- 5 You must apply to us for approval of detailed drawings of the following parts of the development:

Typical Bay Studies for each new infill showing materials and architectural components, including glazing (scaled elevation and section drawings).

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 (C26DB),

**Reason:**

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

- 6 You must apply to us for approval of detailed drawings of the following parts of the development;

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- i) Shopfronts.
- ii) Glazing system to the entrances to Long Acre and Endell Street.
- iii) Ventilation louvers,
- iv) Roof top plant enclosures, including materials and colour.

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 (C26DB)

Reason:

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

- 7 You must apply to us for approval of a signage strategy to ensure a consistent approach is applied to the shop fronts. You must not occupy the flexible retail/A3/A4/D1/D2/Sui generis units until we have approved what you have sent us. Any future signage proposals must then comply with this signage strategy.

Reason:

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

- 8 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

9 **Pre Commencement Condition.**

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

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(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

- 10 No more than 4,392 sqm (GIA) of floorspace at basement, lower ground and upper ground floor levels shall be used flexibly within Classes A1, A3, A4, D1, D2, private members club (sui generis) or cultural rehearsal space (sui generis), with the following individual limitations:
- a. No more than 1773 sqm (GIA) shall be used as restaurant/cafe use within Class A3 at any one time, with no one individual unit exceeding 619sqm;
  - b. No more than 551 sqm (GIA) shall be used as bar use within class A4 at any one time; with no one individual unit exceeding 447sqm;
  - c. No more than 1959 sqm (GIA) shall be used for a use falling within Class D1, D2 or as a private members club (sui generis) or cultural rehearsal space (sui generis) at any one time; and
  - d. A minimum of 556 sqm (GIA) shall be used as retail within Class A1 at any one time.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets SS4, SS5, TACE 8, TACE 9, TACE10 and SOC1 of our Unitary Development Plan that we adopted in January 2007 and S6, S7, S24 and S34 of Westminster's City Plan (November 2016)..

- 11 Customers shall not be permitted within any restaurant (class A3) premises before 07:30 or after 23:30 Monday to Thursday, before 08:00 or after 00:00 (midnight) Friday and Saturday and before 09:00 or after 23:00 On Sunday and Bank Holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC),

- 12 Customers shall not be permitted within any bar (class A4) premises before 07:00 or after 00:30 Monday to Thursday, Sunday and Bank Holidays and before 07:00 or after 01:00 on Friday and Saturdays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

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- 13 You must apply to us for approval of an operational management plan (OMP) for each of the flexible units before any of the following uses commence:

- (i) Restaurant/cafe (Class A3);
- (ii) Bar (class A4);
- (iii) Use within Class D1;
- (iv) Use within Class D2;
- (v) Private members club (*sui generis*);
- (vi) cultural rehearsal space (*sui generis*).

Each OMP should include number of staff and customers, hours of operation, membership details (if relevant) and show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not occupy any of the above uses until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that these uses are in place. Should any of the uses change a new OMP will be required to be submitted and approved by us and the measures carried out at all times that the use is in place. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S6, S24, S29, S32 and S34 of Westminster's City Plan (November 2016) and TACE8, TACE 9, TACE 10, SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB),

- 14 If any part of the flexible floorspace is occupied by a use within Class D1 or D2, you can only use it for the purposes of an art gallery, health clinic, cinema or gym/health and fitness facility. You must not use it for any other purposes, within Class D1 or D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it). (C05BB), ,

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29, S32 and S34 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB),

- 15 If Unit 7 of the flexible floorspace is occupied as either restaurant (class A3) or bar (class A4) use, customers shall only access and egress the unit from Endell Street, except in the case of an emergency.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8, 9 and 10 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 16 You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations,

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scheduling of deliveries and staffing. All servicing must take place between 0800 and 2000. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of the development, unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 17 No music shall be played such as to be audible outside the premises to the nearest noise sensitive, residential receptor.

Reason:

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

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

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position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;; (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;; (f) The proposed maximum noise level to be emitted by the activity.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 19 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, for any restaurant (class A3) uses or other uses which contain a commercial kitchen, including details of how it will be built and how it will look. You must not begin any restaurant uses allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

**Reason:**

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

- 20 (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-

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specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.  
(R46AB)

- 21 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. (R48AA)

**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. (R48AA)

- 22 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB)

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**Reason:**

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

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 20 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

**Reason:**

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 24 You must provide the waste store shown on drawing LA-GEN-XX-B1-DR-PL-1208/P02 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Reason:**

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

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

**Reason:**

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

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

- 27 You must provide each cycle parking space shown on the approved drawings prior to

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occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 28 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

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

Reason:

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

- 30 You must apply to us for approval of detailed drawings of a planting scheme for the external terraces which includes the number, size, species and position of trees and shrubs and how they will be irrigated. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the planting within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within three years of planting them, you must replace them with trees of a similar size and species. (C30BB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 31 You must apply to us for approval of detailed drawings and a bio-diversity management plan (including irrigation measures) in relation to the sedum and biodiverse roofs to include construction method, layout, species and maintenance regime. You must not occupy 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

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in accordance with the approved management plan.,

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 32 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

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

- 33 You must apply to us for our approval of any work you want to carry out on any trees. You must not start any work until we have approved what you have sent to us. The tree work must be carried out according to the approved details. (C31NA)

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 34 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.
- Photovoltaics,
  - Air source heat pumps,
  - Future connection to district heating network.
- You must not remove any of these features. (C44AA)

Reason:

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

- 35 The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2018 or any such national measure of sustainability that replaces that scheme of the same standard). A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 3 months of

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completion on site.

**Reason:**

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

- 36 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. (Please see informative 27).

**Reason:**

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

- 37 You must apply to us for approval of a fire safety strategy. You must not occupy the building until we, in consultation with the Greater London Authority, have approved what you have sent us. You must then carry out the measures included in the approved fire safety strategy and you must not change it without our permission. (Please see informative number 28 ).

**Reason:**

All developments must achieve the highest standards of fire safety as set out in Policies D5 and D12 of the Mayor's Intend to Publish London Plan dated December 2019.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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.

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- 2 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates:
- Employment and Skills Plan including a Financial Contribution of £258,145.64 (index linked and payable on commencement of development).
  - Highway works to Long Acre, Endell Street, Shelton Street and Arne Street including changes to on-street restrictions, alterations to the vehicle access and adjoining footway and associated work (legal, administrative and physical).
  - Dedication of highway.
  - Walkways agreement for the new public route through the building.
  - Carbon offset payment (index linked and payable on commencement of development) (amount TBC subject to revised Energy Strategy).
  - Monitoring costs.
- 3 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 4 You must register your food business with the Council, please use the following link: [www.westminster.gov.uk/registration-food-business](http://www.westminster.gov.uk/registration-food-business). Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at [ehconsultationteam@westminster.gov.uk](mailto:ehconsultationteam@westminster.gov.uk) for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 5 Please contact Environmental Sciences by email to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk) if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 7 The City Council supports a scheme to provide a free recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at [www.crossriverpartnership.org](http://www.crossriverpartnership.org). The scheme is

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supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.

- 8 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker ([salom@westminster.gov.uk](mailto:salom@westminster.gov.uk))
- 9 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at [jperkins@westminster.gov.uk](mailto:jperkins@westminster.gov.uk).
- 10 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 11 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 12 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 13 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit [www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).
- 14 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 15 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 16 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to

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contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 17 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).
- 18 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 19 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 20 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning

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authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 21 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: [www.westminster.gov.uk/street-naming-numbering](http://www.westminster.gov.uk/street-naming-numbering) (I54AB)
- 22 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the flexible floorspace can change between the uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 23 Please contact a Metropolitan Police Designing Out Crime Officers about suitable security measures for your development. You should also check whether these features will need planning permission. The contact details for Designing Out Crime Officers that cover Westminster can be found at the following link: [www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region](http://www.securedbydesign.com/contact-us/national-network-of-designing-out-crime-officers?view=article&id=308#metropolitan-police-service-north-west-region).
- 24 One or more of the uses we have approved are referred to as being 'sui generis'. This means that the use or uses are not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission. (I78AA)
- 25 There is a list of arboricultural consultants who have been approved by the Arboricultural Association at [www.trees.org.uk](http://www.trees.org.uk). (I92CA)
- 26 Please read the following., , \* British Standard BS: 5837 (2005) and later revisions - Recommendations for trees in relation to construction, \* National Joint Utilities Group guide NJUG 10 - Guidelines for the planning, installation and maintenance of utility services in proximity to trees (1995), \* Arboricultural Practice Note APN 1 - Driveways close to trees (1996), and the products available to provide hard surfaces close to trees. (I92AA)

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- 27 With regards to condition 36, please read Thames Water's guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you are working above or near Thames Water pipes or other structures., , Should you require further information please contact Thames Water. , Email: developer.services@thameswater.co.uk , Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) , Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
  
- 28 The fire safety strategy required under condition 37 should set out how the development proposal will function in terms of points 1-6 set out under Policy D12(B) of the Mayor's Intend to Publish London Plan dated December 2019. The strategy should also address Policy D5 (Inclusive Access) which states that in all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.

Please note: the full text for informatics can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

# Agenda Item 3

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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS (MAJOR) SUB COMMITTEE</b>	<b>Date</b> <b>10 November 2020</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Warwick
<b>Subject of Report</b>	<b>Development Site At 52 To 73, Wilton Road, London</b>	
<b>Proposal</b>	Demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storey building and 2 basement levels for a mixed-use development comprising office floorspace (Use Class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th and 5th floor levels, 5 residential flats (4 x 2 bedrooms flats and 1 x 3 bedrooms flat) with balconies (Use Class C3) at first to third floor levels at the corner with Gillingham Row and retail floorspace (Use Classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays.	
<b>Agent</b>	Montagu Evans	
<b>On behalf of</b>	.	
<b>Registered Number</b>	19/06682/FULL	<b>Date amended/ completed</b>
<b>Date Application Received</b>	22 August 2019	22 August 2019
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>		

## 1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:

- Carbon offset payment of £43,956 (index linked) payable on commencement of development.
- All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, provision of soil crating system for tree planting and associated work (legal, administrative and physical).
- A financial contribution towards employment, training and skills of £180,468.03 (index linked) payable on commencement of development.
- Tree planting contribution of £20,000 index linked, to be used for the purposes of tree planting and maintenance, with planting priority where conditions allow to be given in the following order:  
Zone 1; In the location shown on planning application drawing 055-A-11-10 G

Zone 2; Within 200m of the development site
Zone 3; Within Tachbrook ward
Zone 4; Any sites outside Zones 1-3 within the administrative boundary of the City of Westminster
• Costs of monitoring the S106.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3 i) That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place.
ii) That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.

## 2. SUMMARY

52-73 Wilton Road are seven adjoining unlisted buildings with retail, restaurant and sui generis uses at ground and basement floor levels and office, residential and dental surgery at upper levels. The site falls outside a conservation area but the south of the site adjoins the Pimlico Conservation Area. The site is located within the Pimlico Central Activities Zone (CAZ) and it is identified as a CAZ Frontage. The rear of the site fronts the Queen Mother Sport Centre.

Planning permission is sought for the demolition of all buildings on the site and redevelopment to provide a part-four, part-five and part-six storey building plus two basement levels with office use at first to fifth floor level, five residential units at part first to third floor levels and retail/restaurant units at ground floor level and basement. The application includes plant at basement and roof levels, terraces for residential and office uses and new landscaping and alterations to public realm with new landscaping.

The key issues for consideration are:

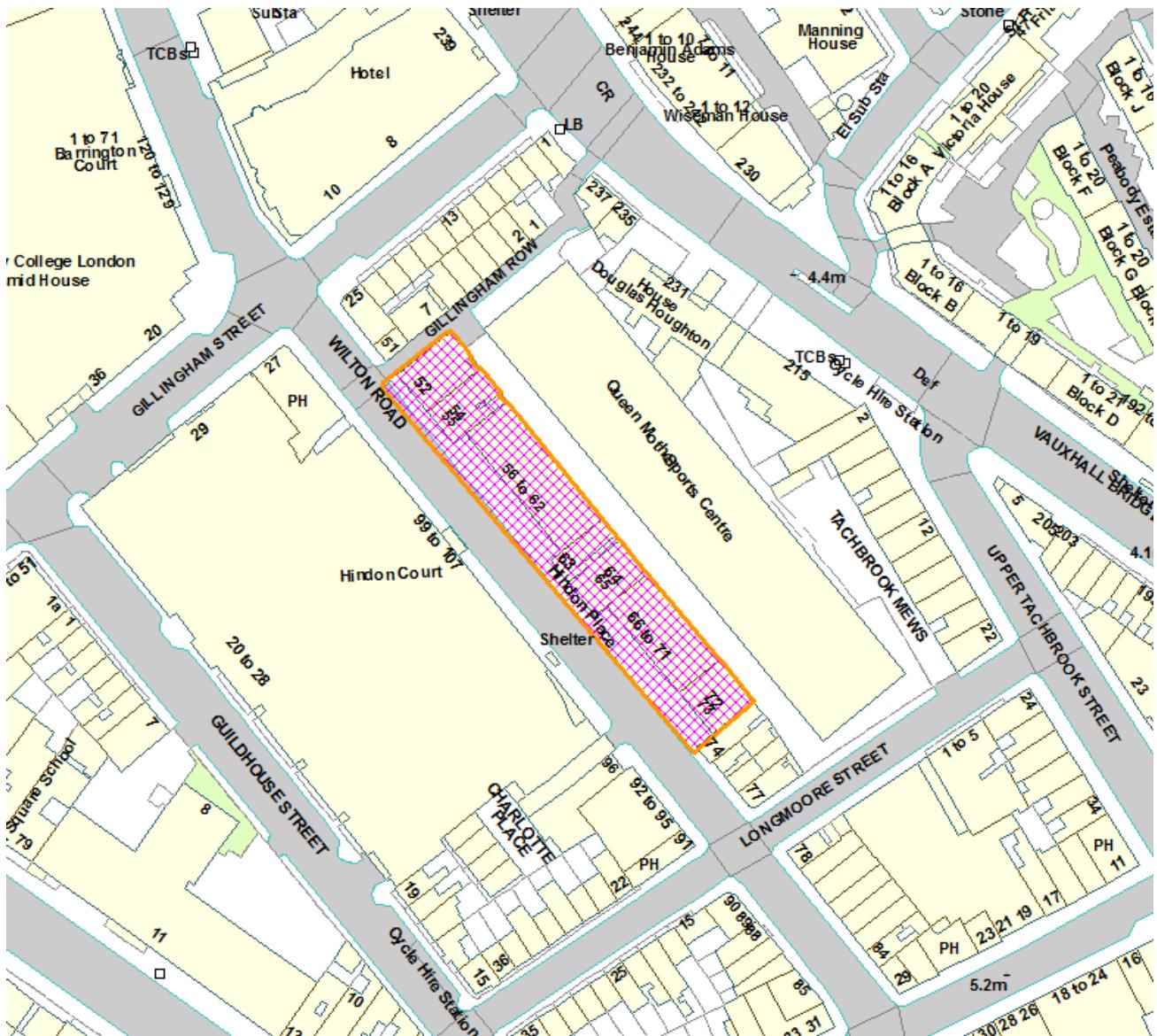
- The impact of the proposals on the character and appearance of the area and the setting of the Pimlico Conservation Area;

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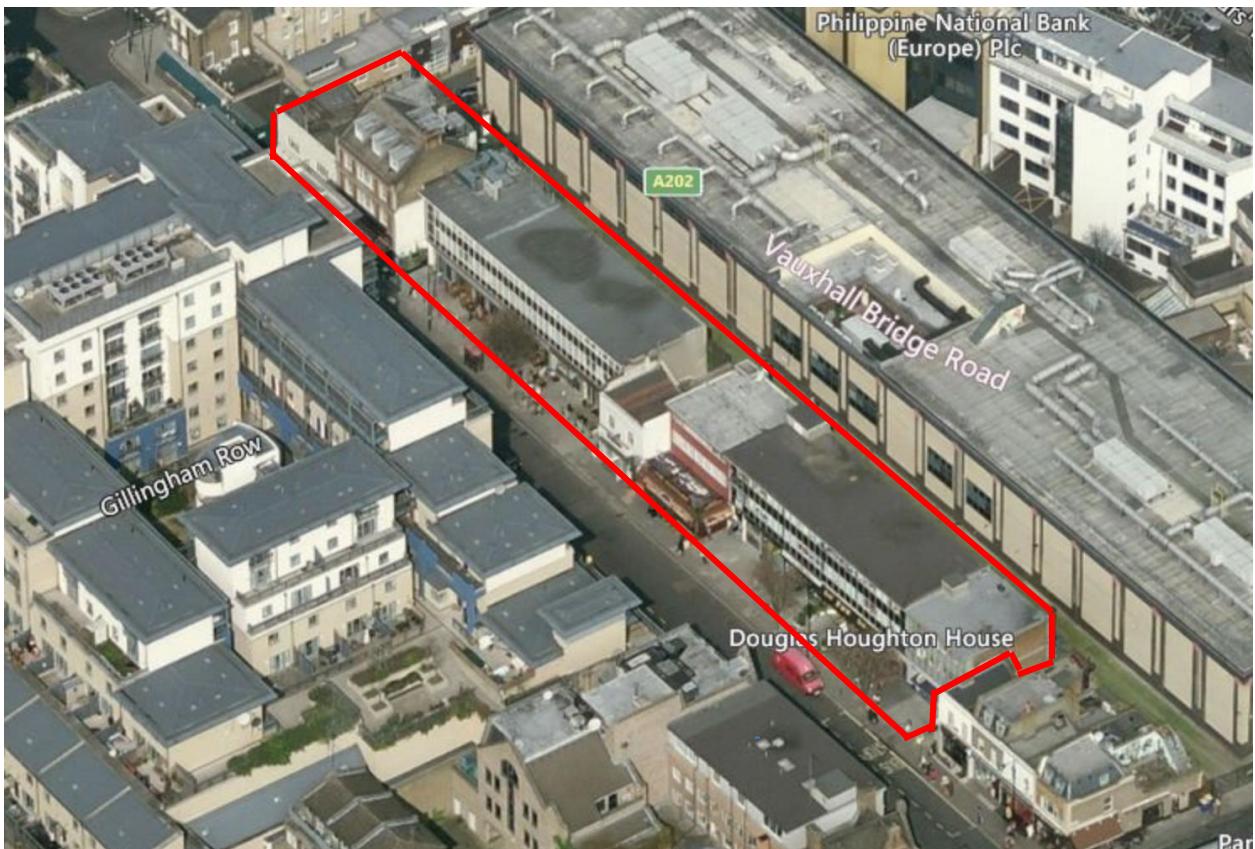
- The land use implications of the proposal including provision of office floorspace outside the Core Central Activities Zone;
- The impact of the new building on residential amenity;
- The impact of the proposal on the environment and surrounding highway network.

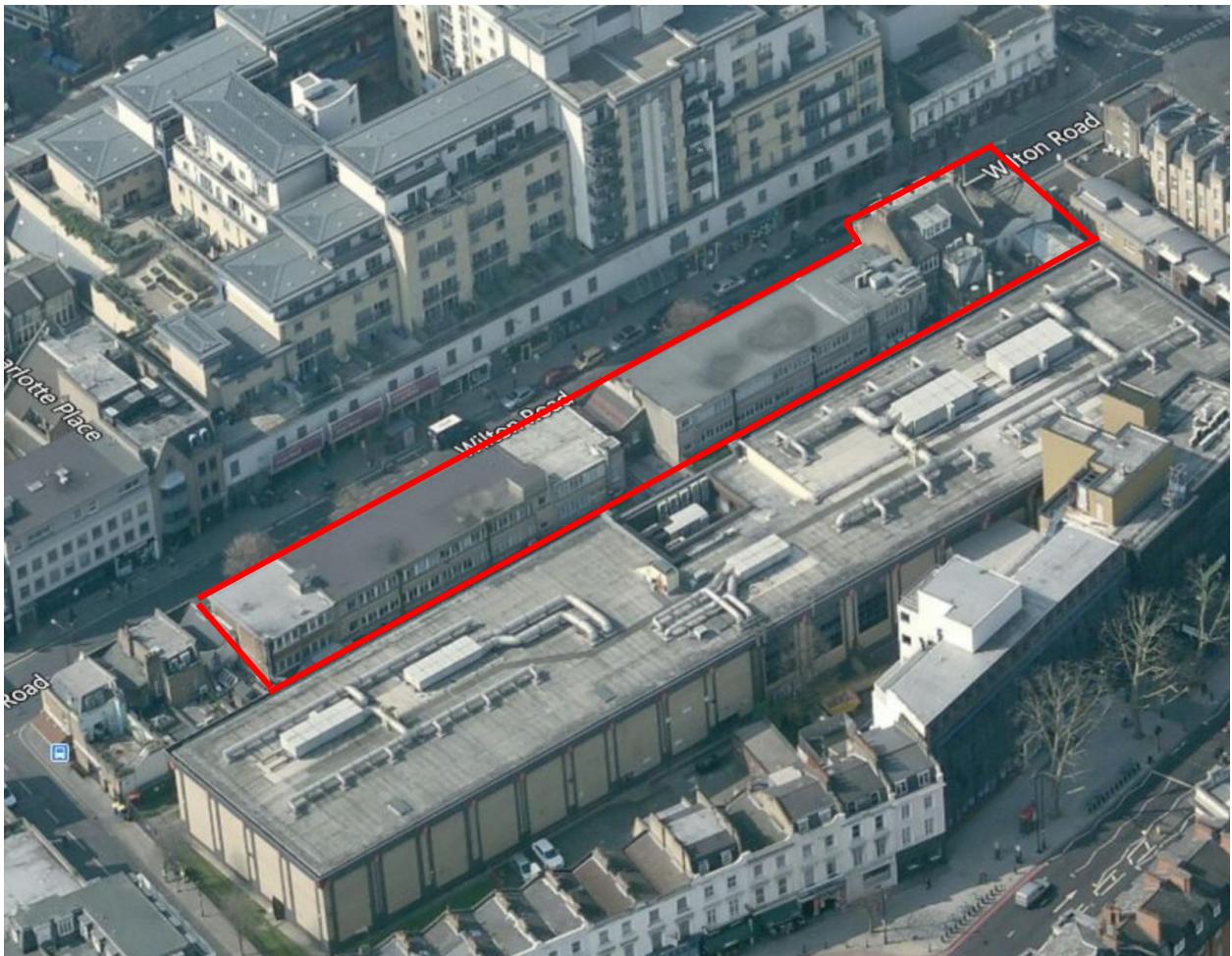
Numerous objections have been received from neighbouring residents primarily on the grounds of harm to residential amenity, scale and mass of the building and its impact on the local area, the mix of uses, the worsening of anti-social behaviour and the loss of public space. For the reasons set out in the main report, it is considered that the proposal is acceptable in land use terms and neighbouring residential occupiers would not be unduly harmed. The revised scheme is appropriate in the streetscape and addresses the security concerns and will not have a detrimental impact on the highway. The proposal is considered to comply with relevant policies in our adopted City Plan and Unitary Development Plan policies subject to conditions and the completion of a S.106 legal agreement.

### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationery Office (C) Crown Copyright and/or database rights 2013.

**4. PHOTOGRAPHS****Aerial picture of the site outlined in red**



**Aerial picture of the site outlined in red**

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Northern part of the site – Front elevation



Southern part of the site – Front elevation

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**Rear elevation of the site**

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## 5. CONSULTATIONS

### WARD COUNCILLORS FOR WARWICK –

Cllr Jacqui Wilkinson:

Objection on the following grounds:

- impact on the Pimlico Conservation Area, the redevelopment on the opposite side is not part of the conservation area.
- Height is a great concern to local residents, reference to the consultation document from Pimlico Neighbourhood Forum.
- Implications on the council's plan for the Queen Mother Sports Centre. The proposed scheme must not impede the Council's ability to develop this site.

Revised scheme – objection on the following grounds:

- Not taking into account Ward Councillors' advice.
- There is no transitional area, Pimlico is the appropriate planning context to take for this development excluding Hindon Court.
- Failure to engage with local residents and residents' association.
- No account seems to have been taken of the draft Pimlico Neighbourhood Plan.

Cllr Nickie Aiken

Objection on the following grounds:

- Fails the Council's strategic objectives for the local area and does not meet some planning policies: S10, S18, S20, DES1.
- The reference of the Victoria Opportunity Area (VOA) is misleading as the site does not lie within the VOA. There is no "transitional area".
- Pimlico is a residential area and requires protecting from such development.
- Mass and height, will have a detrimental effect on neighbouring properties in particular in terms loss of light.
- Proposed design does not fit with Pimlico's look and feel and it will change the nature of Pimlico.
- Impact on the conservation area.

Cllr Christabel Flight

Objects to the scheme, Councillors have not been kept updated.

Cllr Mark Shearer (St James's Ward)

- Wilton Road is the centre of the community and plays a key role in servicing the needs of local residents.
- The existing low-rise elevation on eastern site, fragmented appearance and the number of local traders contribute to the village feel/ ambience of the street. The setting back helps with circulation and alleviates the massing of the opposite building. Development should be within the existing envelope.
- The scale and massing do not take account of the street width, sale, ambience nor function.
- Overhang creates a cramped/over-bearing feeling and may lead to anti-social behaviour.
- Displacement of local traders.

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HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)  
Do not wish to offer comments.

HISTORIC ENGLAND (ARCHAEOLOGY)  
Recommends archaeological pre-commencement condition.

PIMLICO FREDA:

- 04/10/19 - Objection on the following grounds:
- The site is not within the Victoria Opportunity Area (VOA)
- Proposal contrary to policies S10, S18, S41 PIM11, DES1, DES3, DES4, DES9, DES10, ENV 13, TRANS3
- Massing and height – out of keeping with the Gillingham Row, Gillingham Street and the Pimlico Conservation Area. Hindon Court development achieved consent on appeal, the emerging Pimlico Neighbourhood Plan should be reviewed
- Unacceptable substantial increase of office floorspace
- Design: Pimlico architecture is late Georgian/Regency not Victorian, the proposed is a huge monolithic white clock/slab, choice of colour and material is not typical of Pimlico
- Increase in rough sleeping and possible anti-social behaviour
- Impact on heritage assets and conservation areas – the scheme ignores the Pimlico Conservation Area and the listed buildings in Gillingham Street that will be overshadowed and dwarfed.
- Impact on daylight and sunlight.
- Reduction of the pavement size, restriction of movement, no provision of additional open space.
- The supporting documents does not state the correct areas for the two proposed loading bays.
- New residential units should affordable and available to local “working” residents – planning condition to prevent short-term lets.
- Queries about the Transport report about parking and servicing, lack of on-street parking must be taken into account.
- Does not fulfil the needs and requirements for disabled, elderly and people with handicap.

14/05/20

The revised proposal still does not fulfil Westminster adopted policies, most of the comments remain the same as in the letter dated 04/10/19. The additional comments are:

- No reference to the Pimlico design guide- proposal contrary to this document.
- Barely references to the Pimlico Neighbourhood Plan.
- Retention of the overhang that will lead to and in rough sleeping and crime
- Community involvement
- The alteration to the building does not go far enough – bulky out of place unsympathetic block
- Transport strategy do not address parking for disabled person.
- Housing will be used for short term lets.
- The revised building is too tall and the sheer bulk of the scheme will dominate the streetscene.
- The roof profile although improved is out of keeping with both Gillingham Row, Gillingham Street and the Pimlico Conservation Area.

WESTMINSTER SOCIETY:  
Objection on the following grounds:

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- Massing and scale – little attempt to integrate the scheme into predominantly residential scale of the area or to harmoniously blend into the character of the street. Over blown scale. Uniformity, materiality and detailing exaggerate the length and overbearing nature of the scheme.
- Elevations treatment: bland office elevations, roof form, retail frontage monotonous and out of scale, arches.
- Townscape impact: overbearing nature of the scheme demonstrated by views.
- Residential accommodation: layout of the residential units, glass treatment, problems for the placement of furniture and privacy issues.

#### PIMLICO NEIGHBOURHOOD FORUM:

Draft Neighbourhood Plan considers this block and site in some detail and in particular the importance of improving the public realm and attractiveness in Wilton Road and “*redevelopment of any this block needs to reflect this [historic] boundary and avoid any sense of dominating the historic area*”.

The closeness of the Wilton Road elevation to the pavement edge, with no substantial set back and the height of development risk resulting in an unrelieved canyon on Wilton Road. The use of transition area is misleading.

Visual and townscape effect of the development on the historic view from Denbigh Street/Wilton Road is not shown.

The redevelopment on the other side should not justify the height and bulk of scheme.

Risk to encourage anti-social behaviour

Would be very unfortunate if the development prevents the continuing use, refurbishment or replacement of the sports centre.

Housing likely to be used for short-term let market.

#### VICTORIA NEIGHBOURHOOD FORUM

No response to date.

#### DESIGNING OUT CRIME

Recommends condition that prior to the first occupation of each building or part of a building or use a “Secured by Design” accreditation shall be obtained and offers comments and recommendations on the residential element, the postal strategy, the retail use, the office element, the cycle stores, the bin stores, the CCTV, the lighting, and the fire routes and security.

#### ENVIRONMENT AGENCY (THAMES REGION)

Originally objected due to the absence of a Flood Risk Assessment (FRA). Once provision of a FRA has been established no objection is raised but recommends informative.

#### THAMES WATER UTILITIES LTD

No objection to the above planning application, based on the information provide but recommends conditions and informatives.

#### HIGHWAYS PLANNING TEAM:

Recommends condition to secure a servicing management plan and cycle parking. The rebuilding all of the footway on the Wilton Road frontage including the provision of loading pads if that is the preferred solution and tree planting if that is preferred and possible and the requirement for a stopping up order must be secured by legal agreement.

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## ECONOMY TEAM

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy the scheme is expected to provide an Employment and Skills Plan and a financial contribution.

## ARBORICULTURAL SECTION:

17/09/19

Objection on the following grounds:

- the removal of tree identified as T4 (owned by the Council);
- the basement excavation, construction works and the proximity between the new building and the crowns of trees is likely to lead to the loss of trees identified as T2 and T3;
- the scheme will not allow for any sustainable tree planting and the replacement of trees of a size or species which would adequately mitigate the removal of T4;
- the proposed planting of replacement trees may also be prevented by below and above ground constraints such as utilities and street furniture.

18/09/20

Disagrees with the view that the existing Whitebeam trees have limited useful lifespan, the main reason for their removal is to facilitate the redevelopment and not convinced by the suitability of proposed species.

The proposed street trees will not adequately replace the amenity value of the two whitebeam trees and due to proximity with front elevation there will be pressure to excessively prune them.

If consent is granted the following conditions are recommended: new tree planting, details of the below ground soil crating system and soil specification and securing funding for tree planting in the local area by legal agreement.

## GO GREEN PROGRAMME - POLICY, PERFORMANCE AND COMMUNICATIONS:

17/10/19 and 04/09/20

The non-domestic use energy strategy is failing to meet the onsite carbon emissions reduction required.

The scheme is not currently proposing to connect to the nearby Pimlico district heat network whilst the strategy indicates that connection to the network would improve site-wide carbon savings. In order to be consistent with the Be Clean stage of the Mayor of London's energy hierarchy – as set out in London Plan policy – the scheme should fully explore connection to site wide district heating before any further approaches are considered (including carbon offset funding).

16/10/20

I am supportive in principle of future connection to PDHU, it would have been helpful for the applicant to demonstrate what alternative energy provision had been considered for the site – and why these have been rejected.

I note the proposal to address the shortfall in carbon via a cash in lieu contribution. While this is permissible, I would welcome further assessment to increase the utilisation of renewable energy on site to further address the shortfall prior to offset.

26/10/20

I recommend that we progress with the offset for the residual emissions as previously discussed.

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**PDHU AND ENERGY:**

21/10/19 and 25/09/20 - The extent of investigation to connect the scheme with PDHU is not sufficient and the exception to Policy S39 here does not apply.

13/10/20

The allowance for a 12x5metre plantroom for a PDHU connection is acceptable. What is not forthcoming in the document is a clear undertaking to connect to PDHU once it has decarbonised and the pipe network extended to Wilton Road. Suggest that planning conditions need to be included that will ensure a future commitment to connect.

**WASTE PROJECT OFFICER :**

01/05/20 - Objects as the drawings submitted are not in line with the Council's recycling and waste storage requirements.

09/10/20 – No objection subject to recommended condition.

**BUILDING CONTROL**

Any response to be reported verbally at committee.

**ENVIRONMENTAL HEALTH:**

25/11/2019

-Air quality: report fails to assess the impact from any centralised energy or communal boilers that may be required and should include proposed number of servicing and delivery trips and the applicant should use the Local Atmospheric Emission Inventory datapoints to determine local pollution concentration and determine if air quality mitigation is required.  
 - Air quality neutral assessment: building emissions and transport emission have not been calculated and compared against benchmarks.

-Noise: no objection subject to recommended conditions.

-Kitchen extract flues: information to be provided to show that it will be in line with the kitchen extract guidance by condition.

-Contaminated land: recommends pre-commencement condition.

-Overheating/ventilation: further information required on air quality mitigation by condition.

12/05/20

Further information is required on environmental grounds:

Air quality report should be updated to include an assessment for the impacts from any onsite combustion process (CHP, boilers and any backup generators), the proposed number of delivery and servicing trips and be compared against the criteria and a detailed assessment of impacts for the future occupiers using dispersion modelling. The building emissions and transport emissions have not been calculated and compared against benchmarks.

**WESTMINSTER DEVELOPMENT TEAM**

15/11/19 - In order to deliver a future programme of enhancement of the facilities at the Queen Mother Sports Centre (QMSC) in line with the City of Westminster's Corporate Vision for 2018/2019 for Active Westminster, it will be important to ensure that any proposals for Wilton Road are neighbourly and do not prejudice development coming forward. The following concerns are raised:

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- fenestration along and on the boundary between the two sites which might prevent the redevelopment of the QMSC, development should be set back from ownership boundaries;
- residential balconies at the northern end of the site;
- new development should be designed to an appropriate standard to address the existing noise and odour environment;
- excavation could lead to significant vibration and ground movement (pool is especially sensitive to vibration);
- noise from demolition and construction may be detrimental to users;
- servicing of the site must not rely on QMSC land.

22/05/20 – Objects as the revised proposals do not alleviate the concerns raised.

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

No. Consulted: 466

Total No. of replies: 50 (55)

No. of objections: 49 (54)

No. in support: 1

Letters of objection from The Eccleston Square Residents Association, The Hugh Society, Abbots Manor Residents Association and The Churton and East Pimlico Society and 46 local residents on the following grounds:

#### **\*Design**

- Existing building provides interest and diversity.
- Wilton Road marks the beginning of the residential part of Pimlico.
- 7 Storeys building do not fit with Pimlico typical architecture of 2/3 storeys building. New buildings should be at the same level as existing.
- Scale out of keeping with the unique character of the area. Height and mass inappropriate within Pimlico village. Bears no relation to the surrounding areas.
- Bulk and scale would negatively impact the neighbouring Conservation area and adjoining Listed building and would dwarf the adjacent buildings.
- Scale justified by the Sainsbury's redevelopment which was only allowed at appeal – cannot be a precedent.
- Pimlico is one of the few areas left unspoiled by the greed of developers and should be allowed to retain its character.
- Will destroy the village feel of the area and against the wish of residents.
- Would cause a precedent for high rise blocks.
- Inappropriate design and materials – will impact Pimlico style, more in keeping with the VOA - overlong flat row of 35 arched shopfronts is alien to the area ad would make the thoroughfare look like Oxford Street, green tiles and white brick, arcade design, colour, glass façade, varying height is unbalanced and asymmetrical, creation of two over-scaled monolithic buildings facing each other along a narrow street.
- Negative impact to the public realm, Wilton Road will feel oppressed.
- Building should be stepped back.
- Overhanging is out of character and oppressive.

#### **\*Land use**

- No benefit to the area due to its excessive size, overdevelopment.

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- Site not located within the Victoria Opportunity Area.
- Pimlico is one of the unique areas of London where a true sense of “village” community exists. Area is a vibrant and diverse mix of businesses and residential streets. Will make Wilton Road into an anonymous space downgrading the enjoyment and pride in Pimlico.
- Gillingham Street should be the boundary of the “village” character of Pimlico. Will change the character of the area which is made of residential housing and small independent shops which gives its village status.
- Mix of use not appropriate, unbalanced.
- Abundance of office in the area, how further office floorspace would benefit Pimlico and will bring office atmosphere.
- Impact of the 700 additional commuters to be investigated.
- Office replaces libraries, no new nurseries/schools, Westminster start planning good things for your residents.
- No affordable housing
- Lack of residential provision. Residential provision only for the rich.
- Needs to protect local businesses that are valued and viable.
- No commitments to the type of shops and restaurant tenants. Concerns that new retail will serve needs of office workers and tourists rather than the local community. Only large chains will be able to afford the rent.
- Loss of outdoor dining space.
- Contrary to Westminster Policies, Policy S10, does not fit the draft Pimlico Neighbourhood Plan.

#### **\*Amenity**

- Would turn Wilton Road into a dark canyon by narrowing and darkening a bright airy street – will diminish the pedestrian experience.
- Loss of light/daylight to Wilton Road and neighbouring properties.
- Noise pollution and disturbance from plant, deliveries and uses.
- Deliveries to new retail units should be during daytime only.
- Increase in residents that will put a strain on local services.
- View of the sky diminished.
- Create an oppressive environment, overbearing development.

#### **\*Highways**

- Negative impact on public realm.
- Narrowing of the road and loss of pavement space – crowding and prevent access wheelchair users and elderly accessing this side of the road.
- Loss of on-street parking spaces but no provision of underground parking.
- Lack of public space.
- Additional traffic in Wilton Road which already struggles to handle buses and other vehicles in a safe and efficient way, worsened traffic congestion that will drive traffic into adjacent streets and affect pedestrian safety.
- Not enough details on how area will cope with the additional footfall.

#### **\*Queen Mother Sports Centre**

- Needs to be taken into consideration.
- Will prevent a more ambitious redevelopment.

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**\*Other matters**

- Overhang will encourage anti-social behaviour and worsen rough sleeping which is an existing problem causing health hazards.
- Loss of view.
- Noise, dirt and traffic during demolition and construction works for a long period of time, concerns about the construction hours and number of vehicles. Control hours of operation and construction vehicles and staff access to site and parking.
- Demolition of existing buildings and excavation works may cause structural damages and affect drainage.
- Will destroy the appeal the street holds for those who eat, shop, live or work nearby/ local ambience.
- Impact on micro-climate creating a wind tunnel effect.
- Increase in air pollution.
- Local services already stretched – utilities (flooding).
- Cause a precedent.
- No environmentally friendly measures.
- If trees were to be felled this would a loss of some natural beauty in the road.
- Not enough details on how area will cope with the additional waste.
- Community involvement not satisfactory. Problem with the distribution of notification letters, public forum not well publicised, feedback received at public consultation not taken into consideration.
- Loss of sale value.
- Pimlico Neighbourhood Plan is a material consideration, scheme fails to meet emerging policies (PIM24).

One letter of support on the grounds the elevation will allow more light on the road, the stretch of Wilton Road needs to be cleaned up and modernised and this part does not feel like a village. Nevertheless, it is noted that the proposed canopy might encourage more vagrancy.

**PRESS ADVERTISEMENT / SITE NOTICE:**

Yes

**REVISED APPLICATION**

(Amendments to reduce the height of the building and remodelling of roof profile, remove one level of basement and alterations to elevations)

No. Consulted: 520

No. Replies: 20

Letters of objection from The Eccleston Square Residents Association, and 19 local residents on the grounds that the revisions do not overcome previously expressed concerns:

**\*Design**

- Hindon Court is not valid precedent for this development.
- Size, mass and bulk; removal of one floor and one basement level is welcome by development still too large; impact on light and sense of space.
- Covered arches would detract from the light and airiness of the street.

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- Wilton Road is not transitional, appropriate planning context to take into consideration is Pimlico.
- Out of keeping with the area and impacts on adjoining buildings and the Conservation Area.
- Design; too uniform in appearance.

**\*Land use:**

- The allocation of space to the different use classes remain unbalanced, 366% increase of office space, within the context of Covid-19 businesses might need less office floorspace.
- No need for luxury flats.
- Lack of social housing.
- Residential units are very small and boxy.
- No commitments made as to the type of retail/hospitality tenants.
- Outside spaces lost for restaurants
- Pressure on local infrastructure (i.e.: schools, doctors)

**\*Amenity**

- Overlooking and privacy
- Loss of daylight and sunlight
- Creation of a narrow and dark passage of immense bulk

**\*Highways**

- The set back of the frontages at 56-62 and 66-73 Wilton Road is an established part of the streetscape.
- Limited space for pedestrian movement.
- Pressure on parking and lack of provision
- Restriction of vehicle access in particular emergency vehicles
- Do not allow for social distancing
- Servicing bays are obstacle to pedestrian movements.

**\*Other matters:**

- Failure to engage with community opinion
- Encouraging rough sleeping and anti-social behaviour
- Missed opportunity for redevelopment of the entire block and obstacle to the redevelopment Queen Mother Sport Centre due to windows on rear elevation

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The site comprises seven unlisted buildings on the eastern side of Wilton Road and it is bound by Gillingham Row to the north. The buildings are located outside of a conservation area but the south of the site adjoins the Pimlico Conservation Area. To the north is a row of Grade II listed building facing Gillingham Street. The site is located within the Pimlico Central Activities Zone (CAZ) and it is identified as being part of a CAZ frontage.

Wilton Road is an active street with mainly retail and restaurant units at ground floor levels and residential and office uses at upper floor level. The site backs onto the Queen Mother

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Sport Centre (QMSC). All properties on the other side of Gillingham Row are in residential use and on the opposite side of Wilton Road there is a large residential block (Hindon Court) above retail units.

The existing buildings on site comprise the following uses:

- Nos 52-53 comprises basement, ground and first floor and is in use as a restaurant.
- Nos 54-55 comprises basement and ground and is in use as a café and shop and 3 upper floors used as offices.
- Nos 56-62 is a 3-storey office building with restaurant and shop at basement and ground floor levels.
- No. 63 comprises retail floorspace at basement and ground floor levels currently occupied as a spa and nail salon and a surgery at first floor level.
- Nos. 64-65 is a 3-storey building in residential use and restaurant at basement and ground floor levels.
- Nos 66-71 Wilton Road comprises at ground and basement levels a sui generis use (retail with Chinese medical treatment), a shop and two restaurants and at first and second floor levels offices.
- Nos 72-73 Wilton Road is a 3-storey office building with a restaurant at basement and ground floor levels.

## 6.2 Recent Relevant History

A review of the planning history show consents were granted for new advertisement signs, front and rear alterations in particular of the shopfronts, the installation of air conditioning units and duct to the different properties. Permissions were granted for extensions in 1995 at 60-62 Wilton Road and in 1998 and 2001 at 52 Wilton Road.

In 2010, 2011, 2012, 2014 and 2015 permission for tables and chairs on the highway were granted at 54-55 Wilton Road.

A certificate of lawfulness was issued for the use as offices at No 54-55 Wilton Road in 1984.

In 1985 planning permission was granted at 70-71 Wilton Road for the change of use from retail and wholesale trading to Chinese restaurant.

Two permissions were granted in 1990 at 65 Wilton Road to use the basement and ground floor as restaurant and upper floors as private club, and extensions to the building.

In 1993 planning permission was granted to a 3-storey extension to the front of the building with retail at ground floor at 56-62 Wilton Road.

Planning permission was granted for the change of use from first and second floor offices to fist floor bar/restaurant and occasional accommodation office ancillary to the basement and ground floor restaurant (RN: 94/04119/FULL).

In 1997 planning permission was granted for the change of use of the first and second floors to provide 2 x 2-bedroom flats at 65 Wilton Road (RN: 97/01230/FULL).

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In 1998 and 1999 permission were refused for the erection of additional storey to provide residential unit at 64-65 Wilton Road on design grounds.

Planning permission was granted for the use of basement and ground as an extension to offices above at 60-62 Wilton Road in 1999 (RN: 98/7089/FULL). In 2004 planning permission was refused for the renewal of temporary 1999 on the grounds that harm of the retail character, function and vitality of the area and the location of the site outside the Central Activities Zone (RN: 04/01687/FULL). In 2005 the renewal was approved for a temporary period until 31 May 2006 (RN: 04/10207/FULL).

Planning permission was granted in 2007 for the use of part of the basement and ground floors as a restaurant (use class A3), with new shopfront and installation of duct/plant at roof level at 60-62 Wilton Road (RN: 07/01228/FULL).

In 2010 planning permission was granted for the use of the basement and ground floor for mixed retail and café (sui generis use) at 55 Wilton Road (RN: 10/05278/FULL).

Consent was granted for the use of the ground floor and basement levels at 68 Wilton Road for medical treatments and associated retail (sui generis) (RN: 12/02961/FULL).

In 2013 (RN:12/04199) planning permission was refused for the use of the basement and ground floor as a restaurant/takeaway and a full height kitchen extract at 58 Wilton Road on the grounds of loss of retail floorspace.

## 7. THE PROPOSAL

Planning permission is sought for the demolition of the existing buildings and replacement with a new building comprising two basement levels and part 4, part 5 and part 6 storeys. The scheme includes plant contained in an enclosure at roof level and alterations to the public realm with hard and soft landscaping and the creation of loading bays.

The majority of the site will be used as office with terraces at third, fourth and fifth floor levels. The ground floor and basement units will be used either as retail (Class A1) or restaurant (Class A3). On the northern corner of the building 5 residential flats (4 x 2-bedroom flats and 1 x 3-bedroom flat) with balconies are proposed at part first, second and third floor levels.

The application has been amended during the course of its assessment in the following ways:

- reduction of height of the building through the removal of one storey on each block;
- remodelling of roof profile;
- removal of one basement level;
- lowering of the Ground floor retail shopfront and widening of arches;
- alterations of the façade to reduce the extent of glazing and add articulation;
- alteration to the residential entrance.

Given the nature of the amendments a further round of public notification was carried out.

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The application was further revised to reconfigure the residential units, creation of linear shopfronts at ground floor level and bringing the frontage forward and redesigning the north-west corner of the building in particular the residential entrance.

A summary of the land use implications of the proposed development is set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (A1 use)	536		
Restaurant (A3 use)	1,626	1,835	-327
Dental surgery (D1 use)	41	0	-41
Sui generis use	138	0	-138
Office (B1 use)	1,489	4,084	+2,595
Residential (C3 use)	193	369	+176
Ancillary	0	3,938	+3,938
Total	4,023	10,226	+6,203

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Objections have been received from the ward councillors, local residents and amenity societies about the inappropriate increase of office floorspace in this area, the loss of unique high-quality restaurant and independent shops, the low provision of residential units and the lack affordable housing.

#### Additional office floorspace

The scheme proposes an uplift of 2,595 sqm of office floorspace. Some objectors consider that the enlargement of the office use is inappropriate in this area which falls outside the Core CAZ.

Policy S20 of the City Plan relates to offices and identifies the need to for significant additional office floorspace within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. However this policy states that 'New office development will be directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, the Named Streets, and the North Westminster Economic Development Area.'. Given that the application site falls outside these areas this policy is not relevant to the assessment of the application.

Policy S10 of the City Plan relates to Pimlico. This policy states that 'This area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision. Retail and other appropriate town centre uses will be directed to the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres'. The

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policy goes on to state that 'Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone.'. Within the glossary to the City Plan 'Town Centre uses' are defined as A use serving visiting members of the public which may be appropriate at ground floor level in a designated Shopping Centre. Town centre uses include A1 retail uses, non-A1 retail uses, health uses, libraries, entertainment facilities, hotels and offices.'

Policy S10 recognises the predominantly residential nature of the Pimlico area. However this part of Pimlico is mixed in character with retail, residential and office uses, and for this reason the application site forms part of a designated CAZ Frontage. The existing buildings on the site comprise retail, office and residential uses with office use making up approx.37% of the total floorspace. By contrast the amount of residential floorspace on the site represents only approx. 5% of total floorspace. The proposed scheme does not seek to introduce a new commercial use onto the site but seeks to increase the amount of office floorspace through redevelopment. Overall in the proposed scheme the amount of office floorspace will increase by 2,595 sqm. Although a meaningful increase, the office use proposed represents approx.40% of the total floorspace (this increases to approx.55% when the ancillary floorspace is apportioned to the office use). Whilst it would be desirable in policy terms to increase the amount of residential floorspace within the scheme, with a corresponding reduction in office floorspace, this has proved difficult given the constraints of the site adjacent to the Queen Mother Sports Centre.

The application site sits adjacent to the boundary with the Queen Mother Sport Centre (QMSC). The council has indicated that it has plans to redevelop this sport and leisure facility for the benefit of the local community. Officers have taken the view that the provision of windows along the north east boundary of the application site (which face onto the QMSC) would be likely to be bad neighbour windows. This would be the case for any land use but is particularly the case for residential use. The provision of bad neighbour residential windows as part of a redevelopment scheme on the application site may fetter part of the QMSC site as they would be protected by planning policies in terms of protecting the residential amenity of future occupiers. This could restrict the development opportunity of the QMSC which would not be acceptable in policy terms. It is therefore considered that having a building mainly in office use at this location would have less impact to the redevelopment of the adjoining leisure facility. This is because office windows do not require natural light in the same way residential windows do and the council's planning policies generally do not seek to protect the amenities of office occupiers. On this basis only a small part of the site is proposed for residential use where it would not be impacted by the potential redevelopment of the QMSC. The residential uses have been carefully designed in order to protect the future residential amenity of the occupants.

The objections to the commercial aspect of the current scheme are understood. The proposal does not fully comply with the aims of Policy S10. However given that the site is located within a CAZ frontage in a part of Pimlico that has a mixed use character, that the proposed scheme does not introduce a new office use to the site and that it allows development without fettering the redevelopment of the QMSC,, the proposal is considered acceptable in land use terms. In addition the provision of office uses at upper floor level will provide economic benefits in the form of additional spend in the local area from the jobs created by the office use. The applicant estimates that the proposed site has

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the potential to generate an increase of approximately 500 additional jobs both in retail and office (based on the Homes and Communities Agency's Employment Density Guide (3rd Edition) November 2015).

The site is located within the London Mayor's CAZ and The London Plan is also a relevant material consideration in the determination of this application.. The supporting text of the current 2016 London Plan Policy 2.11 states that it is important to ensure adequate supply of office accommodation and other workspaces in the CAZ. Policy 4.2 supports the redevelopment of office provision to improve London's competitiveness and attracts businesses of different types and sizes.

The draft (Intend to Publish) London Plan 2019 is also a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the process to adoption. Draft Policy GC2 (Making the best use of land) part C supports exploration of intensification of the use of land to support additional workspaces particularly in locations that are well connected. Draft Policy CG5 (Growing a good economy) promotes sufficient employment in the right locations to support economic development. Finally, Draft Policy SD4 (The Central Activities Zone) promotes the support and enhancement of office functions within the CAZ.

Policy S20 of the City Plan clearly aims to provide additional office floorspace within the Core CAZ and Opportunity Areas. In these areas, Policy S1 seeks to provide a mix of uses by requiring residential floorspace or an equivalent payment in lieu to be provided where certain thresholds are reached. However given that the site falls outside the Core CAZ, this policy does not apply.

The objections received also raise concerns about the impact on local infrastructure such as schools or medical practices. It is not considered that the increase of office workers will have such an impact on local facilities to refuse permission.

It is therefore considered that the proposed increase of office floorspace, whilst not in line with the Council's policies, on balance due to the existing mix of uses within the application site, the character of Wilton Road, and the Core CAZ and the relationship with the QMSC is appropriate at this specific location and will contribute to the City economic vitality without being detrimental to the character of this CAZ Frontage.

### **Residential use**

UDP Policy H3 "To Encourage the Provision of More Housing" seeks to protect all residential uses and maximise the amount of land or buildings in housing use on sites outside the CAZ. Policy S14 "Optimising Housing Delivery" states that housing is a priority across the borough.

At present there are four existing flats located at 64-65 Wilton Road. The new residential floorspace is increased by 176 sqm which is welcomed in policy terms.

Originally the revised scheme submitted in April 2020 included seven units: 2 studios, 4 one-bedroom flats and one three-bedroom flat. At first and second floor levels the 2 studios and the 2 one-bedroom were not considered of acceptable quality given the size of the units and their single aspect layout. Upon officer's recommendation the layout of the

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residential floorspace at those levels reverted to the original scheme. The proposed housing mix comprises four x 2-bedroom flats and one x 3-bedroom flat.

The City Council wants to encourage more families to move into and stay in Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family-sized (being three or more bedrooms). This proposal provides only 20% family-sized accommodation. Whilst the proportion falls below the 33% requirements, given the range of unit sizes offered and the busy nature of the street, in this instance the proposed mix of units is not resisted.

The flats have been designed to comply with London Plan space standards. All units are dual aspects and would benefit from outdoor amenity space. The residential accommodation will be accessed from an independent access from Gillingham Row.

Environmental Health recommend that the protection of the future occupiers from existing external noise sources and new internal noise sources is secured by conditions.

Whilst the provision of residential floorspace is regrettably limited to the northern corner of the building, the provision is compliant with policy and additional provision might compromise the redevelopment of the QMSC as detailed earlier in his report. It is not considered that the application could be refused on the basis of low provision of residential units.

The Pimlico FREDA and the Pimlico Neighbourhood Forum are concerned that the proposed housing will be used for short-term let purposes. This application is for permanent housing, short-term lets over 90 days in any calendar year falls within a separate use class and planning permission would be required to use the flats as such. An informative is recommended to advise the applicant of the legislation on this point.

City Plan Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or those including over 1000sq.m of additional residential floorspace, must provide affordable housing. The provision of affordable housing is therefore not required in this instance and cannot be a ground to refuse planning permission.

The increase in residential floorspace as part of this scheme is welcomed and whilst more residential floorspace would have been desirable in policy terms, given the constraints of the site, this has not proved possible to achieve. The proposal complies with both Policy H3 of the UDP and S14 of the City Plan which seek to increase the residential floorspace within Westminster.

### **Retail and restaurant provision**

The provision of shops and restaurants at basement and ground floor level is welcome as they will contribute to the character and function of this section of the street.

Currently, the existing buildings have an active ground floor with a mix of restaurants, shops and a medical Chinese treatment facility with a retail element. The proposed scheme will retain that active frontage.

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Policy S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP encourage new retail floorspace in the shopping centres and the CAZ Frontages. The policy requests that at least the same amount of retail floorspace as was there before is provided.

City Plan Policy S24 is also relevant as it relates to entertainment uses and 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.

The amount of retail, restaurant and sui generis provision is reduced by 465 sqm. The existing provision of retail at basement and ground floor levels represents approximately 28% of the existing basement and ground floor levels floorspace. In addition, it is noted that on the other side of Wilton Road there is a supermarket (Sainsbury).

The proposed plans do not identify which units will be in retail uses and which will be in restaurant uses; this is to provide some flexibility. To protect the character of this CAZ Frontage, a condition is recommended to ensure that a minimum of 500 sqm remains in use as retail floorspace.

With regards to the new restaurants, given the existing provision, it is considered sufficient to control the hours of opening (from 10.00 to 23.00) and the submission of an operation management plan by conditions to protect the amenity and local environmental quality.

In addition, the Environmental Health officer recommends a condition dealing with the requirements to provide kitchen extracts to demonstrate that their locations when chosen will be in line with the guidance.

Many objectors deplore the fact that the existing operators might not be able to afford a space within the new units and there is a concern that the new occupiers might not serve the needs of the local community. Whilst these objections are understood, it should be noted that there is no policy basis on which to protect an existing occupier. Conditions are recommended to provide the 9 self-contained units shown on the plans, a minimum provision for retail floorspace and to limit uses of the units to restaurant and retail. Those conditions are considered to respond to the objectors' concerns as the units could be potentially occupied by a restaurant or other local services, permission cannot be withheld on this basis.

Many objections also refer to the loss of external seating in connection with existing restaurants. Whilst it is understood alfresco dining and drinking contribute to the vibrancy and character of an area, there are no policies that protect the use of the pavement for a private operator. Moreover, the proposed scheme will still provide restaurants at ground floor level and subject to the final design of the servicing arrangements and tree planting it is likely that space will be available for outside seating.

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### **Loss of community use**

There is a dental surgery at first floor at No. 63 Wilton Road. The proposed scheme does not include any community floorspace to replace the loss of the dental surgery.

Westminster's City Plan Policy S34 states that "All social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential."

Policy SOC 1 of the UDP states that proposals which involve the redevelopment or change of use of community facilities will be required to include adequate replacement facilities.

Whilst the loss is contrary to policy, on balance the existing dental surgery is small (41 sqm) and there are 7 alternative dental practice within 10 minutes walking distance and their number increases to 13 within 15 minutes walking distance. In addition, with the benefit of the scheme in terms of employment and increased residential floorspace provision, officers accept that in this instance the loss of the community facility is acceptable.

### **8.2 Townscape and Design**

Objections have been received from Ward Councillors, local amenity societies and local residents about the height, bulk, mass and detailed design of the building. It is described as an inappropriate development that would negatively impact the adjacent buildings, the setting of the Gillingham Row listed buildings and the adjoining Pimlico Conservation Area.

53-73 Wilton Road are adjoining unlisted buildings which date from the 19<sup>th</sup> and early 20<sup>th</sup> century and vary in terms of architectural quality. The site includes two post-war infills (no.56-62 and 66-71), constructed following WWII bomb damage. The site lies outside of, but directly adjacent to the Pimlico Conservation Area, situated to the south of the site. The site is also adjacent to a terrace of nineteenth century, Grade II listed buildings fronting Gillingham Row. Overall the group of buildings make a neutral contribution to the townscape.

Following negotiations with officers, the scheme has been amended to omit one storey on each blocks of the building, amend the roof profile, reduce the extent of glazing and revise the ground floor.

The revised redevelopment scheme comprises four linked buildings ranging between four and six storeys (above basement level) all blocks are completed by mansard style roofs. The lower of the blocks are suitably placed to the north and south where the site meets the conservation area and smaller scaled terraces. Whilst larger in scale than the existing group of buildings, the proposed scheme is felt to mediate successfully between the neighbouring buildings to the north that border Victoria Station and the lower buildings to the south and the considerably larger Hindon Court to the west.

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The flour blocks exhibit a shared architectural language. The base of the building, which will be occupied by a new retail parade, features glazed brick work with a series of sculptured arched openings. The upper parts of the building are faced in buff brick with white brick string courses defining the floors. The main facades are articulated by vertical glazing, relieved by decorative Juliet balconies. Recessed balconies define the curved corners of the residential units to the north, with horizontal curved glazing and metal balustrades express the corners of the commercial blocks. Each block is completed by a contemporary multi-faceted mansard, which incorporate roof top plant. Due to its proximity to the sports centre to the east, the rear of the building is less expressive, and more utilitarian is appearance, which is appropriate.

The height, bulk and architecture of the development is considered suitable in this context and will have a modest impact views from within the Pimlico conservation area, where the development is largely read alongside existing developments within the area and will not appear disproportionate.

The proposals are not opposed on design grounds, and for the reasons set out above withholding permission on design or impact on the adjoining listed building and the character and appearance of the conservation area are not considered reasonable. It is considered therefore that the proposal, that subject to conditions requiring sample of facing materials and detailed drawings of typical bay, shopfront, doors, windows and Juliet Balconies, comply with the City Plan policies S25 and S28, and DES1 of the UDP.

### **Public art**

Public art as an important role in the physical environment by creating visual stimulation, that is why saved UDP Policy DES7 encourages the provision of public artwork for redevelopment scheme.

The choice of green tiling for the treatment of the ground floor level was the subject of comments from local residents and amenity societies. It is proposed that the final patterning and materiality of the tiles is designed in collaboration with a local artist. The provision of public artwork within the envelope of the building and at ground floor level will contribute to enliven the ground floor treatment, so the details and provision will be secured by condition.

### **8.3 Residential Amenity**

There are numerous residential properties in close proximity of the site in particular the properties in Gillingham Row and Gillingham Street and as well as those on the opposing side of Wilton Road.

The City Council places high priority on protecting residential amenity, with UDP Policy ENV13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Also relevant is Policy S29 of the City Plan which relates to the health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of amenity. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled,

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"Site layout planning for daylight and sunlight: a guide to good practice" (the BRE guide) published in September 2011.

Numerous neighbouring residents have objected on the grounds the proposal would harm their amenity, particularly in terms of loss of light, an increased sense of enclosure and noise disturbance.

### **8.3.1 Daylight and Sunlight**

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential windows.

#### **Daylight**

A daylight and sunlight report has been submitted in support of the application to demonstrate compliance with the BRE Guide. The assessment considers the properties below:

- Nos. 1 to 7 Gillingham Row
- Nos. 1 to 27 Gillingham Street
- No.74, 76, No.77, No.90, No. 91 and Nos 92-95 Wilton Road
- Hindon Court
- Barrington Court
- Nos. 1-5 and 7-11 Longmoore Street
- Nos. 2 to 22 Upper Tachbrook Street
- Nos. 181 and 239 Vauxhall Bridge Road

Residential properties beyond these are considered too distant from the subject property to result potentially in unacceptable light loss.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. Under this method, if the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. If, because of the development, light received to an affected window is below 27% and would be reduced by 20% or more, the loss would be noticeable. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows, known as the No Sky Line (NSL) method. This is a measurement of the area of working place within these rooms that will receive direct daylight from those that cannot. The BRE guide suggest that reductions from existing values of more than 20% should be avoided, as occupiers are likely to notice the change.

The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances such as denser inner city environments. Whilst it is accepted that the BRE model is a guide based on a suburban model, it remains an objective means of assessing an application and enables effective comparison of daylight/sunlight impacts.

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There are breaches of the above VSC criteria at 5, 6 and 7 Gillingham Row, 7 and Hindon Court. There are also breaches of the NSL criteria at 5 and 7 Gillingham Row and Hindon Court. These breaches are summarised below:

**Table 1: Vertical Sky Component breaches**

Neighbouring building	No. of windows assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
5 Gillingham Row	6	5 (83.3%)	0	0	1	1
6 Gillingham Row	6	4 (66.6%)	0	0	2	2
7 Gillingham Row	5	0 (0%)	0	1	4	5
Hindon Court	200	164(82%)	22	10	4	36
Totals*	217	173 (79.7%)	22	11	11	44

\*Excludes properties assessed and found to be BRE compliant

**Table 2: No Sky Line breaches**

Neighbouring building	No. of rooms assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
5 Gillingham Row	5	1 (20%)	0	1	0	1
7 Gillingham Row	3	0 (0%)	1	2	0	3
Hindon Court	132	97 (85.1%)	7	2	7	16
Totals*	137	114 (83.2%)	8	5	7	20

\*Excludes properties assessed and found to be BRE compliant

Of the properties listed above, the daylight assessment shows that 44 windows will fail VSC criteria and 20 rooms fail the NSL criteria. The tables above indicate that the most affected buildings would be 7 Gillingham Row and Hindon Court from first to third floor levels. All the other windows will not have VSC or NSL losses that exceed the parameters set out within the BRE guide.

In terms of the VSC breaches, table 4 below shows in detail the losses to the affected windows.

**Table 3: VSC breaches in detail**

Building / Floor / Room / Window	Existing VSC	Proposed VSC	Loss (%)	Room/circumstances
5 Gillingham Row / G / R2-370 / W4-370	0.06	0	100	Bedroom (NSL compliant)
6 Gillingham Row / G / R2-360 / W4-360	3.09	1.24	59.87	Bedroom (NSL compliant)
6 Gillingham Row / 1 / R2-361 / W2-361	5.63	3.28	42.27	Bedroom (NSL compliant)
7 Gillingham Row / 1 / R1-351 / W1-351	20.01	4.9	75.51	

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7 Gillingham Row / 2 / R1-351 / W2-351	26.67	9.92	62.8	Living room – NSL loss 35.6%
7 Gillingham Row / 2 / R1-351 / W4-351	21.64	10.73	50.84	
7 Gillingham Row / 1 / R2-351 / W3-351	23.63	8.27	64.85	Bedroom - NSL loss 32.7%
7 Gillingham Row / 1 / R3-351 / W5-351	23.77	14.6	38.58	Bedroom - NSL loss 25.7%
Hindon Court / 1 / R1-1061 / W1-1061	32.62	18.69	42.7	Bedroom - NSL loss 51.1%
Hindon Court / 1 / R2-1061 / W2-1061	32.49	19.72	39.3	Bedroom - NSL loss 56.9%
Hindon Court / 1 / R3-1061 / W3-1061	31.72	20.59	35.09	Bedroom - NSL loss 46.1%
Hindon Court / 1 / R4-1061 / W4-1061	31.64	21.62	31.67	Bedroom - NSL loss 50%
Hindon Court / 1 / R5-1061 / W5-1061	31.26	22.45	28.18	Bedroom - NSL loss 39.5%
Hindon Court / 1 / R6-1061 / W6-1061	31.13	23.05	25.96	Bedroom - NSL loss 22.8%
Hindon Court / 1 / R7-1061 / W7-1061	31.67	24.37	23.05	Bedroom - NSL loss 25.7%
Hindon Court / 1 / R8-1061 / W8-1061	31.81	25.37	20.25	Bedroom (NSL compliant)
Hindon Court / 2 / R6-1102 / W6-1102	34.23	25.52	25.45	Living room (NSL compliant)
Hindon Court / 2 / R7-1102 / W7-1102	36.7	26.47	27.87	Living room - NSL loss 49.1%
Hindon Court / 2 / R8-1102 / W8-1102	36.66	26.17	28.61	Living room - NSL loss 42.9%
Hindon Court / 2 / R9-1102 / W9-1102	33.06	23.08	30.19	Living room - NSL loss 22.1%
Hindon Court / 2 / R10-1102 / W10-1102	34.72	24.44	29.61	Living room (NSL compliant)
Hindon Court / 2 / R11-1102 / W11-1102	33.12	22.6	31.76	Living room - NSL loss 25.7%
Hindon Court / 2 / R12-1102 / W12-1102	29.25	19.21	34.32	Living room - NSL loss 26.9%
Hindon Court / 2 / R1-1182 / W1-1182	35.51	23.99	34.13	Living room - NSL loss 40.4%
Hindon Court / 2 / R2-1182 / W2-1182	33.6	22.47	33.13	Bedroom (NSL compliant) – without balcony VSC loss 32.25%
Hindon Court / 2 / R3-1182 / W3-1182	28.3	18.75	33.75	Living room (NSL compliant) – without balcony VSC loss 29.41%
Hindon Court / 2 / R3-1182 / W4-1182	34.61	25.81	25.43	Bedroom (NSL compliant)
Hindon Court / 2 / R4-1182 / W5-1182	34.34	26.58	22.6	Living room (NSL compliant)

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Hindon Court / 2 / R4-1182 / W6-1182	28.3	21.59	23.71	Living room (NSL compliant) - without balcony VSC loss 19.42%
Hindon Court / 2 / R5-1182 / W7-1182	28.54	22.8	20.11	Bedroom (NSL compliant)
Hindon Court / 3 / R2-1103 / W2-1103	21.23	16.82	20.77	Kitchen-dining (NSL compliant) – under projecting roof
Hindon Court / 3 / R9-1103 / W9-1103	33.82	25.85	23.57	Kitchen-dining (NSL compliant)
Hindon Court / 3 / R11-1103 / W11-1103	33.92	25.36	25.24	Kitchen-dining (NSL compliant)
Hindon Court / 3 / R12-1103 / W12-1103	29.9	21.72	27.36	Kitchen-dining (NSL compliant)
Hindon Court / 3 / R1-1143 / W1-1143	15.38	5.65	63.26	Bedroom – NSL loss 65.6% -without balcony – VSC loss 33.04%
Hindon Court / 3 / R2-1143 / W2-1143	9.23	6.56	28.93	Living room (NSL compliant)
Hindon Court / 3 / R2-1143 / W3-1143	36.94	26.3	28.8	Without balcony W2/1143 VSC loss 12.76%
Hindon Court / 3 / R2-1183 / W3-1183	15.26	8.94	41.42	Bedroom – NSL loss 45.5% - without balcony VSC loss 26.1%
Hindon Court / 3 / R3-1183 / W4-1183	32.38	25.05	22.64	Living room (NSL compliant) - without balcony VSC loss 21.49%
Hindon Court / 4 / R1-1144 / W1-1144	15.59	8.13	47.85	Bedroom – NSL loss 37.6% - without balcony VSC loss 24.95%
Hindon Court / 4 / R2-1144 / W2-1144	9.5	7.6	20	Living room (NSL compliant) - without balcony VSC loss 8.9%
Hindon Court / 4 / R2-1184 / W3-1184	15.71	11.57	26.35	Bedroom (NSL compliant) - - without balcony VSC loss 16.62%
Hindon Court / 4 / R3-1184 / W4-1184	15.61	12.15	22.17	Living room (NSL compliant) - without balcony VSC loss 14.13%
Hindon Court / 5 / R1-1145 / W1-1145	16.42	11.24	31.55	Bedroom (NSL compliant) - - without balcony VSC loss 17.12%

With regards to 5 and 6 Gillingham Row, as shown in table 3, the actual losses of VSC are relatively low. The percentage losses exceed the 20% threshold due to the existing low levels of light, so even a small absolute loss of VSC results in high percentage loss. One room at 5 Gillingham Row fails the NSL criteria by 35.5% (R2/370), the window serving that living room are VSC compliant. The window is located behind an internal lightwell so whilst the room is 129.7 sqft the reduction of floorspace that will receive direct light is only 3.8 sqft (from 10.7sqft to 6.9sqft) which is relatively low.

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7 Gillingham Row is the closest residential property to the redevelopment site. It would be the most impacted property with high losses of VSC and NSL. The 2-bedroom flat property is single aspect, all its front elevation windows are directly adjacent to the flank elevation of the application site. The second-floor windows are high level windows serving the first floor living room. Given the proximity between 7 Gillingham Row and the application site and the fact that the flat relies only on its front elevation windows to provide internal light any changes in height at 52 Wilton Road would inevitably have a great impact on 7 Gillingham Row rooms.

At Hindon Court, it is noted that some windows are located under projecting balconies. The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received. An additional assessment omitting the balconies shows that the impact would be lessened as out of 13 failing windows under a balcony, 6 windows would not comply with VSC criteria set out in the BRE guidelines and the breaches would be reduced from up to 63.26% VSC loss to up to 33.04% VSC loss. This is shown in the table above and reflected in the narrative below.

23 of the 36 windows failing the VSC criteria have remaining VSC absolute value between 26.58% and 20.59% which is marginally below the 27%. 10 of the rooms served by those windows are NSL compliant and 4 have NSL losses between 22.1% and 25.7% which is considered to be only slightly above the 20% threshold. Three of the rooms with losses between 39.5% and 46.1% are bedrooms (R3/1061, R4/1061 and R5/1061). BRE guidelines state that bedrooms are less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal. Three other rooms with losses between 40.4% and 49.1% are living rooms (R7/1102, R8/1102 and R1/1182), the windows serving those rooms would respectively retain VSC absolute value of 26.47%, 26.17% and 23.99%. All those rooms are located at second floor level and the windows are located behind a parapet delimiting the terrace. The BRE guidance acknowledges that if an existing building contains rooms "lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable". It is considered that all those windows would remain relatively well lit.

4 windows (W1/1061, W2/1061, W12/1102 and W3/1182), located at first and second floor levels, with loss between 33.75% and 42.7% have remaining VSC absolute value between 18.69% and 19.72% which is not unusual for a scheme in a dense urban environment. The room served by W3/1182 is NSL compliant and the room served by window W12/1102 has only a loss of 26.9%. The first floor rooms R1/1061 and R2/1061, which are part of the same flat, have respectively high NSL losses of 51.1% and 56.9% but those rooms are used as bedrooms and in accordance with BRE guidance are afforded less protection than principal rooms. The flat has also two rooms at second floor level R1/1182 whose results are detailed in the paragraph above and R2/1182 which is NSL compliant and would retain a VSC absolute value of 22.47%. It is therefore not considered that the daylight levels would worsen to a degree that would justify withholding planning consent.

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The 3<sup>rd</sup> floor level window W2/1103 and 4<sup>th</sup> level windows W2/1144, W3/1184 and W4/1184 have VSC losses between 20% and 26.35% which are marginally above the 20% and are all NSL compliant.

At third floor level W1/1143 has a VSC loss of 63.26% and the room has a NSL loss of 65.6%. The room used as a bedroom is located under a balcony. The main window to the living room of that flat has a remaining VSC value of 26.3% just below the 27% threshold and it is NSL compliant.

At third floor level W3/1182 has a VSC loss of 41.42%, at fourth floor level W1/1144 has a VSC loss of 47.86% and the room has a NSL loss of 37.6% and at fifth floor level W1/1145 has a VSC loss of 31.55% but it is NSL compliant. Those rooms are used bedrooms and located under a balcony. The living room of those flats are both VSC and NSL compliant.

In conclusion, whilst some rooms are experiencing significant losses, the retained levels are considered typical of a densely developed urban location. On balance the application is considered acceptable in terms of its impact on the daylight received by surrounding residential windows.

### Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed.

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

**Table 4: Annual Probable Sunlight Hours breaches**

Neighbouring building	No. of rooms assessed	No. BRE compliant	Total Breaches
6 Gillingham Row	5	3	2
7 Gillingham Row	3	0	3
Hindon Court	21	19	2
Totals*	29	22	7

\*Excludes properties assessed and found to be BRE compliant.

The APSH results show a transgression for two rooms at 6 Gillingham Row, 5 at 7 Gillingham Row and 2 at Hindon Court.

At Hindon Court the annual sunlight losses are 20.7% and 26.7%. The windows would have a retained value of 22% and 23% which is only slightly below the recommended

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guidance. Room R2/1142 is compliant in winter and R2/1143 has an absolute winter value of 4% which is considered acceptable in an urban location.

6 Gillingham Row has existing low annual sunlight values which explained the great losses of 60% and 40%.

All rooms at 7 Gillingham Row are in breach with BRE sunlight guidance. One bedroom will retain a good level of sunlight (3% Winter APSH and 23% Annual APSH compared to the recommended 5% and 25%). The other bedroom will retain 1% Winter and 13% Annual APSH and hence will continue to have acceptable level sunlight in a dense urban location. The other room is a living room will retain an annual sunlight value in excess of the guidelines but only 3% of winter APSH. Despite the lower sunlight availability, the winter sunlight level is considered reasonable.

## Conclusion

BRE guide indicates daylight and sunlight results should be interpreted flexibly. The City Council assessed needs to assess whether the impacts on daylight and sunlight are within acceptable limits. As detailed in the paragraphs above whilst it is recognised that the proposed scheme will cause material daylight and sunlight losses to neighbouring properties given the specific circumstances it is not considered reasonable to refuse permission in this instance as the rooms will retain acceptable daylight and sunlight levels in a dense environment context. Accordingly, the resulting daylight and sunlight levels would be consistent with policy S29 of the City Plan and ENV13 of the UDP.

### **8.3.2 Sense of Enclosure and loss of privacy**

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment.

The scheme includes the introduction of residential windows and balconies at first and second and terraces at third floor levels facing Gillingham Row. There are also terraces for the office users one at 3<sup>rd</sup> and one 4<sup>th</sup> floor levels facing the South of Wilton Road and two at 5<sup>th</sup> floor levels to each sides of the top floor.

The most impacted properties are the one located in Gillingham Row and Gillingham Street.

Gillingham Row is a narrow street of approximately 4 meters. The first windows at 7 Gillingham Row are already facing the side elevation of 52 Wilton Road and second floor windows are high level windows serving the first floor living room. The additional bulk will be noticeable, as the property is single-aspect and due to the low distance between the properties, any form of development at 52 Wilton Road would have an impact on 7 Gillingham Row windows. Given the existing relationships between the properties the views from the windows are already limited it is not considered that the increased sense of enclosure experienced by the occupants is significant enough to refuse permission. While the impact on these rooms is regrettable it is not enough to justify withholding planning consent. Moreover, it should be noted that the new retail and residential windows within Gillingham Row will improve the environment for the residents of that narrow and quiet street. The changes will introduce passive surveillance and enliven the corner

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contributing to giving a sense of place and reducing potential for anti-social behaviour. The new elevation treatment facing Gillingham Row is a clear benefit from the scheme.

In terms of overlooking given the difference of levels between the two properties it is not considered that from the first-floor level windows it will be possible to have views into the 7 Gillingham Row windows. In addition, on that elevation the windows will have a 1.1 m balustrading to provide screening and privacy.

The other properties in Gillingham Row have only oblique views into the application site as they face the Queen Mother Sport Centre so these neighbours would not be unduly enclosed or have a loss of privacy.

For residents on Gillingham Street, the impact from the proposed development would not be unduly oppressive and would not cause loss of privacy. Indeed, the closest rear windows are located 14 m away from the development site. These windows are either bedrooms or hallways. The distance is considered sufficient to avoid an increase in a sense of enclosure and overlooking.

The office terraces given their position are not considered to cause overlooking issues.

### **8.3.3 Noise Disturbance**

Objectors raised concern about the noise associated with the building uses and plant.

Policy ENV13 of the UDP and S29 of the City Plan seek to protect and improve residential amenity within the City. Policy ENV 6 of the UDP and Policy S32 of the City Plan relate to noise specifically and require design and operational measures minimise and contain noise from developments.

Noise associated with plant is discussed further in paragraph 8.7.1 of this report.

With regards to the terraces for the office users, conditions are recommended to limit the hours of use of the terraces from 10.00 to 18.00 Monday to Friday and prevent the use of music. It is also proposed to limit the hours for servicing from 07.00 to 18.00. Therefore, it is considered the environment of the adjoining properties are protected.

Objectors are concerned about the noise impact linked with increased office workers. Wilton Road is a commercial street with a lot of activity during daytime and in the evening. It is not considered that the noise associated with the increased number of workers accessing and leaving the premises mainly at daytime during the weekdays will be significant enough to cause noise disruption.

### **8.4 Transportation/Parking**

Objections have been received on the grounds of loss pavement space, parking, traffic and additional footfall.

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## **Car Parking**

No off street car parking is proposed. The absence of car parking for the commercial elements of the building is welcomed by the Highways Planning Manager.

With regards to the residential part of the scheme, UDP Policy TRANS23: Off-Street Parking: Residential Development details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

Policy TRANS23 includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the Council's most recent daytime parking survey in 2018 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200-metre radius of the development site is 76.9% (consisting of 272 Residents' and 48 Shared Use Bays, 212 and 34 of which were occupied respectively).

It is recognised that the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels. Overnight the pressure on Residents' and Shared Use Bays reduces to 75.6% and residents can also park free of charge on metered parking bays or single yellow line in the area. Therefore, it is considered that addition of 5 residential units without having off-street car parking is in line with TRANS23.

It is therefore not considered reasonable to withhold permission on the grounds of impact on parking.

## **Servicing**

UDP Policy Trans 20 requires that servicing should take place off-street. However the existing building is served from on-street. The applicant has explored the possibility of serving the development from an off-street servicing bay, but it is recognised that it would be difficult to achieve given the relatively narrow site. It is therefore agreed that on-street servicing will not be resisted in this instance. A Servicing Management Plan is proposed which will be secured by condition.

The submitted drawings shows a rebuilt footway alongside the building's Wilton Road frontage including lay-bys for servicing and new trees. The detailed design of this part of the highway is a decision for the relevant Cabinet Member and the Highways Planning Manager commented that what is proposed is not the only option. Nevertheless, the Highways Planning Manager agrees the footway will need to be rebuilt and the works to the highways will be part of the legal agreement.

## **Pedestrian movement**

The impact of additional commuters has been raised within the objection letters. The Highways Planning Manager comments that the proposed footway is sufficiently wide due to the (approx.) 1.2m set back at ground floor level. However the installation of outdoor furniture would restrict footway width due to the proposed alterations to the public realm. It is understood how important the tables and chairs are to the local community and their

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contribution to the local economy. A condition is recommended to secure details of outdoor furniture once final details of the highway works are known. For example loading pads could be used by pedestrians when they are not being used by vehicles so they could form additional footway. If the Council deemed that extra footway was required at certain times of day, it could through traffic order process, control the times of the day at which loading is allowed in the pads. These solutions could allow for the installation of outdoor furniture without being detrimental to pedestrian movement.

The area under the proposed overhang is currently shown to be unadopted. To simplify matters, officers consider that the Council should adopt the footway underneath the overhang. This is something that the applicant is considering.

### **Cycle Parking**

The provision of 80 cycle parking spaces (70 for the office/retail elements and 10 for the residential units) is in line with the London Plan standards for long-stay parking. Whilst it is unfortunate that no dedicated short-stay parking is provided it is not considered that permission can be withhold on that grounds.

A condition is recommended to secure the cycle parking provision.

### **Building Line**

The proposed scheme includes bringing the building forward on Wilton Road. The Highways Planning Manager confirmed that the areas on which the applicant proposes to bring the building forward are not classed as highway maintained by the City Council. Nevertheless, on the grounds that the public have had free access to those areas for many years they should be considered as public highway.

Whilst the proposal is not in line with UDP Policy TRANS3, it is conceded in this instance that the natural path for any pedestrians walking along Wilton Road would be on the land that is public highway maintained by the Council. This is because the building line at ground floor level is not consistent and a number of ground floor properties have put external seating on their forecourts. As originally submitted the scheme included a more generous set back at ground floor level (approx. 5.5m). This would have allowed more room for tables and chairs. However this setback was reduced because of concerns about anti-social behaviour.

The Highways Planning Manager points out that there is some compensation in that the footway is proposed to extend beyond its existing kerbline throughout much of the frontage so that pedestrians would get at least as much space as they currently get further to the north. e.g. north of Gillingham Row.

So, on balance the proposed scheme is not resisted on highways grounds. Nevertheless, Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The stopping up of highway will be required prior to commencement of development.

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## **8.5 Economic Considerations**

The proposed increase in office floorspace is welcome through supporting economic growth in this part of the Pimlico CAZ.

## **8.6 Access**

All entrances will provide level access and there will be lift access throughout the replacement building.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Noise**

External plant is proposed at roof level with additional equipment enclosed at basement levels. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within UDP Policy ENV 7. On this basis Environmental Health raise no objections to the application and, despite the concerns raised, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

With regards to the proposed restaurant use, the agent confirmed that the central core and ground floor spatial allowances have been designed to allow for cooking extract ducts to be taken up and out of the highest part of the building. The details of the extract duct and their exact position will be secured by condition upon Environmental Health officer's recommendation to ensure that they will not cause disturbance to the local residents.

### **8.7.2 Refuse /Recycling**

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments.

The initial waste storage provision for the commercial and residential use was not considered adequate for the proposal by the Council's Waste Project officer. Revised documents have been received to address the concerns raised and the proposed arrangements are now considered suitable.

Appropriate condition to secure the arrangements are attached.

### **8.7.3 Trees/landscaping**

There are three street trees (Whitebeams) to the front of the site on Wilton Road. Whilst their removal is regrettable given their high amenity value, it is considered that subject to an appropriate landscape replacement, it is not reasonable to resist the loss of the street trees.

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Upon officers' recommendation an amended landscaping proposal and a drawing showing the feasibility of the installation of a soil crating system have been submitted during the course of consideration of the application. The Council's arboricultural officer is not convinced by the suitability of the five fastigiate tree species proposed. Nevertheless, as the proposed trees are located in the highways it is considered that the species choice and the number of trees to ensure suitable growth and aesthetic can be dealt at a later stage. The provision of landscape scheme will be secured via legal agreement through funding of the trees and soil crating system as part of the highway works.

#### **8.7.4 Sustainability**

The applicant has submitted an Energy Statement and Sustainability Statement in support of their application.

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO<sub>2</sub> emissions over the baseline emissions to be achieved by the development.

City Plan Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

The applicant has submitted an energy statement prepared by Chapman BDSP which focuses on CO<sub>2</sub> reduction by using an efficient building envelope with efficient mechanical and electrical services along with gas-fired boilers serving the residential and commercial aspects of the development. Renewable energy is proposed in the form of PV tiles.

It is proposed to deliver a 56.9% for the domestic use and 27.3% for the non-domestic use improvement in carbon emissions based on the current Building Regulations (2013). Whilst there is an improvement from the figures originally provided the non-domestic use is failing to meet the onsite requirement 35% in the London Plan. The energy strategy is currently proposing to address this via carbon offset cash in lieu contribution. The applicant has demonstrated why various low-zero carbon technologies have not been retained and the limits to the utilisation of renewables on site. Therefore, the carbon offset payment of £43,956 (index linked) for the shortfall in carbon savings relative to the requirements of the London Plan (Policy 5.2 and Policy SI2 of the draft London Plan) is agreed and will be secured through the S106 legal agreement.

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The site is in close proximity with the Pimlico district heat network (PDHU) but there is no possibility to connect at this time. The network is going through a programme of decarbonisation and there are proposals for expansion, the Wilton Road area being identified as a technically viable route for the PDHU pipe network. Therefore, upon officers' recommendation the revised energy strategy includes a future proofed connection to the district heat network through the incorporation of a separate plant room and connection room sleeve. The strategy is considered appropriate and will be secured through condition. However, given the uncertainty about the expansion timeframe, it is not considered reasonable to set a deadline as to when the development should connect to PDHU.

A BREEAM pre-assessment has also been undertaken to establish the likely and potential score and rating for the development. The results show that the development achieves a BREEAM Excellent Rating, and it is recommended that this be secured by condition.

#### **8.7.5 Biodiversity**

It is recognised that the ecological value of the existing site is quite low, nevertheless given the site is redeveloped it is considered that details of biodiversity measures as bat box/bird nest must be secured by condition.

#### **8.7.6 Air quality**

The site is within the city-wide Air Quality Management Area with declared exceedances for short and long term Nitrogen Dioxide NO objectives.

Policy S31 City Plan seeks to reduce air pollution from developments. The applicant has provided a statement prepared by Entran which has been reviewed by the Council's Environmental Health officer who requested further information to assess the impacts from any centralised energy facility or communal boilers, to compare number of servicing and delivery trips against the criteria, to use the dispersion modelling to predict future concentrations of air quality pollutants and to calculate the building emission and compare them against the benchmarks. Revised air quality technical notes have been provided in order to respond to the queries raised by Environmental Health. In particular, the applicant has revised its air quality strategy by considering boilers with lower emission limits. This additional information is currently being assessed by Environmental Health officers and an update will be provided verbally to committee.

#### **8.7.7 Employment and skills**

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19 which contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service and will address the limitations highlighted above by:

- Helping residents access a wide range of opportunities in range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

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-Support developers to deliver their agreed targets through a service with a proven track record.

-The note sets out how contributions will be calculated according to the type of development proposed. In this case the commercial floorspace (office and retail uses) attracts a contribution of £180,468.03. The applicant has agreed to this contributions.

#### **8.7.8 Flood Risk**

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application, which sets out appropriate flood evacuation procedures and measures. The Environment Agency raises no objection to the proposals.

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDs) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The applicant has advised that the London Plan Drainage Hierarchy has been followed to identify appropriate site-specific measures to minimise the quantity of water discharged from the site and therefore reduce the risk of flooding. For the current scheme the following measures will be incorporated: 4 blue roofs and 2 attenuation tanks below the slab basement.

#### **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October 2020. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will generally continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

#### **8.9 Neighbourhood Plans**

The Pimlico Neighbourhood Area was designated by the City Council on September 2016 and the site will be within the plan area for the forthcoming Pimlico Plan. The draft plan still in development and therefore can be afforded little to no weight at the present time. It is therefore not considered reasonable to withhold permission on the grounds that it is in not in line with the Pimlico Neighbourhood Plan objectives.

#### **8.10 London Plan**

The application raises no strategic issues. The maximum height of the proposed building is below the 30m threshold for referral to the Mayor of London.

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## 8.11 National Policy/Guidance Considerations

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the following:

- the applicant's adherence to the City Council's Code of Construction Practice;
- a written scheme of investigation for a program of archaeological work; and
- a site investigation to find out if the building or land are contaminated.

The applicant has agreed to the imposition of the conditions.

## 8.12 Planning Obligations

For the reasons outlined elsewhere in this report, a draft 'Heads' of agreement are proposed to cover the following issues:

- i) Carbon offset payment of £43,956 (index linked) to be paid on commencement of development
- ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions and associated work (legal, administrative and physical).
- iii) A financial contribution towards employment, training and skills of £180,468.03(index linked) payable on commencement of development.
- iv) Tree Planting Contribution of £20,000 index linked, to be used for the purposes of tree planting and maintenance, with planting priority where conditions allow to be given in the following order:
  - Zone 1; In the location shown on planning application drawing 055-A-11-10 G
  - Zone 2; Within 200m of the development site
  - Zone 3; Within Tachbrook ward
  - Zone 4; Any sites outside Zones 1-3 within the administrative boundary of the City of Westminster
- v) Costs of monitoring the S106.

The estimated CIL payment is £2,339,917.50 (£1,076,361.49 for the mayor of London CIL and £1,263,566.01 for the Council CIL).

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## **8.13 Environmental Impact Assessment**

The scheme is of insufficient size and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

## **8.14 Other Issues**

### **Queen Mother Sport Centre**

Objections have been received on the grounds that the proposed scheme will hinder/prevent the redevelopment of the Queen Mother Sport Centre to the rear of the site. The main concerns are the new windows and balconies to the rear of the site, the noise and odour associated with a leisure centre and servicing.

The proposed redevelopment scheme includes fenestration along the rear boundary with the Queen Mother Sport Centre. There are existing rear windows within the application site. It is acknowledged that the number of windows and proximity with the neighbouring site will be increased. Nevertheless, most of the windows will serve the office floorspace, in a context of redevelopment of the QMSC the obstruction of those windows will not be resisted. To the northern corner of the site there are residential windows and balconies. All flats are at least dual aspects so they will not rely on the rear elevation to provide natural light to the habitable rooms. The rooms directly facing the QMSC are bedrooms and balconies serving the living room at the corner further away from the existing rear line of the QMSC and the windows are angled towards Gillingham Row. The applicant has been informed that those residential windows are considered to be un-neighbourly and they will not be strongly protected if the QMSC is redeveloped.

The Council's Development Team queried if obscured glazing could be installed to the balconies. It is considered that given their corner position it is not required.

With regards to existing noise environment the Environmental Health officer recommended conditions to ensure the protection of the future residents. It is not considered that there is an existing odour issue. If the QMSC is redeveloped given its location within an existing residential environment it would be required that the scheme do not cause noise or smells nuisance to the existing residents regardless of the redevelopment of the application site.

The servicing strategy detailed in section 8.4 of this report clearly shows that the application site will not rely on the QMSC site. With regards to access for maintenance purposes this is a private matter, that would have to be agreed outside the planning process.

In addition, the proposed scheme has been designed in order to provide opportunities of links between Wilton Road and the Queen Mother Sport Centre.

For the reasons set out above it is not considered that the redevelopment of 52-73 Wilton Road will prejudice the redevelopment of the QMSC in the future.

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### **Basement excavation**

The proposal includes excavation to the existing basement level and to create an additional basement level and concerns have been raised about the structural and flooding impact.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

The purpose of the methodology statement at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

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

Thames Water has requested that a condition is imposed requiring a piling method statement to be submitted to the City's Council approval to ensure that the proposed will not harm the strategic main water.

There is no objection from Historic England (Archaeology) to the proposed excavation subject to the imposition of condition securing a two-stage process of archaeological evaluation and, if necessary, investigation and recording.

The Highways Planning Manager notes that the basement extends under the highway, so it must be at least 900mm below the surface of the highway to allow statutory utilities plant and the Council's furniture to go on the highway as required. The main line with the basement sites as the existing basement vaults, where there is a further protrusion of the basement under the highway it is set deeper to allow the tree pits (1380mm).

### **Construction impact**

Concerns about disruption during the demolition and construction works have been raised by local residents.

City Plan Policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

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The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and is designed to monitor, control and manage construction impacts on site throughout Westminster.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's approach is for a condition to be imposed requiring the applicant to provide evidence of compliance with the CoCP before starting work. Compliance is monitored by the Environmental Inspectorate.

A condition is also recommended to protect the amenity of the surrounding area by ensuring the core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways' authority or by the local authority under the Control of Pollution Act 1974.

### **Security**

Representations have been received raising concern over the potential for the development to exacerbate the existing anti-social behaviour issues, such as rough sleeping, along the new frontage.

During the course of consideration of the application the scheme has been amended to bring the frontage forward and introduce aligned shopfronts, this reduced the setback from up to 5.3m to a maximum 1.2m. The applicant advises that the overhang is only slightly beyond the Metropolitan Police guidance of 1m, the responses received from the Designing out of Crime do not commented on this element of the scheme. In addition, the ground floor height is higher than normal 5m so the height of the underside of the curved architrave is 4.2m. It is considered that the changes are an improvement and would limit the potential for rough sleeping. In addition, the ground floor will have an active frontage on both Wilton Road and Gillingham Road.

The Designing out of crime section of the Metropolitan Police has been consulted and has offered comment and recommendation on the residential element, the postal strategy, the retail use, the office element, the cycle stores, the bin stores, the CCTV, the lighting, and the fire routes and security. The officer insists that within the Secured by Design scheme there must be a clear separation between the commercial and residential aspects. The officer recommends that prior to the first occupation of each building or part of a building or use a "Secured by Design" accreditation shall be obtained. It is considered that through this condition the specific matters raised by the officer such as the internal door changes

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to avoid potential crossover, security systems or the building management processes. The applicant agreed that condition.

The amendments to ground floor design and the “Secured by Design” condition a are considered to address the concerns raised.

### **Public consultation**

Local residents and amenity societies state a lack of consultation with local community.

The applicant has submitted a Statement of Community Involvement (SCI), which sets out the consultation with the local community. The first consultation has included a two-day public exhibition and individual meetings with the Pimlico FREDA, the Pimlico Neighbourhood Forum and ward councillors. The invitation to the public exhibitions was posted to 3,721 addresses surrounding the site. A total of 80 people attended the public exhibition and were invited to complete a feedback form on the proposals to record their views on key aspects of the proposals which have been included as part of the SCI.

A revised SCI has been submitted as a second consultation has been carried before submitted the revised scheme. Given the pandemic context, letters were posted to 704 residential and business addresses, Pimlico FREDA, Pimlico Neighbourhood Forum and ward Councillors to invite to a digital consultation from the 20<sup>th</sup> of March 2020 to the 6<sup>th</sup> of April 2020.

The City Council consulted neighbours on the application on the original submission, and the revised submission.

### **Wind**

Objectors raised concerns that the proposed scheme will create a wind tunnel effect. The proposed building which comprises 6 storeys on its highest part is not considered to be a tall building. It is therefore not considered reasonable to withhold permission on that grounds.

### **Loss of view, sale value, emergency vehicles access and precedent**

Objections have additionally been received on the grounds of loss of view and loss of sale value in surrounding properties. Such matters are not material planning grounds and planning permission cannot be reasonably withheld on these grounds.

With regards to emergency vehicle access, the width of the highways for motorised vehicles is not affected by the scheme.

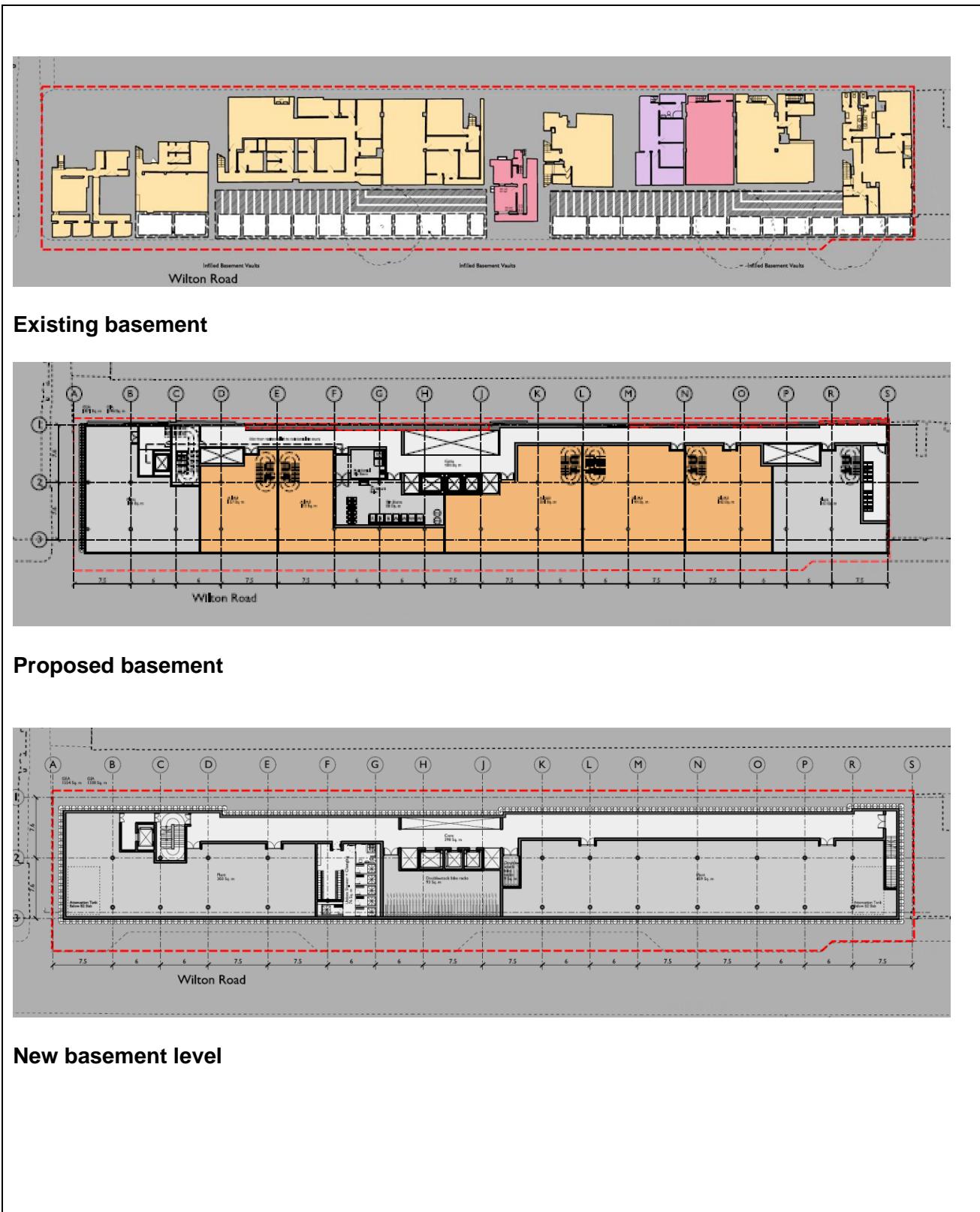
Each application is assessed on its own merits, having regard to the specific proposal, the specific application site and the policies at the time the application is considered. Accordingly, the approval of this development does not mean that similar proposal in the vicinity will also be approved.

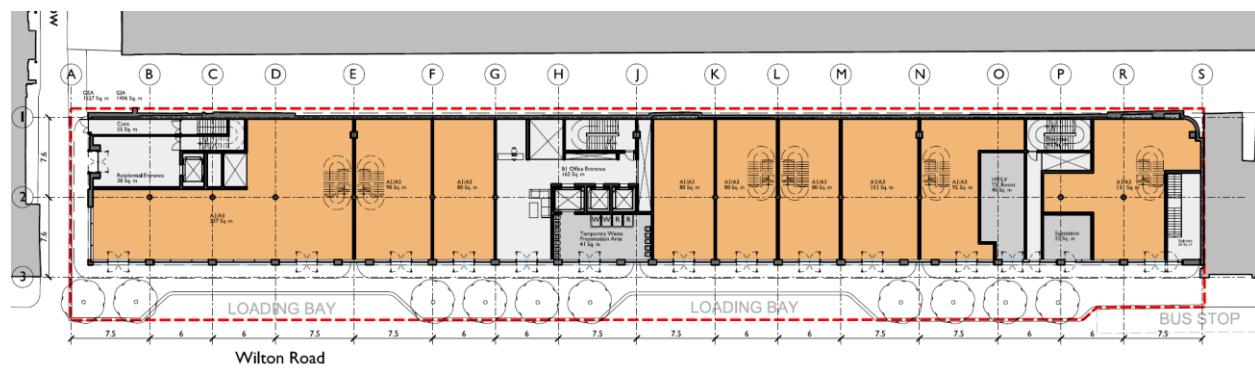
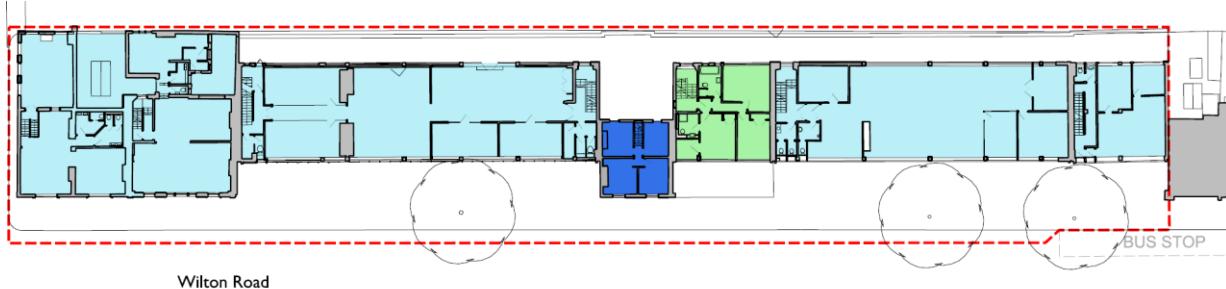
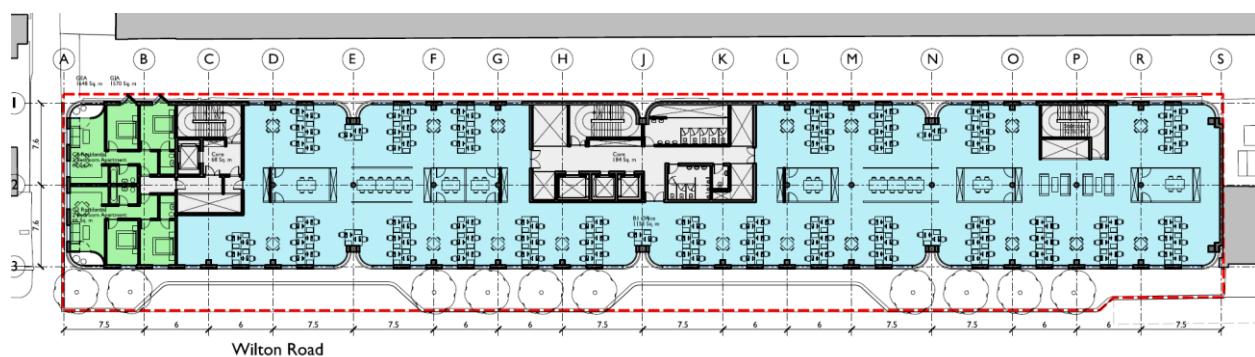
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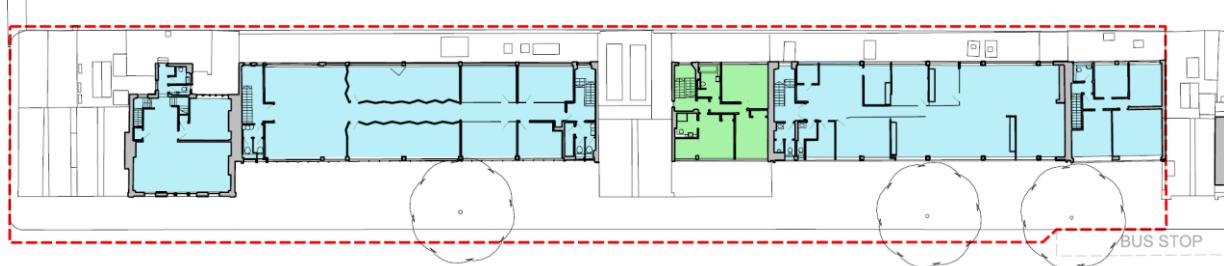
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AURORE MANCEAU BY EMAIL AT [amanceau@westminster.gov.uk](mailto:amanceau@westminster.gov.uk).**

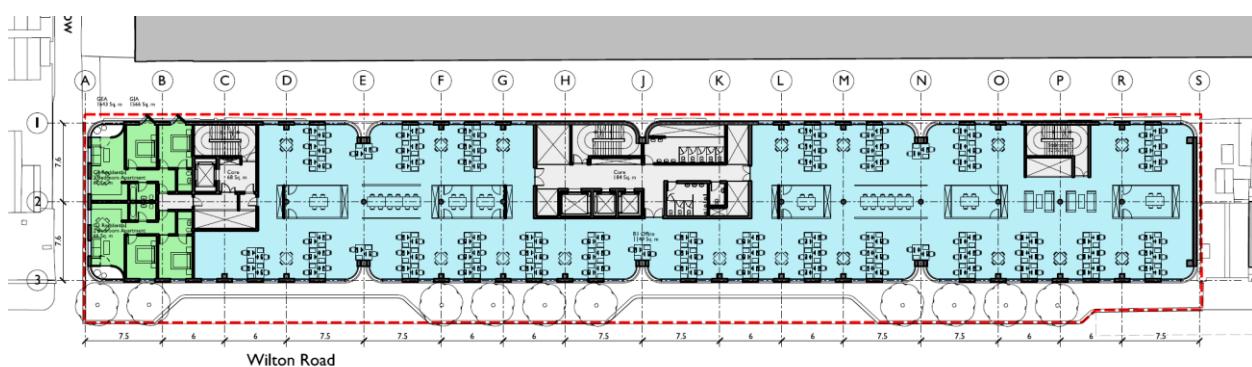
## 9. KEY DRAWINGS



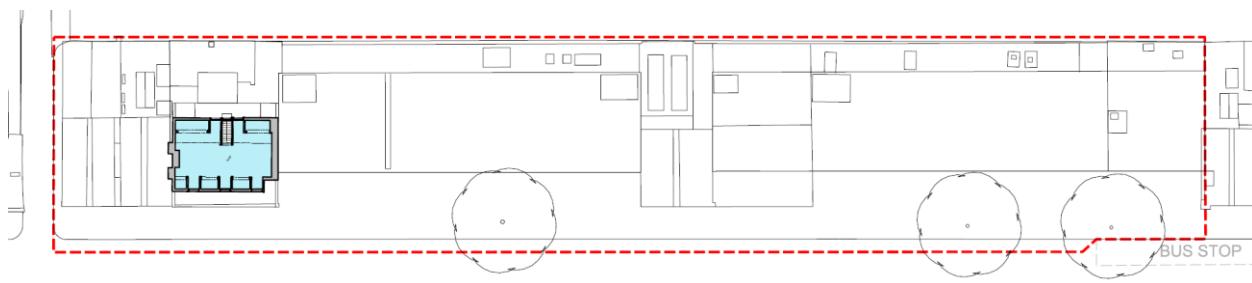
**Existing Ground Floor plan****Proposed Ground Floor plan****Existing First Floor plan****Proposed First Floor plan**



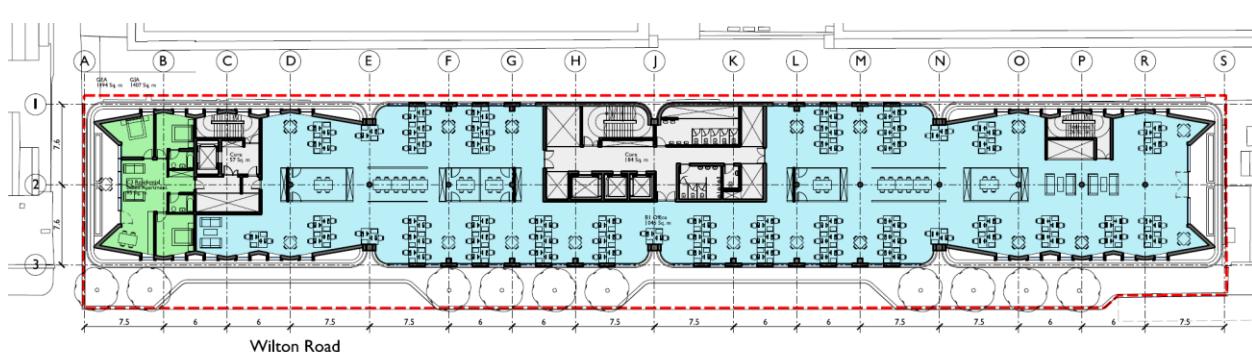
**Existing Second Floor plan**



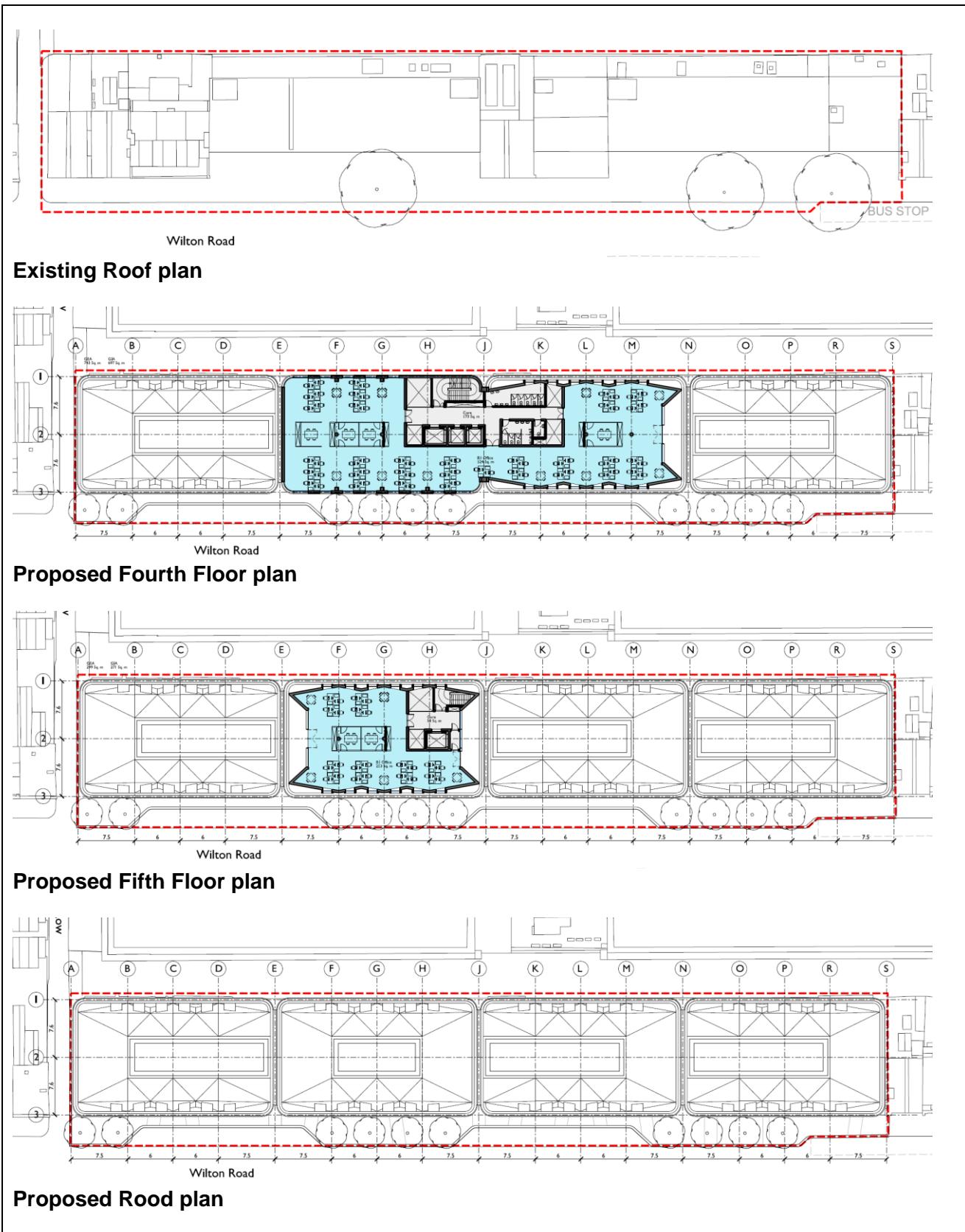
**Proposed Second Floor plan**



**Existing Third Floor plan**

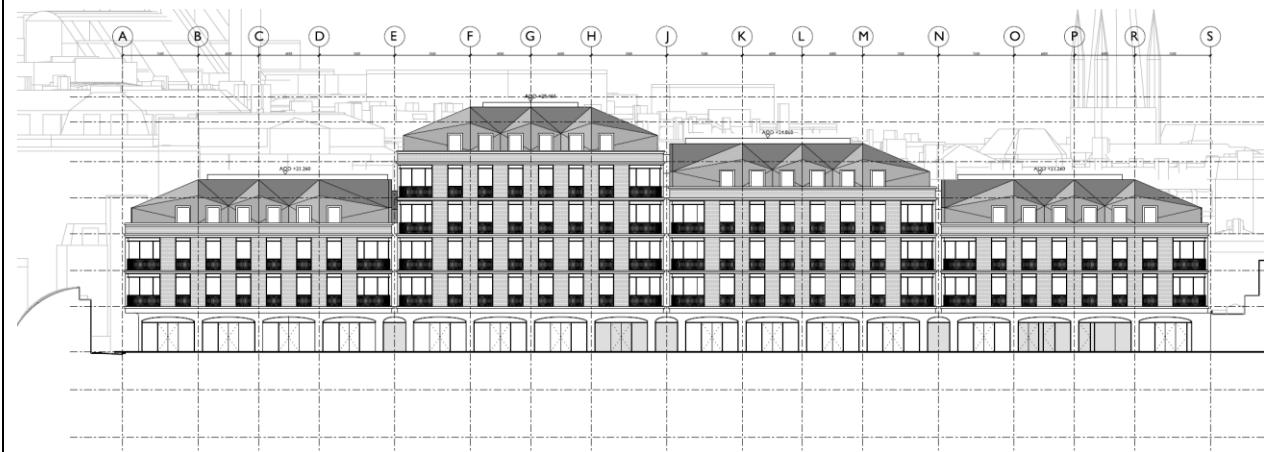


**Proposed Third Floor plan**

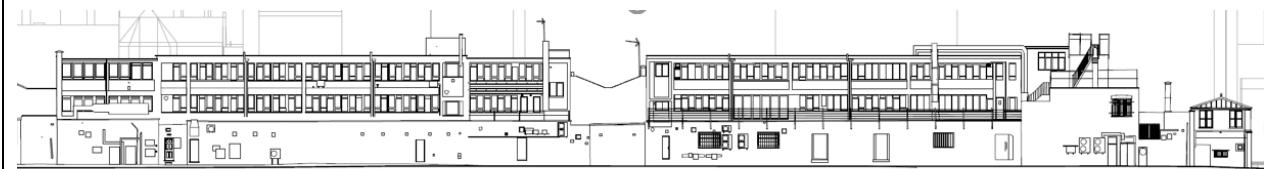




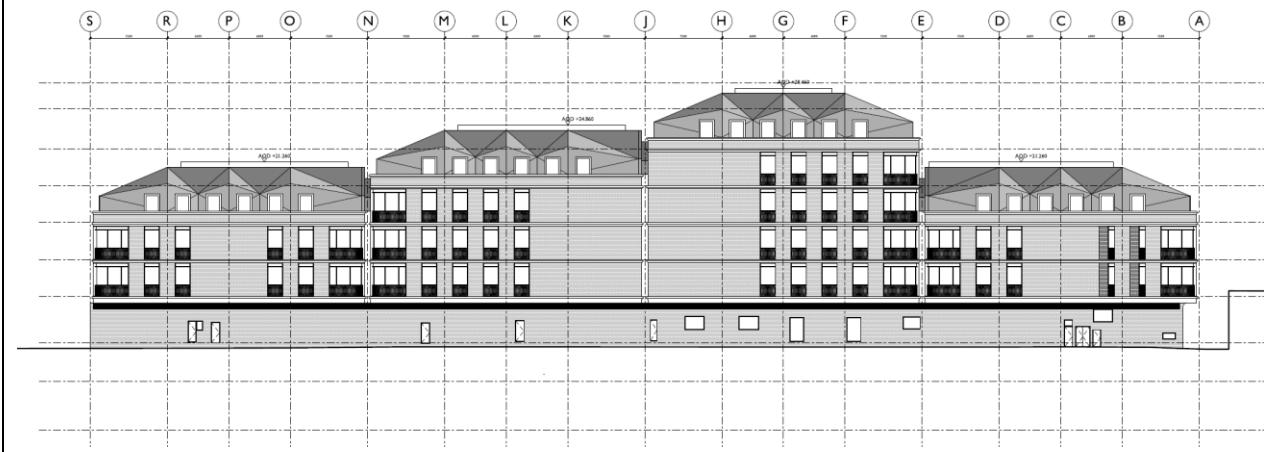
**Existing Front Elevation**



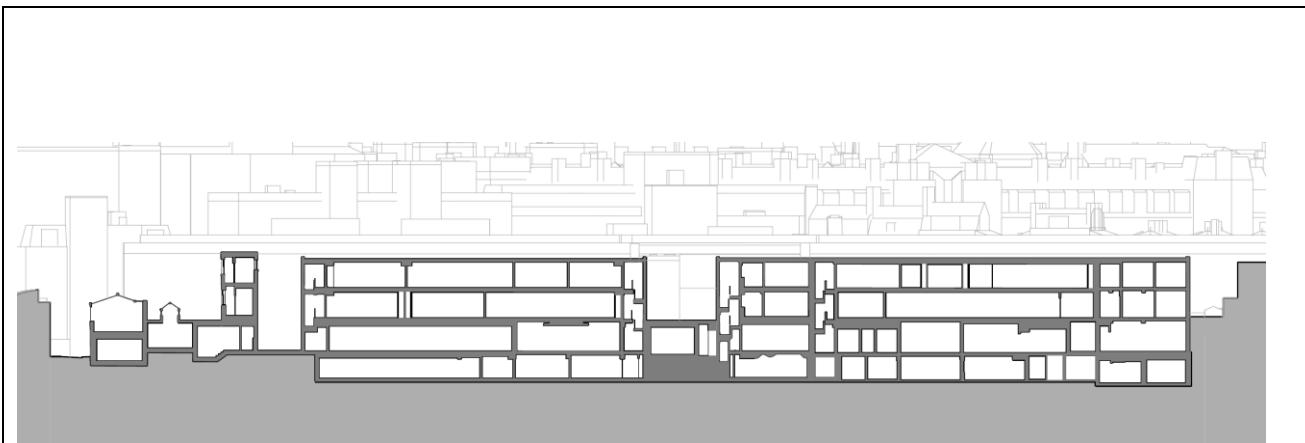
**Proposed Front elevation**



**Existing Rear elevation**



**Proposed Rear elevation**



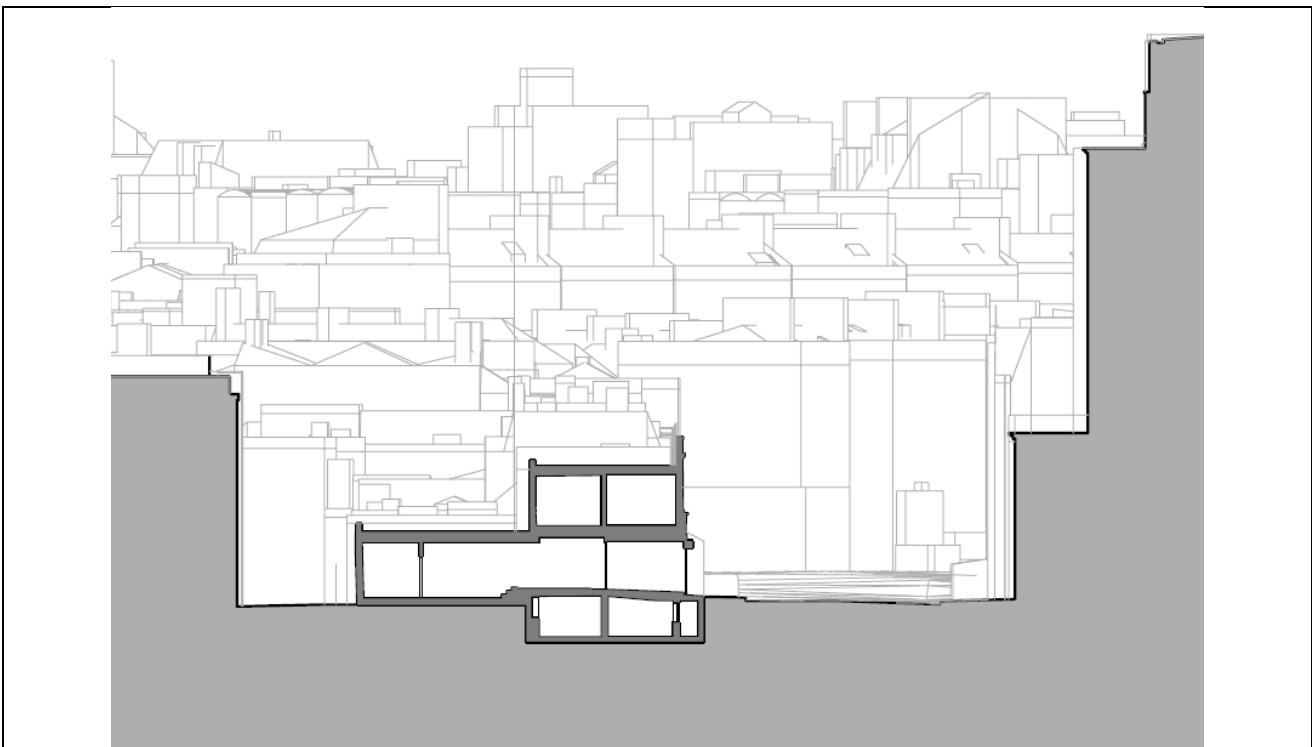
**Existing Section A-A**



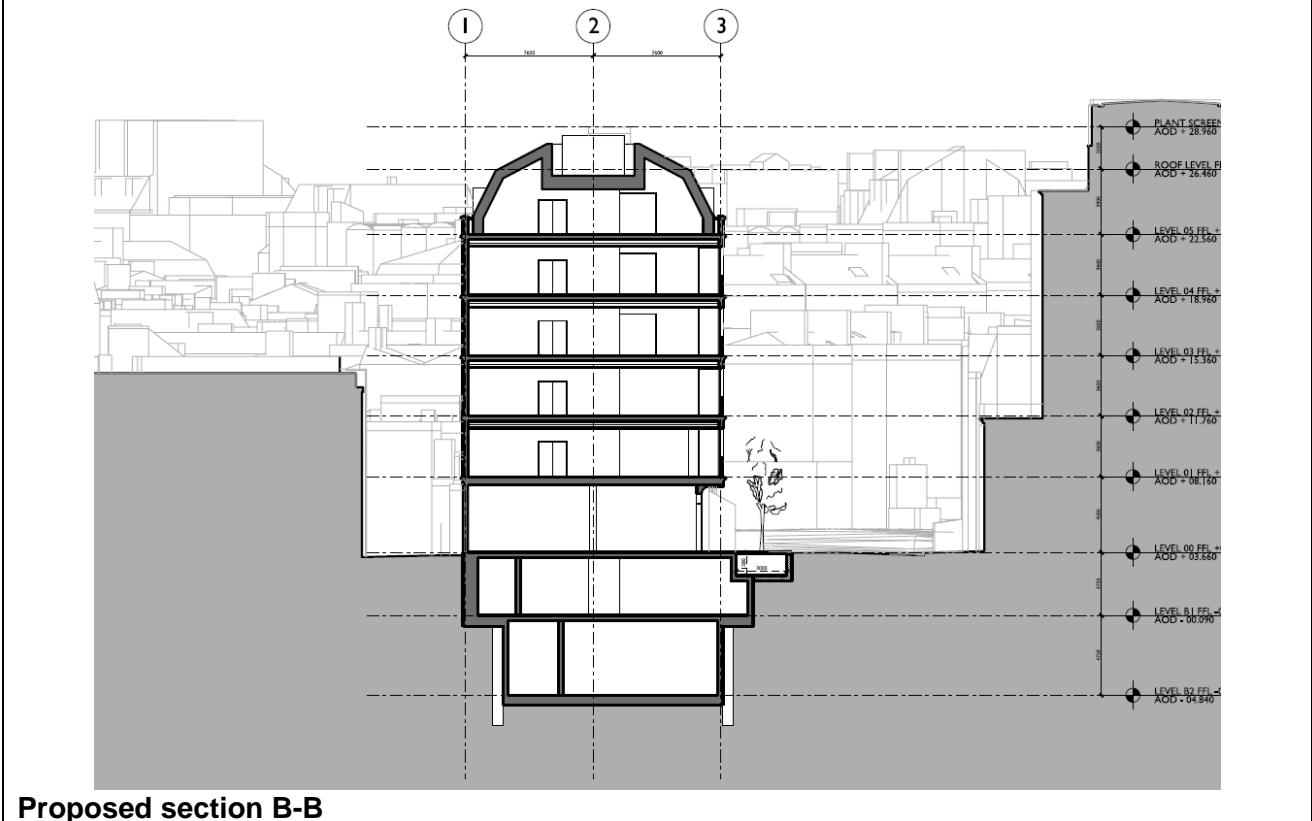
**Proposed Section A-A**

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Existing section B-B



Proposed section B-B

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## DRAFT DECISION LETTER

**Address:** Development Site At 52 To 73, Wilton Road, London, ,

**Proposal:** Demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storeys building and 2 basement levels for a mixed-use development comprising office floorspace (use Class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th and 5th floor levels, 5 residential flats (4 x 2 bedroom flats and 1 x 3 bedrooms flat) with balconies (use Class C3) at first to third floor levels at the corner with Gillingham Row and retail floorspace (use Classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays.

**Reference:** 19/06682/FULL

**Plan Nos:** 055-B-10-01; 055-A-00-00 rev.A; 055-A-01-09 rev.B; 055-A-01-10 rev.B; 055-A-01-11 rev.B; 055-A-01-12 rev.A; 055-A-01-13 rev.A; 055-A-01-14 rev.A; 055-A-06-01 rev.A; 055-A-07-01 rev.A; 055-A-07-02 rev.A; 055-A-11-08 rev.E; 055-A-11-09 rev.H; 055-A-11-10 rev.G; 055-A-11-11 rev.E; 055-A-11-12 rev.E; 055-A-11-13 rev.E; 055-A-11-14 rev.E; 055-A-11-15 rev.E; 055-A-11-16 rev.E; 055-A-16-01 rev.E; 055-A-17-01 rev.E; 055-A-17-02 rev.E; Appendix A checklists; Acoustic planning report 19257\_R02\_A dated 16 August 2019 prepared by Sandy Brown; Energy addendum dated 08 October 2020 prepared by Chapman BDSP; Servicing Management Plan dated September 2020 prepared by Caneparo; Air quality technical note dated 12/06/20 prepared by Entran; Transport statement dated September 2020; Archaeology desk-based assessment revised in August 2019.

For information only:

For information only:

Area schedule; P765/MW 06; Revised statement of community involvement dated April 2020 prepared by Concilio; Fire safety strategy dated March 2020; Planning statement version 2 dated April 2020; Existing utilities assessment rev.01 dated 27 March 2020; Flood risk assessment and SUDs strategy report Rev. C dated 27 March 2020 prepared by Heyne Tillet Steel; Desk study and basement impact assessment dated March 2020; Structural methodology statement Rev. D dated 27 March 2020; Design and access statement dated October 2020; Low zero carbon technologies feasibility matrix dated October 2020; Daylight and sunlight report v.2 dated June 2020; Daylight analysis including without balconies results; Arboricultural impact assessment dated April 2020 HWA10346\_APIII 2.0; Landscape strategy dated March 2020 868\_LS\_001; 868\_DO\_001; 868\_PL\_001; 868\_PL\_301; 868\_PL\_302; 868\_PL\_303; Ventilation and extraction statement 02 dated 27 March 2020; Sustainability statement Rev. 01 dated 17 March 2020; Townscape, visual impact and heritage assessment addendum dated April 2020

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 07866038763

**Recommended Condition(s) and Reason(s)**

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- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of

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Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

**4 Pre Commencement Condition.**

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.
- (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

**5 Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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

Phase 1: Desktop study - full site history and environmental information from the public records has been completed (Appendix E of the Structural Methodology Report).

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

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

Phase 4: Validation report - summarises the action you have taken during the

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development and what action you will take in the future, if appropriate. (C18AA)

**Reason:**

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 6 Prior to the occupation of each use a "Secured by Design" accreditation shall be obtained for each use and thereafter all features are to be permanently retained.

**Reason:**

In the interests of public safety as set out in S29 of Westminster's City Plan (November 2016).

- 7 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

**Reason:**

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

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

- i) detailed drawing of a typical bay study;
- ii) detailed drawings of the shopfronts (sections and elevations);
- iii) detailed drawings of all new windows (sections and elevations scaled 1:10);
- iv) detailed drawings of all new external doors (sections and elevations scaled 1:10); and
- v) detailed drawings of the Juliette balconies.

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. (C26DB)

**Reason:**

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

- 9 (1) Where noise emitted from the proposed plant and machinery will not contain tones or

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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

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as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 10 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. (R48AA)

- 11 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 12 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 13 The design and structure of the development shall be of such a standard that it will

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protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

**Reason:**

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

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

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(f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 9, 12, 13 and 14 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 16 Customers shall not be permitted within the restaurant premises before 1000 or after 2300 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 You must apply to us for approval of an operational management plan for each restaurant unit to include details of restaurant capacity and measures to prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use. (C05JB),

Reason:

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

- 18 You must apply to us for approval of details of the ventilation system to get rid of cooking

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smells for each restaurant use, including details of how it will be built and how it will look. The termination of the extract system needs to be at high level. You must not begin the restaurant use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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

- 19 You must apply to us for approval of an updated ground floor and basement floor plan identifying a minimum of 500 sqm of retail floorspace. You must not occupy any part of the basement and ground floor floorspace until purposes until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

Reason:

To protect the special retail character of the area as set out in S21 of Westminster's City Plan (November 2016) and SS 4 (B) of our Unitary Development Plan that we adopted in January 2007.

- 20 The ground and lower ground floor units shall only be used for retail, cafe or restaurant purposes and kept as at least 9 self-contained units.

Reason:

We cannot grant planning permission for unrestricted use within Class E because we do not have enough information to decide whether other uses within Class E would be acceptable within this part of the Pimlico Central Activities Zone and Shopping Frontage.

- 21 Part of the first, second and third floor levels and the entire fourth and fifth floor levels shall only be used as office.

Reason:

We cannot grant planning permission for unrestricted use within Class E because we do not have enough information to decide whether other uses within Class E would be acceptable within this part of the Pimlico Central Activities Zone.

- 22 You can only use the office terraces at third, fourth and fifth floor levels hereby approved between the following hours: 1000 to 1800 Monday to Friday (excluding bank holidays and public holidays).

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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- 23 You must not play live or recorded music or use amplified public address system on the office terraces.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 24 You must not operate a delivery service, nor shall the premises utilise a delivery and/or collections service operated by third parties for the restaurant use that operates at basement and ground floor levels hereby approved.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 25 You must provide the waste store shown on drawing 055-A-11-09 Rev. H and 055-A-11-10 Rev. G before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the office, retail and restaurant. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 27 Notwithstanding what is shown on the approved drawings, you must hang all doors or gates so that they do not open over or across the footway or pavement. (C24AA)

Reason:

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

- 28 Notwithstanding the information provided, you must apply to us for approval of a detailed Servicing Management Plan for the office, retail and restaurant uses within the approved development identifying process, internal storage location, schedule of deliveries and

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staffing. You must not occupy any of these uses until we have approved what you have sent us. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.

Reason:

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

- 29 The development shall achieve an 'Excellent' rating under the BREEAM Assessment.

Reason:

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

- 30 You must apply to us for details of on-site biodiversity measures to be installed. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved documents.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

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

Reason:

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

- 32 No construction should take place within 5m of the water main. You must submit details how it is intended to divert the asset/align the development, so as to prevent the potential for damage to subsurface potable water infrastructure. Any construction must be undertaken in accordance with the approved details.

Reason:

The works will be in close proximity to underground strategic main, utility infrastructure.

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The works have the potential to impact on local underground water utility infrastructure.

- 33 If you provide a bar and bar seating in any of the restaurants hereby approved, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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

- 34 All servicing must take place between 07.00 and 18.00 hours on Monday to Sunday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 35 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA)

- 36 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 area and the character and appearance of the adjoining Pimlico Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 37 The three-bedroom residential unit 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 protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January

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2007. (R07DC)

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

Reason:

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

- 39 The energy measures set out in the approved Energy addendum dated 08 October 2020 shall be provided and thereafter retained for the life of the development.

Reason:

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

- 40 The balustrade to new residential windows must be installed prior to the occupation of the flats and must be retain thereafter.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 41 You need to provide the following site-specific sustainability measures as set out in your application prior to occupation of any part of the development:

- a 12x 5m plantroom shown in the Energy addendum dated 08 October 2020 for the future connection with the Pimlico District Heat Unit;
- 4 blue roofs and 2 attenuation tanks below the slab basement.

Thereafter they shall be retained for the life of the development

Reason:

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

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

-the final patterning and materiality of the ground floor tiles designed in collaboration with a local artist.

You must not start any work on these parts of the development until we have approved what you have sent us.

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You must then carry out the work according to these details.

**Reason:**

To secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 43 You must not place any external seating or other items of furniture within the unadopted forecourt underneath the overhang unless otherwise agreed through condition 44 of this decision.

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 44 You must apply to us for approval of details of:

- the layout for external seating in the unadopted footway underneath the overhang
- an operational management plan for the external seating including hours of installation.

You must not use the unadopted forecourt for external seating until we have approved in writing what you have sent us. You must then carry out the development in accordance with the details approved.

**Reasons:**

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable to the detriment of the character and appearance of the area and in the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 and DES7 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 **HIGHWAYS LICENSING:**  
Under the Highways Act 1980 you must get a licence from us before you put skips or

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scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

#### CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

#### BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://www.westminster.gov.uk/code-construction-practice)). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team ([environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

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

- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

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commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 5   Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

- 6   Prior to the commencement of development, the highway will need to be stopped up under s247 of Planning Act. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring. The applicant must contact the Council by writing to Jeff Perkins ([JPerkins@westminster.gov.uk](mailto:JPerkins@westminster.gov.uk)) to progress the stopping up order.

The applicant will be required to cover all costs of the Council in progressing the stopping up order.

- 7   The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: {\i [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)}

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an {\b\ul Assumption of Liability Form immediately}. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that

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has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a {\b\ul Commencement Form}

CIL forms are available from the planning on the planning portal:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to CIL@Westminster.gov.uk

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 8 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 9 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
  - \* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
  - \* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/risk/index.htm](http://www.hse.gov.uk/risk/index.htm).

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 10 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/toolbox/height.htm](http://www.hse.gov.uk/toolbox/height.htm)

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 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:
- Carbon offset payment of £43,956 (index linked) to be paid on commencement of development
  - All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, provision of soil crating system for planting and associated work (legal, administrative and physical).
  - A financial contribution towards employment, training and skills of £180,468.03(index linked) payable on commencement of development.
  - Tree Planting Contribution of £20,000 index linked, to be used for the purposes of tree planting and maintenance
  - Costs of monitoring the S106.
- (I55AA)
- 13 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

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1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: [www.westminster.gov.uk/short-term-lets](http://www.westminster.gov.uk/short-term-lets).

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).

- 14 You are advised that not all areas of the footway whether adopted or unadopted can be used for external seating as it will depend on tree positions and loading bay designs. Within the adopted footway planning permission is required to install outdoor furniture.

Please note: the full text for informatics can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

# Agenda Item 4

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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> <b>10 November 2020</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bayswater
<b>Subject of Report</b>	<b>The Colonnades, 34 Porchester Square, London, W2 6AT</b>	
<b>Proposal</b>	Erection of single storey roof extension to provide additional accommodation to 7 residential flats facing Bishop's Bridge Road.	
<b>Agent</b>	Mr Ed Bucknall	
<b>On behalf of</b>	Lim, Alsuwaidi, Osho ,Osomo, Kuti, Ong & Al-Malazi	
<b>Registered Number</b>	20/05356/FULL	<b>Date amended/completed</b> 24 August 2020
<b>Date Application Received</b>	24 August 2020	
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>	Bayswater	

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application relates to the southern block of a large 1970s development of apartments, known as The Colonnades, fronting Bishops Bridge Road to the south, Porchester Road to the west and Porchester Square to the north. At ground floor level the development fronting Bishops Bridge Road and Porchester Road has retail/ commercial buildings including Waitrose. The site is not listed but falls within the Bayswater Conservation Area (BCA). The nearest listed buildings to the site are the Porchester Hall (Grade II\*), Hallfield Estate (Grade II) and the terraces which form the northern and eastern sides of Porchester Square (Grade II). The site, in relation to the nature of the current application proposals, is not considered to affect the setting of any of these listed buildings.

Permission is sought for the construction of a single storey roof extensions at fourth floor level facing Bishops Bridge Road. The extension would provide additional living accommodation for 7 flats to duplex flats at second/ third floor.

The key issues in the determination of this application are:

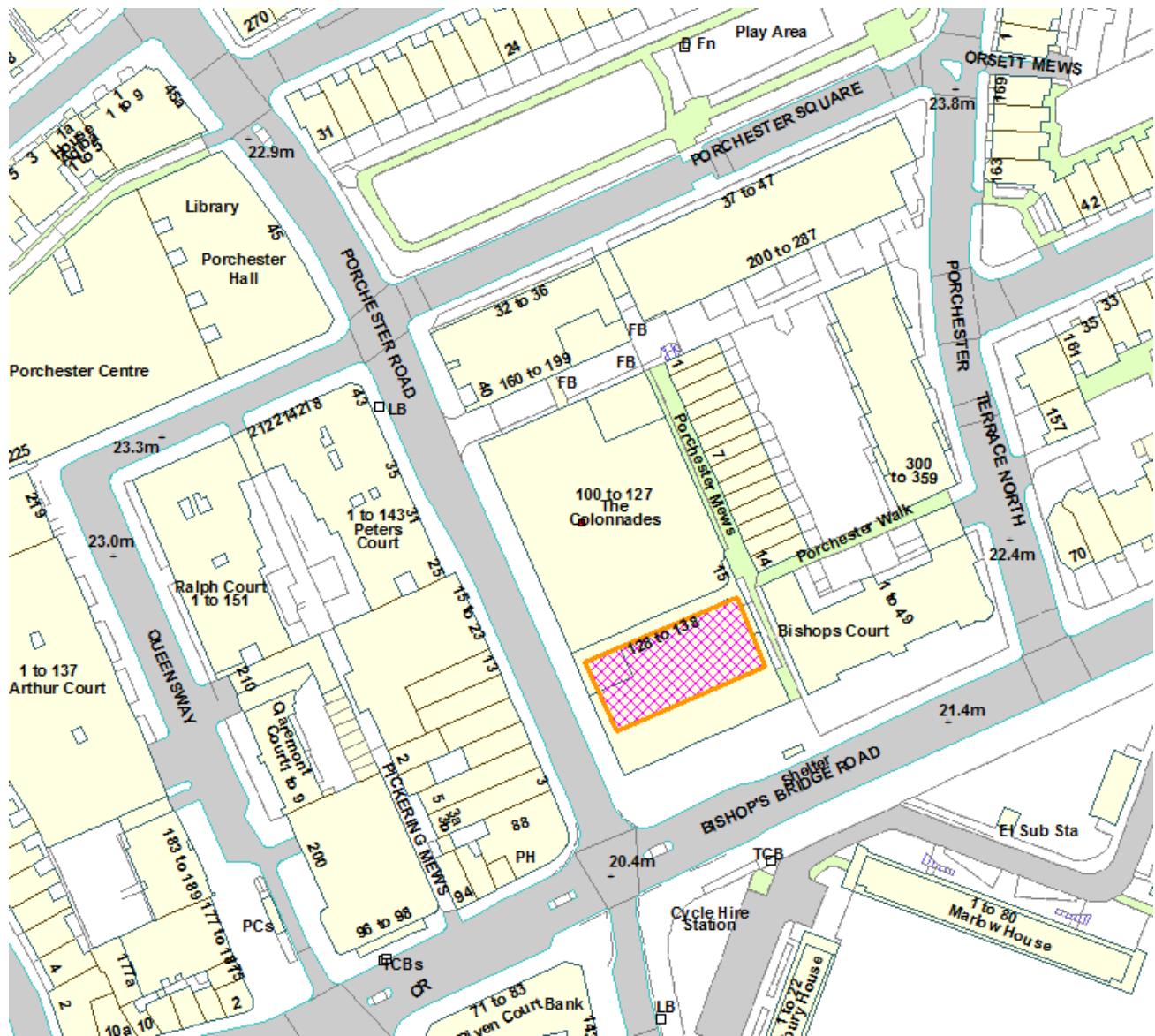
- The impact of the proposed works on the Bayswater Conservation Area; and
- The impact of the proposed extension on the amenity of neighbouring properties.

The proposal is considered acceptable in terms of design and amenity and accords with City Council

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policies as set out in the Unitary Development Plan (UDP) adopted January 2007 and the City Plan adopted November 2016 subject to the conditions as set out in the draft decision letter at the end of this report.

### 3. LOCATION PLAN



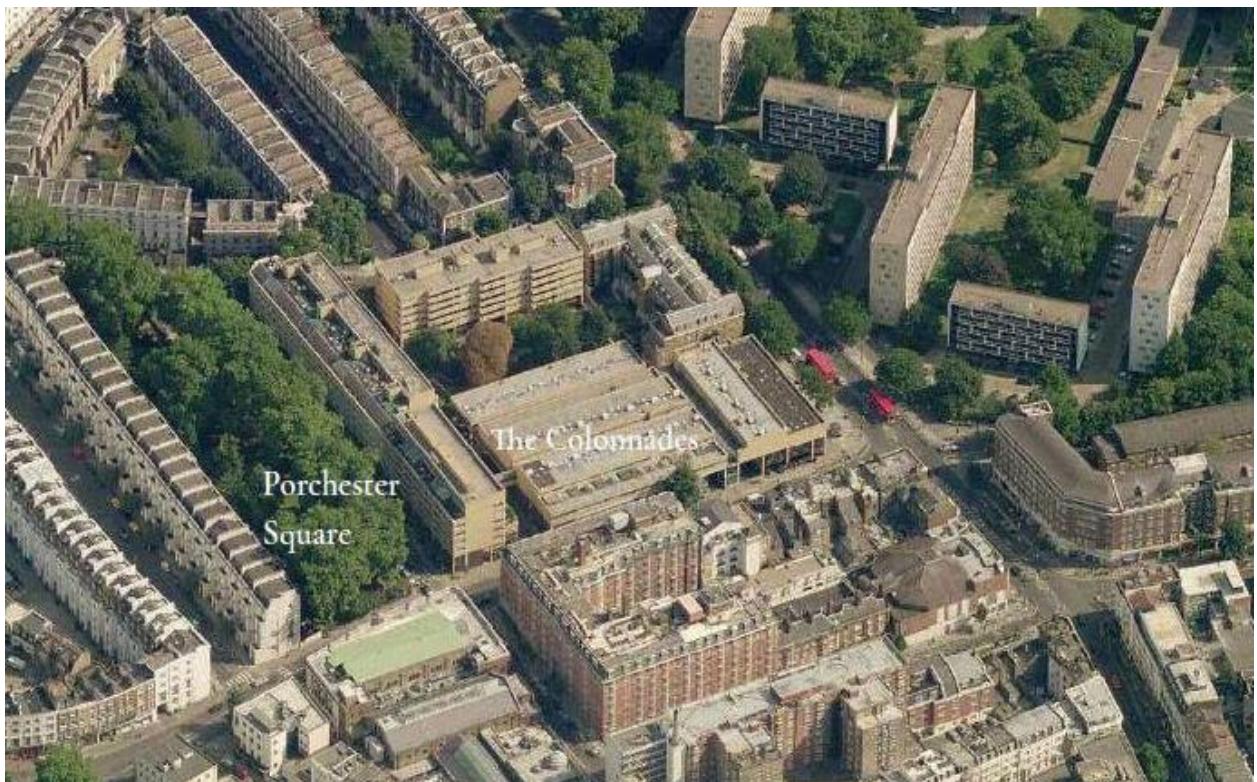
This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationery Office (C) Crown Copyright and/or database rights 2013.

#### 4. PHOTOGRAPHS

Application Site from Bishop's Bridge Road



Aerial Image



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## 5. CONSULTATIONS

**WARD COUNCILLORS FOR BAYSWATER:**  
Any response to be reported verbally.

**SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:**  
Any response to be reported verbally.

**TRANSPORT FOR LONDON - BOROUGH PLANNING**  
No objection.

**THAMES WATER:**  
Comment made that Thames Water have been unable to determine the wastewater infrastructure needs for this application. Therefore, conditions are suggested.

**DESIGNING OUT CRIME OFFICER:**  
Initial contact made then no further response.

**HIGHWAYS PLANNING MANAGER:**  
Any response to be reported verbally. Note, that in response to the withdrawn application, no objection was made.

**BUILDING CONTROL - DEVELOPMENT PLANNING:**  
Any response to be reported verbally. Note, that in response to the withdrawn application, no objection was made and that any extension would require a Structural Engineering Assessment.

**ENVIRONMENTAL HEALTH:**  
Any response to be reported verbally.

## ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 648  
Total No. of replies: 19  
No. of objections: 19  
No. in support: 0

Nineteen objections (three of which are on behalf of The Colonnades Residents Tenants Association) have been received on some or all of the following grounds:

### Land Use:

- The proposal does not provide for affordable housing;
- The proposals do nothing to help the housing crisis;
- How will these properties be stopped from being Air b&b/ short terms lets.

### Design:

- The design of the development hasn't changed from the withdrawn scheme;
- This is a completed building by a world renowned architect Sir Terry Farrell;
- The building was never intended to have an additional storey;
- The design isn't in keeping with the rest of The Colonnades

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- Where the extension remains empty (as those residents below don't want to build up) this will be unsightly;
- The 'hodgepodge' infilling of the extension as and when the applicants want to build will look unsightly;
- The application doesn't provide details of materials;
- If a proposal comes forward for this element, the whole group of building should be considered.

Amenity:

- Loss of light to neighbouring properties;
- Loss of privacy to neighbouring properties;
- Overshadowing and loss of light to Porchester Mews pathway and gardens of the site;
- Loss of views;
- Reduction in light and air to the Porchester Mews pathway will encourage the use of this pathway for urination and increase the odours.

Other:

- Procedure and process of the previously withdrawn application and it is unclear why the previous scheme was withdrawn;
- The application has proceeded without consultation with other residents;
- Inconvenience/ noise and disruption during the course of works;
- Increase in pollution during the course of works;
- Structural implications on the existing building including to the supermarket below;
- Implications of construction upon the operation of Waitrose;
- There are subsidence issues in the building;
- Fire safety implications to building;
- Security implications to Porchester Mews pathway as a result of the increase in height;
- Maintenance and health and safety concerns of the empty shells;
- Implications on 'utilities' in The Colonnades;
- There may be asbestos in the building;
- Requests that the Planning Committee visit the premises before making a decision;
- How will the supply of materials be safeguarded for those wanting to build the extension at a later date;
- The application doesn't provide information on PV panels and their maintenance/usege;
- Financial implications/liability to all leaseholders (service charges etc);
- More people in the building means additional wait time for lifts etc

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. BACKGROUND INFORMATION

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## 6.1 The Application Site

The application relates to the southern block of a large 1970s development of apartments, known as The Colonnades, fronting Bishops Bridge Road to the south, Porchester Road to the west and Porchester Square to the north.

The Colonnades is a complex of buildings occupying a 1.2Ha site with six large blocks on it; five of these, covering the larger portion of the site, form the Colonnades development. The remaining block forms Bishops Court; a late '80s six-storey block of flats. The Colonnades comprise of one mews block of two storey terraced houses, three large blocks of flats of seven and eight storeys in height (The North 100 Building, the 200 Building and the 300 Building). The South 100 building is connected at high level and below ground to the North 100 building. It takes up roughly a third of the overall site area and is made up of commercial units on the ground and first floors, with two further stories of residential units above.

The site is not listed but falls within the Bayswater Conservation Area (BCA). The nearest listed buildings to the site are the Porchester Hall (Grade II\*), Hallfield Estate (Grade II) and the terraces which form the northern and eastern sides of Porchester Square (Grade II). The site, in relation to the nature of the current application proposals, is not considered to affect the setting of any of these listed buildings.

## 6.2 Recent Relevant History

### **19/08437/FULL:**

Erection of single storey roof extension and associated alterations to 11 flats facing Bishops Bridge Road and Porchester Mews.

This application was scheduled to be heard at Planning Committee in June 2020. The application was recommended for approval by officers, and had attracted over 60 objections. This application was withdrawn prior to its scheduled committee by the applicant.

### **13/12442/FULL:**

Reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works.

Application approved October 2014.

### **17/04344/FULL:**

Extension to front elevation at ground and first floor, re-cladding of building at ground and first floor and changes to the elevations in association with the change of use at first floor level from ancillary public house accommodation (Class A4) to a self-contained residential unit (Class C3).

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Application approved February 2018

## 7. THE PROPOSAL

Planning permission is sought for the erection of single storey roof extension facing Bishops Bridge Road. The extension is proposed to provide additional accommodation (in the form of two additional bedrooms and a bathroom) for 7 existing duplex flats at second/ third floor. The extensions will span the width of 9 flats (there are 11 however at this level, but the extension is not proposed to be built over all of them as they are to be set in from the building edges), however the remaining 2 flats do not currently form 'the applicant'.

The extension fronting Bishops Bridge Road measures 32m in width, east to west 11.4m in depth and is 2.24m in height above the existing parapet. This is set in, either side of the Bishops Bridge Road frontage, by 'one flat width' of 3.6m. Where the extension is associated with the flats below, the elevations are complete. Where the extension is a void/ shell behind, it is proposed to install mesh panels, with mullions to replicate the glazing detail.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Objections have been received on the grounds that the applicants are greedily looking to extend existing two and three bedroom homes to four and five bedroom units, whilst arguing that their existing flats are not fit for families and that this should be a driving factor in the assessment of the application, i.e. retaining families within Westminster. Objection is also made on the grounds that these larger units, appear to be designed under ulterior motives such as student accommodation and short term lets.

The principle of extensions to existing dwellings and the provision of family sized units is supported by policies H3 of the UDP and S14 of the City Plan and therefore the above objections cannot be sustained. The application before the City Council is to be assessed on its merits rather than taking into consideration the personal situation of both 'the applicant' or indeed objectors to the scheme. A change of use away from self-contained residential accommodation would require planning permission. Any breach of planning control could be reported to the City Council's Enforcement Department for investigation.

Objections to the proposals have been received on the grounds that the proposals will provide no affordable housing, by just extending existing properties. The proposed floor area (taking into consideration the whole extension i.e. the rooms to be used in association with the 7 flats and the 'shell layout' for those flats not participating in this application) is significantly under 1000m<sup>2</sup> and therefore does not trigger the requirement for affordable housing. The objections on these grounds are therefore not sustainable.

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## 8.2 Townscape and Design

### The Site

The affected block is attached to the rear of and is accessed from the Porchester Square-fronting block, but presents its principal faces to Porchester Road and Bishops Bridge Road as a low, modern, three storey block containing retail to ground and first floors, with flats above to the second and third floors. The third floors of the residential sections of the block are split into three disconnected linear pavilions, substantially set back from the street frontage and separated by two linear lightwells. Within, flats are arranged over two storeys, with the bedrooms contained both at second floor and within the third floor pavilions.

The character of the site is in stark (and deliberate) contrast to the varied character of the 19<sup>th</sup> century terraces and squares in the area. The parts of The Colonnades facing onto Porchester Square are more consistent in scale and bulk to the historic terraces which otherwise characterise the square and includes the retained frontage of half of the original southern side of the square.

The existing site is, whilst in many respects inconsistent with the character of the wider area, of some architectural merit in its own right. It was designed by the pioneering Farrell Grimshaw Practice in the early 1970s and won a number of awards at the time, including those commemorated on the arch facing Porchester Square; both Nicholas Grimshaw and Terry Farrell later set up separate practices of global renown, and are widely recognised as two of the later 20<sup>th</sup> century's most influential architects. The development is not listed, nor is it considered to be likely to be listable given its limited architectural flair or apparent innovation compared with the architects' other works. Extensive thematic listing reviews of post-war housing have been carried out by Historic England in recent years, in order to identify the best examples of this period for listing and so it is reasonable to presume that the estate will have been assessed by such reviews.

### Legislation and Policy

The starting point for the assessment of this application is Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that “... *with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*”

Policies DES 6 (roof extensions) and DES 9 (conservation areas) of the UDP also form part of the statutory basis for the assessment of this application, together requiring that roof extensions within a conservation area must respect the character and form of the building, and the manner in which it contributes to the character and appearance of the conservation area. In support of the UDP is also the Bayswater Conservation Area Audit which identifies what is special about the area, and how it might be sensitive to development.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be

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approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **The proposals**

The application proposes to erect an additional fourth floor over the existing third floor pavilion of the southern wing of the block, fronting Bishops Bridge Road. The extension would consist of an overall steel frame separated into regularly spaced bays arranged vertically with the existing flats below. Within this frame would sit the extensions to the individual flats below. As part of this current application, only 7 out of 11 flats contained in this wing are proposed to be extended, with the bays above the 2 non-participating flats left as empty, partially enclosed sections of the steel frame. These empty bays would be faced on both elevations with a mesh designed to have a similar rhythmic and tonal character to the glazed elevations of the occupied parts of the extension.

As noted above, objections have been received to both the principle of a roof extension on this building and the detailed design, notably the ‘gaps’ where there is no extension behind. A point of debate has also arisen between applicants, supporters and objectors (more heavily in the previously withdrawn application) relating to whether the building was originally intended to receive additional floors above the existing pavilion blocks. Under the previously withdrawn application a representation direct from the building’s original architect was received and stated clearly that the building was completed as planned, and that it was not expected or planned at the time to add further floors later.

In design terms, the differing viewpoints from the applicants/ supported and objectors are noted, but the central fact that it was not originally intended to extend further, is not considered to preclude the principle of upward extensions to the building today. The reasons why the upwards extension of the building is considered to be acceptable in principle, as proposed, are discussed below.

The principle of extending upwards to this block is considered acceptable, subject to design quality, due to the limited architectural value of the building, and due to its size and built form which makes setbacks a realistic means of integrating additional height and massing. The manner in which the proposal has been put forward for only one of the third floor pavilions to be extended limits the potential visual impacts of the proposals, particularly when viewed from Porchester Road (although it should be noted that officers under the previously withdrawn application did not consider that an extension fronting Porchester Mews was unacceptable in this regard). The proposals would have no impact on the more designed and more sensitive Porchester Square to the north.

The ‘set in’ and set back position of the extension moderates the impact and visibility of the proposals on the appearance of the block. The development would be broadly visible from Bishops Bridge Road to the south but other key views would be from the north, where the corner of the extended unit 129 would be visible, and from within the development from the courtyard to the east of this block. High level private views would be afforded of the extensions from a number of angles and have been the subject of

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objections from other residents of the development.

The design form of the proposal is considered to be broadly acceptable in principle. The general position, size and manner of the extension would be respectful to the original character of the Farrell Grimshaw designs and would integrate well with the wider block. The proposals would not harm the manner in which the development contributes to the character and appearance of the Bayswater Conservation Area.

The proposal would be most successful in its outward design, in the manner in which the empty bays have been closed off by the metal mesh in a pattern consistent with the occupied bays' windows and spandrel panels. This largely mitigates what might otherwise be a 'gappy toothed' effect in those most important public / external facing views, and this addresses a number of objections received. Conversely, the development would be least successful from private high level views where the open-topped nature of the 2 empty bays would cause this 'fifth elevation' to appear unresolved and incomplete. The impact of this design limitation on the appearance of the building, and on the wider conservation area is however considered to be slight and would not cause the proposals to fail with respect to the relevant legislative and design / conservation policy considerations set out above.

Subject to detailed design to be secured through conditions, and a condition to secure that the development of the 'whole' extension is built as one development (i.e., not leaving any elevational gaps), it is considered that the proposal would cause no harm to the appearance of the building or to the conservation area's special character and appearance.

As such, the proposal is considered acceptable in design and conservation terms, mindful of policies DES 6 and DES 9 and S25/S28 of the UDP/City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Objections have been received to the application on the grounds that the proposed extension would result in loss of light to neighbours, notably to those residents in the block east of the site in Bishops Court and that their balconies which face the application site will be unusable if in darkness/shadow and that during this pandemic, this outdoor space is hugely valuable.

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Objections have also been received on the grounds of overlooking and loss of privacy, again most notably to residents in Bishops Court.

### **Daylight/Sunlight**

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Right of Light Consulting, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site. The report tests over 500 windows.

The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. Where room layouts are not known the daylight distribution test has not been undertaken. An objection to which has been received. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise:

- 1-14 Porchester Mews (east of site)
- 1-49 Bishops Court (east of site)
- Block 100 of The Colonnades (Flats 100-138), known in the report as 34 Porchester Square (the two wings directly north of the site) and Block 100 of The Colonnades (Flats 139+), known in the report as 40 Porchester Road (north of the site)
- 3-13 Porchester Road (west of site)

### **Daylight**

#### 34 Porchester Square: VSC

Of the all the windows tested, eight windows fall short of the BRE recommendation. Six of these windows are within the applicants' properties (Flats 129, 132, 133, 134, 135, 136 and 137). The losses are either to rooflights/ roof lanterns which have been installed enclosing the small internal courtyards or the secondary hull height windows serving the internal courtyards. The two other windows which marginally fail the BRE guidelines, serve Flats 128, which is the flat to the western part of the site (not intended

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to be extended above as this comprises the 'set in') and Flat 131 which, although not part of the application at this time, could have the ability in the future to extend upwards (subject to planning permission). Again, these losses are to windows that either serve a rooflight that has been installed to enclose the internal lightwell to create an extended living area (in some cases) or serve a bedroom window that faces the internal lightwell. These windows are already poorly lit and therefore their losses, although above the tolerances of the BRE guidance are considered acceptable.

#### Daylight Distribution

Of all the windows and rooms tested, four rooms do not meet the BRE guidance. Of these four windows/rooms, three serve the applicants properties (Flat 134 and 135), and as above the losses occur to the internal lightwells. The one room which sees a loss in the ratio of 0.7 against the BRE target of 0.8 is the internal lightwell of Flat 130, which does not form part of the application proposals (but as noted above, could at a future date extend upwards subject to planning permission).

#### Bishops Court

In terms of VSC, there are only a few very minor losses to upper floors of Bishops Court (mainly the 4<sup>th</sup> floor), none of which are over and above the BRE recommendations to the properties in Bishops Court. As there are no significant losses in terms of VSC and as according to the daylight consultant, the room layouts of the flats in Bishops Court are not known, daylight distribution has not been assessed.

#### 40 Porchester Road

In terms of VSC, there are only two very minor losses to one flat in 40 Porchester Road. These are well within the BRE recommendations and unlikely to be noticeable. In terms of daylight distribution there are no losses.

Where there are some losses to the 1-13 Porchester Road, Porchester Mews and Bishops Court properties, again these are all extremely minor and well within the tolerances of the BRE guidelines.

#### **Sunlight**

All of the windows tested (windows that face within 90 degrees of due south) pass both BRE tests for total annual sunlight hours and winter sunlight hours test.

#### **Overshadowing to Gardens and Open Space**

The applicants report confirms that all the communal gardens to the east of the site meet the BRE recommendations.

In light of the above, in terms of sunlight and daylight, the proposals are acceptable and whilst there are a few losses to neighbouring properties (some of these are the applicants themselves), these are so very minor and serve internal courtyards some of which having already been enclosed by lanterns and rooflights, adding to reductions. The proposals comply with City Council amenity policies.

#### **Privacy**

The extension has windows in the north and south elevations. These will replicate window sizes/openings to those windows at lower levels. To the south elevation these windows will be clear glass. To the north elevation, at low level the glass is to be

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opaque and at high level the glazing is to be clear. There are no side (east/west) elevation windows proposed. Whilst some of the south elevation windows may afford some very oblique views to the upper level windows of the western elevation windows of Bishops Bridge Court properties, this is no different a situation as the existing and the proposals are therefore not considered to give rise to loss of privacy to these properties. The northern elevation high level window will look out across the roofs of the 100 block of The Colonnades. There will be distant views of flats in the other 100 block of The Colonnades, however this is of a substantial distance and will not allow for any significant overlooking.

The proposals are therefore considered acceptable in terms of privacy and overlooking.

#### **Sense of Enclosure**

Above Flat 138, the far eastern flat not part of this application, is a roof top plant/lift overrun room. The side elevation of this structure is flush with the Porchester Mews elevation and therefore the closest 'bulk' to Bishops Court Properties. It is not considered that the roof extension measuring 2.24m in height and set back 3.6m, the width of flat 138 and therefore set behind the above mentioned plant/ lift room from the building edge on Porchester Mews (directly opposite the western elevation of Bishops Court flats) resulting in a distance between Bishops Court and the side elevation of the extension of 6.25m, would result in any significant sense of enclosure to flats in Bishops Court.

The proposals are not considered to result in any harmful sense of enclosure to any other neighbouring properties on the western side of Porchester Road given the distances between the application site and these properties.

#### **8.4 Transportation/Parking**

No new residential units are proposed and therefore the proposals for extensions to 7 existing flats raises no highways concerns.

#### **8.5 Economic Considerations**

Any economic benefits associated with the development proposals are welcomed.

#### **8.6 Access**

The proposals for extensions to 7 individual flats raise no access issues (which remain as existing).

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Refuse /Recycling**

The Waste manager previously commented on the earlier withdrawn application that conditions to secure appropriate refuse and recycling storage are required. Given that the proposals are for extensions to 7 existing flats, who are all part of The Colonnades residential development where a holistic refuse/ recycling collection is already in place, it is not considered necessary to condition this.

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### **Sustainability**

Photovoltaic (PV) panels are proposed at roof level of the extension. The PV panels are low level, almost flush with the roof, and from the details provided on the submitted drawings these will not be seen above the parapet. A condition to secure these PV panels is recommended.

### **Biodiversity**

There is little scope to provide green roofs given the rooflights and PV panels proposed. It is unclear as to how feasible these would be if they were conditioned and given the space involved, whilst this is regrettable, it is not considered that the proposals could be refused on this basis.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

## **8.9 Neighbourhood Plans**

There are no neighbourhood plans in place for this part of Bayswater.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

There are no pre-commencement conditions proposed.

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## **8.12 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The estimated CIL payment has not been calculated at the time of writing and is still under discussion with officers in the CIL team given that each individual element is under 100m<sup>2</sup> although the extension as a whole is over 100m<sup>2</sup>.

## **8.13 Environmental Impact Assessment**

Not relevant for this application.

## **8.14 Other Issues**

### **Consultation**

Comment has been made that no consultation was carried out with the leaseholders in The Colonnades before the application was submitted. It is assumed that this comment is directed at the applicants, as the City Council can only consult affected residents once an application has been submitted.

Whilst applicants are always encouraged to engage in public consultation with affected parties, it is not a reason to withhold permission if this hasn't been carried out.

### **Procedure**

Objection has been received as on the grounds of why the previous application was withdrawn from the planning committee agenda at a late stage, only a day before; what discussions took place between the applicant/ officers and members and why the proposals have again been entertained.

The previous application was recommended for approval by officers and the committee report had been publicly published indicating this. The applicant contacted the case officer advising of a change in personal circumstance, and requested that the application be withdrawn from the agenda. All those registered to speak at the committee and the lead contact for the Residents Association were notified of this late change. The application was fully withdrawn a few weeks later and all objectors-supported notified of this.

### **Site visits by the case officer and the committee**

Comments were made that the Council should ensure that the case officer carried out a site visit to affected properties and that the committee should not make a decision without first visiting the site.

The case officers carried out a site visit to the property (prior to the Covid-19 pandemic) and met with numerous 'applicants' to assess the application. One of the case officers also met with one of the most closely affected neighbours at flat 172 and was accompanied by Councillor Carmen.

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### **Construction and structural impact**

Many objectors cite concerns relating to a history of subsidence at The Colonnades and that no structural supporting information has been submitted with the application to demonstrate that the lower floors can hold up a roof extension (this view is echoed by Waitrose who are on the ground floor). The Head of Building Control has been contacted on a number of occasions by objectors in relation to the previously withdrawn application.

Given the works proposed, there is no formal requirement for the applicant to provide any structural data/ methodology statements, although the applicant was previously made aware of these objections. The Head of Building Control has made no comment on the current proposals, however, in relation to the previously withdrawn application he confirmed that any application for Building Regulations would need to be accompanied by a thorough Structural Engineering Assessment and a report which shows the load takedown to the foundations and investigation into the suitability of those foundations and any remedial works required.

The objections received on structural grounds can therefore not be sustained.

Details of asbestos and fire safety issues (including those issues that may arise from PV panels, as objected to) will be reviewed through the building regulation process.

### **Noise and Disruption During the Course of Works**

Objections have been received on the grounds of noise and disruption during the course of works if permission was to be granted and how works may affect the operation of the Waitrose store.

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice (CoCP). Given the nature and size of the development, the proposals are not considered to fall within one of the categories which would require the submission of a CoCP. A condition is however recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974.

### **Crime and security**

Objections have been received on the grounds there are potential security implications to Porchester Mews pathway, the pathway leading down the side of Bishops Court to the undercroft for Waitrose and through pass to Porchester Road, with the increase in height of the building and as a result, decreasing light to the pathway which in turn is unsafe for people to walk to their properties in Porchester Mews and encourages antisocial behaviour.

It is not considered that the extension fronting Bishops Bridge Road at 2.24m in height, sited behind the existing lift overrun/ maintenance projection and which is set back from the existing eastern building elevation of the 100 block of The Colonnades would restrict light to the pathway and therefore have a further effect on the problems that already

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exist, according to objectors. These objections are therefore not sustained and are considered to be a management issue for the estate.

### **Freeholder/ Leaseholder Matters**

Significant objection has been received on some or all of the following grounds:

- That the proposals have not been agreed by freeholders/ the residents association etc prior to submitting the application to the City Council;
- That any roof extension would add costs to everyone's service charges which is unacceptable;
- Who will manage the future maintenance of the extension and the void areas? and
- Should there be any funding issues and the development stops mid-way, who is responsible.

Whilst these concerns are noted, these matters are not a material consideration in the determination of a planning application and therefore these objections cannot be sustained. As noted elsewhere within this report, a condition is however recommended to ensure that each roof extension is undertaken as one course of development.

### **Implications on existing utilities**

In response to objections on the increase demand on utilities, this is not considered a material planning consideration. However, it is not considered that a rooftop extension providing additional bedrooms and a bathroom to each flat would be so significant. Thames Water has requested that a number of conditions be attached to any permission granted. The conditions relating to piling and surface water are considered excessive for the proposals. An informative is attached advising the applicant to contact Thames Water prior to beginning works.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

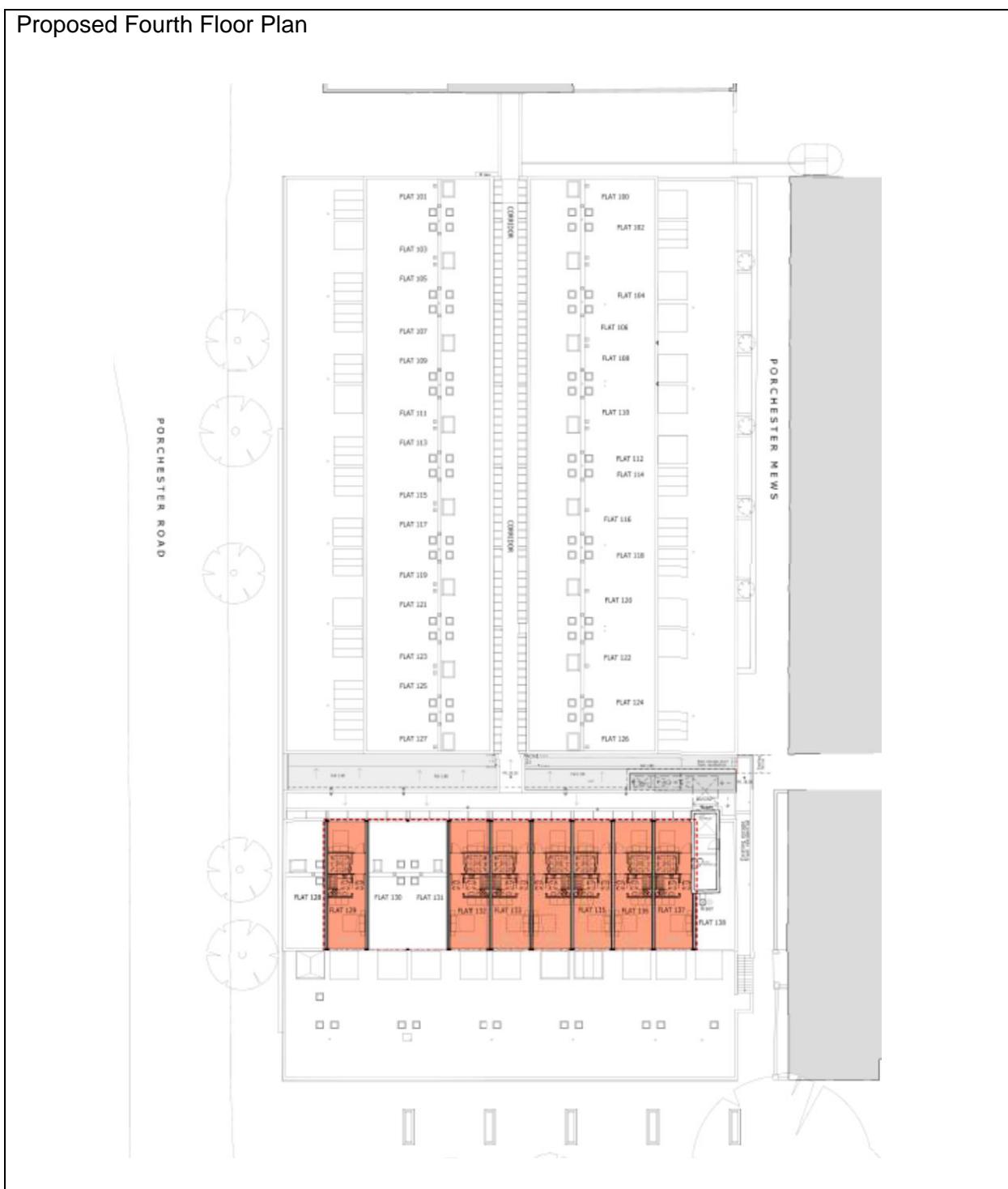
**IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNAL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)**

## 9. KEY DRAWINGS

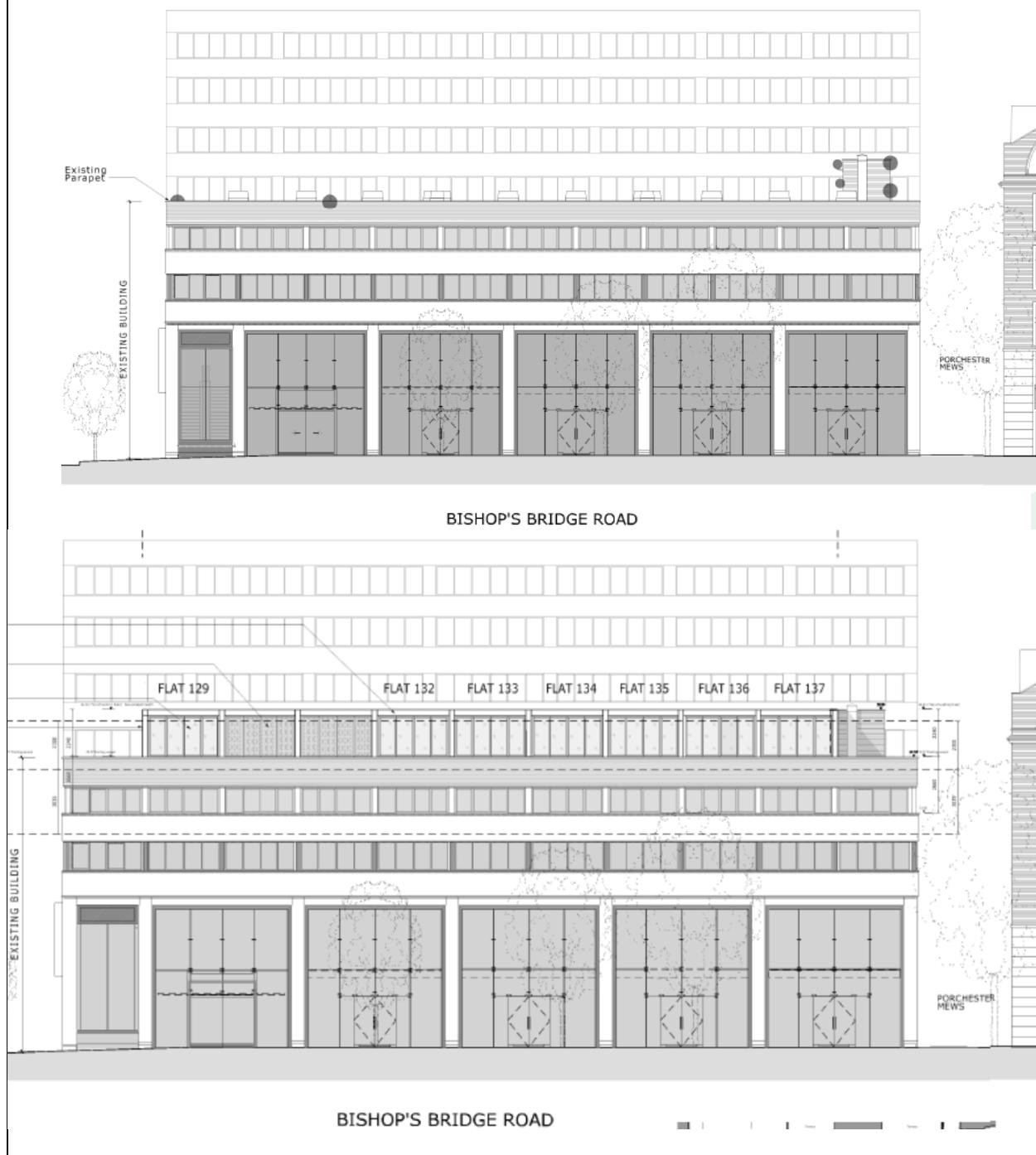
Existing Third Floor Plan (left) and Existing Roof Plan (right)



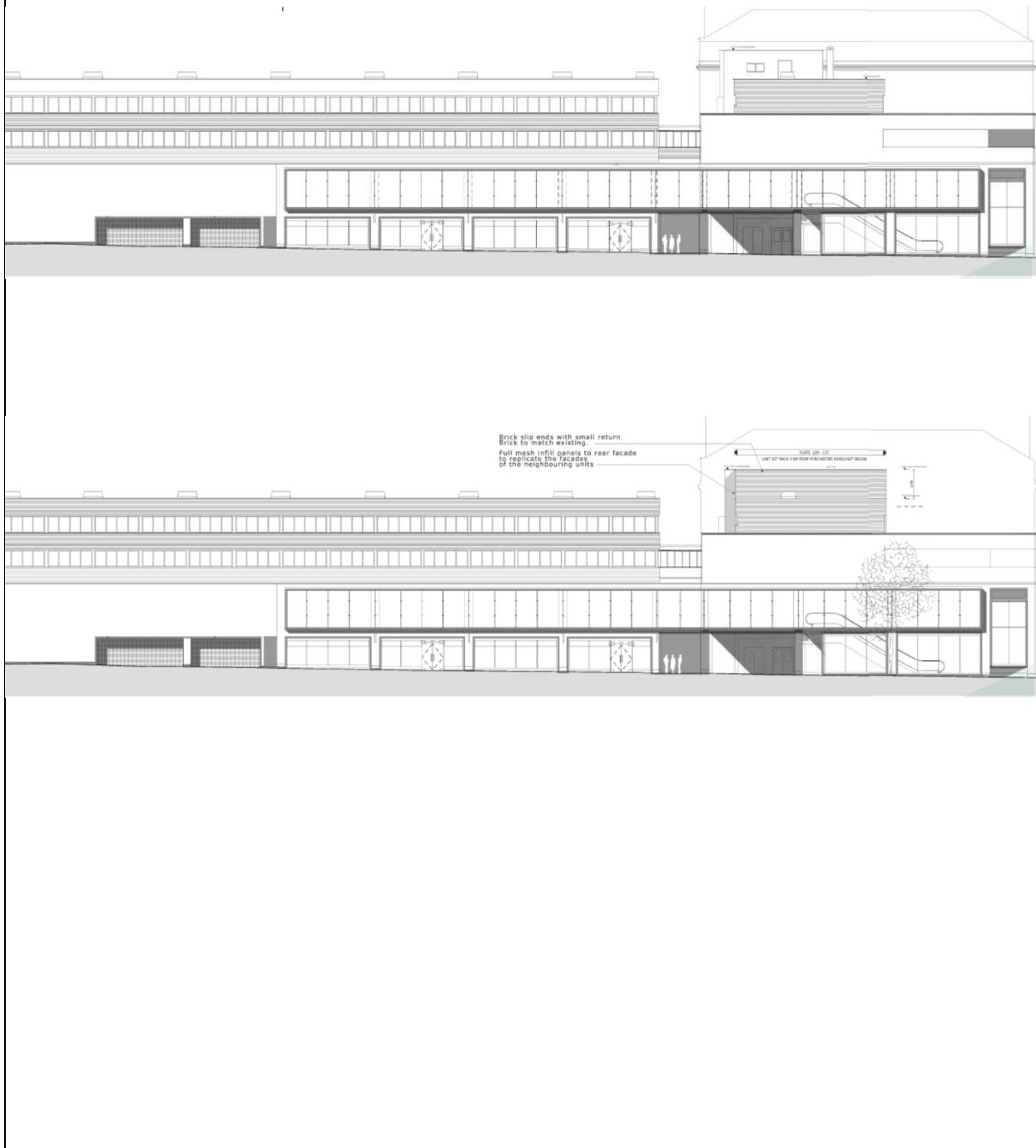
## Proposed Fourth Floor Plan



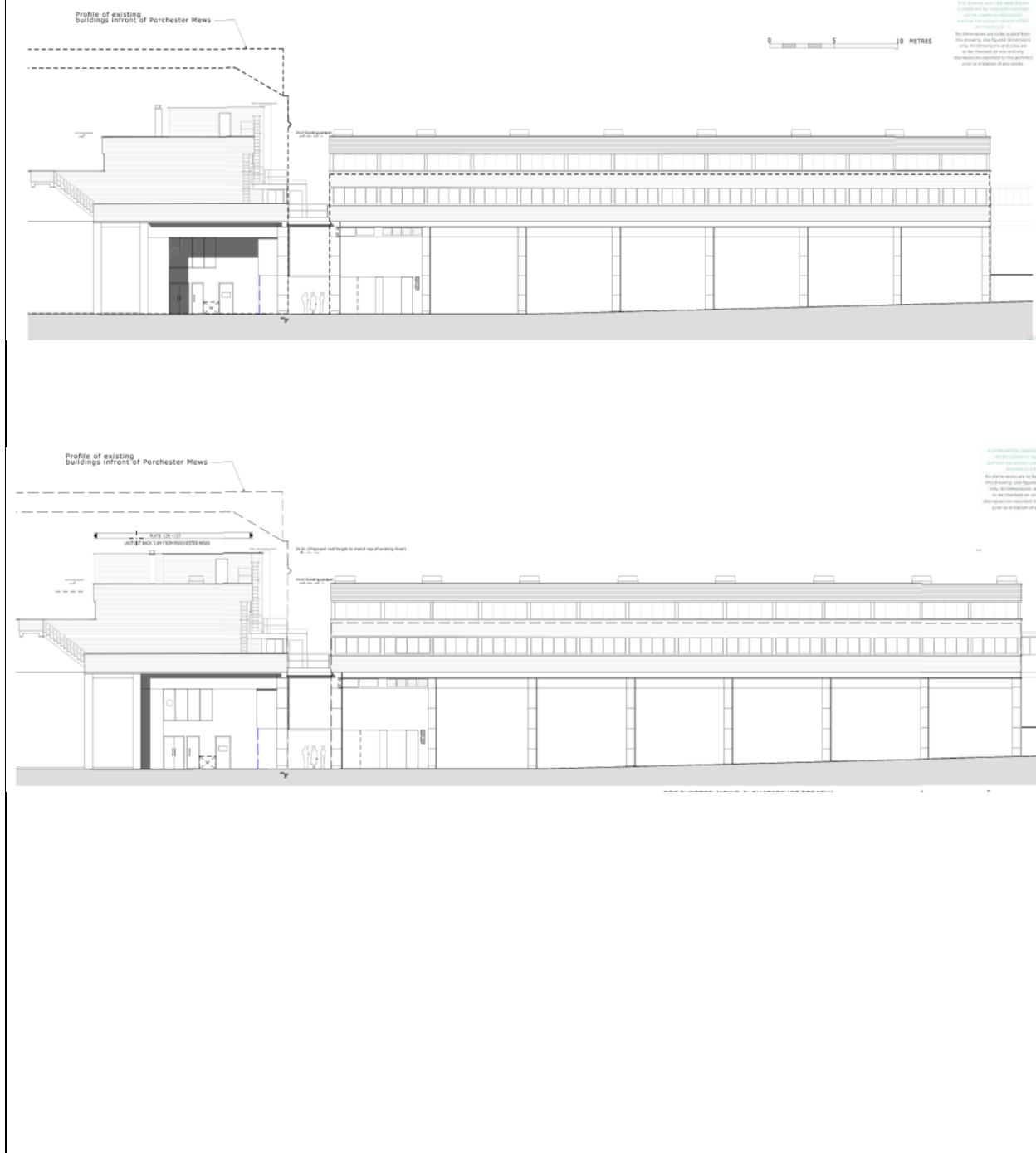
Existing (top) and Proposed (bottom) Bishop's Bridge Road elevation



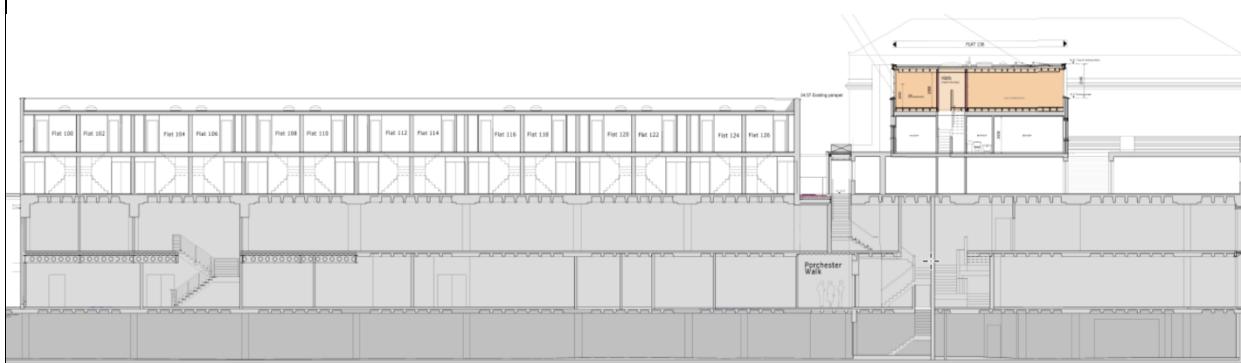
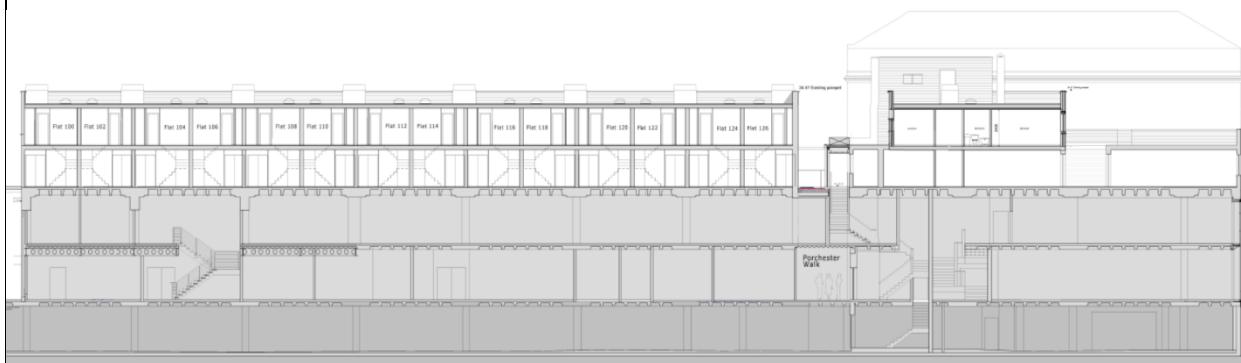
Existing (top) and Proposed (bottom) Porchester Road elevations



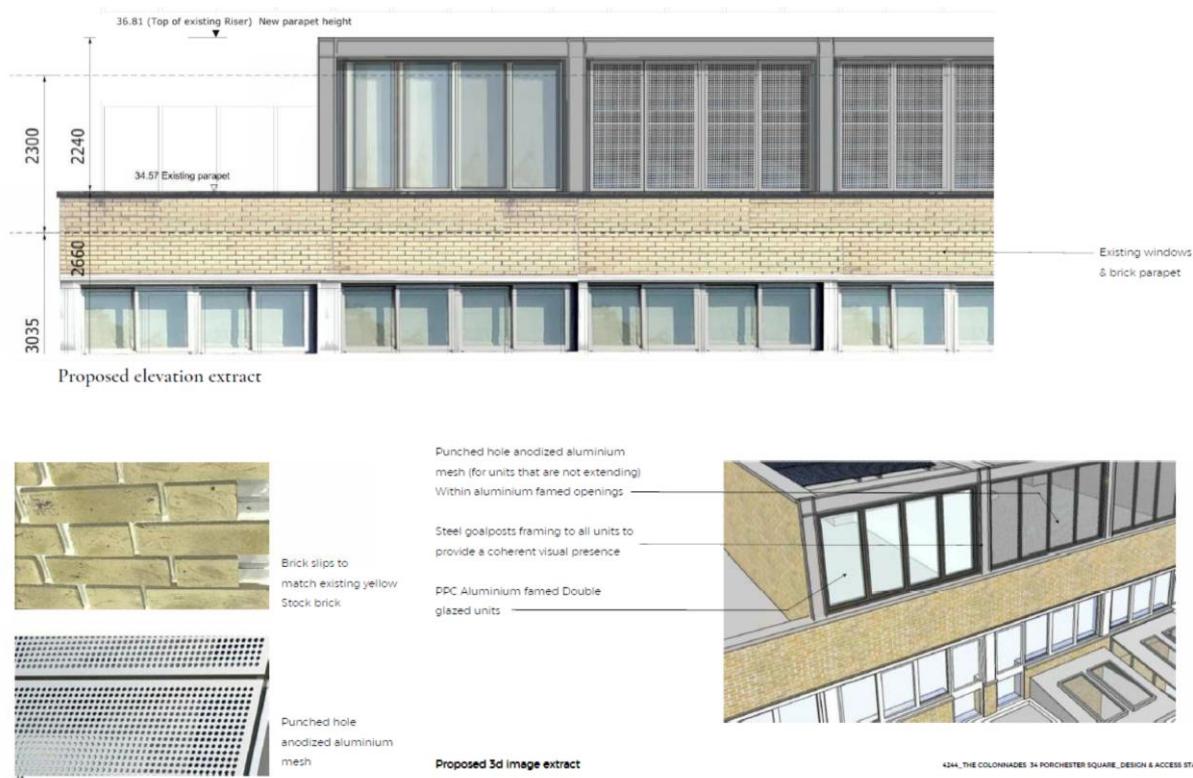
## Existing (top) and Proposed (bottom) Porchester Mews elevations



Existing (top) and Proposed (bottom) Section



Proposed Bishop's Bridge Road elevation detail – for information only



Axonometric – for information only.



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## DRAFT DECISION LETTER

**Address:** The Colonnades, 34 Porchester Square, London, W2 6AT,

**Proposal:** Erection of single storey roof extension to provide additional accommodation to 7 residential flats facing Bishop's Bridge Road.

**Reference:** 20/05356/FULL

**Plan Nos:** 4244: PL101 REV 01; PL102; PL103; PL104 REV 01; PL105 REV 01; PL107 REV 01; PL108; PL109; PL110; PL111; PL112; PL113 REV 01; PL114 REV 01; PL115 REV 01; PL116 REV 01; PL117 REV 01; PL118 REV 01; PL119 REV 01; PL120 REV 01; PL121 REV 01; PL122 REV 01; PL123 REV 01; PL124 REV 01; Daylight and Sunlight Study dated 27 July 2020  
For information only: Design and Access Statement dated August 2020

**Case Officer:** Kimberley Davies                    **Direct Tel. No.** 020 7641 07866036948

### **Recommended Condition(s) and Reason(s)**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

- 3 The roof extension, including the metal mesh façade must be built in its entirety as one

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phase of development and completed prior to the occupation of the residential accommodation created.

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 5 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

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 Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application., , photovoltaic panels, , You must not remove any of these features. (C44AA)

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**Reason:**

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

- 8 You must not use the roof of the extension, or the roof of the flat below for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at [www.westminster.gov.uk/guide-temporary-structures.](http://www.westminster.gov.uk/guide-temporary-structures.), , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk.](http://www.ccscheme.org.uk.), , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)
- 3 You are reminded that the infilling of the empty bays of the frames, to flats who are not 'the applicant' for the purposes of this application, will require planning permission.

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- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
  
- 5 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
  
- 6 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)
  
- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil), , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
  
- 8 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You

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are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email: Devcon.Team@thameswater.co.uk

Please note: the full text for informatics can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.