

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 19 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	Dean Bradley House, 52 Horseferry Road, London, SW1P 2AF,		
Proposal	Demolition of Dean Bradley House and redevelopment to provide a building of double basement, ground, and nine upper floors accommodating 252 sqm of retail floorspace (Class A1/A3) at ground floor level, 1051 sqm of office floorspace (Use Class B1) at first floor level and 45 residential units (Class C3) at second to ninth floor levels (14 x 1 bed units; 18 x 2 bed units; 12 x 3 bed units; and 1 x 4 bed unit) with balconies, with car and cycle parking at basement level. Creation of a separate gatehouse building comprising 3 residential units (Class C3) at first and second floors (2 x 1 bed units and 1 x 2 bed duplex unit) accessed from Romney Street. Installation of plant at ninth floor level. Landscaped communal areas and servicing area.		
Agent	Mr Guy Bransby		
On behalf of	Mayfair Charities Limited		
Registered Number	15/07690/FULL	Date amended/ completed	18 August 2015
Date Application Received	18 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	Smith Square		

1. RECOMMENDATION

1. Grant conditional permission subject to the views of the Mayor and a S106 legal agreement to secure the following:
 - i. Provision of 3 affordable housing units on-site (social rented tenure unless otherwise agreed)
 - ii. Payment of £1,875,000 to the City Council's affordable housing fund;
 - iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £32,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.
 - iv. Unallocated residential parking;
 - v. Car club membership for residents of the development;
 - vi. Car lift maintenance and management plan;
 - vii. Highway works surrounding the site required for the development to occur;
 - viii. Costs of monitoring the S106 agreement.

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

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

2. SUMMARY

Dean Bradley House is an 8 storey building located at the junction between Horseferry Road and Dean Bradley Street. The building is located within the Smith Square Conservation Area and the Core Central Activities Zone. It is currently in use as offices and commercial premises at ground floor.

Planning permission is sought for the demolition of 46-60 Horseferry Road and its replacement with a new 10 storey building (with two levels of basement) including balconies and mechanical plant, and a three storey infill building facing Romney Street, in connection with the use of the buildings as 48 residential units (45 x private residential units and 3 x affordable residential units), office use at first floor level, and retail/restaurant use at ground floor level.

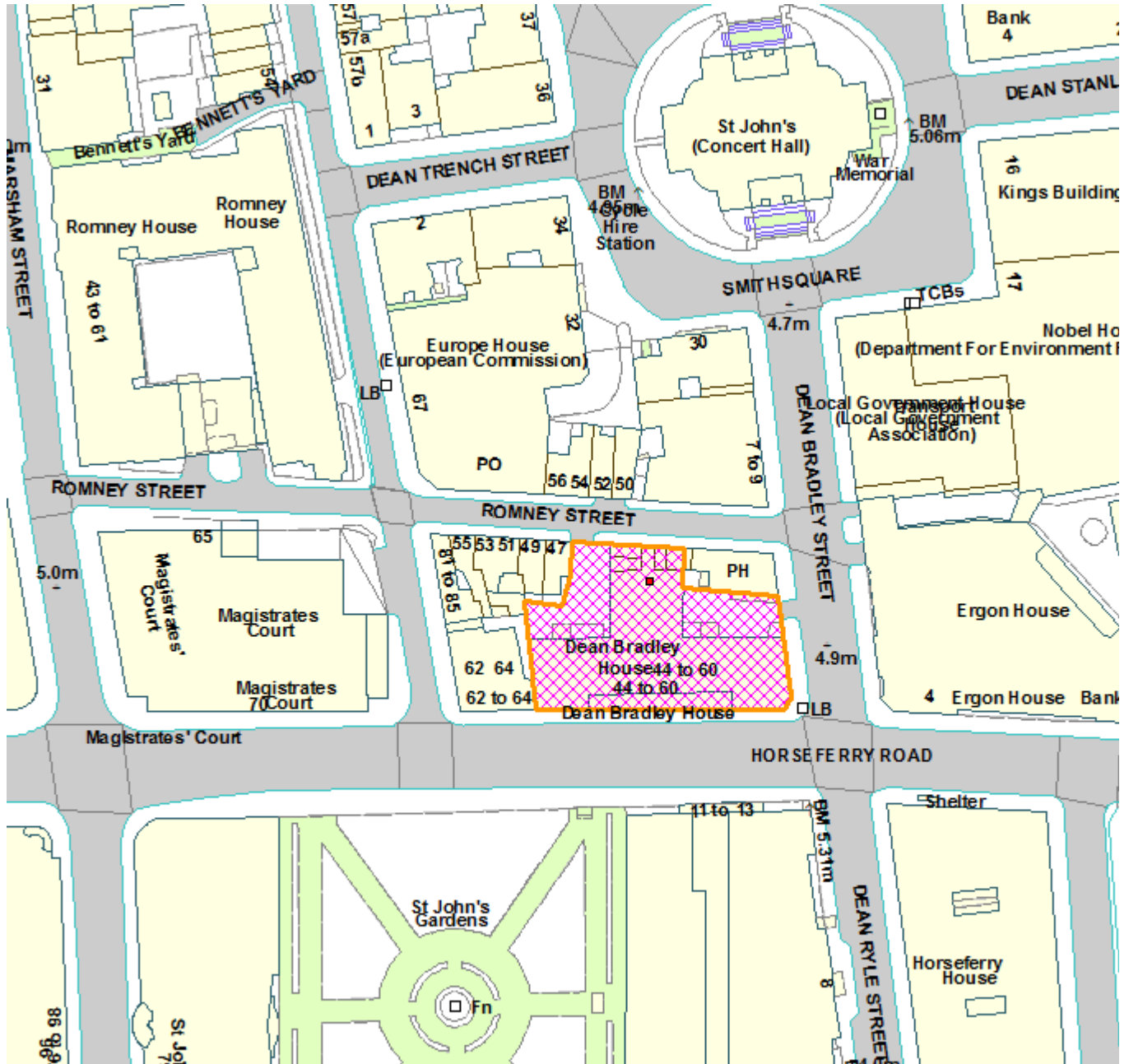
The key issues in this case are:

- *The impact of the scheme on the character and appearance of the conservation area
- *The change of use to residential and the provision of affordable housing
- *The impact of the scheme on amenity of neighbouring occupiers
- *Parking and servicing arrangements

Objections have been received from the Thorney Island Society and surrounding residents principally on the grounds of land use, amenity and design. Whilst the objections are noted and understood, it is not considered that they are sustainable on this occasion.

The proposed building is considered acceptable in terms of land use, design, highways and amenity policies and the application is accordingly recommended for approval subject to appropriate conditions and a S106 legal agreement as set out in the recommendation.

3. LOCATION PLAN



4. PHOTOGRAPHS



Horseferry Road Elevation



Horseferry Road Elevation



Romney Street Elevation

5. CONSULTATIONS

WARD COUNCILLORS FOR ST JAMES'S
Requested to make representations at Committee

HISTORIC ENGLAND

This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

THAMES WATER UTILITIES LTD

No objection with regards to sewerage infrastructure capacity and water infrastructure capacity.

THORNEY ISLAND SOCIETY

Objects on the following grounds:

- No consultation prior to submission of the application. Not everyone was informed of the exhibition.
- Loss of local shops in particular the pharmacy.
- Unsympathetic relationship with the neighbouring buildings in particular the adjoining listed building in Horseferry Road and the pub in Dean Bradley Street.
- Lack of affordable housing.
- Inaccuracies in the daylight and sunlight report.

LONDON BOROUGH OF LAMBETH

Raises concerns about: not reasonable mix of land uses, loss of office floorspace, and adequate capacity in local education establishments.

ENVIRONMENT AGENCY (Thames Region)

No objection

GREATER LONDON AUTHORITY

Generally acceptable in strategic planning terms but further information required on viability, sustainability and transport. The car parking ratio is considered excessive and the applicant should be encouraged to restore the historic building line along Romney Street.

TRANSPORT FOR LONDON

No objection subject to recommended conditions

ENVIRONMENTAL HEALTH

No objection but concurs with the comments of the GLA on air quality and sustainability.

BUILDING CONTROL

No objection.

HIGHWAYS PLANNING

Refuse on transportation grounds. Following revisions - Unacceptable on transportation grounds but could be made acceptable

METROPOLITAN POLICE

No objection. Protective gate or shutter is recommended to guard the space immediately in front of the car lift doors. Access control system to call the lift remotely is recommended.

CLEANSING

No response to date

ARBORICULTURAL OFFICER

Lack of information on landscaping sustainability.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 782

First consultation

Total No. of replies: 16

No. of objections: 16

No. in support: 0

Second consultation following revision:

Total No. of replies: 9

No. of objections: 7

No. of neutral representations: 2

Letters of objection raise the following issues:

Design:

*opportunity to improve Romney Street streetscape to be taken into consideration

*new building is too tall, oversized – damage to visual amenity

* not in keeping with the neighbouring properties in terms of size in particular the adjoining listed building

*proposed design fails to make a positive contribution; the building is described as hideous monstrosity, bland, generic, and boring. The proportion of the arches does not reflect the existing building and creates an unwelcoming private space.

*no case for the demolition of an unlisted building of merit which makes a positive contribution to the character of the area, refurbishment would be more sustainable, modification of internal structure only.

*density contrary to policy, over-development.

*improvements to the Romney Street façade (following revision).

Land use:

*loss of shops that serve local needs and cafes

*loss of offices, reduction of employment

*many residential schemes in the surroundings

*risks that the residential units are for investment only

*number of family sized units does not meet policy

*lack of affordable housing is not justified in viability terms.

*inadequate internal layout.

Amenity:

*risk of overshadowing, loss of daylight/sunlight. Inaccuracies in the daylight/sunlight assessment.

*overlooking and loss of privacy

*noise nuisance due to the plant in particular at night-time

*loss of views

Highways:

*car parking access should be restricted to Dean Bradley Street

*ensure that Romney Street will not be used for construction traffic. Safety control to operate during demolition and construction works.

*congestion and safety issues in relation to the car lift

*inadequate provision of cycle parking in terms of access. No secure location for the office users.

Other:

*nuisance during construction works in terms of traffic, parking, noise, dust, air pollution, vibration

*potential damage to neighbouring properties due to excavation works

*additional landscaping in Romney Street and protection of existing trees

*cost of relocation for existing office occupiers and detrimental to business continuity.

*working hours to be respected

*lack of community involvement prior to submission

*inadequate outdoor amenity space

*too many post planning permission changes

*loss of value of neighbouring properties

*shoe-box size of the flats

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Dean Bradley House, 44-60 Horseferry Road is a corner property at the junction between Horseferry Road and Dean Bradley Street. The rear of the application site faces Romney Street. The property is located within the Smith Square Conservation Area and the Core Central Activities Zone. Built in the 1930's, the building is designated as an 'unlisted building of merit' within the Smith Square Conservation Area Audit. It comprises 8 storeys in a T-shape plan and one level of basement. The building is currently in office use with commercial units at ground floor level.

The main entrance to the site is from Horseferry Road; there are two secondary access points with servicing access (one in dean Bradley Street and the other in Romney Street).

The building adjoins a Grade II Listed building on Horseferry Road. To the rear of the

site is a three storey public house and four storey townhouses facing Romney Street. The surrounding area is characterised by a mixture of offices and residential uses above with few commercial uses at ground floor level.

6.2 Recent Relevant History

In 1985 an established use certificate for office was issued.

In 2005, 2006, 2007, and 2010 applications were granted for the installation of air conditioning units at roof level.

Permission was granted for the renewal of all windows in 2005.

In 2007 planning permission was granted at No 46 Horseferry Road for the change of use of the ground floor from office (Class B1) to estate agent (Class A2) with the installation of new shopfront and relocation of main entrance.

Certificate of lawfulness was issued for the use as a café/restaurant (class A3) at No 48 Horseferry Road in 2011.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing building and erection of a ten storey building with double basement to provide 45 flats (14 x 1 bedroom, 18 x 2 bedrooms, 12 x 3 bedrooms, and 1 x 4 bedrooms), 1051 m² of office floorspace at first floor, and 252 m² of retail/restaurant floorspace at ground floor. The works include:

- excavation works for the creation of two levels of basement for parking;
- installation of two car lifts facing Dean Bradley Street;
- creation of landscaped external spaces;
- creation of balconies on Horseferry Road and Dean Bradley Street and terraces at eighth and ninth floor levels;
- provision of plant at ninth floor level;
- installation of a green roof at roof level.

The application has been revised to remove the highway works in Romney Street and to include an infill building to provide 3 additional flats (2 x 1 bedroom and 1 x 2 bedrooms).

The detailed design of the infill building has been amended and a third retail unit has been introduced at ground floor level. An addendum to the daylight/sunlight report has also been submitted to provide corrected and additional information not included in the original submission. A second consultation was carried out following the revisions.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The table below provides a breakdown of existing and proposed floorspace.

Use	Existing (m2 - GIA)	Proposed (m2- GIA)	Change (+ or – m2 - GIA)	Proposed (m2- GEA)
Retail (A1/A3)	1,040.34	252	-789.34	294
Office (Class B1)	6,006.46	935	-5,071.46	1,051
Residential	0	6,271	+6,271	7,694
Ancillary (basement - car parking)	0	2,348	+2,348	2,820
Total	7,046.8	9,806	+2,759.2	11,859

Loss of office use

The proposal would result in the loss office floorspace. Five letters of objection have been received on the grounds of loss of office floorspace which corresponds to demand and loss of employment. One office occupier of the application site pointed out the cost and difficulty to relocate within the borough.

The City Council's policy towards the loss of offices to residential accommodation is in the process of changing. In March 2015 a policy directive was issued confirming that the City Council is concerned over the loss of commercial floorspace within the borough and it is now the City Council's position that the balance of commercial to residential floorspace has tipped too far in the favour of residential across the CAZ. As of 1 September 2015, the loss of office floorspace to residential development has been assessed in line with emerging policy. The September date was chosen to take account of development proposals which had been prepared and submitted prior to the aforementioned policy announcement, as in this case.

The change of use needs to be assessed in the context of Policy S47 of the City Plan which advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of the City as a whole would be sufficiently harmful in this instance

to withhold permission. The introduction of residential use would provide social benefits with the provision of 48 residential units including 3 on-site affordable units.

The retention of one storey for office use is welcome as the mix of uses will contribute to the aims of Policy S1 of the City Plan and Policy CENT 3 of the Unitary Development Plan to promote within the Core CAZ a mix of uses consistent with supporting its vitality, function and mixed character.

Retail use

The loss of shops and restaurants and in particular the pharmacy has caused particular concern amongst objectors. The existing ground floor uses are considered to be essential services to the local community.

The proposal includes the provision of 252sq.m of A1/A3 retail at ground floor level. Whilst it is recognised that would result in a reduction of the retail capacity at this location, a large part of the retail floorspace was at basement level and not providing an active frontage. Furthermore the site is not identified as a CAZ frontage within the Westminster City Plan.

The provision of retail units at ground floor level will provide activity at street level and is in line with our retail policies. During the course of consideration of the application a revised ground floor plan has been submitted showing three units instead of two, the revised layout is considered to be an acceptable response to the objectors' comments and will be secured via condition. It should be noted that there is no policy basis on which to protect the individual pharmacy. Given that retail floorspace is being provided in the proposed development which could potentially be occupied by a pharmacy or other local services, permission cannot be withheld on this basis.

Residential use

The creation of 7,631sq.m (GEA) of new residential floorspace is considered acceptable in land use terms, and complies with both Policy H3 of the UDP and S14 of the City Plan which seek to increase the residential floorspace within Westminster.

UDP Policy H3 seeks to maximise the amount of land or buildings in housing use on sites outside the CAZ. Policy S14 states that housing is a priority across the borough. The introduction of 48 residential units on the site would make an important contribution of the new housing provision helping the Council meet its target.

The residential mix and tenures are summarised below:

Unit Type	Affordable housing	Market	Total No. of units	% unit mix
1 bed	2	14	16	33.3%
2 bed	1	18	19	39.6%
3 bed		12	12	25%
4 bed		1	1	2.1%

The City Council wants to encourage more families to move into and stay in Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family-sized (being three or more bedrooms). This proposal provides only 27.1% family-sized accommodation. Whilst the proportion falls slightly below the 33% requirements, the range of unit sizes offered and the introduction of affordable housing units on site is considered to provide sufficient benefit.

Objectors are concerned that the proposals are an overdevelopment of the site. The London Plan density matrix (Table 3.2 in support of the London Plan policy 3.4) suggests an indicative residential density of between 650 to 1,100 habitable rooms per hectare for this development. With 976 habitable rooms per hectare the proposed development is considered to fall within the suggested ranges in the London Plan and the GLA have not objected to this aspect of the scheme.

Standard of accommodation

The proposed residential units have been designed to meet the national space standards and the Mayor's dwelling space standards set out in the London Plan Policy 3.5 with 39 of the 48 units benefiting from private amenity space in the form of balconies or terraces.

The proposed units would range in size as follows:

- One bedroom: 52-71sq.m
- Two bedroom: 84-106sq.m
- Three bedroom: 113-268sq.m
- Four bedroom: 174sq.m

The new flats would provide a good standard of accommodation in terms of unit size in accordance with the requirements of the national space standards.

8 of the 48 units are single-aspect flats. Whilst this is not ideal, all those units are oriented to the south and benefit from balconies and adequate fenestration.

The application is supported by an acoustic report which assesses the potential impact on noise levels within the new flats. Mechanical plant is provided to allow for cooling and ventilation so that future residents have the option to keep windows closed. Subject to the standard conditions relating to internal noise and vibration, it is considered that the new flats would provide an acceptable standard of accommodation for future occupiers.

Subject to appropriate conditions, the scheme is generally considered to provide a good standard of accommodation for future occupiers.

Affordable housing

Objections were received from the Thorney Island Society and neighbours regarding the lack of provision of affordable housing.

Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or those including over 1000sq.m of additional residential floorspace, must provide affordable housing.

The expectation of the London Plan, the UDP, and the City Plan is that affordable housing should be provided on site. Policy S16 states “where the Council considers that this is not practical or viable, the affordable housing should be provided off-site in the vicinity. Off-site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of higher quality than would be possible on or off site in the vicinity, and where it would not add to an existing localised concentration of social housing...”

The interim guidelines expect that that a development of the size proposed should provide 23 units of affordable housing (1907.75 sqm).

The applicant has produced a viability report in line with the guidance contained in the London Plan to support the argument that only 3 on-site units and no off-site provision will be viable. This report has been subject to an independent review by Bilfinger GVA acting on behalf of the Council. The Council’s consultants have reviewed the original findings and considered that provision of 1,160 sqm of on-site affordable housing was viable.

The applicant argues that this level of provision of affordable housing on-site is not practical and would involve a complete redesign of the scheme along with a separate core for the affordable units. They provided a drawing showing the impacts of the introduction of a secondary staircase into the scheme, which are as follows:

- loss of a residential unit on every floor the core serves;
- loss of proposed office floorspace.

The applicant also states that the introduction of an additional core would significantly reduce the outdoor space available and it would severely compromise the building by making it very inefficient. These claims have not been substantiated.

The Council’s Head of Affordable and Private Sector Housing commented that based upon the indicative layouts of the affordable housing being located within the same building as the market housing it is very likely that this configuration would not be attractive to a potential Registered Provider (RP) if the sharing of services meant that the service charges that would be payable by the affordable residents there would make these units unaffordable to tenants and might consequently be difficult to let. However, if the applicant was prepared to fundamentally redesign the scheme to create completely separate core for the affordable housing, it might be possible to increase the overall provision beyond that which is currently proposed in the separate block facing Romney Street. He strongly recommends that the applicant engage a local RP in Westminster to advise on the redesign such that the affordable homes that the affordable homes there would remain sustainable.

It is not considered that a complete re-design of the scheme is a reasonable request. The Head of Affordable Housing has confirmed that if a redesign is not feasible at this stage then the 3 homes within the Romney Street block and a policy compliant payment in lieu would be acceptable. He has commented that the City Council may need these 3 units as social rented housing, but has requested flexibility in this regard. The nature of the tenure of the 3 affordable housing units would have to be agreed with the Director of Housing at a later date so the option to change the rent level will be incorporated to the legal agreement securing the provision of the 3 affordable housing units.

Regarding the off-site provision, the applicant has advised that they do not own other sites in the immediate or wider vicinity that could provide affordable housing. In these circumstances, it is accepted that a contribution to the City Council's affordable housing fund would be the most appropriate means of addressing the affordable housing policy.

The current scheme would generate a requirement for a financial contribution of £7,548,192 in lieu of on-site provision.

The applicant's viability report concludes that the scheme is able to support £895,000 of financial contribution to the Council's affordable housing fund. However, the Council's consultant has assessed the applicant's viability case and considers that the scheme can support a £1,875,000 affordable housing contribution whilst remaining viable. Although this is short of the full affordable housing contribution, this is considered to be the maximum reasonable amount of affordable housing contribution that the development can support. The applicant has since confirmed that they are willing to pay this sum.

Subject to a S106 legal agreement to secure the affordable housing contribution, the application is considered acceptable in land use terms.

8.2 Townscape and Design

Demolition of unlisted building of merit

The existing floor to ceiling heights due to existing ceiling level structural beams would limit the conversion of the existing building into both residential or office uses. The demolition of the existing building, whilst it is considered to make a positive contribution to the conservation area, is considered acceptable, as the harm (deemed less than substantial under paragraph 134 of the NPPF) caused by its loss is considered to be outweighed by the benefits of the scheme as a whole.

The proposed replacement building is considered of acceptable quality. The additional storeys are set back, separating them from the main body of the building and therefore reducing its visible mass. The overall height of the proposal is similar to that of the surrounding buildings, excluding the adjoining listed building. The proposed height and scale are considered suitable within the context of Horseferry Road, which is dotted with other modern buildings of substantial size. Whilst the height of the building is greater than that of the listed building, the listed building's setting is not considered to be diminished as it is already substantially enclosed, plus the juxtaposition of modern taller buildings against those of more traditional scale is a common feature of predominantly commercial areas. The proposed building is therefore considered to preserve the character and appearance of the conservation area.

The proposed construction utilises traditional building materials, which have been arranged in a modern fashion in order to reflect both a vernacular appearance and the designs modern architectural aesthetic. The palette of materials is therefore considered suitable to Horseferry Road and the conservation area as a whole.

In summary, it is considered that the loss of the existing building is justified by the quality of its replacement and as such the proposals are considered to preserve the character and appearance of the Smith Square conservation area.

Infilling in Romney Street

During the course of the application, revised drawings have been submitted to include a three storey infill building on Romney Street. This amendment is welcome in design terms as the infill closes an existing gap within the street scene. Upon officer's recommendations the details of the building have been amended and are now considered to contribute positively to the streetscape.

The overall scale, height and detailed design are considered to be appropriate to this site, subject to the recommended conditions and are in line with DES1, DES4, DES6, DES9 and DES10 of the UDP.

8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to residential dwelling, and that developments should not result in a significant increase sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of the City Plan aims to protect the amenity of residents from the effects of the development.

The site is located in an area that characterised by a mix of commercial and residential uses, however there are a number of residential properties within close proximity. Objections have been received from residents within Westminster Green in Dean Ryle Street, and Romney Street, on amenity grounds including loss of light, increased overlooking, and noise.

Sunlight and Daylight

Policy ENV13 seeks to ensure good lighting levels for habitable rooms in existing premises. Recommended standards for daylight and sunlight in residential accommodation are set out in the Building Research Establishment (BRE) publication "Site layout planning for daylight and sunlight" (second edition 2011). The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to all the affected properties. If the VSC achieves 27% or more, then the BRE guide advises that the windows have the potential to provide good levels of daylight. If however, the light received by an affected window, with the new development in place, is both less than 27% and would be less than 0.8 (i.e. a loss of 20%) then the reduction in light to that room will be noticeable. Where rooms are served by more than one window of the same size, any loss of light to these individual windows can be considered as an average.

The No-Sky Line (NSL) method has also been used, which measure the daylight distribution within a room, calculating the area of working plane inside the room that has

a view of the sky. The BRE advises that a room may be adversely affected if the area of the room beyond the NSL is less than 80% of its former value.

In terms of sunlight, the BRE guidelines state that if any window received more than 25% of the Annual probable Sunlight Hours (APSH) including at least 5% during the winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that any reduction in sunlight below this level should be kept to a minimum. If the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% of the original sunlight hours either over the whole year or just in the winter months, then the occupants of the existing building will notice the loss of sunlight. Windows are tested if they face 90 degrees of due South.

Objections have been received from the occupants of Westminster Green flats (8 Dean Ryle Street) on the grounds that the proposals will result in a loss of daylight to windows facing the application site. The North elevation of Westminster Green directly faces the application site. The submitted daylight and sunlight assessment shows that of 166 windows tested 152 would see no reduction of VSC or a loss which complies with the BRE guidelines. The NSL analysis of this property shows that most of the rooms will comply with the criteria given by BRE guidance. The most affected rooms/windows are located at second, third and fourth floors and are all located below projecting balconies.

The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received. Notwithstanding the loss, the actual losses to light would be marginal and would not be sufficient to justify refusing the application. An additional assessment omitting the balconies shows that all windows would comply with criteria given in the BRE guide.

In Romney Street there are several buildings with rear windows obliquely facing the application site (Nos 47 to 55), along with the buildings opposite with their front elevation facing the site. Objections from residents in Romney Street have been received and they point out the deficiencies in the daylight/sunlight assessment originally submitted. One objection comes from an office building occupier - their property has not been assessed and our planning policies do not afford offices protection from loss of daylight/sunlight. The revised daylight and sunlight assessment has taken into consideration the neighbours' comments, in particular the window layout to the ground floor at 55 Romney Street.

The submitted report shows that there are some very minor material impacts on one window at third floor level in 47 Romney Street and two windows at 51-53 Romney Street (ground and second floor study). The windows in question have very low light levels as a starting point and it would be difficult to undertake any additional development without an impact in this case.

There is no material impact on the Westminster School building at the corner of Dean Bradley Street and Romney Street.

In summary most reductions in VSC and NSL to neighbouring habitable rooms would meet the tests set down in the BRE guidelines and that the surrounding residential occupiers will continue to receive reasonable levels of natural light for this dense urban environment. In these circumstances, it is not considered reasonable to refuse permission on loss of daylight/sunlight grounds.

Privacy

Objections have been received from residential occupiers in Romney Street and Dean Ryle Street on the grounds of loss of privacy and overlooking. The existing office building does not give much opportunity for overlooking due to the limited hours of occupation during the working day and it's distance from the adjoining residential properties. Whilst the new building will be closer to the Romney Street properties the orientation of the rear elevation and the position of the windows are considered to mitigate any potential for overlooking. The distance between the new building and the existing residential properties in Dean Ryle Street will remain as existing.

A terrace is proposed at eighth floor which will extend to the edge of the building. However it will be surrounded by railings which limit the possibility to look down and the terrace is at high level which reduces the possibility of overlooking towards the existing outdoor amenity space in Romney Street.

The terrace at ninth floor level is set back and it is not considered to result in loss of privacy to neighbouring residential occupiers.

The introduction of a residential use and associated balconies would lead to a mutual degree of overlooking between the units and the adjoining residential properties but given the level of separation, the level of overlooking will be no more than one would reasonably expect in such a dense urban environment and similar relationships are found throughout the City.

Four windows of one of the ground floor retail unit will directly face the residential courtyard. As it is for the enjoyment of the residential occupiers only it is recommended that obscure glazing is applied to those windows.

Sense of Enclosure

The proposed building will be substantially higher than the existing building, though it is comparable in height to other buildings along this part of Horseferry Road. As a point of reference, the overall increase in height is approximately 8m above existing. Nearby residential units on the opposite side of Horseferry Road and the north side of Romney Street are well set back from the application site and it is not considered a sense of enclosure would result.

One of the more sensitive sides of the site is to the rear in its relationship with the rear of the houses on the south side of Romney Street. The footprint of the building changes significantly, but it is well set back from the boundary with the Romney Street houses – it is considered the main impact from this location is the proximity of the south west elevation rather than the overall height of the building. It is considered that some degree of enclosure will result, but given the surrounding context, the relationship is acceptable.

Objectors mention the loss of views from their flats due to the new height of the proposal and consequent loss of rental and property values. Whilst our policies protect against excessive degrees of enclosure, there is no policy which specifically protects private views. Rental income/property values are not a material consideration in the determination of applications.

Noise

Objections have been received on the grounds of noise disturbance due to the installation of mechanical plant.

UDP Policies ENV6 and ENV7 deal with the subject of noise pollution and vibration both from new uses, internal activity and the operation of plant. The policies require the potential for any disturbance to be mitigated through operational controls and/or attenuation measures. The application is supported by an acoustic report.

Environmental Health has reviewed the report and raises no objection to the proposals subject to standard conditions including the requirement for a supplementary acoustic report to be submitted to demonstrate that the selected equipment will operate in accordance with the standard noise conditions. On this basis it is considered unreasonable to refuse permission on plant noise and vibration grounds.

8.4 Transportation/Parking

43 car parking spaces are provided at basement level and the applicant has confirmed that these would be on a first-come first serve unallocated basis with a right to park system in operation. Transport for London (TfL) stated that this level of car parking is considered excessive for this highly accessible location

This is considered acceptable and consistent with TRANS21 and TRANS23 and would not increase on-street car parking pressures.

The GLA has requested indication of the blue badge parking bay, this is considered to fall outside the scope of this scheme.

Objections raise concerns about congestion and safety issues in relation of the car lift operation. The basement car parking is accessed via two car lifts which are set back from the highway boundary by a minimum of 5 metres. This is considered to allow sufficient space for a vehicle to wait off-street should the lift already be in operation and will not result vehicles obstructing other highway users. Pedestrian visibility splays for vehicles exiting the car lift are indicated and are considered satisfactory. In addition, it is recommended that the legal agreement should include details of arrangements to ensure continuing maintenance and management of the car lifts and stacker systems to ensure that any breakdowns are speedily repaired.

In addition the applicant has agreed to provide car club membership to future residential occupiers from first occupation to ensure low car ownership.

No car parking is proposed for the non-residential uses; given the site location this is welcomed and consistent with TRANS21 and TRANS 22.

One objector mentions the cycle parking provision. The proposal includes the provision of 141 secure cycle parking spaces. This breaks down as 18 cycle parking spaces at ground floor for the office and retail uses and 123 at basement level for the residential occupiers. The quantum of cycle parking is consistent with the minimum requirements of the London Plan (March 2015).

The Transport Assessment indicates 9 spaces will be active Electric Vehicle charging points and 9 spaces will be passive provision, but there is no indication of those spaces on the drawing. This will be dealt via condition.

Servicing

Originally the scheme included a 20m long loading bay in Romney Street within the existing footway area of the highway. This on-street servicing provision would have created an extensive and unnecessary conflict point with pedestrians and is contrary to Policies S42 and TRANS20 which require off-street servicing. Upon officer's comments this has been omitted from the scheme.

A delivery and servicing plan has been submitted which contains many overarching principles on how servicing will be managed but limited details on the specific processes to be followed. Therefore further information is required in particular with the provision of A class retail. It is recommended via condition the submission of a final Service Management Plan to ensure that the servicing activity is closely managed and the impact on the local highway network is minimised. An informative will detail the expected content of a Service Management Plan.

Other highways issues

Originally the building line of the proposed building extended onto the highways. Following officer's advice, amended drawings have been received to show that the existing building line which is chamfered on the corner of Dean Bradley Street and Horseferry Road.

The GLA has requested a travel plan and blue badge to be secured through the S106 legal agreement. Given the relatively small scale of the development it is not considered necessary to secure a travel plan in this instance. It is considered that matters relating to Blue Badge parking fall outside the scope of this scheme.

8.5 Economic Considerations

The proposal is in accordance with the City Plan and UDP and the economic benefits generated by the proposed residential units and modern office accommodation is welcomed.

At this stage it is estimated that the Community Infrastructure Levy generated by the scheme is £1,679,269.39, the figure takes into account the social housing relief.

8.6 Access

The proposed building provides step free access. All residential units are served by a wheelchair accessible lift. The entrances to individual dwellings are accessed from corridors designed in accordance with Building Regulations. There is a full level access within the building and in all other respects the residential units will meet Lifetime Homes Standards.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

Waste and recycling storage areas are located at ground floor level and would be accessible via Dean Bradley Street and Romney Street. These arrangements are considered to be acceptable and in line with UDP Policy ENV12.

Trees

One letter mentions the requirements to protect the plane trees in Dean Bradley House.

Two London Plane trees are located on street to the side elevation of the site on Dean Bradley Street and one of the London Plane trees on the opposite side of Horseferry Road has foliage almost touching the existing building. The trees may need pruning depending on the amount of growth before work starts. Any tree works must be carried out by the council at the developer's expense. The Arboricultural Manager considers it should be possible, with care, to protect the London Plane trees during construction and thereafter, subject to a number of matters being reserved by condition.

The proposal includes landscaping at ground level and green roofs. There is no illustration in the sections or drawings that there is sufficient space for soil to support this landscaping by natural or artificial means. There is no mention of rainwater storage for irrigating landscape areas so this would require mains water unless there is sufficient soil below the landscape areas to store rainfall to allow the plants to survive through long dry periods. In addition the sustainability and BREEAM Assessment mentions grey water use but there is no detail.

Details of the soft and hard landscaping will be dealt via condition, providing clear information whether the green spaces in the proposal are sustainable as the landscaping is shown as a benefit in the Ecological Report and the BREEAM assessment.

Sustainability

An energy statement has been submitted in support of this proposal. It has been prepared in accordance with the "Be Lean, Be Clean, Be Green" hierarchy set out in the London Plan and sets out the anticipated carbon reduction methodology. In response to GLA's comments revised information has been submitted.

Based on the passive measures contained with the Energy Strategy, the proposed scheme achieves a 9 % reduction in Carbon Dioxide emissions over baseline.

The location of the energy centre has been confirmed as basement level 1, it will contain thermal stores, the CHP, boilers, and other necessary ventilation plant. Details of the management arrangements of the CHP have been provided.

Overall the development targets a BREEAM excellent and will exceed the required level of carbon reduction set out in the London Plan.

Nevertheless an amending condition will require the removal of the photovoltaic panels proposed to the South elevation at roof level in the submitted Energy Strategy report. Whilst no details have been provided, their prominent position in the building is not

considered acceptable in design terms. Whilst their removal is regrettable in terms of on-site renewable energy generation to reduce emissions, the negative impacts in terms of conservation and design outweigh the sustainability consideration. Policy S40 of the city plan recognises that practical constraints and local heritage constraints may limit the provision of on-site renewable energy.

Transport for London and the Council's Environmental Health officer pointed out that the level of car parking is excessive for the location. The submitted Air Quality Neutral Assessment recognises that the development's transport emissions exceed the benchmark. The inclusion of the mitigation measures recommended will be dealt via condition. In addition it is considered that the applicant's agreement for the provision of car club membership is a positive contribution.

8.8 London Plan

The GLA have indicated in their Stage 1 referral report that the development is broadly acceptable but there are outstanding issues in relation to transport, affordable housing, urban design, inclusive design, and sustainable transport. Amendments were made to the application and it is considered that these issues have been addressed elsewhere in this report. The full Stage 1 response is provided in the background papers to this report. Once the City Council has resolved to determine the application, it will be referred back to the Mayor for his decision.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

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

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

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding

or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

- i. on-site provision of 3 affordable housing units to be completed ready for occupation prior to first occupation of the market residential units;
- ii. payment in lieu of £1.875m (index linked) toward the Council's affordable housing fund to be provided upon commencement of development;
- iii. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers.;
- iv. unallocated car parking;
- v. all necessary highway works;
- vi. car club membership for residents of the development – the developer to undertake to pay annual access charge for 25 years from first occupation;
- vii. S106 monitoring payment.

Officers consider that these 'Heads' satisfactorily address City Council policies and the CIL Regulations.

8.11 Environmental Impact Assessment

The development is not of sufficient scale to require an Environmental Statement under the 2011 Regulations. Other environmental impact issues have been covered elsewhere in this report.

8.12 Other Issues

Basement

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. The report has been considered by our Building Control officers who advised that the structural approach appears satisfactory.

Construction impact

Objections on the grounds of noise, dust, dirt, disruption, and loss of car parking spaces during construction works do not in themselves form a sustainable reason to refuse permission. The Council's standard hours of building works condition is recommended as is the requirement for the applicant to submit a construction management plan to help mitigate noise and disruption during construction. Construction works traffic must avoid Romney Street.

A draft Construction Management Plan (CMP) has been submitted which sets out the proposed measures to minimise the impact of construction vehicle activity in the immediate vicinity of the development site on the surrounding public highway during the strip out, demolition and construction phases of the proposed development.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific SEMP, should be secured through a S106 legal agreement. It is recommended that a construction logistics plan is secured by condition.

The Council's standard hours of building works condition is recommended as is the requirement for the applicant to submit a more detailed construction management plan to help mitigate noise and disruption during demolition and construction.

A highway licence would be required before any construction equipment such as scaffolding or skips can be placed on the road or pavement.

An informative is recommended to encourage the applicant to join the nationally recognized Considerate Constructor Scheme as well as keeping residents informed concerning the works.

Flood risk

The application is accompanied by a Flood Risk assessment report. The Environment Agency has confirmed that they have no objection to the application but they have recommended that the application raises finished floor level to 5.11m AOD for this site.

Crime and security

The scheme does not raise significant issues with regard to crime and security subject to condition of the installation of an access control system is employed to call the car parking lift remotely.

Community Consultation

Objections were received on the grounds that public exhibition was not carried out prior to submission. Whilst engagement with local community should be ideally done as early as possible on the process, the timing is not considered a reason to withhold permission.

Community infrastructure

The London Borough of Lambeth points out the adequate capacity enhancements to be made in local education establishments to cope with additional children, however the number of units to be provided do not trigger requirements in terms of education infrastructure.

9. BACKGROUND PAPERS

1. Application form
2. Response from Thames Water Utilities Ltd, dated 1 September 2015
3. Response from Historic England (Listed Builds/Con Areas), dated 1 September 2015
4. Response from Metropolitan Police, dated 14 September 2015
5. Response from Thorney Island Society, dated 15 September 2015
6. Response from Thorney Island Society, dated 16 September 2015
7. Response from Environment Agency, dated 16 September 2015
8. Response from Transport for London, dated 30 September 2015
9. Response from Lambeth Borough Council, dated 23 October 2015
10. Stage 1 referral report from Greater London Authority dated 4 November 2015
11. Memo from Environmental Health, dated 9 February 2016
12. Response from Transport for London, dated 11 February 2016
13. Response from Building Control, dated 19 May 2016
14. Memo from Tree section, dated 20 May 2016
15. Response from Historic England (Archaeology), dated 31 May 2016
16. Response from Highways Planning, dated 30 September 2015 and 01 July 2016
17. Letter from occupier of 55 Romney Street, London, dated 25 August 2015
18. Letter from occupier of 55 Romney Street, London, dated 8 September 2015
19. Letter from occupier of 15 Sackville Street, dated 9 September 2015
20. Letter from occupier of 8 Dean Ryle Street, London, dated 13 September 2015
21. Letter from occupier of 8 Dean Ryle Street, London, dated 14 September 2015
22. Letter from occupier of 55 Romney Street, London, dated 14 September 2015
23. Letter from occupier of 29 Tufton street, London, dated 15 September 2015
24. Letter from occupier of 55 Romney Street, London, dated 15 September 2015
25. Letter from occupier of 3 Smith Square, London, dated 16 September 2015
26. Letter from occupier of 701 Westminster Green, 8 Dean Ryle Street, London, dated 16 September 2015
27. Letter from occupier of 53 Romney Street, London, dated 17 September 2015
28. Letter from occupier of 3 Tufton Court, Tufton Street, dated 18 September 2015
29. Letter from occupier of 47 Romney Street, Westminster, dated 18 September 2015
30. Letter from occupier of 49 Romney Street, Westminster, dated 18 September 2015
31. Letter from occupier of 4th Floor Dean Bradley House, 52 Horseferry Road, dated 18 September 2015
32. Letter from occupier of 506 Westminster Green, 8 Dean Ryle Street, dated 24 September 2015
33. Letter from occupier of 701 Westminster Green, 8 Dean Ryle street, dated 12 October 2015
34. Letter from occupier of 703 Westminster Green, 8 Dean Ryle Street, dated 22 October 2015
35. Letter from occupier of flat 703, 8 Dean Ryle Street, dated 22 October 2015
36. Letter from occupier of 8 Dean Ryle St, London, dated 11 January 2016
37. Letter from occupier of 55 Romney Street, London, dated 14 January 2016
38. Letter from occupier of 79, Marsham Street, London, dated 17 January 2016
39. Letter from occupier of Apartment 802, Westminster Green, 8 Dean Ryle Street, dated 20 January 2016
40. Letter from occupier of Apt 502, 8 Dean Ryle St, dated 21 January 2016
41. Letter from occupier of 703 Westminster Green, 8 Dean Ryle Street, dated 10 February 2016

42. Letter from occupier of 46 Horseferry Road, dated 25 April 2016
43. Letter from occupier of 72B Cumberland Street, dated 23 May 2016
44. Letter from occupier of 79 Marsham Street, dated 27 May 2016
45. E-mail from the Westminster Green Management Company dated 6 July 2016.

Selected relevant drawings

(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 LOUISE FRANCIS ON 020 7641 2488 OR BY EMAIL AT lfrancis@westminster.gov.uk

10. KEY DRAWINGS



Existing view from Horseferry Road



Proposed view from Horseferry Road



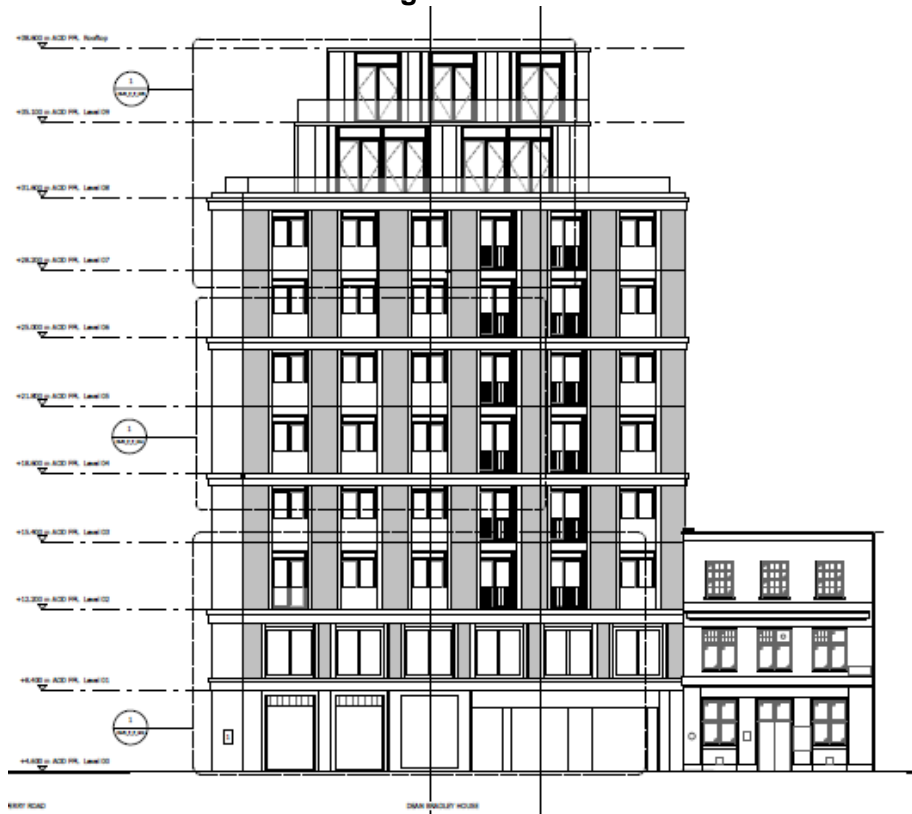
Existing South elevation (Horseferry Rd)



Proposed South elevation



Existing East elevation



Proposed East elevation



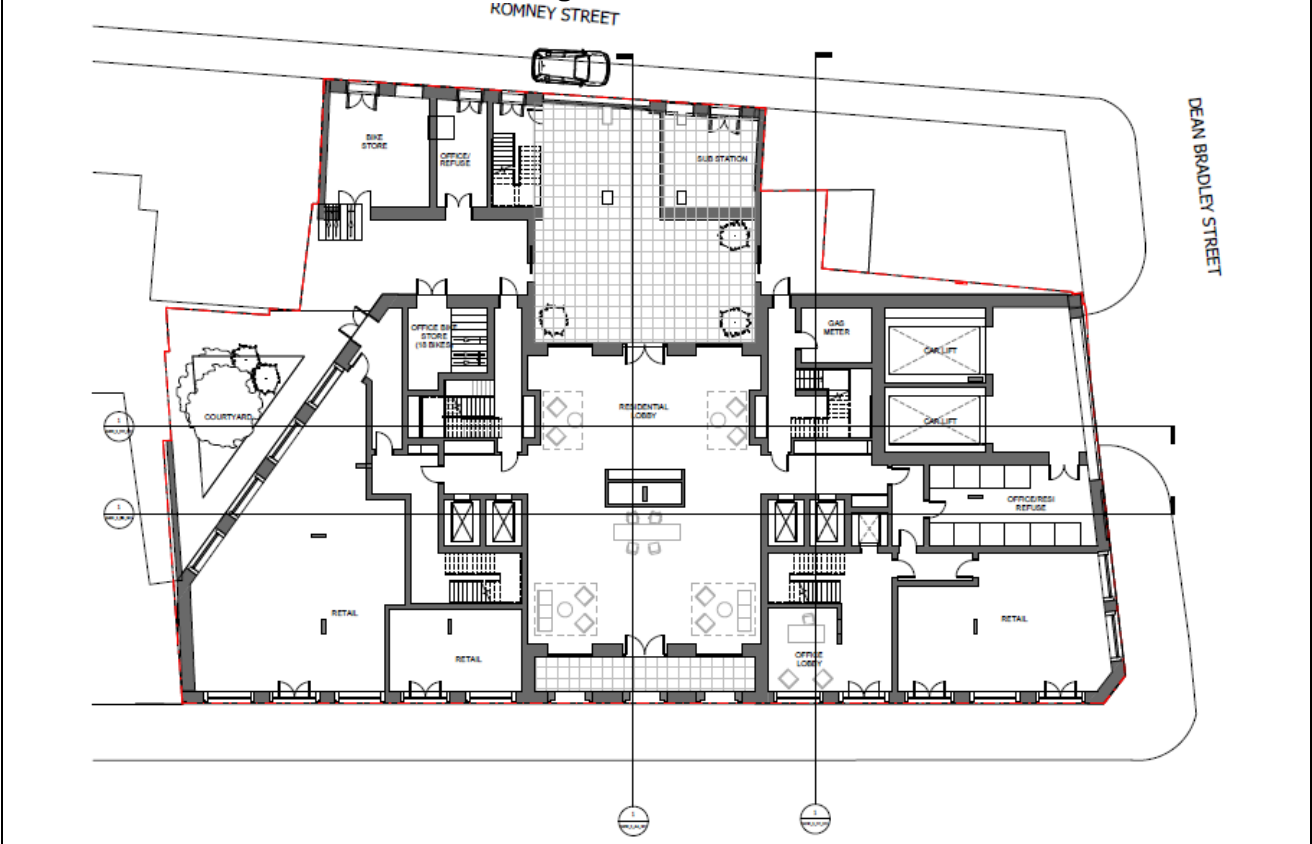
Existing North elevation (Romney St)



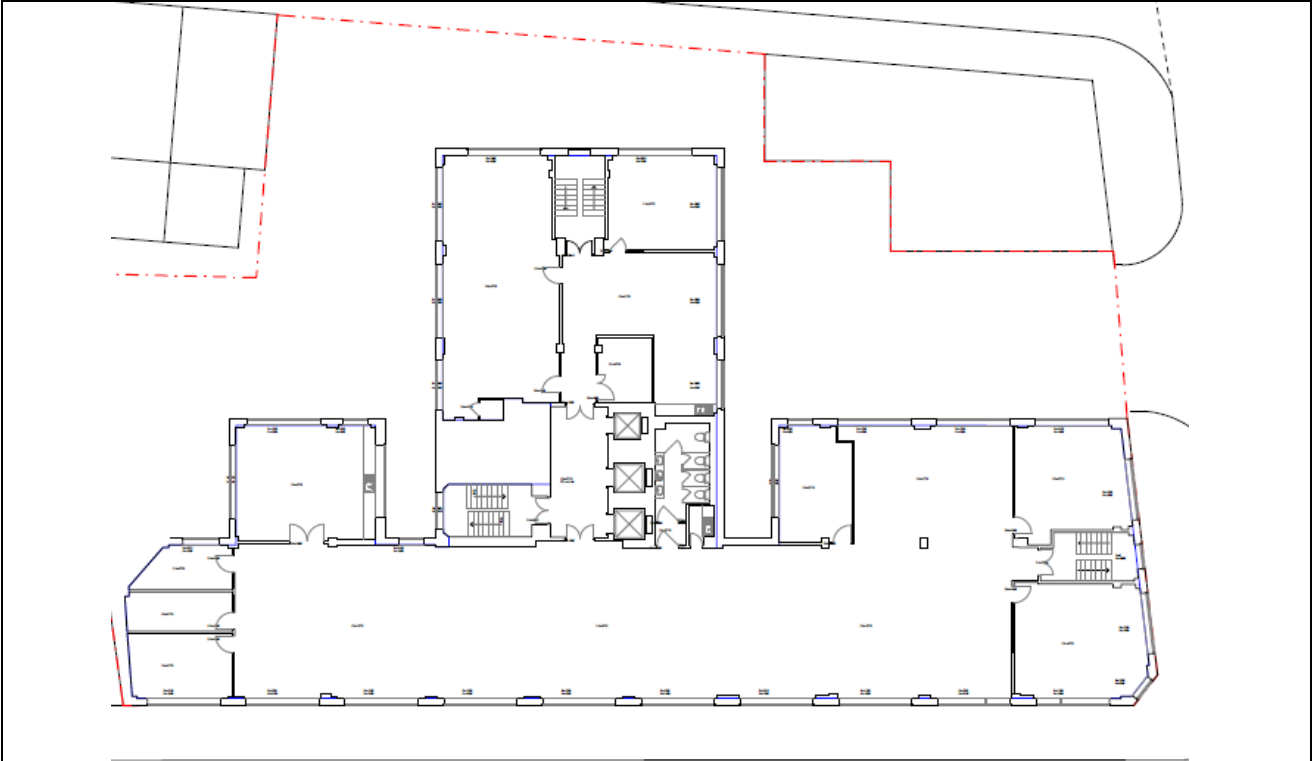
Proposed North elevation



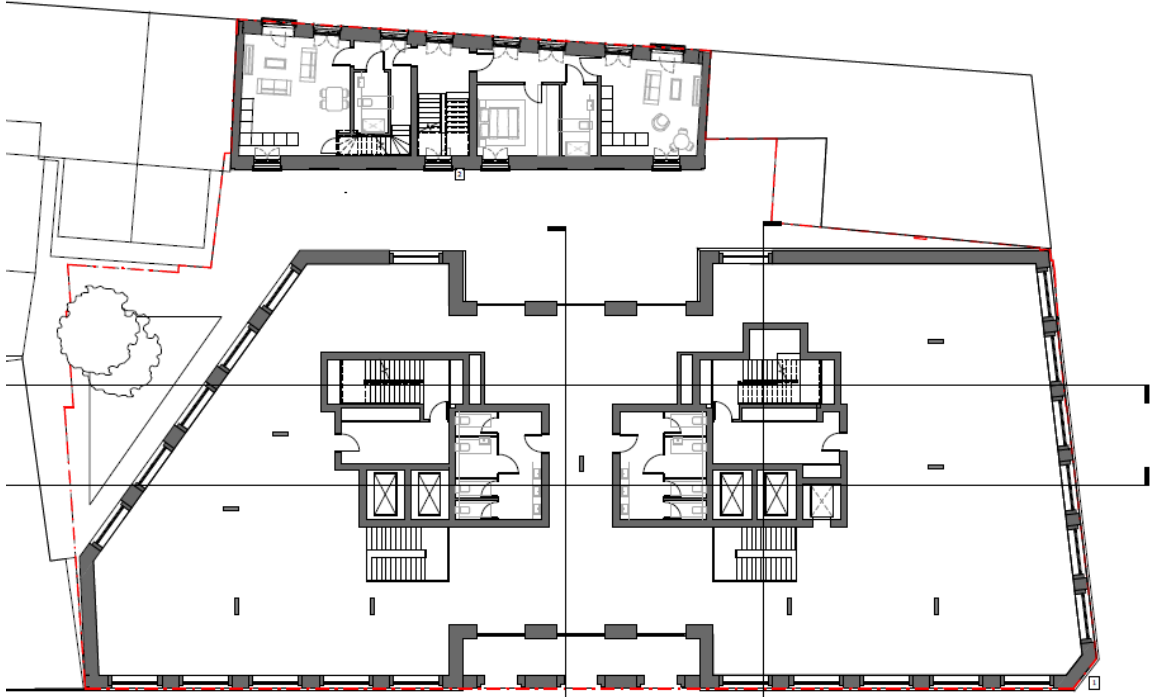
Existing Ground Floor Plan



Proposed Ground Floor Plan

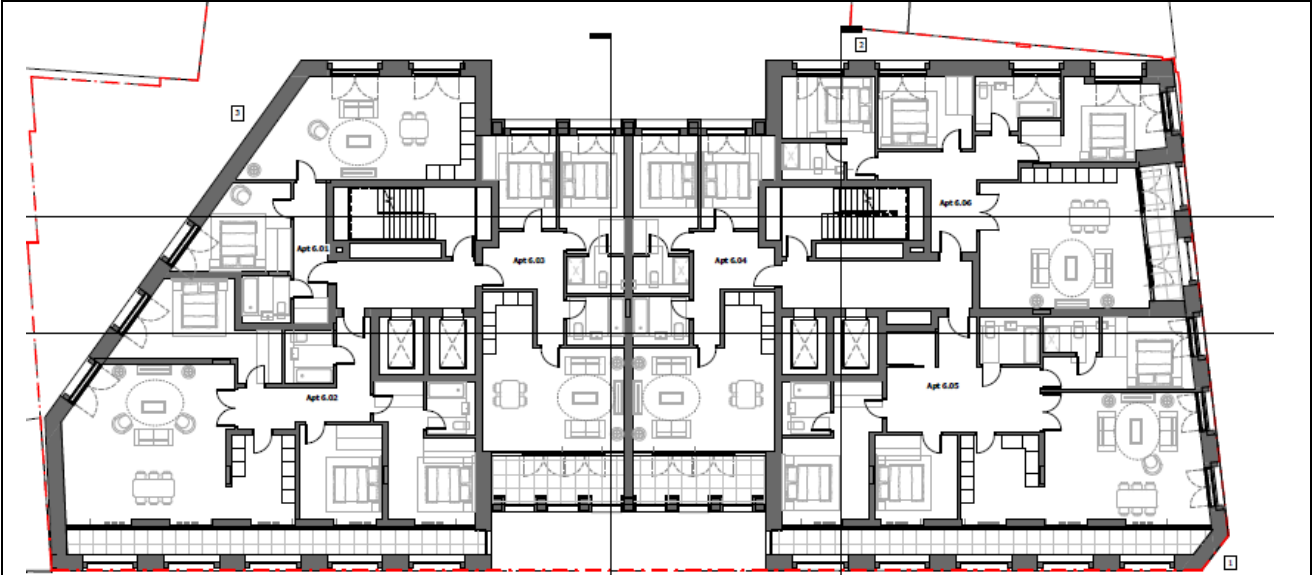


Existing typical floor plan

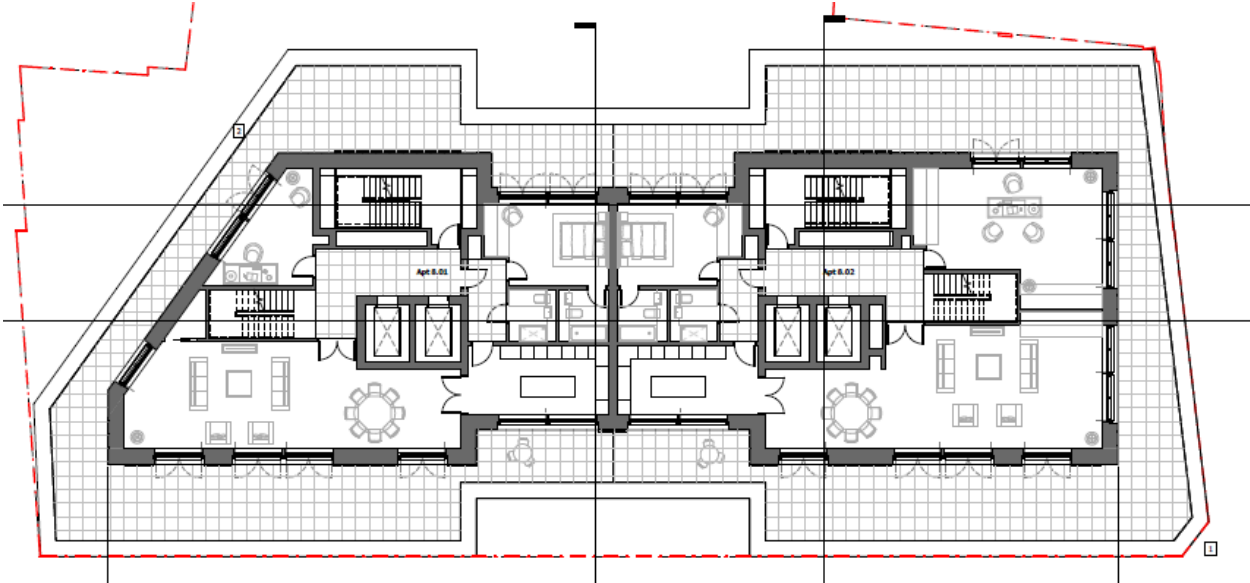


DEAN BRADLEY STREET

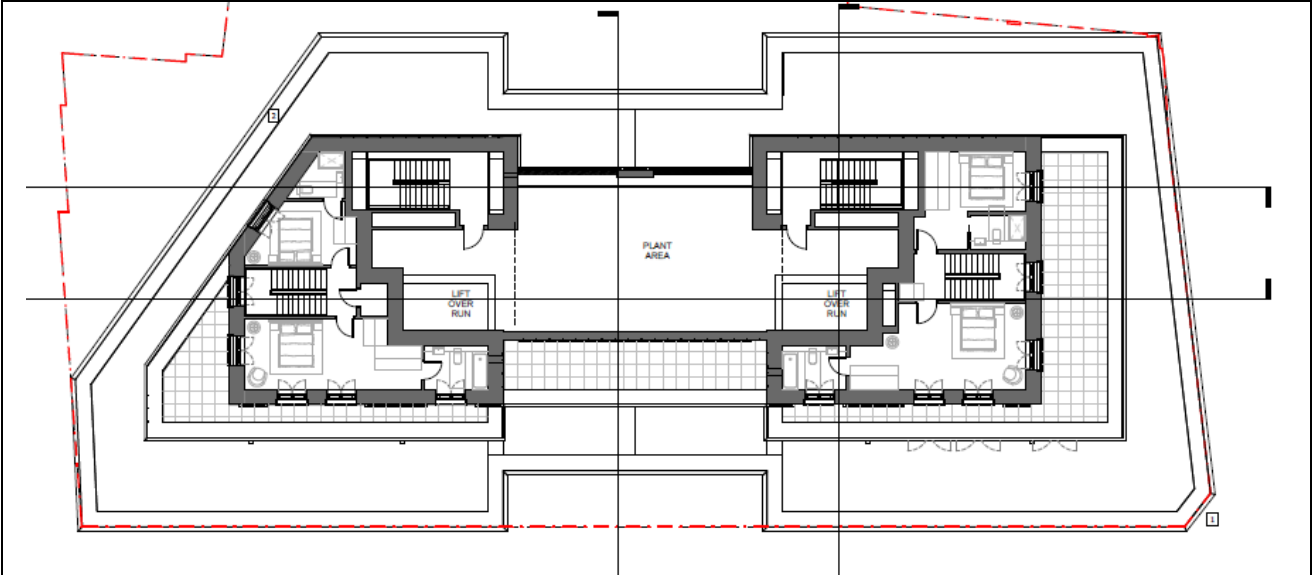
Proposed First Floor Plan



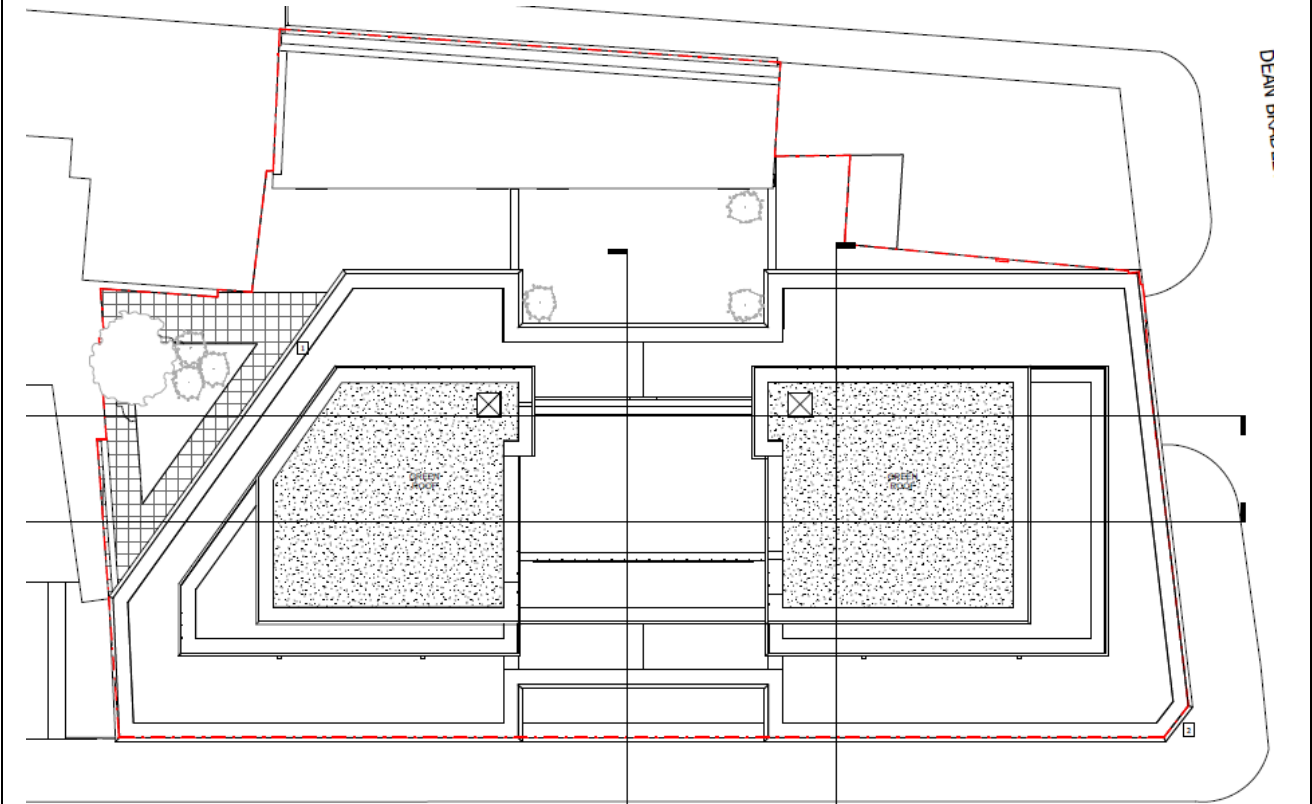
Proposed Sixth to Seventh floor plan



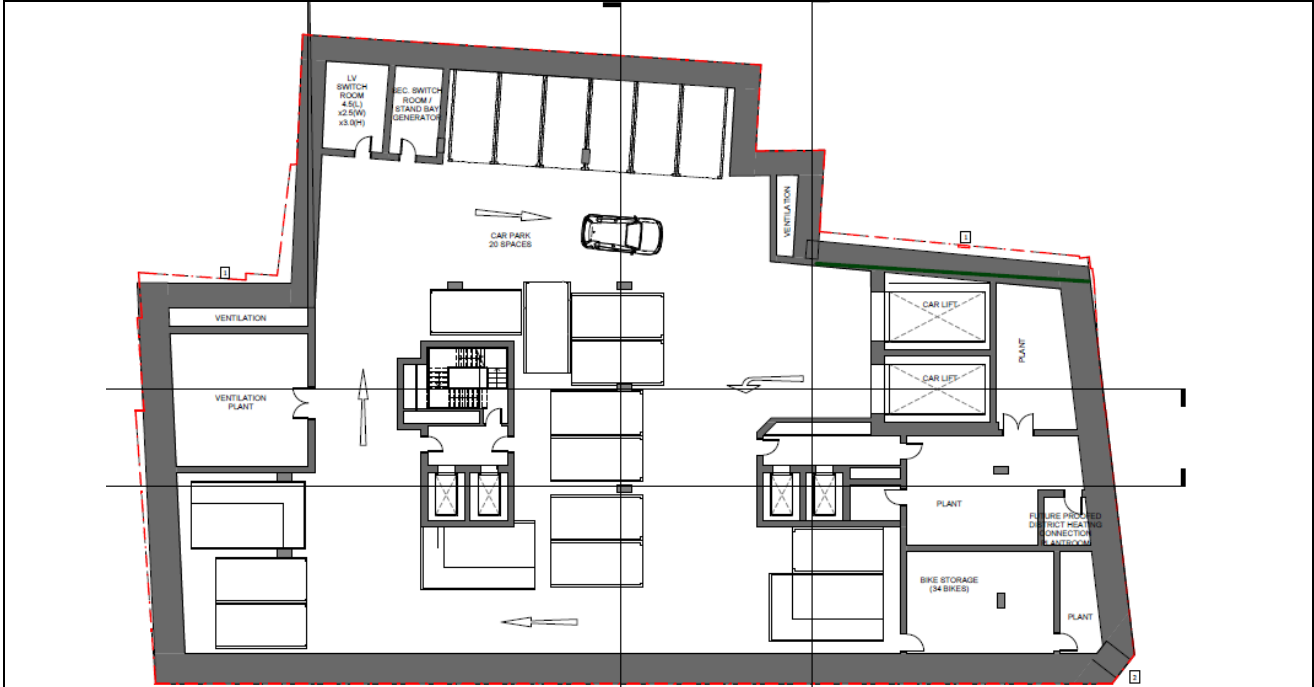
Proposed Eighth floor



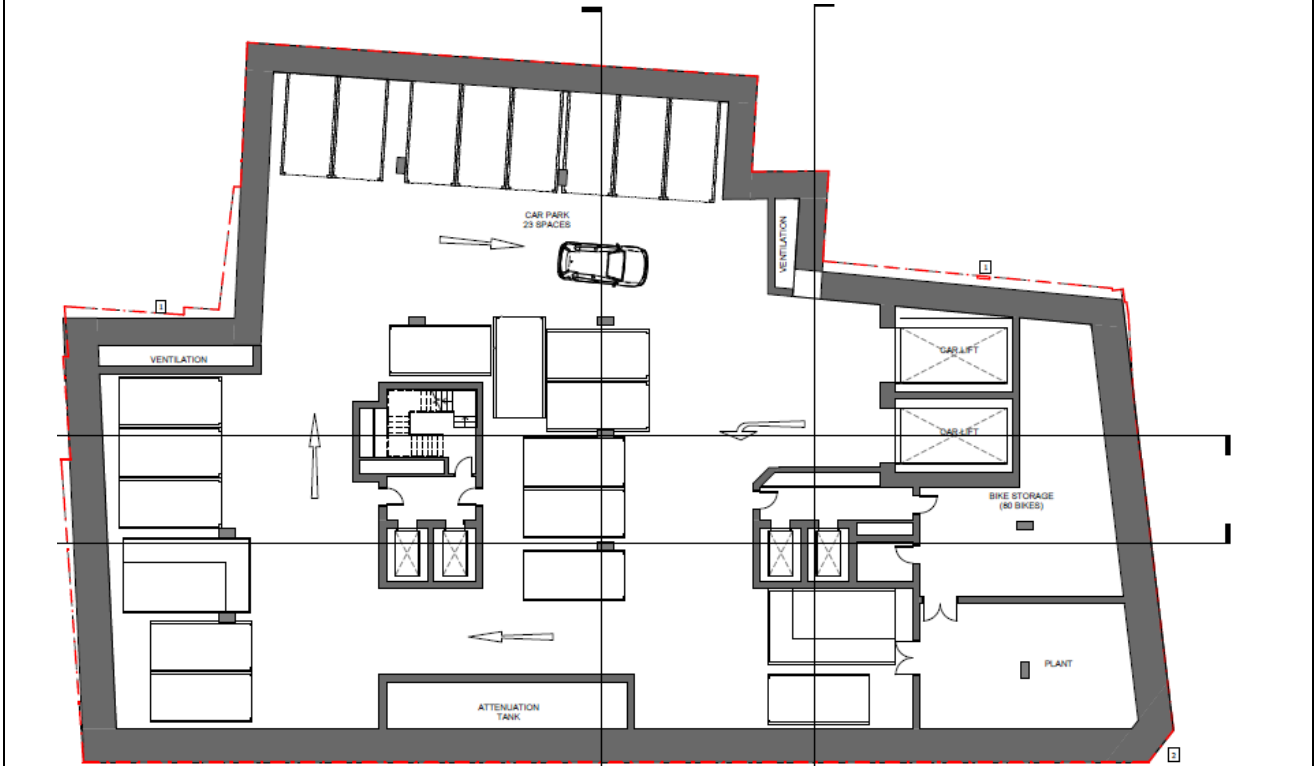
Proposed Ninth floor



Proposed roof plan



Proposed basement level 1



Proposed basement level 2

DRAFT DECISION LETTER

Address: Dean Bradley House, 52 Horseferry Road, London, SW1P 2AF,

Proposal: Demolition of Dean Bradley House and redevelopment to provide double basement, ground, and nine floors for car and cycle parking at basement level, 263 sqm of retail floorspace (Class A1/A3) at ground floor level, 975 sqm of office floorspace (Use Class B1) at first floor level and 45 residential units (Class C3) at second to ninth floor levels (14 x 1 bed units; 18 x 2 bed units; 12 x 3 bed units; and 1 x 4 bed unit) with balconies, and creation of a separate gatehouse building comprising 3 residential units (Class C3) at first and second floors (2 x 1 bed units and 1 x 2 bed duplex unit) accessed from Romney Street. Installation of plant at ninth floor level. Landscaped communal areas and servicing area.

Reference: 15/07690/FULL

Plan Nos: JA12 Z0_P_001; JA12 P_00_001; JA12 P_TY_001; JA12 E_N_001; JA12 E_S_001; JA12 E_E_001; JA12 E_W_001; JA12 S_AA_001; C645_E_E_001 A; C645_E_E_002 A; C645_E_E_003 A; C645_E_E_004 A; C645_E_E_005 A; C645_E_N_001 B; C645_E_N_002 A; C645_E_N_003 A; C645_E_N_004 A; C645_E_N_005 A; C645_E_N_006 B; C645_E_N_007; C645_E_S_001 A; C645_E_S_002 A; C645_E_S_003 rev. A; C645_E_S_004 rev. A; C645_E_S_005 A; C645_E_S_006 B; C645_E_W_001 A; C645_E_W_002 A; C645_P_-01_001 A; C645_P_-02_001 A; G200_P_00_001; C645_P_01_001 B; C645_P_02_001 B; C645_P_03_001 A; C645_P_04_001 A; C645_P_05_001 A; C645_P_06_001 A; C645_P_07_001 A; C645_P_08_001 A; C645_P_099_001 A; C645_P_RF_001 A; C645_S_AA_001 A; C645_S_BB_001 A; C645_S_CC_001 A; C645_S_DD_001 A; C645_Z0_P_AL_001 A; C645_Z0_S_AA_001 A; C645_Z0_S_BB_001 A; Revised design statement dated December 2015; Noise Assessment dated 17.11.2015; Addendum planning statement dated December 2015; Heritage and townscape appraisal dated December 2015; Sustainability and BREEAM 2014 Pre-Assessment Report dated 17 August 2015; Archaeological/Historic Environment Baseline and Impact Assessment dated 8 December 2015; Workplace Travel Plan Statement dated 17.08.15; Preliminary Ecological Appraisal dated August 2015; Air Quality Assessment dated 13.11.15; Air Quality Neutral Calculation dated 8.12.15; Surface Water Drainage Strategy dated August 2015; Energy Strategy Report dated 16. 11.15; Delivery and Servicing Plan dated 08.12.15; Residential Travel Plan Statement dated 8.12.15.

For information only: Flood risk assessment dated 12.11.15; Construction Methodology Statement dated November 2015; Construction Management Plan dated November 2015; Daylight and Sunlight Assessment dated November 2015; Transport Statement dated 8.12.15; Statement of Community Involvement dated August 2015; Residential strategy report dated August 2015; Structural Methodology Statement and Basement Impact Assessment dated 12.11.15

Case Officer: Aurore Manceau **Direct Tel. No.** 020 7641 7013

Recommended Condition(s) and Reason(s):

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

Reason:

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

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

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

Reason:

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

- 3 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

To maintain the character of the Smith Square Conservation Area as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 5 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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must submit detailed drawings at a scale of 1:10 and sections at 1:5 of the following parts of the development:
- i) Windows,
 - ii) Doors,
 - ii) Balconies,
 - iv) Railings,
 - v) Typical bay (scale 1:10),

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

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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 9 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces and balconies. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

10 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

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

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 12 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. The residential car parking space must not be sold, leased or allocated to individuals on either a temporary or permanent basis or to be used on any other basis other than on a first come first served basis without the prior written consent of the local planning authority.

Reason:

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

- 13 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 14 Prior to the occupation of the new/reconfigured flats hereby approved, you shall submit, and have approved in writing by the City Council as local planning authority, details of a vehicle signalling system for the car lift entrance. The approved vehicle signalling system shall be installed, permanently retained and operated in accordance with the approved details.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS

3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 16 Prior to the occupation of the flats hereby approved, electric vehicle charging points (active) for a minimum of 9 parking spaces (20%) and electric vehicle charging points (passive) for a minimum of 9 vehicles (20%) within the new car park (43 spaces) hereby approved shall be provided. These charging points shall be permanently retained and maintained for the life of the development.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with policy S 28 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 17 All vehicles must enter and exit the site in forward gear

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 18 Prior to any occupation of the Class A and B1 units hereby approved, you shall submit and have approved in writing a detailed servicing management strategy identifying process, internal storage locations, scheduling of deliveries and staffing. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 19 All servicing must take place between 7.00 to 23.00 on Monday to Saturday and 8.00 to 20.00 on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 20 Prior to commencement of the development hereby approved you shall submit a Car Parking Management Plan to detail how parking will be managed, including access for all residential tenures.

Reason:

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

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

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 22 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 21 and 22 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 24 The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 25 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.
- Reason:
As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.
- 26 Customers shall not be permitted within the Class A1/A3 premises before 8.00 or after 23.00 each day. (C12AD)
- Reason:
To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)
- 27 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application.
- Green roofs
- You must not remove any of these features. (C44AA)
- Reason:
To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)
- 28 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
- the removal of the photovoltaic panels in the Energy Strategy Report dated 16 November 2015
- You must not start on these parts of the work until we have approved what you have sent us.
- 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 Smith Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 29 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of all external trees and shrubs. You must also include details of the depth and specification of the new soil which you propose to use to create an adequate rooting environment for the new tree planting and landscaping including details of the drainage layer and other components and details of the way that the proposed areas of soil will be connected.

You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 12 months of completing the development (or within any other time limit we agree to in writing).

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 S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 30 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the London Plane trees. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 31 Reason:
To protect the trees and the character and appearance of this part of the Smith Square Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 32 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
- (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
- (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 33 You must provide the waste store shown on drawing G200_P_00_001 E before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 34 The new flats shall not be occupied until the air quality mitigation measures detailed in the report dated 17 August 2015 by RPS Group have been incorporated within the development and those measures should be permanently maintained thereafter.

Reason:

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

- 35 You must apply to us for approval of full details of the on-site and/or off-site mitigation measures detailed in the Air Quality Neutral Assessment dated 13 August 2015 by RPS to be adopted. You must then incorporate those measures within the development and those measures should be permanently maintained thereafter.

Reason:

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

- 36 The retail ground floor windows facing the courtyard must not be clear glass and they must be fixed shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 37 The retail floorspace must be provided and kept as at least 3 self-contained units. At least one of these units must be in A1 retail use unless agreed otherwise in writing with the Local Planning Authority

Reason:

To protect the special retail character of the area as set out in S21 of Westminster's City Plan: Strategic Policies adopted 13 November 2013 and SS 4 (B) of our Unitary Development Plan that we adopted in January 2007. (R15BC)

- 38 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately for the retail units. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the retail units. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 39 The residential part of this development must achieve a BREEAM 'excellent' rating (or any such national measure of sustainability for house design that replaces the scheme of the same standard). You must not occupy any of the residential units until a copy of the Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each unit built has achieved the required level, has been submitted and approved by us.

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/> . **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to :
 - i. Provision of 3 affordable housing units on-site, social rented housing unless agreed otherwise under the legal agreement terms;
 - ii. Payment of £1,875,000;
 - iii. Compliance with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to the commencement of development and provide a financial contribution of £32,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
 - iv. Unallocated residential parking;
 - v. Car club membership for residents of the development;
 - vi. Car lift maintenance and management plan;
 - vii. Highway works surrounding the site required for the development to occur;
 - viii. Costs of monitoring the S106 agreement.
- 4 The written scheme of archaeological investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology Guidelines. It must be approved by the City Council before any on-site development related activity occurs. It is recommended that the archaeological fieldwork should comprise of the following:

Watching Brief

A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.

Archaeological monitoring of any geotechnical investigation would also be a useful exercise and may enable the scope of the archaeological watching brief to be refined.

- 5 To be able to comply with the Code of Construction Practice a full SEMP will be required on the site. This should cover the following:
 - a. Site Information:
 - i. Environmental management structure;
 - ii. Location of any potentially sensitive receptors;
 - b. Environmental Management:
 - i. Summary of main works
 - ii. Public access and highways (parking, deliveries, loading/unloading, site access and egress, site hoardings)
 - iii. Noise and vibration (predictions, managing risks and reducing impacts)
 - iv. Dust and Air Quality (risk rating, managing risks and reducing impacts)
 - v. Waste management (storage, handling, asbestos, contaminated land)
 - vi. Water Resources (site drainage, surface water and groundwater pollution control, flood risk)
 - vii. Lighting
 - viii. Archaeology and built heritage (if applicable)
 - ix. Protection of existing installations (if applicable)
 - x. Urban ecology (if applicable);
 - xi. Emergency procedures;
 - xii. Liaison with the local neighbourhood.
 - c. Monitoring:
 - i. Details of receptors
 - ii. Threshold values and analysis methods ;
 - iii. Procedures for recording and reporting monitoring results;
 - iv. Remedial action in the event of any non-compliance.
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team

Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 7 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)
- 8 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 9 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 10 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 11 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 12 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a

result of falling from height. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
- * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
- * Lighting - ensure luminaires can be safely accessed for replacement.
- * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 14 Under the Construction (Design and Management) Regulations 2007, 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.

- 15 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 16 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)

- 17 Condition 30 and 31 requires you to submit a method statement for works to a tree(s). The method statement must be prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications or experience (or both) needed to be registered. It must include details of:
- * the order of work on the site, including demolition, site clearance and building work;
 - * who will be responsible for protecting the trees on the site;
 - * plans for inspecting and supervising the tree protection, and how you will report and solve problems;
 - * how you will deal with accidents and emergencies involving trees;
 - * planned tree surgery;
 - * how you will protect trees, including where the protective fencing and temporary ground protection will be, and how you will maintain that fencing and protection throughout the development;
 - * how you will remove existing surfacing, and how any soil stripping will be carried out;
 - * how any temporary surfaces will be laid and removed;
 - * the surfacing of any temporary access for construction traffic;
 - * the position and depth of any trenches for services, pipelines or drains, and how they will be dug;
 - * site facilities, and storage areas for materials, structures, machinery, equipment or piles of soil and where cement or concrete will be mixed;
 - * how machinery and equipment (such as excavators, cranes and their loads, concrete pumps and piling rigs) will enter, move on, work on and leave the site;
 - * the place for any bonfires (if necessary);
 - * any planned raising or lowering of existing ground levels; and
 - * how any roots cut during the work will be treated.
- 18 The London plane trees adjoining the site are protected by a Tree Preservation Order. You must obtain our consent before you carry out any tree works. The Town and Country Planning (Tree Preservation)(England) Regulations 2012 allow for exception from the need to obtain consent, so far as such work is necessary to implement a planning permission, but for the avoidance of doubt any tree work not necessary to implement the planning permission will require a separate tree works application on the standard application form.
- 19 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 20 Your attention is drawn to the advice contained in the Environment Agency letter dated 16 September 2015 which recommends that finished floor levels are raised to the 2100 breach level of 5.11m AOD.
- 21 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at www.thameswater.co.uk

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

No impact 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: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 22 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme 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: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

- 23 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 24 The term 'clearly mark' in condition 33 means marked by a permanent wall notice or floor markings, or both. (188AA)

- 25 The Service and Management Plan (SMP) should identify process, storage locations, scheduling of deliveries and staffing arrangements; as well as how delivery vehicle size will be managed and how the time the delivered items spend on the highway will be minimised, in this case.

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

Item No.
1

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.