

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 19 July 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Development Site At Former Westminster College, Castle Lane, SW1.</b>		
<b>Proposal</b>	Variation of Condition 1 of planning permission dated 05 January 2015 (RN: 14/02489) for the demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total), namely to allow for minor material amendments including to reduce height of the main building by 900mm, provide residential accommodation and private terrace at 6th floor level, increased depth of part of basement level, use of photovoltaic glass at 6th floor level and alterations to town house entrances.		
<b>Agent</b>	Mr Jeremy Randall		
<b>On behalf of</b>	Castle Lane Properties Limited		
<b>Registered Number</b>	16/02588/FULL	<b>Date amended/ completed</b>	23 March 2016
<b>Date Application Received</b>	22 March 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Birdcage Walk		

## 1. RECOMMENDATION

Grant conditional permission subject to a deed of variation to the S106 agreement dated 5 January 2015 to secure:

- i) A financial contribution towards affordable housing of £2.5m payable on commencement of development;
- ii) Lifetime car club membership (25 years) for each residential unit;
- iii) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (Index linked);
- iv) Highway works to Wilfred Street
- v) S106 Monitoring contribution.

If the S106 legal agreement has not been completed within six weeks of the date of the Committee's

resolution then:

(a) The Director of Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

(b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

## 2. SUMMARY

Permission was granted in January 2015 for the redevelopment of the former Westminster College building to provide 31 residential units. Demolition works have commenced on site. The site is located within the Birdcage Walk Conservation Area and the Core CAZ.

This minor material amendment application is seeking changes to the approved scheme. In all other respects the scheme remains substantially the same as approved in 2015. The key amendments sought through this application are as follows:

### Reduced height of main building

It is proposed to reduce the floor height of each floor in the new building by 150mm. A floor to ceiling height of 2.7m will be provided to each floor. This change will result in a reduction in the overall height of the main building by 900mm. This is welcome in design terms.

### Alterations to roof top plant room.

This is one of the main alterations to the scheme. The applicant advises that following a design review the building maintenance unit (BMU) within the approved plant room is not required. Part of the space occupied by the BMU will now be provided as residential floorspace linked to the flat below. The depth of the plant room will reduce slightly but the overall height will increase by 20cm. It is also proposed to clad three facades of the plant room in Onyx photovoltaic glass to generate energy. The fourth side will be louvred. Additional photovoltaic panels will be provided on the roof of the plant room.

Updated verified visuals have been provided to show that these changes to the plant room have an acceptable impact to the appearance of the building and will not harm the appearance of the conservation area. There are no objections to these changes in design terms.

The applicant has confirmed that the energy generated by the revised photovoltaic arrangement is comparable to that already approved.

There are concerns from neighbours about reflection of light from the glass photovoltaics. The applicant has advised that the glass will be light grey with a matt finish to avoid light reflection. It is also proposed to condition manufacturer's information on the glass. It is not considered that the matt glass will generate levels of light reflection to cause harm to amenity.

#### Roof terrace

A small (10m<sup>2</sup>) private roof terrace is proposed at sixth floor level. Concerns have been raised by neighbours about overlooking and noise from the terrace. However, given that it is set back by 3m from the roof edge and its small size it is not considered that it will have any significant amenity impact. The provision of a cover over the terrace or baffle walls, as suggested by neighbours to contain sound, would not be supported in design terms. The remaining roof area will be a living biodiversity roof which is welcome. A condition is recommended to prevent use of the living roof as a terrace. The comments about allergies and the living roof from a neighbouring occupier are noted. As approved the scheme already has a number of living roofs and, whilst officers are sympathetic, it is not considered appropriate to require the removal of this important biodiversity for this reason.

#### Alterations to basement

It is proposed to increase the depth of part of the basement by a further 2.35m to allow for the provision of a mezzanine floor within the basement to provide ancillary residential storage. The additional excavation required is not considered contentious given the overall scale of basement works already approved.

#### Alterations to Wilfred Street elevation

The key change is the removal of street entrance doors to two flats facing Wilfred Street. The flats will now gain access via the communal entrance instead. The justification given is to improve security and access to the concierge, waste stores and parking. It will also provide full DDA access to flat unit 5. Whilst this change will reduce interactivity with Wilfred Street it is considered a minor change and not something that could be resisted.

#### Changes to internal layout of residential units

The applicant proposes to use the basement of the two town houses on Wilfred Street as living accommodation rather than as bedroom accommodation as approved. A residential occupier of 36 Buckingham Gate that overlooks the rear of the proposed townhouses is concerned that this will intensify the use of the small private courtyard gardens. Whilst this concern is noted the use of the basement for living accommodation is unlikely to intensify the use of the courtyard to such a degree that it would be harmful to residential amenity. Other minor changes to the internal layout of flats within the main building are proposed however all units will still comply with minimum national space standards. There will also be an increase in the number of cycle parking spaces in the basement which is welcome.

#### S106 legal agreement

It is recommended that the application secures a deed of variation to the S106 agreement dated 5 January 2015. The heads of terms will remain the same as the 2015 permission other than the parking mitigation payment (£12,000) which following the updated CIL regulations can no longer be secured and does not form part of the draft heads of terms.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Former Westminster College building (now demolished)

## 5. CONSULTATIONS

Westminster Society  
No objection

Environmental Health  
No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 174  
Total No. of replies: 7  
No. of objections: 7  
No. in support: 0

The letters of objection raise the following concerns:

#### Amenity

Noise and overlooking from roof terrace. The terrace should have a cover and baffle walls to reduce noise.

Swapping the living and sleeping areas in the townhouses would mean more use of the courtyards and more noise.

The photovoltaics may reflect light.

There should be no access to the living roof.

#### Other

The living roof will affect people with allergies.

The building is already high enough and should not be increased any further.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 Recent Relevant History

#### 14/02489/FULL

Demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total) including rooftop plant, cycle parking, waste store and plant, new access and servicing arrangements, hard and soft landscaping and other associated works.

Application Permitted

5 January 2015

## 7. BACKGROUND PAPERS

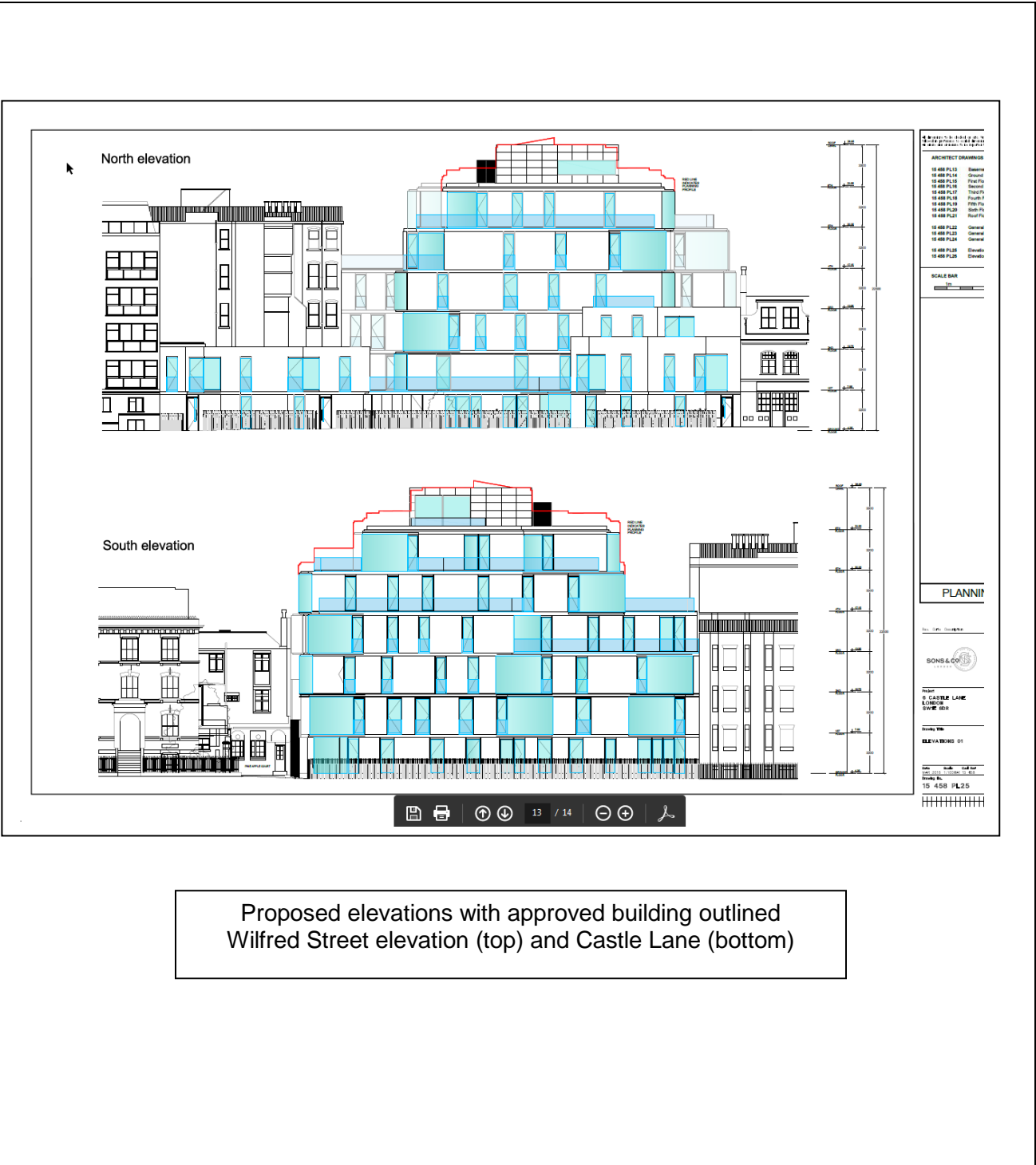
1. Application form
2. Response from Westminster Society, dated 12 April 2016
3. Response from Plant And Equipment, dated 26 April 2016
4. Letter from occupier of Flat 18, 36 Buckingham Gate, dated 28 April 2016
5. Letter from occupier of 11 Pennyford Court, St Johns Wood, dated 23 April 2016
6. Letter from occupier of Flat 15B, 36 Buckingham Gate, dated 22 April 2016
7. Letter from occupier of Flat 20, 36 Buckingham Gate, dated 29 April 2016
8. Letter from occupier of 36 Catherine Place,, London, SW1E 6HL, dated 4 May 2016
9. Letter from occupier of Flat 1002, 20 Palace Street, dated 28 April 2016
10. Letter from occupier of 27 Wilfred Street, London, dated 24 April 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)

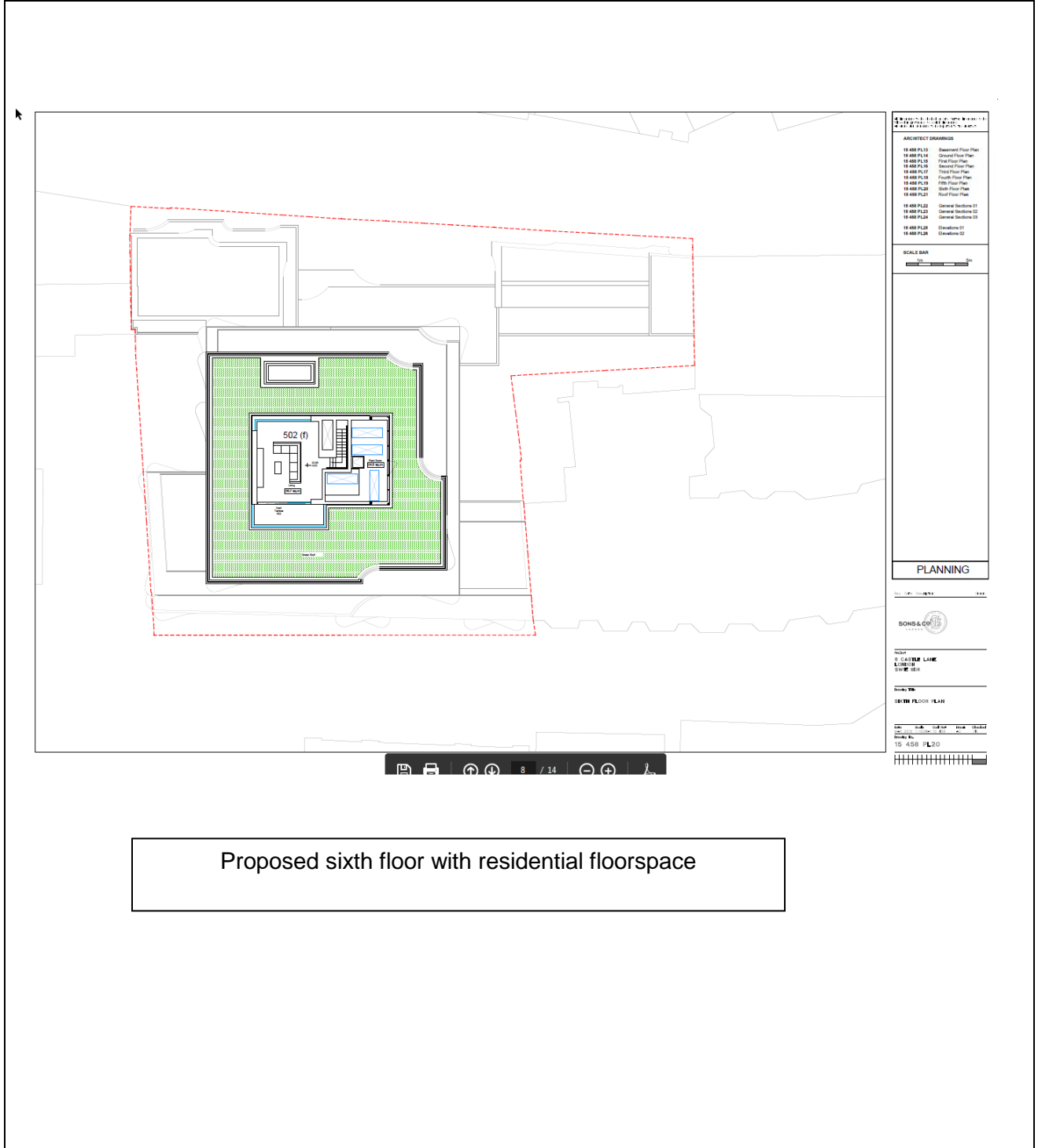
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY PHONE: 02076412488 BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk).

### 8. KEY DRAWINGS



Proposed elevations with approved building outlined  
Wilfred Street elevation (top) and Castle Lane (bottom)





Proposed sixth floor with residential floorspace



Verified view CGI from Palace Street at junction with Castle Lane with proposed building reduced by 900mm



Verified view CGI from Wilfred Street with proposed building reduced by 900mm

**DRAFT DECISION LETTER**

- Address:** Development Site At Former Westminster College, Castle Lane, London,
- Proposal:** Variation of Condition 1 of planning permission dated 05 January 2015 (RN: 14/02489) for the demolition of existing building and redevelopment comprising erection of a new six storey residential building plus basement level (Class C3) and three townhouses fronting Wilfred Street (Class C3) (31 units in total), namely to allow for minor material amendments including to reduce height of the main building by 900mm, provide residential accommodation and private terrace at 6th floor level, increased depth of part of basement level, use of photovoltaic glass at 6th floor level and alterations to town house entrances.
- Plan Nos:** Existing drawings - 1300 A, 1350 A, 1351 A, 1350 A, 1355 A, 2450
- Proposed drawings - 15 458 PL13, 15 458 PL14, 15 458 PL15, 15 458 PL16, 15 458 PL17, 15 458 PL18, 15 458 PL19, 15 458 PL20, 15 458 PL21, 15 458 PL22, 15 458 PL23, 15 458 PL24, 15 458 PL25, 15 458 PL26,
- Residential Amenity Analysis - 1206 A, 3410 A, 1216 A, 1210 A, 1211 A, 1212 A, 1213 A, 214 A, 1215 A, 3411 A.
- Reports - Planning Statement, Daylight, Sunlight and Overshadowing Report and addendum dated 10/09/2014. Transport Statement, Energy Statement, Code for Sustainable Homes Credit Review, Sustainability Statement, Statement of Community Involvement and addendum (September 2014), Plant Noise Assessment, External Noise Intrusion Assessment, Heritage and Townscape Impact Assessment, Environmental Performance Statement, Financial Viability Report.
- Memo from ChapmanBDSP dated 29 May 2014, Heritage and Townscape Impact Assessment addendum dated 9 May 2014 incorporating view A1, Transport Statement Addendum dated 28 May 2014.
- Design and Access Statement and addendum (September 2014) as updated for the minor material amendment application (March 2016).

**Case Officer:** Matthew Mason **Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 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.

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 (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.

- 4 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.

- 5 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the car lift and access door machinery will comply with the Council's noise criteria as set out in Condition 3 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.

- 6 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.

- 7 You must provide the waste and recycling store shown on the approved drawings before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flats. 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)

- 8 You must provide the secure basement cycle parking spaces shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 9 You must apply to us for approval of details of the following:

- Car Parking Management Plan.
- Car Lift Maintenance Management Plan

You must not occupy the residential units until we have approved what you have sent us. Thereafter the development shall be managed in accordance with the approved plans. (See Informative 2)

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)

- 10 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.

Reason:

To provide parking spaces for people living in the development as set out in STRA 25 and

TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

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

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 12 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: a minimum of one electric charging point for each two car parking spaces. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To 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.

- 13 You must apply to us for approval of details of the bird and bat boxes including their design and location. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain the bird and bat boxes in accordance with the approved details. (see informative 3)

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 14 You must carry out the development in accordance with the details set out in the Sustainability Statement and Energy Statement.

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)

- 15 A Code for Sustainable Homes assessment must be completed and certified by the Building Research Establishment (or other authorised assessor) and a copy of the certificate detailing the award score for the building shall be submitted to us within 16 weeks of first occupation. In the event that this fails to meet the Pre-Assessment Score of 72.18 (or equivalent from another



authorised assessor) a full schedule of costs and works to achieve such a rating shall be submitted at the same time. In the event that the Council considers it is practicable and reasonable to require the implementation of these remedial works to achieve such a rating, such measures, or alternatives to secure off site remedial actions, shall be carried out within six months of any such determination.

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)

- 16 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.

a minimum of 50m<sup>2</sup> of photovoltaic panels at roof level

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)

- 17 You must apply to us for approval of details of the building's systems management. You must not occupy the residential units until we have approved what you have sent us. You must then manage the building in accordance with the details approved. (see informative 5)

Reason:

To make sure that the development affects the environment as little as possible by reducing overheating and demand for mechanical ventilation in the summer months. This is as set out in CS39 or CS27, or both, of our Core Strategy that we adopted in January 2011 (as amended by the NPPF Revision submitted to the Secretary of State on 25 January 2013)

- 18 Notwithstanding the details submitted, you must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 according to these approved drawings within one planting season of completing the development (or within any other time limit we agree to in writing). (C30AB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: 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. (R30AC)

- 19 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 provide family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in January 2007.

- 20 Prior to occupation you must restrict the window openings to 45 degrees in the east elevation of the building and provide obscure glass in the balustrade to window openings in the east elevation of the building as shown on drawing 2402 B. You must then retain the window opening restriction and retain obscure glass in the balustrade at all times.

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)

- 21 The glass that you put in the south facing first floor windows in the rear elevation of the town houses on Wilfred Street (opposite 36 Buckingham Gate) must not be clear glass, and you must fix it permanently 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. (C21DB)

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)

- 22 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 Birdcage Walk 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)

- 23 You must apply to us for approval of detailed drawings showing the brick pattern, bond and mortar pointing and elevational drawings at 1:100 scale showing where these patterns are proposed on the building.

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 Birdcage Walk 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)

- 24 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 Birdcage Walk 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)

- 25 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 Birdcage Walk 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)

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

- i) windows at a scale of 1:10
- ii) external doors at a scale of 1:10
- iii) boundary railings at a scale of 1:10
- iv) acoustic screen on Pine Apple Court
- v) dual openable windows on west elevation
- vi) the Onyx glass photovoltaic panels (manufacturer's information)

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

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 Birdcage Walk 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)

- 27 Notwithstanding what is shown on the approved plans, you must provide detailed drawings of a location for communal satellite dishes. 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 works according to these drawings.

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 Birdcage Walk 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)

- 28 Notwithstanding what is shown on the approved plans, you must provide detailed drawings of the extraction vent for the basement car park currently shown on the west elevation of the building. 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 drawings approved.

Reason:

To make sure that the appearance of the building is suitable that it contributes to the character and appearance of this part of the Birdcage Walk Conservation Area and to protect the amenity of adjoining neighbours. This is as set out in S25, S28 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7, 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 not use the first floor roof of the town houses on Wilfred Street (facing 36 Buckingham Gate) for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21AA)

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)

- 30 You must apply to us for approval of detailed drawings of the following parts of the development - the design of the first floor rear wall of the two townhouses facing 36 Buckingham Gate. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details approved. (C26DB)

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 Birdcage Walk 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)

- 31 Other than the area identified as roof terrace on drawing 15 458PL20, you must not use the main roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency or for maintenance purposes. (C21AA)

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)

**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 You are advised that the car parking management plan required by condition 9 should contain the following details:
  - i) Provision of a vehicle signalling system to ensure that vehicles entering the development site have priority over those leaving;
  - ii) Provision of one electric car charging point per two car parking spaces within the car park;
  - iii) Marked disabled bays are for the use of white badge holders only;
  - iv) No more than 1 car parking space ("right to park") per residential unit;
  - v) The approved residential car parking spaces shall only be used by occupants of the residential development and for no other use or user and maintained for the life of the development;
  - vi) Car parking spaces, vehicle manoeuvring areas and vehicle access routes to be maintained for the life of the development and used for no other purpose than providing vehicle car parking and access to the spaces
- 3 You are advised that the bird and bat boxes should be an integral part of the design of the building facade. You are recommended to consult the RIBA's 'Designing for Biodiversity' for guidance.
- 4 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) A financial contribution towards affordable housing of £2.5m index linked and payable on

commencement of development;

ii) Lifetime car club membership (25 years) for each residential unit;

iii) The applicant to sign up to the Council's Code of Construction Practice and to pay up to £16,000 annually for cost of monitoring by Environmental Inspectorate and up to £8,040 annually for cost of monitoring by Environmental Sciences (index linked)

iv) Highway works to Wilfred Street as shown on drawing CL-DWG-023/B

v) Unallocated car parking; and

vi) S106 Monitoring contribution.

- 5 The details required in relation to the building's system management relate to the provision of integrated light coloured curtains as an integral part of the window detail as set out in the document from Chapman BDSP dated 29 May 2015. An extract from the relevant document to demonstrate this would be acceptable to discharge this condition.
- 6 Approval for this residential use has been given on the basis of sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be undertaken only if the noise and ventilation mitigation measures installed are in operation. E.g. windows kept closed.