

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 March 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	South West Wing, Bush House, Strand, London, WC2B 4RD		
Proposal	Refurbishment and reconfiguration of the existing Bush House South-West Wing including an extension at roof level, rear extension; minor demolition works associated with internal and external alterations to provide class E at ground floor and dual alternative use for either Class E (office) or Class F1 (educational) at basement, part ground floor and first to tenth floor, outdoor terraces, hard and soft landscaping and associated works.		
Agent	DP9 Limited		
On behalf of	Derwent London BH Limited		
Registered Number	21/07179/FULL	Date amended/ completed	19 October 2021
Date Application Received	19 October 2021		
Historic Building Grade	Unlisted		
Conservation Area	Strand		

1. RECOMMENDATION

1. Grant conditional permission, subject to a s106 legal agreement to secure the following:
 - a) A financial contribution of £281,580 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
 - b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
 - c) In the event the office use is implemented, a financial contribution of £132,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
 - d) Measures to protect the trees adjacent to the site during the works; and
 - e) The costs of monitoring the S106 agreement.
2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

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

2. SUMMARY

The application building forms part of a complex collectively known as Bush House. The application building is the South West Wing. It is within the Central Activities Zone (CAZ). Its lawful use is as offices (Class E) – Her Majesty’s Revenue and Customs occupied the building as their offices until 2021. The building is unlisted but is within the setting of other buildings within the complex which are grade II listed, including the Central Wing and India House. The site is within the Strand Conservation Area.

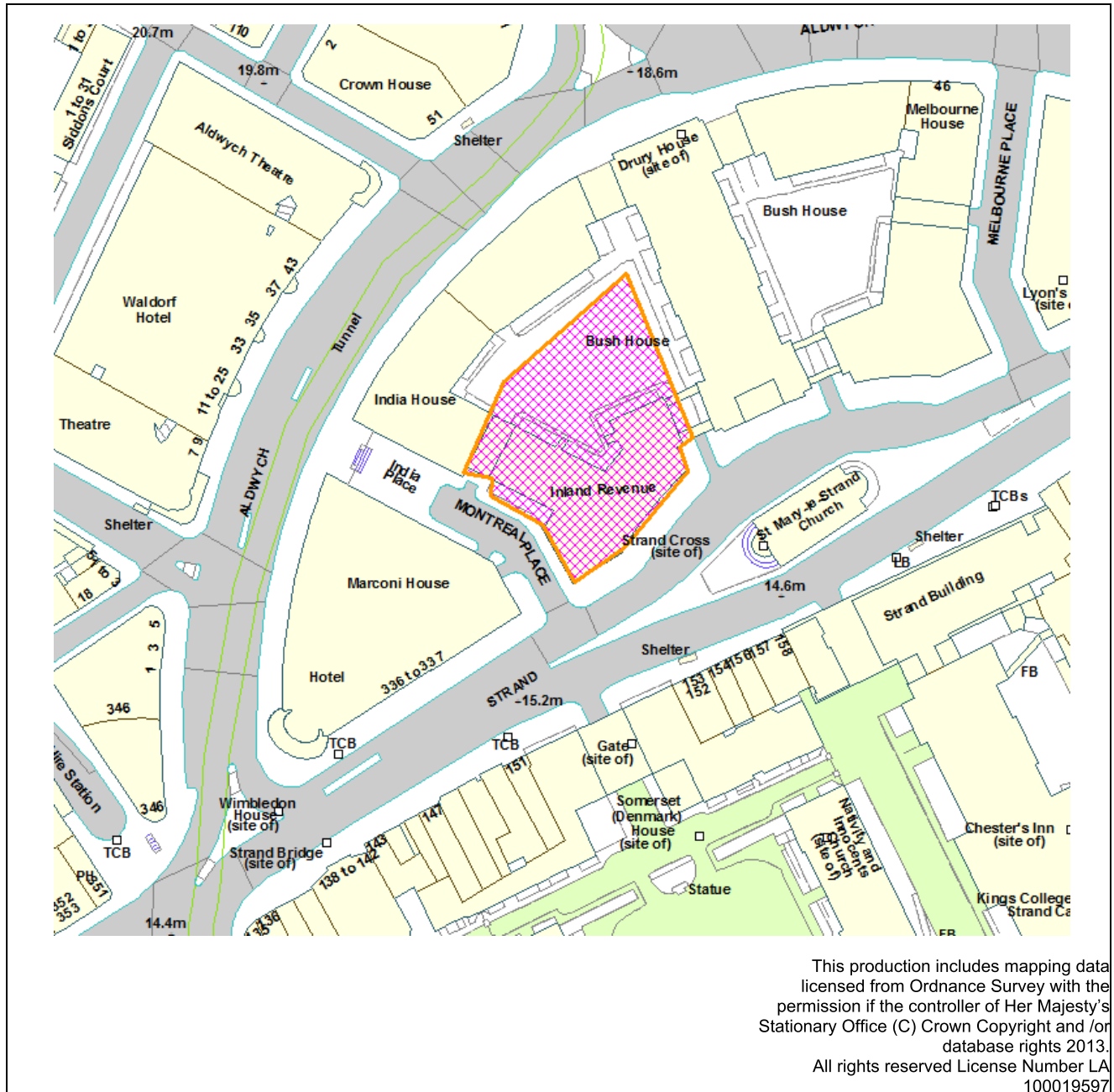
The application proposes to extend the building rearward into the courtyard, and at roof level, in connection with continuing to use the building for offices or to use it for a new educational use. There would also be two new retail/ restaurant units at ground floor facing Strand. The application proposes various other alterations/ improvements to the building, including providing new roof terraces, landscaping, cycle storage, a new servicing area, photovoltaic panels and air source heat pumps and the removal of car parking spaces.

The key issues in this case are:

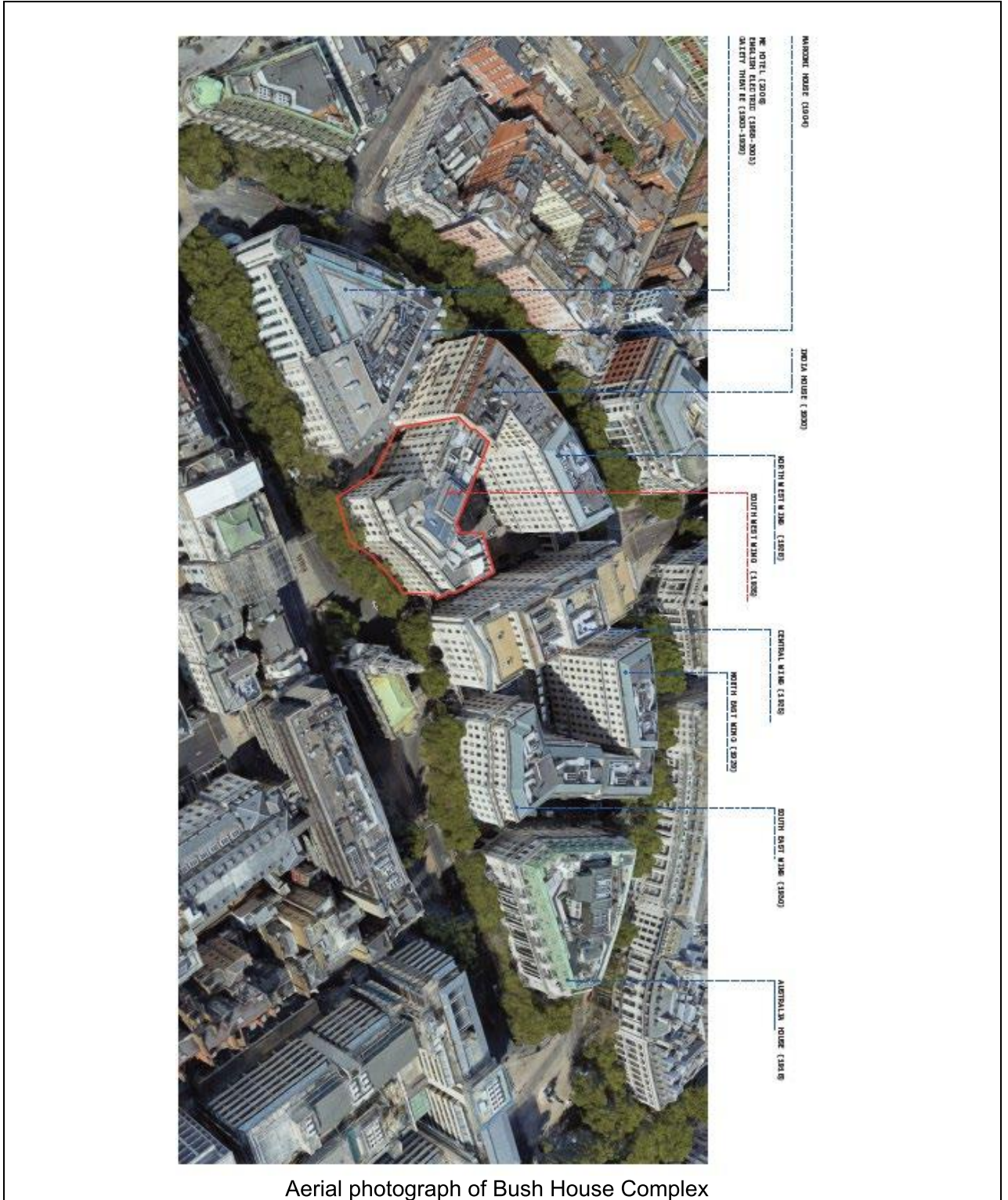
- The acceptability of the proposal in land use terms;
- The impact of the extensions on the character and appearance of the Strand Conservation Area and the setting of other adjacent heritage assets;
- The impact of the proposal on residential amenity;
- The impact of the development on the highway network; and
- The sustainability of the development.

The proposed development is considered against the policies in the adopted City Plan 2019-2040 (April 2021) and London Plan (March 2021). The principle of either new commercial or educational floorspace is acceptable in this part of the CAZ. The proposals would result in numerous planning benefits, and while there would be some impact on neighbouring buildings, the resultant situation would not be unusual in this urban context. The development is therefore recommended for approval subject to the conditions set out in the draft decision letter and the completion of a S106 legal agreement.

3. LOCATION PLAN



4. PHOTOGRAPHS



Aerial photograph of Bush House Complex



View from Strand - Upper Facade



View of Montreal Place from Aldwych



View from Strand - Lower Facade



Montreal Place Facade

Photographs of Strand and Montreal Place facades



Bush House - Courtyard Elevation



Courtyard Elevations of Surrounding Buildings

Photographs of Courtyard facades

5. CONSULTATIONS

WESTMINSTER SOCIETY:

Any response to be reported verbally.

DEPARTMENT for LEVELLING UP, HOUSING & COMMUNITIES:

The Secretary of State (SoS) has received a request for him to call in the planning application for his own determination. The Department's policy is not to consider whether call in is appropriate until a planning application has completed the local planning process. The Planning Casework Unit will monitor the application to the point where the committee decision is known at which point, if [resolved for approval], the SoS will begin his consideration.

HISTORIC ENGLAND (Listed Buildings/ Conservation Areas):

No comments.

HISTORIC ENGLAND (Archaeology):

The site lies in the Tier 1 Archaeological Priority Area covering Lundenwic and the Strand which recognise that this is an area of nationally significant archaeological interest encompassing one of England's few major international trading ports of the Middle Saxon period. During the course of the application test pits were dug, unfortunately these have identified deep truncation down into the natural London Clay. No archaeological remains were found in the test pits. Comparison with levels of features found in nearby excavations suggests that only the lower parts of deep features such as cellars and wells might survive. While we can conclude that the Bush House Site has generally low archaeological potential, we think it is possible that individual features of significance might survive in meaningful form. But the likely significance of potential discoveries is such that the effect can be managed using a planning condition.

METROPOLITAN POLICE:

There is a high level of anti-social behaviour, theft and other crimes in the area. The police recommend several measures to ensure the building is more secure, including relating to internal management and layout.

In relation to Counter Terrorism, there seems to be a good 'air-lock' vehicle access control system and any problems regarding the Indian High Commission being overlooked could be solved by the application of window film. The refurbished Bush House should incorporate suitable glazing as recommended by CPNI, which can be found on their web site. Both buildings will benefit from vehicle access control incorporated in the new Strand/Aldwych public realm scheme.

FIRE, HEALTH and SAFETY EXECUTIVE:

Not necessary to consult (not a relevant building).

THAMES WATER

No objection to the impact on the capacity of the Combined Waste Water network. No objection to impact on the capacity of the water network and water treatment infrastructure capacity.

As the development is within 15m of a strategic sewer, a condition is required for a method statement for piling works.

ENVIRONMENTAL HEALTH:

No objections on environmental grounds, subject to conditions. The design criteria for equipment is acceptable, and conditions are required to ensure the specific plant equipment and operations of a back up generator is acceptable. Noise from the roof terraces are likely to be acceptable, subject to conditions to control their use.

In terms of air quality, the site suffers pollution but the proposals include mechanical ventilation systems to improve it internally for users of the building, should a sensitive use (educational) be implemented. The development would not worsen local air quality.

Conditions relating to contaminated land and kitchen extracts are also required.

WASTE PROJECT OFFICER:

No objection, subject to a condition to ensure adequate waste and recycling provision is provided.

HIGHWAYS PLANNING TEAM:

Subject to conditions to provide details and ensure they are provided, the proposed cycle parking arrangements are acceptable. It is accepted that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes. The loss of the off-street non-residential car parking spaces is consistent with Policy 27 and welcomed. Off-street servicing is provided and this is welcomed. A rapid charge point is proposed for the loading bay and this is welcomed. The creation of a new pedestrian link and private public realm is welcomed. If considered a planning benefit, it should be secured via a Walkway Agreement to ensure access is retained and consistent with Policy 25 and 43.

WCC ECONOMY TEAM:

Based on the total net uplift of floorspace and on the Inclusive Local Economy and Employment document, this scheme needs to provide a financial contribution of £132,000 to the Westminster Employment Service

PLACESHAPING (Public Realm):

Strongly support the activation of the ground floor for public use along Strand frontage. Further opportunity for F&B to spill from frontage into the new public space on the Strand. Support the opening of the courtyard to increase publicly accessible space in the area and to create a new north-south public route/ connection and provision of additional greening. Would like to see addition of increase cycle parking provision for public use. Any external lighting scheme to be coordinated with the SA proposals for architectural lighting (Michael Grubb Studio report). For the courtyard materials to reflect the materiality of the final SA scheme to feel cohesive. Can conditions be placed to reduce the amount of vehicular traffic to the building? Opportunity for any additional measures that could improve air quality (or not make it worse). Supporting the whole Climate Emergency agenda and our Sustainability agenda – throughout design, build and occupation. Explore opportunity to identify potential for S106 towards the full and final Strand scheme.

ARBORICULTURAL SECTION:

There are several Council-owned London planes growing in the pavement to the north of Bush House. The submitted Arboricultural report states that these will need to be pruned back from the property but that the extent of pruning will not exceed previous points where the trees have been reduced for routine maintenance. This extent of pruning would be acceptable but must be carried out by the Council's own contractor. These trees roots will also be protected, and a condition is recommended to ensure this is the case. Details of the landscaping are required.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 326

Total No. of replies: 3 (excluding duplicates)

No. of objections: 2

No. in support: 1

In summary, one neighbouring resident and the High Commission of India object to the proposals for the following reasons:

Land Use:

- The City Council would have limited control over what Class E uses can occur within the building.
- Restaurants at ground floor and roof level would considerably increase the number of people and vehicles in the area (compared to civil servant offices) to the detriment of the High Commission.
- The office or educational uses will significantly increase the number of people using the building (compared to civil servant offices) and this will have a detrimental effect. The commercial use would have the greatest effect, the educational use could have less of an impact.

Impact on the Function and Security of the High Commission:

- The proposal gives rise to several security concerns;
- The proposal will prevent the effective operation of its diplomatic mission;
- The proposed activity in the courtyard would be uncontrolled and in close proximity to India House. This could impact on the safe and unimpeded access of its diplomats, staff and visitors;

Design and Townscape:

- The proposal would be harmful to the character and appearance of the area, including the setting of adjacent listed buildings and the submitted Townscape, Visual Impact and Heritage Assessment is insufficient;

Amenity:

- The proposal will have a detrimental impact on the amenity of the area in which India House is situated;
- The roof terraces, rear extension and roof extension increase the numbers of building in the building harmful to the High Commission, including in terms of noise disturbance;

- Diplomatic issues are of particular importance/ sensitivity. Increased numbers of people, high levels of noise, and the movement of large vehicles would have a greater detrimental effect on the amenity of the High Commission than others.
- Neighbours would be overlooked, including from the roof terrace (harmful to a residential occupier and the High Commission);
- No consideration has been given to the loss of light implications on the High Commission;
- The proposals would increase noise disturbance, including from the roof terrace (harmful to a residential occupier and the High Commission);
- The proposal would create an overbearing affect for the High Commission;

Highways/ Transportation:

- Servicing and deliveries would increase and would be harmful to the area/ High Commission;

Construction Impacts

- Noise, disruption and pollution from building works would be harmful to the High Commission.

In summary, King's College London support the proposals for the following reasons:

Land use:

- The proposals adhere to the development plan. The option for an educational use is welcomed.

Design, Townscape and Public Realm:

- The extension of the building would be in-keeping with its surroundings, is sensitively designed;
- The public realm enhancements in the courtyard would complement those to Strand and Aldwych, and would allow a north south link;

Air Quality and Energy:

- The extended building would be more sustainable and would improve air quality being all electric.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application building forms part of a complex collectively known as Bush House. The application building is the South West Wing, which is an unlisted building bounded by Strand and Montreal Place to the south and west respectively. The site is within the Strand Conservation Area. The Strand Conservation Area Audit identifies the building as an unlisted building of merit.

To the rear is a courtyard enclosed by the application building and other buildings which form part of the wider Bush House complex. These include the grade II listed India House which is home to the High Commission of India, the grade II listed Bush House Central Wing and the unlisted Bush House North West Wing which are both part of King's College London. On the opposing side of Montreal Place to the west lies the grade II listed Marconi House which includes residential flats as well as a hotel. The grade I listed Church of St Mary Le Strand lies to the south, as does the grade I listed Somerset House and grade II listed 152 and 153 Strand.

The application building has been used for offices (Class E). Her Majesty's Revenue and Customs occupied the building until July 2021, when they vacated. The building comprises 12,739 sqm (GIA) of floorspace, over basement, ground and eight upper storeys (plus roof top enclosures). It is located within the Central Activities Zone (CAZ), the West End Retail and Leisure Special Policy Area (WERLSPA) and the West End Strategic Cultural Area. Strand and Aldwych are main thoroughfares through the city and comprise a significant amount of educational and cultural uses. The area also includes commercial uses, diplomatic uses, residential uses, hotel uses and other visitor infrastructure.

Westminster City Council are undertaking public realm works in the area. These improvements in the Strand Aldwych area will be undertaken between 4 January 2021 and late 2022. The closure of the Strand to vehicular traffic will make way for a new public space. The vision is for the area to become "a global creative and cultural quarter which will be an international beacon for creativity, enterprise and learning".

The courtyard to the rear of the site is similar in size to a courtyard found on the eastern side of the Bush House complex. Unlike the eastern courtyard, it is used for car parking. The space is divided between the occupiers of the surrounding buildings (a portion of which belongs to the application site).

6.2 Recent Relevant History

There is no relevant planning history.

7. THE PROPOSAL

The applicant seeks planning permission for the "refurbishment and reconfiguration of the existing Bush House South-West Wing including an extension at roof level, rear extension; minor demolition works associated with internal and external alterations to provide class E at ground floor and dual alternative use for either Class E (office) or Class F1 (educational) at basement, part ground floor and first to tenth floor, outdoor terraces, hard and soft landscaping and associated works."

The roof extension would be single storey and would replace the existing plant enclosures at roof level. New set back roof top plant enclosures, as well as roof terrace and associated function room, on top of the roof extension is also proposed. Together, these would rise no higher than the existing highest part of the roof. The rear extension in the courtyard would rise from ground to roof level. Roof terraces would also be provided at ninth and seventh floor levels.

The new courtyard elevations would exhibit a double height colonnade in stone at ground and first floors with large metal framed openings and stone detailing. Above, again in stone to align with the existing building and wider complex, the elevation would be characterised by uniform metal framed windows and stone detailing. The roof terraces would include metal balustrading, and the roof extension would be a metal clad mansard design.

In addition to extending the into the courtyard, the proposal involves the removal of existing car parking spaces and introduction of new hard and soft landscaping in the courtyard. The applicant's initial submission indicated that this area would be opened to the public for the first time, but they have since advised that for various reasons, including that the applicant does not enjoy independent control of all the area, this would not be possible to propose under this application (although it remains an aspiration).

The application proposes the extended and altered building to be used for either offices or for higher education, except for two ground floor units which would be for either retail or restaurant uses.

The application also proposes new cycle parking facilities, new servicing arrangements, new electric heating and cooling systems and new green infrastructure amongst other features.

The existing and proposed floorspace figures are set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class E)	12,739	0	-12,739
Flexible Office or Education (Class E or F1)	0	16,497	+16,497
Retail or Restaurant (Class E)	0	315	+315
Total	12,739	16,812	+4,073

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals involve most of the extended building being used flexibly for either offices or for higher education, circa 16,497sqm (GIA). The applicant would be able to change between these two uses for a 10 year period under the rights provided for by the General Permitted Development Order, and this would allow the applicant flexibility in terms of prospective tenants.

As such, the proposal could result in either an uplift in office floorspace, circa 3,758sqm (GIA), or could result in the loss of the existing office floorspace, circa 12,739sqm (GIA), and provision of the new higher education use.

Two commercial units for either retail or restaurant are also proposed at ground floor, circa 315 sqm (GIA).

Provision of office uplift

In relation to the option to use most of the building for offices, Westminster's City Plan 2019-2040 (City Plan) Policies 1, 2, 13 and 14 are relevant. These support office growth and modernisation to provide at least 63,000 new office-based jobs, alongside other forms of commercial growth in the city. Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character, including within the WERLSPA.

London Plan Policies SD4 and E1 support growth of office floorspace in the CAZ and the provision of new and refurbished office space and mixed-use development which would improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies while Policy E3 supports provision of affordable workspace at rents maintained below the market rate for that space.

An objector considers an extended office will significantly increase the number of people using the building and this will have a detrimental effect on the area and neighbours. However, the new office floorspace proposed in this location would be welcomed in respect to the aforementioned policies. The site is within a mixed use area which is appropriate for commercial growth. Strand and Aldwych are main thoroughfares through the city and comprise a mix of uses, including commercial, educational, cultural, hotel and some residential uses. An uplift in office accommodation would help contribute toward the City Plan target in office-based jobs growth within the city. The proposal also represents an improvement in terms of quality over the existing office floorspace given modern extensions and other improvements are proposed.

London Plan Policy E2 requires consideration be given to office floorspace for small to medium sized companies. The Applicant explains the building's layout is such that it would be capable of providing space for small to medium size companies. The building has been designed with flexibility to be let as a whole, floor by floor, or subdivided to two tenants per floor. There is a possibility for a divide within a floor if they are split that would ensure fire escape route requirements, amongst other requirements, are maintained. The applicant explains the building could contain up to 19 tenants in total, 2 per floor, starting at 350sqm (suitable for a small or medium sized business). The occupier type could be mixed therefore, and the applicant considers that office floorspace in this location lends itself towards professional, legal and DAMIT (design, advertising, media, information and technology) businesses. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

London Plan Policy E3 requires consideration be given to affordable workspace in the following circumstances: where there already is affordable workspace on site; where the site is within an area where affordable workspace is at risk (as identified in the City Plan); or an area where affordable workspace is necessary/ desirable to sustain a mix of business or cultural uses which contribute to the character of an area (as identified in the City Plan). In this case, there is no existing affordable workspace on site. City Plan Policy 13 states proposals involving the provision of affordable workspace will generally be supported throughout the commercial areas of the city, but the justification goes on to identify two areas in the north of the borough where this will be encouraged. While it also states such provision elsewhere in Westminster could be welcomed, the City Plan does

not identify the Strand/ Aldwych as an area where existing affordable workspace is at risk from cost pressures or where affordable workspace is required to ensure the character of the area is maintained. Therefore, while affordable workspace would have been welcomed had the applicant proposed it, given the policy context it is not considered reasonable to require the applicant provide it in this instance.

As raised by an objector, an unrestricted Class E use would not accord with the City Plan because other Class E uses would have differing impacts and potentially more harmful impacts. Moreover, the applicant has not provided details of other uses in their submission. Given offices are supported in this location as they would contribute to an appropriate mix of uses that supports the vitality, function and character of the CAZ and the WERLSPA, it is recommended that a condition be attached to ensure the use of the indicated areas floors is maintained as offices, and not changed to other Class E uses, should the Class E use be implemented (the applicant could change to the other proposed educational use, however).

Provision of education

In relation to the option to use most of the building for educational use, City Plan Policies 1, 2, 13,14 and 18 are relevant. This option requires the loss of the existing office floorspace, and while Policy 13 encourages office uses in this area and notes that office floorspace loss from the CAZ could undermine its key strategic employment function, it does not prevent their loss to educational uses. Indeed, an educational use would continue to provide employment on site. The world-class higher educational institutions of King's College London and the London School of Economics are already a significant presence within the area and they provide a significant source of employment, contribute towards a highly skilled workforce, support the clustering of the knowledge economy, and are internationally recognised for their research reputations. King's College London have written in support of the application in part because it proposes to use the building for educational purposes. While objecting, the Indian High Commission considers an educational use to be less harmful than the office option.

The applicant indicates that the proposed educational use would be for a higher educational institution – and it is envisaged that it would be used for an existing institution with a presence in the area if this option were implemented (i.e. King's College London or London School of Economics). Policy 18 states that the improvement and expansion of Westminster's world-class higher educational institutions will be supported in principle, in recognition of the economic benefits they provide to Westminster, London and the UK. Providing this additional space to a higher education institution would help them to maintain and enhance their international standing and thereby help them continue to attract the best talent to London. Therefore, the principle of additional higher educational floorspace in this location is acceptable. A condition is attached to ensure that, should the educational use be implemented, an operational management plan is provided detailing how the facility would be used in order to ensure that the impacts on the surroundings are suitably managed/ mitigated.

To maximise the community benefits of new educational uses, the City Plan encourages educational facilities be made available and adaptable for public use, where this does not compromise their primary purpose and operational needs. The City Plan explains multiple purpose use of such facilities can help make efficient use of scarce space and

overcome any deficiencies in dedicated community space within a locality. Given that that the applicant does not have a specific use or tenant determined at this stage, it is understandable that the applicant has not provided detail of such provision at this stage. A condition is recommended to require the applicant submit a plan outlining how community use who be provided for should the educational use be implemented.

While ancillary community uses are encouraged, an unrestricted Class F1 would not be appropriate in this case. This use class contains multiple uses which would have differing impacts for which the applicant has not provided details and these alternative uses could be inappropriate in this location, this includes other educational uses such as schools. Therefore, it is recommended that a condition be attached to ensure the educational use is for higher education only.

Provision of retail of restaurant

The application site is located within the CAZ and WERLSPA. City Plan Policies 2, 14 and 16 supports the provision of retail uses within these locations. Policy 2 supports a range of commercial uses, including retail and restaurant uses, in the WERLSPA and CAZ. Town centre uses to meet the needs of residents, workers, and visitors are supported in principle throughout the parts of the CAZ with a commercial or mixed-use character, having regard to the existing mix of land uses in the area. Policy 16 states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location.

London Plan Policies SD4 and SD8 also support growth of retail use in this area. London Plan Policy E9 promotes a successful, competitive and diverse retail sector and supports sustainable access to goods and services for all Londoners.

An objector considers the application building is inappropriate for retail/ restaurant uses, and such uses would be detrimental to the area/ neighbours. An objector refers to a tenth floor restaurant being proposed, but this is not the case – there would be a function room and roof terrace at that level which would be associated with the office/ educational use only. The City Council's Place-Shaping Team strongly support the activation of the ground floor for public use, given such uses would contribute to the success of the Strand/ Aldwych Public Realm scheme which would see this part of Strand be pedestrianised.

As set out previously, the area contains a mix of uses and is a busy, bustling part of the city given the prominent uses in the area and that Strand/ Aldwych are major thoroughfares through the West End. Retail and restaurant uses are welcomed in such locations and subject to conditions to control their use, would not unduly impact on their surroundings (including opening hours).

The building may require ventilation and extraction for kitchens associated restaurant/ café uses on the ground floor. The Environmental Health Team have advised further details of the kitchen extract will be required, including its termination. A condition is recommended to ensure that this is provided.

An unrestricted Class E use for the ground floor units may not accord with the development plan. This is because uses which do not serve visiting members in this

location would undermine the benefit to the vitality, function and character of the CAZ, the WERLSPA, that the proposals provide. Other Class E uses will also have differing impacts which the applicant has not provided details of. Therefore, it is recommended that a condition be attached to ensure the ground floor commercial units are maintained for retail/ restaurant/ cafe uses and not changed to other Class E uses.

8.2 Townscape and Design

Policy and Legislation

Key considerations in assessing the proposals are the impacts upon the appearance of the building, the setting of nearby listed buildings and the character and appearance of the Strand Conservation Area. Proposals have been assessed against the National Planning Policy Framework (NPPF), specifically chapters 12 and 16, as well as policies 38, 39, 40 and 43 of the City Plan

City Plan Policy 38 states new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design....(B) respond to Westminster's context by positively contribution to Westminster's townscape and streetscape.

City Plan Policy 39 states that development within the settings of, or affecting views of, listed buildings will take opportunities to enhance or better reveal their significance. Conservation Areas must also have their character and appearance preserved or enhanced by development. The policy also notes that there will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved.

City Plan Policy 40 states that development will sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape. It goes on to state that spaces and features that form an important element in Westminster's local townscapes or contribute to the significance of a heritage asset will be conserved, enhanced and sensitively integrated within new development. Alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape. Roof extensions will be supported in principle where they do not impact adversely on heritage assets and should: where part of a terrace or group already characterised by roof additions or alterations, be of appropriate design which follows an established form and would help unify the architectural character of the group.

City Plan Policy 43 explains that development will contribute to a well-designed, clutter-free public realm with use of high quality and durable materials capable of easy maintenance and cleaning, and the integration of high-quality soft landscaping as part of the streetscape design.

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In considering whether to grant planning permission for development which affects a*

listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Considerations

The Bush House complex was conceived following a competition for the laying out of Kingsway and Aldwych following slum clearance in the late nineteenth century. Its original function was to be an international trade centre with exhibition galleries, shops, conference rooms, reference libraries, a small theatre, badminton court, cinema, swimming-pool, club and restaurant. Though designed as a set piece by Architect Harvey W Corbett, the buildings were constructed during different phases, with Bush House Central Wing being completed first in 1925 and the southwest wing the last to be completed in 1935.

The vision on the development evolved due to the economic down turn which followed the completion of Bush House Central Wing, which at the time was declared to be “the most expensive building in the world”. As such the outer wings, including the South West Wing, were adapted to office use and exhibited more modest architectural details.

Though not constructed at the same time, the complex of buildings has an overall uniformity, with a connected architectural language and monumental scale, with the Bush House Central Wing being its centre piece.

The application site is an unlisted building of townscape merit, which makes an important contribution to the Bush House complex as a distinguished group of buildings, and which define the street layout and character of Strand and Aldwych. It therefore makes an important contribution to the character and appearance of the Strand Conservation Area.

The site also lies within the direct setting of several grade II listed buildings including Marconi House, India House, Bush House Central Wing, and Australia House, which all form part of the Aldwych Island. As well as grade I listed St Mary’s Le Strand Church, Somerset House, and Kings College Old Building to the south.

Arranged over a basement with nine-floors above, the top two of which are slightly set back, the South West wing is faced in Portland stone, articulated by multi-pained steel

windows. Its facades are modestly detailed with most of the more decorative stone details limited to the ground and first floor levels of the Strand facing facades. At present the roof features a substantial ashlar faced plant enclosure which extends to two storeys, as well as various unscreened plant equipment.

To the north of the building is a courtyard, mainly enclosed by the neighbouring buildings, India House to the north and Bush House Central Wing to the east. Currently the area is entirely hard landscaped and predominantly used for car-parking, creating a hostile environment for pedestrians and an unattractive space.

The proposals intent to refurbish and reconfigure the existing South West Wing including an extension at roof level and to the rear. Minor demolition works are also proposed associated with internal and external alterations. Hard and soft landscaping to the rear courtyard is also proposed.

Elevation changes:

To improve accessibility and open-up the frontage of the building, proposals including lowering the cills of the existing ground floor windows fronting the Strand. The alterations will include the installation of new dark bronze shopfronts, which have been designed to maintain the proportions and appearance of the ground floor, whilst delivering a more active frontages suitable for the new retail units.

Rear Extension:

Proposals include a ground floor plus eight storey extensions to the courtyard elevation of the building. The extension would be set in from the side of the building but would project into the rear courtyard. Nonetheless, much of the courtyard would remain undeveloped therefore maintaining much of the immediate setting of both India House to the north, and Bush House Central to the east.

Faced in natural stone, the extension has been sympathetically designed to replicate the composition and appearance of the host building, expressing a double height base, middle and top, which is defined by two receding storeys. The base of the rear extension incorporates double height glazing set in from a colonnade of stone pilasters which replicate those on main building. The middle continues the uniformity expressed on the main building, replicating the arrangement of window openings. Proportionally the window apertures replicate those on the original building but feature simplified window design. The extension is considered to be a well-proportioned and complimentary addition to the building. To ensure their quality and finish samples of the facing materials and details of the new windows are recommended to be secured by condition.

Roof Extension:

The proposals include a single storey, metal clad mansard at ninth floor level, with an external terrace around its perimeter, above which would be a set back enclosure containing plant and a function room area and terrace.

In the context of neighbouring buildings, the mansard would present an appropriate termination to the building. Its height, form and details successfully attempt to mirror the composition of the South East Wing, creating a balanced composition with the Central Wing. Samples of the roof material are recommended to be secured by condition.

The proposed function area at tenth floor level utilises the existing ashlar clad enclosure, with additional plant placed to the east and north, which will be screened by louvered screens pitch back to mimic a roof. The height of the tenth floor does not exceed that of the existing enclosure, and whilst cumulatively the elements will present some additional bulk, this has been successfully distributed across the site, to appear as a visually quiet coherent roof line, consistent with the wider complex.

Views:

In order to demonstrate the impact of the roof level alterations of the proposals, the application includes analysis of key views within the immediate area.

From the east along the Strand, the roof line will be glimpsed above the street line but will read as a traditional roof form and not overly assertive. From the west along the Strand, the proposed mansard will be read in place of the existing ashlar enclosure. Though moderately more prominent because of its grey finish, it will appear alongside equivalent roof forms, notably the southeast wing.

From Kingsway to the North, the rear and roof extensions will be visible through the formal building gap between Bush House Central and India House. Due to the palette of materials and regular fenestration arrangement, the proposals will not hinder this important townscape view of the Bush House Complex.

Concern has been raised by an objector regarding the applicant's townscape analysis. There will certainly be other views of the development, including longer views and private views of the development which have not been assessed. These will include views from Waterloo Bridge in the context of Somerset House where you can currently see the existing roof structures on the building. As set out above though, the applicant's proposal is for a roof extension which would successfully integrate into the host building and wider context.

Conclusion

The proposals generate some additional bulk and height, both at the rear of the site and at roof level. However, through sympathetic modelling, details and materials, the extensions are complementary in terms of scale and architecture to host building and neighbouring listed buildings. The scheme is considered to preserve the overall character of the Bush House complex and the character of the Strand Conservation Area therefore. The impact on designated heritage assets is considered to be neutral overall (i.e. no harm overall).

The roof extension would replace existing roof structures of a matching overall height. While it would add additional bulk, it would be viewed in the context of similar roof forms within the Bush House context – it would be compatible with this context therefore. The rear extension would add much additional bulk to the rear courtyard, but given the overall size of the courtyard, the existing size of the building and the suitable design of the rear extension, this would not harm the setting of adjacent listed building or the character and appearance of the conservation area.

The scheme complies with design policies 38, 39 and 40 as well as Chapters 12 and 16 of the NPPF and is supported on design and townscape grounds.

8.3 Residential Amenity

Most of the buildings within the immediate vicinity of the site are non-residential. Residents do reside on the opposing side of Montreal Place within Marconi House however, which contains over 80 residential flats

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

One neighbouring resident has objected on the grounds the proposal would harm their amenity in terms of loss of privacy and increased noise disturbance. The Indian High Commission have also raised concern about the impact loss of light, increased overbearing, loss of privacy and increased noise disturbance would have on the quality of their premises.

Sunlight and Daylight

The applicant has carried out an assessment on two neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The two neighbouring properties are Marconi House (where the residential flats are located) and St Mary-le-Strand Church. The commercial, diplomatic and higher education uses which are adjacent to the site have not been assessed, and the Indian High Commission raises objection to this.

Non-residential properties are not a priority of the BRE guide. Most non-residential properties ordinarily have a greater reliance upon supplementary electric lighting and thus have a lower expectation for natural light. It is residential uses which have the highest expectation for natural light. Some other uses may have a reasonable expectation of natural light, and the applicant considers a church to fall within this category (hence why the assessment includes this building). The High Commission have explained that the primary use of the building as diplomatic offices, with some ancillary uses. Large offices are not ordinarily considered to fall within a category that would have a high expectation of natural light, however. And given the similarity (particularly in terms of likely requirement for supplementary electric lighting) between an office and the use within India House, it is considered reasonable that the Daylight and Sunlight assessment would not include the India House.

The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms (i.e. living rooms), and it accepts that bedrooms are of less importance.

Daylight

The BRE methodologies for the assessment of daylight values is the 'vertical sky component' (VSC) and 'no sky line' (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the BRE guide suggests the loss of daylight could be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the BRE guide suggests the loss of daylight could be noticeable.

In terms of VSC, there are no breaches to any of the windows assessed in either Marconi House or St Mary-le-Strand Church.

In terms NSL, there would be eight rooms which breach this measure. These rooms are located on the fifth and sixth floors of Marconi House. The breaches are set out below:

NSL Breaches at Marconi House

Floor	Room	Existing NSL	Proposed NSL	Loss (sqft)	%Loss
5	R6/125	85.1	65.1	20	23.5
5	R7/125	79	61	18	22.8
5	R8/125	77.9	61.7	16.1	20.7
6	R5/126	173.1	119.2	53.8	31.1
6	R6/126	151.2	98.8	52.3	34.6
6	R7/126	133.8	88.9	44.8	33.5
6	R8/126	129.3	89.9	39.5	30.5
6	R9/126	133.5	96.4	37.1	27.8

The applicant's analysis indicates that rooms R6 and R7/125 on the fifth floor and rooms R6, R7 and R9/126 on the sixth floor are used as living rooms and the remaining affected rooms are bedrooms. The applicant notes that within these affected rooms, a view of the sky dome of between 58%-61% of the rooms will be maintained and the NSL coverage would be in excess of the existing levels enjoyed by many of the rooms on the floors below the fifth floor.

It should also be noted that the VSC for the windows to these rooms would not breach the guidelines, and in fact would retain relatively good figures. The VSC measure for the windows to the affected rooms on the fifth floor would each be around 16, and the measure for the windows to the affected rooms on the sixth floor would each be around 22. These figures within a dense urban environment such as this indicate a window which is receiving relatively typical levels of daylight.

While the losses in terms of NSL are regrettable, particularly to the living rooms which the BRE indicates should be afforded greatest protection, overall given the resultant daylighting circumstances outlined above would not be unusual in an urban context. Considering the losses in NSL with the VSC figures, the impact in terms of daylight would not be detrimental to the enjoyment of these flats.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The applicant's assessment found no breaches of the sunlight criteria.

Sense of Enclosure

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

The proposed building would include additional massing at both roof level and to the rear. In relation to the residential properties at Marconi House, the massing resulting from the rear extension would not impact on the flats there. The roof extension by virtue of additional roof level bulk would be visible from the flats. However, the roof extension would not rise higher than the existing highest part of the roof. The additional massing would also be set back from the elevations at the existing eight floor level. The distance between the application building and Marconi House is 15 metres at its closest point and the new roof extension would be over 18 metres at its closet point.

Overall, given the distance between the buildings and that the increased massing would existing roof top structures which themselves are which large, there would not be an undue increase in a sense of enclosure for the residents within Marconi House.

Overlooking and Noise from Roof Terraces

The proposal includes roof terraces at seventh, ninth and at roof level. These would allow views to some of the flats within Marconi House, on the opposing side of Montreal Place. At seventh floor, the roof terrace is narrow – it utilises an area of existing flat roof (which currently cannot be accessed) that measures less than 2 metres wide, and would wrap around the building at the rear, to Strand and partially to Montreal Place. At ninth floor level where the new roof extension would be situated, the roof terrace again would warp around the building, with a larger triangular area by the corner of the building on Montreal Place and another larger area to the rear. At roof level, there would be a further roof terrace facing toward Strand.

A neighbouring resident within Marconi House have raised concern in relation to overlooking and noise from the roof terraces.

Roof terraces are increasingly important amenities for offices, as well as educational

uses. Office and educational uses tend to use roof terraces during daytime hours only, and in a less intense manner as compared to some other uses, and therefore would not ordinarily be a source of significant harmful impacts to neighbours. In this case, the applicant agrees to measures to ensure that this would be the case. This includes a recommended condition which would ensure the applicant provides the Council with details of planters on the roof terrace, and ensure the planters are strategically positioned to prevent occupiers of the building standing by the balustrades of the roof terrace where they are closest to the neighbours – in particular at ninth floor level and at roof level where the balustrades run along the Montreal Place elevation. This would help mitigate overlooking of Marconi House. In addition, a condition is recommended to control the hours the roof terrace can be used so they cannot be occupied outside of 8am to 9pm Monday to Friday. A further condition is recommended to prevent the playing of music on the terrace.

With these measures in place, the impact of the roof terraces would not be so significant as to justify withholding planning permission on this basis.

Impact on Adjacent Non-Residential Premises

In addition to impacts on residential neighbours, the proposals would impact on India House, the North West Wing and Central Wing of Bush House and to a lesser extent St Mary le Strand Church. The additional mass to the rear and at roof level would reduce the openness of the rear courtyard area and increase the massing at roof level and this would impact on the windows/ rooms serving the Indian High Commission and King's College London which look into the courtyard area. Overall, and considering that the prioritisation should be given to the protection of residential amenity, the impacts would not be unduly harmful, however.

While the rear extension into the courtyard would result in significant additional mass in the courtyard compared to the existing situation, the resultant building would still be over 22 metres from the opposing elevations of India House and the North West Wing of Bush House. This is a greater distance than that which exists between the buildings on either side of Montreal Place – i.e. it is comparable to a typical street width within this dense urban environment. So, while there would be additional enclosure of the courtyard, and new closer windows, this would not be unreasonable in this case because it would result situation which is not unwarranted in such a location. A distance of this size between new windows and the existing windows serving neighbouring non-residential premises would not result in undue levels of overlooking. This is particularly the case given that the reasonable expectation of privacy within these neighbouring buildings would be lower when compared to residential premises. The roof terraces are to be controlled by way of conditions, as set out above, which would also help reduce any impacts on the neighbouring non-residential buildings. In terms of light, had the applicant assessed it would likely have shown there to be some impacts to some of windows/ rooms within the High Commission. However, for the reason set out above, this type of use would have a lower reasonable expectation for natural light. Moreover, given the good distance maintained between the extensions and India House, the impacts would not result in an unreasonable internal lighting situation.

Overall, the development would not result in unreasonable impacts on the neighbouring non-residential buildings.

8.4 Transportation/Parking

Cycle Parking

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. Long stay cycle parking for developments must be met within the development site itself. London Plan Policy T5 requires 1 space per 75sqm for offices, 1 space per 175sqm of retail/restaurant use and 1 space per 4 staff and 1 space per 20 students for a higher educational use.

For an office, 231 long stay cycle parking spaces would be required. For the restaurant/retail uses, 2 long stay cycle parking spaces would be required. A further, 28 short stay cycle parking spaces would be required to support these uses. For the higher education use, based on the staff and student numbers indicated, 82 long stay cycle parking spaces would be required to support this use, with 143 short stay cycle parking spaces.

The applicant proposes 10 spaces as Sheffield stands; 182 spaces within two-tier racks; and 60 foldable bicycle lockers as well as short stay cycling parking within the courtyard area. The Highway Planning Manager agrees this is an acceptable level of provision, and it will help support active/ sustainable modes of travel. While the proportion lockers for foldable bicycles is higher than guidance suggests it should be, overall given the level of cycle parking spaces, this is not opposed in this case. Conditions recommended to ensure the long stay cycle parking is provided and that details of the short stay cycle parking is secured and provided.

Car Parking

Within the courtyard there are 32 existing car parking spaces demised to the application building. The other buildings facing into the courtyard also have parts of the courtyard demised to them, which they use for car parking. India House has six tandem car parking spaces which can accommodate 12 cars, the North West Wing have 15 car parking spaces. For vehicles, the courtyard is accessed from Montreal Place. Because of the Strand/ Aldwych Public Realm Scheme, access from the Strand will no longer be possible.

The proposal involves the removal of all off-street car parking provision demised to the application building. The remaining car parking associated with India House and Kings College London would remain. The applicant, because parts of the courtyard are outside of their demise, are not able to propose a more comprehensive landscaping of the entire courtyard which would involve the loss of more car parking. Still, the applicant explains they understand that Kings College London would look to remove all or most of their car parking spaces as well in future.

City Plan Policy 27 and London Plan Policy T6.2 and T6.3 do not require car parking spaces be associated with office, retail or educational uses in this part of the City – car free developments are required. Therefore, the Highway Planning Manager welcomes the loss of the existing car parking that is proposed. The site is within a Controlled Parking Zone which means if even anyone does drive to the site, they will be subject to those on-street parking controls.

When the Strand/ Aldwych Public Realm scheme is completed, it is understood that accessing Montreal Place will be possible through the Eastern end of Strand, through the southern side of the St Mary le Strand Church and then into Montreal Place. There will be restrictions to access from 10am to midnight, but specific arrangements would be made for exceptions during the restricted hours to allow access for the building occupiers in the area and servicing.

Servicing

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to be provided in new developments. The proposal involves converting part of the courtyard area into a dedicated off-street servicing area, accessed from Montreal Place. This is welcomed by the Highway Planning Manager, and a condition is recommended to ensure that servicing occurs only within this area.

The applicant has supported the application with a Servicing Management Plan. This is welcomed by the Highway Planning Manager, although an updated plan is recommended to be secured by condition. This updated document would need to be more practical for ongoing day to day use and ideally contain further commitments to freight consolidation given the loading bays associated with the site may be able to provide servicing for other sites within the vicinity, including consolidation waste and recycle collection.

A rapid electric vehicle charge point is referenced in the submission for the loading bay. The detail of this is not clear, however. Details of the charging point and its provision is recommended to be secured by condition. It is expected that a rapid charge (minimum 50kW) would be provided to support electric freight delivery vehicle, allowing for top up charging. The provision would be consistent with London Plan and City Plan objectives.

Trip Generation and Travel Plan

While the scheme has no car parking and can be considered “car free”, it is expected that there will be motor vehicle activity associated with the site. Although, the Highway Planning Manager accepts that the majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (eg walking, cycling).

Given the sites proposed uses and location, a travel plan is not required.

As set out in the Land Use section of the report, and also recommended by the Highway Planning Manager, an Operational Management Plan is recommended to be secured by condition. This will help manage and mitigate the impacts on the surroundings, including as they relate to trip generation.

8.5 Economic Considerations

As set out in the Land Use section of this report, the proposals would result in economic benefits through an uplift in commercial floorspace or through a higher educational use. These benefits are a welcomed aspect of the proposals. There would also be a short-

term economic benefit by way of jobs generated as a result of the construction works.

8.6 Access

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. The submission makes clear that the proposed development has been designed with inclusive access in mind and has taken into account relevant policy, regulations and good practice. Step free access is proposed into each of the uses with lift access to the upper floors. A condition is recommended to ensure that these measures are provided.

8.7 Other UDP/Westminster Policy Considerations

Energy Strategy/ Sustainability

City Plan Policy 36 and London Plan Policy SI 2 require major development to be net zero-carbon, and follow the energy hierarchy, as set out in the London Plan. Where it is clearly demonstrated that zero-carbon targets cannot be fully achieved on-site, any shortfall can be provided for by a payment in lieu contribution to Westminster's carbon offset fund or off-site. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

Applicants must reduce carbon emissions by at least 15% through using energy efficiency measures under the 'be lean' requirements of the London Plan. The applicant's Energy Statement explains that energy use and demand would be minimised through the choice of new elements (i.e. roofs, walls, windows) with suitable thermal properties; use of energy efficient heating, cooling and ventilation systems (including Air Source Heat Pumps / Variable Refrigerant Flow systems and Mechanical Ventilation with Heat Recovery); use of efficient lighting; amongst other measures. In total, the applicant reports this would result in a reduction of 34.4% in regulated emissions below baseline through these proposed fabric and energy efficiency measures – more than the minimum 15% requirement set out in the London Plan.

In relation to the 'be clean' element of the hierarchy, the applicant has explored the feasibility of connecting to an existing district heating system. There are none which are currently operational in the area. there is a proposed network south of the river Thames, but the applicant does not consider it feasible to connect to this system because of the distance. Nonetheless, a district heating system could be proposed in future and therefore the applicant plans to dedicate a plant room which would allow future connection, and this is recommended to be ensured by condition.

In relation to the 'be green' element of the hierarchy, the applicant proposes the use of Air Source Heat Pumps to provide heating and cooling and proposes to install

photovoltaic panels at roof level in an area measuring 41sqm. It is accepted that these technologies are the most suitable for this type of building and location. While the photovoltaic panels would occupy a relatively small part of the roof, it is accepted that there must be a balance struck between this and other plant equipment (including the heat pumps) as well as other uses for the roof. The photovoltaic panels are likely the most that reasonably that can be provided and using an efficient electric only heating and cooling system is the most appropriate for the building. Therefore, it is considered that the proposals satisfy the 'be green' requirements. Conditions are recommended to ensure that these features are provided.

The applicant explains the proposed development would achieve an overall reduction of regulated carbon emissions of 61.3% - more than the minimum 35% requirement set out in the London Plan. In relation to net zero carbon however, there would be a shortfall which the applicant calculates as 98.8 tonnes of carbon annually. London Policy SI 2 and the Greater London Authority's Energy Assessment Guidance require shortfalls to be met off site or through a payment in lieu contribution of £95 per tonne (for a 30-year period) to the Council's Carbon Offsetting fund. The shortfall in this case is to be met through a payment in lieu contribution amounting to £281,580, which is recommended to be secured via a legal agreement.

In relation to the 'be seen' element of the hierarchy, the legal agreement (see section 8.12 of this report) is recommended to include an obligation to ensure the operational energy performance of the building is monitored in accordance with the London Plan.

City Plan Policy 38 also requires applicant's follow sustainable design principles and requires non-domestic developments achieve at least a BREEAM "Excellent" or equivalent standard. A condition is recommended to ensure the applicant provides evidence that this is achieved.

Biodiversity/ Urban Greening/ Street Trees

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

The existing site contains no planting. The proposals include the introduction of new planters and green wall to allow for new trees and plants within the courtyard and on the roof terraces of the building. During the course of the application, the applicant provided further details regarding soil depths and recalculated the Urban Greening Factor. The applicant reports the site would achieve a score of 0.27. Considering the site is largely built over and that the basement extends underneath the courtyard area, all planting must be within planters. The overall the score, while just below the target level, is a significant improvement over the current situation. While regrettable the target score has not been achieved or exceeded, a balance between the competing elements required to be located on the roofs of the building and within the courtyard must be reached. Therefore, the level of greening proposed in this case is considered acceptable. Conditions are recommended to ensure that it is provided, including further details of the

planting and that some of the roof terrace planting is relocated to improve overlooking impacts on neighbours.

In relation to measures for tree protection required during construction, it is recommended to be secured by legal agreement (see section 8.12 of this report) given that the existing street trees that require protection are outside of the application site.

Air Quality

City Plan Policy 32 commits the City Council to improving air quality in the city, it expects development to reduce exposure to poor air quality, it expects development to improve local air quality and it expects this to be explained within an Air Quality Assessment.

Strand/ Aldwych are busy and polluted roads. The public realm improvements whereby Strand would be partly pedestrianised should improve the situation. Nonetheless, the development could introduce a more sensitive educational use to this area of existing poor air quality.

The proposed development will include mechanical ventilation systems which the Council's Environmental Health Team have confirmed would result in future users of the building benefiting from acceptable air quality – a condition is recommended to ensure that this is provided.

The proposals involve no combustion sources, other than a back up generator. The applicant has carried out an assessment of the generator and the Council's Environmental Health Team agree it would not worsen air quality in the area, subject to a recommended condition regarding the use of the emergency generator.

The proposals also involve the loss of car parking. While vehicles would still be associated with the site, particularly for servicing, the loss of the car parking would reduce vehicle movements associated with the site. Further, as set out section 8.4 of this report, a condition is attached in relation to providing an electric vehicle charging point within the service bay to promote/ help enable servicing to be conducted by electric vehicles. Therefore, air quality would not worsen in this regard.

During construction, there could be temporary impacts on local air quality – however, a condition is recommended to ensure that the applicant provides evidence that they will be bound by the Code of Construction Practice (CoCP). The CoCP requires developers follow best practice which would minimise any of these impacts.

Noise/ Plant

The application includes plant to be located in in parts of the basement and at roof level. The applicant has established the design criteria for the new equipment. The Environmental Health Team raise no objection to the proposal but notes that the acoustic report submitted to support the application does not provided information on the specific plant that would be installed, and therefore a supplementary acoustic report is required which is recommended to be secured by condition, in addition to standard noise conditions.

Refuse /Recycling

Waste and recycling storage areas are proposed at basement level. There would be service lift to allow access from street level and it is proposed that waste collection takes place from the dedicated servicing area. The Waste Project Officer raises no objection to this arrangement, subject to a condition to ensure the waste storage area is provided.

Archaeology

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible

The site lies in the Tier 1 Archaeological Priority Area covering Lundenwic and the Strand. The area's archaeological importance is nationally significant, encompassing one of England's few major international trading ports of the Middle Saxon period. Historic England's Greater London Archaeological Advisory Service (GLAAS) initially provided comment stating that the applicant must carry out further investigative work before a planning decision is made. Therefore, during the course of the application, the applicant ensured test pits were dug. These have identified deep truncation down into the natural London Clay, and no archaeological remains were found in the test pits. GLAAS have explained that comparison with levels of features found in nearby excavations suggests that only the lower parts of deep features such as cellars and wells might survive in this area.

GLAAS advise that the Bush House complex has generally low archaeological potential, although they think it is possible that individual features of significance might survive in meaningful form. But the likely significance of potential discoveries is such that the effect can be managed using a planning condition. Therefore, a suitable archaeological condition is recommended.

Education and Skills

City Plan Policy 18 states major developments will contribute to improved employment prospects for local residents, and this will include through financial contributions toward employment, education and skills initiatives. A contribution, in line with the Council's Inclusive Economy and Employment guidance, is recommended to be secured by legal agreement (see section 8.12 of this report).

Flood risk and sustainable urban drainage

The site is outside of flood risk zones 2 or 3 and is outside of a Surface Water Flooding Hotspot. Therefore, the risk of flooding is low in this location. New developments can lead to increased risks of flooding in the city, however. Therefore, City Plan Policy 35 requires new development to incorporate Sustainable Drainage Systems (SuDS) to help alleviate the risk of flooding and reduce water run-off, and the applicant has submitted a SuDS strategy. It sets out that water attenuation would be achieved through planting and blue roofs, which will include permeable surfaces. The applicant reports that their measures would provide a 49% betterment on the existing surface discharge rate.

Contaminated land

The Environmental Health Team have explained historic maps from the 1870s suggest a printing factory and an iron foundry where located near to the application site. These uses could have contaminated the land and therefore a condition is recommended to ensure the applicant investigates and mitigates this risk appropriately.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

None relevant.

8.10 London Plan

Where relevant, the London Plan Policies relating to strategic issues are addressed within this report. The strategic issues include:

- Economic growth;
- Skills and education;
- World city role;
- Central Activities Zone;
- Urban design;
- Heritage;
- Inclusive access;
- Sustainable development; and
- Transport and parking.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement conditions, these include:

- to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development
- to ensure the possibility of contaminated land is investigated and mitigated; and
- to ensure the possibility of archaeological remains are suitably investigated and harms mitigated.

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

- a) A financial contribution of £281,580 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
- b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- c) In the event the office use is implemented, a financial contribution of £132,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
- d) Measures to protect the trees adjacent to the site during the works; and
- e) The costs of monitoring the S106 agreement.

The estimated Community Infrastructure Levy (CIL) payments are:

Mayor of London CIL: £745,484.17

Westminster CIL: £997,960.15

8.13 Environmental Impact Assessment

The proposals are not of a large that trigger a requirement for an environmental impact assessment.

8.14 Other Issues

Construction impact

The High Commission of India have raised concern regarding the negative consequences the construction work would have in terms of noise, disturbance and other disruption/ pollution. The applicant has submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would be willing to comply with the code. The CoCP recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control

over the monitoring of construction impacts. The CoCP requires approval for all aspects of the demolition and construction, including construction logistics. Given this, a pre-commencement condition requiring evidence be submitted to show the applicant will be bound by the CoCP is recommended. A further condition to ensure that noisy building is not carried out at anti-social times is recommended. These conditions would help mitigate the impact on neighbouring occupiers.

Crime and security

City Plan Policy 38 requires development introduce measures to reduce the opportunity for crime and anti-social behaviour. Prior to and during the course of the application, the applicant discussed their proposals with the Designing Out Crime and Counter Terrorism Officers of the Metropolitan Police Service. The High Commission of India have raised concern regarding the impact of the proposal on the security of their premise.

The existing building's courtyard area is shared between the High Commission, King's College London and the application site. Access into this courtyard is controlled through gates and limited to authorised personnel. The proposals seek to build on and landscape part of the courtyard, but access for the parts of the courtyard not controlled by the applicant would be maintained. The courtyard would be divided by a gate and fence across it to create an area separate from the landscaped area which would be shared between the application site (for use as a servicing area) and the High Commission (to allow them to continue to use the area for their car parking)

The applicant has updated their proposals to provide an 'air-lock' vehicle access control system into the shared area between the application site and the High Commission, which the Counter Terrorism officer notes would improve security access into the shared area. Both buildings will also benefit from the vehicle access control to be incorporated in the new Strand/ Aldwych public realm scheme which will see vehicle access limited into Montreal Place as well as new hostile vehicle measures put in on Strand and Aldwych.

The remaining part of the courtyard which would be landscaped would allow for occupiers of the development to enjoy an outside space. Given the proposed gate and fence separating this area, it would not pose any significant increase in security risk to India House. This landscape area would also only be for authorised visitors/ users of the building (like the current courtyard) and this area would be physically separated by the gate and fence in any case. While the applicant had initially proposed for the landscape area to be public and proposed to create a north south pedestrian connection between Strand and Aldwych, the applicant does not have full control of the land involved. The gate on the Strand entrance and the gate on Aldwych entrance of the courtyard are not in the applicant's ownership, and so it is outside of their gift to propose. While this could have been a benefit to the area, in terms of security and access into the courtyard it means the proposed situation would be comparable to the existing situation.

The High Commission have verbally raised further concerns regarding the gates at Montreal Place and the control of them. The High Commission explain that they have access rights into the courtyard and, given the current and proposed gates to the Montreal Place entrance would be operated and controlled by a third party, this would be unsatisfactory to them. While ownership and rights of access into the courtyard is a

matter the Applicant and the adjoining building owners must resolve between themselves (the Council should not be involved), an Operational Management Plan is recommended to be secured by condition. The recommended condition requires the Applicant explain the security arrangements of the building, including as they relate to the courtyard. This would ensure that suitable arrangements are approved that make sure the development does not pose a security risk to the area or the operations of the High Commission. The High Commission have also raised numerous concerns regarding the public realm scheme on Strand/ Aldwych and the impact that it has had on them, however these concerns are outside of the scope of consideration for this application.

The development also includes various other security features, including access control, internal and external closed circuit television cameras. The Designing Out Crime Officer made several recommendations to ensure the opportunities for crime is limited, the applicant is aware of these recommendations and should be able to implement them. A further condition is recommended to ensure the applicant achieves 'Secured by Design' accreditation.

Fire strategy

London Plan Policy D12 requires developments minimise fire risk and major applications must submit a Fire Statement. The applicant has provided a Fire Statement, which has been produced by a suitably qualified third party assessor. It details how the development is to be built, how adequate means of escape is managed and what features and equipment will reduce fire risk/ mitigate fire. A condition is recommended to ensure the measures are implemented.

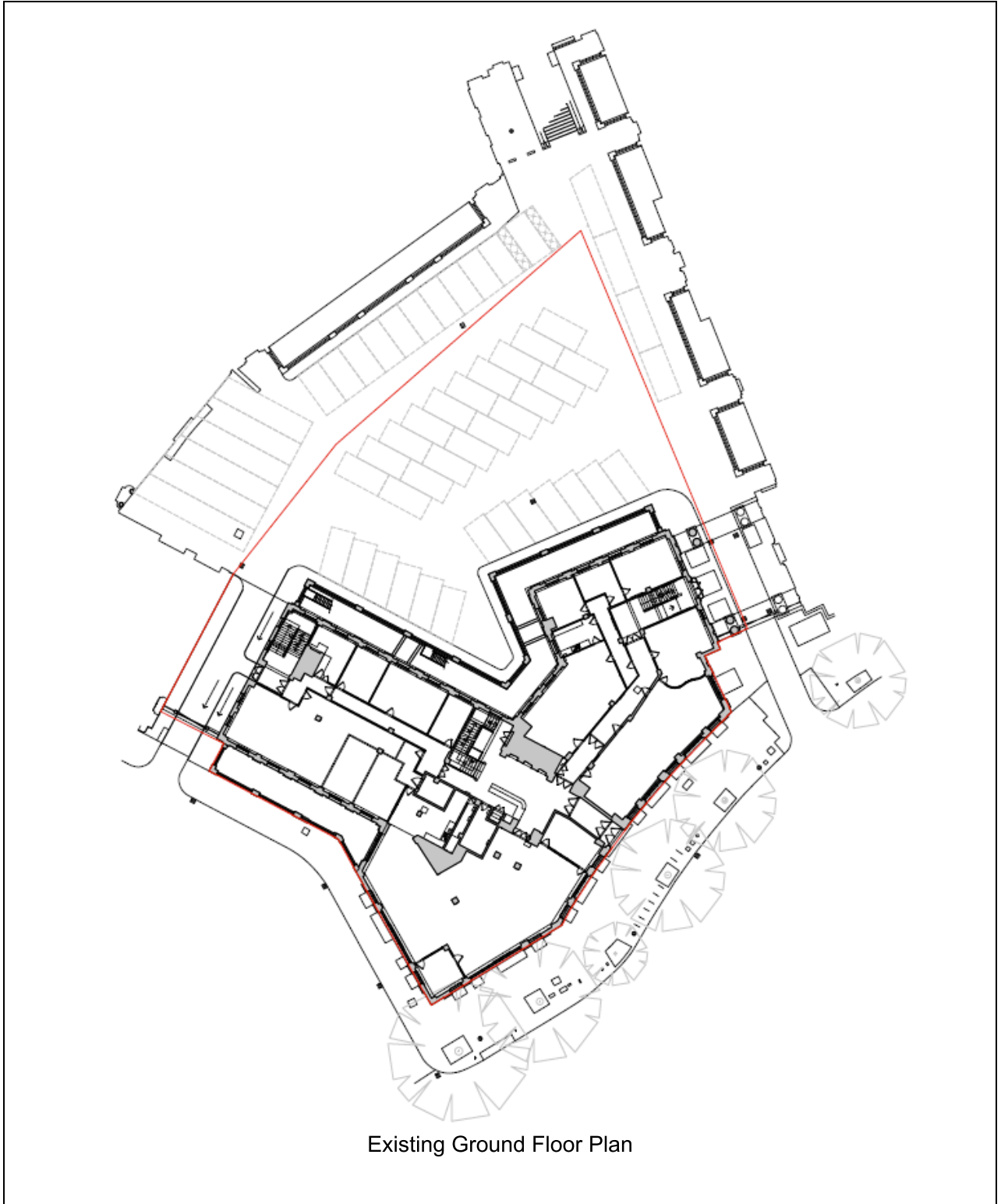
Thames Water

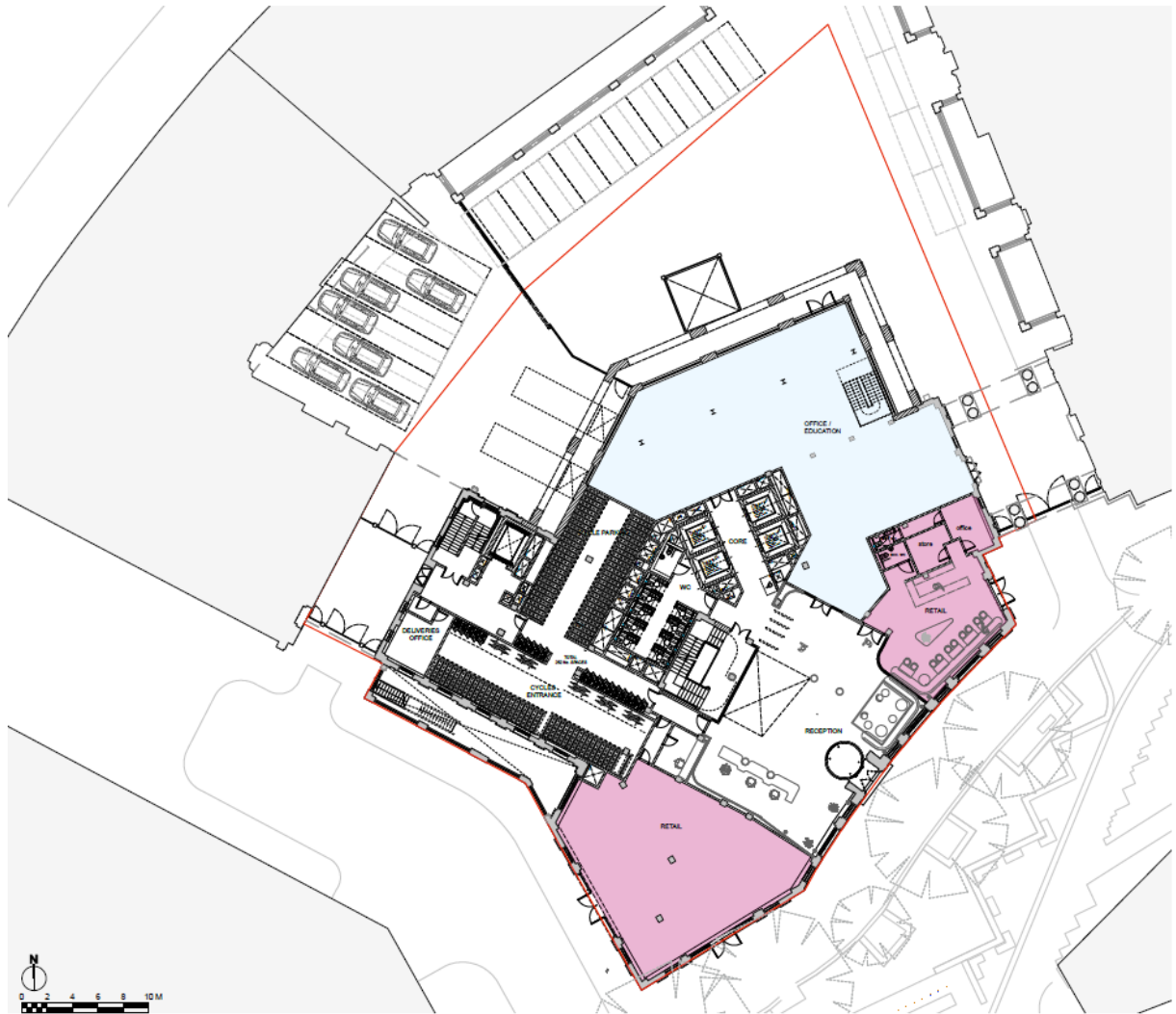
Thames Water have raised no objection to the impact the development would have on the capacity of the waste water network, the water network and water treatment. A condition is recommended to ensure the applicant provides details of the piling method to ensure Thames Water's infrastructure is not harmed.

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

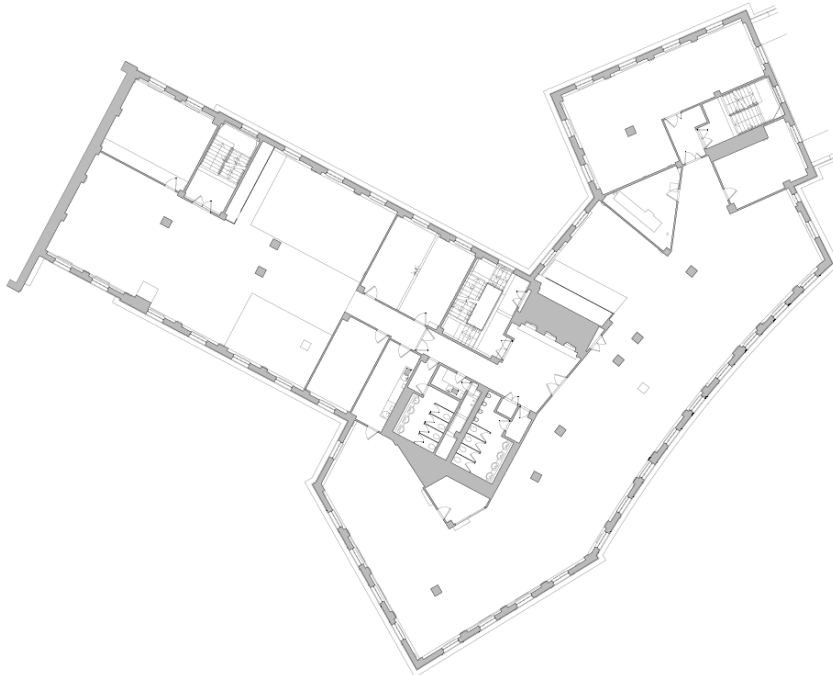
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

9. KEY DRAWINGS

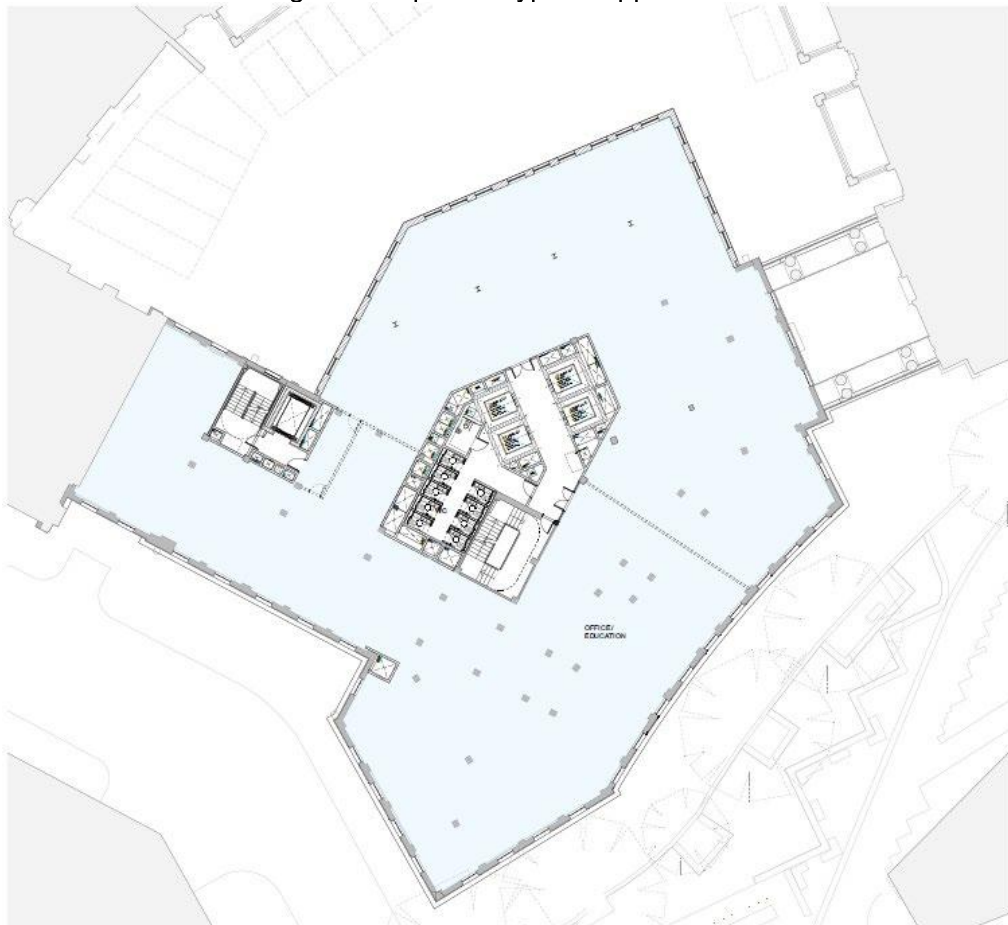


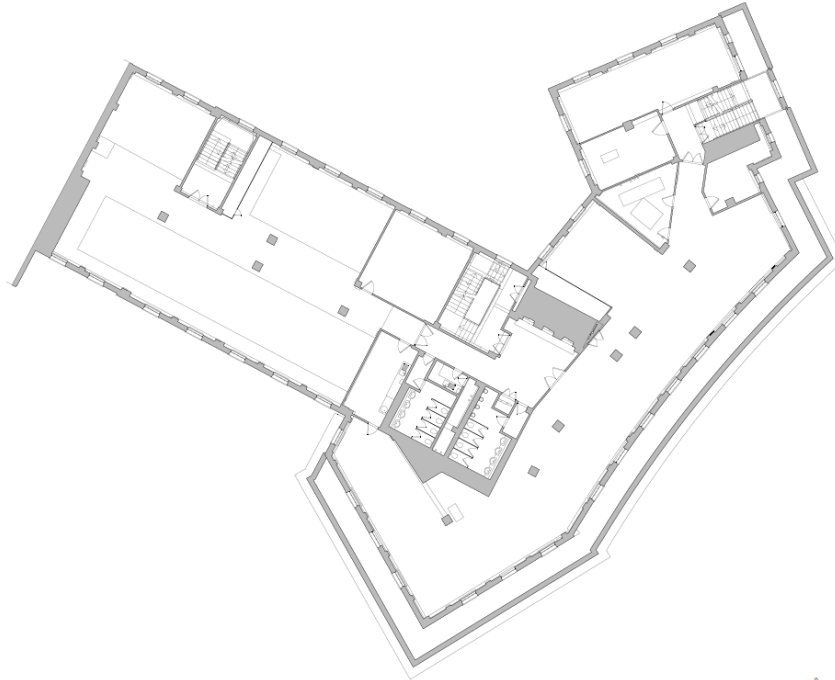


Proposed Ground Floor Plan



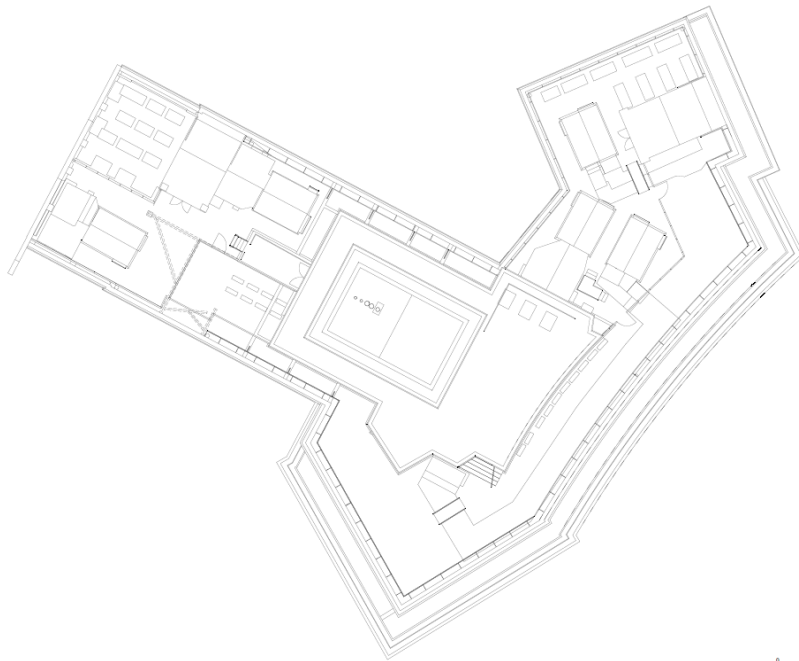
Existing and Proposed Typical Upper Floor Plan



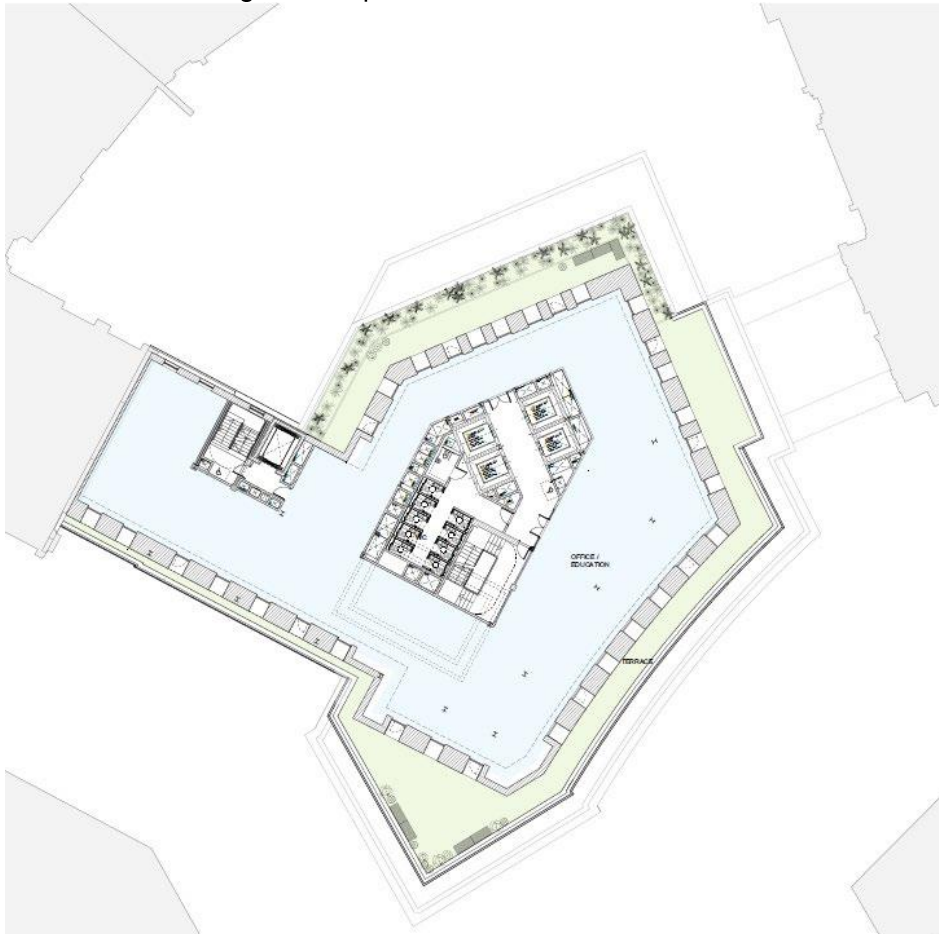


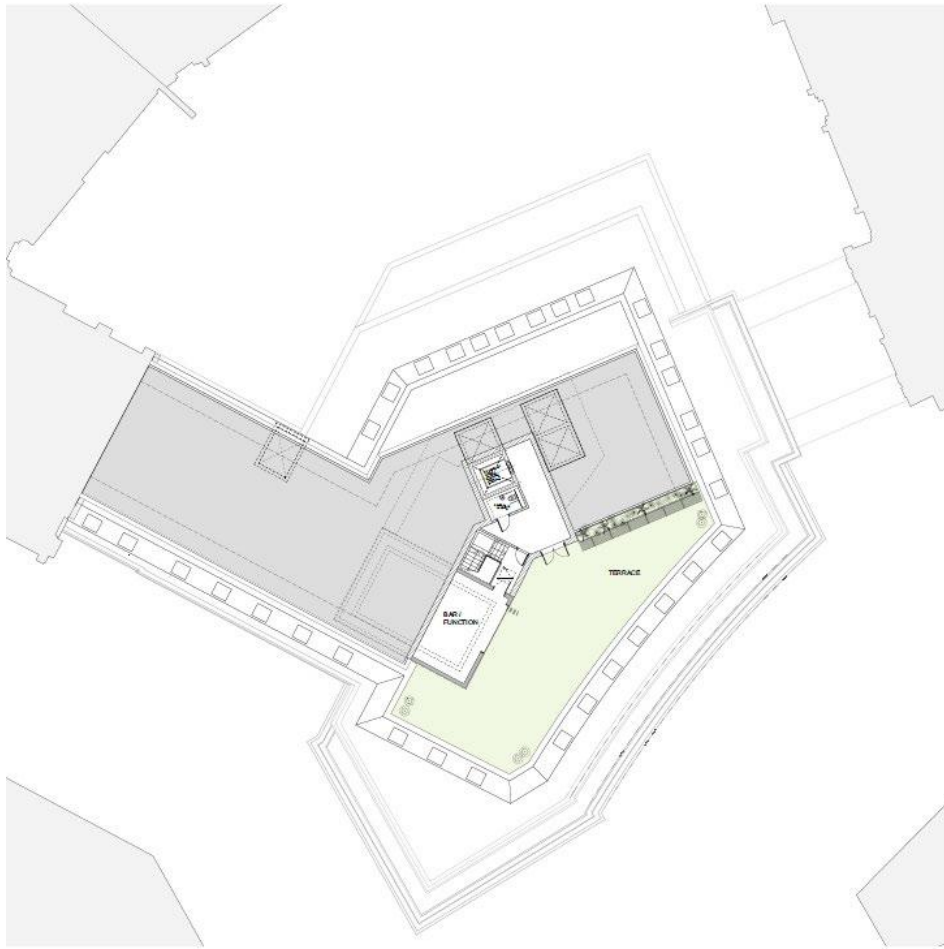
Existing and Proposed Seventh Floor





Existing and Proposed Roof Plan/ Ninth Floor Plan

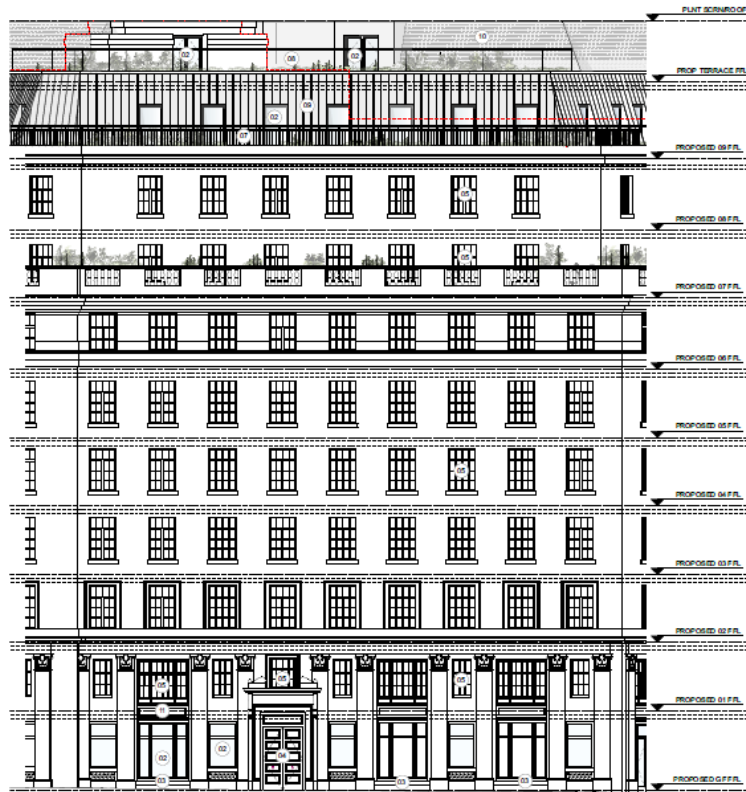


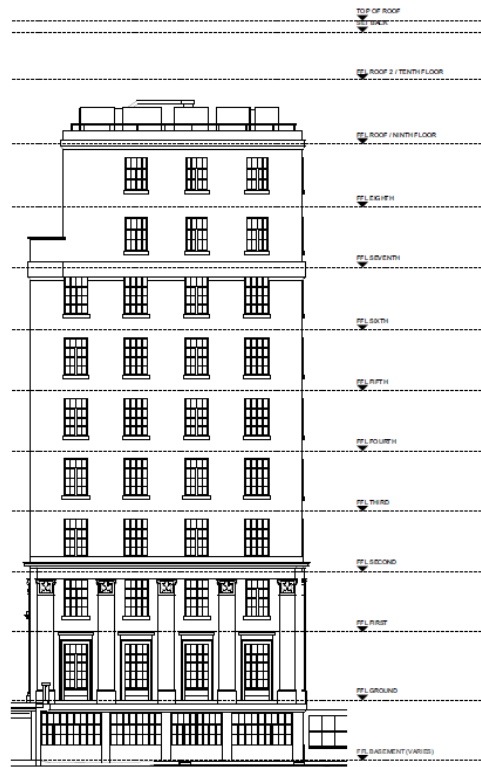


Proposed Roof Plan

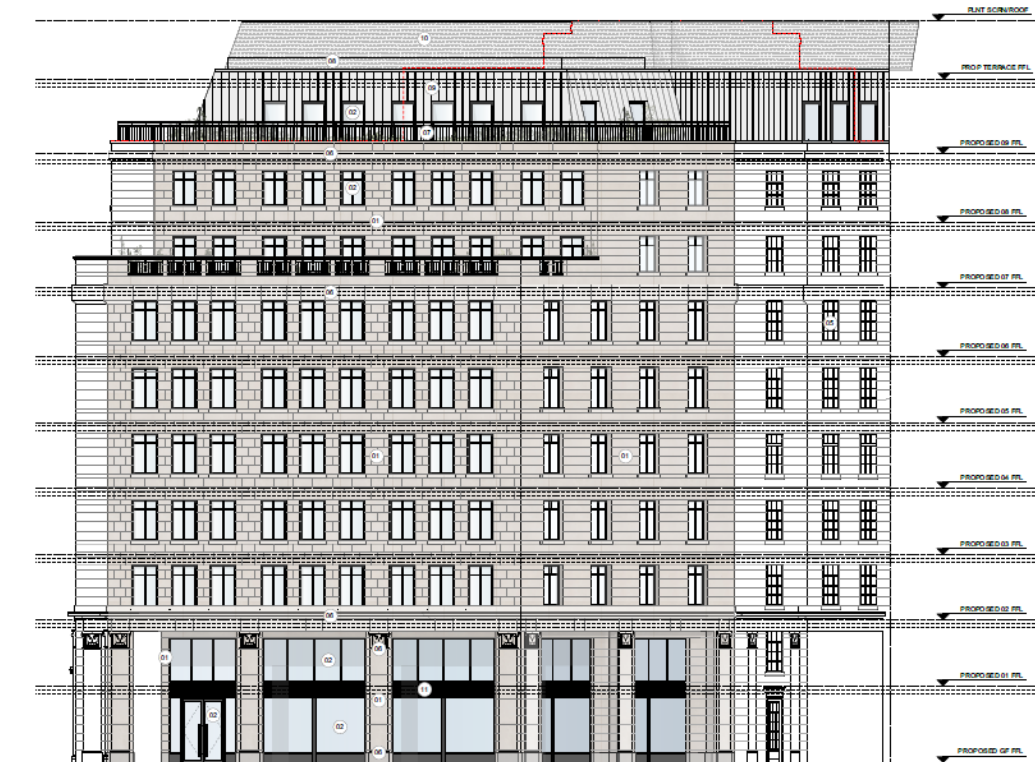


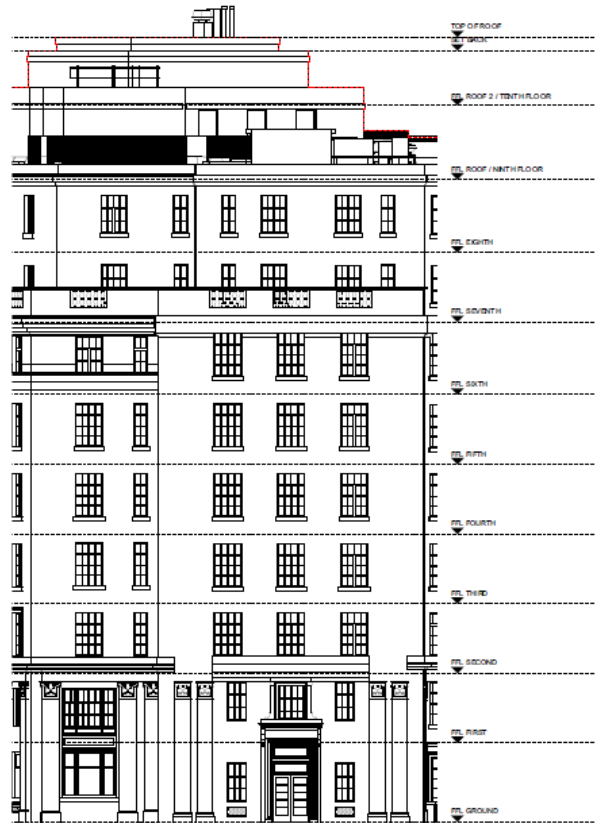
Existing and Proposed Strand Elevation



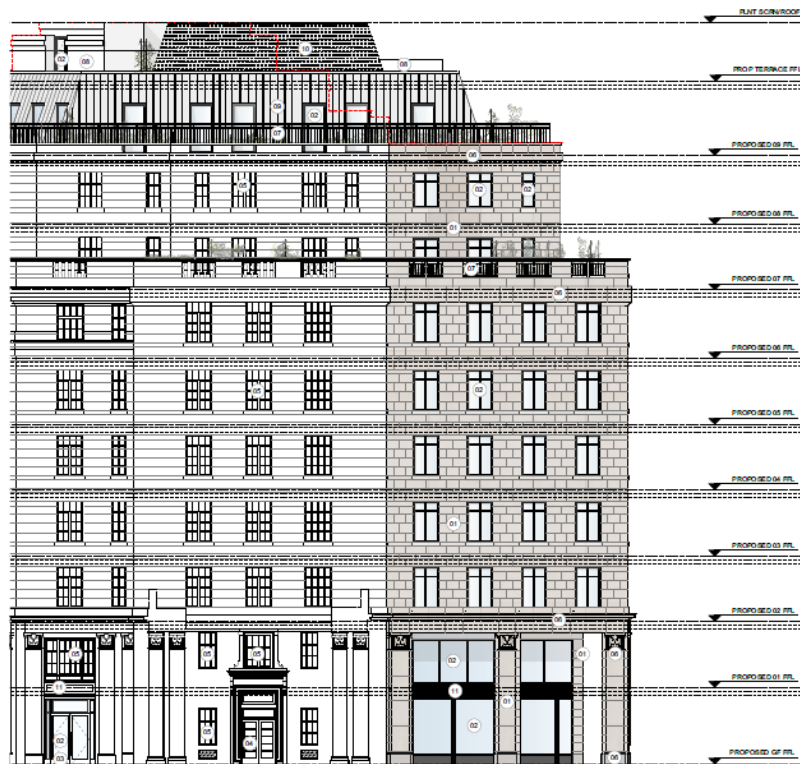


Existing and Proposed Courtyard Elevation





Existing and Proposed Side Elevation







DRAFT DECISION LETTER

- Address:** South West Wing, Bush House, Strand, London, WC2B 4RD
- Proposal:** Refurbishment and reconfiguration of the existing Bush House South-West Wing including an extension at roof level, rear extension; minor demolition works associated with internal and external alterations to provide class E at ground floor and dual alternative use for either Class E (office) or Class F1 (educational) at basement, part ground floor and first to ninth floor, restaurant (Class E) and outdoor terrace at 10th floor, hard and soft landscaping and associated works.
- Reference:** 21/07179/FULL
- Plan Nos:** Existing Drawings:
ST-EX-01-001 rev P01; ST-EX-01-002 rev P01; ST-EX-02-099 rev P01; ST-EX-01-100 rev P01; ST-EX-02-100 rev P01; ST-EX-02-101 rev P01; ST-EX-02-102 rev P01; ST-EX-02-103 rev P01; ST-EX-02-104 rev P01; ST-EX-02-105 rev P01; ST-EX-02-106 rev P01; ST-EX-02-107 rev P01; ST-EX-02-108 rev P01; ST-EX-02-109 rev P01; ST-EX-03-101 rev P01; ST-EX-03-102 rev P01; ST-EX-03-103 rev P01; ST-EX-03-104 rev P01; ST-EX-03-105 rev P01; ST-EX-03-106 rev P01; ST-EX-03-107 rev P01; ST-EX-03-108 rev P01; ST-EX-03-109 rev P01; ST-EX-03-110 rev P01; ST-EX-03-111 rev P01; ST-PR-03-117 rev P01.
- Proposed Drawings:
ST-PR-02-099 rev P01; ST-PR-02-100 rev P02; ST-PR-02-101 rev P01; ST-PR-02-102 rev P01; ST-PR-02-103 rev P01; ST-PR-02-104 rev P01; ST-PR-02-105 rev P01; ST-PR-02-106 rev P01; ST-PR-02-107 rev P01; ST-PR-02-108 rev P01; ST-PR-02-109 rev P01; ST-PR-02-110 rev P01; ST-PR-02-111 rev P02; ST-PR-03-102 rev P02; ST-PR-03-103 rev P02; ST-PR-03-105 rev P02; ST-PR-03-106 rev P02; ST-PR-03-107 rev P01; ST-PR-03-108 rev P01; ST-PR-03-109 rev P01; ST-PR-03-111 rev P02; ST-PR-03-117 rev P01; ST-PR-04-103 rev P01.
- Demolition Drawings:
ST-DM-03-101 rev P01; ST-DM-03-102 rev P01; ST-DM-03-103 rev P01; ST-DM-03-104 rev P01; ST-DM-03-105 rev P01; ST-DM-03-106 rev P01; ST-DM-03-107 rev P01; ST-DM-03-108 rev P01; ST-DM-03-109 rev P01; ST-DM-03-110 rev P01; ST-DM-03-111 rev P01.
- Documents:
Planning Statement dated October 2021; Townscape, Visual Impact and Heritage Assessment dated October 2021; Daylight and Sunlight Report dated October 2021; Design and Access Statement dated October 2021; Arboricultural Report dated October 2021; Landscape Strategy dated October 2021 and Landscape Design Updated dated January 2022; SuDS Report dated October 2021; Air Quality Assessment dated October 2021; Security Summary dated February 2022; Waste Management Strategy dated October 2021; Delivery and Servicing Plan dated October 2021; Archaeological desk-basement assessment dated October 2021 and Pre-determination Evaluation Report dated January 2022; Fire Statement dated October 2021; Acoustic Report dated 18 January 2022; Ventilation & Extract Statement dated October 2021; Energy Statement dated October 2021; Transport

Statement dated October 2021.

For Information Only:

Cover Letter dated October 2021; Letters (x2) from planning agent dated 10 and 26 January 2022; Ground Contamination Summary dated October 2021; Flood Risk Assessment dated October 2021; Utility Connections dated October 2021; Draft Appendix A Checklists dated October 2021; BREEAM Ecology Report dated October 2021.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
 - (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) construction
 on site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will

be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 You can use the ground floor commercial units for any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) except as:

E(c) financial/ professional services;
E(d) indoor recreation; E(e) medical/ health services;
E(f) Creche/ nursery; or
E(g) Office/ research and development/ light industry.

Reason:

We cannot grant planning permission for unrestricted use within Class E because it would harm the character and function of the Central Actives Zone and West End Retail and Leisure Special Policy Area. This would not meet Policies 1, 2, 14 and 16 of the City Plan 2019 - 2040 (April 2021).

- 5 In the event you implement the office (Class E) use on the basement, part ground floor and first to ninth floor (as shown on the approved drawings), you can use this area for any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) except as:

E(a) retail;
E(b) restaurant/ café;
E(d) indoor recreation;
E(e) medical/ health services; or
E(f) Creche/ nursery.

Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone and the West End Retail and Leisure Special Policy Area. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 7, 13, 16, 28, 29 and

33 of the City Plan 2019 - 2040 (April 2021).

- 6 In the event you implement the educational (Class F1) use on the basement, part ground floor and first to ninth floor (as shown on the approved drawings), you must use the area only for higher education. You must not use it for any other purpose, including any within Class F1 of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it). (C05AC)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 18 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 7 In the event you implement the educational use (Class F1), you must apply to us for a plan detailing how the new educational facility will be used outside of core operation hours for ancillary community or recreational uses. You must not occupy the educational use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved plan at all times that the educational facility is in use.

Reason:

To make sure that the development maximises the community benefits of new the educational use, as set out in Policy 18 of the City Plan 2019 - 2040 (April 2021).

- 8 You must apply to us for approval of an Operational Management Plan for the building. The Operational Management Plan must include details of:

- (a) Student and staff numbers/ capacity of the building if you implement the educational use;
- (b) Hours the building would be open to students if you implement the educational use;
- (c) Management of external spaces, including the courtyard;
- (c) Management of the building; and
- (d) Security arrangements, including access arrangements into the courtyard and how gates would be managed.

You must not occupy any part of the building until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 9 Customers shall not be permitted within the ground floor commercial (retail/ restaurant) premises before 07:00 hours or after 00:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 10 No music shall be played within the building such as to be audible outside the premises. No music shall be played on the roof terraces.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 11 The terraces hereby approved shall only be used between 08:00 and 21:00 hours Monday to Friday only.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 12 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

- a. New windows (sections and elevations scaled 1:10)
- b. New shopfronts and external doors (sections and elevations)
- c. Plant enclosures (including details of materials, colour and finish)
- d. New roof terrace balustrading;
- e. New gates/ barriers.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 15 You must provide each long stay cycle parking space and associated facilities for cyclists inside the building, as shown on the approved drawings, prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 16 You must apply to us for approval of details of the short stay cycle storage in the external courtyard. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the office or educational part of the building. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 17 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number ST-PR-02-099 Rev P01 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 18 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing Management Plan is submitted to and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021).

(R23AD)

- 19 All areas for off-street servicing within the courtyard, and associated areas within the building, as shown on approved drawings must be retained for this purpose for the life of the development and used for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 20 You must apply to us for approval of details of an electric vehicle charger within the servicing bay. It must provide at least a rapid charge (minimum 50kW). You must not occupy any part of the development until we have approved in writing what you have sent us. You must then provide the charger prior to occupation of the development and thereafter permanently retain the charger according to these details. You must make the charger available at all times to vehicles using the servicing bay.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 21 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated Oct 2021 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 22 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

Air Source Heat Pumps; and
Photovoltaic panels.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 23 You must apply to us for our written approval of an independent review of the energy

efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 24 Prior to the occupation of the building you must provide sufficient ducting space for full fibre connectivity infrastructure within the development.

Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness, as set out in Policy SI 6 of the London Plan (March 2021).

- 25 You must apply to us for approval of detailed drawings of the planters, details of their locations and a bio-diversity management plan in relation to the planters and green wall to include construction method, layout, species and maintenance regime. These details should show the planters in positions which help mitigate overlooking of neighbours.

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

Reason:

To increase the biodiversity of the environment and to protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33, 34 and 38 of the City Plan 2019 - 2040 (April 2021).

- 26 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. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 2 of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 -

2040 (April 2021). (R30BD)

- 27 You must apply to us for details of the volume, depths, specification and profile of the soil which you propose in the areas of soft landscaping, including details of the drainage layer and other components. The soil volumes and depth must be the same as or greater than the soil depths and volumes proposed in your Landscape Design Update dated January 2022. You must include a methodology for installing the soil and drainage layer without causing contamination or compaction. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 28 (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 in writing 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 in writing 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 written 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 LA90, 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.
(C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 29 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
(C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 30 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 28 and 29 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and

impulsive sounds, and by contributing to reducing excessive ambient noise levels.
(R51AC)

31 1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class E and Class F1 uses 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the Class E and Class F1 uses hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the

intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 32 In the event you implement the educational (Class F1) use, you must apply to us for approval of details of a system of mechanical ventilation. The ventilation system shall be capable of ensuring that:

1. A system of air quality filtration is installed and or inlets are positioned so that they are drawing air of a sufficient quality so that the National Air Quality Objectives and WHO guideline levels for Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{10/12s}) are not exceeded within the properties.

You must not start work on this system until we have approved what you have sent us. You must carry out the work according to the approved details. The system must be installed and operational before the occupation the educational (Class F1) use and the system shall be checked and maintained in accordance with the manufacturer's specification and retained unless otherwise agreed by us.,

Reason:

Because existing external ambient air quality levels exceed the National air quality objectives and WHO Guideline Levels and you propose a sensitive use (education). This is as set out with Policy 32 of the City Plan 2019 - 2040 (April 2021).

- 33 In the event you use a ground floor commercial unit as a restaurant/ cafe, you must apply to us for approval of details of the ventilation system to get rid of cooking smells for that unit, including details of how it will be built and how it will look. You must not begin the restaurant/ café 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.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 34 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short-Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

o Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA₉₀, 15 mins over the testing period) by more than 10 dB one metre outside any premises.

o The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation.

- o Flues for the generators shall be terminated at 3m above roof level
- o Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

Emergency energy generation plant is generally noisy, and cause air pollution as they operate on diesel. In accordance with Policies 7, 32 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental SPD (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance and pollution to residents and those working nearby.

- 35 You must carry out the measures included in your Fire Statement dated October 2021 before anyone uses the building, and you must ensure the fire safety features are installed and adequately maintained.

Reason:

In the interest of fire safety, as set out in Policy D12 of the London Plan (March 2021).

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

Reason:

To protect underground sewerage utility infrastructure which is in close proximity, in accordance with Policy SI 5 of the London Plan (March 2021).

- 37 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

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

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

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

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

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18BB)

- 38 The building shall be designed to allow future connection to a district heating network and you must provide an intake room, as set out in the Energy Statement dated 14 October 2021, prior to the occupation of the building. In the event that connection is made to the district heating network, you must not use the intake room for any other purpose.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 39 **Pre Commencement Condition.** No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 40 You must apply to us for approval of detailed drawings of the following parts of the

development

- PV panels at roof level.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

- 41 To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Strand Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

Prior to the occupation of each use a "Secured by Design" accreditation shall be obtained for each use and thereafter all features are to be permanently retained

Reason:

To reduce the chances of crime without harming as set out in Policy 38 of the City Plan 2019-2040 (April 2021).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 When you apply to us for approval of the details of the hard and soft landscaping scheme you should use standard rather than multi-stemmed trees. You should also ensure that the terrace planters are positioned to minimise overlooking issues.
- 3 The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development

Management Procedure) (England) Order , 2015.

- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

- 5 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 7 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 8 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 9 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 10 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 11 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.
- 12 Asbestos is the largest single cause of work-related death. People most at risk are those working in the construction industry who may inadvertently disturb asbestos containing materials (ACM's). Where building work is planned it is essential that building owners or occupiers, who have relevant information about the location of ACM's, supply this information to the main contractor (or the co-ordinator if a CDM project) prior to work commencing. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/asbestos/regulations.htm (I80AB)
- 13 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:
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.

- 14 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 15 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 16 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 17 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and

existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 18 Any pruning works to the Council-owned street trees must be agreed in writing with the Council's tree officer and must be carried out by the Council's term contactor Gristwood and Toms, unless otherwise agreed in writing with us.
- 19 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 20 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) A financial contribution of £281,580 (index linked) towards the City Council's Carbon Off Set fund (payable prior to the commencement of the development);
 - b) Monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
 - c) In the event the office use is implemented, a financial contribution of £132,000 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
 - d) Measures to protect the trees adjacent to the site during the works; and
 - e) The costs of monitoring the S106 agreement.

Item No.
2

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.