

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 20 August 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	4 - 5 Buckingham Gate, London, SW1E 6JP		
Proposal	Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.		
Agent	CBRE Ltd		
On behalf of	Cofingham Limited		
Registered Number	19/04749/FULL 19/04750/LBC	Date amended/ completed	18 June 2019
Date Application Received	18 June 2019		
Historic Building Grade	II		
Conservation Area	Birdcage Walk		

1. RECOMMENDATION

1. Grant conditional permission subject to completion of a Section 106 Legal Agreement to secure the following:
 - i) Provision of all highway works immediately surrounding the site required for the development to occur, including provision of new on-street loading bay, reconfiguration of existing parking bays, on-street restrictions and associated work at the applicant's expense;
 - ii) Provision of a financial contribution of £17,469 (index linked) to the Westminster Employment Service and provision of an Employment and Skills Plan;
and
 - iii) Monitoring costs.

2. If the S106 legal agreement has not been completed within six weeks of the date of the Sub-Committee's resolution then:
 - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. Grant conditional listed building consent.
4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

4 - 5 Buckingham Gate is a six-storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours' residential properties to the rear. The adjoining property at Nos. 1-3 is currently being redeveloped to provide residential flats. The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.

The key issues for consideration are:

- The land use implications on the surrounding area;
- The impact of the proposal on the amenity of surrounding residents;
- The impact of the proposals on the surrounding highway network; and
- The impact of the proposed alterations on the character and appearance of the building and Birdcage Walk Conservation Area.

On the 24 January 2019, Planning Applications Sub-Committee refused permission for a similar

scheme (RN: 18/06103/FULL). The refused scheme included provision of an off-street loading bay to the rear of the site accessed from Stafford Place. The grounds for refusal were on land use and servicing grounds as set out below:

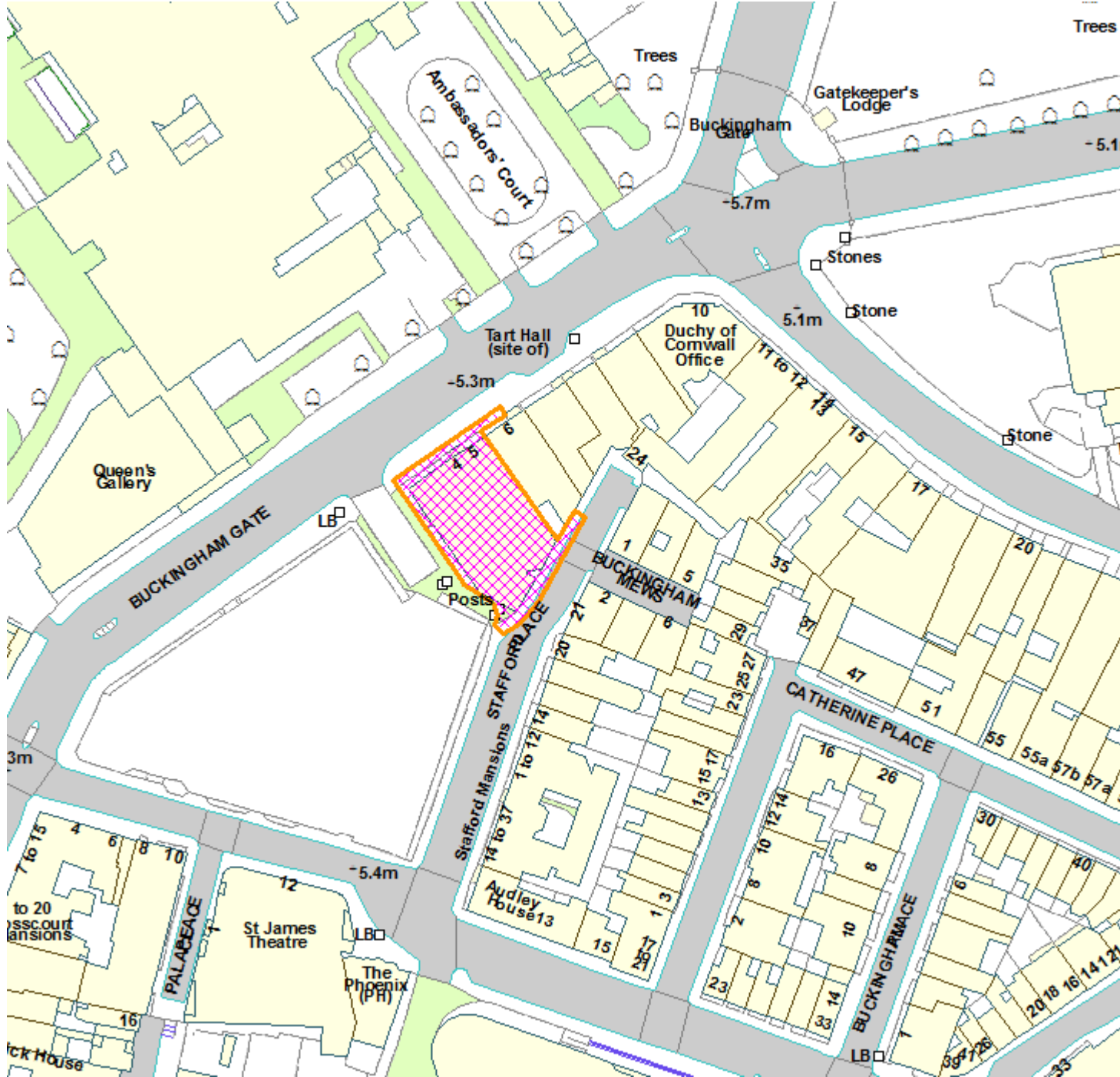
1. *The hotel use in this predominantly residential location is contrary to S23 of Westminster's City Plan (adopted November 2016) and TACE 2 of our Unitary Development Plan (adopted January 2007).*
2. *Servicing from Stafford Place is likely to obstruct the highway and is contrary to S42 of Westminster's City Plan (adopted November 2016) and TRANS 20 of our Unitary Development Plan (adopted January 2007).*

The latest proposal has been submitted in response to the previous reasons for refusal and incorporates the following changes:

- Omission of the off-street servicing bay accessed from Stafford Place;
- Creation of a new loading bay on Buckingham Gate;
- Public realm works to the cul-de-sac between Buckingham Gate and Stafford Place;
- Provision of a new service entrance including a platform lift within the lightwell on Buckingham Gate;
- A platform lift for wheelchair access below the entrance stair to 5 Buckingham Gate; and
- Associated internal alterations in response to the omission of the rear off-street loading bay.

The proposed hotel use and associated works are now considered acceptable in land use, amenity, design and conservation area terms and in accordance with the Westminster City Plan and Unitary Development Plan policies.

3. LOCATION PLAN



4. PHOTOGRAPHS



4 – 5 Buckingham Gate

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Any comments to be reported verbally.

HIGHWAYS PLANNING MANAGER:

No objection subject to following conditions.

- Servicing management plan to formally regulate the servicing of the site.
- Public realm improvements proposed to cul-de-sac require further design.
- Secure cycle parking provision.
- No bookings are to be taken for coach parties.

TRANSPORT FOR LONDON:

TFL make the following comments:

- Recommend the applicant explore options to facilitate off-street servicing.
- A Delivery and Servicing Plan (DSP) to be secured by condition.
- A Construction Logistics Plan to be secured by condition.

HISTORIC ENGLAND:

Authorisation received (16 July 2019) to allow City Council to determine application as seen fit.

HISTORIC ENGLAND (ARCHAEOLOGY):

- Proposal could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation.
- Recommend a condition to secure a written scheme of investigation.

ENVIRONMENT AGENCY:

No objection.

WASTE PROJECT OFFICER:

Objection.

- Waste servicing proposed on the public highway, concern that bins would be left on the pavement pending waste collection and after waste collection. A management plan should be secured to prevent waste being stored on the public highway.

WESTMINSTER EMPLOYMENT SERVICE:

- Secure financial contribution towards the City Council's employment and training service.

ARBORICULTURAL OFFICER:

Objection.

- Removal of a young London Plane Tree.
- Replacement planting is not acceptable.

ENVIRONMENTAL HEALTH:

No objection subject to noise conditions.

BUILDING CONTROL:

The structural method statement is considered to be acceptable.

BUCKINGHAM PALACE:

Any comments to be reported verbally.

VICTORIA BUSINESS IMPROVEMENT DISTRICT (BID):

Any comments to be reported verbally.

METROPOLITAN POLICE:

Any comments to be reported verbally.

DESIGNING OUT CRIME:

Any comments to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 86

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections received on some or all of the following grounds:

LAND USE

- Already a number of hotels within the vicinity.
- Increased vehicular traffic through guests arriving and departing.
- Increase pedestrian footfall along Buckingham Gate.
- Refuse disposal.

AMENITY

- Noise from construction use.
- Impact on quiet enjoyment of residential property.
- Noise from rooftop terrace.
- Noise from mechanical plant.

HIGHWAYS

- Disruption to traffic flow with large vehicles and lorries associated with removal of rubble/delivery of construction materials.

BASEMENT DEVELOPMENT

- Noise and vibration associated with the basement excavation.

OTHER

- Noise and disruption caused by construction works.
- Possible road closures.
- Use of crane towers.
- Dust.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

4-5 Buckingham Gate is a six-storey corner property comprising basement level, ground and four upper floor levels. The building is currently vacant but was previously in office use and occupied by The Mayor's Office for Policing and Crime. The rear of the building backs onto Stafford Place and neighbours' residential properties to the rear. The adjoining property at Nos.1-3 Buckingham Gate is currently being redeveloped to provide 72 residential units.

The building is Grade II listed and within the Birdcage Walk conservation area. The site is also located within the Core Central Activities Zone (CAZ).

6.2 Recent Relevant History

18/06103/FULL

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off-street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate.
Application Refused 24 January 2019

18/06104/LBC

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary services. Excavation to provide a single-storey basement and pool. External alterations for the provision of a new off-street loading area to the rear, raising of boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of 1no. terrace each at rear second and third floor level within recessed part of the building.
Application Permitted 24 January 2019

15/05134/FULL and 15/05135/LBC

Demolition behind retained front and side facades on Buckingham Gate and redevelopment to provide eleven residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to windows, installation of plant equipment at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level together with vehicular crossover from Stafford Way and associated highway works.
Application Permitted 7 September 2015

14/06822/FULL and 14/06823/LBC

Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide 11 residential flats including excavation to provide additional basement and sub-basement levels. External alterations including alterations to

windows, installation of plant equipment at roof level, an extension at roof level to provide additional residential accommodation and creation of terraces on Stafford Place frontage at rear second, third and fifth floor level.

Application Permitted 3 November 2014

The 2015 proposal was similar to the 2014 scheme but was amended to include highways works to provide a vehicular crossover from Stafford Way. These works were included as part of the red line relating to the application site. Both the 2014 and 2015 schemes have not been implemented and both have now lapsed.

7. THE PROPOSAL

Planning permission and listed building consent are sought for the demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.

On the 24 January 2019, planning applications sub-committee refused permission for a similar scheme that included provision of an off-street loading bay to the rear of the site accessed from Stafford Place (18/06103/FULL). The reasons for refusal were on land use and servicing grounds as set out below:

1. *The hotel use in this predominantly residential location is contrary to S23 of Westminster's City Plan (adopted November 2016) and TACE 2 of our Unitary Development Plan (adopted January 2007).*
2. *Servicing from Stafford Place is likely to obstruct the highway and is contrary to S42 of Westminster's City Plan (adopted November 2016) and TRANS 20 of our Unitary Development Plan (adopted January 2007).*

The associated listed building consent (18/06104/LBC) was approved but with the following informative:

You are advised that a majority of the works hereby approved also requires planning permission. In light of the refusal of the corresponding planning application under 18/06103/FULL you are reminded that these works cannot be implemented without a corresponding approved planning permission in place.

The main differences in this latest application are as follows:

- Omission of the off-street servicing bay accessed from Stafford Place;
- Creation of a new loading bay on Buckingham Gate;
- Public realm works to the cul-de-sac between Buckingham Gate and Stafford Place;
- Provision of a new service entrance including a platform lift within the lightwell on Buckingham Gate;

- A new platform lift for wheelchair access below the entrance stair to 5 Buckingham Gate; and
- Associated internal alterations in response to the omission of the off-street loading bay.

The proposed works to the building, barring the changes specified above, are broadly similar to the works granted in 2014 and 2015. The proposed scheme includes works, which were previously considered acceptable when considering the refused permission (18/06103/FULL) and the approved listed building consent (18/06103/LBC). The proposed scheme has been submitted in response to the previous reasons for refusal.

The refused planning application (18/06103/FULL) is currently the subject of an appeal to the Planning Inspectorate.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The table below shows the existing and proposed floorspace figures (sqm):

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1a)	3133	0	- 3133
Hotel (Class C1)	0	3672	+ 3672
Total	3133	3672	+ 539

Loss of office use

The lawful use of the premises is as offices and although vacant, was previously occupied by The Mayor's Office for Policing and Crime (MOPAC).

Since the approval of the 2014 and 2015 schemes the City Council formally adopted the latest version of Westminster's City Plan (November 2016), which includes the Special Policy Areas and Policies Map Revision, as well as the previously adopted Basements Revision and the Mixed-use Revision. Therefore, the policies, which are of particular relevance to the proposals in light of the revised Westminster City Plan are Policy S20 (Offices and Other B1 Floorspace) and Policy CM28.1 (Basement Development).

The aim of Policy S20 is to restrict the change of use from offices to residential within the Core Central Activities Zone, Opportunity Areas and the Named Streets. However, Policy S20 does not preclude the loss of offices to other commercial uses within these areas. The application site is within the Core Central Activities Zone. The proposed use of the building as a hotel (Class C1) would result in the loss of 3,133sqm of office floorspace. However, in accordance with Policy S20 this is considered acceptable in land use terms.

Proposed hotel use

Policy S23 (Hotels and Conference Facilities) states that new hotels will be directed to the Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, Named Streets, the Knightsbridge Strategic Cultural Area and the North

Westminster Economic Development Area. Hotels are directed to those streets, which do not have a predominantly residential character.

Policy TACE 2 relates to new hotels and extensions to existing hotels. Part A of TACE 2 states that within the CAZ, in streets which do not have a predominantly residential character, on CAZ Frontages and in the PSPA, planning permission will be granted for new hotels and extensions to existing hotels where:

- 1) no adverse environmental and traffic effects would be generated and;
- 2) adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis serving the hotel.

The proposal is for a 53-bedroom hotel which is to be operated by Cofingham Ltd. Cofingham is a new British subsidiary of a family owned business, which already operates hotels in Luxembourg and has two boutique hotels in Paris (Hotel D'Aubusson and Hotel Millesime). There are two entrances into the proposed hotel (which utilise the existing access arrangements) at ground floor level. The main entrance will be via No. 4 Buckingham Gate located in front of the existing cul-de-sac and No. 5 will act as the secondary entrance. The main entrance at No. 4 will provide access to the concierge desk/ reception as well as the hotel restaurant and bar. The hotel restaurant and bar area would be open to both hotel residents and non-residents and accommodate a maximum of 130 covers. The hotel will be staffed 24 hours a day, seven days a week. The hotel will have a hotel manager on duty 24 hours a day, employing approximately 25 employees on site during the daytime. At night time no less than two employees will be on site.

The proposed new basement level will provide a swimming pool, spa and gym facilities, a dedicated area for mechanical plant, as well as the hotel's kitchen and storage facilities. At lower ground floor level seven hotel rooms are to be provided along with ancillary hotel facilities (changing rooms, hotel office and plant rooms). At ground floor level in addition to the proposed restaurant/ bar and hotel reception, six hotel rooms are to be provided. The upper floor levels will provide the remainder of the hotel rooms with a penthouse within a new pavilion and terrace provided at roof level. The room sizes range from between 18 - 60 sqm and include three accessible rooms (lower ground, first and third floor level).

All the proposed hotel rooms have windows. A terrace is proposed within a recess part of the building at rear second floor level serving Room 211. At fifth floor level a terrace is proposed to the front of the building facing Buckingham Gate serving Room 60 only. At rear third and fourth floor levels the area of flat roof will not be accessible for amenity purposes.

The application site fronts Buckingham Gate and is located opposite Buckingham Palace and the Buckingham Mews. Buckingham Gate is a red route, which is a fairly busy route. In contrast, the rear of the site backs onto Stafford Place, which is primarily residential in character and quieter than the Buckingham Gate frontage.

Policies S23 of the City Plan and TACE 2 of the UDP make specific reference to any new hotel not having an adverse impact in terms of environmental and traffic effects and

adequate on-site facilities being provided. The previous scheme (RN: 18/06103/FULL) was refused on the grounds that the hotel use was located in a predominately residential location. However, the location is one where hotels would be directed as it is within the Core Central Activities Zone.

To address the previous scheme's first reason for refusal, the proposals no longer include on-site vehicular servicing from Stafford Place. All servicing activity will be directed to the front of the property, along Buckingham Gate via the provision of a new on-street loading bay. All entrances to the hotel are on Buckingham Gate with only a single emergency exit on Stafford Place. Therefore, all activity in terms of arrivals and departures will be along Buckingham Gate where there already exists a busy footfall, given its proximity to Buckingham Palace and tourist entrances to the Palace. The hotel use is considered acceptable given that all activity is now directed towards the Buckingham Gate frontage of the building and away from the predominately residential properties in Stafford Place.

The applicant has submitted a management plan setting out how they will manage the hotel, including ensuring that all servicing and arrivals/ departures takes place from Buckingham Gate. The management plan also sets out how they would manage complaints, with senior members of staff available 24 hours a day to handle complaints that may arise during the operation of the hotel. The details of the operational management plan are to be secured by condition.

An objection has been received from a residential occupier on Buckingham Gate concerned that a new hotel will have an adverse impact in terms of noise and disturbance. In comparison to the rear of the site along Stafford Place, Buckingham Gate is a busy route and located opposite Buckingham Palace. This particular section of Buckingham Gate has a high volume of both vehicular and pedestrian activity. Given that all hotel activity (servicing and entrances) is located on Buckingham Gate, together with the number of rooms and measures to control the operational use (management plan), it is not considered that the use of the building as a hotel would create a noticeable increase in activity to warrant a refusal on this basis.

8.2 Townscape and Design

The proposed design alterations take their cue from the approved 2014 and 2015 schemes and whilst largely based on the previously approved schemes, where they do differ, this is in order to accommodate changes in line with the proposed use of the building as a hotel.

Records indicate that the building was largely rebuilt behind the existing Buckingham Gate and side façades in the 1970s. The only remaining features of interest are the front and side elevations. The internal core and floors levels are constructed of concrete and the rear section built as part of earlier renovation works. As a result, there is very little in the way of surviving historic features.

Given the interior of the building was rebuilt behind the façade and that the previously approved schemes allowed a total rebuild, the internal works including the new basement are considered acceptable in design and listed building terms. Although the previous planning application was refused (RN: 18/06103/FULL), in design terms the

works to the listed building were considered acceptable and the linked listed building application was approved (RN: 18/06104/LBC).

The main changes from the previously refused scheme is that no works to the rear ground floor elevation are proposed, except for the raising of an internal garden party wall between the application site and 6 Buckingham Gate and provision of a fire escape door.

Rear and side elevation

The rear of the building currently has an awkward mix of extensions. The rear extensions are to be rebuilt using a similar massing to the existing, although there is a modest increase in height and depth by an additional 1.3m and 1.13m respectively. These extensions in terms of their built form are identical to the extensions approved under the 2014 and 2015 schemes. The extensions are to be built in materials matching those currently found on the site.

The extensions at rear second, third and fourth floor levels introduce flat roof areas, but these will not be used for amenity purposes and will be subject to a condition to prevent this.

The windows on the rear elevation are designed to complement the windows in the original listed building facades. The proposed rear elevation includes four additional windows and doors to that previously approved, but in doing so creates a more ordered appearance. On the side elevation (west) the unblocking of windows on this elevation is considered acceptable subject to design details.

Under the previously refused scheme it was proposed to provide a loading bay at rear ground floor level. This is no longer proposed, and the only change is the provision of a new hardwood door, which would provide a new fire escape.

The proposals are considered to make a positive contribution to the conservation area, improving the appearance of the Stafford Place elevation.

Roof Level Alterations

At roof level a new roof extension is proposed which replaces the existing unsightly plant enclosure and railing. The principle of an extension at roof level has previously been accepted and is therefore considered acceptable in this instance. However, the roof extension associated with the approved residential schemes, in terms of usable floorspace, occupied a larger area to that now proposed and included two large terrace areas, which wrapped around the residential unit at roof level.

The proposed extension will accommodate a hotel room and is located to the front of the roof area facing Buckingham Gate. The remainder of the extension will accommodate a lift/ lobby area and back of house staircase. The area to the rear where the terrace was approved is to now accommodate mechanical plant within an enclosure. A smaller terrace is to be located to the front part of the roof facing Buckingham Gate.

As with the approved scheme the verified views confirm that the pavilion will not be visible from street level on either the north or west elevations. Whilst roof level

extensions are contentious, in this case, it replaces an existing taller addition and is considered acceptable in principle.

Notwithstanding the above, the proposed design of the pavilion is important to the overall appearance of the building and therefore a condition is recommended to secure details of the extension. An amending condition has been included in order to replace the sliding doors with traditionally side hinged doors as per the previously approved 2014 and 2015 scheme.

A new plant enclosure is to be provided within the east side of the roof and enclosed by the roof pitch and a low-level brick wall. The roof pitch neatly hides the enclosure, making it unnoticeable from street level.

Alterations to the Vaults

Policy TRANS 19 of the Unitary Development Plan (UDP) 2007 aims to limit the extent of new basement vaults under the highway. The City Council will generally restrict the lateral and vertical extent of new or extended basement areas under the adjacent highway so that there remains a minimum vertical depth below the footway or carriageway of about 900 mm and the extent of the new or extended basement area does not encroach more than about 1.8m under any part of the adjacent highway. This is to ensure that services and essential street furniture can be provided, and that adequate space is available between the highway and any basements.

The lowering of the floor within the vaults is modest and considered acceptable. The openings between the vaults are to be rationalised and maintain a single door width opening between each vault.

Alterations to Buckingham Gate

In order to address the servicing of the site and in association with the provision of the new on-street loading bay on Buckingham Gate, it is proposed to install a new platform lift for servicing within the front lightwell area. This will involve replacement of part of the railings with a gate to match the existing railings in terms of profile and detailed design. Localised works to the stone plinth would be required. The platform lift when not in use would sit at the base of the lower ground floor level. On balance the works to the front lightwell area and railings are considered acceptable in design and listed building terms.

A new sesame style lift is proposed to the portico entrance steps of No. 5 Buckingham Gate. These works will enable inclusive access into the building. The mechanism will be hidden under the stair cross-over, which is already underbuilt. The lift will therefore be concealed by the steps when not in use (only the jointing within the steps accommodating the opening for the lift will be permanently visible). This is considered to provide a public benefit in terms of accessible access into the building, where previously none existed. A condition is recommended to secure details of the sesame style lift.

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 that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

Nos. 4 - 5 Buckingham Gate has two entrances, one fronting Buckingham Gate and the other on the side elevation. The nearest residential property is located adjacent to the application site at No. 6 Buckingham Gate. Other residential properties are located at Nos. 7-9, which comprises of flats. To the rear of the site are other residential properties including Nos. 14-23 Stafford Place, Nos. 1-5 Buckingham Mews, and Stafford Mansions in Stafford Place. The rear of the site also leads into Buckingham Gate, Palace Street and Catherine Place, which are predominately residential in character.

Nos. 1-3 Buckingham Gate has planning permission and listed building consent for the provision of 72 residential units and associated external and internal alterations and is currently under construction (15/04136/FULL and 15/04347/LBC).

Sunlight and Daylight

A daylight and sunlight report has been submitted with the application and the following properties have been assessed:

Located to the east of the site:

6 Buckingham Gate; 22, Stafford Place, 23 Stafford Place and Nos. 1, 3 and 5 Buckingham Mews.

Located south-east of the site:

2 Buckingham Mews.

Located south of the site:

14 Stafford Place, 16 Stafford Place, 18 Stafford Place, 20 Stafford Place and 21 Stafford Place.

Located west of the site:

1 Palace Street

Located north of the site:

Buckingham Palace.

Nos. 21-24 Stafford Place and the properties in Buckingham Mews are two storey buildings. Nos. 14-20 Stafford Place are five storey buildings and Stafford Mansions is 8/9 storeys tall.

The following tests were undertaken:

The Vertical Sky Component (VSC)

For a window to be considered as having a reasonable amount of skylight reaching it, the BRE Guidelines suggests that a minimum VSC value of 27% should be achieved. If the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, then the reduction in light to the window is likely to be noticeable.

A total of 205 windows in the properties named above were tested. All properties tested demonstrated compliance with the BRE standards with the exception of three windows

at No.6 Buckingham Gate located at basement and lower ground floor level. At basement level the VSC change is 0.78 times its former value and at lower ground floor level, windows 1 and 2 were 0.76 and 0.68 times its former value.

The basement plan of No. 6 Buckingham Gate (RNs: 08/05779/FULL and 08/05780/LBC) approved a swimming pool at basement level, a kitchen at rear lower ground floor level leading into a glazed atrium/conservatory to the rear and a formal dining room at rear ground floor level with a void at rear ground floor level over the lower ground floor atrium/conservatory. Whilst the VSC levels for the basement and ground floor level represent a technical breach, the figures for two of the windows tested are only marginally below the requisite criteria. In addition, these windows are located within a light well area and are bounded by the boundary wall fronting Stafford Place. Given that the remainder of the single dwelling house satisfies the BRE guidelines it is not considered a refusal is justified on this basis in this instance.

No Sky Line

This describes the distribution of daylight within rooms by calculating the area of the 'working plane', which can receive a direct view of the sky ((0.7m from floor level in offices and 0.85m in dwellings and industrial spaces). The BRE Guidelines state that if following the construction of a new development the No Sky Line moves such that the area of existing room that does not receive direct skylight is reduced to less 0.8 times its former value, the impact will be noticeable to the occupants.

Of 91 rooms tested in the properties identified, all were BRE compliant.

Annual Probable Sunlight Hours (APSH)

Compliance will be demonstrated where a room receives:

- At least 25% of the APSH (including at least 5% in the winter months), or
- At least 0.8 times its former sunlight hours during either period, or
- A reduction of no more than 4% APSH over the year.

The properties tested here were No.6 Buckingham Gate, Nos. 1, 3 and 5 Buckingham Mews, 1 Palace Street and Buckingham Palace. Of the 62 windows tested all were BRE compliant.

Overshadowing

An assessment in terms of overshadowing has been made on No.6 Buckingham Gate. This specifically tested the amenity area at lower ground floor level, which comprises an area of approximately 10.24 sqm and showed no change to the existing and proposed lit area and therefore meets the BRE guidelines.

Sense of Enclosure

The proposed extensions follow the same line as that approved under the 2014 and 2015 schemes. Notwithstanding this the proposals do not result in a material sense of enclosure to warrant a refusal of the application proposals.

Privacy

Under the 2014 and 2015 schemes (14/06822/FULL & 14/06823/LBC and 15/05134/FULL & 15/05135/LBC) terraces were approved.

One small terrace is proposed, set within the recessed part of the building at rear second floor level. At rear third floor level, immediately above a Juliette balcony is proposed in front of the door opening, again set within the recessed part of the building. The terrace at rear second floor level and the proposed door above do not have direct views of the Stafford Place properties but overlook the roofs of the Buckingham Mews properties. These are not considered to give rise to overlooking as they are some distance away from the residential buildings fronting Stafford Place, so as not to cause direct overlooking into these properties. Due to the inset nature of the terrace and balcony, these terraces would not have an adverse effect on the adjoining property at No. 6 Buckingham Gate in terms of overlooking.

Two large terraces were approved to the fifth-floor level under the 2014 and 2015 schemes, which wrapped around the approved roof top pavilion. In this latest proposal, the fifth-floor terrace is smaller and only located to the front part of the roof. The roof top pavilion, which is to accommodate a hotel room shows the provision of fully openable doors. On officer's advice an amending condition is to be attached to ensure that the opening to the pavilion has fixed panels and individual door frames/openings onto the terrace as per the approved scheme. The terrace at fifth floor level is smaller and located to the front of the building overlooking Buckingham Gate. The terrace is not considered to have an adverse impact on residential amenity in terms of overlooking or loss of privacy.

The proposed terrace does have a line of sight towards the Palace mews and the side elevation of Buckingham Palace. However, these serve the office function of the Palace and do not provide direct views into these rooms nor into the wider area of the Palace. Buckingham Palace have not commented on the proposals.

8.4 Transportation/Parking

Policy S42 of the City Plan and TRANS20 of the UDP require the provision of off-site servicing. The existing building has no vehicular access and no off-street servicing or parking. Servicing and refuse collection is currently undertaken on street and is unrestricted.

The site is located along a red route on Buckingham Gate. The footway along Buckingham Gate has been widened and the carriageway of Buckingham Gate has been reduced in width in recent years. There is now one wide lane for south-westbound traffic where there were previously two. There are existing on-street parking bays in both Stafford Place and the cul-de-sac off Buckingham Gate. These are within a Controlled Parking Zone (CPZ) (Monday to Friday between 0830 and 1830). This is coupled with double yellow lines in the vicinity, which allows anytime loading and unloading to occur. Servicing is not currently possible from Buckingham Gate. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle.

Transport for London (TfL) as highways authority has been consulted on the proposals, as well as the City Council's Highways Planning Manager.

TfL have raised no objections to the proposals provided that a condition is secured for details of a construction logistics plan prior to construction on site and that a delivery and

servicing plan is secured, and no coach bookings are accepted by the hotel. TfL have also indicated that the applicant should investigate alternative ways of servicing the site off-street. The refused scheme had offered off-street servicing but was refused by Committee given the impact this would have on the highway network along Stafford Place.

The applicant is now proposing to service from Buckingham Gate through the provision of a new on-street loading bay. This would involve using part of the recently widened footway on Buckingham Gate to provide the loading bay to serve the hotel. Whilst it is regrettable that part of the footway will be used to accommodate a new on-street loading bay, this would be similar to an existing residents parking bay, further along this section of footway. It would also direct servicing to the front of the property along Buckingham Gate making it easier for vehicles to serve the site.

The use of this bay will only be permitted for continuous loading. In the event that the loading bay is in use then the cul-de sac would be used as an alternative means to service the site, although this is envisaged to be a rare occurrence and would be restricted to vehicles smaller than a 4.6 tonne panel van.

The loading bay would be subject to traffic orders similar to other loading bays within Westminster, with a maximum wait time of 20 minutes. There will be an average of 38 deliveries per week, with an average of five deliveries per day. There will be no deliveries on a Sunday. The site is within a CPZ, therefore servicing will be limited between 0830 to 1830 Monday to Saturday. A 'Goods in Manager' will be on duty during permitted servicing times. Incoming deliveries will be required to notify the hotel approximately 10-15 minutes prior to arrival.

In comparison, the existing use of the building as offices had no servicing restrictions in place i.e. it is uncontrolled. Based on the existing office floorspace, an average of six servicing trips per day for the offices is likely to have taken place and on-street from Stafford Place. The proposed use would introduce a controlled level of servicing of the site, which would be to the benefit of the surrounding properties.

Public realm works to improve the cul-de-sac have been offered by the applicant. This includes the relocation of the existing parking bays within the cul-de-sac to the rear of the site within Stafford Place. The three parking bays within the cul-de-sac are currently not in use due to the presence of a hoarding serving the adjacent development site at No. 1-3 Buckingham Gate. The relocation of the parking bays to the rear of the site would result in the loss of one of these parking bays in order to better accommodate the relocation of the bay along the rear of the property in Stafford Place, but includes the provision of a residents parking bay.

Works to the highway including the provision of the on-street loading bay on Buckingham Gate and works within the cul-de-sac will be secured by a Section 106 Legal Agreement.

Coaches and Taxis

Coach activity is common for hotels and the drop off or collection of guests from coaches can have a significant impact on the safety and operation of the highway network, including on pedestrians. In relation to the proposed hotel, no provision for coach party

arrivals is provided. The applicant indicates that they would not accept coach parties, and this is included in the applicant's operational management plan.

TfL and the City Council's Highways Planning Manager have reinforced the requirement of a condition prohibiting the application site from knowingly accepting coach bookings. A condition is recommended to this effect to restrict the size of party bookings to minimise the risk of coaches attending the site.

The applicant has stated that visitor drop off including taxis will take place from the cul-de-sac, adjacent to the entrance at No. 4. Under the previously refused scheme no objection was raised to the use of the cul-de sac for taxi drop offs as this would have minimal impact to the highway network given the short dwell time.

Cycle Parking

The London Plan Policy 6.9 requires one cycle space per 20 bedrooms (long stay) and 1 space per 50 bedrooms (short stay). The cycle parking must be within the site, have convenient level access, be secure and weatherproof.

The proposal is seeking to provide five cycle spaces, which will be accommodated within the ground floor servicing holding area. The provision of five cycle spaces exceeds that required by policy and is considered acceptable. A condition is recommended to secure the provision of the cycle spaces.

8.5 Economic Considerations

The economic benefits associated with the creation of a new hotel are welcomed. The proposed hotel will employ 50-55 employees, with 25 members of staff (full-time) on site during the daytime.

A financial contribution of £17,468.98, is to be secured towards the City Council's Employment, Training and Skills service.

8.6 Access

There is currently no level access into the building. The proposal includes works to the front entrance portico steps of No. 5 Buckingham Gate through the provision of a purpose-built platform lift within the main steps. This will provide access into the building through the hotel/bar area to the lobby/reception area of the hotel.

8.7 Other UDP/Westminster Policy Considerations

Trees and landscaping

The provision of the new on-street loading bay would involve the removal of a young London Plane tree. The Arboricultural officer has been consulted on the proposals and objects to its removal.

A new tree is proposed but its location is not ideal, as it would be around 3m from another street tree. Both trees are London planes, planted about 7 years ago. They reflect the tree planting in Buckingham Palace and will be expected to reach similar

statures to the Buckingham Palace trees. It is not appropriate to plant London planes 3m from each other and the current spacing of 14m is more appropriate.

It is regrettable that a tree is to be lost through the provision of the on-street loading bay. However, in order for the hotel to be viable in terms of servicing the loading bay location is considered the most appropriate location as it would limit the servicing distance to the hotel.

The applicant is proposing to landscape the cul-de-sac in terms of the provision of hard and soft landscaping. Although not necessary for the purpose of the scheme, this has been offered by the applicant and is welcomed. A condition is recommended to secure details of the landscaping works including a replacement tree.

Sustainability

The applicant has submitted an Energy and Sustainability Statement in support of their application. The existing building will incorporate energy efficient mechanical and electrical elements including high performance glazing, heat recovery ventilation, lighting efficiency and low carbon energy technology comprising of Air Source Heat Pumps and Photovoltaic panels, which will achieve a 25.9% improvement in carbon emissions based on the current Building Regulations (2014) for the hotel.

In terms of air quality, the applicants in consultation with their technical team have stated that the Combined Heat and Power (CHP) system acts as a lead boiler and as such is an internal piece of equipment. The equipment will discharge in accordance with the clean air act (with reference to Institute of Gas Engineers and Managers (IGEM) document 10) as to adequately disperse any flue gases away from the adjacent properties.

The previously approved 2014 and 2015 schemes included proposals for solar panels on the roof but this is not proposed as part of the submitted scheme. The development achieves compliance with the 21% reduction in carbon (as identified in the submitted energy report) by the use of other renewable technologies including CHP and air source heat pumps.

Refuse and Recycling

Waste and recyclable stores including organics are provided on site and are capable of holding two days' worth of waste. Refuse collection is four times per week (Monday, Wednesday, Friday and Saturday) and will be undertaken by a private contractor/or Westminster City Council's waste refuse within the servicing hours operated by the hotel.

The proposed refuse store is to be located within the new basement and lower ground floor level. The waste will be transferred internally from the basement to ground floor to the service holding area to the front of the building ready for collection.

The Waste Project Officer has raised an objection as there is concern that the bins would be left on the pavement pending waste collection and after waste collection. The submitted operational management plan clearly states that trained staff would only place waste on the pavement area when ready for collection.

A condition is recommended to ensure that no waste should be left or stored on the public highway until ready for collection.

Mechanical Plant

Mechanical plant is proposed at roof level and within the new basement and lower ground floor levels. The proposed mechanical plant at roof level, which also includes the kitchen extract is sited within an acoustic enclosure. An acoustic report has been submitted with the application proposals, which has been assessed by Environmental Health. They have confirmed that the report assessment demonstrates compliance with the City Council's planning noise conditions. Subject to conditions controlling noise from the mechanical plant and internal noise levels and details of the extract duct, the proposal is not considered to cause environmental noise or nuisance to adjoining properties.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being 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. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

Pre-commencement Condition

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 pre-commencement conditions to secure the applicant's adherence to the following:

- a) A written scheme of investigation or a programme of archaeological work.
- b) City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development

The applicant has agreed to the imposition of the conditions.

8.11 Planning Obligations

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

- i) Provision of all highway works immediately surrounding the site required for the development to occur, including provision of new on-street loading bay, reconfiguration of existing parking bays, on-street restrictions and associated work at the applicant's expense;
- ii) Provision of a financial contribution of £17,469 (index linked) to the Westminster Employment Service and provision of an Employment and Skills Plan.
- iii) Costs of monitoring the agreement.

CIL

The estimated CIL payment is £133,656

8.12 Environmental Impact Assessment

Not applicable.

8.13 Other Issues

Basement

The main change in policy since the 2014 and 2015 schemes is the adoption of Policy CM28.1 of the Westminster City Plan (November 2016). Policy CM28.1 requires the submission of a structural methodology statement in relation to the proposed excavation works, together with a signed proforma Appendix A which demonstrates that the applicant will comply with the relevant parts of the council's Code of Construction Practice (CoCP). The previously approved schemes (2014 and 2015) approved two new levels of basement accommodation.

The proposal will provide a new floor level beneath the existing ground floor level. The proposed basement does not extend beneath the front lightwell and vaults which is welcomed in light of the building being Grade II listed. The proposed basement level is to provide a swimming pool, sauna and gym and back of house hotel facilities including kitchen, storage areas and an area for plant room, with a sub area for the sprinkler tanks.

The policy text of policy CM28.1 states that the most appropriate form of basement extension will be no more than one storey, with an approximate floor to ceiling height of 2.7m floor below the lowest part of the original floor level.

The central part of the new basement level has a floor to ceiling height of 2.7m with a service void factored in at ceiling level. The proposed basement accommodating the

swimming pool area has a floor to ceiling height of 5.4m. However, the floor to ceiling height above the pool would be 3.5m. Whilst this is above the requirement set out in the policy text this increase in the floor to ceiling height is only confined to the area occupying the swimming pool in this area. To the rear of the site a floor to ceiling height greater than 2.7m is provided, however this area occupies the plant room and sprinkler tanks. Whilst this is not strictly compliant with the aims of Policy CM28.1 the areas to the rear provide functions ancillary to the safe functioning of the hotel.

In line with policy CM28.1 the applicant has submitted a structural method statement. This statement has been assessed by Building Control who advised that the structural approach and consideration of local hydrology is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. Objections have been received from neighbouring properties concerning the impact of the proposals on their properties and in context of ongoing development adjoining and surrounding the application site.

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.

As highlighted above the method of excavation has been considered by Building Control officers who advised that the structural approach and consideration of local hydrology appears satisfactory. 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 professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. A condition requiring more detailed site investigations to be carried out in advance of construction works commencing, together with the written appointment and agreement of a competent contractor to undertake the works is not therefore considered reasonable.

Code of Construction Practice (CoCP)

Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. Objections have been received from neighbours adjoining the application site, especially in light of the ongoing development at Nos. 1-3 Buckingham Gate. Since the adoption of Policy CM28.1 the requirement to submit a construction management plan has been replaced with the CoCP. The CoCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster. The

key issues to address as part of the CoCP and production of a CMP are liaison with the public, general requirements relating to the site environment, traffic and highways matters, noise and vibration, dust and air quality, waste management and flood control. Subject to conditions limiting the hours of work in relation to the proposed excavation works and requiring the applicant to adhere to the council's Code of Construction Practice, the proposed basement extension complies with the requirements of Policy CM28.1.

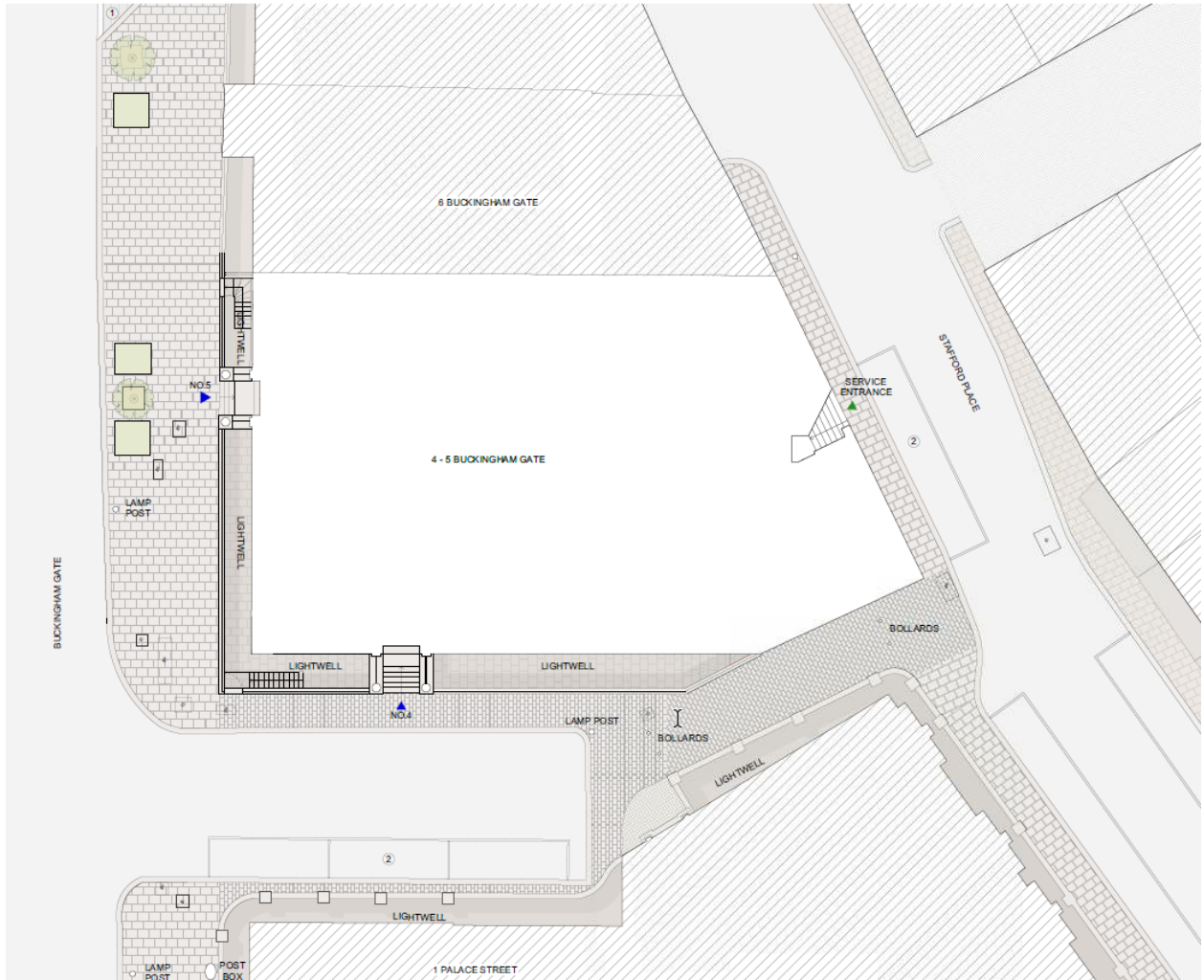
Crime and security

The hotel will provide active supervision through its own CCTV and management of the hotel.

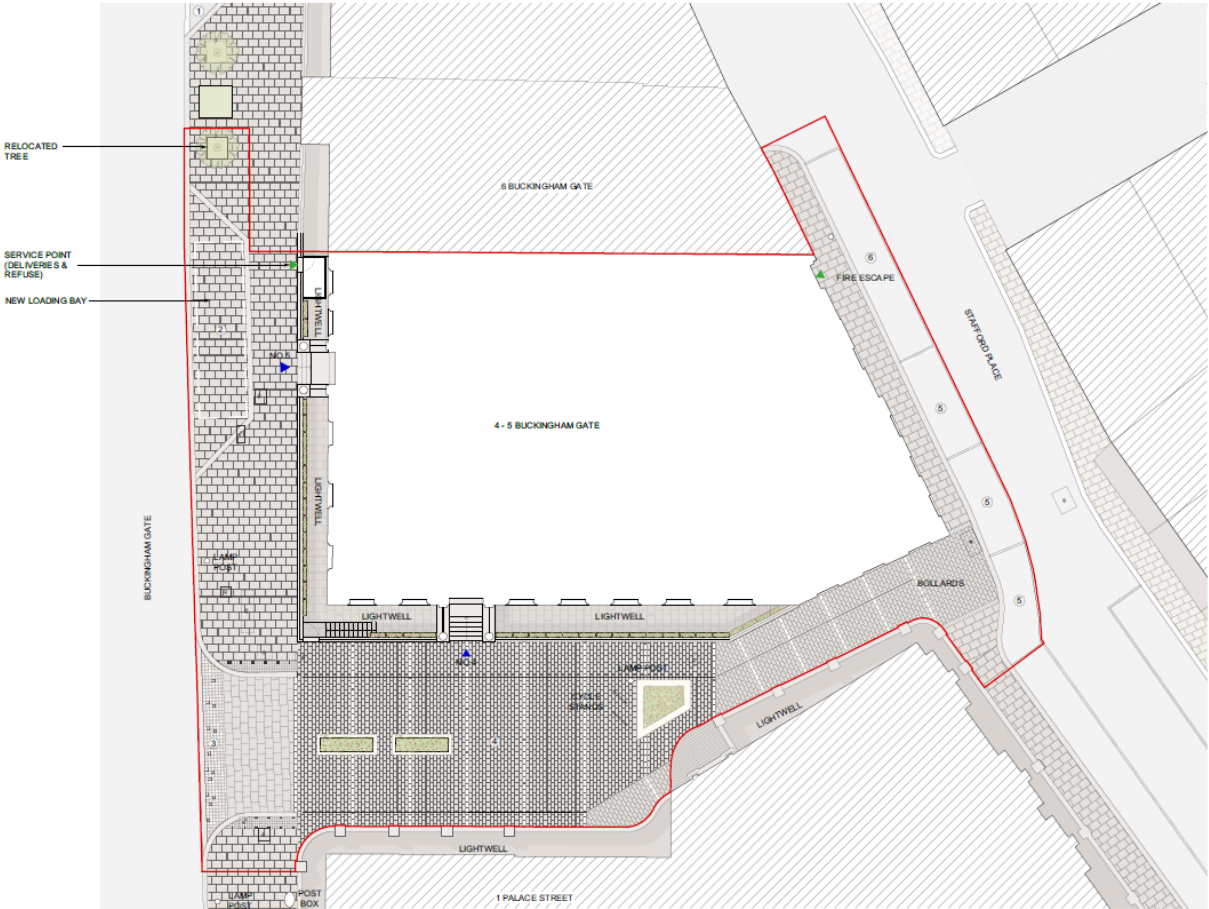
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

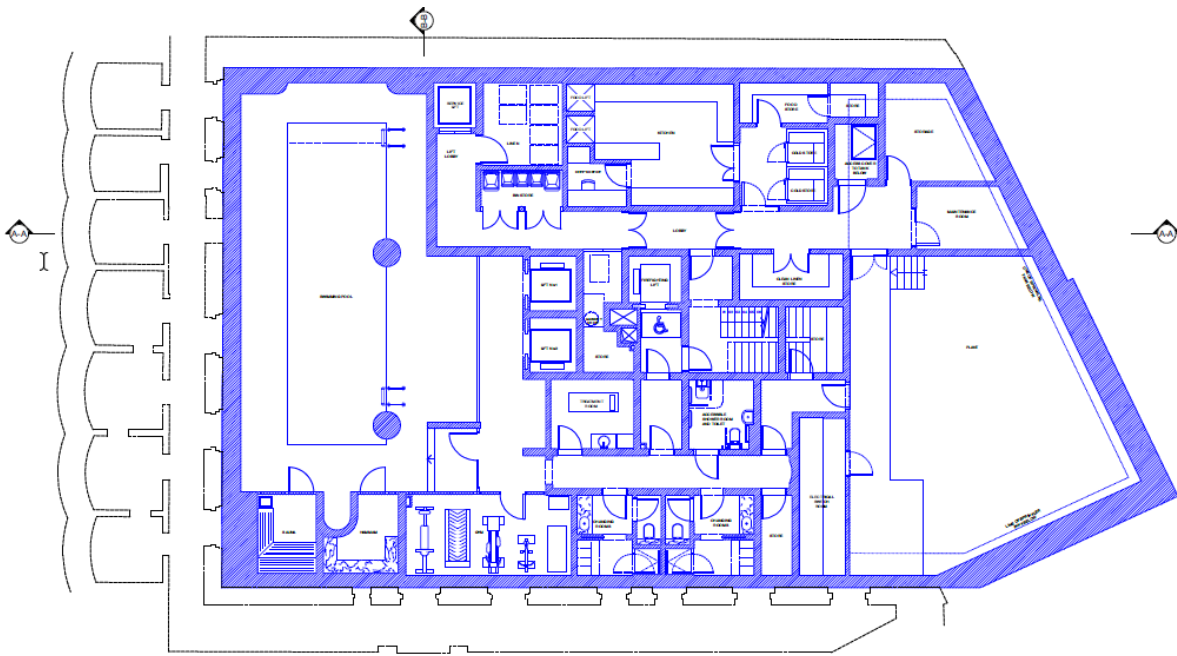
9. KEY DRAWINGS



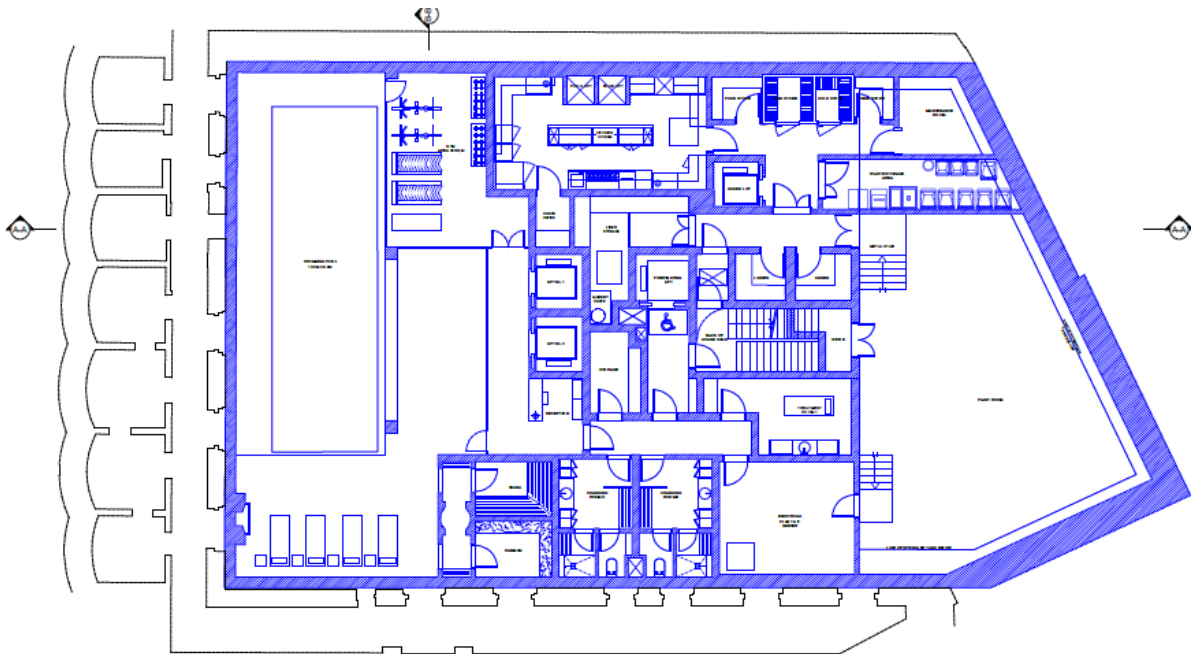
Existing external plan



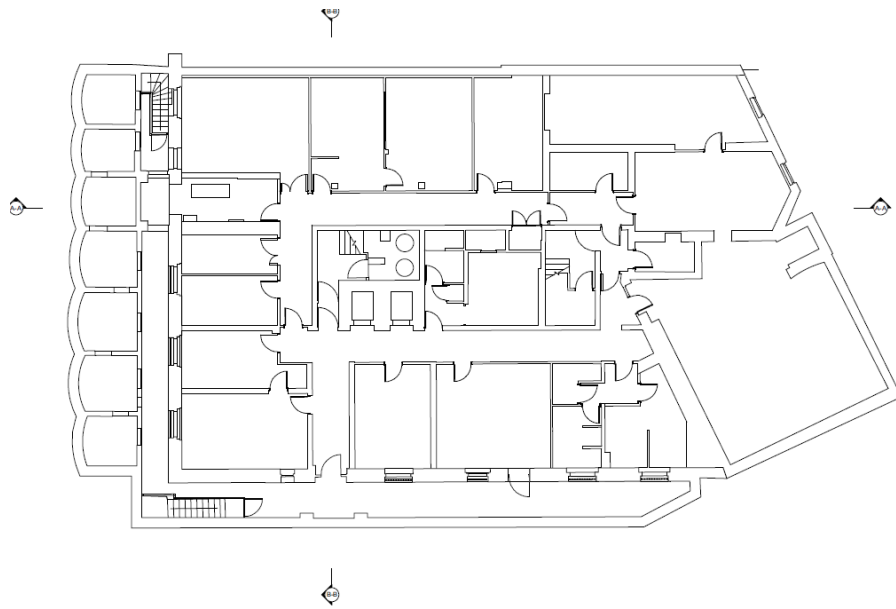
Proposed external plan



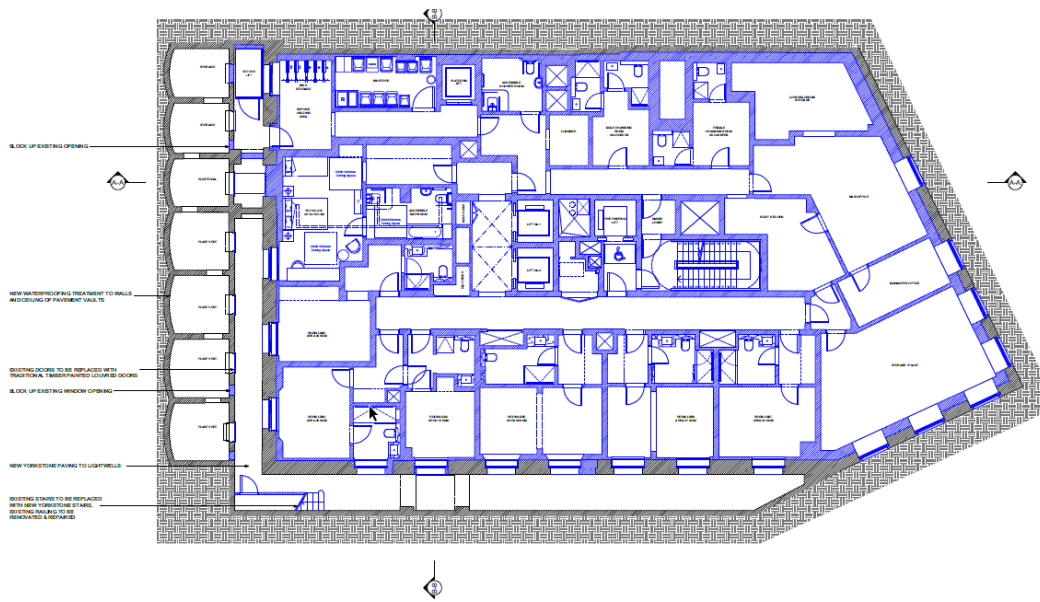
Proposed basement plan



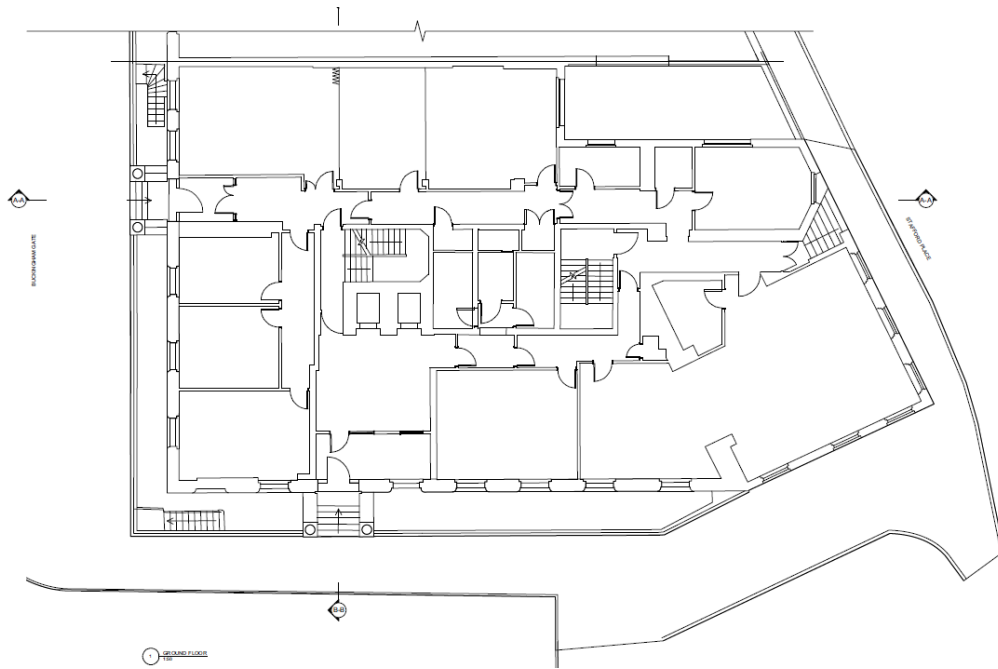
Proposed basement plan- Refused scheme under application reference 18/06103/FULL



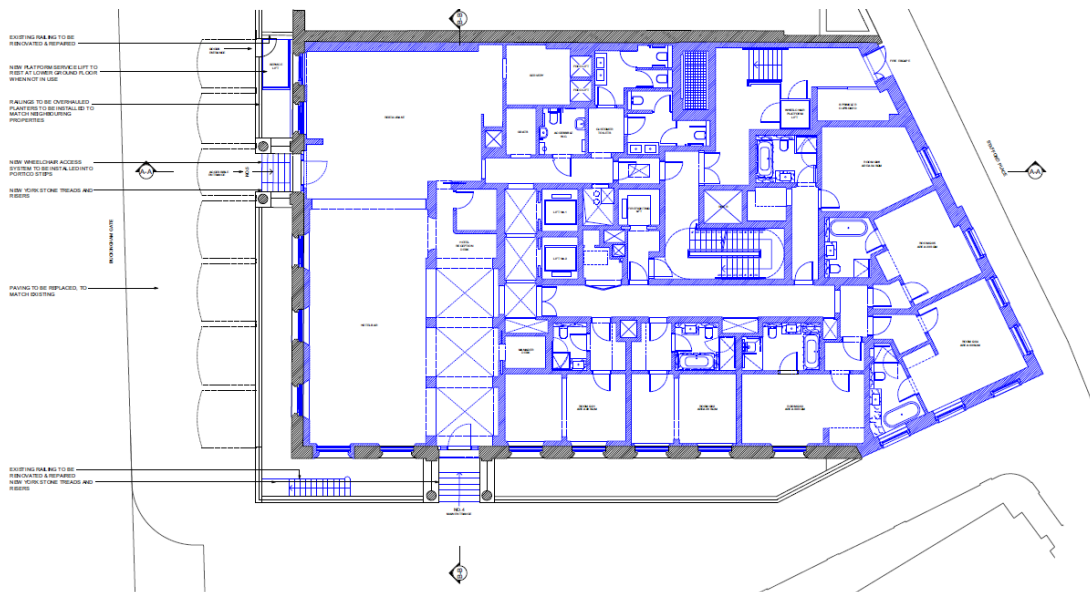
Existing lower ground floor plan



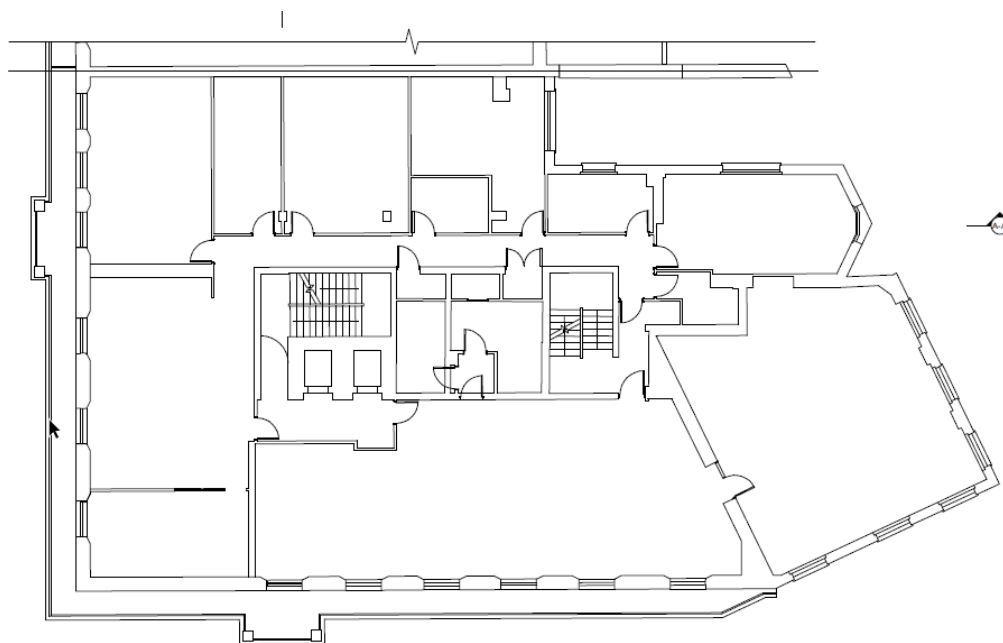
Proposed lower ground floor plan



Existing ground floor plan



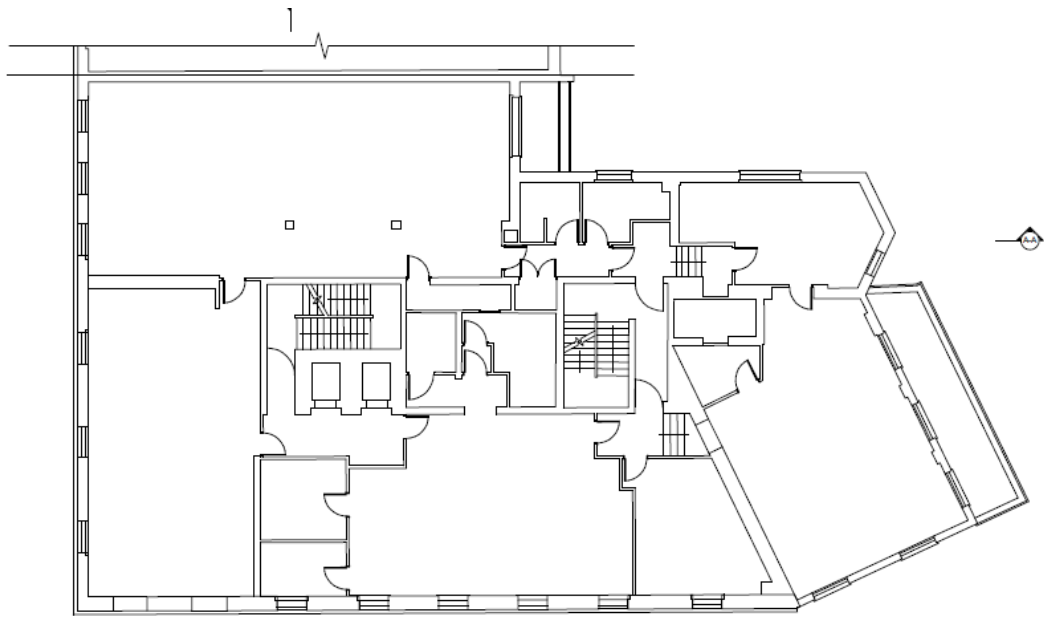
Proposed ground floor plan



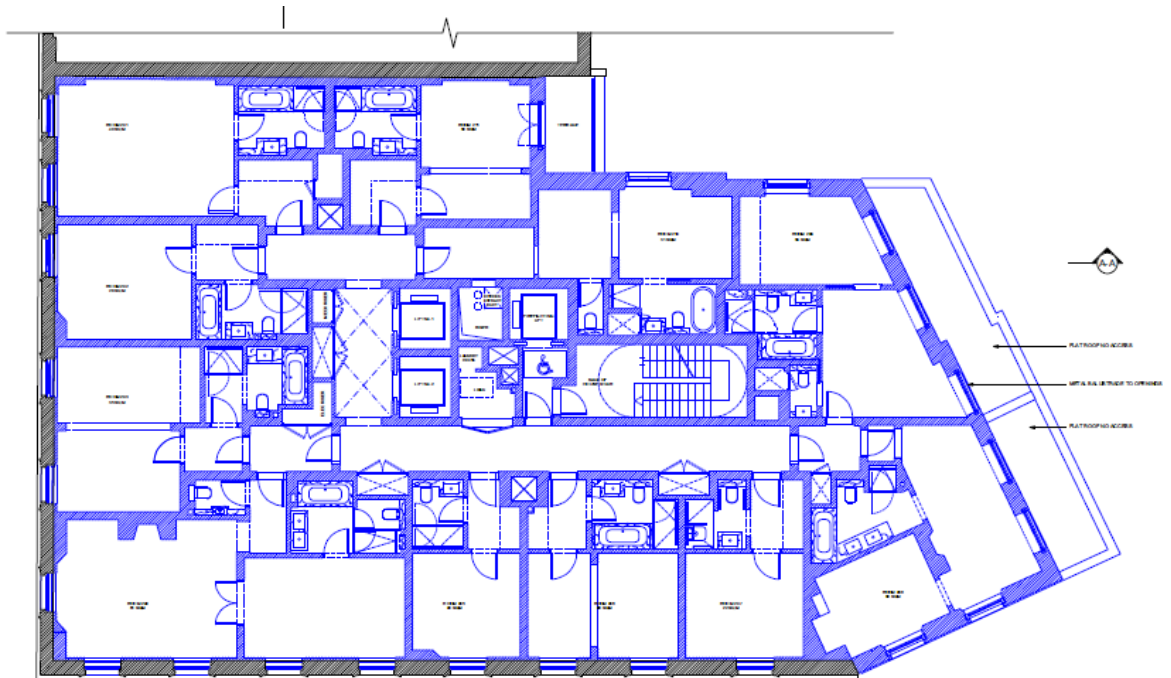
Existing first floor plan



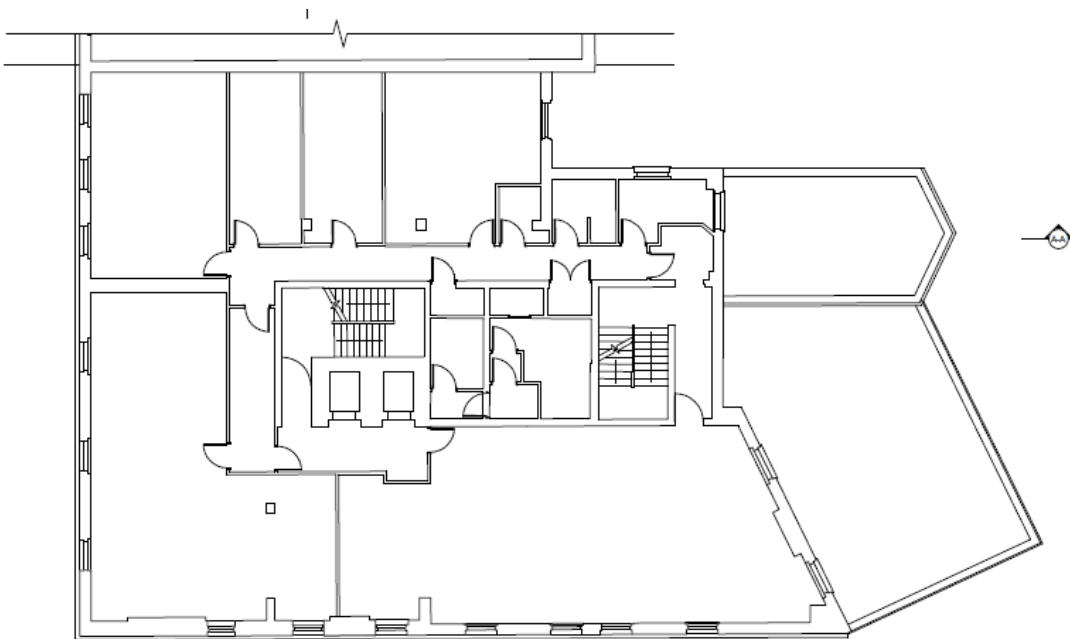
Proposed first floor plan



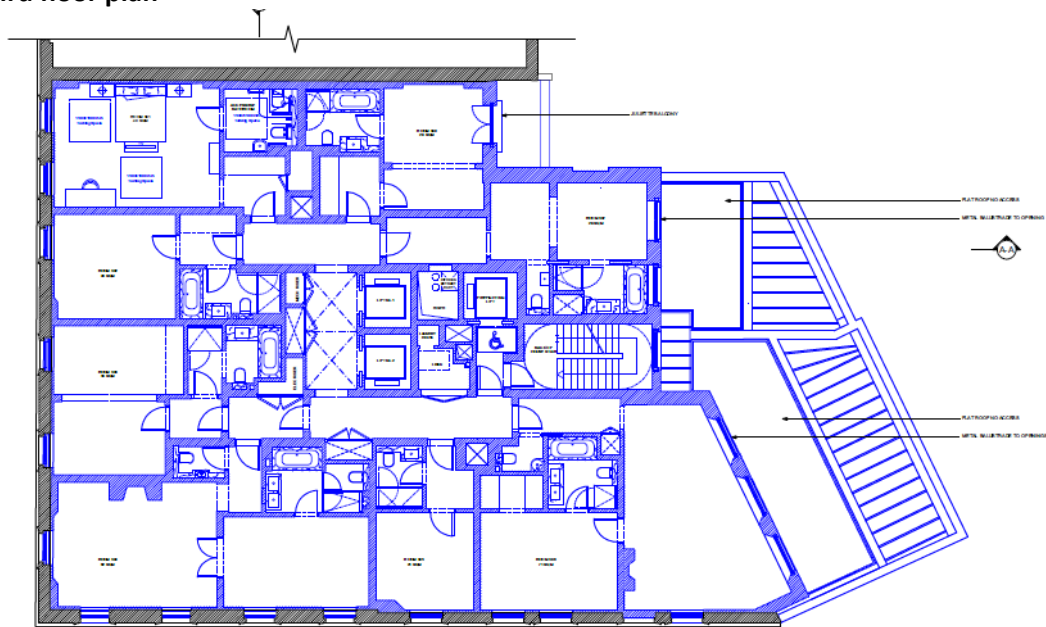
Existing second floor plan



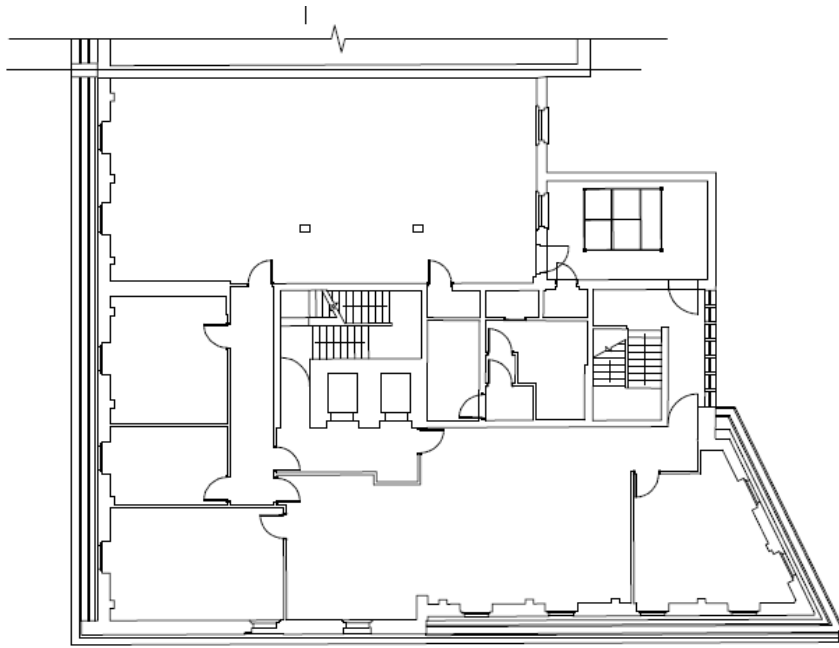
Proposed second floor plan



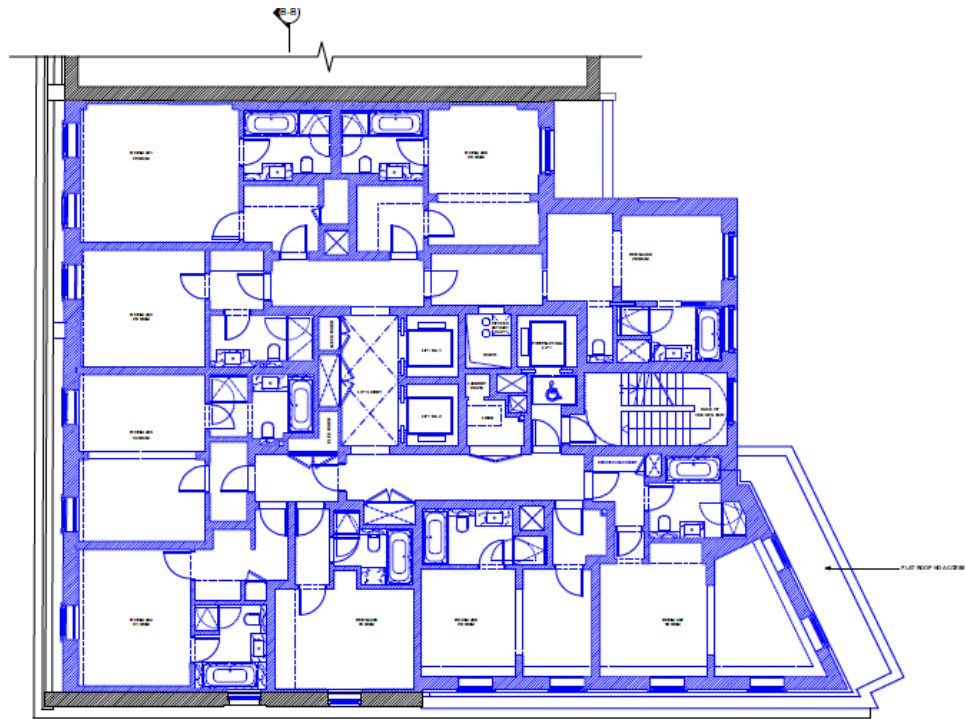
Existing third floor plan



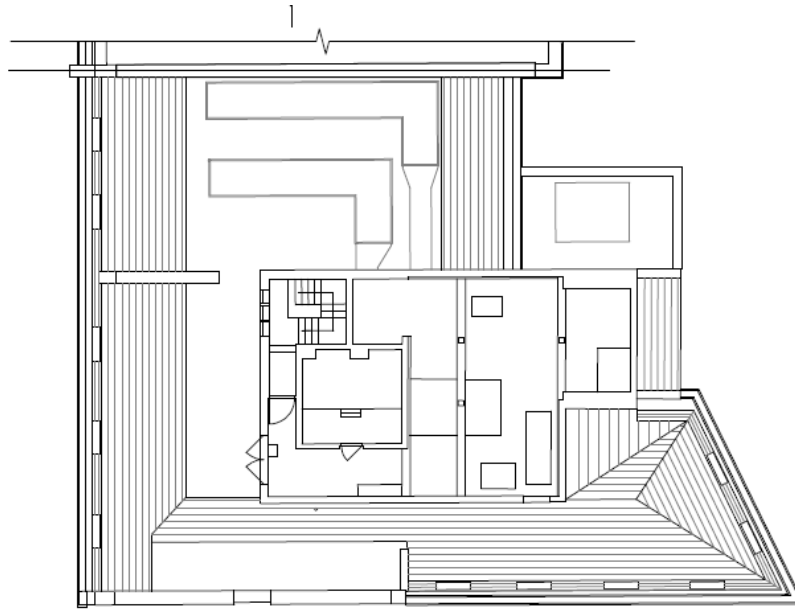
Proposed third floor plan



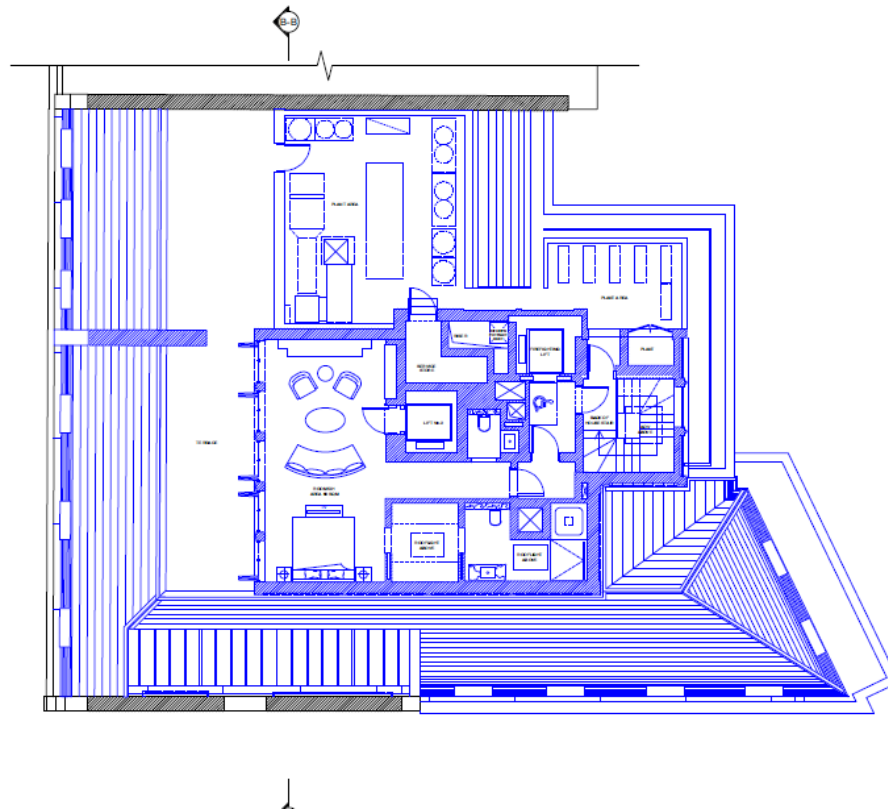
Existing fourth floor plan



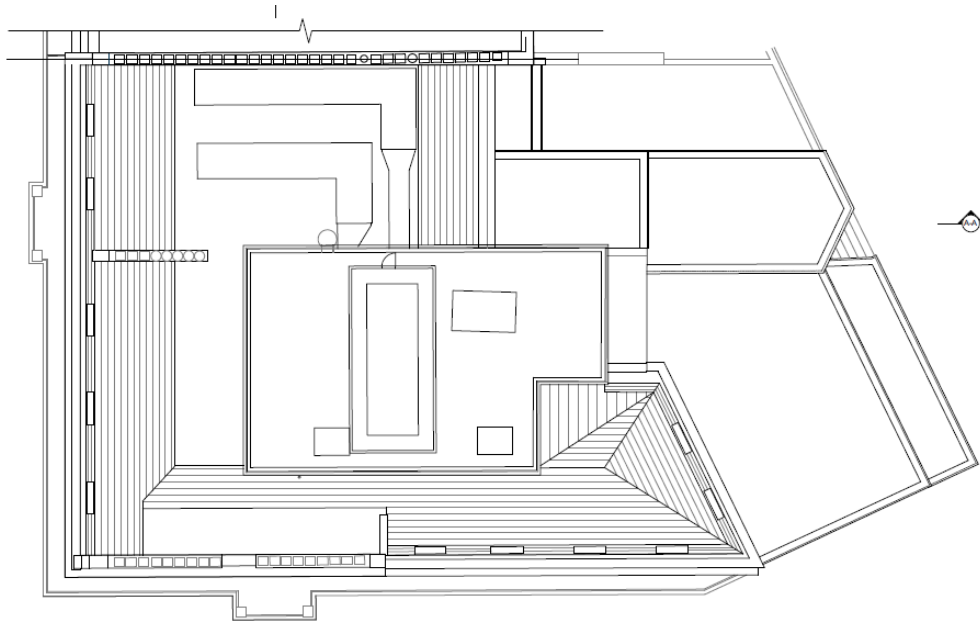
Proposed fourth floor plan



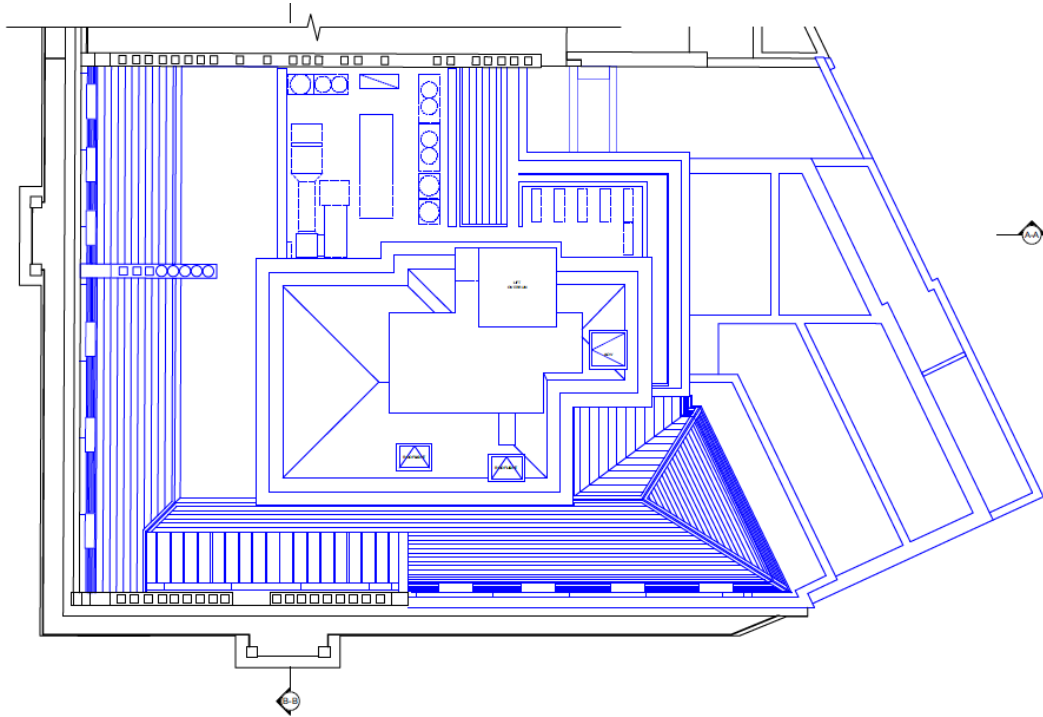
Existing fifth floor plan



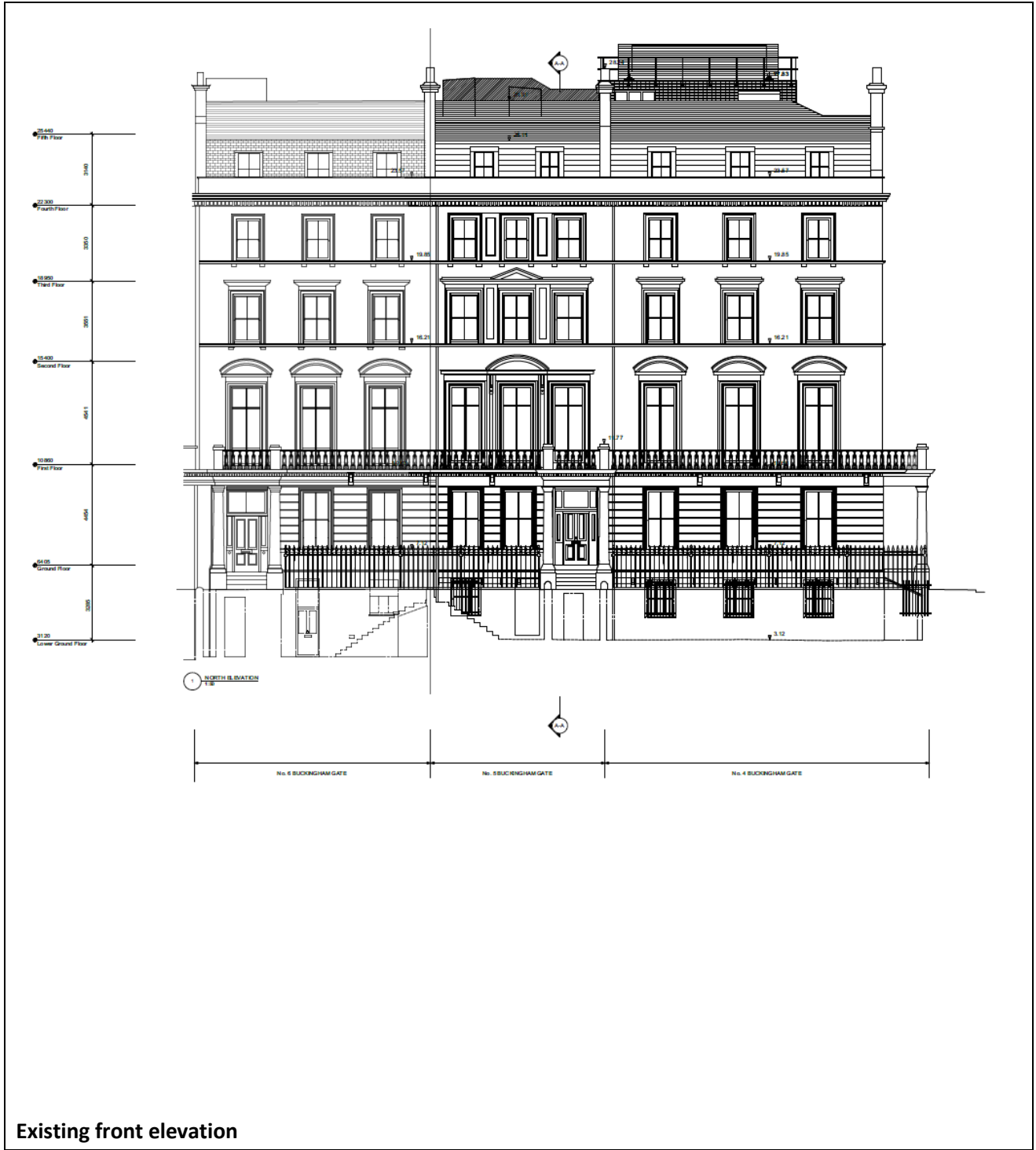
Proposed fifth floor plan



Existing roof plan



Proposed roof plan



Existing front elevation

EXISTING WINDOWS IN THE EAST WING TO BE REPAIRED
REPLACE WINDOWS TO MATCH THE WEST WING
REPAIR TO BE FITTED WITH BRASS HANDLES AND KEYS
TO BE REPAIRED AND REPLACED TO MATCH THE WEST WING
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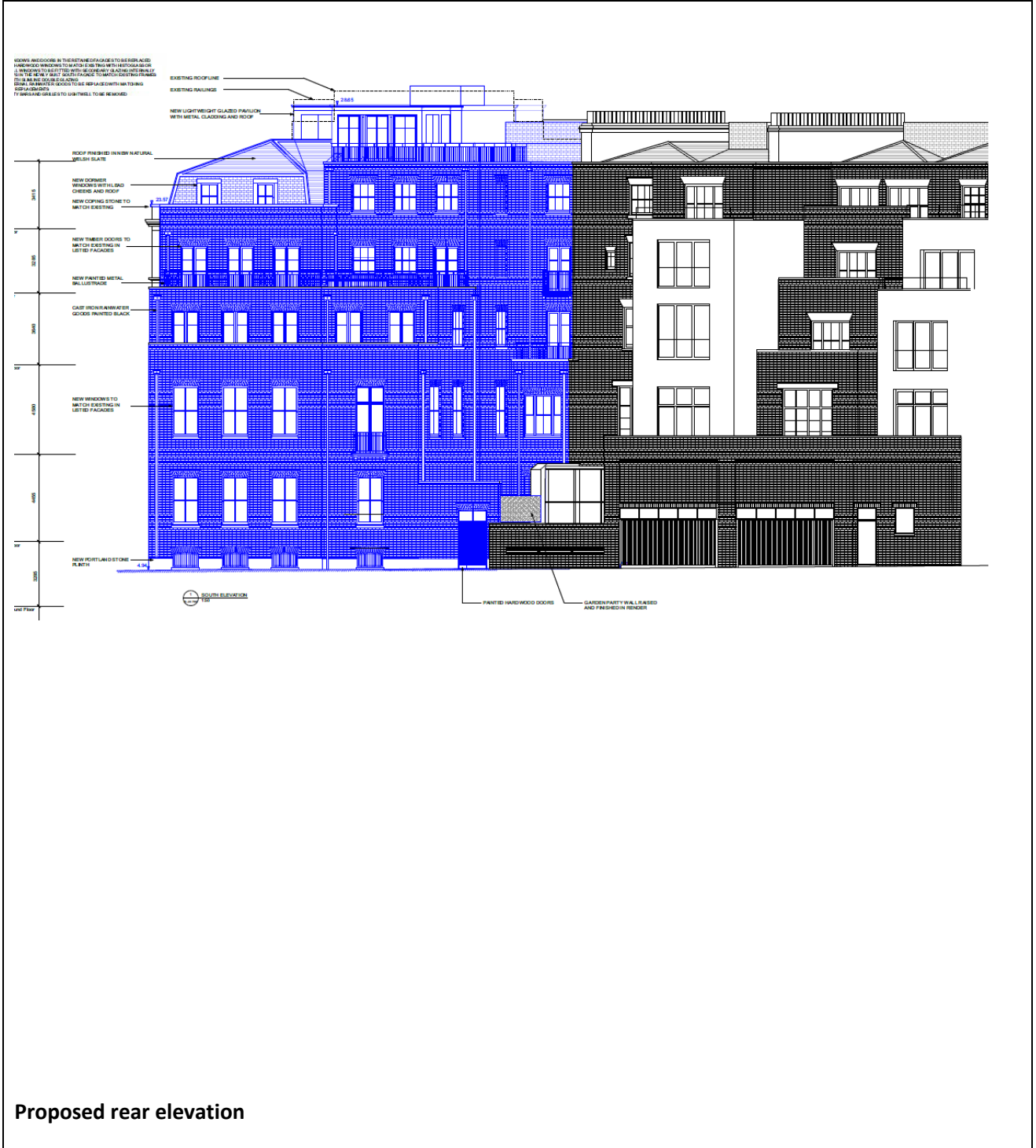
Proposed front elevation



Existing side elevation



Existing rear elevation



PLANNING PERMISSION DRAFT DECISION LETTER

Address: 4 - 5 Buckingham Gate, London, SW1E 6JP,

Proposal: Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate.

Reference: 19/04749/FULL

Plan Nos: PL-01 P03, PL-02 P03, PL-003 P01, PL-004 P01, PL-005 P01, PL-006 P01, PL-007 P01, PL_08 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-014 P01, PL015 P01, PL-17 P05 Rev. C, PL-18 P05 Rev. C, PL-19 P05 Rev. C, PL-20 P04 Rev. E, PL-21 P06 Rev. E, PL-22 P06 Rev. E, PL-23 P05 Rev. F, PL-24 P06 Rev. E, PL-25 P04 Rev. E, PL-26 P04 Rev. C, PL-27 P04 Rev. C, PL-28 P06 Rev. E, PL-29 P05 Rev. D, PL-30 P04 Rev. C, , PL-03 P02, PL-04 P02, PL-05 P02, PL-06 P02, PL-07 P02, PL-08 P02, PL-09 P02, PL-10 P02, PL-11 P02, PL-12 P02, PL-13 P02, PL-14 P02, PL_15 P02, PL-31 P04, PL-32 P01, PL-33, Appendix A-Checklists (Code of Construction Practice- Level 1 and Level 2 Developments), Draft Management Plan dated June 2019, Ventilation/Extraction Statement dated 11/06/2019, Daylight and Sunlight Report for the Proposed Alterations at 4-5 Buckingham Gate, London, SW1E 6JP prepared by Malcolm Hollis (Ref:66765/IM (Rev B)) dated 12 July 2018, Flood Risk Assessment Issue P03- 14 June 2019, Transport Statement dated June 2019 prepared by Steer (Ref: 22662903), Energy and Sustainability Report dated June 2019 prepared by Harley Haddow, Planning Statement dated June 2019, Sustainable Drainage Report Issue P03- 14 June 2019 prepared by Meinhardt (UK) Ltd and Planning Compliance Report (Report 13704-NIA-01 Rev E dated 14 June 2019 prepared by Clement Acoustics.

For information purposes: Design and Access Statement Rev. D dated July 2019, Structural Investigation Report (Ref: 10260B(ii)/BM/SCW (Rev 1) prepared by Meinhardt (UK) Ltd dated 16 November 2018, Structural Method Statement Issue P3- 14 June 2019 (Ref. 2358-S-SMS-001) prepared by Meinhardt (UK) Ltd and Accurate Visual Representations (AVR1/3) dated June 2019 prepared by Preconstruct Limited.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 You must apply to us for approval of detailed drawings (sections, plans and elevations at a scale of 1:10 or 1:20 showing the following alteration(s) to the scheme:

- i) provision of traditional side hinged double doors to the rooftop pavilion (see informative 14);
- ii) replacement of the metal balustrade at rear second floor level (in front of Rooms 208 and 209) with individual Juliette balconies set within the window reveals; and
- iii) omission of the door and Juliette balcony (serving Room 109) with a window to match the adjacent new windows.

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. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 5 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i) New sesame stair lift to the front entrance steps to 5 Buckingham Gate.
 - ii) Platform service lift within front basement lightwell fronting Buckingham Gate; and
 - iii) Works to the railings and plinth fronting Buckingham Gate to facilitate the installation of the platform lift.

You must not start work of these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i) Roof level pavilion;
 - ii) Windows and balconies to windows at rear second and third floor level;
 - iii) External doors;
 - iv) Metal guard rails; and
 - v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line).

You must not start work of these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 7 The railings shall be painted black and retained that colour.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This

is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 8 You must carry out the works in accordance with the Structural Method Statement Issue P3- 14 June 2019 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the parts of the building which are to be preserved during building work. (R28AA)

- 9 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork to all new elevations. 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 sample panels. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 10 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 11 All servicing and deliveries must take place using the dedicated loading bay on Buckingham Gate. No servicing or deliveries for the hotel use hereby approved must take place from the public highway along Stafford Place.

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)

- 12 All servicing must take place between 0830 and 1830 on Monday to Saturday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

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)

- 13 The hotel shall not knowingly accept bookings from parties using a vehicle with a capacity of 14 or more persons to travel to and from the premises.

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 You must provide a Construction Logistics Plan prior to commencing works on site. The plan must include measures to ensure satisfactory access and movement around the site. You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To minimise the impact of the development construction on the adjoining properties and to protect the environment of people in neighbouring properties. This is set out in S29 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 15 **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 avoid damage to any archaeological remains on site 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. (R32AC)

16 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 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),

- 17 (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. (R46AB)

- 18 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)

- 19 You must install the mitigation measures as set out Planning Compliance Report (Report 13704-NIA-01 Rev. E dated 14 June 2019 prepared by Clement Acoustics prior to the operation of the mechanical plant hereby approved. The mitigation measures must be retained and maintained for as long as the units remain operational.

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)

- 20 The full height extract duct discharging at roof level hereby permitted shall not be operated except between 0600 hours and 2300 hours daily.

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 Customers shall not be permitted within the ancillary restaurant and bar before 0600 or after 2300 daily.

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 2 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 22 You must not allow more than 130 customers in total into the ancillary restaurant and bar at ground floor level at any one time.

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 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 23 You must keep to the terms set out in the operational management plan for the hotel.

Reason:

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

- 24 You must apply to us for approval of a servicing management plan for the hotel use hereby approved. The plan must identify the process, internal storage locations, scheduling of deliveries and staffing as well as a clear process for managing coach party arrivals and departures as well as taxis. You must not use the premises for the use hereby approved until we have approved what you have sent us. Thereafter you must carry out the servicing according to the approved plan and for the life of the development. (see informative 16)

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 2 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 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 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. (R49BA)

- 27 You must not use the roof of the extension at rear first, second, third and fourth floor levels as shown on drawings PL-20 P04 Rev. E, PL-21 P05 Rev. D, PL-22 P06 Rev. E and PL-23 P05 Rev. F for sitting out or for any other purpose. You can however, use the roof to escape in an emergency or for maintenance purposes.

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)

- 28 You can only use the small terrace at rear second floor level, set within the recess of the building and the terrace at front fifth floor level as shown on drawings PL-21 P05 Rev. D and PL-24 P06 Rev. E in connection with the hotel rooms that they immediately serve and not in connection with any other hotel rooms within the hotel.

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)

- 29 No music shall be played in the hotel such as to be audible outside the premises.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of

Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 30 You must provide the waste store shown on drawing PL-17 P05 Rev. C and PL-18 P05 Rev. C before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the hotel. 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.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling 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. (R14CC)

- 31 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)

- 32 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs for the cul-de-sac between Buckingham Gate and Stafford Place and the green roof to the extension to the rear on Stafford Place. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one year 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. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 33 All customers arriving and leaving the hotel must only use the dedicated entrances at Nos. 4 and 5 Buckingham Gate. The rear ground floor fire escape door leading into Stafford Place must only be used in case of an emergency or an alternative means of escape and must not be used as an alternative means of entering or exiting the hotel by members of the public.

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)

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 The servicing management plan is to be secured as part of the Section 106 Legal Agreement.
- 3 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 (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply., , The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk. , , If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk , , It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.
- 5 You may need separate licensing approval for the ancillary restaurant and bar premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 6 Conditions 19 and 20 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)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:
John Firrell MHCIMA
Secretary - Considerate Hoteliers Association
C/o Wheelwright's Cottage
Litton Cheney
Dorset DT2 9AR
E-mail: info@consideratehoteliers.com
Phone: 01308 482313, (I76AA)
- 9 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)
- 10 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 11 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: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 12 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)
- 13 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)

- 14 With regards to the amending condition 4 requiring traditionally side hung double doors please refer to the fifth floor plan and elevation relating to application reference 15/05134/FULL and 15/05135/LBC dated 07 September 2015 for further assistance.
- 15 In relation to Condition 32 you are required to consider a more attractive and leafy scheme to compensate for the loss of the existing London Plane tree, and seek where possible to provide a replacement tree. The planters must contain sufficient soil to support planting with very little irrigation and the plant species should be drought tolerant. Ideally the planters would be contiguous with the soil below, rather than closed at the base.
- 16 The servicing management plan is required to be in accordance and expand upon the details set out in the Transport Statement dated June 2019 (Our ref: 22662903).

LISTED BUILDING CONSENT DRAFT DECISION LETTER

Address: 4 - 5 Buckingham Gate, London, SW1E 6JP,

Proposal: Demolition behind the retained front and side facades on Buckingham Gate and redevelopment to provide a hotel (Class C1) comprising of 53 rooms and ancillary facilities. Excavation to provide a single-storey basement. External alterations to the building including raising of the boundary garden wall to the rear, alterations to windows and provision of mechanical plant at roof level and a pavilion at roof level. Provision of a terrace at rear second floor level within recessed part of the building and a terrace at roof level fronting Buckingham Gate. Public realm works to the cul-de-sac on Buckingham Gate and creation of a new on-street loading bay on Buckingham Gate. Associated internal alterations.

Reference: 19/04750/LBC

Plan Nos: PL-01 P03, PL-02 P03, PL-003 P01, PL-004 P01, PL-005 P01, PL-006 P01, PL-007 P01, PL_08 P01, PL-009 P01, PL-010 P01, PL-011 P01, PL-012 P01, PL-013 P01, PL-014 P01, PL015 P01, PL-17 P05 Rev. C, PL-18 P05 Rev. C, PL-19 P05 Rev. C, PL-20 P04 Rev. E, PL-21 P06 Rev. E, PL-22 P06 Rev. E, PL-23 P05 Rev. F, PL-24 P06 Rev. E, PL-25 P04 Rev. E, PL-26 P04 Rev. C, PL-27 P04 Rev. C, PL-28 P06 Rev. E, PL-29 P05 Rev. D, PL-30 P04 Rev. C, , PL-03 P02, PL-04 P02, PL-05 P02, PL-06 P02, PL-07 P02, PL-08 P02, PL-09 P02, PL-10 P02, PL-11 P02, PL-12 P02, PL-13 P02, PL-14 P02, PL_15 P02, PL-31 P04, PL-32 P01, PL-33, Appendix A-Checklists (Code of Construction Practice- Level 1 and Level 2 Developments), Draft Management Plan dated June 2019, Ventilation/Extraction Statement dated 11/06/2019, Daylight and Sunlight Report for the Proposed Alterations at 4-5 Buckingham Gate, London, SW1E 6JP prepared by Malcolm Hollis (Ref:66765/IM (Rev B)) dated 12 July 2018, Flood Risk Assessment Issue P03- 14 June 2019, Transport Statement dated June 2019 prepared by Steer (Ref: 22662903), Energy and Sustainability Report dated June 2019 prepared by Harley Haddow, Planning Statement dated June 2019, Sustainable Drainage Report Issue P03- 14 June 2019 prepared by Meinhardt (UK) Ltd and Planning Compliance Report (Report 13704-NIA-01 RevE dated 14 June 2019 prepared by Clement Acoustics.

For information purposes: Design and Access Statement Rev. D dated July 2019, Structural Investigation Report (Ref: 10260B(ii)/BM/SCW (Rev 1) prepared by Meinhardt (UK) Ltd dated 16 November 2018, Structural Method Statement Issue P3- 14 June 2019 (Ref. 2358-S-SMS-001) prepared by Meinhardt (UK) Ltd and Accurate Visual Representations (AVR1/3) dated June 2019 prepared by Preconstruct Limited.

Case Officer: Zulekha Hosenally

Direct Tel. No. 020 7641 2511

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

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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings (sections, plans and elevations at a scale of 1:10 or 1:20 showing the following alteration(s) to the scheme:
 - i) provision of traditional side hinged double doors to the rooftop pavillion (see informative 14);
 - ii) replacement of the metal balustrade at rear second floor level (in front of Rooms 208 and 209) with individual Juliette balconies set within the window reveals; and
 - iii) omission of the door and Juliette balcony (serving Room 109) with a window to match the adjacent new windows.

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. (C26UB)

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 Birdcage Walk 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
 - i) New sesame stair lift to the front entrance steps to 5 Buckingham Gate.
 - ii) Platform service lift within front basement lightwell fronting Buckingham Gate; and
 - iii) Works to the railings and plinth fronting Buckingham Gate to facilitate the installation of the platform lift.

You must not start work of these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development

contributes to the character and appearance of the Birdcage Walk 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 submit detailed drawings at a scale of 1:10 and sections at 1:5 where appropriate of the following parts of the development:
- i) Roof level pavilion;
 - ii) Windows and balconies to windows at rear second and third floor level;
 - iii) External doors;
 - iv) Metal guard rails; and
 - v) Roof level plant equipment (to rise no higher than the adjacent roof ridge line).
- you must not start work of these parts of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Birdcage Walk 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 The railings shall be painted black and retained that colour.

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 Birdcage Walk Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must carry out the works in accordance with the Structural Method Statement Issue P3- 14 June 2019 (Doc. Ref. 2358-S-SMS-001) or in accordance with other details 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 Birdcage Walk 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)

- 8 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing of the brickwork to all new elevations.

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 sample panels. (C26DB)

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 Birdcage Walk 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)

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the balcony. (C26OA)

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 Birdcage Walk 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)

- 10 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building. In reaching this decision the following were of particular relevance: S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: * any extra work which is necessary after further assessments of the

building's condition;* stripping out or structural investigations; and * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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.