

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 14 August 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,</b>		
<b>Proposal</b>	Variation of Condition 23 and 31 of planning permission dated 25 May 2017 (RN: 16/05216) for use of the Fire Station (ground floor) as Class A3 and four upper floors as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top. NAMELY, to revise the opening time of the restaurant (classA3) and the operating time of the associated plant/machinery to 07:30 Monday to Friday, 08:00 on Saturday and 09:00 Sundays and Bank Holidays (instead of 10:00).		
<b>Agent</b>	Ms Fiona Flaherty		
<b>On behalf of</b>	.		
<b>Registered Number</b>	18/03251/FULL	<b>Date amended/ completed</b>	20 April 2018
<b>Date Application Received</b>	20 April 2018		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Broadway And Christchurch Gardens		

## 1. RECOMMENDATION

Grant conditional permission, subject to the completion of a Deed of Variation to the S106 legal agreement dated 25 May 2017 (RN:16/05216/FULL) to secure:

- i. A replacement social and community facility with a minimum 256m<sup>2</sup> floorspace (gross external area) to be provided elsewhere in the City.
- ii. A payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement social and community facility within a period of four years from the date of the planning permission.
- iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan including a Construction Access Plan for Artillery Mansions prior to commencement of development to ensure access is not affected and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental

Inspectorate and monitoring by Environmental Sciences officers.

- iv. Life-time car club membership (25 years) for residents of the development;
- v. Highway works surrounding the site required for the development to occur;
- vi. Setting up a community liaison group;
- vii. Costs of monitoring the S106 agreement.

If the S106 legal agreement has not been completed within three months of the date of this resolution then:

- a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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

Westminster Fire Station is a Grade II listed building located within the Broadway and Christchurch Gardens Conservation Area. In 2017 planning permission and listed building consent were granted for the use of the front building as a restaurant at ground floor level with residential flats on the upper floors, demolition of the rear buildings and excavation works to create a basement under the entire footprint of the site and erection of a five storey residential building. This scheme is currently being implemented.

Condition 23 of the 2017 permission restricted the opening hours of the restaurant to between 10.00 and midnight Monday to Saturday and 10.00 and 23.00 on Sundays, Bank Holidays and Public Holidays. Condition 31 restricted the operational times of the plant/machinery for the restaurant use to between 10.00 and 00.30 Monday to Saturday and 10.00 to 24.00 on Sundays and Bank/public Holidays.

This application seeks to vary conditions 23 and 31 to extend the opening hours of the restaurant use and operation of the plant to allow an earlier opening/operational time of 07.30 Monday to Friday, 08:00 on Saturdays and 09:00 on Sundays and Bank/public Holidays. The terminal hour will remain unchanged. The applicant states that they have been in discussions with a number of restaurant operators and agents who consider that it is important that the restaurant use has the flexibility to offer a breakfast service and that the increase in the opening hours will therefore avoid the potential for the restaurant use to remain vacant following completion.

Objections have been received from the Thorney Island Society and surrounding residents on the grounds that the proposal will result in early morning noise and disturbance to residents. The applicant originally sought an opening hour of 07:00 everyday, however, this has been revised in response to neighbouring residents objections.

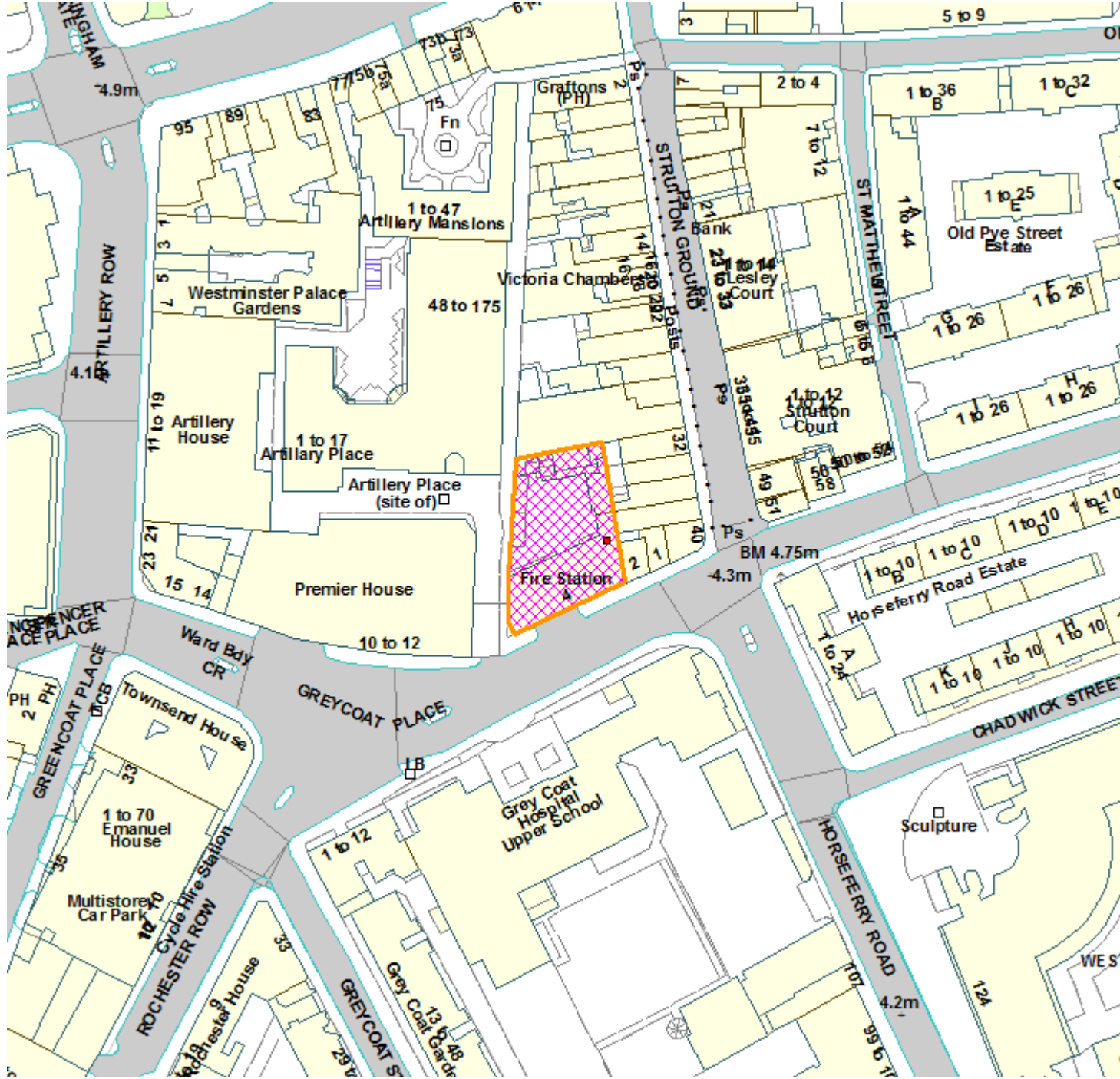
The site is located on a busy street with a mixture of shops, cafes and restaurant uses at ground floor level with office and residential uses above and a school opposite. It is close to the Strutton Ground Local Shopping Centre, where the street market opens at 8am. The nearest residential units will be the future flats within the development itself. The revised opening hours will be similar to other

café/restaurant uses within the vicinity of the site.

Conditions attached to the original 2017 permission requiring the submission of a detailed servicing management strategy; an operational management plan for the restaurant use; details of the restaurant ventilation system; and the Council's standard noise and vibration conditions, will remain applicable and will form part of this permission. With the imposition of these conditions, it is not considered that the extension to the opening hours of the restaurant use and operation of plant will have an adverse impact on local environmental quality or residential amenity.

The proposal is considered to be in accordance with policies S29 and S32 of Westminster's City Plan and ENV13, ENV6 and ENV7 of the UDP and it is therefore recommended that conditional permission be granted subject to a deed of variation to the legal agreement attached to the 2017 permission.

### 3. LOCATION PLAN



4. PHOTOGRAPHS



## 5. CONSULTATIONS

### WESTMINSTER SOCIETY

No comment.

### THORNEY ISLAND SOCIETY

Objection, an extension of the opening hours in the morning will negatively affect this largely residential area and increase traffic opposite the school.

### VICTORIA NEIGHBOURHOOD FORUM

No response received to date.

### ENVIRONMENTAL HEALTH

No objection provided that the conditions in relation to noise on the original permission remain valid.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 341

Total No. of replies: 7

No. of objections: 7

No. in support: 0

7 letters of objection have been received on the following grounds:

#### Amenity

- Noise and disruption of quiet residential area from staff and customers arriving early; deliveries and servicing; and increased traffic.
- Noise and smells from the plant

#### Other

- Changes to original permission circumvent the full planning application process.
- Condition 22 which requires the submission of an operational management plan should be subject to public consultation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

(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: **ADD PRESENTING JULIA ASGHAR** BY EMAIL AT [jasghar@westminster.gov.uk](mailto:jasghar@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** Westminster Fire Station, 4 Greycoat Place, London, SW1P 1SB,
- Proposal:** Variation of Condition 23 of planning permission dated 25 May 2017 (RN: 16/05216) use of the Fire Station (ground floor) as Class A3 and (four upper floors) as Class C3 use (6 flats) with associated internal and external alterations. Demolition of the existing rear buildings and replacement with a five storey residential building to provide 11 flats with balconies, excavation of one storey basement under the entire footprint of the site to accommodate A3 use and residential use. Installation of photovoltaic panels to roof level of rear building. Rebuilding of the existing rear tower with installation of plant on top; NAMELY to revise the proposed opening time of the A3 restaurant to 7am instead of 10am Monday to Saturday and to 8 am on Sundays and Bank Holidays.
- Reference:** 18/03251/FULL
- Plan Nos:** Previously approved 16/05216/FULL: WF-P\_00L; WF-P\_00S; WF-P\_01; WF-P\_02; WF-P\_03; WF-P\_04; WF-P\_05; WF-P\_06; WF-P\_07; WF-P\_08; WF-P\_09; WF-P\_10; WF-P\_11; WF-P\_12; WF-P\_13; WF-P\_14; WF-P\_15; WF-P\_16; WF-P\_17 A; WF-P\_18 B; WF-P\_19 A; WF-P\_20 A; WF-P\_21; WF-P\_22; WF-P\_23; WF-P\_24 A; WF-P\_25 B; WF-P\_26 B; WF-P\_27 A; WF-P\_31; WF-P\_32 A; WF-P\_33 A; WF-P\_34 B; WF-P\_40; WF-P\_41; WF-P\_42; WF-P\_43; WF-P\_44; WF-P\_45; WF-P\_46; WF-P\_47; WF-P\_51; WF-P\_52; WF-P\_53; Air quality assessment dated January 2016; Heritage statement dated June 2016; Archaeological desk-based assessment dated May 2016; Acoustic assessment dated 31.05.16; Ventilation/extraction statement C6114; Energy and sustainability statement dated July 2016. , , For information only: Bat and ecological survey report dated 09.12.15; Design and access statement dated June 2016; Statement of community involvement; Planning statement dated June 2016; Daylight and sunlight assessment; Flood risk assessment dated May 2016; Site environmental management plan and construction management plan dated June 2016; Transport statement dated May 2015., , Revised documents:, agent's covering letter dated 20 April 2018., , Approved details 17/04984/ADFULL: , Written Scheme of Investigation (Wessex Archaeology); Cover Letter., , Approved details 17/04985/ADFULL:; WF-P\_17 rev A; WF\_SK108; Bike Rack Specs; Cover Letter., , Approved details 17/04986/ADFULL:; Traffic Management Measures document (from Knight Build), Copy of signed and stamped Appendix A checklist., , Approved details 18/001948/ADFULL:; Brick sample panel comprises of Pale Brick - Petersen D71, Iridescent Glazed Brick: Makkum and Mortar: EcoRight Caversham.

**Case Officer:** Aurore Manceau

**Direct Tel. No.** 020 7641 7013

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

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

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

- 4 You must carry out the development in accordance with the detailed sample panel of brickwork as approved by the City Council as Local Planning Authority on 29 March 2018 under reference RN: 18/01948/ADFULL or in accordance with other detailed drawings as submitted to and approved by the City Council., ,

Reason:

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

- 5 You must carry out the development in accordance with the detailed drawings of new windows and new external doors as approved by the City Council as Local Planning Authority on 26 June 2018 under



reference RN: 18/04310/ADFULL or in accordance with other detailed drawings as submitted to and approved by the City Council.

Reason:

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

- 6 You must 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),

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

Reason:

To maintain the character of the Broadway And Christchurch Gardens Conservation Area as set out in S25 and S28 of Westminster's City Plan (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)

- 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 carry out the development in accordance with the details of a written scheme of investigation for a programme of archaeological work as approved by the City Council as Local Planning Authority on 11 July 2017 under reference RN: 17/04984/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council., , (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, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed 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 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To 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 2007. (R07DC)

- 11 You must carry out the development in accordance with the detailed drawings showing cycle parking spaces for the class A unit and the residential units as approved by the City Council as Local Planning Authority on 03 July 2017 under reference RN: 17/04985/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council.,

Reason:

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

- 12 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)

- 13 Prior to any occupation of the units hereby approved, you shall submit and have approved in writing a detailed servicing management strategy identifying process, internal storage locations, scheduling of deliveries and staffing. 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)

- 14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number WF-P\_17 A. You must clearly mark them and make them available at all times to everyone using the restaurant and residential flats. (C14FB)

Reason:

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

- 15 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 16 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.

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

Reason:

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

reduce at any time after implementation of the planning permission.

- 18 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 inside bedrooms 45dB L Amax is not to be exceeded no more than 15 times per night-time from sources other than emergency sirens.

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.

- 19 The design and structure of the development shall be of such a standard that it will 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.

- 20 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 15 and 16 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.

- 21 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 17 and 18 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in

S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 22 You must apply to us for approval of an operational management plan to include details of restaurant capacity and measures to prevent customers who are arriving and leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the A3 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)

- 23 Customers shall not be permitted within the restaurant premises before 07.30 or after midnight Monday to Friday, and before 08.00 or after midnight on Saturdays and before 09.00 and 23.30 on Sundays, Bank Holidays and Public Holidays. (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 TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 24 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., , Photovoltaic panels, , 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)

- 25 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the 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)

- 26 You must carry out a detailed site investigation to find out if the building or land are contaminated with

dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our approval for phase 4 when the development has been completed., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination 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)

- 27 A scheme of mechanical ventilation to provide adequate cooling and incorporating appropriate air quality filtration should be provided to the residential properties. Details of the scheme must be submitted to and approved by the Local Planning Authority prior to the occupation of the residential units. The approved scheme should be installed and maintained. The mechanical ventilation system installed shall ensure the internal noise levels of the residential units do not exceed the noise levels outlined in condition 17.

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.

- 28 You must provide the following features prior to occupation of the residential units to ensure the development can achieve air quality neutral as set out in your report:; -Low NO x gas boilers, You must not remove any of these features.

Reason:

To protect the living conditions of people who may use the property in future as set out in S31 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 29 You must submit for approval detailed drawings showing all privacy mitigation measures for the windows and terraces to new rear building. You must then carry out the work according to these details prior to the occupation of the residential units. You must then retain and maintain these mitigation measures.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 30 You must submit a sample of the obscure glazing to be installed to the ground floor rear windows of the front building. You must then fit the type of glass we have approved prior to the use of the restaurant and must not change it without our permission.

Reason:

To protect the environment of the people in the residential part of the development. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 31 The plant/machinery hereby permitted for the restaurant use shall not be operated except between 07.30 and 00.30 Monday to Friday, 08.00 and 00.30 on Saturdays and 09.00 and 24.00 on Sundays, Bank Holidays and Public Holidays.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance 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.

- 32 You must provide the following bio-diversity features before you start to use any part of the development, as set out in your application., , green roof, , You must not remove any of these features. (C43FA)

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)

- 33 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the to include construction method, layout, species and maintenance regime., , You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To 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)

- 34 You must carry out the development in accordance with the completed Appendix A of Code of Construction Practice approved by the Council's Environmental Inspectorate as approved by the City Council as Local Planning Authority on 02 August 2017 under reference RN: 17/04986/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council., ,



## Reason:

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

- 35 You must carry out the development in accordance with the details of the construction access plan as approved by the Council's Environmental Inspectorate as approved by the City Council as Local Planning Authority on 02 August 2017 under reference RN: 17/04986/ADFULL, or in accordance with other detailed drawings as submitted to and approved by the City Council.,

## Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016).

- 36 This permission must be commenced no later than 25 May 2020.

## Reason:

This permission authorises amendments to the original planning permission granted on 25 May 2017 (RN 16/05216) which must be commenced no later than the above date.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You

must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **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.**

- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to : , i. Replacement social and community facility with a minimum 256m2 floorspace (gross external area) to be provided elsewhere in the City, ii. Payment of £500,000 to be held in escrow until the applicant has provided a suitable replacement facility within a period of four years from the date of planning permission, iii. Compliance with the Council's Code of Construction Practice, provide a Site Environmental Management Plan including a construction access plan for Artillery Mansions prior to the commencement of development and provide a financial contribution of £52,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;, iv. Car club membership for residents of the development;, v. Highway works surrounding the site required for the development to occur;, vi. Setting up a community liaison group;, vii. Costs of monitoring the S106 agreement.
- 4 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. It is envisaged that the archaeological fieldwork would comprise the following: , , Evaluation, An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted. The evaluation could be combined with the monitoring of any geotechnical investigation, and should also include geoarchaeological assessment in order to further clarify the geoarchaeological and prehistoric potential. The results of the evaluation would inform the requirements for final archaeological mitigation which would most likely comprise either archaeological excavation or an archaeological watching brief., , ,
- 5 The written scheme of archaeological investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology Guidelines. It must be approved by the City Council before any on-site development related activity occurs.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental

Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 7 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).
- 8 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. (I54AA)
- 9 Conditions 15 and 16 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 10 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)
- 11 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 phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 12 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your

proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

- 13 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 14 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at [www.hse.gov.uk/asbestos/regulations.htm](http://www.hse.gov.uk/asbestos/regulations.htm) (I80AB)
- 15 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, perhaps by issuing regular bulletins about site progress.
- 16 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:
  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: <https://www.westminster.gov.uk/short-term-letting-0>. 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).
- 17 The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 18 Your attention is drawn to the advice contained in the Environment Agency letter dated 16 September 2015 which recommends that finished floor levels are raised to the 2100 breach level of 4.906m AOD.
- 19 The Service and Management Plan (SMP) should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this

case., , It should clearly outline how servicing will occur on a day to day basis, almost as an instruction manual or good practice guide for the occupants. A basic flow chart mapping the process may be the easiest way to communicate the process, accompanied by a plan highlighting activity locations. The idea of the SMP is to ensure that goods and delivery vehicles spend the least amount of time on the highway as possible and do not cause an obstruction to other highway users.

- 20 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: fascia signs. (I04AA)
- 21 To be able to comply with the Code of Construction Practice a full SEMP will be required on the site. This should cover the following: , a. Site Information:; i. Environmental management structure; ii. Location of any potentially sensitive receptors; , b. Environmental Management:; i. Summary of main works, ii. Public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings), iii. Noise and vibration (predictions, managing risks and reducing impacts), iv. Dust and Air Quality (risk rating, managing risks and reducing impacts), v. Waste management (storage, handling, asbestos, contaminated land), vi. Water Resources (site drainage, surface water and groundwater pollution control, flood risk), vii. Lighting, viii. Archaeology and built heritage (if applicable), ix. Protection of existing installations (if applicable), x. Urban ecology (if applicable); xi. Emergency procedures; xii. Liaison with the local neighbourhood., , c. Monitoring:; i. Details of receptors, ii. Threshold values and analysis methods ;; iii. Procedures for recording and reporting monitoring results; iv. Remedial action in the event of any non-compliance.

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