



City of Westminster

# Committee Agenda

Title:

**Planning (Major Applications) Sub-Committee**

Meeting Date:

**Tuesday 11th September, 2018**

Time:

**6.30 pm**

Venue:

**Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members:

**Councillors:**

Gotz Mohindra (Chairman)  
David Boothroyd  
Ruth Bush  
Peter Freeman

Murad Gassanly  
Jim Glen  
Elizabeth Hitchcock



**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda**

**Admission to the public gallery is by ticket, issued from the ground floor reception. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend: Senior Committee and Governance Officer.**

**Tel: 020 7641 2341; Email: [tfieldsend@westminster.gov.uk](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

To note any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

#### **3. MINUTES**

To sign the minutes of the last meeting as a correct record of proceedings.

#### **4. PLANNING APPLICATIONS**

Applications for decision

##### **Schedule of Applications**

#### **1. DEVELOPMENT SITE AT 268-282 VAUXHALL BRIDGE ROAD, LONDON**

**(Pages 7 - 54)**

#### **2. 134 OXFORD STREET, LONDON, W1D 1LU**

**(Pages 55 - 100)**

#### **3. 1 CAVENDISH SQUARE, LONDON, W1G 0LA**

**(Pages 101 - 114)**

#### **4. WATERLOO BRIDGE, LONDON**

**(Pages 115 - 204)**

**Stuart Love  
Chief Executive  
3 September 2018**

# Agenda Annex

CITY OF WESTMINSTER  
PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE – 11th September 2018  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 17/11033/FULL  Vincent Square	Development Site At 268-282 Vauxhall Bridge Road London	Demolition of existing buildings and erection of a new building comprising basement, 2 lower levels (basement level -1 and sub-basement -2), ground and 9 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including restaurant/bar and gym (Class C1), 2 x 2 bedroom apartments (Class C3), plant, cycle parking and other associated works.	
	<p><b>Recommendation</b></p> <p>1. Subject to referral to the Mayor of London, grant conditional permission, subject to a section 106 agreement to secure:</p> <p>i. A financial contribution of £164,456 (index linked and payable on commencement of development) toward the funding of Crossrail;</p> <p>ii. Offering local employment opportunities during operation of the hotel;</p> <p>iii. Carbon off-setting payment of £3,420</p> <p>iv. Payment of cost of monitoring the agreement (£500 per head of term).</p> <p>2. If the S106 legal agreement has not been completed within 6 weeks, then:</p> <p>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 the decision under Delegated Powers; however, if not;</p> <p>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 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.</p>			
2.	RN(s) : 18/03229/FULL  West End	134 Oxford Street London W1D 1LU	Demolition of 134-140 Oxford Street and 77-84 Wells Street (Wells House) and the erection of a new building comprising basements, ground plus nine upper floors, with plant accommodation and part Sui Generis (nightclub) at basement level 02; cycle parking, plant accommodation and part Class A1 (retail) at basement level 01; part Class A1 (retail) accommodation and part Class B1 (office) at ground floor level, Class A1 (retail) and associated plant accommodation at first floor level, flexible Class A1 (retail) or Class B1 (office) at second floor and Class B1 (office) accommodation at third to seventh floors; plant accommodation and Class B1 (office) accommodation at eighth floor; Class B1 (office) accommodation at ninth floor; the creation of terraces on levels 6 to 8 and a rooftop terrace area at level 9 (all for use in association with office accommodation); photovoltaic panels on level 9 and the roof; and other associated works including short stay cycle parking spaces in Adam & Eve Court.	
	<p><b>Recommendation</b></p> <p>1. Subject to the views of the Mayor of London, grant conditional permission subject to the completion of a legal agreement to secure the following:</p>			

**CITY OF WESTMINSTER**  
**PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE – 11th September 2018**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

	<p>a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked), payable in the event that the second floor is occupied as offices (Class B1).</p> <p>b) A Carbon Offset Contribution of £140,790 (index linked), payable prior to commencement of development.</p> <p>c) A Crossrail contribution of £478,140 (index linked) payable within 60 days of commencement of development and an additional Crossrail contribution of £75,750 (index linked) payable in the event that the second floor is occupied as offices (Class B1) (both minus any relevant Mayoral Community Infrastructure Levy paid).</p> <p>d) Undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development.</p> <p>e) An employment and training strategy.</p> <p>f) Secure the re-provision of the nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.</p> <p>g) Costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within eight weeks of the date of this resolution then:</p> <p>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;</p> <p>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.</p>			
Item No	References	Site Address	Proposal	Resolution
3.	<p><b>RN(s) :</b>  18/01899/FULL  18/01900/LBC</p> <p>West End</p>	1 Cavendish Square London W1G 0LA	Use of building as a restaurant/ drinking establishment (sui generis), addition of a mezzanine floor, erection of a roof extension, removal of steps to provide level access to building, internal modifications, and associated works.	
<p><b>Recommendation</b></p> <p>1. Grant conditional permission.</p> <p>2. Grant conditional listed building consent.</p> <p>3. Agree the reasons for granting listed building consent as set out in informative 1 of the draft decision letter.</p>				
Item No	References	Site Address	Proposal	Resolution
4.	<p><b>RN(s) :</b>  <b>Application 1:</b>  18/03780/FULL  18/03781/LBC  (St James's Ward)  <b>Application 2:</b>  18/03782/FULL  (St James's Ward)  <b>Application 3:</b>  18/03775/FULL</p>	Waterloo Bridge London	The architectural illumination, as part of the Illuminated River proposal, of Waterloo Bridge (Application 1), Golden Jubilee Bridge (Application 2), Westminster Bridge (Application 3), Lambeth Bridge (Application 4), Vauxhall Bridge (Application 5), Grosvenor Bridge (Application 6) and Chelsea Bridge (Application 7) including the installation of fixtures, fittings and ancillary equipment and associated works.	

CITY OF WESTMINSTER  
 PLANNING (MAJOR APPLICATIONS) SUB-COMMITTEE – 11th September 2018  
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

<p>18/03776/LBC (St James's Ward) <b>Application 4:</b> 18/03777/FULL 18/03778/LBC (Vincent Square Ward) <b>Application 5:</b> 18/03772/FULL 18/03773/LBC (Tachbrook Ward) <b>Application 6:</b> 18/03774/FULL (Churchill Ward) <b>Application 7:</b> 18/03769/FULL 18/03770/LBC (Churchill Ward)</p>			
<p><b>Recommendation</b></p> <p>Application 1</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol> <p>Application 2</p> <p>Grant conditional permission.</p> <p>Application 3</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol> <p>Application 4</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol> <p>Application 5</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol> <p>Application 6</p> <p>Grant conditional permission.</p> <p>Application 7</p> <ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>			

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Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 11 September 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward involved</b> Vincent Square	
<b>Subject of Report</b>	<b>Development site at 268-282, Vauxhall Bridge Road, SW1V 1BB.</b>		
<b>Proposal</b>	Demolition of existing buildings and erection of a new building comprising basement, 2 lower levels (basement level -1 and sub-basement -2), ground and 9 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including restaurant/bar and gym (Class C1), 2 x 2 bedroom apartments (Class C3), plant, cycle parking and other associated works.		
<b>Agent</b>	ROK Planning		
<b>On behalf of</b>	4C Hotels Group		
<b>Registered Number</b>	17/11033/FULL	<b>Date amended/ completed</b>	14 December 2017
<b>Date Application Received</b>	13 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Site is not located within a conservation area. Westminster Cathedral Conservation Area is located to the rear.		

## 1. RECOMMENDATION

<p>1. Subject to referral to the Mayor of London, grant conditional permission, subject to a Section 106 agreement to secure:</p> <ul style="list-style-type: none"> <li>i. A financial contribution of £164,456 (index linked and payable on commencement of development) toward the funding of Crossrail;</li> <li>ii. Offering local employment opportunities during operation of the hotel;</li> <li>iii. Carbon off-setting payment of £3,420</li> <li>iv. Payment of cost of monitoring the agreement (£500 per head of term).</li> </ul> <p>2. If the S106 legal agreement has not been completed within 6 weeks, then:</p> <ul style="list-style-type: none"> <li>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 the decision under Delegated Powers; however, if not;</li> </ul>
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- 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 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

The application site is not located within a conservation area and contains six unlisted buildings of varying heights comprising office, hotel and residential units. Permission is sought to demolish the buildings on site and replace with a building comprising two basements, ground and nine upper floors for use as a hotel (Class C1) and two self-contained residential flats (Class C3). Objections have been received, including from residents within the mansion blocks to the rear of the site backing onto King's Scholars' Passage, on grounds which include the impact of increased height and bulk of the proposal on residential amenity.

The key considerations are:

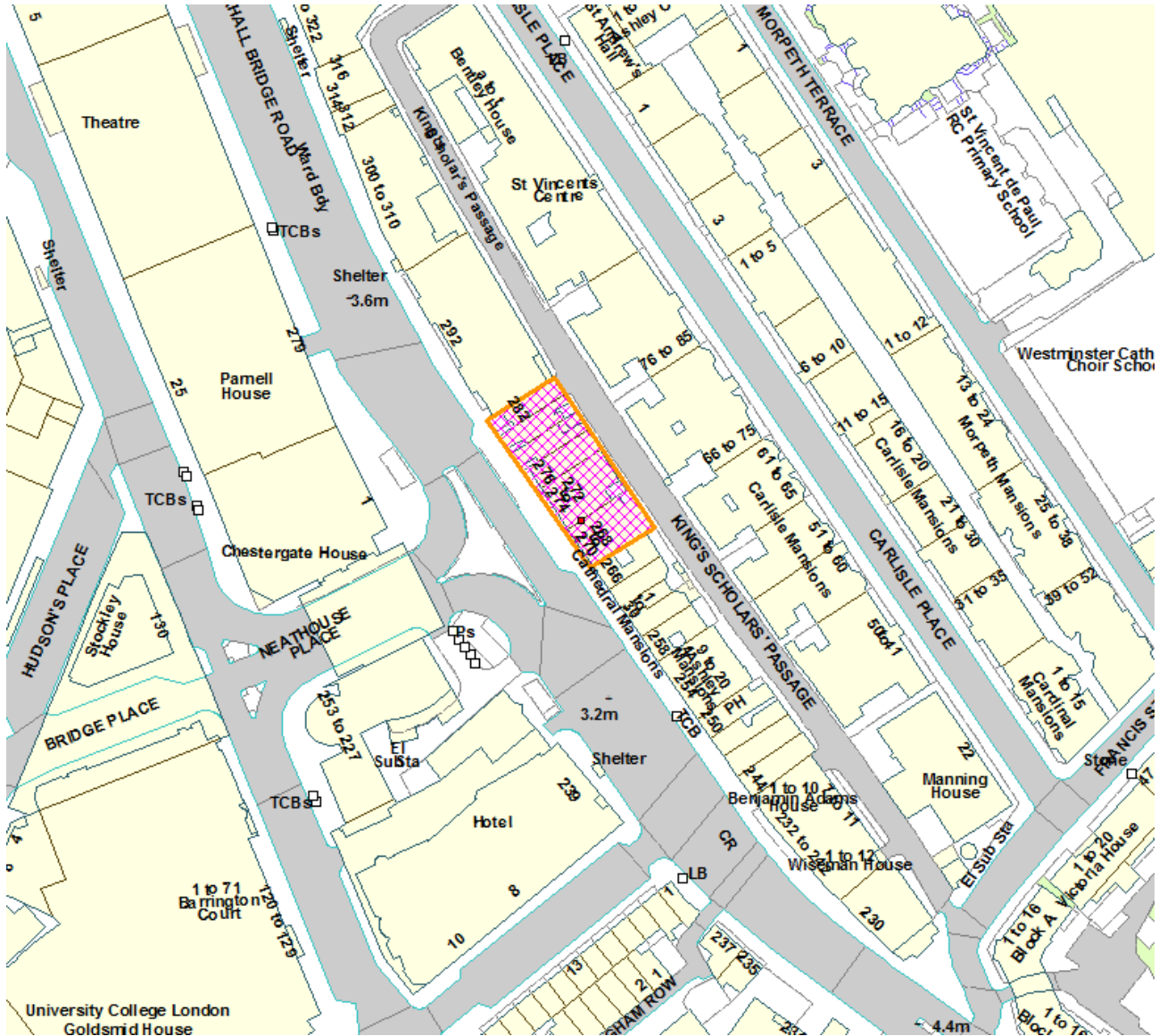
- The impact of the proposal on the character and appearance of the area;
- The land use implications of the proposal;
- The impact of the proposal on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The application is referable under the Greater London Authority Act 1999. The Mayor of London has 14 days from the date of the Sub-Committee resolution to exercise his right to direct refusal.

On balance, the proposals are considered acceptable in design, land use, amenity and highway terms in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan) and are therefore recommended for approval.



### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



**Facing north on Vauxhall Bridge Road**



**Facing south on Vauxhall Bridge Road**



Photographs taken on King's Scholars' Passage facing north and south

## 5. CONSULTATIONS

### WARD COUNCILLORS FOR VINCENT SQUARE

Any response to be reported verbally.

### GREATER LONDON AUTHORITY

- The provision of hotel and residential uses at this site is supported in principle.
- The proposed design is generally supported; however further attention should be given to the proposed blank elevation to the east of the plot.
- The applicant must provide further details on the proposed energy statement in order to demonstrate compliance with the London Plan.
- The applicant is required to address issues associated with residential cycle parking quantum, clarify drop-off/pick-up facilities, and provide details on the construction, delivery and servicing strategies and trip generation and associated travel plan.

### TRANSPORT FOR LONDON

- Vauxhall Bridge Road is part of the Transport for London Road Network (TLRN).
- Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking work, separate licences may be required with TfL.
- The Vauxhall Bridge Road mixed use loading/coach bay approx. 50m south of the site is acceptable for the hotel use. The hotel will need to robustly advise the coach operators and tour groups that they should be using the designated coach bay.
- TfL request a Delivery and Servicing Plan and Construction Logistic Plan be secured by condition.
- TfL is satisfied that the development will not have a significant impact on the highway network.

### ENVIRONMENT AGENCY

No objection.

### HISTORIC ENGLAND

Authorisation given to determine as seen fit.

### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

### WESTMINSTER SOCIETY

Supports this proposed development which will replace the present hotchpotch of buildings.

### VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

### CATHERDRAL AREA RESIDENTS GROUP

Object on the following grounds:

- The proposed building is out of scale and character.
- Result in a loss of office accommodation.

- Adversely impact King's Scholars' Passage through increase in height and reduced activity.
- The culvert beneath King's Scholars' Passage would constrain building design and construction activity.
- It should not result in an increased motor vehicle traffic or parking.
- Impacts the amenity of residents within Cardinal Mansions through loss of daylight, loss of privacy and increased pollution.
- Provides no benefit for the neighbourhood.

#### VICTORIA BID

Queries the air quality impacts of the CHP and if poor how can they be abated so as not to contribute to poor air quality. Various other points are raised on topics including servicing, transport, general sustainability and anti-social behaviour.

#### DESIGNING OUT CRIME OFFICER

Any response to be reported verbally. A meeting was held between the applicant and the designing out crime officer.

#### HIGHWAYS PLANNING

There is ample opportunity on Vauxhall Bridge Road for coaches and taxis to serve a hotel in this location with an extensive taxi rank, a coach bay and large loading bay in the immediate vicinity. Cycle parking should be secured by condition.

#### CLEANSING MANAGER

Conditions are required to secure details of waste and recyclable storage for the residential accommodation and separate storage of waste, recyclable and food waste for the hotel. Details on how the residential waste will be collected should also be secured.

#### ENVIRONMENTAL HEALTH

No objection subject to conditions.

#### BUILDING CONTROL

The structural method statement is considered to be acceptable.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 290

Ten objection letters have been received from and on behalf of neighbouring residents, including from the Ashely Gardens Residents Association. In addition to the individual letters, a petition has been submitted on behalf of residential along Carlisle Place that includes 104 signatories.

Objections have been raised on the following grounds:

#### AMENITY

- Loss of daylight and sunlight;
- Loss of privacy;
- Noise and nuisance from rooftop plant;

Item No.
<b>1</b>

- Noise from the use itself;
- Intrusion from artificial light;
- Smells from kitchen ventilation;

#### LAND USE

- Proposal would result in a loss of office space;
- There is already a considerable number of hotels in the area;

#### DESIGN

- The proposal is out of scale and out of character with the area, mansion blocks and neighbouring conservation area;

#### HIGHWAYS

- Question if there is enough parking space for coaches and cars;

#### OTHER

- Demolition of existing buildings is environmentally costly;
- The proposals would exacerbate the problems in King's Scholars' Passage;
- Noise, disruption and dust from construction works;
- The culvert beneath King's Scholars' Passage will constrain building design;
- Question the structural stability of neighbouring buildings during basement excavation;
- The site should be allocated for social housing or more independent shops/restaurants.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The site comprises six properties, located towards the northwest end of Vauxhall Bridge Road which is located outside of a conservation area but within the Core Central Activities Zone (Core CAZ). Vauxhall Bridge Road is part of the Transport for London road network (TLRN).

The site backs onto King's Scholars' Passage and the rear of the listed Carlisle Mansions (six storeys above basement). To the north, the site adjoins Denison House occupied by the Press Association (eight storeys above basement with plant enclosures above) and to the south adjoins Cathedral Mansions (six storeys above basement). On the opposite side of Vauxhall Bridge Road is the large office building 1 Neathouse Place.

The existing buildings on site are set out below.

Nos. 268-270 comprises ground and two upper floors and is in office use. The building is adjacent to the taller Cathedral Mansions building at 258-268 Vauxhall Bridge Road.

Nos. 272-274 comprises ground and eight upper floors, including a roof top plant room, the building is in office and is also known as Minster House.

Item No.
<b>1</b>

No.276 is an office building comprising basement, ground and four upper floors.

Nos.278-280 comprises two Victorian terrace properties of basement ground and four upper floors. The two buildings are linked and are used as a hotel with 20 bedrooms.

No.282 is also a Victorian terrace adjoining Nos. 278-280 and comprises basement, ground and three upper floors. The property is in use as four residential flats. This property adjoins the taller Denison House to north.

## **6.2 Recent Relevant History**

The application site itself contains no planning history of relevance for the consideration of this application. Recent relevant history on neighbouring sites are below.

Denison House, 292 Vauxhall Bridge Road adjoins the site to the north. In December 2015 permission was granted for a roof extension and alterations to the façade in connection with the use of part ground and part first floors for either retail, financial and professional services or restaurant and use part ground, part first floor and second to ninth floors to provide 26 residential flats.

1 Neathouse Place is located opposite the site on Vauxhall Bridge Road. In February 2018 permission was granted for the demolition and reconstruction of Nos. 27-31 and 39-40 Wilton Road to form an extended building at 1 Neathouse Place for use as two hotels, restaurant with ancillary bar and coffee shop; with external alterations to Wilton Road and Vauxhall Bridge Road elevations and associated plant.

## **7. THE PROPOSAL**

This application seeks to demolish the existing buildings on site and to erect a new building comprising two basement levels, ground and nine upper levels, plus rooftop plant to provide a hotel (Class C1) and two self-contained residential flats (Class C3). The hotel would be accessed from Vauxhall Bridge Road and contains 169 guestrooms with ancillary restaurant, bar and gym.

The sub-basement is identified as a plant area for equipment including the combined heat and power unit and rainwater harvesting tank. The basement would contain a living/restaurant area, breakfast buffet, kitchen, laundry and other back of house areas. The ground floor includes a double height lobby space featuring a reception area, bar area, WC's, managers office and other back of house areas. A new UKPN substation is proposed at ground floor level fronting onto Vauxhall Bridge Road. The residential entrance is located to the rear on King's Scholars' Passage.

The two residential units are located at first floor level along with the hotel gym and first guestrooms. The upper floors contain the remainder of the guestrooms. A series of set-backs are integrated to the rear and to the sides of the development beginning at sixth floor level. The majority of the flats roofs created by these set-backs would contain green roofs. No terraces are proposed. The building terminates with a plant room resulting in a total height of 37.675m.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	1,725	0	-1,725
Hotel (Class C1) including ancillary uses	365	7,306	+6,941
Residential (Class C3)	159	172	+13
Total	2,249	7,478	+5,229

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use

The proposal will result in the loss of 1,725sqm of office floorspace. Policy S20 of City Plan relates to offices and seeks to restrict the loss of office space to housing. The policy highlights the concern with office losses throughout the City, although it does note that losses of office to other commercial uses are acceptable as they contribute to commercial activity. As the proposed use is for another commercial use and as such the loss of office floorspace cannot be resisted in this instance. The proposals are in line with Policy S20. The commercial space will be provided in the form of a hotel with increased floorspace that would help to support the strategic function of the Core CAZ.

#### Residential use

Policy S14 of the City Plan relates to optimising housing delivery. The four existing residential units within No.282 comprise three one-bedroom units (2 x 34sqm and 43sqm) and a two-bedroom unit (48sqm). Three of the four residential units fall short of the national space standards, which require a minimum 39sqm for a one-bedroom unit and 61sqm for a two-bedroom unit.

The proposal seek to replace the residential floorspace with two two-bedroom units which will be accessed from King's Scholars' Passage. There is a marginal increase in residential floorspace of 13sqm. The proposed units comply with the national space standards at 84sqm and 88sqm.

Policy H5 states that the City Council will usually require a third of units in a residential scheme to be family sized (i.e. three bedrooms or more). However, given the constraints with the amount of floorspace being brought forward consisting of only two units, it is considered that it would not be reasonable to insist on the provision of a family sized unit.

There is a net loss of two residential units, however, on the basis that three of the existing units are a sub-standard quality in terms of size and the proposal results in a net increase in residential floorspace, the loss of unit numbers is considered acceptable in this instance.



## **Proposed hotel use**

London Plan Policy 4.5 aims to support London's visitor economy and stimulate its growth to achieve 40,000 net additional hotel bedrooms by 2036. City Plan Policy S23 states that new hotels will be directed to the Core CAZ. UDP Policy TACE 2 (A) states that within CAZ, in streets which do not have a predominantly residential character, planning permission will be granted for new hotels where: no adverse environmental and traffic effects would be generated; and adequate on-site facilities are incorporated within developments proposals significant amounts of new visitor accommodation, including spaces for the setting down and picking up of visitors by coaches and for taxis.

Part of site (Nos. 278-280) is already in hotel use comprising 20 bed spaces.

The proposed hotel will comprise 169 rooms consisting of doubles, quads and accessible rooms. The entrance will be on Vauxhall Bridge Road only. No access to the hotel is provided on King's Scholars' Passage.

The basement will include an ancillary restaurant/breakfast buffet area operated by the hotelier. At ground floor a bar/café/snack area is included within the reception area. At first floor a hotel gym is provided. These elements are ancillary to the main hotel use, however they could be used by non-hotel guests and as such it is considered appropriate to condition the hours of use for non-hotel guests to between 07.00 and 22.30 hours each day. The hours have been specified by the applicant.

The hotel of the scale proposed is considered appropriate in this central area, close to many of London's top tourist attractions and with excellent access to public transport. The primary function of the hotel operation will be to ensure that guests benefit from a quiet environment during night time hours. Therefore, it is in the hotels interests to ensure that noise disturbance from hotel guests is kept to a minimum. Subject to the recommended conditions the proposed hotel will not have a significant effect on residential amenity or local environmental quality.

Concern has been raised regarding the cumulative impact of hotel developments within the area. Whilst there are a number of established hotels nearby including the two recently permitted hotels at 1 Neathouse Place (533 and 183 rooms), it is not considered that there is an over proliferation of hotel uses and the proposal would complement the existing multifaceted mix of uses in the Victoria area, catering for tourist and business travellers. It is considered that this location within the Core CAZ and would be appropriate for a new hotel use.

The servicing and highways implications of the development are detailed in section 8.4 of this report.

## **8.2 Townscape and Design**

The existing buildings on the site provide little architectural interest or continuity. They are generally of a modest scale, except 272-274 (Minister House) and this existing massing appears out of scale with the surroundings. Objections have been raised on ground that the replacement building would be out of scale and out of character with the area.

Item No.
<b>1</b>

The proposals represent a substantial increase in height/massing over the existing situation. However, the north west end of the proposed building is of a comparable height to No. 292 (Denison House) and would be lower than the consented scheme on that site. The south west end of the proposals steps down in height to a comparable height to No. 258-266 (Cathedral Mansions). This stepping down alleviates the relationship of the new building with the buildings to the south west that are of a lesser scale. The proposed design creates an asymmetric appearance, which forms a character of its own. The scale of the proposal is considered acceptable within this context and appropriate to Vauxhall Bridge Road.

With regards to Carlisle Mansions located on King's Scholars' Passage behind the site and within the Westminster Cathedral Conservation Area, the increase in scale of the proposals would alter the relationship of the site with Carlisle Mansions and the character of the King's Scholars' Passage. However, this road has a 'service' type character, forming the edge of the conservation area, which extends to the north east. The passage divides the two areas which are of distinct and different characters and scales, which is likely to have provided the reasoning behind where the edge of the Westminster Cathedral Conservation Area was drawn. Whilst the proposals would alter the setting of the Westminster Cathedral Conservation Area it is not considered harmful.

Turning to the front elevation, the design includes an external frame with modular glazing. The frame consists of chamfered vertical and horizontal members that are composed of stone and red masonry, which provides tonal differences when viewed from the north or south. This difference in materials allows the scheme to blend into the surrounding buildings. The framing also compliments the stepped roof line, as the vertical and horizontal lines created determine the areas of the facade where the set-backs are located. The façade is considered acceptable within the context of Vauxhall Bridge Road, where there is not one consistent architectural approach.

The development would also introduce a publicly accessible ground floor, creating an active frontage, which is an improvement over the existing situation, which contains a large stretch of dead frontage.

The rear façade presents a more subdued composition in terms of the proposed materials and design. Primarily faced in white reflective brick to assist light reflectivity to benefit the rear of the mansion blocks opposite and also to adhere to the simpler character of the passage. The facade is articulated by projecting, angled screens, which obscure the hotel bedroom windows, offering privacy to the occupants and the dwellings opposite. The screens have a modest projection and this offers some visual relief to the façade, without being overtly complicated. At roof level a plant enclosure is proposed for which details are limited. The height and position is considered acceptable and details are to be secured by way of condition.

The application is considered acceptable in design and townscape terms and complies with policies S28 of the City Plan and DES1 and DES4 of the UDP.

### 8.3 Residential Amenity

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing.

#### Daylight and Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011).

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances. It should be noted that the 27% VSC target value is derived from a low density suburban housing model.

In respect of sunlight, the BRE guidelines suggest that if there is a main living room with a window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH. Kitchen and bedrooms are less important, although care should be taken not to block too much sun.

The applicant has submitted a sunlight and daylight report using the methodology set out in the BRE guidelines in relation to the nearest, most affected residential properties which are detailed in the tables below. The tables only list the windows that do not strictly comply with the BRE Guidelines.

#### 258-266 Vauxhall Bridge Road

This residential property is located to south of the application site and shares a party wall with 268-270 Vauxhall Bridge Road. There is a lightwell between the two properties and there are residential windows on all sides of the lightwell. Two flats per floor share the lightwell, with bathroom and kitchen windows directly overlooking the site. The living room windows overlook the front (Vauxhall Bridge Road) and rear (King's Scholar's Passage).

The proposed building on this party wall will extend to six storeys, which is the same height as Nos. 258-266. A lightwell will be created within the application site. The rear building line will also be brought forward to the full building footprint which currently contains a ground floor extension. No objections have been received from this property.

Due to the height increase on the application site, it is inevitable that there will be a reduction in light received to windows within the lightwell on the boundary line. The existing levels of light to the windows in the lightwell is low and improve on the upper floors. The percentage losses beyond the BRE Guidelines range from 20.24% to 89.58%. The actual losses in VSC range from 0.4 – 5.3.

Floor	Win Ref	Use	Existing VSC	Proposed VSC	Actual loss	% loss
First	W4	LR	12.3*	9.2	3.1	25.20
First	W5	LR	0.8	0.4	0.4	50.00
First	W6	Kit	2.2	0.4	1.8	81.82
First	W8	Kit	2.1	0.4	1.7	80.95
First	W9	LR	0.9	0.2	0.7	77.78
Second	W4	LR	15.5*	11.8	3.7	23.87
Second	W5	LR	5.1	0.7	4.4	86.27
Second	W6	Kit	4.5	0.7	3.8	84.44
Second	W8	Kit	4.1	0.6	3.5	85.37
Second	W9	LR	4.8	0.5	4.3	89.58
Third	W4	LR	19.6*	15.2	4.4	22.45
Third	W5	LR	6.4	1.5	4.9	76.56
Third	W6	Kit	5.6	1.3	4.3	76.79
Third	W8	Kit	5.3	1.2	4.1	77.36
Third	W9	LR	6.3	1.0	5.3	84.13
Fourth	W4	LR	24.7*	19.7	5.0	20.24
Fourth	W5	LR	8.6	3.8	4.8	55.81
Fourth	W6	Kit	7.4	2.8	4.6	62.16
Fourth	W8	Kit	7.1	2.9	4.2	59.15
Fourth	W9	LR	8.8	3.1	5.7	64.77
Fifth	W5	LR	17.0	13.3	3.7	21.76
Fifth	W7	Kit	12.0	8.3	3.7	30.83
Fifth	W9	Kit	11.6	8.2	3.4	29.31
Fifth	W10	LR	17.1	12.5	4.6	26.90

\* Windows to the rear overlooking King’s Scholar’s Passage.

The existing lightwell windows are constrained and as to be expected receive low levels of light. The first and second floor windows are very poorly lit as they are enclosed by the application site. It is considered that although the percentage losses are high, the actual loss of daylight to these windows (which appear to be non-habitable rooms) is low and it is unlikely the occupants of these rooms would notice the loss of light. On this basis the loss of light to the lightwell windows is acceptable.

It is also considered that the loss of daylight to living room window overlooking Kings Scholar Passage is acceptable as the losses are minor transgressions to the BRE Guidelines.

In terms of sunlight, a window at second, third and fourth floor levels lose 100% of their APSH. However, two of the windows only receive 1% of annual sunlight, with the third receiving 3%. The windows face west, but are largely shielded by the rest of the building. It is considered that due to the orientation and the existing low levels of light the losses are unlikely to be noticeable by the occupants and are acceptable.

292 Vauxhall Bridge Road (Denison House)

This property is located to the north of the application site and comprises ground and seven upper levels (including a roof top plant room) and shares a party wall with 282 Vauxhall Bridge Road. No.282 comprises ground and three upper levels. No objections have been received from this property.

No.292 is predominantly commercial, with residential on the upper floors. There are two residential windows within the mansard roof which face south and overlook the application site. The proposed building is set away from these residential windows so not to block them. One of the residential windows within the mansard will lose VSC over 20% (49.05%). However, the resulting level of VSC is still very good for this urban location and therefore the loss is considered acceptable.

Floor	Win Ref	Use	Existing VSC	Proposed VSC	Actual Loss	% loss
Seventh	W4	Unknown	36.9	18.8	18.1	49.05%

Sunlight

Floor	Win Ref	Existing ASPH	Proposed ASPH	% loss	Existing Winter	Proposed Winter	% Loss
Seventh	W4	78	48	38.46%	24	4	83.33%

The same window (W4) loses 83.33% of winter sun, with a loss from 24% to 4%, which does not strictly comply with the BRE Guidelines. The APSH levels for this window are in line with the guidelines and exceeds the levels set out in the BRE Guidelines, therefore it is considered, on balance that the loss of winter sunlight is acceptable in this instance. Furthermore, there are windows serving this room overlooking Vauxhall Bridge Road which are unaffected by the proposals.

Planning permission was granted in 2015 for the erection of a roof extension (and plant room) and for the use of the part ground, part first and second to ninth floor property as 26 residential units. This permission has not been implemented, but the submitted daylight and sunlight report assesses the approved use. New residential windows overlooking the application site are approved at ninth floor level. However, these are located above the proposed development and will not be affected by this application.

61-65 Carlisle Mansions

This property is a residential mansion block comprising approx.10 flats, with windows overlooking Carlisle Place and to the rear over King's Scholars' Passage. The majority of the building does not directly face the application site, with one set of windows

overlooking the No.268-270. One individual objection letter has been received from this property as well as signatories to the submitted petition.

There are six windows which lose VSC over 20% and these are over lower ground, ground and first floor levels and range from 20.34% to 41.46%.

Floor	Win Ref	Room use	Existing VSC	Proposed VSC	Actual loss	% loss
LG	W1	Kitchen	4.1	2.4	1.7	41.46
LG	W3	Bedroom	9.9	6.7	3.2	32.32
Ground	W1	Kitchen	4.7	3.2	1.5	31.91
Ground	W3	Bedroom	12.7	9.0	3.7	29.13
First	W1	Kitchen	5.9	4.7	1.2	20.34
First	W3	Bedroom	16.2	12.8	3.4	20.99

The windows with low existing VSC levels show losses to be high in percentage terms with the actual loss in VSC being low. Windows on the upper floors retain levels that would be typical for this dense urban location. It is considered that the losses in VSC are acceptable.

Five windows lose APSH over 20%, these windows all serve kitchens, which are set back from the rear elevation.

Floor	Window Ref	Existing APSH	Proposed APSH	% loss
LG	W1	4	0	100%
Ground	W1	4	1	75%
First	W1	5	3	40%
Second	W1	7	5	28.57%

Although the percentage losses are high, this is due to the low existing levels. The losses are not considered significantly harmful to justify withholding permission. The proposed levels of winter sunlight comply with the BRE guidelines.

### 66-75 Carlisle Mansions

This is a residential mansion block comprising approx.29 flats, with windows to the front overlooking Carlisle Place and to the rear over King's Scholar Passage. The windows to the rear look onto the tallest part of application site (Minster House). The building includes lightwells, which are set back from Kings Scholars Passage. The windows in the lightwells, which are north of Minster House, overlook the lower buildings at Nos. 278-282. Four individual objection letters have been received from this property as well as signatories to the submitted petition.

Of the 57 windows tested, 26 lose VSC over 20%, ranging from 22.43% to 60.34% with the worst affected windows on the lower floors of the building, that directly face the application site, and the windows facing north (side elevation). The windows affected predominantly serve bedrooms. The main habitable rooms living rooms located to the front overlooking Carlisle Mansions remain unaffected.

Floor	Win Ref	Room use	Existing VSC	Proposed VSC	Actual loss	% loss
LG	W1	Kitchen	5.8	2.3	3.5	60.34
LG	W2	Study	2.4	1.6	0.8	33.33
LG	W4	Bedroom	3.9	2.5	1.4	35.90
LG	W5	Bedroom	7.6	4.3	3.3	43.42
LG	W6	Kitchen	8.7	4.6	4.1	47.13
LG	W7	Bedroom	9.6	5.0	4.6	47.92
LG	W10	Study	3.3	2.5	0.8	24.24
LG	W11	Kitchen	5.1	3.0	2.1	41.18
Ground	W1	Kitchen	6.8	3.2	3.6	52.94
Ground	W2	Study	3.0	2.2	0.8	26.67
Ground	W4	Bedroom	5.1	3.5	1.6	31.37
Ground	W5	Bedroom	9.8	5.4	4.4	44.90
Ground	W6	Bedroom	11.3	6.0	5.3	46.90
Ground	W10	Kitchen	6.0	4.1	1.9	31.67
First	W1	Kitchen	8.5	4.9	3.6	42.35
First	W4	Bedroom	7.0	5.4	1.6	22.86
First	W5	Bedroom	13.1	7.3	5.8	44.27
First	W6	Bedroom	14.3	8.1	6.2	43.36
First	W10	Kitchen	7.5	5.9	1.6	21.33
Second	W1	Kitchen	11.3	8.2	3.1	27.43
Second	W5	Bedroom	17.6	9.9	7.7	43.75
Second	W6	Bedroom	17.5	10.6	6.9	39.43
Third	W5	Kitchen	21.0	12.8	8.2	39.05
Third	W6	LR	11.9	5.3	6.6	55.46
Fourth	W5	Bedroom	26.7	18.6	8.1	30.34
Fourth	W6	Bedroom	27.2	21.1	6.1	22.43

The existing levels of VSC to the windows from lower ground to second floor level are low, therefore any loss to VSC appears high in percentage terms. The existing VSC levels on the upper floors are better as they benefit from less obstruction over the lower buildings on Vauxhall Bridge Road. At third and fourth floor level, two windows per floor lose VSC levels over 20% and these are the windows directly facing the site.

Once again, given the low level of VSC to some of the windows the losses appear large in percentage terms. Where there are higher VSC levels on the upper floors and the percentage losses are high, they retain a level which can be considered typical for such a dense urban environment. It is likely that some of the losses in VSC will be noticeable, however the windows do not serve primary living rooms, which are located to the front of the flats fronting Carlisle Place.

In terms of sunlight, generally the windows receive good levels of sunlight, the windows within the lightwell are partially obstructed and in these circumstances the levels of sunlight received to these windows is lower than the windows directly facing the application site. With regards to winter sun, some windows do not receive any, and these are windows on the lower levels orientated almost due west.

Of the 50 windows tested, 24 windows lose ASPH over 20%. There are five windows that lose 100% of APSPH, and those windows are identified as not receiving any existing winter sun. The existing levels of APSPH are low ranging from 1 to 6, however considering the location of these windows which are partially obstructed by its own building, on balance the loss is acceptable.

Three windows out of the 50 tested lose winter sunlight over the BRE guidelines, there are other losses, however these losses are in line with the BRE guidelines (remaining levels over 5% winter sun).

Floor	Room use	Win Ref	Existing ASPH	Proposed ASPH	% loss	Existing Winter	Proposed Winter	% Loss
LG	Kitchen	W1	6	0	100%	0	0	0
LG	Study	W2	1	0	100%	0	0	0
LG	Kitchen	W6	23	15	34.78	5	5	0
LG	Bedroom	W7	23	14	39.13	4	4	0
LG	Bedroom	W8	15	8	42.67	0	0	0
LG	Study	W10	7	4	42.86	0	0	0
LG	Kitchen	W11	8	3	62.5	0	0	0
Ground	Kitchen	W1	6	0	100	0	0	0
Ground	Study	W2	1	0	100	0	0	0
Ground	Bedroom	W5	19	13	31.58	4	4	0
Ground	Bedroom	W6	27	17	37.04	7	6*	N/A
Ground	Bedroom	W7	19	10	47.37	1	1	0
Ground	Kitchen	W10	10	5	50	0	0	0
First	Kitchen	W1	10	1	90	0	0	0
First	Study	W2	1	0	100	0	0	0
First	Bedroom	W5	23	18	21.74	8	6*	N/A
First	Bedroom	W6	31	22	29.03	10	7*	N/A
First	Bedroom	W7	23	17	26.09	3	3	0
First	Kitchen	W10	12	10	16.67	1	0	100
Second	Kitchen	W1	11	5	54.55	0	0	0
Second	Study	W2	2	1	50	0	0	0
Second	Bedroom	W5	29	17	41.38	11	7*	N/A
Second	Bedroom	W6	32	23	28.13	12	9*	N/A
Second	Study	W9	18	17	5.56	3	2	33.33
Second	Kitchen	W10	15	13	13.33	2	1	50
Third	Kitchen	W5	39	22	43.59	12	8*	N/A
Third	LR	W6	23	15	37.78	12	11*	N/A

\* Resultant levels comply with the BRE Guidelines.

### 76-85 Carlisle Mansions

This is a residential mansion block comprising approx.13 flats, with living room windows overlooking Carlisle Place and kitchen/bathrooms to the rear over King's Scholar Passage. The majority of the building does not directly overlook the application site, with one set of windows overlooking No.282 and the other looking onto Denison House. Objections have been received in the form of signatories to the submitted petition.



This block is very similar to No.65-75, in that there are two windows closer to King's Scholars' Passage which directly overlook the application site. Other windows are located within the lightwells set back at a further distance some of which have oblique views of the application site.

The existing levels of VSC range from 1.5 (lightwell window at lower ground floor level) to 31.6 (window at fifth floor level overlooking the terraced buildings on VBR). The actual losses in VSC range from 0.3 – 7.2.

The existing levels of VSC are low on the lower levels of the building and the windows that are not obstructed by their own building or benefit from the lower terraced properties on Vauxhall Bridge Road do have improved levels of VSC.

Where there are higher VSC levels on the upper floors and the percentage losses are high, they retain a level of VSC which can be considered typical for a dense urban environment. It is likely that some of the losses in VSC will be noticeable, however the windows do not serve primary living rooms, which are located to the front of the flats facing Carlisle Place.

Floor	Room use	Win ref	Existing VSC	Proposed VSC	Actual loss	% loss
LG	Kitchen	W5	7.4	3.5	3.9	52.70
LG	Bed	W6	9.0	3.7	5.3	58.89
LG	Bed	W7	4.2	2.8	1.4	33.33
LG	Study	W9	1.5	1.2	0.3	20.00
LG	Kitchen	W10	4.6	2.0	2.6	56.52
Ground	Bed	W5	9.4	4.6	4.8	51.06
Ground	Kitchen	W6	11.7	4.8	6.9	58.97
Ground	Bed	W7	5.6	3.9	1.7	30.36
Ground	Kitchen	W10	5.8	2.9	2.9	50.00
First	Bed	W5	11.3	6.4	4.9	43.36
First	Bed	W6	14.1	6.9	7.2	51.06
First	Bed	W7	7.9	5.9	2.0	25.32
First	Kitchen	W10	7.5	4.3	3.2	42.67
Second	Kit	W5	13.7	9.0	4.7	34.31
Second	Bed	W6	16.8	9.8	7.0	41.67
Second	Kitchen	W10	10.1	7.0	3.1	30.69
Third	Bed	W5	16.9	12.8	4.1	24.26
Third	Kitchen	W6	20.2	14.0	6.2	30.69
Fourth	Bed	W7	23.0	18.0	5.0	21.74

In terms of sunlight, the two windows on all floor levels (W5 and W6) which directly overlook the application site receive good levels of APSH, ranging from 19% - 58%. Winter sunlight is lower over the lower levels of the building, but at first floor and above the levels exceed those recommended in the BRE guidelines. The windows within the lightwell receive lower levels of APSH and winter sunlight and this is as a result of their position and orientation.

Floor	Room use	Win ref	Existing APSH	Proposed APSH	% loss	Existing Winter	Proposed Winter	% loss
LG	Kitchen	W5	19	10	47.37	3	3	0
LG	Bed	W6	23	10	56.52	3	3	0
LG	Bed	W7	12	3	75	1	0	100
LG	Kitchen	W10	8	0	100	0	0	0
Ground	Bed	W5	24	11	54.17	4	3	25
Ground	Kitchen	W6	29	10	65.52	4	3	25
Ground	Bed	W7	15	6	60	2	1	50
Ground	Kitchen	W10	11	1	90.91	0	0	0
First	Bed	W5	28	15	46.43	7	3	57.14
First	Bed	W6	34	14	58.82	7	3	57.14
First	Bed	W7	22	8	63.64	3	2	33.33
First	Kitchen	W10	15	7	53.33	0	0	0
Second	Kitchen	W5	30	19	36.67	10	4	60
Second	Bed	W6	37	19	48.65	9	5*	N/A
Second	Bed	W7	28	14	50	5	3	40
Second	Kitchen	W10	23	16	30.43	1	0	100
Third	Bed	W5	33	24	27.27	13	6*	N/A
Third	Bed	W7	45	34*	N/A	7	3	57.14
Third	Kitchen	W10	33	27*	N/A	5	2	60

\* Windows to the rear overlooking King's Scholar's Passage.

The table shows that there are circumstances where the windows receive over 25% of existing APSH, but as a result of the proposals this reduces by 20% and over 4% of the whole year. It is likely that the loss of light to most of the windows will be noticeable. However, it is considered the proposed retained levels of APSH and winter sunlight are considered to be typical for this a dense urban environment.

Given the underdeveloped nature of the application site relative to its context, light loss to neighbouring residents is inevitable if the site is to be developed to a height and bulk similar to its context. Some of the losses experienced at surrounding residential windows are proportionally high.

Where there are large percentage losses to the lower floors this is principally due to those windows exhibiting low existing levels. Where actual losses are small it is unlikely that they would be perceived by occupants of the flats. Where the percentage losses on the upper floors are high, this is due to the existing outlook from those windows being more open, however most of the retained levels can be considered either good or at least not uncommon for such a dense environment.

Notwithstanding this, it is likely that occupants of Carlisle Mansions and Cathedral Mansions will perceive some of the losses. If the windows affected were mostly used as living rooms it is unlikely that the proposals would be acceptable. However, given the vast majority of windows affected are used as either bedroom or kitchens, on balance the losses are considered acceptable.

## **Sense of Enclosure**

The proposed development would be separated from residential properties in Carlisle Mansions by the width of King's Scholars' Passage. The building line of the site to the nearest windows in Carlisle Mansion is approx. 9m. This measurement increases to a maximum of approx. 18m to the furthest point within the Carlisle Mansion lightwells.

There is an element of existing enclosure to the flats within Carlisle Mansions with Denison House to the north and the site which includes the nine storey Minster House. Some windows on the upper floors to the rear of Carlisle Mansions have an unusually open aspect. Those flats have a view across the lower part of the site over Vauxhall Bridge Road toward the taller 1 Neathouse Place.

The proposal seeks to substantially infill the gap site to a similar height as the neighbouring Denison House although there are a series of setbacks. The rear elevation is to be constructed from a light/white brickwork to maximise light reflection and reduce the perceived sense of enclosure. Increasing the height and bulk at the site will inevitably result in an increased sense of enclosure to some flats within Carlisle Mansions, however this relationship is not uncommon throughout the city and is similar to that experienced by the flats backing on to Denison House.

With regard to the lightwell within Cathedral Mansions, this is also a relatively unusual relationship in that a setback lightwell on the boundary exists without a reciprocating lightwell on the application site given its existing low level. The proposal seeks to create a lightwell in a similar manner to that at Cathedral Mansions. The relationship is considered acceptable and commonly found throughout Westminster.

## **Privacy**

As noted above, the proposed development is separated from Carlisle Mansions by the width of King's Scholars' Passage. The applicant has assessed the relationship between the windows in the proposed development and the residential windows to the rear.

Where the relationship is closest, approx. 9m, privacy screens with opaque glazing are to be installed at an angle to deflect views into neighbouring windows. Where the distance between windows are further or at an oblique angle privacy screens are not considered to be necessary. The details of the screen and glazing is to be secured by condition.

It is also recommended that the windows within the rear elevation and within the lightwell adjoining Cathedral Mansions be fixed shut. It is considered that the proposals would not result in a significant increase in overlooking to surrounding properties.

## **The amenity of future residents of the development**

Background noise levels in this location can be high and Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise. The applicant has submitted an Environmental Noise Report which sets out the above internal noise criteria and details have been provided of the sound insulation and ventilation measures to demonstrate that they can be complied with.

Environmental Health officers have recommended the imposition of safeguarding conditions including the Councils standard conditions to protect the residents from internal and external noise. Further conditions are imposed requiring the submission of supplementary acoustic reports to ensure compliance with the standard conditions.

Overheating analysis has been undertaken for the two proposed flats. Comfort cooling as well as openable windows will provide fresh air and ventilation. The bedroom window glazing is recessed and will provide for an element of shading. The windows will also be fitted with blinds designed to allow the windows to open so as not to affect airflow. Insulation has been design to comply with part-L of the Building Regulations. The GLA have requested that the applicant submit a revised overheating study which is to be secured by condition.

The application is considered acceptable in amenity terms in accordance with policies S29, S32, of the City Plan and ENV13, ENV6 and ENV7 of the UDP.

#### **8.4 Transportation/Parking**

The site is well served by public transport, being located next to Victoria Interchange and high frequency bus routes, an extensive taxi rank and a coach parking bay on the east side of Vauxhall Bridge Road.

##### **Coaches and taxis**

The Highways Planning Manager considers there is ample opportunity on Vauxhall Bridge Road for coaches and taxis to serve the hotel. Transport for London raises no objection to the principle of coaches serving the hotel but request that a management plan for coaches be submitted to ensure there is no conflict with nearby bus stops. It is recommended that this be secured by condition and this satisfies TACE2 of the UDP.

##### **Servicing**

Policy TRANS 20 states that the City Council will require convenient access to all premises for servicing vehicles and will, in most cases, require that the servicing needs of authorised development are adequately accommodated on-site and off-street.

Vauxhall Bridge Road is part of the TLRN and it is proposed that servicing for the hotel would take place on street as it does at present. There are existing loading bays a short distance to the north and south of the site. The Highways Planning Manager does not object to this in principle. Transport for London have requested the submission of a servicing and delivery plan which is recommend to be secured by condition. No servicing for the hotel will take place to the rear on King's Scholars' Passage.

##### **Car Parking**

Although two residential units are proposed it would be unreasonable to require the provision of two off street car parking spaces given it is unlikely that the residential units would increase pressure on local on-street parking facilities. In terms of disabled

parking, there are two existing blue badge bays located close to the site on Vauxhall Bridge Road which will allow blue badge holders to park for up to 2 hours.

### **Cycle parking**

Four secure cycle spaces are provided for the residential units at first floor level which complies with the London Plan standards. In terms of the hotel, the application proposes 10 long stay cycle spaces at ground floor level and a further four short-stay spaces on-street adjacent to existing bicycle stands. TfL are satisfied with the level of provision for the hotel.

## **8.5 Economic Considerations**

The proposed development would provide employment opportunities during construction and would create 60 FTE jobs once operational. The legal agreement will include an obligation to secure how the operation of the hotel can provide for local employment opportunities.

The proposal will also accommodate a significant number of visitors to Westminster whose spending during their stay will bolster the local economy and encourage further investment by shops and services in the area.

## **8.6 Access**

Level access is provided for both the hotel and residential entrances. Lifts provide vertical circulation throughout. Of the hotels 169 bedrooms, 17 (10%) will be fully wheelchair accessible in accordance with London Plan requirements. The development is designed to comply with the Building Regulations and to enable the hotel operator to comply with their DDA responsibilities.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Plant**

Mechanical plant is located within the sub-basement, at ground floor level in the form of a UKPN sub-station and within a roof top plant enclosure. Environmental Health raise no objection subject to conditions. The recommended conditions include the securing of a supplementary acoustic report, once the plant equipment and attenuation measures have been finalised, to confirm compliance with the Council's standard noise conditions.

Further conditions are required for the applicant to provide details of the full ventilation and extract system, location of the CHP and/or District Heating Network flue at roof level to ensure the effective dispersal.

### **Air Quality**

A detailed air quality assessment has been submitted as part of the application. The report provides details of the mitigation which has been included as part of the design including a mechanical ventilation system with the ventilation inlet at roof level to reduce the influence of road traffic emissions. A condition is recommended to secure detail of

Item No.
<b>1</b>

the CHP and/or District Heating flue location to ensure this terminates vertically 1m above roof level. Environmental Health has reviewed the report and considers it acceptable concluding that the proposed development is air quality neutral.

### **Refuse /Recycling**

A dedicated refuse storage space which is located at ground floor level and accessed via the servicing access on the right side of the main facade. Hotel management will assist with movement of bins on collection days. A condition is recommend to secure details of how the residential element will leave out their waste at the request of the Cleansing Officer. A condition is also imposed to require detailed drawings are also required to indicate the location of separate waste (including food) and recyclable storage will be located.

### **Sustainability**

Policy 5.2 of the London Plan refers to minimising carbon dioxide emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be Lean-Use less energy.
2. Be Clean-Supply energy efficiently.
3. Be Green-Use renewable energy.

Policy 5.2 also states that where specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to secure delivery of carbon dioxide savings elsewhere.

Policy S28 of the City Plan requires developments to incorporate exemplary standards of sustainable and inclusive urban design and architecture.

Policies 5.6 of the London Plan and S39 of the City Plan require major development to be designed to link to and extend existing heat and energy networks in the vicinity, except where it is not practical or viable to do so.

Policies 5.7 of the London Plan and S40 of the City Plan require all major development to maximise on-site renewable energy generation carbon dioxide emissions, where feasible.

The proposed hotel achieves a carbon dioxide reduction of 55.51% over 2013 Building Regulations and therefore meets policy 5.2 of the London Plan. The applicant has also addressed a number of technical queries raised by the GLA.

Details of the photovoltaic panels will be secured by condition. The applicant proposes a combined heat and power system to heat the building and provide hot water. In may be possible that the Pimlico District Heating Network will be extended to the Victoria area in the future. The applicant proposes a connection at sub-basement level to allow the development to be linked to the local decentralised energy network if it become available.

With regard to the residential element, there is a shortfall in carbon savings amounting to 1.2 tonnes per year. In accordance with the London Plan Policy 2.5 a carbon offsetting payment will be sought in line with the London Plan formula and secured through the legal agreement.

Overall, the proposed development satisfies policies 5.2, 5.6, 5.7 and 5.9 of the London Plan and policies S28, S39 and S40 of the City Plan.

### **Flood Risk**

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. The flood risk assessment sets out appropriate flood evacuation procedures and measures including an internal stair from basement levels to upper floors to allow evacuation and refuge to upper floors.

### **Sustainable Urban Drainage Systems**

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The proposed development would include green roofs where possible. Rainwater harvesting is also proposed with a storage tank located in the sub-basement. Whilst these would not achieve greenfield run-off rates, it would provide significant attenuation at source for run-off from the proposed development.

## **8.8 London Plan**

The application is referable to the Mayor as the proposed building is over 30 metres in height. The Mayor 'Stage 1' response has been included as a background paper. If the Sub-Committee resolves to grant permission, this application will need to be reported back to the Mayor of London at which point he will have 14 days to direct approval or refusal.

## **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

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

- i. A financial contribution of £164,456 (index linked and payable on commencement of development) toward the funding of Crossrail;
- ii. Offering local employment opportunities during operation of the hotel;
- iii. Carbon off-setting payment of £3,420
- iv. Payment of cost of monitoring the agreement (£500 per head of term).

In relation to Community Infrastructure Levy payments, the development is estimated to be liable for a total of:

Mayoral CIL: £203,235.43 (index linked)  
Westminster CIL: £684,821.52 (index linked)  
Total CIL: £888,056.95 (index linked)

## 8.11 Environmental Impact Assessment

The application is not of a sufficient scale to require its own Environment Impact Assessment.

## 8.12 Other Issues

### Basement excavation

The proposal includes the excavation to create a basement and sub-basement level. Objections also refer to a culvert below King's Scholars' Passage which may hinder development and questions have been made over the structural stability of neighbouring buildings.

City Plan policy CM28.1 requires all applications for basement development to demonstrate that they have taken into account the site-specific ground conditions, drainage and water environment in the area of the development. The application has been accompanied by a detailed structural methodology statement and is considered compliant with policy CM28.1.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing



development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures.

To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the building regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

### **Construction Impact**

Objections have been received from neighbouring properties regarding the impact of construction, including noise and traffic.

It is a long-standing principle that planning permission cannot be refused due to the impact of construction. This is due to its temporary nature and the ability to control it by

condition and legal agreement. Accordingly, conditions are recommended that limit the hours of construction and require adherence to the City Council's Code of Construction Practice.

A condition is recommended to ensure that the development complies with the City Council's COCP which will require the developer to provide a Site Environmental Management Plan and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

In addition to this TfL has requested that a Demolition and Construction Logistics Plan be submitted to the Council, in consultation with TfL, to ensure the development does not adversely affect safety on the transport network and to ensure efficiency and sustainability measures are to be undertaken during construction.

### **Anti-social behaviour**

Representations have been received raising concern over the potential for the development to exacerbate the existing anti-social behaviour issues, such as rough sleeping, along King's Scholars' Passage.

The applicant proposes measures to improve the existing situation which features a significant amount of inactive frontage with little opportunity for natural surveillance. A large part of the rear elevation is characterised by frosted windows, blank walls which are not uniform, a hotel which has no presence at the rear and office windows which are only occupied for only part of the week.

The proposed hotel will be staffed 24 hours a day unlike the current arrangement of buildings. It will feature a uniform façade which will help prevent loitering. The hotel managers office is located to the rear with a window facing King's Scholars' Passage. There are further windows at ground floor facing the passage serving hotel back of house areas. The proposed residential entrance is also located on King's Scholars' Passage which will provide additional activity. The proposal will improve the level of natural surveillance compared to the existing situation.

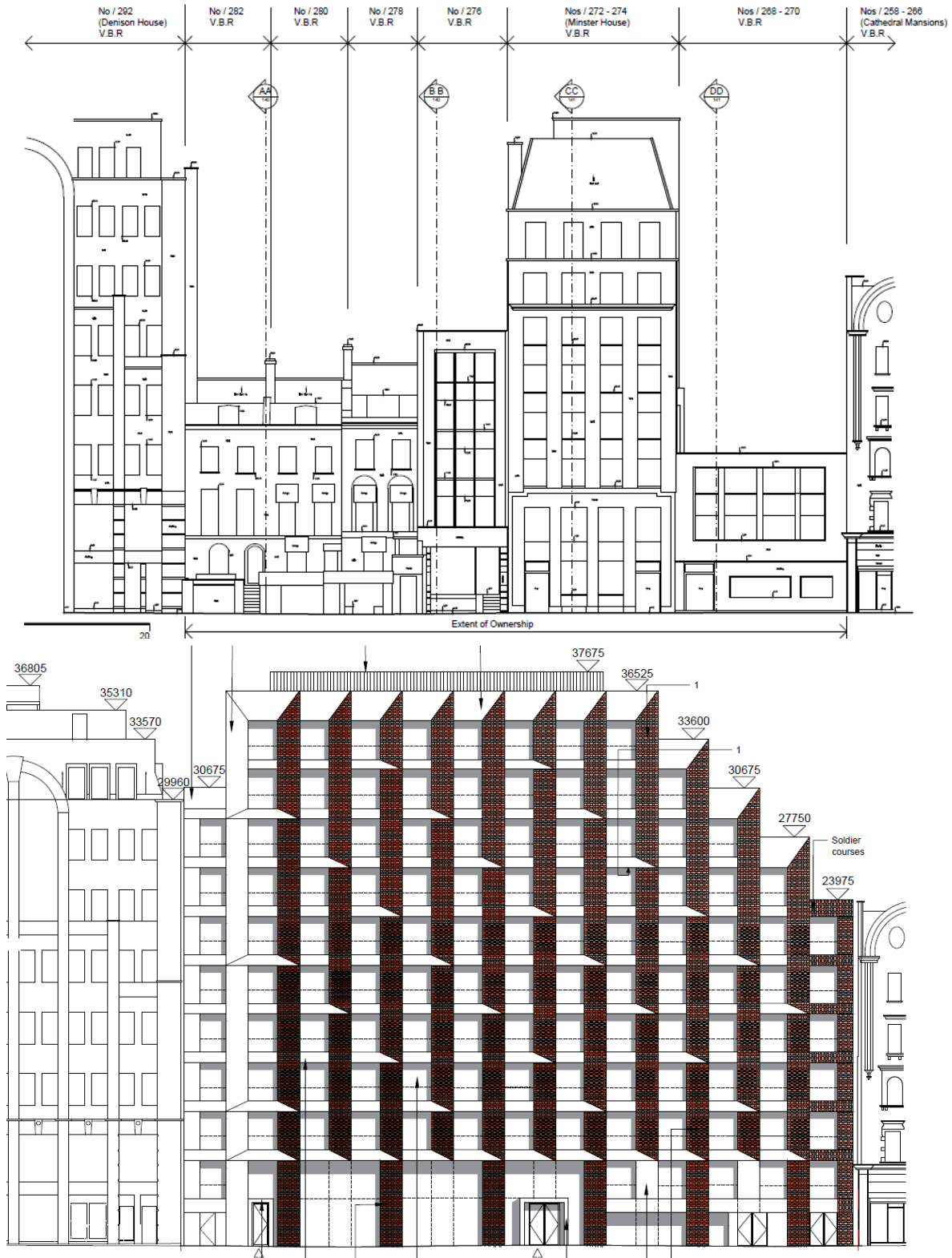
In addition to the improved natural surveillance, the applicant proposes the installation of CCTV cameras. Details of the security scheme are recommended to be secured by condition. There will be obvious improvements to the Vauxhall Bridge Road elevation providing an active frontage to a use that is staffed 24 hours a day.

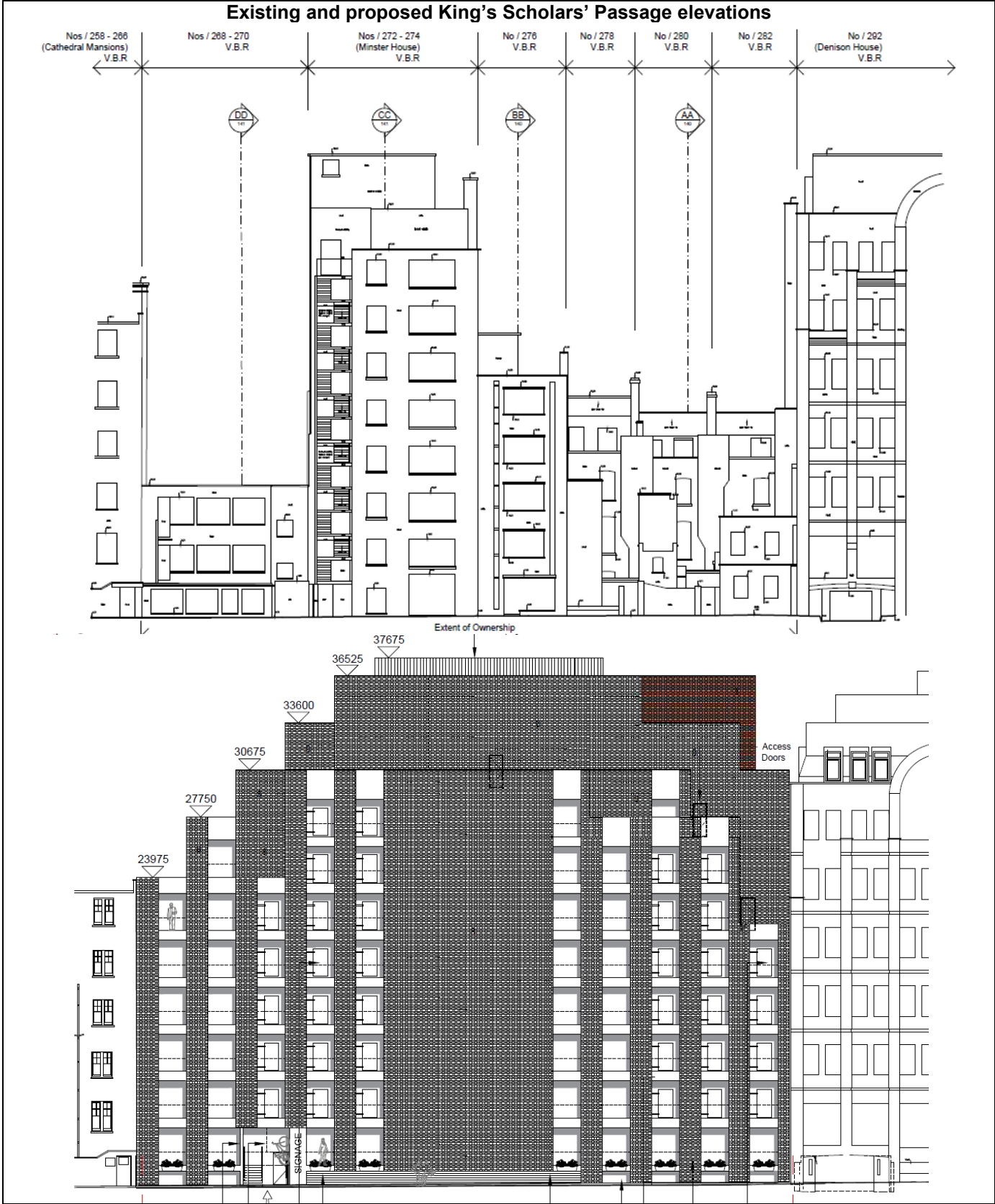
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT <a href="mailto:vnally@westminster.gov.uk">vnally@westminster.gov.uk</a>
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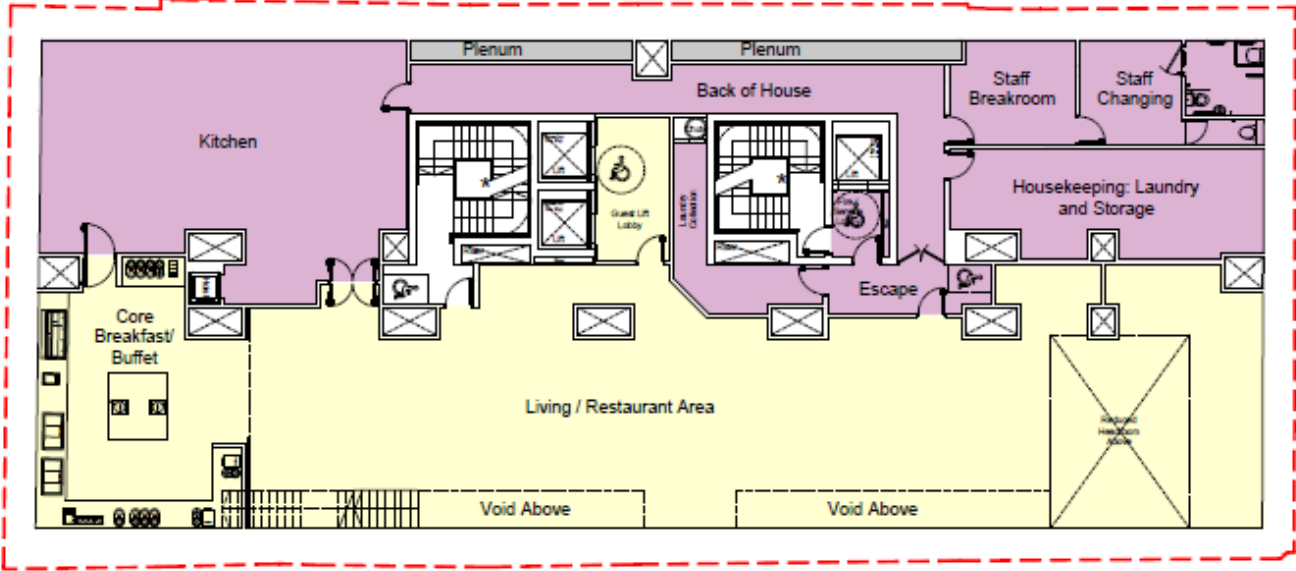
**9. KEY DRAWINGS**

**Existing and proposed Vauxhall Bridge Road elevations**

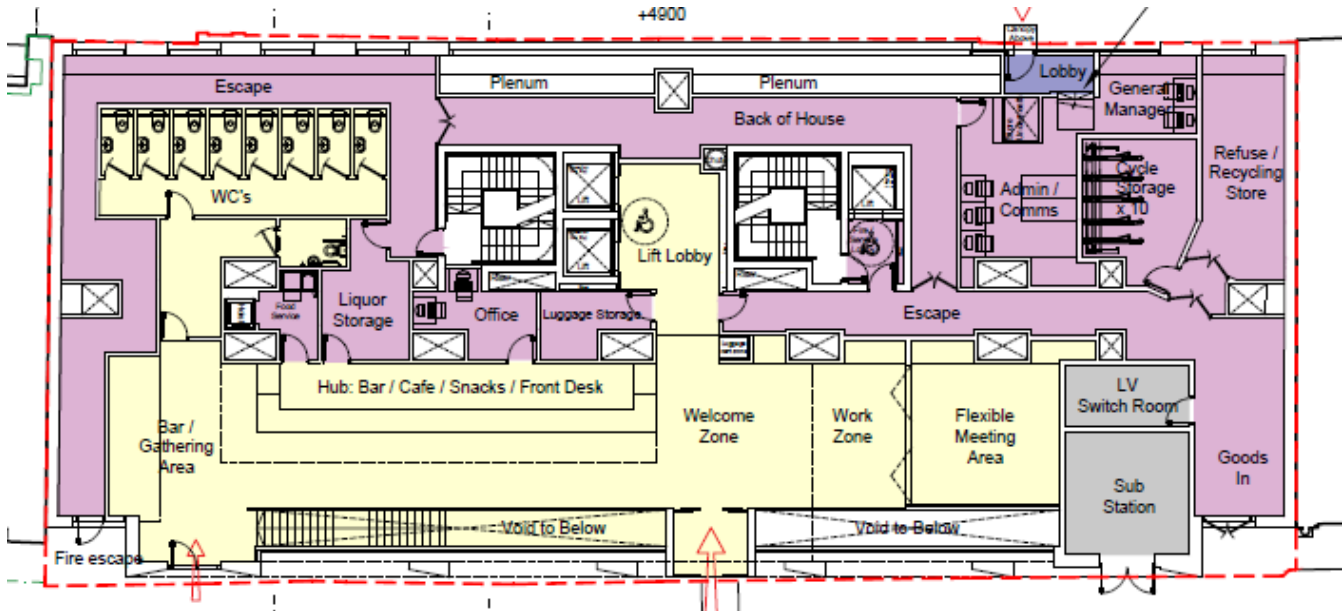




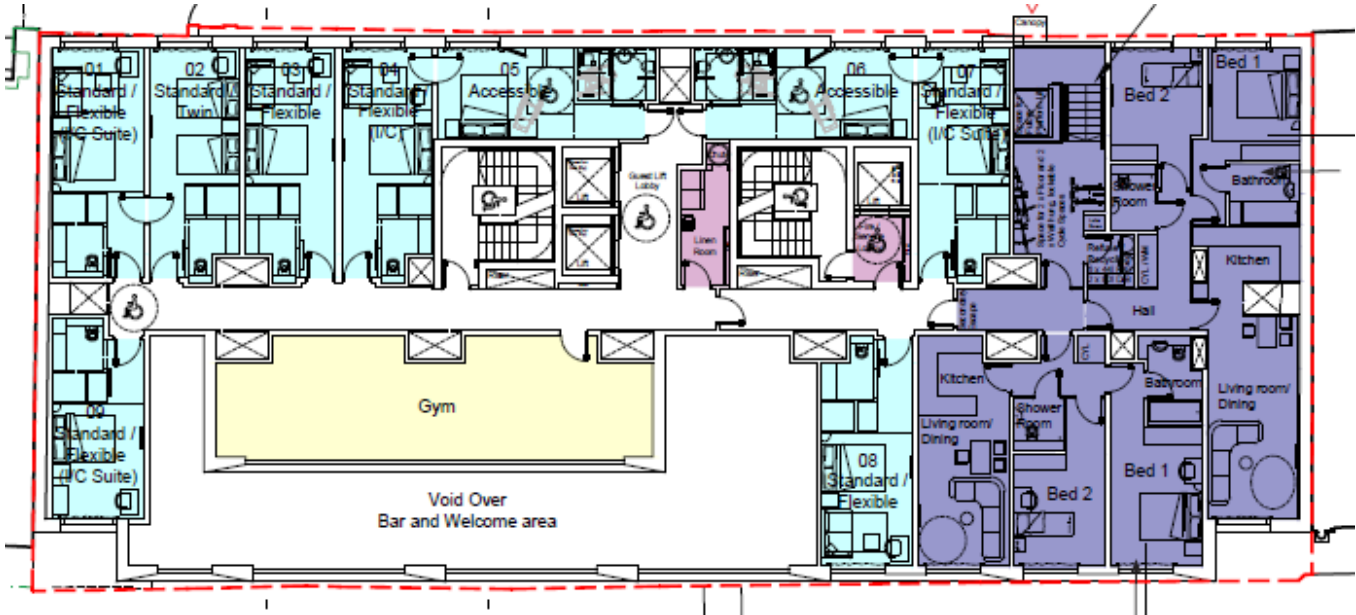
Proposed basement level 1 plan



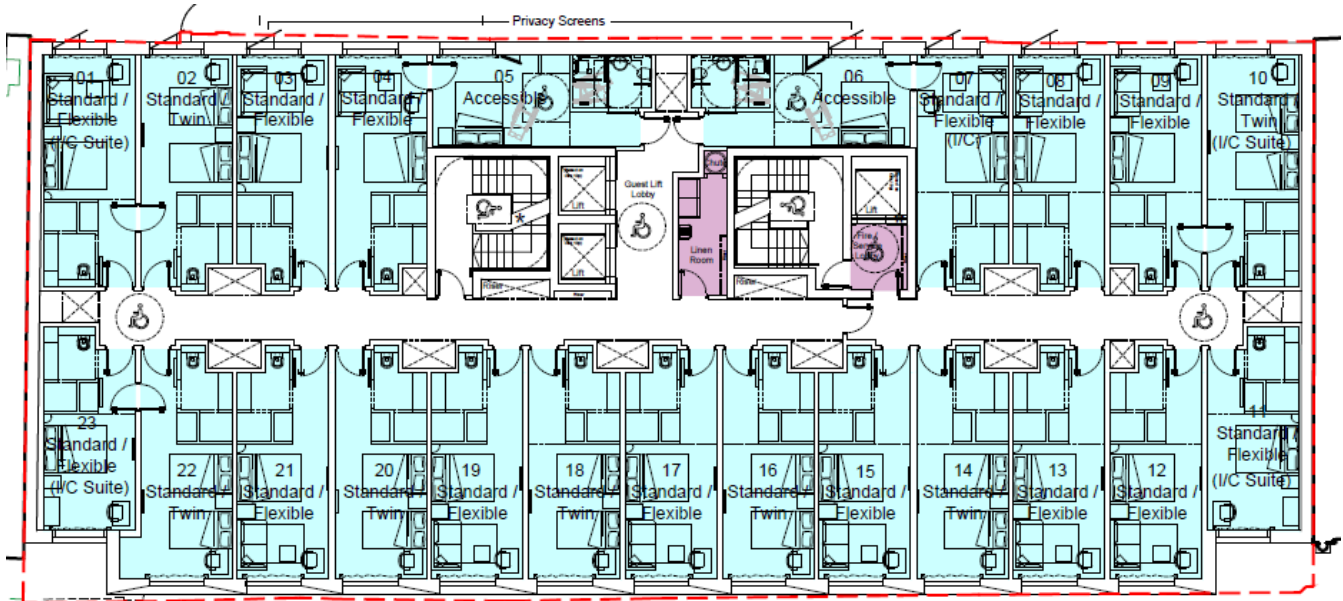
Proposed ground floor plan



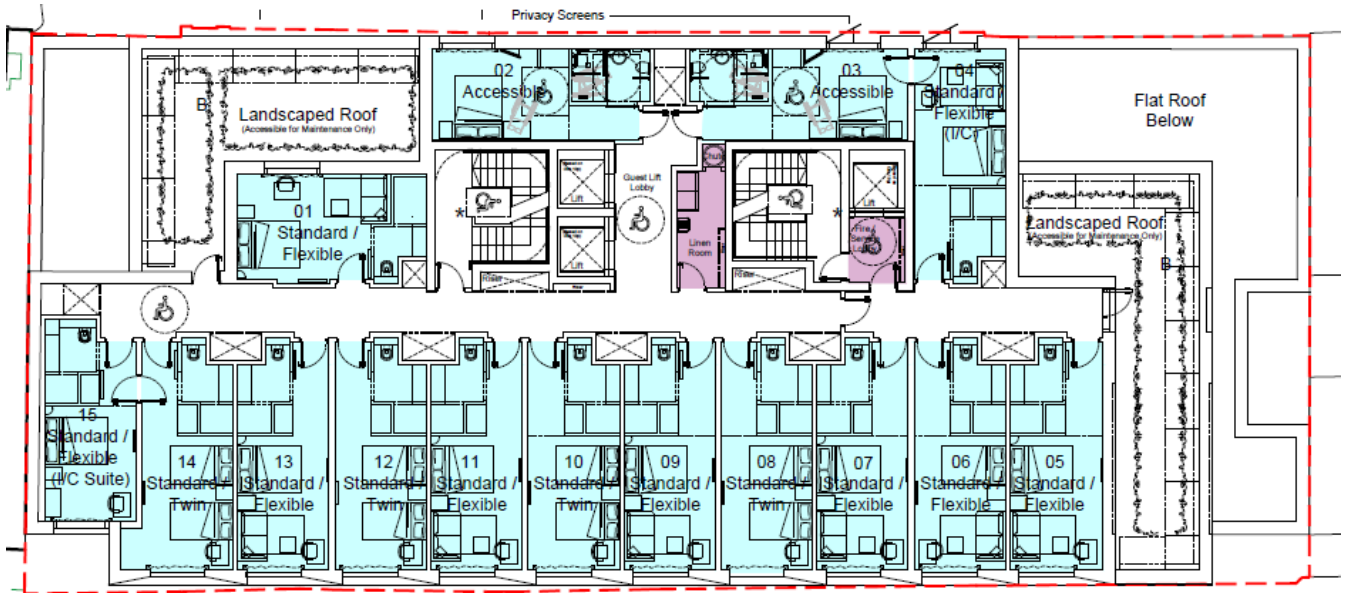
**Proposed first floor plan**



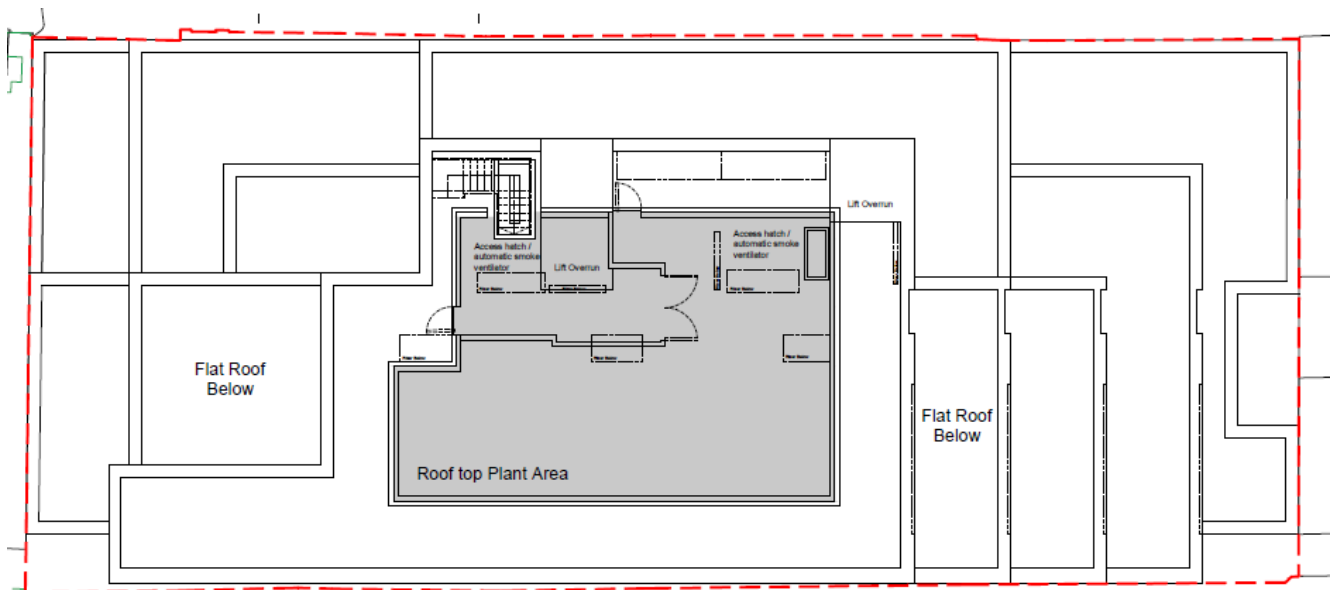
**Typical second the third floor plan**



**Proposed eighth floor plan**



**Proposed roof plan**



Item No.
<b>1</b>

## DRAFT DECISION LETTER

**Address:** Development Site At 268-282, Vauxhall Bridge Road, London,

**Proposal:** Demolition of existing buildings and erection of a new building comprising basement, 2 lower levels (basement level -1 and sub-basement -2), ground and 9 upper levels plus rooftop plant to provide a hotel with associated ancillary facilities including restaurant/bar and gym (Class C1), 2 x 2 bedroom apartments (Class C3), plant, cycle parking and other associated works.

**Plan Nos:** A-025-000 P0; A-025-099 P0; A-025-100 P0; A-025-101 P0; A-025-102 P0; A-025-103 P0; A-025-104 P0; A-025-105 P0; A-025-106 P0; A-025-107 P0; A-025-108 P0; A-025-109 P0; A-025-110 P0; A-025-111 P0; A-025-120 P0; A-025-122 P0; A-025-140 P0; A-025-141 P0; A-100-098 P1; A-100-099 P1; A-100-100 P2; A-100-101 P2; A-100-102 P1; A-100-104 P1; A-100-106 P1; A-100-107 P1; A-100-108 P1; A-100-109 P1; A-100-110 P1; A-100-111 P1; A-120-100 P1; A-120-101 P1; A-140-143 P1; A-140-144 P1; A-140-145 P2; A-140-146 P1; A-140-147 P1.

Planning Statement prepared by RPS CgMs dated 13 December 2017; Design and Access Statement Rev A prepared by Dexter Moren Associates dated July 2018; Design and Access Statement Addendum prepared by Dexter Moren Associates dated May 2018; Heritage Statement prepared by WYG dated November 2017; Transport Statement prepared by TTP Consulting dated December 2017; Servicing Management Plan incorporating Waste Management Strategy prepared by TTP Consulting dated December 2017; Daylight and Sunlight Assessment prepared by GIA dated 18 June 2018; Daylight Research Study prepared by GIA dated 7 December 2017; Radiance-based Daylight Study prepared by GIA dated 5 December 2017; Sustainability Appraisal and Energy Statement Rev H prepared by Sabinus dated 23 August 2018; Internal Noise Level Assessment prepared by Aran Acoustics dated 6 December 2017; Plant Noise Assessment prepared by Aran Acoustics dated 6 December 2017; Flood Risk Assessment prepared by Ambiental dated 7 November 2017; Surface Water Drainage Strategy prepared by Ambiental dated 6 November 2017; Report on Community Engagement prepared by Development Communications dated December 2017; Air Quality Assessment prepared by Air Quality Consultants Ltd dated 21 June 2018.

For information only: Structural Report prepared by Barratt Mahony dated 6 December 2017.

**Case Officer:** Vincent Nally

**Direct Tel. No.** 020 7641 5947

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

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

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

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 4 Prior to the commencement of any demolition or construction on site the applicant shall submit a Construction Logistics Plan to the City Council in consultation with Transport for London. Commencement of any demolition or construction cannot take place until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 5 Prior to occupation of the hotel use hereby approved, you must submit a Delivery and Servicing

Item No.
<b>1</b>

Plan (including coach management) to the City Council in consultation with Transport for London. The use cannot take place until we have approved what you have sent us. You must then operate the use according to the approved details.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 6 You must submit a schedule of the proposed materials, including photographs that are cross referenced to the elevations. You must not start on this part of the development until we have approved what you have sent us. You must then carry out the works according to the approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 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,
- iii) Individual Bay Detail,
- iv) Plant Enclosure,
- v) Glazed Balustrades,
- vi) Angled Privacy Screens.

You must not start 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 details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**8 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 Historic Environment Record, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4Y 2YA.

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

9 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.

10 You must hang all doors or gates (except for the UKPN substation) so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

11 For the residential use (Class C3) 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. Details of how the residential waste will be collected must also be provided. You must not occupy the residential 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.

Reason:

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

12 For the hotel use (Class C1) you must apply to us for approval of details of how waste (including food waste) is going to be stored on the site and how materials for recycling will be stored separately. Details of compactors and any other necessary equipment must also be provided. You must not occupy the hotel use 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.

Reason:

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

- 13 You must apply to us for the approval of detailed drawings and a security scheme for the CCTV cameras and security measures on King's Scholars' Passage. You must not occupy the development until we have approved what you have sent us. You must then carry out the work according to these details.

Reason:

To protect the environment and the area generally as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 14 You must not occupy the hotel until the privacy screens shown on the approved drawings are installed. The privacy screens must be retained and maintained in good order for the life of the development.

The glass that you put in the privacy screens and the windows/doors within the lightwell adjoining Cathedral Mansions must not be clear. You must apply to us for approval of a sample of the glass. 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 (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 15 You must not use the areas of roof for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for essential maintenance. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 16 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

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

Item No.
<b>1</b>

Reason:

To protect and increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43CB)

- 17 **Pre Commencement Condition.** You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'very good' rating. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

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 (November 2016). (R44BC)

- 18 You must apply to us for approval of a revised overheating statement in consultation with the Greater London Authority. You must not occupy the residential part of the development until we have approved what you have sent us. You must carry out the works according to the approved details and thereafter retain and maintain in accordance with the details.

Reason:

To protect the environment of residents as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R22CC)

- 19 The air quality mitigation measures, including the mechanical ventilation system as specified in the Air Quality Assessment dated June 2018, must be implemented before the development is occupied, and must thereafter be retained for the life of the development.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 20 You must apply to us for approval of detailed drawings of the termination of the District Heating and/or CHP flue. You must not occupy the development until we have approved what you have sent us and you have carried out the work according to the approved details.

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 21 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

- 22 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: Removal of the louvres at rear ground floor level and relocation to a higher level. You must not start on this part of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the environment and the area generally as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 23 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping

equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;

(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 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. (R49AA)

- 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. (R49BA)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 27 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.

(2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.

(3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 28 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 23 and 27 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 29 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 25 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:



Item No.
<b>1</b>

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 30 The hotel use allowed by this permission must not begin until the residential part of the development is made ready for occupation.

Reason:

To make sure that the development is completed and used as agreed and to make sure that it meets S14 of Westminster's City Plan (November 2016).

- 31 The ancillary restaurant, bar and gym facilities must not be open to non-hotel guests except between the hours of 07.00 hours and 22.30 hours daily.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 32 You must not paint or apply vinyl films or obscure the window glass to the ground floor of the hotel or block it in any other way. The windows must be clear glazed and maintained as such.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 33 You must implement the measures set out in the Sustainability and Energy Statement dated 23 August 2018 prior to occupation of the hotel use.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 34 The hotel windows and doors within the lightwell adjoining Cathedral Mansions and on the rear elevation facing King's Scholars' Passage must be fixed shut. You can however open them to escape in an emergency or to undertake essential maintenance.

Reason:

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

Unitary Development Plan that we adopted in January 2007. (R21BC)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
- 7 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

Item No.
<b>1</b>

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)

- 8 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 9 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)
- 10 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 11 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)

- 12 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is

Item No.
<b>1</b>

that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at [www.opsi.gov.uk](http://www.opsi.gov.uk).

- 13 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.
  
- 14 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

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

You are urged to give this your early attention

- 15 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 Crossrail, local employment opportunities, carbon offsetting and monitoring costs.
  
- 16 Please contact a Metropolitan Police Crime Prevention Design Adviser about suitable security measures for your development. You should also check whether these features will need planning approval.
  
- 17 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

John Firrell MHCIMA  
Secretary - Considerate Hoteliers Association  
C/o Wheelwright's Cottage  
Litton Cheney  
Dorset DT2 9AR

E-mail: [info@consideratehoteliers.com](mailto:info@consideratehoteliers.com)  
Phone: 01308 482313

- 18 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 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.

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# Agenda Item 2

Item No.
2

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING (MAJOR APPLICATIONS) SUB COMMITTEE</b>	<b>Date</b> 11 September 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	134 Oxford Street, London, W1D 1LU		
<b>Proposal</b>	Demolition of 134-140 Oxford Street and 77-84 Wells Street (Wells House) and the erection of a new building comprising basements, ground plus nine upper floors, with plant accommodation and Sui Generis (nightclub) at basement level 02; cycle parking, plant accommodation and Class A1 (retail) at basement level 01; part Class A1 (retail) accommodation and Class B1 (office) at ground floor level; Class A1 (retail) and associated plant accommodation at first floor level; flexible Class A1 (retail) or Class B1 (office) at second floor and Class B1 (office) accommodation at third to seventh floors; plant accommodation and Class B1 (office) accommodation at eighth floor; Class B1 (office) accommodation at ninth floor; the creation of terraces on levels 6 to 8 and a rooftop terrace area at level 9 (all for use in association with office accommodation); photovoltaic panels on level 9 and the roof; and other associated works including short stay cycle parking spaces in Adam & Eve Court.		
<b>Agent</b>	Gerald Eve LLP		
<b>On behalf of</b>	The Prudential Assurance Company Limited		
<b>Registered Number</b>	18/03229/FULL	<b>Date amended/ completed</b>	20 April 2018
<b>Date Application Received</b>	20 April 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	N/A		

## 1. RECOMMENDATION

<p>1. Subject to the views of the Mayor of London, grant conditional permission subject to the completion of a legal agreement to secure the following:</p> <p>a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked), payable in the event that the second floor is occupied as offices (Class B1).</p> <p>b) A Carbon Offset Contribution of £140,790 (index linked), payable prior to commencement of development.</p> <p>c) A Crossrail contribution of £478,140 (index linked) payable within 60 days of commencement of development and an additional Crossrail contribution of £75,750 (index linked) payable in the</p>
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- event that the second floor is occupied as offices (Class B1) (both minus any relevant Mayoral Community Infrastructure Levy paid).
- d) Undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development.
  - e) An employment and training strategy.
  - f) Secure the re-provision of the nightclub (*Sui Generis*) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
  - g) Costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within eight weeks 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

Wells House comprises an unlisted building located outside of a conservation area but within the Core Central Activities Zone (Core CAZ), the West End Stress Area and the West End Special Retail Policy Area. The Oxford Street frontage forms part of the Primary Frontage of the West End International Shopping Centre.

Wells House is currently occupied by a nightclub at part-basement level, three retail units fronting onto Oxford Street over basement, ground and mezzanine floor levels, and the remainder of the building is occupied by offices with ancillary car parking at roof level.

Permission is sought for the demolition of the existing building, excavation of any additional basement level and the erection of a replacement building over sub-basement, basement, ground and part-eight / part-nine upper floors (i.e. an increase in three floors above existing). The proposed replacement building accommodates the same uses as existing, with the nightclub re-provided at sub-basement level, retail provision on Oxford Street over at least basement, ground and first floors and office accommodation over at least third to ninth floor levels. Flexibility is sought in respect to the use of the second floor, with both retail and offices uses proposed. Increases of between 2,055 sq.m (GIA) and 3,570 sq.m (GIA) office accommodation and between 601 sq.m (GIA) and 2,116 sq.m (GIA) of retail accommodation are proposed.

The key issues for consideration are:

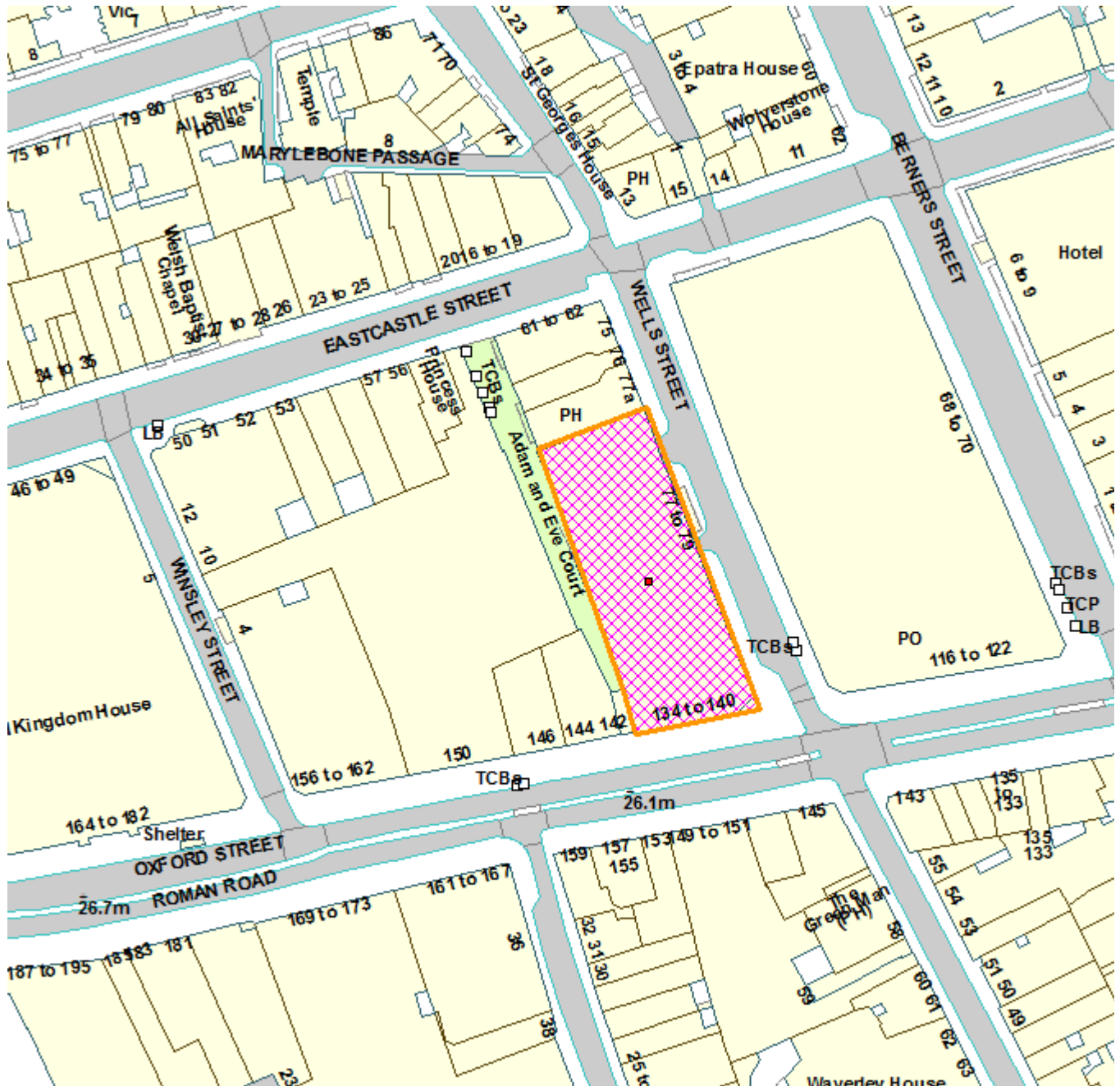
- Whether the increase in height and bulk and detailed design of the replacement building is acceptable in design and townscape terms and will preserve the setting of the adjacent conservation areas and the setting of a number of listed buildings in the vicinity of the site.



- Whether the amenity of the neighbouring nine flats at No. 142-144 will be materially harmed as a result of proposed development.

The proposal is considered acceptable in land use and amenity terms, complying with the policies set out in the London Plan, Unitary Development Plan (UDP) and the Westminster City Plan (City Plan). Furthermore, the proposal is considered to not harm the setting of the adjacent conservation areas and not harm the setting of the adjacent listed buildings. For these reasons it is recommended that conditional planning permission be granted subject to the views of the Mayor of London and subject to a legal agreement securing the items listed within Section 8.10 of this report.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front (south) and east (Wells Street) elevation from Oxford Street:



## 5. CONSULTATIONS

### *Consultation on submitted scheme*

#### GREATER LONDON AUTHORITY:

- Further detail on the specific provision for flexible and affordable workspace for start-ups and micro, small and medium-size enterprises is required in line with draft London Plan Policies E2 and E3.
- Loss of the existing nightclub and reduction of floorspace for night time economy uses is unacceptable, being contrary to Policy 4.6 of the London Plan, Policy HC6 of the draft London Plan and the Mayor's Culture and Night Time Economy SPG.
- A Heritage, Townscape and Visual Impact Assessment demonstrating the impact of the development on the surrounding historic context must be provided, in accordance with the Policy 7.8 of the London Plan, HC1 of the draft London Plan and the NPPF.
- In accordance with Policy 7.2 of the London Plan and Policy D3 of the draft London Plan, further detail is required to demonstrate inclusive and unhindered access is provided to each of the entrances safely, including details of levels, gradients and widths of the paths.
- The applicant is required to provide further energy efficiency improvements to meet the requirements of Policy 5.2 of the London Plan. The applicant should reconsider use of several renewable technologies and commit to a site wide network for heating and cooling.
- Additional long and short-term cycle parking is required to meet the draft London Plan standards. Ongoing liaison with London Underground Infrastructure Protection is required. A Construction Logistics Plan, Travel Plan and Delivery and Servicing Management Plan should be secured by condition

#### FITZROVIA NEIGHBOURHOOD ASSOCIATION:

- Any response to be reported verbally.

#### HISTORIC ENGLAND (ARCHAEOLOGY):

- No objection subject to the imposition of a pre-commencement condition securing a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

#### TRANSPORT FOR LONDON:

- Development should provide cycle parking in-line with the standards within the draft London Plan.
- The provision of male and female locker rooms and associated shower and storage facilities, a dry room and bicycle repair zone for staff and visitors to maintain their cycle are welcomed and should be secured by condition.
- Access to cycle parking and distances between double height cycle parking needs to be reconsidered.
- Seeks a contribution of £8,000 towards the maintenance of the Legible London map panels to reflect the new building line.
- Satisfied that the development will not have significant traffic capacity impact on the highway network.

Item No.
<b>2</b>

- Requests that a workplace Travel Plan, a Delivery and Servicing Management Plan and a Construction Logistics Plan be secured by condition.

**LONDON UNDERGROUND LIMITED:**

- No objection subject to the imposition of conditions safeguarding subterranean infrastructure.

**THAMES WATER UTILITIES LTD:**

- No objection.

**METROPOLITAN POLICE:**

- Advice provided. Provided the recommendations are followed, no objection.

**BUILDING CONTROL:**

- No objection.

**HIGHWAYS PLANNING:**

- No objection to the loss of the existing off-street car parking.
- Welcomes the provision of off-street servicing and recommends that the Delivery Servicing Plan be secured by condition.
- Welcomes the cycle parking provision that meets the minimum requirements within the London Plan (2016) and raises no objection to the short-stay cycle parking in Adam and Eve Court which a useful facility that would be available to others beyond those visiting this building.

**ENVIRONMENTAL HEALTH:**

- No objection on environmental noise or nuisance grounds subject to the imposition of conditions.

**CLEANSING:**

- No objection subject to a condition securing the delivery and continued provision of storage for waste and recyclable material.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 198

Total No. of replies: 2

No. of objections: 1

No. in support: 1

**Objection:**

- Concerns that any scaffolding and hoardings erected during the course of construction could visually interfere with the street trading kiosk at the corner of Oxford Street and Wells Street and discourage shoppers from walking along this stretch of Oxford Street.

**Support:**

- Taller and more vibrant retail frontage is welcome.
- Proposed design creates a focal point at the corner of Wells Street and Oxford Street.

- Job creation and increase in office floorspace is welcome, providing flexibility for different occupier types and sizes.
- The flexible retail, restaurant or assembly and leisure space at front basement level will boost the evening economy.
- The proposed design is of high quality and is in keeping with the nearby listed buildings and adjacent conservation areas.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

*Re-consultation following amendments to scheme*

FITZROVIA NEIGHBOURHOOD ASSOCIATION:

- Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 198  
Total No. of replies: 1  
No. of objections: 1  
No. in support: 0

Objections:

- No information has been submitted as to how the large floorplates could be divided or how the site could provide suitable space for small and medium-sized enterprises.
- The western flank of the building is significantly more dominant than the existing building, harming views out of East Marylebone Conservation Area and harming the setting of the Grade II\* listed No. 156-162 Oxford Street. It is suggested that the height of the building be dropped or this elevational treatment be softened to ensure that the building is not overly dominant in the streetscape.
- Concern about the losses in daylight to the neighbouring residential accommodation. A replacement of reduced height and bulk would generate a more satisfactory residential environment for the occupier of these neighbouring properties.

Comments:

- Requests that conditions be imposed securing noise mitigation from the proposed nightclub and adherence to a detailed Construction Management Plan.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site comprises 134-140 Oxford Street and 77-84 Wells Street and is located at the corner of Oxford Street and Wells Street. This unlisted building is known as Wells House. It dates from the 1960s and was re-clad in the early 1990s. Wells House comprises basement, ground, part five / part six upper storeys with plant room above. Fronting onto Oxford Street are three retail (Class A1) units over basement, ground and mezzanine floors level. At rear basement level is a nightclub (*Sui Generis*)

accessed from Wells Street. A loading bay with separate access and egress points on Wells Street is located at rear ground floor level. The remainder of the building is in office (Class B1) use accessed from Wells Street. At roof level is an open air ancillary car park hidden behind a tall sloping roof storey (a car lift provides access from the loading bay).

Adam and Eve Court runs along the western boundary of the site and provides a pedestrian route between Oxford Street and Eastcastle Street.

In heritage asset terms, the site is not located within a conservation area but has the East Marylebone Conservation Area immediately to the north, east and west and the Soho Conservation Area to the south. The site therefore lies within the setting of both conservation areas. To the south of the site on the opposite side of Oxford Street is the Grade II listed 147 Oxford Street. The west and south-west are respectively the Grade II\* listed Nos. 146-162 Oxford Street and the Grade II listed Nos. 173 Oxford Street (The Pantheon). The Green Man Public House (No. 57 Berwick Street), No. 58 Berwick Street, and Ilford House (No. 133-135 Oxford Street) are all Grade II listed and are located to the south-east of the site. The site is located within the Great Estates Area of Special Archaeological Priority and between the two Protected Vistas from Parliament Hill and Primrose Hill.

The site is located with the Core CAZ, the West End Stress Area and within a strategic cluster of night time activity of international importance. The southern part of the site is located within the West End Special Retail Policy Area and the Oxford Street frontage forms part of the Primary Frontage of the West End International Shopping Centre. The southern part of the site is located within the safeguarding zone for the Central Line London Underground Tunnel that runs beneath Oxford Street.

Records indicate that the nearest residential properties are located:

- On the upper floors of The Champion public house (No. 12-13 Wells Street) which is located at the corner of Wells Street and Eastcastle Street – two flats (possible ancillary accommodation to the public house).
- On the upper floors of No. 142-144 Oxford Street – nine flats.

## **6.2 Recent Relevant History**

None.

## **7. THE PROPOSAL**

Wells House is proposed to be demolished, an additional sub-basement excavated, and a replacement mainly brick-clad building erected comprising sub-basement, basement, ground and part-eight / part-nine upper floors.

The existing nightclub on site is proposed to be re-provided at front sub-basement level, accessed from Wells Street. The remainder of the sub-basement accommodates plant.

The front basement, front ground and the majority of the first floor are proposed to be used for retailing (Class A1), with double-height shopfronts providing access from Oxford Street.

A cycle centre accommodating 150 secure parking spaces plus four 'alternative transport' spaces, a bike repair zone, drying room and male and female shower rooms is proposed at basement level and accessed by lift from an entrance door on Adam and Eve Court. Surface level short-stay cycle stands are proposed on Adam and Eve Court that provides a parking capacity for 34 bicycles. A UKPN sub-station is accommodated at basement level with access from Wells Street.

The existing off-street loading bay is re-provided with plant above. A turntable is proposed rather than the existing arrangement of separate access and egress.

A large office entrance is proposed on Wells Street that has a projecting pre-cast stone facade that will provide access to the office accommodation at third to eighth floor level. The footprint of the ninth floor is smaller, being limited to a small lobby / reception area and the lift / stair core that allows access to a large terrace for use by the office occupiers. Smaller terraces are also proposed at sixth, seventh and eighth floor levels.

Flexibility is sought in respect to the use of the second floor, with both retail and offices uses proposed.

Photovoltaic arrays are proposed on the ninth floor terrace and above the access core at ninth floor level. Plant is proposed at rear eighth floor level. Finally, a ground source heat pump system is proposed that will include 41 boreholes to a depth of 150m beneath the site to contribute towards the heating and cooling requirements of the proposed replacement building.

A summary of the two development options depending on the use of the second floor is set out below.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	7,302	10,987	+3,570
Retail (Class A1)	2,410	3,011	+601
Nightclub ( <i>Sui Generis</i> )	561	561	0
<b>Total</b>	<b>10,273</b>	<b>14,444</b>	<b>+4,171 (+41%)</b>

Table 1: Option A (i.e. if the second floor is used for office (Class B1) purposes.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	7,302	9,357	+2,055
Retail (Class A1)	2,410	4,526	+2,116
Nightclub ( <i>Sui Generis</i> )	561	561	0
<b>Total</b>	<b>10,273</b>	<b>14,444</b>	<b>+4,171 (+41%)</b>

Table 2: Option B (i.e. if the second floor is used for retail (Class A1) purposes.

The application has been amended during the course of its consideration to:

- Replace the plant originally sought at front basement level with a nightclub; effectively re-providing the existing nightclub on site. Given the size of sub-basement



level and the generous floor to ceiling height that allows the double stacking of elements of plant, the applicant has confirmed that there is still sufficient plant space proposed to serve the proposed replacement building.

- Additional photovoltaic arrays are proposed at roof level.
- The provision of a ground source heat pump system has been included within the scheme.
- Remove the flexibility from the retail (Class A1), restaurant (Class A3) or assembly and leisure (Class D2) floorspace at front basement level so that now only retail (Class A1) is proposed in this part of the building.

The Fitzrovia Neighbourhood Association and all owners / occupiers of neighbouring properties were re-consulted on the proposed re-provision of the nightclub.

## **8. DETAILED CONSIDERATIONS**

The application is required to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the London Plan (adopted March 2016), Westminster's City Plan (adopted November 2016) and the remaining 'saved' and not superseded policies within the City of Westminster UDP (adopted January 2007).

A draft new London Plan was published by the Mayor for consultation between 1 December 2017 and 2 March 2018. On 13 August 2018 the Mayor published a version of the draft Plan that includes his minor suggested changes. These suggested changes have been prepared following a review of consultation responses, and consist of clarifications, corrections and factual updates to the draft Plan that will help inform the Examination in Public. The emerging new London Plan is a material consideration in the determination of this application. The weight attributed to this document is a matter for the decision maker. The closer the document is to adoption, the greater the weight that should be given to it.

The revised National Planning Policy Framework (NPPF) was published in July 2018. The NPPF is also a material consideration in the determination of this application.

### **8.1 Land Use**

#### **8.1.1 Additional Office Floorspace**

Given the site's location within the Core CAZ, the increase of between 2,055 sq.m (GIA) and 3,570 sq.m (GIA) of additional office floorspace is welcome, as set out within City Plan Policies S6, S18 and S20. The provision of modern, high quality office space is welcome and will contribute towards meeting the job and office floorspace targets set out within City Plan Policy S20.

Policy E2(C) of the draft London Plan states, '*Development proposals for new B1 business floorspace greater than 2,500 sqm (gross external area), or a locally determined lower threshold in a local development plan document, should consider the scope to provide a proportion of flexible workspace suitable for micro, small and medium-sized enterprises [MSMEs]*'. In addition Policy E3 of the draft London Plan states, '*In defined circumstances, planning obligations may be used to secure affordable*

*workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose*'. Part C of the policy encourages boroughs to develop more detailed policies in light of local evidence of need and viability.

The Mayor of London has raised concerns that no information has been provided regarding specific provision for flexible and affordable workspace for MSMEs within the proposal. The applicant argues that the proposed office accommodation has been carefully designed in order to allow for the possibility of occupation by a range of tenants/tenancies and to be capable of subdivision in order to meet a variety of size requirements, including spaces for larger co-working and serviced occupiers.

Whilst it appears unlikely that the office floorspace will be aimed as accommodating MSMEs, the office floorspace is considered to be capable of being sub-divided and is more flexible than the office floorspace it replaces. In respect to the provision of below market rent workspace for specific social, cultural or economic development purposes, the City Council currently has no more detailed policies for such provision based on local evidence of need and viability. As such, despite the concerns of the Mayor, the proposed type of office accommodation is considered to be acceptable.

### **8.1.2 Mixed Use**

If the second floor of the proposed building is used as retail accommodation, the new additional office floorspace is less than 30% of the existing building floorspace (of all uses). As such, there is no requirement to provide any residential floorspace under the mixed use policy (City Plan Policy S1).

If, however, the second floor is used as office accommodation, there is a requirement under City Plan Policy S1(3)(B) to provide 488.1 sq.m (GIA) of residential floorspace on-site, off-site, by mixed use credit or as a payment in lieu of residential floorspace (at the applicant's discretion). The applicant has indicated that, should the second floor be used as office accommodation, a policy-compliant payment towards the City Council's Affordable Housing Fund of £851,000 will be made. This will be secured by legal agreement.

### **8.1.3 Additional Retail Floorspace**

The proposed increase in retail floorspace of between 601 sq.m (GIA) and 2,116 sq.m (GIA) and provision of retail floorspace on Oxford Street over basement, ground and at least first floor level is welcome, enhancing the unique status of the West End West End Special Retail Policy Area and enhancing the character and function of the West End International Shopping Centre, in accordance with City Plan Policies S6, S7 and S21 and UDP Policy SS3.

### **8.1.4 Re-provision of nightclub**

The applicant originally proposed the loss of the 561 sq.m GIA nightclub on site. Both the Mayor and Officers resisted the loss of this cultural and entertainment offer within the CAZ and within a strategic cluster of night time activity of international importance on the basis that City Plan Policy S22 protects all arts and cultural uses and London Plan Policy 4.6 outlines how boroughs should, '*... support the continued success of London's*

*diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors*'. In addition, Policy HC6(B)(6) of the draft London Plan states that in planning decisions, boroughs should, '*... protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues*'.

The amendment to the scheme to include the re-provision of all the nightclub floorspace overcomes these concerns and the amended scheme is now acceptable in this regards. The fact that no additional entertainment floorspace is proposed means that the scheme is compliant with City Plan Policy S24 and exceptional circumstances exist to re-provide the night club in respect to UDP Policy TACE 10. This is notwithstanding the site's location within the West End Stress Area. This is subject to provisions in the legal agreement securing the completion of the nightclub to shell and core, ready for tenant fit out, prior to the occupation of any of the office floorspace on site. This is in order to ensure the delivery of the replacement night club.

There are no hours restrictions on the operation of the existing nightclub, with the premises licence allowing the night club to operate between 09.00 and 06.00 (Monday to Saturday) and between 09.00 and 04.30 (Sunday). The lack of existing planning control combined with the site's central location with few residential properties nearby, means that it is not considered necessary to impose any hours restrictions on the re-provided nightclub.

## **8.2 Townscape and Design**

The existing building is modern and of little architectural interest. Demolition and redevelopment are uncontentious in principle.

### *The proposed building*

The existing building is seven storeys high, with a roof top plant room in the northern half of the plan. The proposed building is ten storeys high. The Oxford Street facade is six storeys high (comparable to the top of the existing roof on Oxford Street) and the building then steps back progressively northwards. The top floor is set back from Oxford Street by approximately 20 metres. The upper floors are also recessed progressively from Wells Street.

This is a major increase in height and bulk in Oxford Street, resulting in a building which is significantly taller than its neighbours, including the building to the east, No. 120 Oxford Street. The applicant has submitted a number of views of the proposed building which indicate that the proposed roof level massing has a relatively small impact from street level. The roof storeys become most visible in a long view from the south, from Berwick Street. They will be more visible from the upper floors of adjacent buildings.

### *Facade designs*

The Oxford Street is heavily modelled, with a two storey base and four storeys above, with semi-circular arches at the top level. It is clad in brickwork, using glazed and unglazed bricks. A textured pattern is used at fifth floor level. On Wells Street the southern section matches the Oxford Street facade, and the middle section of the facade (above the office entrance) is clad in pre-cast stone (concrete), with glazed bricks used

in horizontal and vertical bands. This middle section projects about 1 metre from the main building line on the upper floors. The northern most section is clad in brickwork.

The base of the building comprises two storey shopfronts, which have become a recent feature of new buildings in this part of Oxford Street. The ground and first floors are separated by a band of back painted glass. The Oxford Street corner is formed of curved glass, which is an attractive feature.

The sixth floor is the first roof storey. It is relatively lightweight, with large areas of glazing but there are projecting dormers which are clad in copper, and an horizontal band of brickwork above the windows. The seventh, eighth and ninth floors are fully glazed.

The western elevation is clad in brick at the Oxford Street end, and then in concrete panels at the northern end. This is considered acceptable in principle. However, the proposal includes large area of louvres at various levels. It would be desirable to improve the appearance of these through the introduction of high quality public art. A condition is recommended to address this matter.

The proposed building is much taller and more bulky than the existing building and its immediate neighbours. In many locations such a building would be considered inappropriate and unacceptable in urban design and conservation terms. However, in this location outside a conservation area and given the relatively low visual impact of the upper floors in views from street level, this massing is considered acceptable. The design of the facades is of high quality and will be an acceptable addition to the streetscape of this part of Oxford Street. The projection of the upper parts of the Wells Street facade would normally be resisted, but in this non-conservation area context it is considered to be acceptable. The applicant has provided an addendum to the Townscape and Visual Impact Assessment that focusses on the impact of the proposal on the setting of the adjacent conservation areas and the setting of nearby listed buildings. This meets the requirements of Para. 189 of the NPPF. Overall the proposal is considered not to cause harm to heritage assets and to comply with the City Council's urban design and conservation policies.

### **8.3 Residential Amenity**

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

#### **8.3.1 Daylight and Sunlight**

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by the

neighbouring residential windows at second to fourth floor of No.142-144 Oxford Street and of the second and third floors of Nos. 12-13 Wells Street.

No objections from the occupants of these properties has been made to the application and therefore it has not been possible to visit the affected rooms in order to assess their use or layout.

### *Daylight*

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

The layout of the residential properties is not known and therefore, for the purposes of the daylight distribution test, reasonable assumptions have been used.

### *Sunlight*

With regard to sunlighting, the BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours, including at least 5% of winter sunlight hours. A room will be adversely affected if this is less than the recommended standards and reduced by more than 20% of its former values, and the total loss over the whole year is greater than 4%. Only windows facing within 90 degrees of due south of the proposed development need to be tested.

### *Assessment*

In respect to daylight, sunlight and daylight distribution, the scheme will have no material impact upon the occupiers of the flats on the second and third floors of No. 12-13 Wells Street. The amenity of these neighbouring residents will not be materially affected in this respect.

In terms of No.142-144 Oxford Street, this building is considerably closer and has a number of windows facing Adam and Eve Court within the rear wing of the building or facing north within the main rear elevation of the building.

Because of their elevated location and open aspect to the north, the windows within the rear elevation of the building all have good levels of VSC and, all but one, are not

materially affected by the proposed development in terms of daylight or daylight distribution. The only breach is minor (-20.18%) and is not considered to be harmful.

As a result of facing into the highly enclosed Adam and Eve Court, the existing daylight levels to these windows and the proportion of the room that has views of the sky are very low and are predicted to be reduced by between 33% and 60% (VSC) and by between 88% and 100% in term of NSL as result of the proposed development. The absolute losses of daylight arising from the proposed development, however, are relatively small (between 0.3% and 4.5%) which indicates that it is the low existing light levels that are causing the disproportionate percentage reductions. As a consequence, it is not considered that the amenity of these neighbouring residents will be materially harmed by the proposed development in terms of daylight.

There are no breaches in terms of sunlight.

### **8.3.2 Sense of Enclosure, Privacy and Noise**

The outlook from the windows of the flats within No. 142-144 Oxford Street is already highly enclosed and is not considered to materially increase as a result of the proposed development.

As set out above, terraces are proposed at sixth, seventh and eighth floor levels, as well as a large terrace at roof level. Given the relationship and distance between these terraces and the residential properties at No. 142-144 Oxford Street and the site's busy central location, these terraces will not result in any overlooking and it is not considered necessary to control the hours of use of these spaces in their ancillary capacity to the office floorspace.

## **8.4 Transportation/Parking**

Whilst the proposed servicing bay is smaller than existing, the applicant has demonstrated that the building will be capable of being serviced from it. It is recommended that the submission of a Delivery Servicing Plan for the City Council's approval be secured by condition.

The loss of roof level car parking is welcome, reducing opportunities for commuting by private motor vehicle. The applicant has re-arranged the layout of the cycle centre to ensure that the quantum of cycle parking spaces complies with the requirement of Policy T5 of the draft London Plan and increased the spacing of the short-stay cycle stands on Adam and Eve Court to 1.0m to ensure that they are readily useable. The provision and retention of the cycle parking spaces, the bike repair zone, the changing / shower rooms, lockers and the drying room is proposed to be secured by condition, as is the provision of a mechanised door entry system and 'hold open' fire doors to allow ready access to the cycle parking.

There is no concern that the provision of cycle parking on Adam and Eve Court will impede pedestrian movement or harm highway safety, with the passageway being wide enough to accommodate the both pedestrians flows and the proposed cycle parking.

The undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development is proposed to be secured by legal agreement.

London Underground raises no objection to the proposed basement excavation in terms of its impact on the integrity of the Central Line beneath Oxford Street, subject to a condition securing the submission of detailed design and method statements for the City Council's approval prior to the commencement of the demolition of the existing building.

Transport for London has requested a contribution of £8,000 towards the cost of updating the Legible London map panels to reflect the new building line. The changes to the building line, however, are very minor and it is not considered necessary for the maps to be updated as a result of the proposed development.

## **8.5 Economic Considerations**

The proposed increase in office and retail floorspace are welcome through supporting economic growth in this part of the Core CAZ and the West End Special Retail Policy Area. The re-provision of the nightclub is also welcome through contributing towards London's night time economy.

## **8.6 Access**

The Mayor has requested that further detail be submitted demonstrate that inclusive and unhindered access is provided to each of the entrances safely, including details of levels, gradients and widths of the paths.

An additional ground floorplan has been provided showing the width of the pavement on Oxford Street and Wells Street, as well as the entrance door widths. All entrances will provide level access and there will be lift access throughout the proposed replacement building.

## **8.7 Other UDP/Westminster Policy Considerations**

### **8.7.1 Noise**

Plant is proposed at sub-basement, first (above the loading bay) and at eighth floor level. Subject to the imposition of suitable conditions securing the submission of a supplementary acoustic report once the plant has been selected, Environmental Health has no objection from an environmental nuisance perspective agreeing that the plant is capable of complying with the relevant criterion within UDP Policy ENV 7.

### **8.7.2 Refuse /Recycling**

The proposed refuse stores have been revised following feedback from the Cleansing Manager who no longer raises any objection to the proposal subject to conditions securing the delivery and retention of the waste stores.

The area on Adam and Eve Court where the short-stay cycle parking is now proposed is currently used for the storage of waste and recyclable material in connection with the application site and the adjacent Adam and Eve public house. The provision of an integral waste store will mean that waste from the application site will no longer need to be stored on Adam and Eve Court. This is clearly beneficial. In respect to the waste from the Adam and Eve public house and the agreement between the two parties that this can be stored on this area of land, this is a private matter between the two parties and has no involvement from the City Council. The operator of the public house will need to review its waste arrangement and provide an integral waste store. The Cleansing Manager has no objection to the proposal in this respect.

### **8.7.3 Biodiversity and Flooding**

The site is not located within a flood risk zone. The flat roof areas are all proposed to be used for terraces in association with the proposed office accommodation. Whilst City Plan Policy S38 and UDP Policies ENV and ENV 17 promote the provision of living roofs on flat surfaces and roof of buildings, it is considered that the contribution these terraces make to the quality and attractiveness of the office accommodation outweighs the biodiversity benefits of these flat roofs being 'living roofs'.

In order to ensure that the flat roofs do not result in flooding and associated pollution, the application has included a 60 cubic metre storm water attenuation tank at basement level in order to meet the storage requirement when considering a 1 in 100-year rainfall event plus a climate change factor of 20%. Thames Water raises no objection to the proposed development. It is therefore concluded that the proposal is in accordance with City Plan Policy S30 through reducing the risk of flooding.

### **8.7.4 Sustainability**

The proposal has been revised in order to increase the area at roof level dedicated to photovoltaics from 72 sq.m to 172 sq.m and to include a ground source heat pump system. In addition, higher specification glazing has been selected for the double height shopfronts for the retail units.

The energy strategy now results in site wide carbon savings of 20.9% compared to a 2013 Building Regulations Compliant scheme. This falls short of the 35% reduction in carbon dioxide emissions against Part L 2013 required by London Plan Policy 5.2. There is therefore a shortfall of 49.4 tonnes to be off-set. It is considered that the scheme strikes an appropriate balance between providing high-quality office floorspace with associated terraces and providing on-site renewables. Based on the updated carbon off-set price of £95 per tonne, the required contribution to off-site carbon savings is £140,750 for the notional 30-year life of the development. This contribution is recommended to be secured by legal agreement.

It is understood that there are no district wide heat networks in the vicinity of the site and none are planned. The development will be future-proofed to enable future connection to any district heating scheme.



### **8.7.5 Basement Excavation**

There is no objection to the proposed excavation of a new sub-basement, with the applicant demonstrating demonstrate that site-specific ground conditions, drainage and water environment in the area of the development have been taken into account; that the structural stability of adjacent buildings will be safeguarded; and that the sub-basement basement will not increase flood risk on the site or beyond. The proposal is therefore compliant with City Plan Policy CM28.1. Building Control has no objection to the proposed basement development.

### **8.7.6 Other**

The site is within the city-wide Air Quality Management Area with declared exceedances for short and long term Nitrogen Dioxide NO<sub>2</sub> objectives. Short term objectives would be exceeded at the building façade and potentially also at height. Natural ventilation is not recommended and the applicant proposes mechanical ventilation with the air intake at height away from the Oxford Street façade in order to ensure that air quality for users of the building is as clean as possible. Compliance with the City Council's Code of Construction Practice (see Section 8.12 below) will ensure that the impact of the construction phase on air quality is minimised.

The applicant has provided a statement confirming that the development is air quality neutral for building and transport emissions (GLA benchmarking assessment methodology). This is acceptable.

There is no objection from Historic England (Archaeology) to the proposal excavation subject to the imposition of a condition securing a two-stage process of archaeological evaluation and, if necessary, investigation and recording.

## **8.8 Neighbourhood Plans**

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

## **8.9 London Plan**

The application is of potential strategic importance as the proposed replacement building is more than 30m high. As such, the application has to be referred to the Mayor of London where he has the power to: (i) Allow the City Council to determine the

application; (ii) Direct that the application be refused; or (iii) Recover the application for his determination.

### 8.10 National Policy/Guidance Considerations

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

### 8.11 Planning Obligations

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

- (a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked) payable in the event that the second floor is occupied as offices (Class B1).
- (b) A Carbon Offset Contribution of £140,790 (index linked).
- (c) A Crossrail contribution of £478,140 (index linked) and a further Crossrail contribution of £75,750 (index linked) if the second floor is used as offices (both minus any relevant Mayoral Community Infrastructure Levy paid – see below).
- (d) Undertaking of highways works in the vicinity of the site.
- (e) An employment and training strategy.
- (f) Secure the re-provision of the nightclub (*Sui Generis*) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
- (g) Costs of monitoring the S106 agreement.

Regardless of the use of the second floor, the estimated CIL payment is:

- Westminster CIL - £991,190.
- Mayoral CIL - £301,135

### 8.12 Environmental Impact Assessment

The proposal is of insufficient scale to require such an assessment.

### 8.13 Other Issues

#### 8.13.1 Construction impact

An objection has been received from a kiosk trader at the corner of Wells Street and Oxford Street on the ground that any scaffolding and hoardings erected during the course of construction could visually interfere with the street trading kiosk at the corner of Oxford Street and Wells Street and discourage shoppers from walking along this stretch of Oxford Street.

Any short-term disruption to this street trader during the course of the construction is not considered to constitute a sustainable reason for refusal.

The development will be subject to a condition requiring adherence to the Code of Construction Practice that will ensure that the disruption during the course of

Item No.
<b>2</b>

construction is minimised. The applicant has confirmed that it will comply with the Code of Construction Practice.

**8.13.2 Crime and security**

Advice has been provided to the applicant from the Metropolitan Police. Provided this advice is followed, there is no objection to the proposal from a crime and security perspective. An informative is recommended requesting that the detailed features recommended by the Metropolitan Police are integrated within the development.

(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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

9. KEY DRAWINGS

Existing basement plan:



Existing ground floor plan:



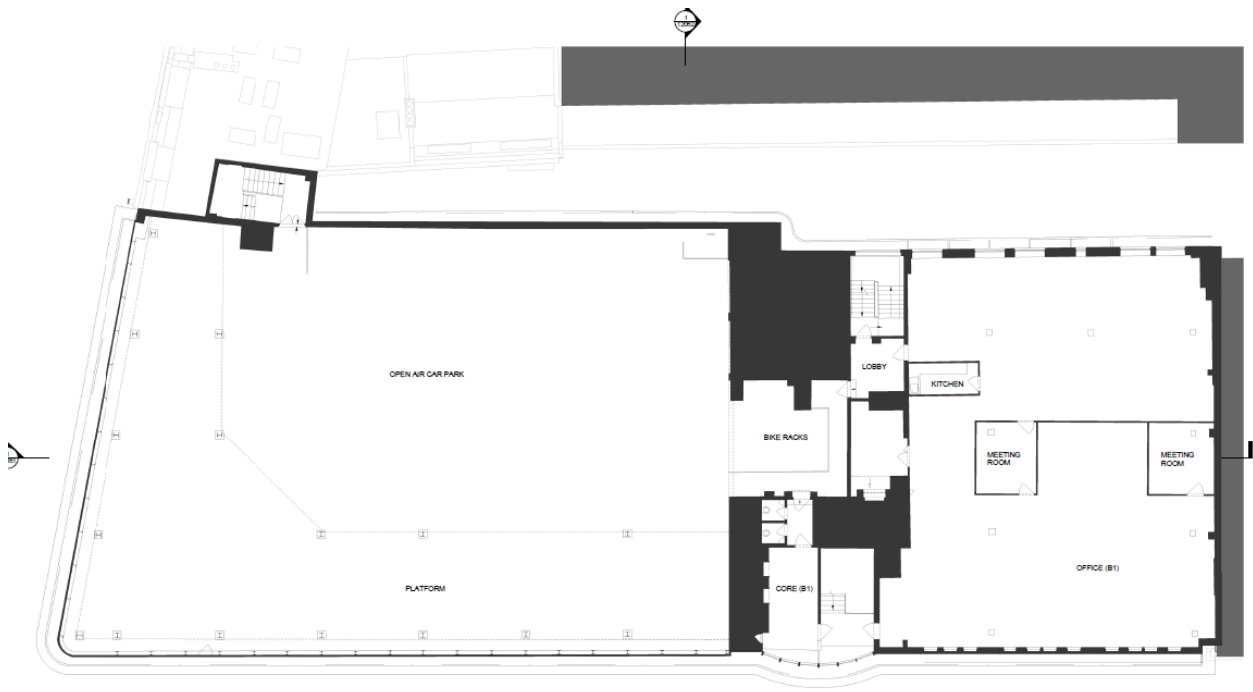
Existing mezzanine floorplan:



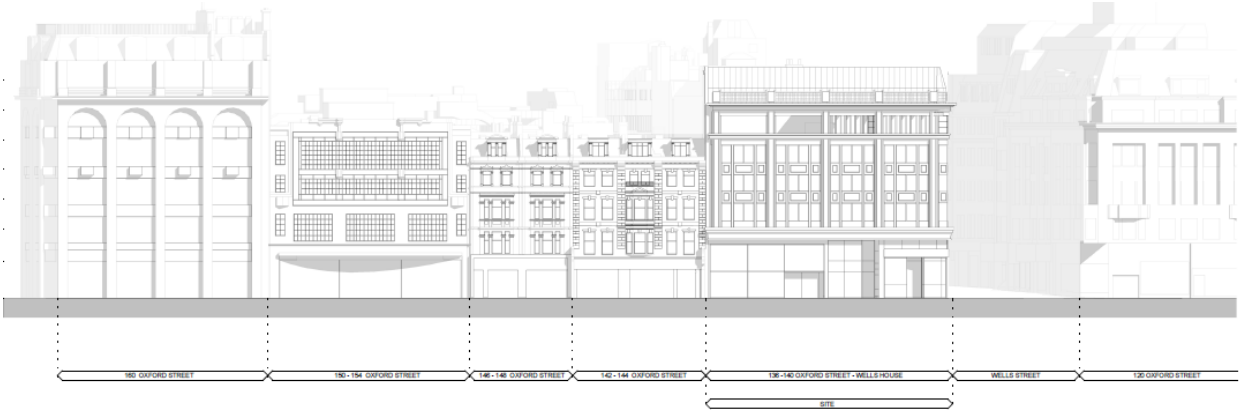
Existing first floorplan:



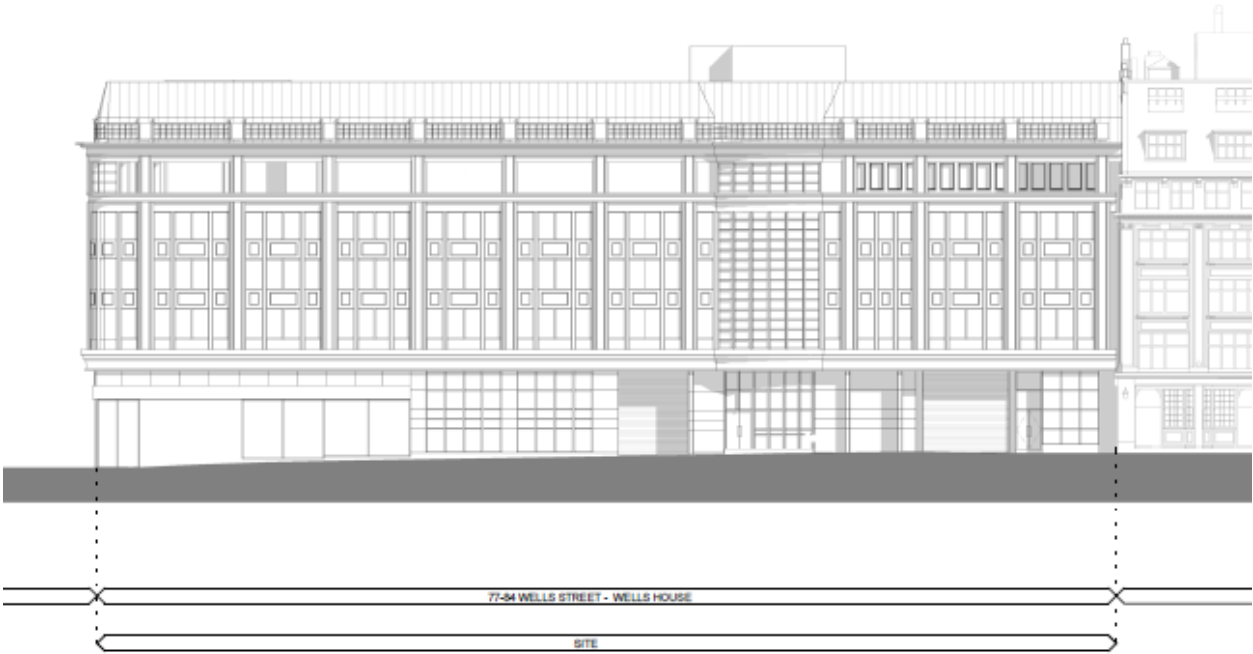
Existing fifth floorplan:



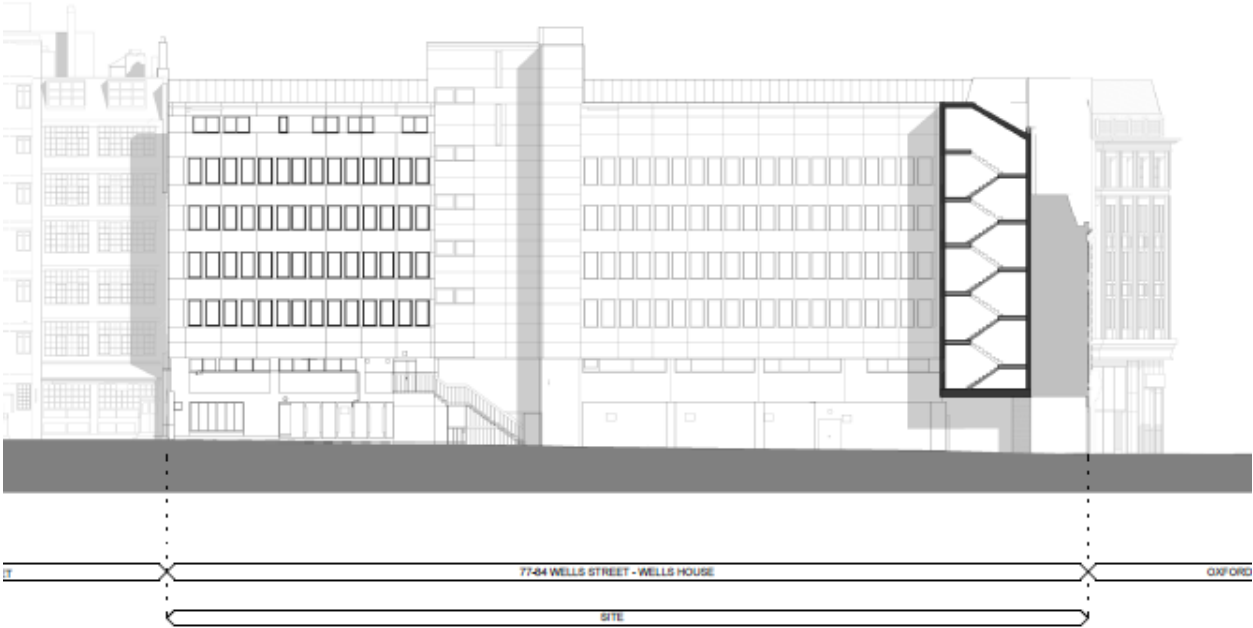
Existing Oxford Street frontage:



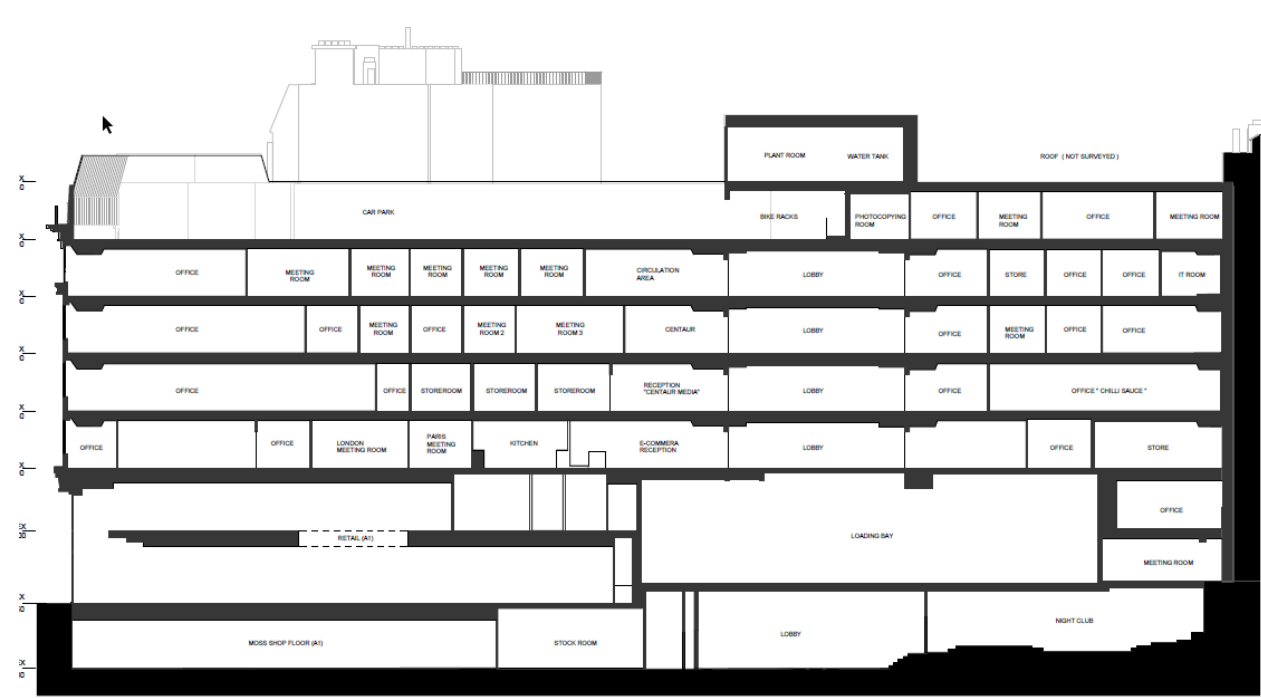
Existing Wells Street (east) elevation:



Existing Adam and Eve Court (west) elevation:



Existing Section A-A (long-section):

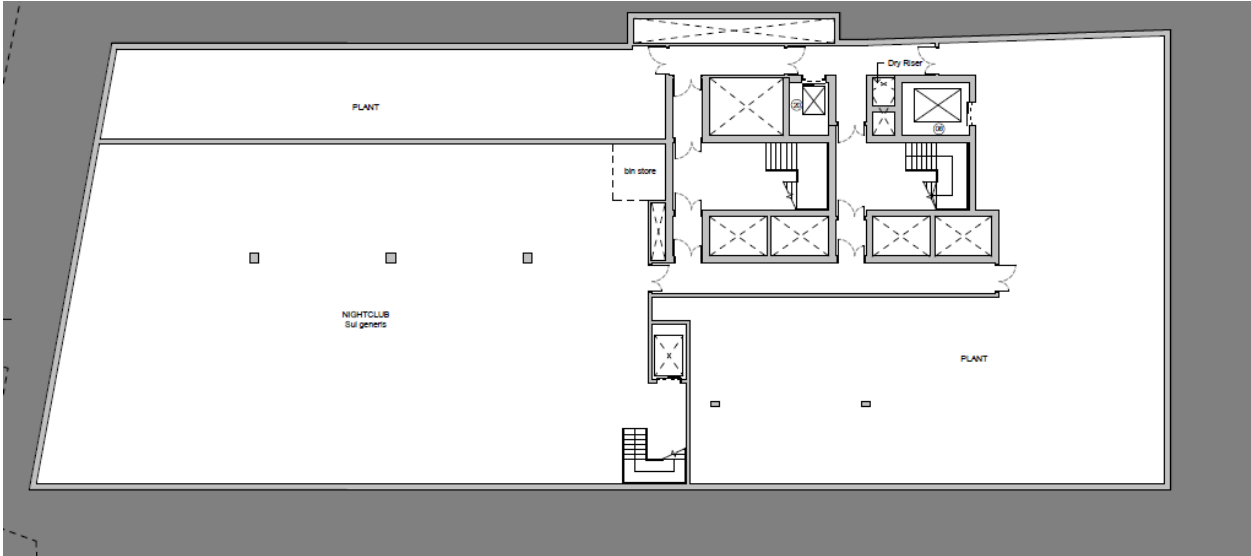


Existing Section B-B (short section):

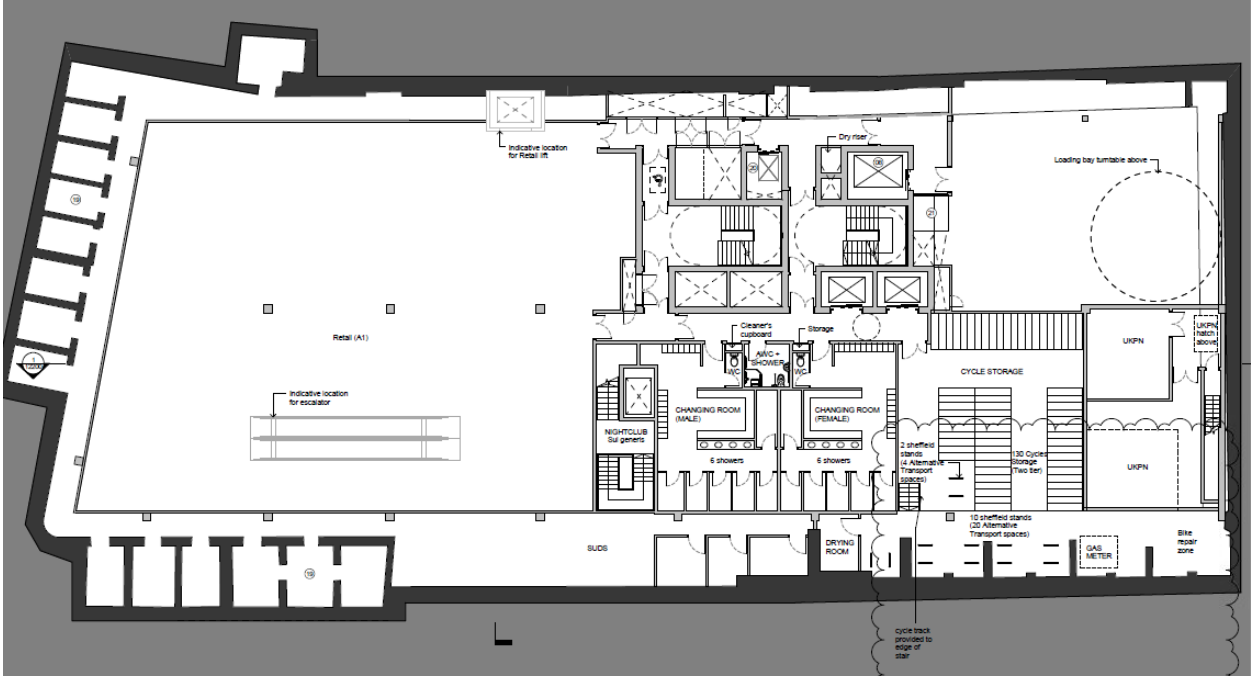




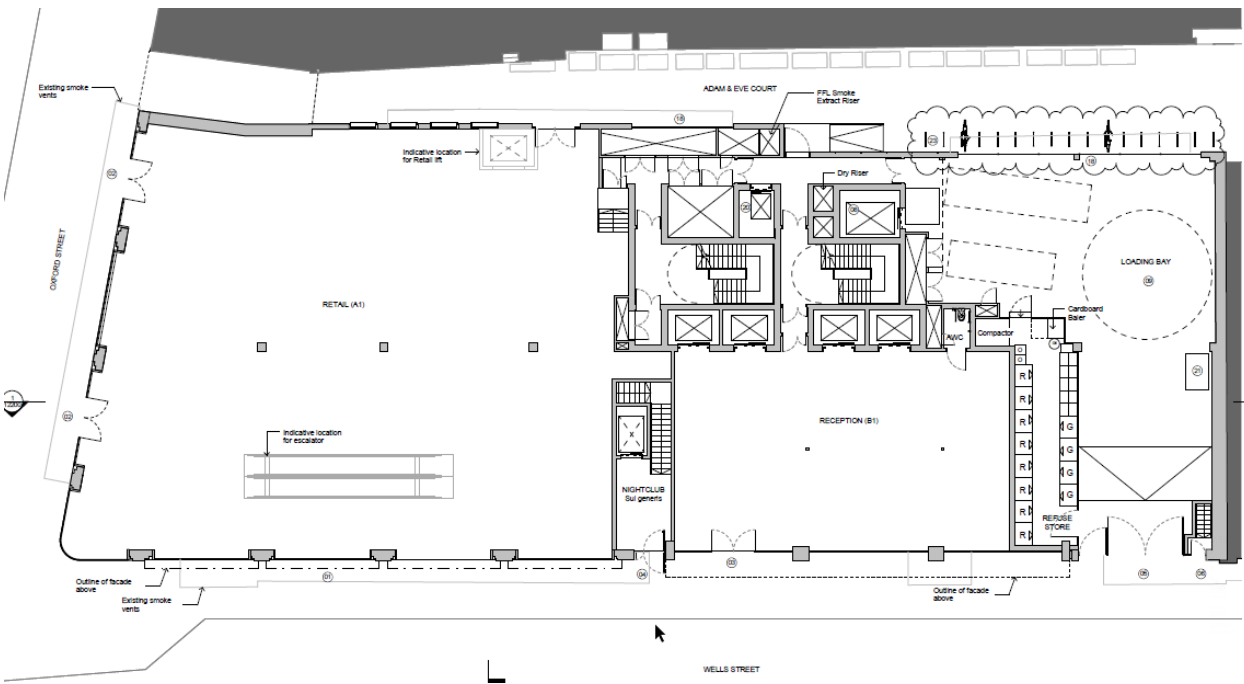
Proposed sub-basement floorplan:



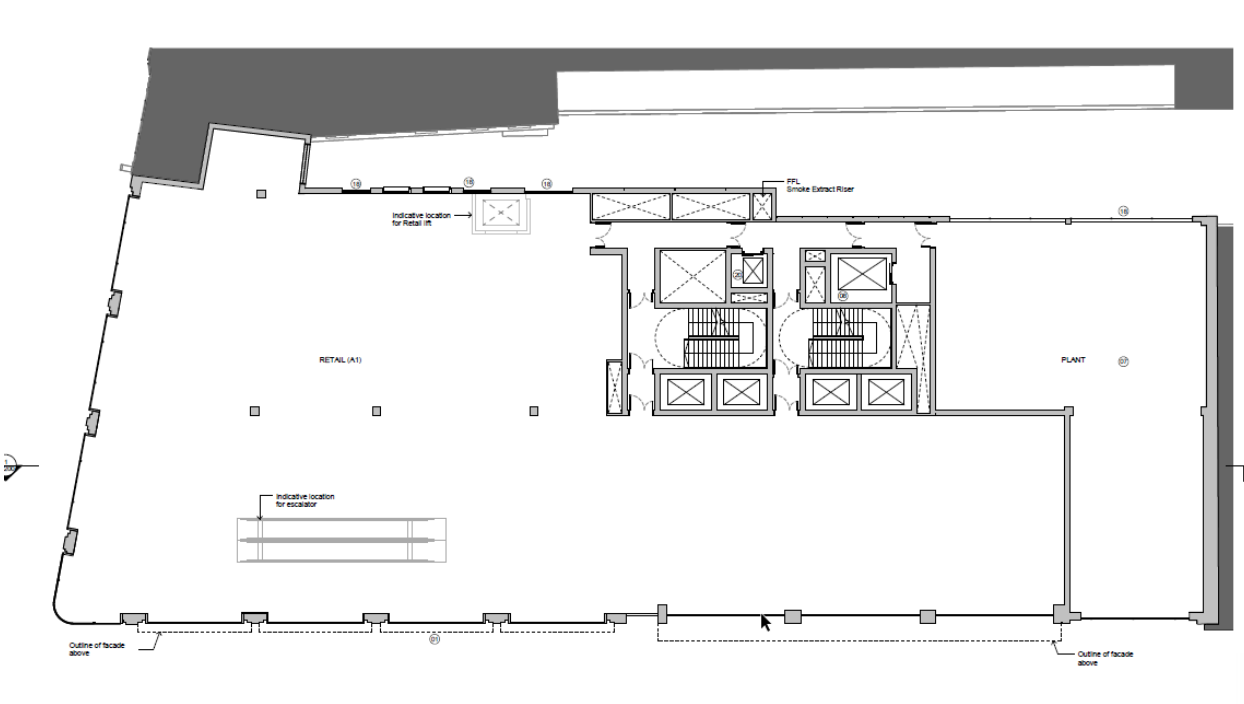
Proposed basement floorplan:



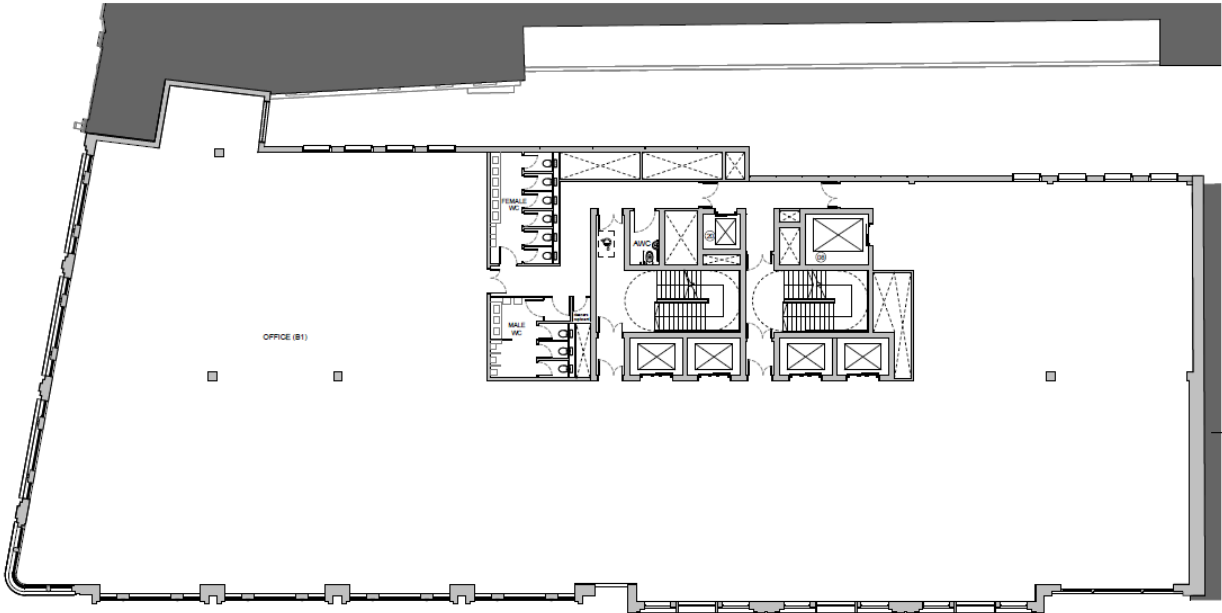
Proposed ground floorplan:



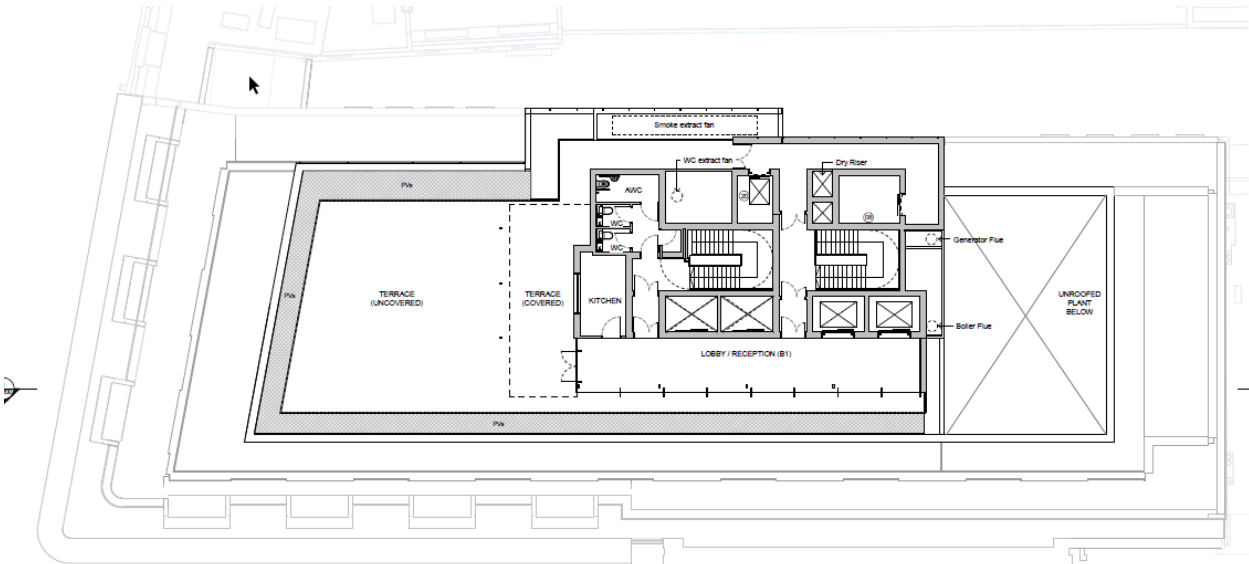
Proposed first floorplan:



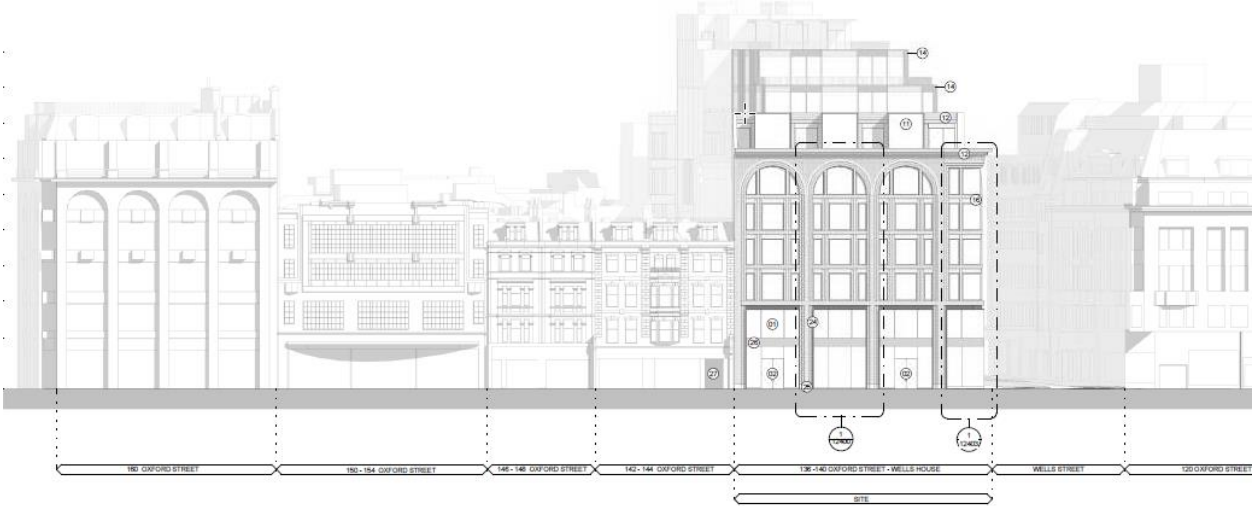
Proposed third floorplan:



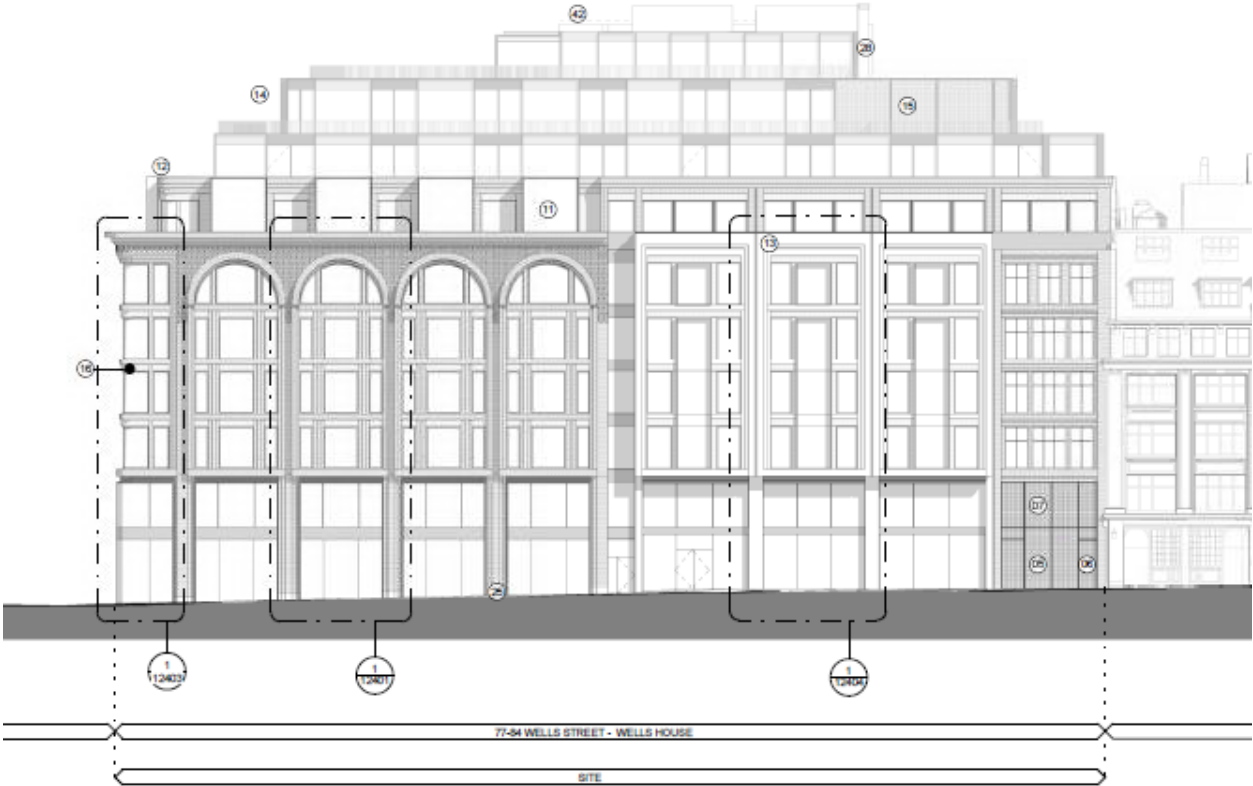
Proposed ninth floorplan:



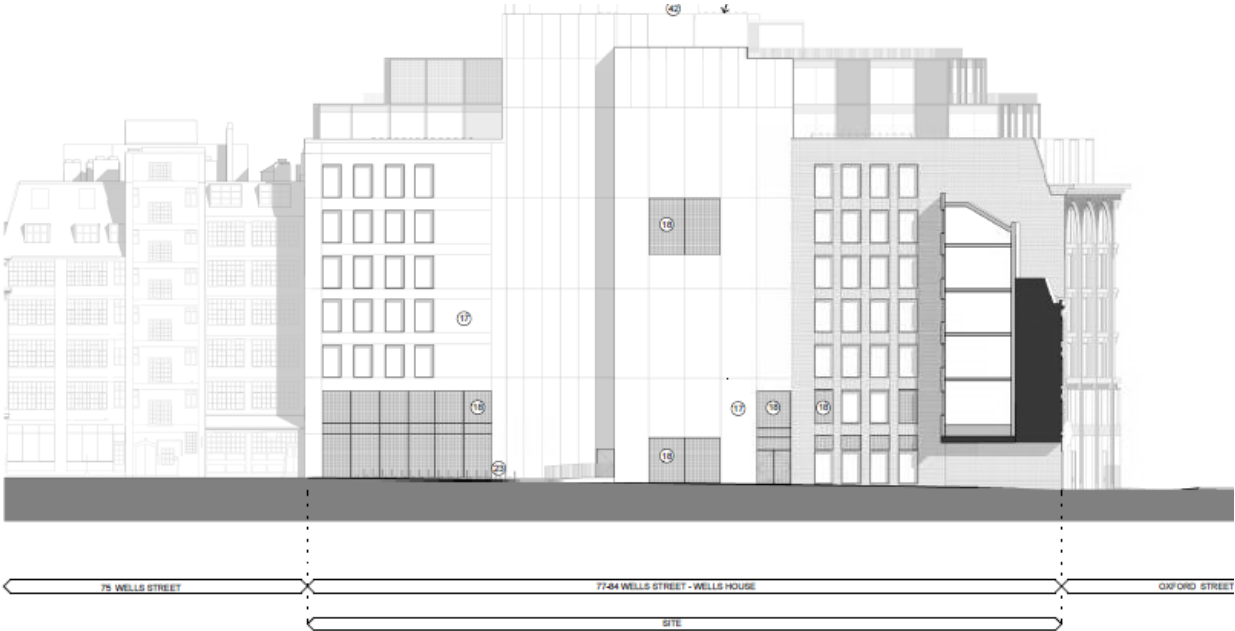
Proposed Oxford Street frontage:



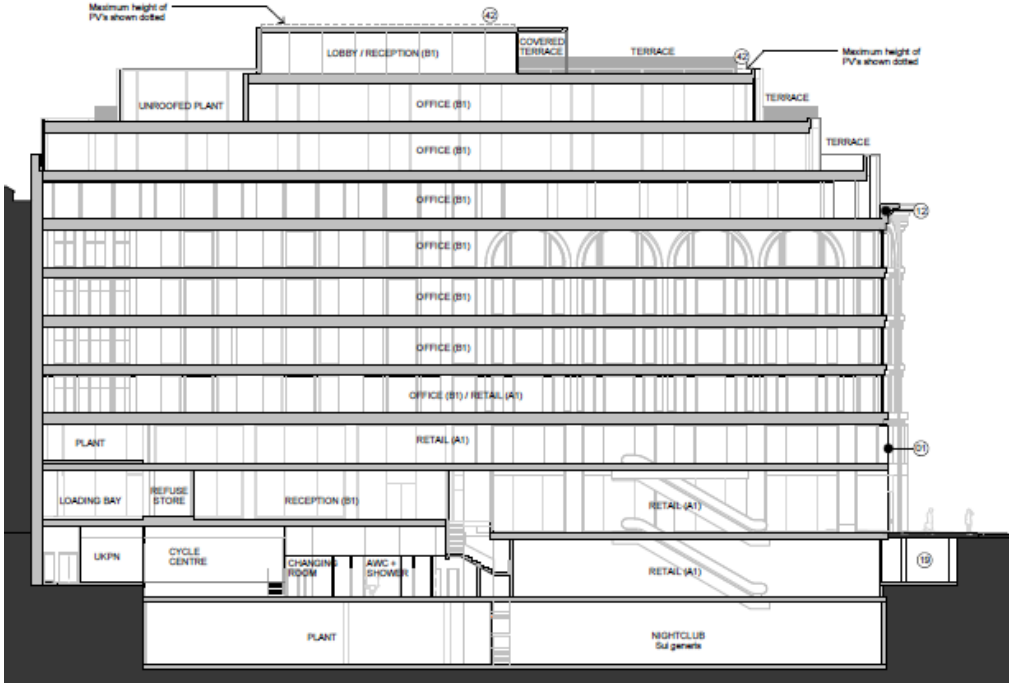
Proposed Wells Street (east) elevation:



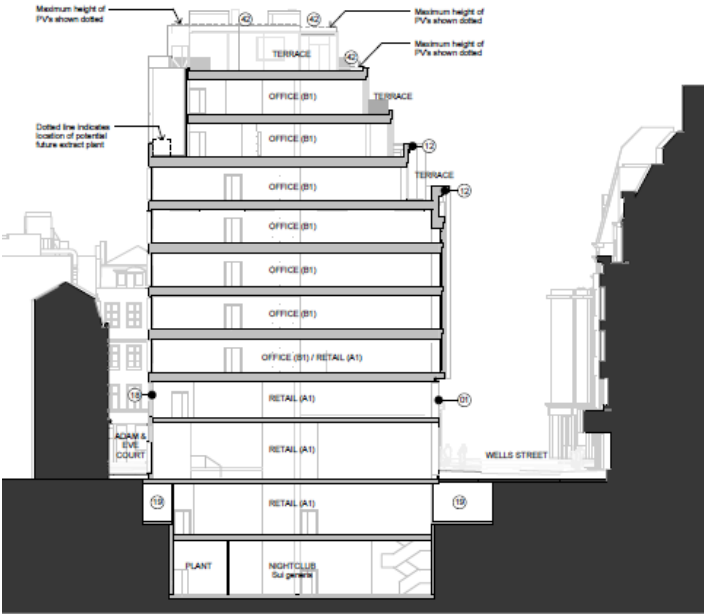
Proposed Adam and Eve Court (west) elevation:



Proposed section A-A (long-section):



Proposed Section B-B (short section):



**DRAFT DECISION LETTER**

**Address:** 134 Oxford Street, London, W1D 1LU,

**Proposal:** Demolition of 134-140 Oxford Street and 77-84 Wells Street (Wells House) and the erection of a new building comprising basements, ground plus nine upper floors, with plant accommodation and Sui Generis (nightclub) at basement level 02; cycle parking, plant accommodation and Class A1 (retail) at basement level 01; part Class A1 (retail) accommodation and Class B1 (office) at ground floor level; Class A1 (retail) and associated plant accommodation at first floor level; flexible Class A1 (retail) or Class B1 (office) at second floor and Class B1 (office) accommodation at third to seventh floors; plant accommodation and Class B1 (office) accommodation at eighth floor; Class B1 (office) accommodation at ninth floor; the creation of terraces on levels 6 to 8 and a rooftop terrace area at level 9 (all for use in association with office accommodation); photovoltaic panels on level 9 and the roof; and other associated works including short stay cycle parking spaces in Adam & Eve Court.

**Reference:** 18/03229/FULL

**Plan Nos:** Demolition drawings

WSH ORM 00 00 DR A 12041 Rev. P05, WSH ORM 00 01 DR A 12042 Rev. P05, WSH ORM 00 02 DR A 12043 Rev. P05, WSH ORM 00 03 DR A 12044 Rev. P05, WSH ORM 00 04 DR A 12045 Rev. P05, WSH ORM 00 05 DR A 12046 Rev. P05, WSH ORM 00 06 DR A 12047 Rev. P05, WSH ORM 00 B1 DR A 12048 Rev. P05, WSH ORM 00 MZ DR A 12049 Rev. P05, WSH ORM 00 AA DR A 12051 Rev. P02, WSH ORM 00 BB DR A 12052 Rev. P02, WSH ORM 00 SO DR A 12060 Rev. P02, WSH ORM 00 EA DR A 12061 Rev. P02 and WSH ORM 00 WE DR A 12062 Rev. P02.

Proposed drawings / document

WSH ORM 00 ZZ DR A 12001 Rev. P07, WSH ORM 00 B2 DR A 12100 Rev. P07, WSH ORM 00 B1 DR A 12101 Rev. P09, WSH ORM 00 00 DR A 12102 Rev. P11, WSH ORM 00 01 DR A 12103 Rev. P06, WSH ORM 00 02 DR A 12104 Rev. P06, WSH ORM 00 03 DR A 12105 Rev. P06, WSH ORM 00 04 DR A 12106 Rev. P06, WSH ORM 00 05 DR A 12107 Rev. P06, WSH ORM 00 06 DR A 12108 Rev. P06, WSH ORM 00 07 DR A 12109 Rev. P06, WSH ORM 00 08 DR A 12110 Rev. P06, WSH ORM 00 09 DR A 12111 Rev. P07, WSH ORM 00 RF DR A 12112 Rev. P07, WSH ORM 00 AA DR A 12200 Rev. P08, WSH ORM 00 DD DR A 12203 Rev. P08, WSH ORM 00 SO DR A 12300 Rev. P06, WSH ORM 00 EA DR A 12301 Rev. P07, WSH ORM 00 WE DR A 12302 Rev. P06, WSH ORM 00 SO DR A 12400 Rev. P04, WSH ORM 00 EA DR A 12401 Rev. P04, WSH ORM 00 ZZ DR A 12403 Rev. P03, WSH ORM 00 EA DR A 12404 Rev. P03 and Wells House Energy Strategy – Response to GLA and WCC comments (dated 25 July 2018).

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

### Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

3 **Pre Commencement Condition.**

Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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



**4 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 the Greater London Historic Environment Record, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4Y 2YA.

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

Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

**5 Pre Commencement Condition.**

The development hereby permitted shall not be commenced until detailed design and method statements for each stage of the development (in consultation with London Underground) for demolition, all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy 6.2 of the London Plan (2016), Policy T3 of the draft London Plan (December 2017) and Land for Industry and Transport SPG (September 2012).

- 6** 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

Item No.
<b>2</b>

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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 7 You must apply to us for approval of detailed drawings (scales 1:20 and 1:5) of the following parts of the development.
- a. Typical facade details at all levels
  - b. Shopfronts

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 detailed drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 8 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

- 9 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Works of public art to be used to improve the appearance of the ventilation louvres on the west facade.

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 before occupation of any part of the building.

You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the

Item No.
<b>2</b>

character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 10 You must provide each cycle parking space, the bike repair zone, the changing / shower rooms, lockers and the drying room shown on the approved drawings prior to occupation of any part of the building. Thereafter these areas must be retained and the space used for no other purpose.

The cycle entrance door onto Adam and Eve Court shall be fitted with a mechanised door entry system and the doors between the goods lift and cycle storage area shall all be 'hold open' fire safety doors.

Reason:

To provide cycle parking spaces (including ready access) and associated facilities for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 and Policy T5 (Table 10.2) of the draft London Plan (December 2017).

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 12 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 13 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 You must provide a headroom of at least 3.6m (clear unobstructed height above the floor

surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. (C23EA)

Reason:

To make sure that the service bay will be available for all types of vehicles for which it has been designed, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23BB)

- 15 You must provide the waste stores shown on drawings WSH ORM 00 B2 DR A 12100 Rev. 07 and WSH ORM 00 00 DR A 12102 Rev. P11 before occupation of any part of the building. You must clearly mark them and make them available at all times to everyone using the nightclub, retail units and office floorspace. 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 stores 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 (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 16 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;

- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 18 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 16 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

levels. (R51AB)

- 19 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 20 The design and structure of the development shall be of such a standard that it will not result in the transfer of ground borne noise from underground railway lines through the building structure and fabric of this development to adjoining residential properties so that they are exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and 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 adjacent to the development from the intrusion of external noise. (R49AA)

- 21 You must put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 22 You must provide the following sustainability features as shown on the approved drawings and as set out within the approved Wells House Energy Strategy (dated 25 July 2018) before occupation of any part of the development:

- Rainfall attenuation tank (with a capacity of at least 60 cubic metres).

Item No.
<b>2</b>

- Photovoltaic panels (with an area of at least 172 sq.m).
- Low-e double and solar control glazing, as specified within Table 2 of the Wells House Energy Strategy (dated 25 July 2018).
- A Ground Source Heat Pump system, as specified within Table 3 of the Wells House Energy Strategy (dated 25 July 2018).
- Allowance for connections to any future heat network in the vicinity of the site.

You must not remove any of these features

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 23 You must submit a Delivery Servicing Plan for our approval. No parts of the building shall be occupied until we have approved what you have sent us. You must adhere to the approved Delivery Servicing Plan for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 24 Maximum noise levels generated by the proposed new development in terms of LAFmax shall not exceed the NR 15 curve inside the existing neighbouring premises. This includes noise from all sources (including amplified music from the nightclub and activities in the retail unit).

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 25 **Pre Commencement Condition.**

You must apply to us for approval of an independent review of the environmental sustainability features (environmentally friendly features) of the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods (BREEAM), this review must show that you have achieved an 'excellent' rating in respect to the office element of the development and a 'very good' rating in respect to the retail and nightclub element of the development. If you use another method, you must achieve an equally high standard. You must provide all the environmental sustainability features referred to in the review before you start to use the building. You must then not remove any of these features. (C44BA)

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 (November 2016). (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 (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You have received advice from the Metropolitan Police in respect to crime and security issues in respect to this site. Please ensure that this advice is followed.
- 3 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)
- 4 The term 'clearly mark' in condition 15 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 5 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)
- 6 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.



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

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
  
- 8 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. If you find any unexpected contamination while developing the site, you must contact:  
  
Contaminated Land Officer  
Environmental Health Consultation Team  
Westminster City Council  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP  
  
Phone: 020 7641 3153  
(I73CA)
  
- 9 Conditions 16, 18 and 19 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
  
- 10 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into

the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). These documents must be sent to [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk).

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

You are urged to give this your early attention

- 11 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:
- a) A contribution to the City Council's Affordable Housing Fund of £851,000 (index linked), payable in the event that the second floor is occupied as offices (Class B1).
  - b) A Carbon Offset Contribution of £140,790 (index linked), payable prior to commencement of development.
  - c) A Crossrail contribution of £478,140 (index linked) payable within 60 days of commencement of development and an additional Crossrail contribution of £75,750 (index linked) payable in the event that the second floor is occupied as offices (Class B1) (both minus any relevant Mayoral Community Infrastructure Levy paid).
  - d) Undertaking of highways works in the vicinity of the site, including short-stay cycle parking in Adam and Eve Court, resurfacing the footway in Wells Street, removing the existing crossovers and providing a new crossover and any associated works to accommodate the development.
  - e) An employment and training strategy.
  - f) Secure the re-provision of the nightclub (Sui Generis) on site to shell and core (ready for tenant fit out) prior to the occupation of any of the office floorspace on site.
  - g) Costs of monitoring the S106 agreement.
- 12 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the second floor can change between the office (Class B1) and retail (Class A1) uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 13 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL

Item No.
<b>2</b>

charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
*<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>*

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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Item No.
<b>3</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 11 September 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	<b>1 Cavendish Square, London, W1G 0LA</b>		
<b>Proposal</b>	Use of building as a restaurant/ drinking establishment (sui generis), addition of a mezzanine floor, erection of a roof extension, removal of steps to provide level access to building, internal modifications, and associated works.		
<b>Agent</b>	Osel Architecture		
<b>On behalf of</b>	Desinov Investments		
<b>Registered Number</b>	18/01899/FULL	<b>Date amended/ completed</b>	
<b>Date Application Received</b>	7 March 2018		
<b>Historic Building Grade</b>	Grade 2		
<b>Conservation Area</b>	Harley Street Regent Street		

**1. RECOMMENDATION**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. Grant conditional permission</li> <li>2. Grant conditional listed building consent</li> <li>3. Agree the reason for granting listed building consent as set out in informative 1 of the draft decision notice</li> </ol> |
|--|

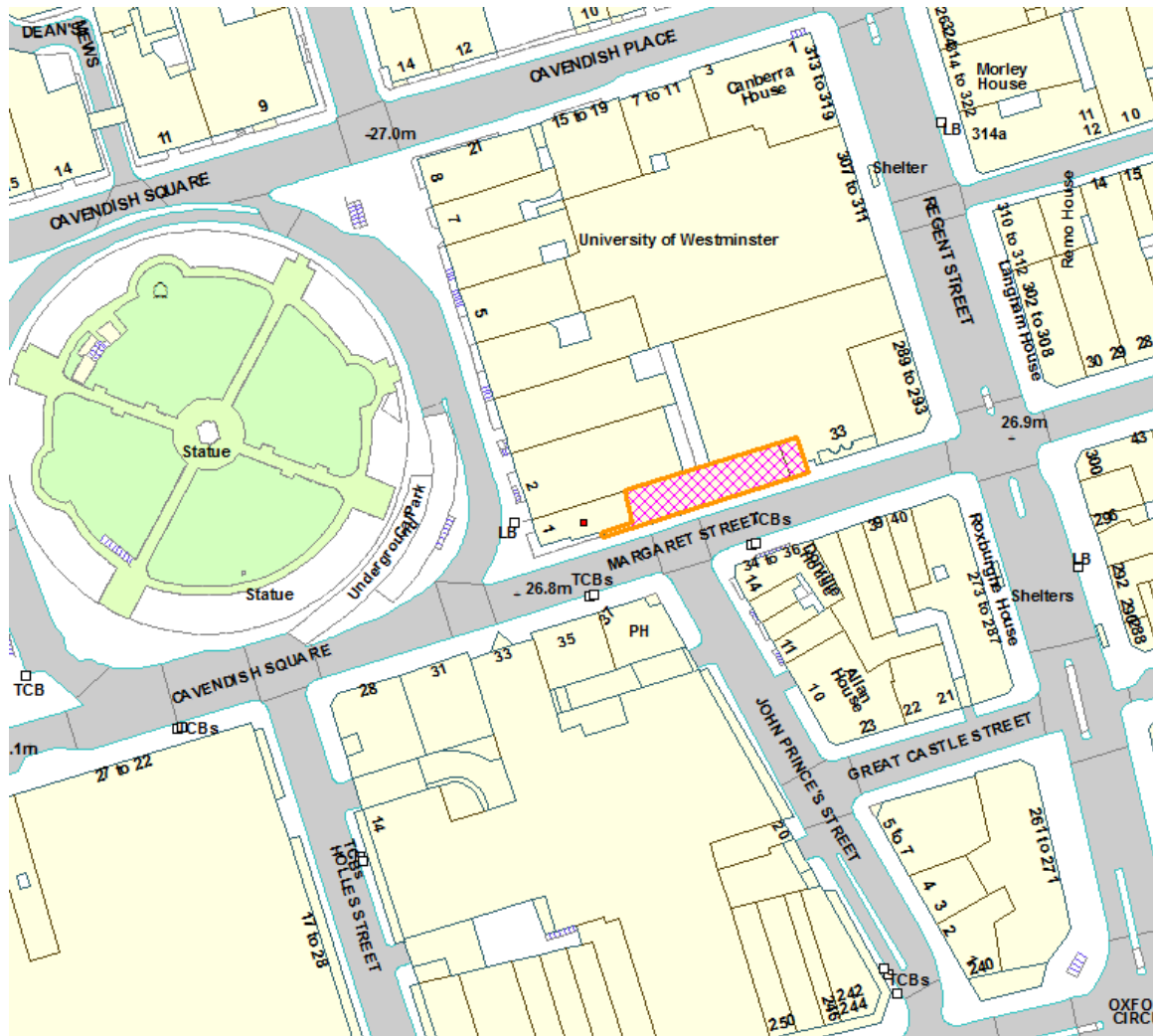
**2. SUMMARY**

<p>The application premises is located at the south-eastern side of Cavendish Square, fronting onto Margaret Street. The site is within the Core Central Activities Zone but outside the West End Stress Area. The building is currently vacant having last been in use as a bank (Class A2). The scheme proposes internal and external works in connection with the use of the building as a mixed restaurant/bar (Sui Generis).</p> <p>The key issues for consideration are :</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed use in land use terms and the impact on the character and function of the area</li> <li>• The impact of the proposed works on the special interest of this Grade 2 listed building</li> </ul>
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Subject to the imposition of appropriate conditions, which would control the operational activities of the proposed restaurant/ bar, the use is considered appropriate for the site, as it would result in no material harm to the local environment or residential amenity. The proposed external alterations are relatively minor. These works and the internal alterations are considered to be acceptable in design and listed building terms.

The application accords with adopted policies in the Unitary Development Plan (UDP) and Westminster's City Plan, accordingly the applications are recommended for approval.

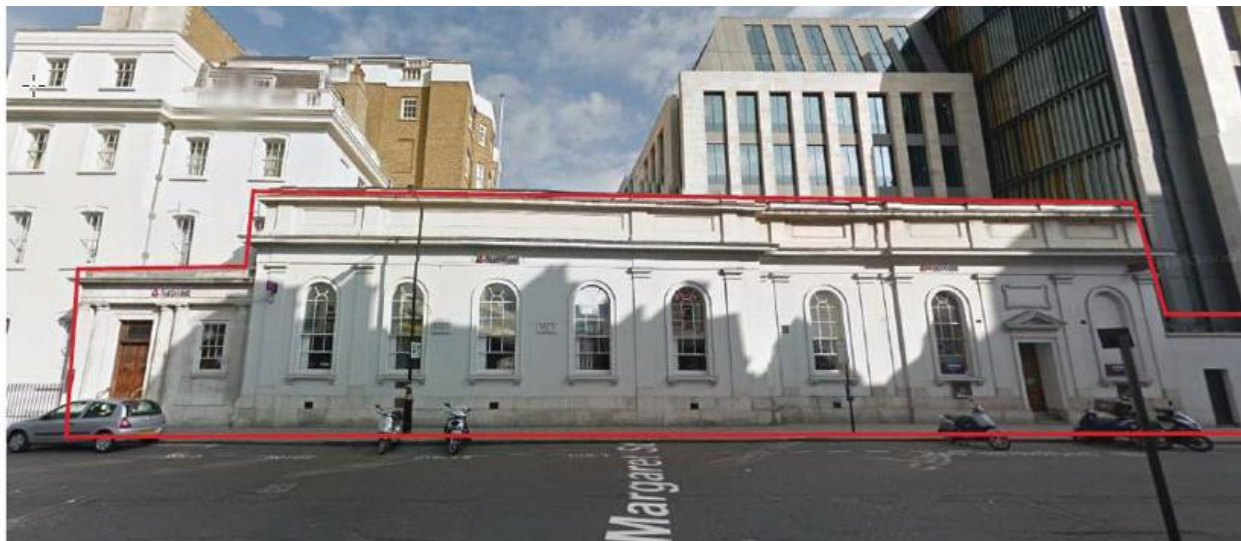
### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Internal ground floor





## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

Any response to be reported verbally

### ENVIRONMENTAL HEALTH

No objection, subject to appropriate conditions

### CLEANSING

Advises that the refuse storage bin capacities should be identified, and secured by condition.

### HIGHWAYS PLANNING MANAGER

No objection, subject to conditions requiring a servicing management plan, cycle parking and waste storage

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 63

Total No. of replies: 1

1 objection received on behalf of The Howard de Walden Estate, that the kitchen ventilation would potentially impact on two roof terraces and rear windows at No 2 Cavendish Square.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application premises comprises basement ground and part first floor. Although the premises has a Cavendish Square address it is located on the northern side of Margaret Street opposite its junction with John Princess Street. The building is currently vacant having previously been in use as a bank (Class A2).

The surrounding area is mainly commercial in character with few residential properties in the vicinity. There is a residential flat above the Phoenix Public House at No 37 Cavendish Square and flats at No's 34 -36 Margaret Street opposite the application premises on the southern side of Margaret Street. The buildings adjacent and immediately north of the site are all in commercial use

The building is Grade 2 listed within the Harley Street Conservation Area. The site lies within the Core Central Activity Zone (Core CAZ) but lies outside the West End Stress Area.

### 6.2 Recent Relevant History

None directly relevant

## **7. THE PROPOSAL**

Permission and listed building consent are sought for alterations in connection with the use of the building as a mixed restaurant/ bar (Sui Generis). The intention is that the former banking hall would provide the main dining space with smaller dining spaces in a new mezzanine floor and at first floor level at the eastern end of the building. Kitchen and back of house facilities are located in the basement. A ground floor bar is proposed adjacent to main entrance at the western end of the building. A further two small cellar bar areas are also proposed in the basement.

Initially the scheme sought to provide kitchen ventilation via a duct discharging at first floor roof level. Further to advice from Environmental Health that this would not adequately disperse cooking odours this aspect of the application has been amended. As revised the proposal is now to install a RECO air recirculation system, which does not vent kitchen odours externally. Plant will be located at basement level, externally within an external courtyard and at first floor level in a purpose built void.

External alterations proposed are relatively minor. At the front façade the only alterations are the removal and making good of two redundant cash points, and the provision of level access.

Internally, more significant works, are proposed. Modern stud partitions will be removed at ground floor level stripping the main hall back to its historic elements. A false ceiling will be removed and double height arch windows will all be restored to their full height. At the eastern end of the building a new mezzanine and first floor extension will be linked via a new staircase. An existing concealed skylight will be restored and relocated and a new retractable glass roof added to light these spaces. In the basement, historic store and cellar areas are to be retained.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### Loss of Bank (Class A2)

There are no land use policies in the UDP or City Plan which would prevent a bank (Class A2) changing to a restaurant/bar (Sui Generis). The proposal would retain a use that serves visiting members of the public on the site.

#### Proposed Restaurant/Bar (Sui Generis)

City Plan policy S6 accepts that, in principle, entertainment uses are appropriate for the core CAZ especially in locations such as this outside of the identified Stress Areas.

Policy S24 requires proposals for new entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses, and any cumulative impacts, and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area. New large-scale late-

night entertainment uses of over 500 sqm floorspace will not generally be appropriate within Westminster.

In this case the existing building is 375 m2 (GIA) and the proposal will result in an additional 85 m2 (GIA). The total floorspace of the new entertainment facility is 460 m2 and TACE 9 is applicable. The policy basis is that an entertainment facility may be permissible provided that it is demonstrated that there would be no adverse impact on the local environment and character of the area or on residential amenity.

The application is speculative with no specific operator identified. However, in addition to the detailed plans showing the proposed works, the applicant has submitted sketch illustrations which show how it is envisaged that the use would operate. The intention is that the use would operate primarily as a restaurant with the former banking hall providing the main dining space. The western end of the building and basement cellar areas would be used as small bar areas. The proposed total capacity of the premises is 220.

The proposed opening hours are 08.00 to 00.00 (midnight) on Sundays to Thursdays and 08.00 to 00.30 (the following morning) on Fridays and Saturdays. These hours are consistent with the core hours for entertainment uses in predominantly residential areas.

The proposed restaurant/bar use would not result in the provision of a particularly intensive late night entertainment use. It is, however, considered necessary to condition that the bars areas are restricted to the areas shown on the submitted drawings. This will ensure that the proposed mixed use operates primarily as a restaurant. Subject to this condition and further conditions controlling both the capacity and hours as set out above, and requiring the use to operate in accordance with an approved Operational Management Plan (OMP), the use is considered appropriate for the site.

There are there are few other entertainment uses in close proximity namely 'The Phoenix pub' on the corner of John Prince's Street and Margaret Street and 'The Finery' on the corner of John Prince's Street and Great Castle Street and 'Swingers' mini golf leisure facility at 15 John Princess Street. It is however considered that use of the application premises as a restaurant/ bar mixed use would not create an overconcentration of entertainment uses and would not have any adverse cumulative impact on the locality. Subject to the recommended conditions the application is considered to be acceptable in land use terms.

## **8.2 Townscape and Design**

The building is an unusual and distinctive Grade II listed building in the Harley Street Conservation Area at the corner of Cavendish Square. It was built as a banking hall in the 1820's and further modified and extended in 1870's and 1920's.

The proposals involve limited alterations to the facades, such as removal of cashpoints and installation of level access which are considered beneficial in design terms, internally there is more demolition and modification. However, this is principally the removal of floors and partitions in service and ancillary areas of less historical significance and the removal of modern bank partitions. The proposals also entail the insertion of a mezzanine floor which is not seen as contentious as it does not affect the

hierarchy of the building or its special interest. The banking hall is preserved as a single volume, and which is of benefit to the special interest of the building.

## **8.2 Residential Amenity ( Daylight/ Sunlight/ Privacy )**

The proposed 1<sup>st</sup> floor extension is contained below the existing parapet level of the building. The scheme would not therefore result in a significant increase in bulk and mass. The addition would not have any material impact on the amenity of residents on the southern side of Margaret Street. No terraces are proposed and the scheme would not result in any overlooking issues.

## **8.3 Transportation/Parking**

### Servicing

UDP Policy TRANS 20 requires convenient access to all premises for servicing vehicles with this facility accommodated on site and off street. The scheme involves the conversion of the building and does not offer the opportunity to provide off street servicing. All servicing will take place on street. The site is located within a Controlled Parking Zone which means that single and double yellow lines allow loading and unloading to occur. The Highways Planning Manager raises no objection to the application but has requested that permission is subject to a condition which requires the use to operate in accordance with an approved Servicing Management Plan (SMP). The SMP should identify storage locations, staffing arrangements, scheduling of deliveries and likely delivery vehicle size.

### Cycle Parking

To accord with the policy 6.9 of the London Plan the use would require the provision of three cycle parking spaces. The spaces should be accessible, covered and secure. Cycle parking could be provided in a small courtyard at the eastern end of the building. A condition is recommended which requires cycle parking to be provided prior to the use commencing and thereafter to be retained whilst the use is in operation.

## **8.4 Economic Considerations**

The economic benefits generated by the scheme which would bring a vacant listed building back into use are welcomed.

## **8.5 Access**

Existing stepped access onto Margaret Street will be removed and level access provided. This is welcomed

## **8.6 Other UDP/Westminster Policy Considerations**

### Kitchen Ventilation

The application initially included a ventilation duct that discharged at 1<sup>st</sup> floor roof level. An objection was made on behalf of the Howard de Walden Estate. Whilst not objecting in principle to the change of use, concerns were raised, that given the proximity of the proposed ventilation extract cowl to rear terraces and windows at No 2 Cavendish Square, the dispersal of cooking fumes would result in nuisance. Environmental Health

also objected to the proposal as originally submitted on the basis that the extract proposed would not adequately disperse cooking fumes and the scheme would be contrary to UDP policy ENV5 and City Plan policy S31.

Further to advice from Environmental Health the application has been amended. It is no longer proposed to ventilate the kitchen via an extract duct. The proposal is to install a RECO air recirculation system. The internal air recirculation system does not vent kitchen odours externally. The system recirculates and filters exhaust products from the cooking processes removing the need to extract to the atmosphere. This system will require the provision of air conditioning. Air conditioning/ plant will be located at basement level, externally within an external courtyard and at first floor level in a purpose built void. The equipment located at first floor level will be ventilated via roof louvres and a duct.

The recirculation system requires all cooking and reheating to be by electricity only and not by gas or solid fuels such as coal or wood. It is recommended that this is conditioned. A condition is also recommended which requires a supplementary report to be approved before the use commences which schedules all plant and equipment installed, monitoring to ensure that cooking is only enabled when the system is operational, and details of service filter replacement and maintenance arrangements. Subject to these conditions Environmental Health have confirmed that recirculation system is acceptable. The amendment to the application is considered to overcome the objection received.

#### Plant

The application is accompanied by an acoustic noise report which details background noise levels. At this stage the final plant required has not been selected. The applicant advises that all plant will be selected to comply with the standard noise requirements operating 10db below existing ambient noise levels 1m outside the nearest noise sensitive receptor. Environmental Health raise no objection to this aspect of the application. In addition to the usual noise conditions it is recommended that supplementary acoustic report is submitted once the plant has been selected to demonstrate compliance with the relevant criterion within UDP Policy ENV 7.

#### Refuse /Recycling

Waste will be stored within the dedicated refuse area at basement level. The Cleansing Manager advises that the applicant needs to confirm the size of the refuse bins. There is however considered to be adequate space at basement level to ensure that adequate refuse and recycling facilities are provided. It is recommended that refuse details are secured by condition.

### **8.7 London Plan**

This application raises no strategic issues.

### **8.8 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.

Item No.
<b>3</b>

**8.9 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

The development does not generate a Mayor CIL or WCC CIL payment

**8.10 Environmental Impact Assessment**

Not required

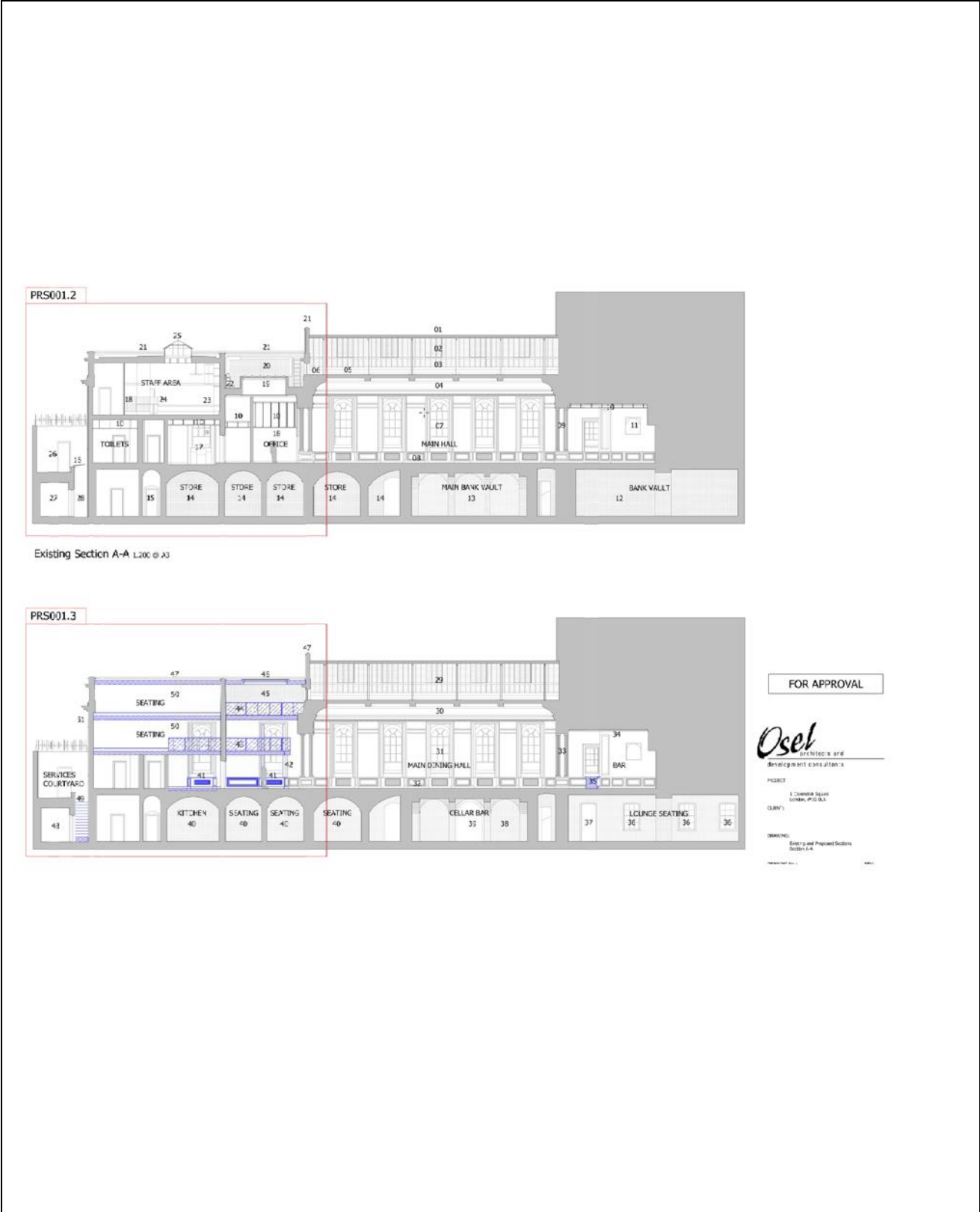
**8.11 Other Issues**

Not applicable

(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: MARK HOLLINGTON BY EMAIL AT <a href="mailto:mhollington2@westminster.gov.uk">mhollington2@westminster.gov.uk</a>
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**9 KEY DRAWINGS**









**DECISION LETTER TO FOLLOW**

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# Agenda Item 4

Item No.

4

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 11 September 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> St James's Ward (Applications 1, 2 and 3) Vincent Square Ward (Application 4) Tachbrook Ward (Application 5) Churchill Ward (Applications 6 & 7)		
<b>Subject of Report</b>	<b>Waterloo Bridge (Application 1), Golden Jubilee Bridge (Application 2), Westminster Bridge (Application 3), Lambeth Bridge (Application 4), Vauxhall Bridge (Application 5), Grosvenor Bridge (Application 6) and Chelsea Bridge (Application 7)</b>		
<b>Proposal</b>	The architectural illumination, as part of the Illuminated River proposal, of Waterloo Bridge (Application 1), Golden Jubilee Bridge (Application 2), Westminster Bridge (Application 3), Lambeth Bridge (Application 4), Vauxhall Bridge (Application 5), Grosvenor Bridge (Application 6) and Chelsea Bridge (Application 7) including the installation of fixtures, fittings and ancillary equipment and associated works.		
<b>Agent</b>	Montagu Evans		
<b>On behalf of</b>	Illuminated River Foundation.		
<b>Registered Numbers</b>	18/03780/FULL & 18/03781/LBC (Application 1) 18/03782/FULL (Application 2) 18/03775/FULL & 18/03776/LBC (Application 3) 18/03777/FULL & 18/03778/LBC (Application 4) 18/03772/FULL & 18/03773/LBC (Application 5) 18/03774/FULL (Application 6) 18/03769/FULL & 18/03770/LBC (Application 7)	<b>Date amended/ completed</b>	8 May 2018
<b>Date Application Received</b>	8 May 2018		
<b>Historic Building Grade</b>	Grade II*, Grade II or unlisted		
<b>Conservation Areas</b>	Savoy and Strand, Whitehall, Westminster Abbey and Parliament Square, Smith Square, Millbank, Pimlico or Churchill Gardens.		

## 1. RECOMMENDATION

### Application 1

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

### Application 2

Grant conditional permission.

### Application 3

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

### Application 4

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

### Application 5

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

### Application 6

Grant conditional permission.

### Application 7

1. Grant conditional permission and conditional listed building consent.
2. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The Illuminated River Foundation has submitted seven applications to Westminster Council for planning permission (and where relevant listed building consent) for the illumination of seven bridges. These are Waterloo Bridge, Golden Jubilee Footbridges, Westminster Bridge, Lambeth Bridge, Vauxhall Bridge, Grosvenor Bridge and Chelsea Bridge. These applications seek permission for the illumination of these bridges as part of the wider illumination of 15 central London bridges (from Albert Bridge to Tower Bridge) across the River Thames known as the Illuminated River Project.

Each application boundary falls within the administrative area of at least two Local Planning Authorities of which Westminster City Council is one. Each application is therefore classed as a "cross boundary application".

Permission and consent (where relevant) are sought for the installation of fixtures, fittings and ancillary equipment and associated works including removal of redundant existing light fixtures necessary to deliver the proposal, installation of fixtures and fittings including: lighting fixtures and

any supports required, illumination of the bridge with the Illuminated River artwork; illuminance levels and hours of illumination and ancillary and associated development.

The applicant voluntarily prepared an Environmental Statement, as it was determined that the development would constitute an 'Environmental Impact Assessment development' because the scale of the development proposals could give rise to significant effects on the environment.

The key issues with this application are:

\*The impact of the fixtures and fittings on the character and appearance and where relevant on the special interest of the listed bridges.

\*The impact of the architectural illuminance on the character and appearance of the conservation area in which they are located.

\*The impact of the architectural illuminance on biodiversity and ecology within the River Thames and its foreshore.

The proposed illumination of seven bridges within Westminster as part of Illuminated River Project is supported by policies in our City Plan and UDP that seek to enhance the recreation and enjoyment of the river. It is considered that with the conditions recommended the Illuminated River project will enhance the character and appearance, and (where appropriate) the ability to appreciate the special interest, of the seven bridges within Westminster. The scheme proposes mitigation measures to protect ecology both during construction and during the permanent operation of the lighting. It is considered that with these measures in place and with recommended conditions the impact on ecology such as breeding birds, foraging and commuting bat populations and fish populations have been assessed as negligible.

For the reasons set out in the report the proposal is considered to comply with relevant policies in our UDP and City Plan.

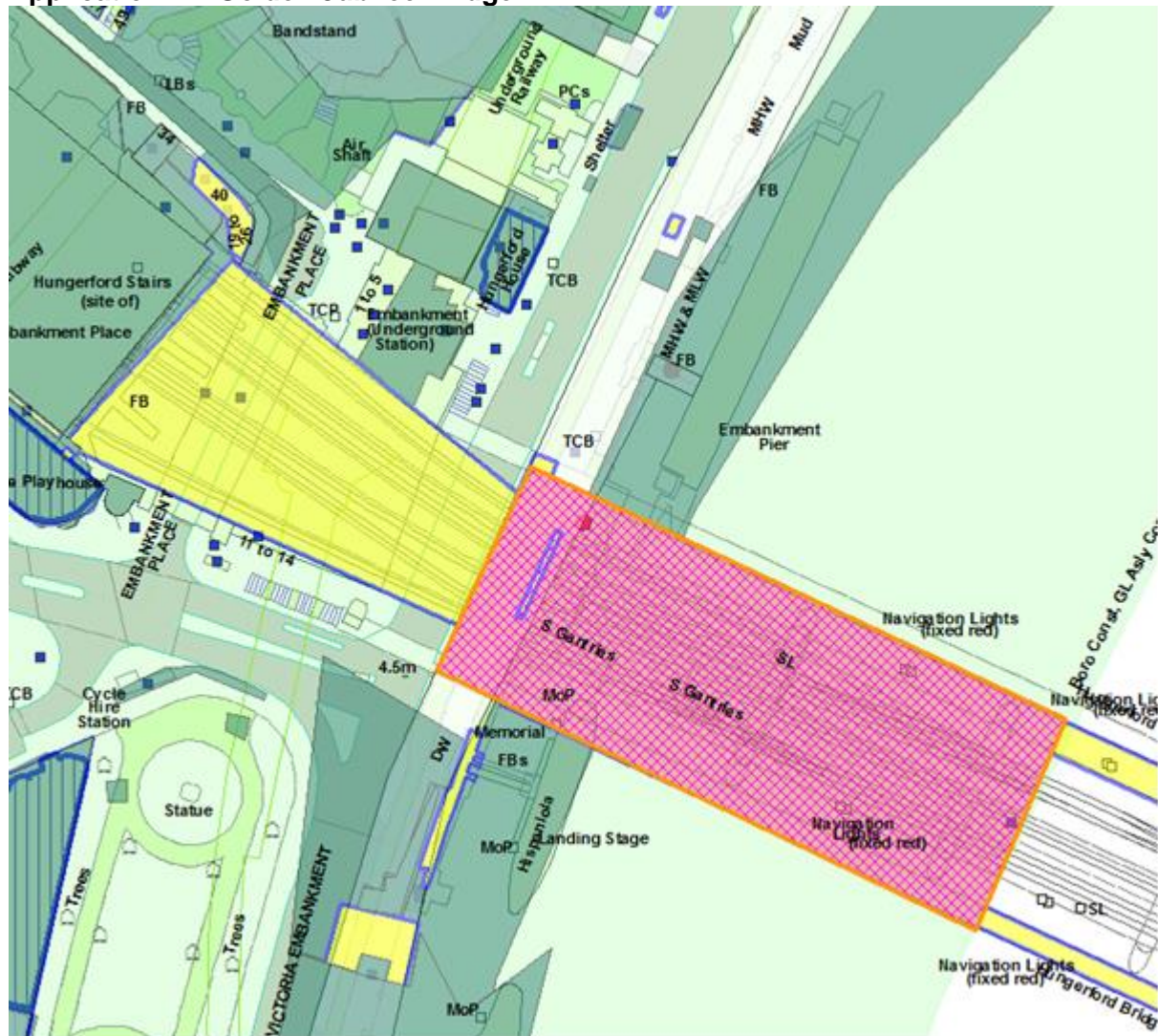
### 3. LOCATION PLANS

#### Application 1 – Waterloo Bridge



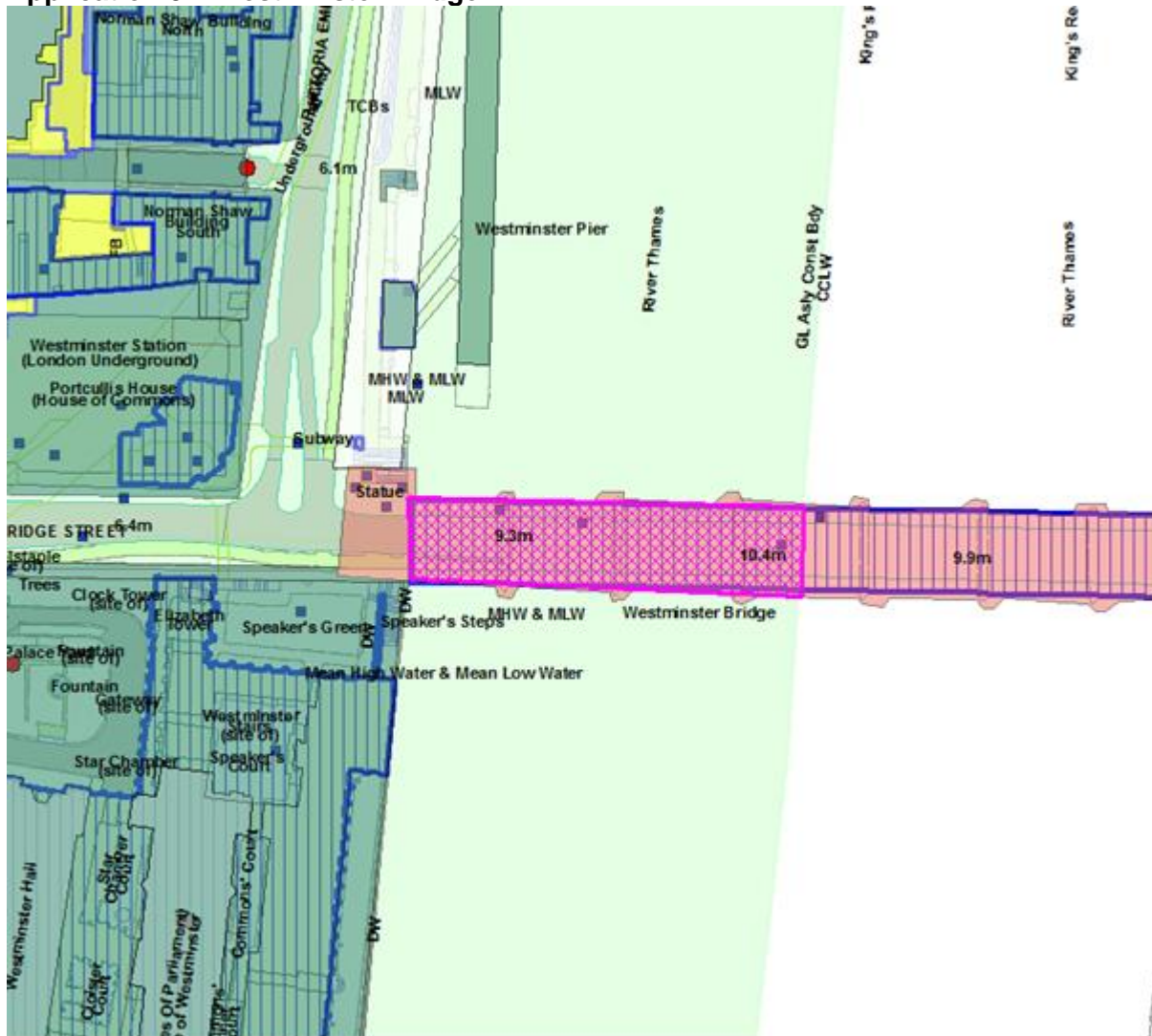
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## Application 2 – Golden Jubilee Bridge



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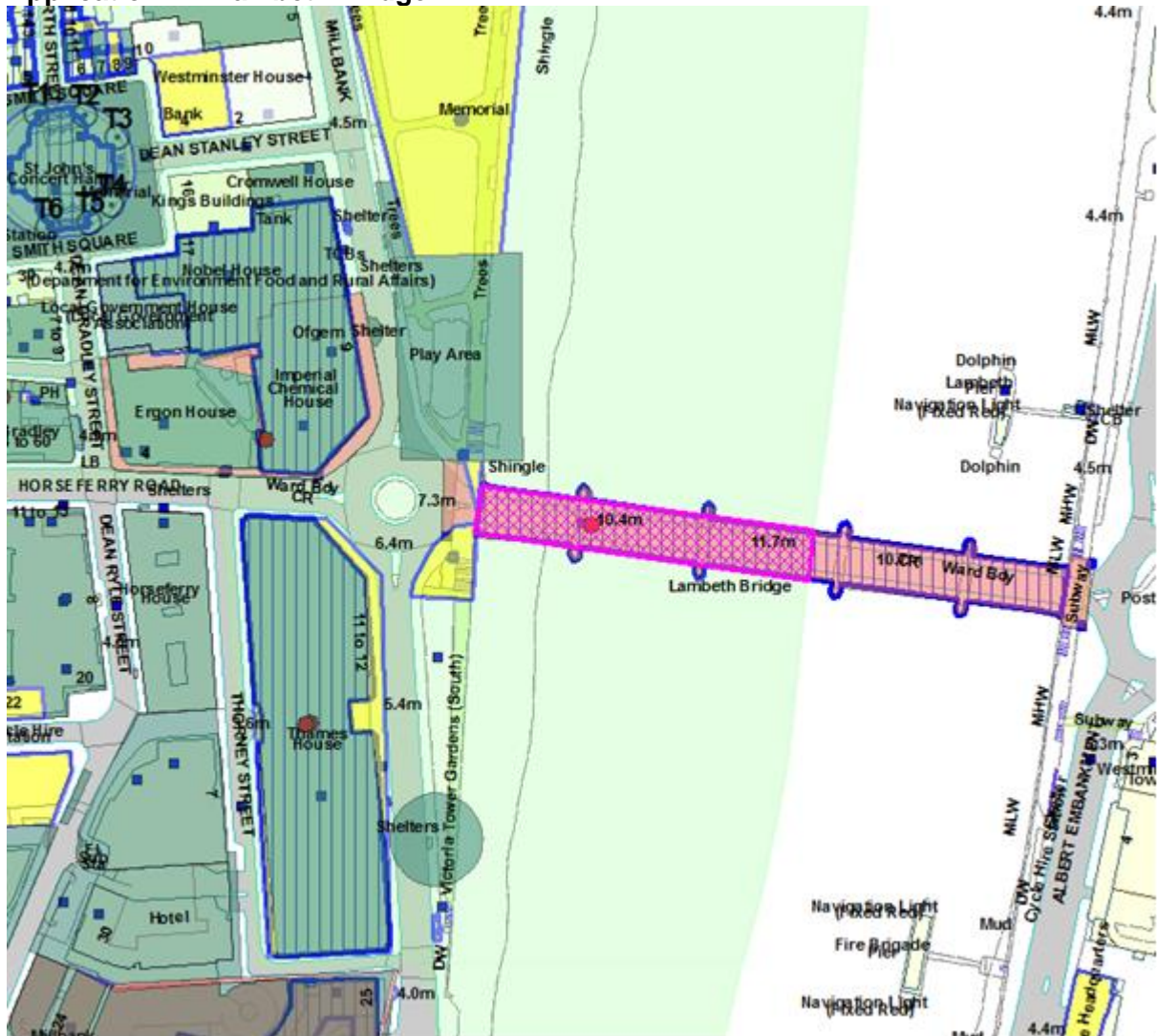
**Application 3 – Westminster Bridge**



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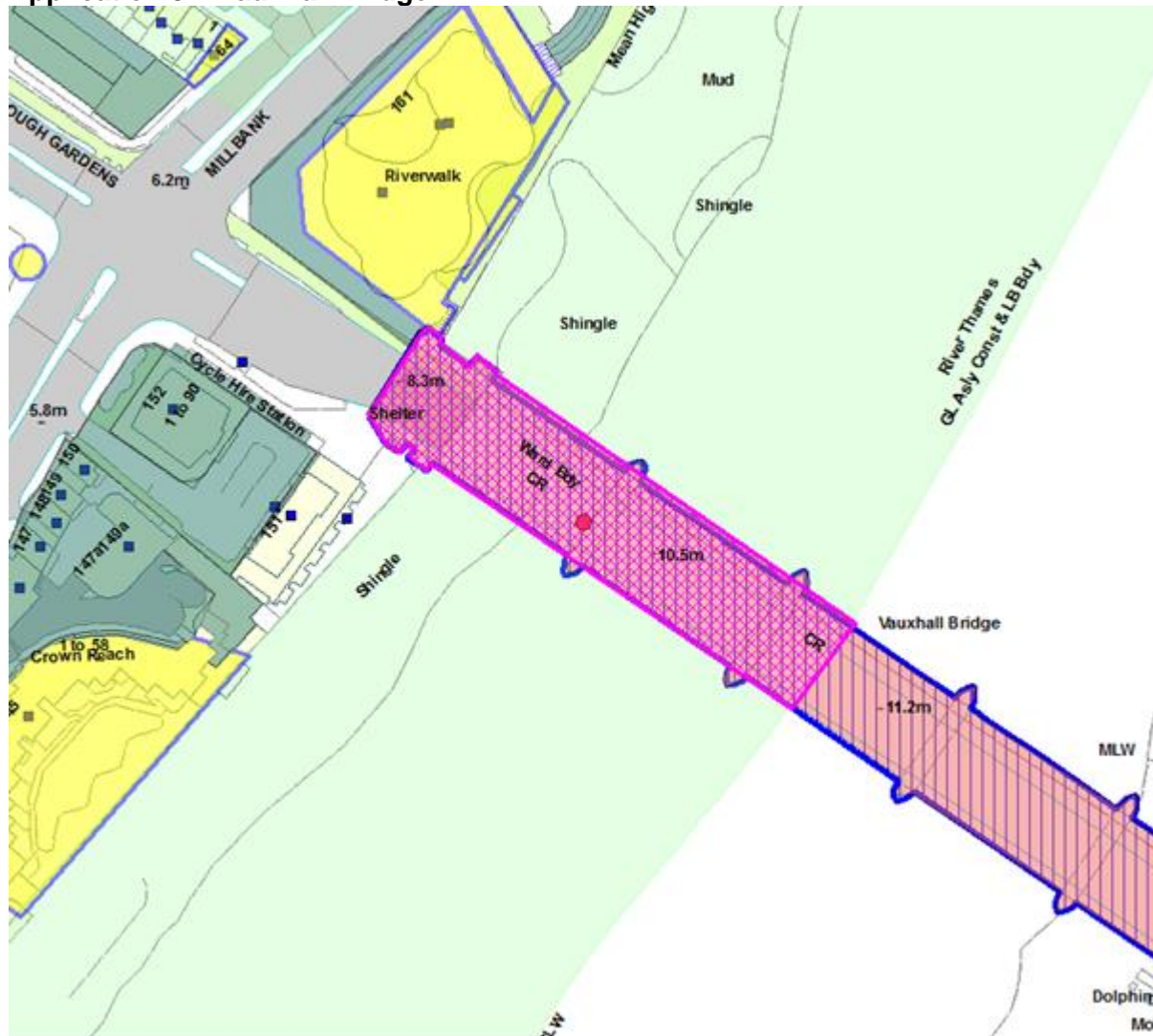


### Application 4 – Lambeth Bridge



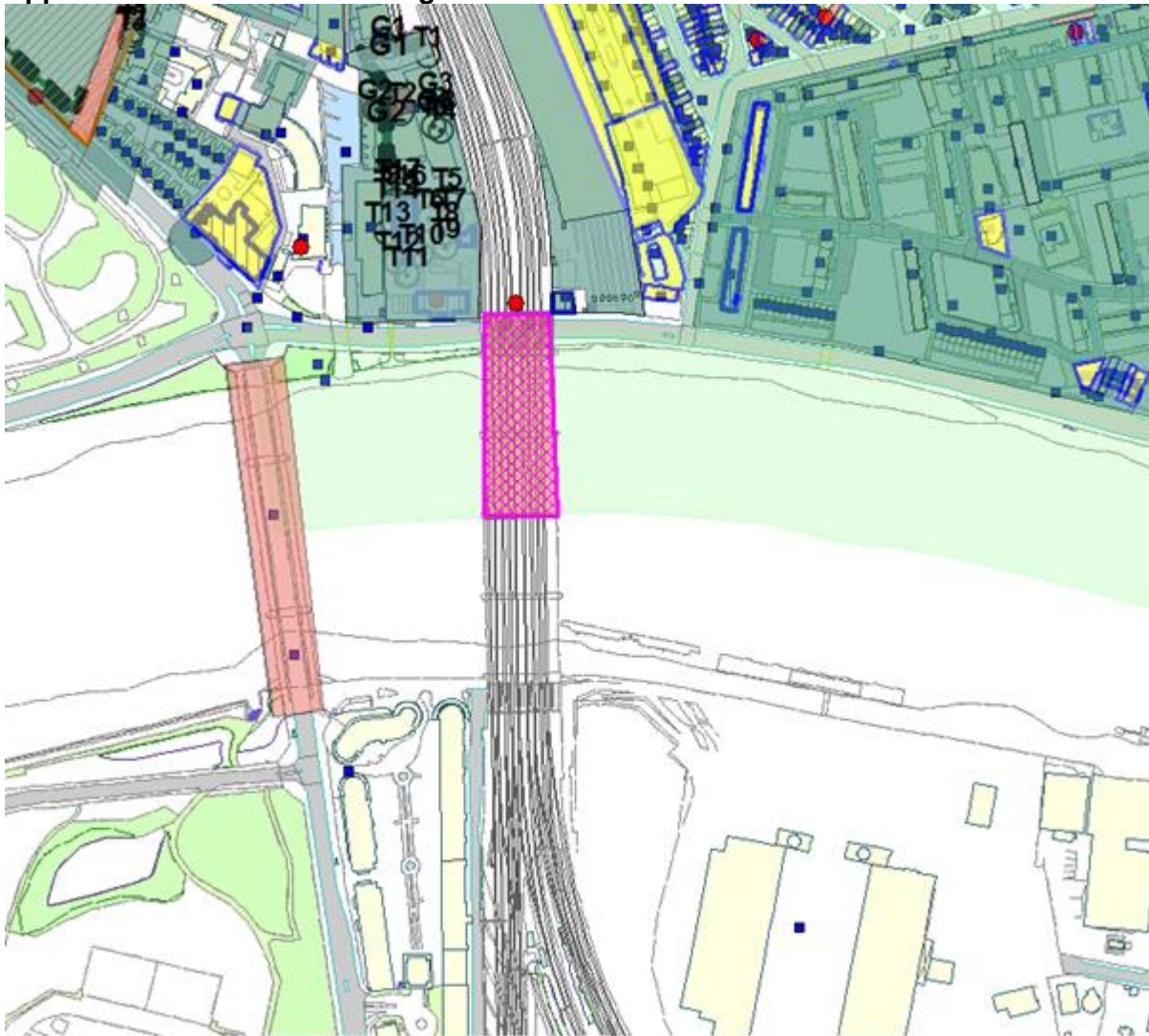
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### Application 5 – Vauxhall Bridge



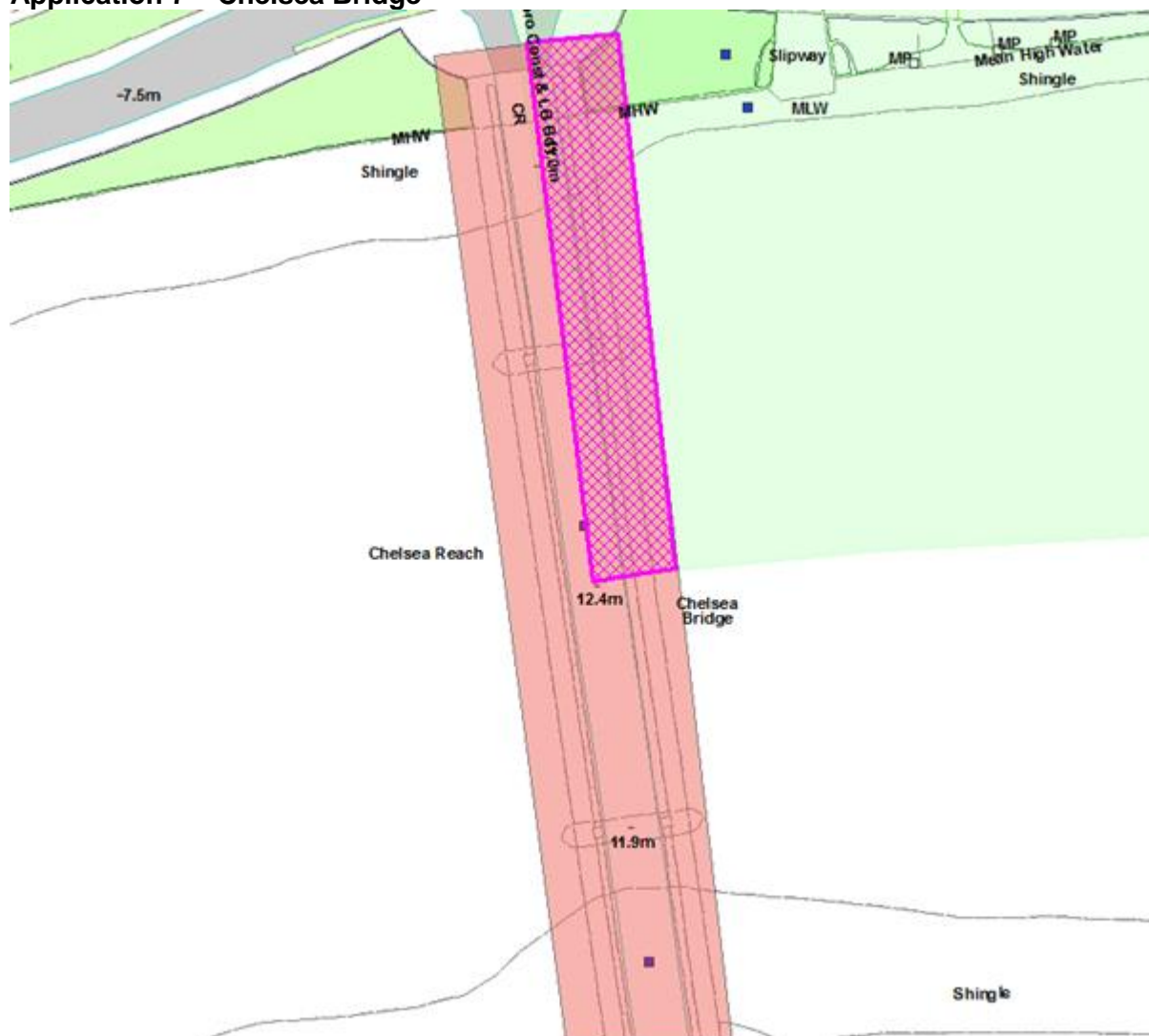
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Application 6 – Grosvenor Bridge



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### Application 7 – Chelsea Bridge



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4. PHOTOGRAPHS



Waterloo Bridge



Golden Jubilee Bridge



Westminster Bridge



Lambeth Bridge



Vauxhall Bridge



Grosvenor Railway Bridge



Chelsea Bridge



## 5. CONSULTATIONS FOR APPLICATIONS 1-7

### HIGHWAYS PLANNING

No objection

### ENVIRONMENTAL HEALTH

Requests use of I39AA (prevent lighting glare), use of Code of Construction Practice condition and standard noise condition.

### DESIGNING OUT CRIME

No objection. An increase in crime or the fear of crime cannot be foreseen.

### PORT OF LONDON AUTHORITY (PLA)

The PLA has had extensive pre-application discussions with the applicant which have been constructive. The Applicant is aware of the need for River Works Licences from the PLA. The PLA is supportive in principle of the project subject to the following:

- A detailed phasing plan for each phase of the project (after phase 1) should be required to be submitted and approved on completion of each phase.
- The detailed installation methodologies and risk assessments are of critical importance to the PLA to ensure the safety of navigation is maintained during construction. A condition on any planning permission must require the submission and approval of detailed rules for the phase 1 bridges prior to the commencement of the phase 1 construction works. Detailed rules must then be submitted for each subsequent phase prior to the commencement of construction works for that phase.
- A condition to require the submission and approval of a detailed Code of Construction Practice.
- A condition to require the submission and approval of maintenance methodologies for each bridge. The PLA would then need to be notified of the timings of any maintenance works.
- A condition to secure the submission and approval of a decommissioning plan.
- A condition to require the spill light survey and luminance survey to be undertaken again on completion of each phase of the project and a report submitted showing compliance against the levels set out in tables 3.3.a and 3.3b of the application documents. The condition should provide the opportunity to require the lighting to be adjusted if the levels set out in tables 3.3a and 3.3b are being exceeded
- The removal of redundant lighting should be required by condition

### TRANSPORT FOR LONDON

The application is currently proposing to alter TfL assets and therefore the TfL Surface Asset Investment Sponsorship (Structure) team will liaise with Westminster City Council and respond accordingly. [No further response from TfL received]

**ENVIRONMENT AGENCY**

No objection to the planning application as submitted, subject to a condition to secure a detailed lighting management strategy. This strategy shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the proposed works and lighting levels. Without this condition, the proposed development may pose an unacceptable risk to the environment.

**NATURAL ENGLAND**

No comment.

**HISTORIC ENGLAND**

No objection

**LONDON BOROUGH OF LAMBETH**

No objection

**NATIONAL RIVERS ASSOCIATION**

No response

**THAMES TIDEWAY**

Tideway has no objection to the proposed development and is supportive of the aspiration to connect, celebrate and capture the spirit of the Thames and its diverse communities. Tideway is liaising with the Illuminated River project as the project develops to ensure that the delivery of the nationally significant Thames Tideway Tunnel is not compromised.

**WESTMINSTER SOCIETY**

No objection

**THORNEY ISLAND SOCIETY**

Supports application

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

Waterloo Bridge (Application 1) - No. Consulted: 61  
Golden Jubilee Bridges (Application 2) - No. Consulted: 148  
Westminster Bridge (Application 3) - No. Consulted: 10  
Lambeth Bridge (Application 4) - No. Consulted: 7  
Vauxhall Bridge (Application 5) - No. Consulted: 290  
Grosvenor Bridge (Application 6) - No. Consulted: 170  
Chelsea Bridge (Application 7) - No. Consulted: 251

Total No. of replies for all applications: 5

No. of objections: 0

No. in support: 5

Letters of support received from Somerset House, London and Partners, Cross River Partnership, Livett's Launches Ltd and Worship Company of Lightmongers.

PRESS ADVERTISEMENTS / SITE NOTICES FOR APPLICATIONS 1-7: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Illuminated River Project

The Illuminated River Foundation has submitted seven applications to Westminster Council for planning permission (and where relevant listed building consent) for the illumination of seven bridges. These are Waterloo Bridge, Golden Jubilee Footbridges, Westminster Bridge, Lambeth Bridge, Vauxhall Bridge, Grosvenor Bridge and Chelsea Bridge. These applications seek permission for the illumination of these bridges as part of the wider illumination of 15 central London bridges (from Albert Bridge to Tower Bridge) across the River Thames known as the Illuminated River Project.

The illuminated art work on each bridge is by Leo Villareal and is based on a single lighting concept. The illumination will be kinetic with subtle changes in the colour and intensity of light. Digital control of the luminaries will allow abstract sequences to actively define the forms of the bridge creating a non-repetitive and unique pattern. Whilst each bridge will be lit differently, the artwork will be designed to unify the 15 bridges.

The proposed illumination is intended to:

- Create a unified vision to celebrate London's bridges and the city's historic links with the river;
- Act as a catalyst for improved public realm along the river banks;
- Use more energy efficient fittings than existing decorative lighting on the bridges;
- Contribute to a more ecologically sustainable environment for the river;
- Increase public understanding of the context of the bridges and the river environment; and
- Provide more opportunities to enjoy the environs of the river.

The applicant, the Illuminated River Foundation, is an independent charity set up to lead the project. Apart from an initial investment and start-up from the Olympic Reserve Fund towards the costs of the initial competition of £250,000, it is funded through philanthropic sources.

The assumed phasing, which forms the basis of the Environmental Impact Assessment submitted with the application, places the bridges in the following phases:

Phase 1 - London Bridge, Cannon Street Railway Bridge, Southwark Bridge, Millennium Bridge.

Phase 2 - Blackfriars Railway Bridge, Blackfriars Road Bridge, Golden Jubilee Footbridges, Waterloo Bridge.

Phase 3 - Westminster Bridge, Lambeth Bridge, Vauxhall Bridge

Phase 4 - Grosvenor Bridge, Chelsea Bridge

Phase 5 - Tower Bridge, Albert Bridge

It is expected that all bridges will be illuminated by 2023. Works on each bridge are not anticipated to exceed 12 weeks, with an additional four week commission period.

## 6.2 The Application Sites

Each application boundary falls within the administrative area of at least two Local Planning Authorities of which Westminster City Council is one. Each application is therefore classed as a "cross boundary application".

### **Waterloo Bridge**

Waterloo Bridge is Grade II\* listed and located within Savoy and Strand Conservation Areas. The north bank is predominately commercial with Somerset House and Kings College located close to the bridge.

The bridge falls into the administrative boundaries of Westminster City Council and the London Borough of Lambeth. The site comprises an area of approximately 14,888 sq m of which 6,886 sq m falls within Westminster City Council and 8,002 sq m within the London Borough of Lambeth.

### **Golden Jubilee Bridges**

The Golden Jubilee Footbridges flank Hungerford Railway Bridge and were completed in 2002 by Lifschutz Davidson (who are also the Illuminated River's architects). The two multi-span cable stayed footbridges are approximately 325m in length and 4m in width. The bridges are owned and maintained by Westminster City Council.

The bridges fall into the administrative boundaries of Westminster City Council and the London Borough of Lambeth. The site comprises an area of approximately 15,194 sq m of which 6,827 sq m falls within Westminster City Council and 8,367 sq m within the London Borough of Lambeth.

The Golden Jubilee Bridges are not statutorily listed but are located in the Savoy Conservation Area and adjacent to the Whitehall Conservation Area. The bridges form a prominent river crossing in central London and lie within the setting of the Palace of Westminster World Heritage Site.

The Golden Jubilee Footbridges are currently lit, however Hungerford Railway Bridge is currently unlit other than navigation lights.

### **Westminster Bridge**

Westminster Bridge is Grade II\* listed and located within Westminster Abbey and Parliament Square and Whitehall Conservation Areas. The bridge forms an important part of the setting of the Palace of Westminster World Heritage Site.

The bridge falls into the administrative boundaries of Westminster City Council and the London Borough of Lambeth. The site comprises an area of approximately 10,420 sq m of which 5,497 sq m falls within the Westminster City Council and 4,923 sq m within the London Borough of Lambeth.

The illumination proposed is restricted to 'artistic' lighting and will not alter the existing road, rail or navigational lighting on the bridge.

Westminster Bridge does not currently have any artistic lighting. However the applicant advises that there are approximately 196 floodlights currently not in use.

### **Lambeth Bridge**

Lambeth Bridge is Grade II listed and located within the Smith Square and Westminster Abbey and Parliament Square Conservation Areas.

The bridge falls into the administrative boundaries of Westminster City Council and the London Borough of Lambeth. The site comprises an area of approximately 8,581 sq m of which 4,645 sq m falls within Westminster City Council and 3,936 sq m within the London Borough of Lambeth.

The illumination proposed is restricted to 'artistic' lighting and will not alter the existing road, rail or navigational lighting on any of the 15 bridges.

Lambeth Bridge does not currently have any artistic lighting and only has functional road lighting.

### **Vauxhall Bridge**

Vauxhall Bridge is Grade II STAR listed and located adjacent to the Millbank and Pimlico Conservation Area. There are residential properties on either side of Vauxhall Bridge on the north bank.

The bridge falls into the administrative boundaries of Westminster City Council and the London Borough of Lambeth. The site comprises an area of approximately 10,399 sq m of which 4,587 sq m falls within the Westminster City Council and 5,812 sq m within the London Borough of Lambeth.

There are bronze statues of allegorical figures attached to each of the bridge's eight piers. The four upstream are of Agriculture, Architecture, Engineering and Pottery. The four statues downstream are of Education, Fine Art, Science and Government. These statues form an important element of the bridge's listing.

Vauxhall Bridge does not currently have any artistic lighting and only has functional road lighting.

### **Grosvenor Bridge**

Grosvenor Bridge is not listed but is located within the Churchill Gardens Conservation Area. There are residential buildings on the north bank adjacent to the bridge.

The bridge falls into the administrative boundaries of Westminster City Council and the London Borough of Wandsworth. The site comprises an area of approximately 17,190 sq m of which 8,395 sq m falls within Westminster City Council and 8,795 sq m within the London Borough of Wandsworth.

The bridge consists of four arches and is approximately 213m in length and 70m wide. The bridge is owned and maintained by Network Rail.

The bridge is currently unlit other than the navigation lights

### **Chelsea Bridge**

Chelsea Bridge is Grade II listed structure consisting of two sets of towers on each side of the bridge, with each side having a single suspension cable which ties the towers together.

Chelsea Bridge falls into the administrative boundaries of the Royal Borough of Kensington and Chelsea, Westminster City Council and London Borough of Wandsworth. The site comprises an area of approximately 8,851 sq m of which 2,132 sq m falls within the Royal Borough of Kensington and Chelsea, 2,110 sq m is within Westminster City Council and 4,609 sq m is within the London Borough of Wandsworth.

The bridge is approximately 213m in length and 25m wide. The bridge is owned and maintained by RBKC.

Chelsea Embankment is adjacent to the north bank, which is heavily tree lined, behind which is the Royal Hospital Chelsea, and surrounding gardens. The Lister Hospital lies immediately to the north of the bridge, beside which are a number of residential buildings on Grosvenor Road, including the Grosvenor Waterside development.

The bridge is currently illuminated with incandescent festoon lighting. The bridge's existing light-up times are from dusk to midnight

### **6.3 Recent Relevant History**

There is none.

## **7. THE PROPOSAL**

Permission and consent (where relevant) are sought for the architectural illumination, as part of the Illuminated River proposal, including the installation of fixtures, fittings and ancillary equipment and associated works.

The works include the following for each bridge:

1. Removal of redundant existing light fixtures and associated equipment as necessary to deliver the proposal;
2. Installation of fixtures and fittings including: lighting fixtures and any supports required to attach these to the bridge; cables and cable runs including supports required to attach these to the bridge or provide a route through the bridge; and provision of electrical and network infrastructure to deliver the artwork.
3. Illumination of the bridge with the Illuminated River artwork;
4. Illuminance levels and hours of illumination; and
5. Ancillary and associated development

The illumination proposed is restricted to 'artistic' lighting and will not alter the existing road, rail or navigational lighting on the bridges.

### The Light Fittings

The physical elements of the illumination will primarily comprise light fittings, switches, drivers and cables.

Four families of luminaire types will be used across the 15 bridges. This palette of fittings will allow standardisation of details and fixing arrangements as well as rationalising controls, maintenance and replacement. All luminaires will use LED as their light source.

The fitting families consist of:

- Linear Graze LED fittings will be mounted end-to-end for a continuously lit effect along the vertical faces of the bridges. Where coloured light is used, a RGBA type will allow a rich palette of colours to be generated by the mixing of red, green, blue and amber lights from the LEDs. On bridges with monochromatic schemes, a tuneable white version will be used which will be able to produce white light across the spectrum from cool silvery light to warm golden hues. A lower powered version of the linear fitting is also used where illumination distances are shorter. Where linear LEDs are installed to light the vertical faces of the bridge, an architectural baffle will be developed to conceal the fittings from view and direct light.
- LED Floodlights will be used on many of the bridges to light the arches. Some of these will light the underside of the arches, whether that be concrete or steel structures. In some instances, a lower powered floodlight / spotlights (LED Blast) will be used, for instance to pick out details on the piers and abutments.
- LED Nodes will be connected in strings to create chains (festoons) of lighting. These will be used primarily on Chelsea and Albert bridges to replicate existing festoons. In order to minimise damage to the existing bridge structure, the LED node points will reuse existing mounting channels where possible or be mounted using straps.
- LED Flex: Where mounting of a high powered linear fitting is problematic or lower outputs are required, a flexible linear product will be used. The flex houses a continuous LED tape within weatherproof flexible housing which allows the product to be shaped to follow curved structures.

In prominent locations it is proposed that the Graze, Node and Floodlight fittings will be painted to a colour in keeping with the colour of the existing bridge structure to minimise their visibility during daylight hours.

Existing light fittings from the bridges are to be decommissioned and removed.

With the exception of Chelsea and Grosvenor Bridges, it is proposed to light up each bridge from dusk to dawn. Chelsea and Grosvenor Bridges will be lit up from dusk to midnight.

Power will be supplied from the local electrical grid, although for some of the bridges, new electricity supplies will be required. In these instances, applications to UK Power Networks (UKPN) will be made.

In order to create the sequences of light that are inherent to the artwork, a computer controlled lighting control system will be used. The lighting for each bridge will be controlled from its own local control system, which will be programmed to allow the bridge artwork to run autonomously.

A number of power distribution components will be required to realise the art installation for each of the bridges, as shown in Figure 3.2, including:

- A distribution board will be located at the end of each bridge to distribute power to the lighting equipment. The distribution board will be located within the control cabinet.
- Lighting drivers, also known as Power Data Suppliers, merge power and control feeds and deliver them to the LED lighting over a single cable. The drivers will be grouped together in weatherproof enclosures which will be located within the control cabinets.

Each bridge will be provided with a local computer controller which will be the 'brains' of its system, controlling the lighting for that bridge. The computer will be loaded with the necessary software to run the sequencing for the bridge. The applicant advises that backup computers will also be provided should the primary one fail. These computers will be located within the control cabinets.

### **Waterloo Bridge Illumination**

New linear LED graze fittings will be mounted across the length of the bridge below balustrade level to illuminate the face of the bridge. These fittings will be mounted within a purpose made housing supported from the existing handrails. Custom made light shields will be mounted on the fittings to control the spread of light and minimise spill into the river. On the underside of the bridge, floodlights will be mounted at the base of each arch to wash the underside of the concrete arches. On each pier, sets of floodlights will be mounted from the walkway and aimed to light the internal faces of the arch structure.

The control cabinet will be located within an existing plantroom on the north bank.

The illumination of Waterloo Bridge will adopt constantly changing colours ranging from purple, blue and amber. The scheme proposes "a 379 meter stretch of lighting across each side of the bridge in addition to washes of light on the underside, activating the bridge as a canvas to create visual impact. The applicant advises further that "In the spirit of the Impressionists and the English Romantics who captured the Thames and its bridges in their paintings, Villareal incorporates colours that shift and blend, adjusting to the constantly changing riverscape and its surroundings; from sunset, through the night, and on to dawn, in an evolving and saturated palette of Impressionist pinks and violets. Lines fade and colours marry elements of water, bridge, and sky in a beautifully kinetic motion typical of the overall lighting concept for Illuminated River."

Levels of luminance will remain very similar to the existing lighting of the bridge arches. As lighting will be introduced to underside of bridge which is currently unlit, this will create low levels of spill.

Typical Light Spill from Existing Light into River: 1 Lux

Illustrative Lux Level at Water Surface for Purposes of Assessment: <6 Lux



### **Golden Jubilee Footbridges Illumination**

New linear LED graze fittings will be mounted continuously across the length of the bridge to wash the vertical face of the bridge deck. The existing lighting on the bridge will be retained including the balustrade lights and the spotlights mounted to the structure. The existing lighting will be re-connected to allow control from the new lighting system. The new lights will be controlled and powered from "driver" boxes housed in purpose made enclosures.

The control cabinet will be located within a new feeder pillar on the south side of the bridges.

The proposed illumination of the Golden Jubilee Footbridges will adopt white tones. The applicant states that "Villareal's illumination of the footbridges will match the sleek and modern style of the architecture with a subtle, monochromatic expression. The lighting scheme acts as a complement to Millennium Bridge, the other more contemporary bridge within the scheme. Alterations will be made to the current lighting scheme with insight from the architects, including altered fixture type and placements. The monochromatic lighting palette is respectful to the primacy of nearby Palace of Westminster, and complements colourful Waterloo Bridge upstream, as well as the more subtle saturation of Westminster Bridge downstream."

Typical Light Spill from Existing Light into River: 4 Lux

Illustrative Lux Level at Water Surface for Purposes of Assessment: <6Lux

### **Westminster Bridge Illumination**

The proposed lighting scheme for Westminster Bridge uses a number of luminaire types. On the underside of each arch, two sets of floodlights will be used, one to backlight the steel lattice structure and another to illuminate the underside of the arch structure. In addition, a string of LED node points will be installed on both faces of the bridge below the balustrade level behind the existing shields, to replace the existing redundant incandescent lamps.

The lights themselves are controlled and powered from "driver" boxes. These drivers can supply multiple luminaires, depending upon cable length. The drivers will be grouped for all the luminaires between the bridge on each pier adjacent to the existing access walkways.

The control cabinet will be located within an existing plant room on the north bank.

The illumination of Westminster Bridge will adopt soft green tones 'to reflect the green leather seats in the House of Commons.' from dusk to dawn. The applicant has described the proposed illumination as follows: 'The artwork will include the addition of LED fixtures along the 252-metre length of the bridge. Villareal's sequencing is a subtle addition, honouring the bridge's historically significant design. The bridge will be lit underneath in soft green tones, complementing the bridge's characteristic colour and activating the previously dark and negative space. Light and colour will animate the bridge's forms with shifting cadences, illuminating the ribbed vaulting of its wrought-iron structure, and reflecting the passing waters of the Thames. A subtle line of light will accentuate the underside of the deck with additional lighting placed behind the

ornamental shields, bringing into prominence the decorative coats of arms of London and Westminster that adorn the bridge's spandrels.'

Luminance levels on the face of the bridge will increase as the bridge is currently free from artistic lighting.

Typical Light Spill from Existing Light into River: 1 Lux

Illustrative Lux Level at Water Surface for Purposes of Assessment: <6 Lux

### **Lambeth Bridge Illumination**

New linear LED graze fittings will be mounted across the length of the bridge in the same location as existing redundant fluorescent fittings to illuminate the face of the bridge. Custom made baffles will be mounted on the fittings to control the spread of light and minimise spill into the river.

On the underside of each arch, floodlights will be used to illuminate the structure. In addition, further spotlights will be used to illuminate the face of the piers. In general the infrastructure required for the new lighting installation is similar for all the proposed luminaire types.

The lights themselves are controlled and powered from "driver" boxes. These drivers can supply multiple luminaires, depending upon cable length. The drivers will be grouped for all the luminaires between the bridge on each pier adjacent to the existing access walkways.

The control cabinet will be located within an existing room on the south side of the bridge.

The Proposed Illumination of Lambeth Bridge will adopt soft red tones to reflect the red leather seats in the House of Lords from dusk to dawn. The applicant has described the proposed illumination as follows:

"Lambeth Bridge, a five-arch steel structure completed in 1932, is a Grade II listed structure. Like its immediate neighbours – Vauxhall Bridge upstream and Westminster Bridge downstream -Lambeth is painted in a distinctive colour (red), forming a conceptual grouping of the three bridges in Villareal's integrated composition. Each bridge within this grouping will be similarly illuminated with washes of coloured light specifically designed to enhance the existing structures and their respective painted surfaces. Villareal's lighting treatments are applied in service to the history of the bridges, while also maintaining the through-line of movement and subtle layers of light that exists within the Illuminated River artwork as a whole.

Lambeth's red colouring relates historically to the leather benches in the House of Lords, located in the southern end of the Palace of Westminster at the bridge's north landing. Villareal will complement the bridge's existing colouring by using corresponding varied hues of warm light under the hand railings and the bridge's underside, accentuating the texture and curvature of its arches."

Luminance levels on the face of the bridge will increase as the bridge is currently free from artistic lighting.

- o Typical Light Spill from Existing Light into River: 3 Lux
- o Illustrative Lux Level at Water Surface for Purposes of Assessment: <6 Lux

The existing lamp standards and navigational lighting will not be changed by the illumination proposed.

### **Vauxhall Bridge Illumination**

New linear LED graze fittings will be mounted across the length of the bridge below balustrade level to illuminate the face of the bridge. Custom made baffles will be mounted on the fittings to control the spread of light and minimise spill into the river.

On the underside of each arch, two sets of floodlights will be used; one to backlight the steel lattice structure and another to illuminate the underside of the arch structure. In addition, further spotlights will be used to illuminate the statues on the face of the piers.

The lights themselves are controlled and powered from "driver" boxes. These drivers can supply multiple luminaires, depending upon cable length. The drivers will be grouped for all the luminaires at high level under the bridge adjacent to each pier where they will be most concealed.

The control cabinet will be located within a new feeder pillar on the south bank.

The proposed illumination of Vauxhall Bridge will adopt white and subtle amber tones  
The applicant has described the proposed illumination as follows:

"Vauxhall Bridge was completed in 1906. Decorated with colourful painted details of yellow and red, and with blue and white painted trim, Vauxhall joins Villareal's conceptual grouping of painted colour bridges with Westminster and Lambeth Bridge. Vauxhall Bridge is unique as it is the only bridge in the Illuminated River project that includes a sculptural series. Four prominent bronze allegorical statues, designed by Alfred Drury and Frederick Pomeroy, adorn each face of the bridge. They represent Agriculture, Architecture, Engineering and Pottery on the upstream piers and Science, Fine Arts, Government and Education on the downstream piers. Sensitive floodlights will highlight these currently unlit statues, subtly drawing out and enhancing their three dimensionality.

Vauxhall's colour palette will be a combination of white hues and subtle amber tones, with washes of colour specifically developed by Villareal to enhance the existing architectural elements of the bridge. Kinetic light will outline the form of the arches, traveling along their lengths with a gentle motion. Luminance levels on the face of the bridge will increase as the bridge is currently free from artistic lighting."

- o Typical Light Spill from Existing Light into River: 2 Lux
- o Illustrative Lux Level at Water Surface for Purposes of Assessment: <6 Lux

The existing lamp standards and navigational lighting will not be changed by the proposed illumination.

**Grosvenor Bridge**

New linear LED graze fittings will be mounted on the top of each of the arches behind a baffle following the curve of the arch. The fittings will illuminate the face of the arches. Floodlights will be installed to illuminate the piers. A flexible linear LED will be installed at high level on the outside of the balustrade to wash the face. The drivers will be grouped for all the luminaires at locations at high levels under the bridge adjacent to each pier where they will be most concealed and easiest to access for maintenance.

The control cabinet will be located within a new feeder pillar on the south bank.

The proposed illumination of Grosvenor Bridge will adopt white tones.

The applicant advises that “Grosvenor Bridge has been rebuilt and widened on three occasions since it was initially completed in 1860. As a result, it is actually ten bridges in one, with each ‘bridge’ carrying a separate train line towards Victoria Station. As with Cannon Street and Blackfriars Railway bridges, illumination will be added only to the outward facades of the structure. Light will move along the bridges prominent arches and horizontal span, visually responding to the movement of the trains and kinetic energy of the Thames. The undersides of the arches will remain unlit to emphasise the geometry of the arches, creating a dramatic yet clean and uncomplicated effect. Grosvenor will harmonise visually with nearby Chelsea and Albert Bridges, as well as Tower Bridge, Millennium Bridge and the Golden Jubilee footbridges in its monochromatic lighting program of a quiet layering of white tones. Villareal will also include lighting on the ends of the piers to maintain design consistency within the overall Illuminated River artwork.”

Typical Light Spill from Existing Light into River: <1 Lux

Illustrative Lux Level at Water Surface for Purposes of Assessment: <6 Lux

**Chelsea Bridge.**

The proposed lighting scheme for Chelsea Bridge uses a number of luminaire types. New LED nodes will replace the existing incandescent festoon lighting and linear LED fittings will replace existing fittings on the underside of the bridge deck. Cables for the linear LED and drivers will be routed on a containment route on the underside of both edges of the bridge. The cabling for the nodes will be routed on the suspension cables in the same manner as existing.

The control cabinet will be located within a new feeder pillar on the south bank.

The proposed illumination of Chelsea Bridge will be warm white to match the existing bridge lighting. The applicant advises that Villareal’s lighting will honour the existing much-loved lighting scheme, colour matching and replicating the visual effect of the incandescent lamps with longer-lasting and more environmentally sustainable LED nodes along the cables and on the suspension bars. Within this colour scheme, Villareal will tune the tempo and brightness of the lights to create compelling abstract sequences that actively define the forms of the bridge. The sequences will mirror the changing colours of the sky and the passing waters of the Thames. Displayed in random order,

these sequences form variations that will never repeat. Nearby Albert Bridge, also a suspension bridge and brilliantly illuminated along its cable and span, offers the opportunity for a compelling diptych with Chelsea Bridge.”

Typical Light Spill from Existing Light into River: 5 Lux

Illustrative Lux Level at Water Surface for Purposes of Assessment: <6 Lux

### **Environmental Statement**

The applicant voluntarily prepared an Environmental Statement, as it was determined that the development would constitute an 'Environmental Impact Assessment development' because the scale of the development proposals could give rise to significant effects on the environment. The application has been processed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The Illuminated River proposal will promote the role of the central part of the River Thames as a strategically important and iconic feature of London, improve the appearance of the Thames Policy Area within Westminster and enhance night time views by revealing the architecture of bridges within central London. Letters of support to the proposal have been received from a number of bodies that are either located on the river or have a working relationship with the river. The project will also enhance the recreation and enjoyment of the river at night time. The proposal is therefore considered to comply with policies RIV 1 and RIV 2 of our UDP and S37 of our City Plan. Matters relating to bio-diversity and waterside habitats are considered under section 8.12.

### **8.2 Townscape and Design**

The key considerations in assessing the Illuminated River proposal are the physical and aesthetic impacts upon the historic and in some cases statutory listed bridges, as well as the impact upon the visual amenity of the river, conservation areas and the setting of the Parliament Square World Heritage Site.

The scheme, which proposes a single lighting concept to unify all 15 bridges, is supported in design and conservation terms. The proposals have taken into account the individual architectural components and aesthetical value of each bridge within Westminster. Overall, the proposal will enhance the nighttime character of the river frontage and visual amenity of each bridge. The light fittings and associated equipment are discreetly located and are not considered to detract from the architectural and historic interest of the bridges. The works are largely reversible and fixings will have a limited physical impact on the appearance of the bridges when viewed from the riverbank or the river itself.

It is recommended that the final intensity, colour and transience of the lighting scheme should be secured by condition including a site inspection with officers. Conditions are also recommended to ensure long term maintenance arrangements of the light fittings,

to require the lighting scheme to be carried out in full for each bridge and where appropriate to secure the removal of existing redundant light fittings.

It is considered that with these conditions the Illuminated River project will enhance the character and appearance, and (where appropriate) the ability to appreciate the special interest, of the seven bridges within Westminster. The scheme will also enhance the character and appearance of the affected conservation areas, namely Savoy and Strand, Whitehall, Westminster Abbey and Parliament Square, Smith Square, Millbank, Pimlico and Churchill Gardens. Officers also consider that the scheme would cause no harm to the LVMF views Nos. 18A.1 (Westminster Bridge: upstream - at the top of the steps from the Albert Embankment) and No. 21A.1 (Thames side in front of County Hall - close to Westminster Bridge) and to the setting of the Palace of Westminster World Heritage Site.

In accordance with policies DES1; DES9; DES10 of our UDP and S25 and S28 of our City Plan, the proposals are considered acceptable and recommended for conditional approval on design grounds.

### **8.3 Residential Amenity - light spill**

Policy S29 of the City Plan states that 'The council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.

Policy ENV 10 states that 'When planning permission is granted for developments which involve the installation of lighting apparatus...conditions will be attached to ensure:

- a) no glare or conflict with street or traffic lighting
- b) minimal upward light spill, and
- c) that energy efficient equipment is used.

The lighting scheme for each bridge has been designed so that individual luminaries will be directed at the bridge structures themselves and not produce any glare. In addition, the majority of the bridges are located in areas where there is already a significant amount of illumination with street and buildings illuminated. There are residential flats on the north bank adjacent to Vauxhall, Grosvenor and Chelsea Bridges. It is not considered that the scheme will have any material impact on residential amenity through upward light spill. However, as a safeguard a condition is recommended to ensure that the final intensity, colour and transience of the lighting scheme for each bridge is considered acceptable.

### **8.4 Transportation**

The Illuminated River Project will not alter the existing road or navigational lighting on the bridges during the operation phase. Therefore, the scheme raises no highways planning issues and the Highways Planning Manager has raised no objection.

The impact on the highway during the construction phase is set out in section 8.13.

## 8.5 Economic Considerations

The artistic lighting of the Central London bridges will strengthen the culture and nighttime economy. The economic benefits arising from this are welcome.

## 8.6 Access

The scheme does not raise any access issues.

## 8.7 Other UDP/Westminster Policy Considerations

### Plant

It is unlikely that there will be any noise issues from the lighting and associated equipment. However, our standard noise condition is recommended as a safeguard to protect residential amenity.

### Flooding

All 15 bridges span the River Thames, and therefore sit above an area in Flood Zone. The light fittings and power distribution components will be restricted to the structure of the bridges and none of the feeder pillars will be located within the flood zone.

## 8.8 Neighbourhood Plans

The draft Knightsbridge Neighbourhood Plan and all submission documents, representations received, and subsequent modifications proposed to it have been considered by an independent examiner who has issued their final report with recommendations. The council will now consider the examiner's recommendations before publishing its 'Decision Statement'. Depending on the outcome of this, the plan will then need to proceed to a referendum before it can formally become part of the statutory development plan and be attributed full weight. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the draft neighbourhood plan, these are discussed elsewhere in this report.

The submission version of the Mayfair Neighbourhood Plan has been submitted by Mayfair Neighbourhood Forum to the council for consultation and an independent examiner is due to be appointed shortly.

## 8.9 London Plan

The Illuminated River project is supported by policy 7.29 [The River Thames] of the adopted London Plan. The strategic aim of this policy is that the River Thames should be protected and promoted.

## 8.10 National Policy/Guidance Considerations

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

### 8.11 Planning Obligations

There are no planning obligations or CIL payment arising from this development.

### 8.12 Environmental Impact Assessment

The River Thames is a Site of Importance for Nature Conservation (SINC). Key habitats include mud flats, shingle beach, inter-tidal, vegetation and islands, which are habitats of particular importance for wildfowl and wading birds. The river also supports over 100 species of fish. Victoria Embankment Gardens is also a SINC and is located within 500m of the Golden Jubilee and Waterloo Bridges.

Table 3.3a of the Environmental Statement (ES) sets out the properties of lighting for bridges which currently have artistic lighting. Chelsea Bridge will see a reduction in lighting levels at the face of the bridge (i.e. how brightly the bridges are illuminated) and Waterloo and Golden Jubilee will see a continuance of similar lighting conditions. The remaining bridges in Westminster will see an increase in lighting levels of the face of the bridge compared to existing levels.

Table 3.3b of the ES sets out the properties of lighting for bridges which currently have no artistic lighting. Chelsea, Golden Jubilee and Waterloo Bridges currently have artistic lighting with a light spill into the river of 5, 4 and 1 lux. As a result of the proposed illumination the illustrative lux level at water surface directly underneath the bridge (at highest spring tide level) is predicted to be <6 for Chelsea, <6 for Golden Jubilee and <5 for Waterloo Bridges. Grosvenor, Vauxhall Lambeth and Westminster Bridges currently have no artistic lighting and currently have a light spill into the river of <1, 23 and 1 lux. As a result of the proposed illumination the illustrative lux level at water surface directly underneath the bridge (at highest spring tide level) is predicted to be <6 for each bridge.

The ES assesses the likely significant effects of the proposed illumination in relation to ecology. It is supported by survey reports for both birds and bats which identify the key terrestrial and marine ecological receptors which have the potential to be impacted by the proposals. To ensure the baseline data remains up to date and accurate, the ES states that updated breeding bird and bat surveys in the study area will be undertaken and provided to Westminster during the summer months every two years from the date of the first baseline survey. It is recommended this measure is secured by condition.

Ecology surveys carried out for the ES identifies confirmed bird breeding sites at Chelsea and Vauxhall Bridges. Bat activity was identified in proximity to Grosvenor Bridge and Chelsea Bridges. No bat activity was recorded between Vauxhall and Tower Bridges. Following a number of surveys the ES concludes that bats are considered likely to be absent from Grosvenor Bridge, and the bats observed in this area are likely to be roosting in Battersea Park. Giving full consideration to the environmental context of each bridge (i.e. the environment is highly urban, well-lit and generally lacking in suitable foraging habitat for bats), and recent survey data highlighting the impacts of highly urbanised areas on habitat suitability for bats, the ES concludes that the bridges all have very low or negligible potential to support roosting bats, and that there are only very low levels of bat activity along the River Thames in Central London.



The ES states advises that following improvements in the quality of sewage treatment and industrial effluent in the 1960s there has been a rapid recovery of the fish populations in the River Thames. In recent years, approximately 125 species of fish have been recorded in the Thames Estuary.

In order to protect ecology a series of mitigation measures are proposed during the installation of the proposed illumination which include the following:

- The installation will be timed to avoid bird and bat nesting / roosting periods, wherever possible, otherwise pre-installation surveys will be undertaken to identify active bird nests and / or bat roosts;
- If any of the installation is required before the end of the nesting bird season (March to August inclusive), a nesting bird check will be carried out prior to any works taking place. If any birds are observed nesting, a buffer zone will be created around the nest and work will be delayed in that area of the bridge until the nest is no longer active.
- If any installations are carried out during the summer months (June - August), a survey will be carried out for the Westminster Bridges (except the Golden Jubilee Bridges which have no roosting features for bats) to confirm the likely absence of roosting bats. If a bat roost is discovered then proper process will be carried out which includes applying for a European Protected Species Licence to Natural England to enable the installation to proceed lawfully. The river banks will not be used as part of the proposals; and
- Installation access will be facilitated via abseiling and scaffolding techniques to avoid use of the riverbanks and the river.

During the operational phase of the proposed illumination, the embedded mitigation measures will consist of the following:

- The proposed illumination will be designed to limit lighting of the foreshore to safeguard habitat conditions for terrestrial and aquatic species;
- Individual luminaires will be directed at the bridge structures themselves;
- There will be no direct lighting of the water column beneath each bridge, with the direction of lighting carefully controlled through the use of baffles to reduce direct light spillage which have been shown to cause less disturbance to fast flying bats;
- The operational times of the lighting installation will be kept to existing bridge 'light-up' hours.

The Ecology Assessment carried out by the applicant as part of the ES identifies that the proposed illumination scheme would impact local Site of International Nature Conservation Importance features such as breeding birds, foraging and commuting bat populations and fish populations within the River Thames. However, following implementation of the mitigation methods as set out above, all effects were assessed in the ES as negligible for bridges within Westminster.

Natural England has not objected to the conclusions of the ES. The PLA has requested a condition on any grant of planning permission to require the spill light survey and luminance survey to be undertaken again on completion of each phase of the project and a report submitted showing compliance against the levels set out in tables 3.3.a and 3.3.b of the ES. The condition should provide the opportunity to require the lighting to be

adjusted if the levels set out in tables 3.3a and 3.3b are being exceeded. It is recommended that this condition be attached to any permission granted.

## 8.13 Other Issues

### Public Engagement

The applicant advises that they have undertaken significant pre-application consultation, which has informed the scheme for which planning permission and consent is now sought.

### Construction impact

The phasing for the installation of the light fittings for the project is set out in section 6.1.

The applicant advises that more than one bridge within each phase will be worked on at a time, however this work will be co-ordinated in order to minimise impact on the travelling public and interference with navigation. It is expected though that all bridges will be illuminated by 2023.

Construction works on each bridge are not anticipated to exceed 12 weeks, with an additional four week commission period.

The access and installation strategy is anticipated to primarily employ abseilers and scaffolding techniques to install the new light fittings rather than to use the riverbanks and the river. Within Westminster, overhead works are required on Chelsea Bridge. This will require some vehicular bridge closures. In this instance, works and closures will take place for a short period outside of peak hours and subject to agreement with TfL.

The applicant does not envisage that any navigation channel closures will be required during installation, although individual bridge arches may need to be closed to navigation for short periods. This will be done in consultation with the PLA.

A Code of Construction Practice has been submitted and forms part of the applications. This sets out a series of proposed measures and standards of work, which shall be applied by the nominated Contractors throughout installation to:

- provide effective planning, management and control during construction to manage potential impacts upon people, businesses and the natural and historic environment; and
- provide the mechanisms to engage with the local community and their representatives throughout installation.

The application advises that once a contractor has been appointed, a detailed methodology will be provided alongside a final Code of Construction Practice. This is welcome however in order to ensure that the development complies with the City Council's Code of Construction Practice (COCP), which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate, it is recommended that the council's standard Code of Construction Practice condition is attached to the decision notice. It is also recommended that the council's standard working hours condition is used to control noisy works. Where special circumstances are agreed with the council, this does allow

noisy works to place outside the standard hours through a Control of Pollution Act 1974 section 61 prior consent process.

**Crime and security**

An increase in crime or the fear of crime arising from the Illuminated River Project is not considered likely.

(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: MATTHEW MASON BY EMAIL AT [mmason@westminster.gov.uk](mailto:mmason@westminster.gov.uk)

9. KEY DRAWINGS



**Waterloo Bridge Illumination**



**Golden Jubilee Bridge Illumination**



**Westminster Bridge Illumination**



**Lambeth Bridge Illumination**



**Vauxhall Bridge**



**Grosvenor Bridge**



**Chelsea Bridge**



LED Linear Graze



LED Node



LED Linear Neon Flex



LED Colour Blast



LED Floodlight

**Proposed Luminaire Types**



**DRAFT DECISION LETTER**

**Address:** Waterloo Bridge, London, ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Waterloo Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03780/FULL

**Plan Nos:** Existing Drawings - X0101, X0102, X0161, , Proposed Drawings - P0100, P0101, P0161, P0102, P1001, P1002, P1003, A2009, P2007, P2006, P2002, P2001., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), For Information Purposes Only - Statement of Community Engagement, Code of Construction Practice.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of each phase, a Phasing Plan which relates to bridges within Westminster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:**

To assist the PLA with detailed navigational planning as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 3 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witnessed by the Local Planning Authority to ascertain additional measures required to mitigate the potential for glare and light spillage. The full development shall be carried out in accordance with the approved details.

**Reason:**

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a

carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 4 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witness by the Local Planning Authority to ascertain the impact on navigational lights and any necessary mitigation. The full development shall be carried out in accordance with the approved details.

Reason:

To allow for the safe navigation of the river as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 5 Notwithstanding the details hereby approved, on full illumination of the approved lighting scheme, details of the final intensity, colour and transience shall be agreed and witnessed by the Local Planning Authority through a site inspection, and shall be implemented and, maintained in accordance with the approved details. The site inspection will take place two months following completion of the installation of light fittings

Reason:

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

- 6 Prior to bringing into use the lighting installation hereby permitted, a detailed lighting management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their, aftercare and maintenance as well as a plan detailing the proposed lighting levels., , Such a strategy shall include details of the following:, i) The location and direction of artificial lights on each bridge / adjacent to the River Thames;, ii) Details of how, if required, the ambient light levels will be lowered throughout the postmidnight hours, for example 12 am - 5am; and, iii) The works shall be carried out in accordance with the approved strategy., , The works shall be carried out in accordance with the approved strategy.

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 Prior to commencement of any works on site, a suitable protocol for the protection of legally protected species present on site, or identified during construction, shall be submitted to and approved in writing by the Local Planning Authority. This must include:, i) If the installation at any bridge is to commence during the breeding bird season (March to August inclusive) a check for nesting birds to determine whether any breeding birds, nests, nestlings or eggs will be impacted by the installation activities. Where any breeding birds, nests, nestlings or eggs are identified, they will be protected; and, ii) Repeat of the baseline breeding bird survey described in Chapter 6 of the Environmental Statement no later than 2 June 2019 and every two years thereafter until completion of the Proposed Illumination to ensure that baseline conditions have not changed significantly, and if necessary re-assess the requirements for mitigation prior to commencement of installation.

Reason:

To protect biodiversity as required by Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 9 Details for the long-term maintenance arrangements for the proposal to be submitted and approved in writing by the Local Planning Authority prior to bringing into use the lighting installation hereby permitted. The submitted details should specify the responsibilities of each party for the lifetime of the development and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason:

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

- 10 Should the project be decommissioned a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning shall be carried out in accordance with the

approved details.

Reason:

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

- 11 The lighting scheme hereby permitted will only be illuminated at times within the period from 30 minutes before dusk to 30 minutes after dawn on any day.

Reason:

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

- 12 You must apply to us for approval of a strategy to paint prominent gable, node and floodlight fittings a colour in keeping with the colour of the existing bridge structure. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development and maintain the colour of the light fittings in accordance with the details approved.

Reason:

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

- 13 You must apply to us for approval of detailed drawings that clearly show the existing light fittings to be retained and those to be removed on the bridge. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development in accordance with detailed drawings. The illumination approved by the permission must not be operated until those light fittings that have been identified for removal have been removed.

Reason:

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

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

holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

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

- 15 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 16 You must not carry out this permission unless it is part of a scheme to illuminate the bridge in its entirety.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Flood Risk Activity Permit, Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of tidal defences on the River Thames,

designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk

- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Marine Management Organisation Licence, A Marine Management Organisation Licence covers inshore areas, and include any area which, is submerged at mean high water spring tide up to the territorial limit. They also include the, waters of every estuary, river or channel where the tide flows at mean high water spring tide., Should you require a licence or further information, this is available at, <https://www.gov.uk/guidance/do-i-need-a-marine-licence>.

**DRAFT DECISION LETTER**

**Address:** Waterloo Bridge, London, ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Waterloo Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03781/LBC

**Plan Nos:** Existing Drawings - X0101, X0102, X0161, , Proposed Drawings - P0100, P0101, P0161, P0102, P1001, P1002, P1003, A2009, P2007, P2006, P2002, P2001., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5)

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 Prior to the commencement of development, details of fixing methods used in the installation of the hereby approved lighting scheme, shall be submitted to and approved by the Local Planning Authority, and undertaken in accordance with the approved details.

**Reason:**

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

- 3 All new works and finishes, and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

**Reason:**

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

development contributes to the character and appearance of the Strand and Savoy Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason:

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R05GA)

#### **Informative(s):**

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.



**DRAFT DECISION LETTER**

- Address:** Golden Jubilee Bridge, Hungerford Bridge, London, WC2N 6PA,
- Proposal:** The architectural illumination, as part of the Illuminated River proposal, of the Golden Jubilee Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.
- Reference:** 18/03782/FULL
- Plan Nos:** Existing Drawings - X0101, X0102, X0161, , Proposed Drawings - P0100, P0101, P0102, P0161, P1001, P2001, P2001., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), For Information Purposes Only - Statement of Community Engagement, Code of Construction Practice.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of each phase, a Phasing Plan which relates to bridges within Westminster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:**

To assist the PLA with detailed navigational planning as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 3 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witnessed by the Local Planning Authority to ascertain additional measures required to mitigate the potential for glare and light spillage. The full development shall be carried out in accordance with the approved details.

**Reason:**

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a

carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 4 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witness by the Local Planning Authority to ascertain the impact on navigational lights and any necessary mitigation. The full development shall be carried out in accordance with the approved details.

Reason:

To allow for the safe navigation of the river as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 5 Notwithstanding the details hereby approved, on full illumination of the approved lighting scheme, details of the final intensity, colour and transience shall be agreed and witnessed by the Local Planning Authority through a site inspection, and shall be implemented and, maintained in accordance with the approved details. The site inspection will take place two months following completion of the installation of light fittings

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 Savoy and Whitehall Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 Prior to bringing into use the lighting installation hereby permitted, a detailed lighting management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their, aftercare and maintenance as well as a plan detailing the proposed lighting levels., , Such a strategy shall include details of the following:, i) The location and direction of artificial lights on each bridge / adjacent to the River Thames;, ii) Details of how, if required, the ambient light levels will be lowered throughout the postmidnight hours, for example 12 am - 5am; and, iii) The works shall be carried out in accordance with the approved strategy.,

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 Prior to commencement of any works on site, a suitable protocol for the protection of legally protected species present on site, or identified during construction, shall be submitted to and approved in writing by the Local Planning Authority. This must include:, i) If the installation at any bridge is to commence during the breeding bird season (March to August inclusive) a check for nesting birds to determine whether any breeding birds, nests, nestlings or eggs will be impacted by the installation activities. Where any breeding birds, nests, nestlings or eggs are identified, they will be protected; and, ii) Repeat of the baseline breeding bird survey described in Chapter 6 of the Environmental Statement no later than 2 June 2019 and every two years thereafter until completion of the Proposed Illumination to ensure that baseline conditions have not changed significantly, and if necessary re-assess the requirements for mitigation prior to commencement of installation.

Reason:

To protect biodiversity as required by Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 9 Details for the long-term maintenance arrangements for the proposal to be submitted and approved in writing by the Local Planning Authority prior to bringing into use the lighting installation hereby permitted. The submitted details should specify the responsibilities of each party for the lifetime of the development and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

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 Savoy and Whitehall Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 Should the project be decommissioned a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning shall be carried out in accordance with the approved details.

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Savoy and Whitehall Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 11 The lighting scheme hereby permitted will only be illuminated at times within the period from 30 minutes before dusk to 30 minutes after dawn on any day.

## 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 Savoy and Whitehall Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 12 You must apply to us for approval of a strategy to paint prominent gable, node and floodlight fittings a colour in keeping with the colour of the existing bridge structure. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development and maintain the colour of the light fittings in accordance with the details approved.

## Reason:

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- 13 You must apply to us for approval of detailed drawings that clearly show the existing light fittings to be retained and those to be removed on the bridge. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development in accordance with detailed drawings. The illumination approved by the permission must not be operated until those light fittings that have been identified for removal have been removed.

## Reason:

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

18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

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

- 15 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 16 You must not carry out this permission unless it is part of a scheme to illuminate the bridge in its entirety.

**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 Savoy and Whitehall Conservation Areas. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Flood Risk Activity Permit, Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of tidal defences on the River Thames, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from

the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk

- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Marine Management Organisation Licence, A Marine Management Organisation Licence covers inshore areas, and include any area which is submerged at mean high water spring tide up to the territorial limit. They also include the waters of every estuary, river or channel where the tide flows at mean high water spring tide. Should you require a licence or further information, this is available at <https://www.gov.uk/guidance/do-i-need-a-marine-licence>.

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.

**DRAFT DECISION LETTER**

**Address:** Westminster Bridge , Westminster Bridge Road, London, SW1A 2JH

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Westminster Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03775/FULL

**Plan Nos:** Existing Drawings - X0101, X0102 B, X0161 B, , Proposed Drawings - P0100, P0101, P0102, P0161, P1001, P2001,P2002, P2003, P2008., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), , For Information Purposes Only - Statement of Community Engagement, Code of Construction Practice., , ,

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of each phase, a Phasing Plan which relates to bridges within Westminster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:**

To assist the PLA with detailed navigational planning as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 3 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witnessed by the Local Planning Authority to ascertain additional measures required to mitigate the potential for glare and light spillage. The full development shall be carried out in accordance with the approved details.

**Reason:**

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial

lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 4 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witness by the Local Planning Authority to ascertain the impact on navigational lights and any necessary mitigation. The full development shall be carried out in accordance with the approved details.

Reason:

To allow for the safe navigation of the river as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 5 Notwithstanding the details hereby approved, on full illumination of the approved lighting scheme, details of the final intensity, colour and transience shall be agreed and witnessed by the Local Planning Authority through a site inspection, and shall be implemented and, maintained in accordance with the approved details. The site inspection will take place two months following completion of the installation of light fittings

Reason:

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

- 6 Prior to bringing into use the lighting installation hereby permitted, a detailed lighting management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their, aftercare and maintenance as well as a plan detailing the proposed lighting levels., , Such a strategy shall include details of the following:; i) The location and direction of artificial lights on each bridge / adjacent to the River Thames;; ii) Details of how, if required, the ambient light levels will be lowered throughout the postmidnight hours, for example 12 am - 5am; and, iii) The works shall be carried out in accordance with the approved strategy.

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.



- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 Prior to commencement of any works on site, a suitable protocol for the protection of legally protected species present on site, or identified during construction, shall be submitted to and approved in writing by the Local Planning Authority. This must include:, i) If the installation at any bridge is to commence during the breeding bird season (March to August inclusive) a check for nesting birds to determine whether any breeding birds, nests, nestlings or eggs will be impacted by the installation activities. Where any breeding birds, nests, nestlings or eggs are identified, they will be protected; and, ii) Repeat of the baseline breeding bird survey described in Chapter 6 of the Environmental Statement no later than 2 June 2019 and every two years thereafter until completion of the Proposed Illumination to ensure that baseline conditions have not changed significantly, and if necessary re-assess the requirements for mitigation prior to commencement of installation.

Reason:

To protect biodiversity as required by Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 9 Details for the long-term maintenance arrangements for the proposal to be submitted and approved in writing by the Local Planning Authority prior to bringing into use the lighting installation hereby permitted. The submitted details should specify the responsibilities of each party for the lifetime of the development and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason:

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

- 10 Should the project be decommissioned a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning shall be carried out in accordance with the approved details.

Reason:

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

- 11 The lighting scheme hereby permitted will only be illuminated at times within the period from 30 minutes before dusk to 30 minutes after dawn on any day.

Reason:

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

- 12 You must apply to us for approval of a strategy to paint prominent gable, node and floodlight fittings a colour in keeping with the colour of the existing bridge structure. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development and maintain the colour of the light fittings in accordance with the details approved.

Reason:

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

- 13 You must apply to us for approval of detailed drawings that clearly show the existing light fittings to be retained and those to be removed on the bridge. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development in accordance with detailed drawings. The illumination approved by the permission must not be operated until those light fittings that have been identified for removal have been removed.

Reason:

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

- 14 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

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

- 15 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 16 You must not carry out this permission unless it is part of a scheme to illuminate the bridge in its entirety.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an

application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Flood Risk Activity Permit, Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of tidal defences on the River Thames, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Marine Management Organisation Licence, A Marine Management Organisation Licence covers inshore areas, and include any area which is submerged at mean high water spring tide up to the territorial limit. They also include the waters of every estuary, river or channel where the tide flows at mean high water spring tide. Should you require a licence or further information, this is available at <https://www.gov.uk/guidance/do-i-need-a-marine-licence>.

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.

**DRAFT DECISION LETTER**

- Address:** Westminster Bridge , Westminster Bridge Road, London, SW1A 2JH
- Proposal:** The architectural illumination, as part of the Illuminated River proposal, including the installation of fixtures, fittings and ancillary equipment and associated works.
- Reference:** 18/03776/LBC
- Plan Nos:** Site Location Plan., Existing Drawings - X0101, X0102 B, X0161 B, , Proposed Drawings - P0100, P0101, P0102, P0161, P1001, P2001,P2002, P2003, P2008., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), ,

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 Prior to the commencement of development, details of fixing methods used in the installation of the hereby approved lighting scheme, shall be submitted to and approved by the Local Planning Authority, and undertaken in accordance with the approved details.

Reason:

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

- 3 All new works and finishes, and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

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

- 4 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

**Reason:**

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R05GA)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.

**DRAFT DECISION LETTER**

**Address:** Lambeth Bridge, London, ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Lambeth Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03777/FULL

**Plan Nos:** Existing Drawings - X0101, X0102, X0161 A, , Proposed Drawings - P0100, P0101, P0102, P0161, P1001, P3050,P3021, P3020, P2006. , Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), , For Information Purposes Only - Statement of Community Engagement, Code of Construction Practice.,

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of each phase, a Phasing Plan which relates to bridges within Westminster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:**

To assist the PLA with detailed navigational planning as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 3 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witnessed by the Local Planning Authority to ascertain additional measures required to mitigate the potential for glare and light spillage. The full development shall be carried out in accordance with the approved details.

**Reason:**

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a

carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 4 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witness by the Local Planning Authority to ascertain the impact on navigational lights and any necessary mitigation. The full development shall be carried out in accordance with the approved details.

Reason:

To allow for the safe navigation of the river as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 5 Notwithstanding the details hereby approved, on full illumination of the approved lighting scheme, details of the final intensity, colour and transience shall be agreed and witnessed by the Local Planning Authority through a site inspection, and shall be implemented and, maintained in accordance with the approved details. The site inspection will take place two months following completion of the installation of light fittings

Reason:

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

- 6 Prior to bringing into use the lighting installation hereby permitted, a detailed lighting management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their, aftercare and maintenance as well as a plan detailing the proposed lighting levels., , Such a strategy shall include details of the following:, i) The location and direction of artificial lights on each bridge / adjacent to the River Thames;, ii) Details of how, if required, the ambient light levels will be lowered throughout the postmidnight hours, for example 12 am - 5am; and, iii) The works shall be carried out in accordance with the approved strategy.,

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.



- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 Prior to commencement of any works on site, a suitable protocol for the protection of legally protected species present on site, or identified during construction, shall be submitted to and approved in writing by the Local Planning Authority. This must include:, i) If the installation at any bridge is to commence during the breeding bird season (March to August inclusive) a check for nesting birds to determine whether any breeding birds, nests, nestlings or eggs will be impacted by the installation activities. Where any breeding birds, nests, nestlings or eggs are identified, they will be protected; and, ii) Repeat of the baseline breeding bird survey described in Chapter 6 of the Environmental Statement no later than 2 June 2019 and every two years thereafter until completion of the Proposed Illumination to ensure that baseline conditions have not changed significantly, and if necessary re-assess the requirements for mitigation prior to commencement of installation.

Reason:

To protect biodiversity as required by Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 9 Details for the long-term maintenance arrangements for the proposal to be submitted and approved in writing by the Local Planning Authority prior to bringing into use the lighting installation hereby permitted. The submitted details should specify the responsibilities of each party for the lifetime of the development and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason:

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

- 10 Should the project be decommissioned a Decommissioning Plan shall be submitted to and approved in

writing by the Local Planning Authority. The decommissioning shall be carried out in accordance with the approved details.

Reason:

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

- 11 The lighting scheme hereby permitted will only be illuminated at times within the period from 30 minutes before dusk to 30 minutes after dawn on any day.

Reason:

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

- 12 You must apply to us for approval of a strategy to paint prominent gable, node and floodlight fittings a colour in keeping with the colour of the existing bridge structure. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development and maintain the colour of the light fittings in accordance with the details approved.

Reason:

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

- 13 You must apply to us for approval of detailed drawings that clearly show the existing light fittings to be retained and those to be removed on the bridge. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development in accordance with detailed drawings. The illumination approved by the permission must not be operated until those light fittings that have been identified for removal have been removed.

Reason:

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

- 14 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

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

- 15 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 16 You must not carry out this permission unless it is part of a scheme to illuminate the bridge in its entirety.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further

guidance was offered to the applicant at the validation stage.

- 2 Flood Risk Activity Permit, Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of tidal defences on the River Thames, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk)
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Marine Management Organisation Licence, A Marine Management Organisation Licence covers inshore areas, and include any area which is submerged at mean high water spring tide up to the territorial limit. They also include the waters of every estuary, river or channel where the tide flows at mean high water spring tide. Should you require a licence or further information, this is available at <https://www.gov.uk/guidance/do-i-need-a-marine-licence>.

**DRAFT DECISION LETTER**

**Address:** Lambeth Bridge, London, ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Lambeth Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03778/LBC

**Plan Nos:** Site Location Plan., Existing Drawings - X0101, X0102, X0161 A, , Proposed Drawings - P0100, P0101, P0102, P0161, P1001, P3050,P3021, P3020, P2006. , Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5)

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 Prior to the commencement of development, details of fixing methods used in the installation of the hereby approved lighting scheme, shall be submitted to and approved by the Local Planning Authority, and undertaken in accordance with the approved details.

Reason:

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

- 3 All new works and finishes, and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason:

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

- 4 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

**Reason:**

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R05GA)

**Informative(s):**

- 1 **SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -**  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

**DRAFT DECISION LETTER**

**Address:** Vauxhall Bridge, London, ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Vauxhall Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03772/FULL

**Plan Nos:** Existing Plans - X0101A, X0102, X0161A., Proposed Plans - P0100, P0101, P0102, P0161, P1001, P2001, P2002, P2003, P2008, P2009., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), , For Information Purposes Only - Statement of Community Engagement, Code of Construction Practice.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of each phase, a Phasing Plan which relates to bridges within Westminster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:**

To assist the PLA with detailed navigational planning as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 3 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witnessed by the Local Planning Authority to ascertain additional measures required to mitigate the potential for glare and light spillage. The full development shall be carried out in accordance with the approved details.

**Reason:**

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a

carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 4 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witness by the Local Planning Authority to ascertain the impact on navigational lights and any necessary mitigation. The full development shall be carried out in accordance with the approved details.

Reason:

To allow for the safe navigation of the river as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 5 Notwithstanding the details hereby approved, on full illumination of the approved lighting scheme, details of the final intensity, colour and transience shall be agreed and witnessed by the Local Planning Authority through a site inspection, and shall be implemented and, maintained in accordance with the approved details. The site inspection will take place two months following completion of the installation of light fittings

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 6 Prior to bringing into use the lighting installation hereby permitted, a detailed lighting management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their, aftercare and maintenance as well as a plan detailing the proposed lighting levels., , Such a strategy shall include details of the following:; i) The location and direction of artificial lights, on each bridge / adjacent to the River Thames;; ii) Details of how, if required, the ambient light levels will be lowered throughout the postmidnight hours, for example 12 am - 5am; and, iii) The works shall be carried out in accordance with the approved strategy.,

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.



- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 Prior to commencement of any works on site, a suitable protocol for the protection of legally protected species present on site, or identified during construction, shall be submitted to and approved in writing by the Local Planning Authority. This must include:, i) If the installation at any bridge is to commence during the breeding bird season (March to August inclusive) a check for nesting birds to determine whether any breeding birds, nests, nestlings or eggs will be impacted by the installation activities. Where any breeding birds, nests, nestlings or eggs are identified, they will be protected; and, ii) Repeat of the baseline breeding bird survey described in Chapter 6 of the Environmental Statement no later than 2 June 2019 and every two years thereafter until completion of the Proposed Illumination to ensure that baseline conditions have not changed significantly, and if necessary re-assess the requirements for mitigation prior to commencement of installation.

Reason:

To protect biodiversity as required by Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 9 Details for the long-term maintenance arrangements for the proposal to be submitted and approved in writing by the Local Planning Authority prior to bringing into use the lighting installation hereby permitted. The submitted details should specify the responsibilities of each party for the lifetime of the development and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 10 Should the project be decommissioned a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning shall be carried out in accordance with the approved details.

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 11 The lighting scheme hereby permitted will only be illuminated at times within the period from 30 minutes before dusk to 30 minutes after dawn on any day.

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 12 You must apply to us for approval of a strategy to paint prominent gable, node and floodlight fittings a colour in keeping with the colour of the existing bridge structure. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development and maintain the colour of the light fittings in accordance with the details approved.

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 13 You must apply to us for approval of detailed drawings that clearly show the existing light fittings to be retained and those to be removed on the bridge. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development in accordance with detailed drawings. The illumination approved by the permission must not be operated until those light fittings that have been identified for removal have been removed.

## Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 14 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

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

- 15 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 16 You must not carry out this permission unless it is part of a scheme to illuminate the bridge in its entirety.

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Flood Risk Activity Permit, Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of tidal defences on the River Thames, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk)
- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods

and Environment Act 2005). (I39AA)

- 4 Marine Management Organisation Licence, A Marine Management Organisation Licence covers inshore areas, and include any area which is submerged at mean high water spring tide up to the territorial limit. They also include the waters of every estuary, river or channel where the tide flows at mean high water spring tide. Should you require a licence or further information, this is available at <https://www.gov.uk/guidance/do-i-need-a-marine-licence>.

**DRAFT DECISION LETTER**

**Address:** Vauxhall Bridge, London, ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Vauxhall Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03773/LBC

**Plan Nos:** Site Location Plan., Existing Drawings - X0101, X0102, X0161 A,, Proposed Drawings - P0100, P0101, P0102, P0161, P1001, P3050,P3021, P3020,, P2006., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5)

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 Prior to the commencement of development, details of fixing methods used in the installation of the hereby approved lighting scheme, shall be submitted to and approved by the Local Planning Authority, and undertaken in accordance with the approved details.

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 3 All new works and finishes, and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of

our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

**Reason:**

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

**DRAFT DECISION LETTER**

**Address:** Grosvenor Bridge, Grosvenor Road, London, SW1V 4BE,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Grosvenor Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03774/FULL

**Plan Nos:** Existing Plans - X0101, X0102, X0161., Proposed Plans - P0100, P0101, P0102, P0161, P1001, P2001, P3061., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), , For Information Purposes Only - Statement of Community Engagement, Code of Construction Practice.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of each phase, a Phasing Plan which relates to bridges within Westminster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To assist the PLA with detailed navigational planning as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 3 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witnessed by the Local Planning Authority to ascertain additional measures required to mitigate the potential for glare and light spillage. The full development shall be carried out in accordance with the approved details.

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a

carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 4 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witness by the Local Planning Authority to ascertain the impact on navigational lights and any necessary mitigation. The full development shall be carried out in accordance with the approved details.

Reason:

To allow for the safe navigation of the river as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 5 Notwithstanding the details hereby approved, on full illumination of the approved lighting scheme, details of the final intensity, colour and transience shall be agreed and witnessed by the Local Planning Authority through a site inspection, and shall be implemented and, maintained in accordance with the approved details. The site inspection will take place two months following completion of the installation of light fittings

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 Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 Prior to bringing into use the lighting installation hereby permitted, a detailed lighting management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their, aftercare and maintenance as well as a plan detailing the proposed lighting levels., , Such a strategy shall include details of the following:; i) The location and direction of artificial lights on each bridge / adjacent to the River Thames;; ii) Details of how, if required, the ambient light levels will be lowered throughout the postmidnight hours, for example 12 am - 5am; and, iii) The works shall be carried out in accordance with the approved strategy., , The works shall be carried out in accordance with the approved strategy.

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.



- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 Prior to commencement of any works on site, a suitable protocol for the protection of legally protected species present on site, or identified during construction, shall be submitted to and approved in writing by the Local Planning Authority. This must include:, i) If the installation at any bridge is to commence during the breeding bird season (March to August inclusive) a check for nesting birds to determine whether any breeding birds, nests, nestlings or eggs will be impacted by the installation activities. Where any breeding birds, nests, nestlings or eggs are identified, they will be protected; and, ii) Repeat of the baseline breeding bird survey described in Chapter 6 of the Environmental Statement no later than 2 June 2019 and every two years thereafter until completion of the Proposed Illumination to ensure that baseline conditions have not changed significantly, and if necessary re-assess the requirements for mitigation prior to commencement of installation.

Reason:

To protect biodiversity as required by Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 9 Details for the long-term maintenance arrangements for the proposal to be submitted and approved in writing by the Local Planning Authority prior to bringing into use the lighting installation hereby permitted. The submitted details should specify the responsibilities of each party for the lifetime of the development and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

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 Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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 Should the project be decommissioned a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning shall be carried out in accordance with the

approved details.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 11 The lighting scheme hereby permitted will only be illuminated at times within the period from 30 minutes before dusk to 30 minutes after dawn on any day.

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 Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 12 You must apply to us for approval of a strategy to paint prominent gable, nose and floodlight fittings a colour in keeping with the colour of the existing bridge structure. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development and maintain the colour of the light fittings in accordance with the details approved.

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 Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

- 13 You must apply to us for approval of detailed drawings that clearly show the existing light fittings to be retained and those to be removed on the bridge. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development in accordance with detailed drawings. The illumination approved by the permission must not be operated until those light fittings that have been identified for removal have been removed.

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 Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

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

holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

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

- 15 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 16 You must not carry out this permission unless it is part of a scheme to illuminate the bridge in its entirety.

**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 Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) 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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Flood Risk Activity Permit, Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of tidal defences on the River Thames,

designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk)

- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Marine Management Organisation Licence, A Marine Management Organisation Licence covers inshore areas, and include any area which is submerged at mean high water spring tide up to the territorial limit. They also include the waters of every estuary, river or channel where the tide flows at mean high water spring tide. Should you require a licence or further information, this is available at <https://www.gov.uk/guidance/do-i-need-a-marine-licence>.

**DRAFT DECISION LETTER**

**Address:** Chelsea Side Of Chelsea Bridge , ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, of Chelsea Bridge including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03769/FULL

**Plan Nos:** Existing Plans - X0101A, X0102, X0161., Proposed Plans - P0100, P0101, P0102, P0161, P1001, P2005., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5), , For Information Purposes Only - Statement of Community Engagement, Code of Construction Practice.

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**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 Prior to the commencement of each phase, a Phasing Plan which relates to bridges within Westminster shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To assist the PLA with detailed navigational planning as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 3 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witnessed by the Local Planning Authority to ascertain additional measures required to mitigate the potential for glare and light spillage. The full development shall be carried out in accordance with the approved details.

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a

carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 4 Prior to bringing into use the lighting installation hereby permitted, a smaller trial installation shall be agreed and witness by the Local Planning Authority to ascertain the impact on navigational lights and any necessary mitigation. The full development shall be carried out in accordance with the approved details.

Reason:

To allow for the safe navigation of the river as set out in Policy S37 of Westminster's City Plan dated November 2016.

- 5 Notwithstanding the details hereby approved, on full illumination of the approved lighting scheme, details of the final intensity, colour and transience shall be agreed and witnessed by the Local Planning Authority through a site inspection, and shall be implemented and, maintained in accordance with the approved details. The site inspection will take place two months following completion of the installation of light fittings

Reason:

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

- 6 Prior to bringing into use the lighting installation hereby permitted, a detailed lighting management strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their, aftercare and maintenance as well as a plan detailing the proposed lighting levels., , Such a strategy shall include details of the location and direction of artificial lights on each bridge / adjacent to the River Thames., , The works shall be carried out in accordance with the approved strategy.

Reason:

To ensure the protection of wildlife and supporting habitat in line with national planning policy. Artificial lighting may disrupt long term Circadian rhythms which may impact on breeding seasons and thus a carefully balanced ecosystem. This condition is in accordance with the London Plan- Policy 7.19 Biodiversity and access to nature, Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. The National Planning Policy Framework (NPPF) paragraph 109 recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

- 7 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 8 Prior to commencement of any works on site, a suitable protocol for the protection of legally protected species present on site, or identified during construction, shall be submitted to and approved in writing by the Local Planning Authority. This must include:, i) If the installation at any bridge is to commence during the breeding bird season (March to August inclusive) a check for nesting birds to determine whether any breeding birds, nests, nestlings or eggs will be impacted by the installation activities. Where any breeding birds, nests, nestlings or eggs are identified, they will be protected; and, ii) Repeat of the baseline breeding bird survey described in Chapter 6 of the Environmental Statement no later than 2 June 2019 and every two years thereafter until completion of the Proposed Illumination to ensure that baseline conditions have not changed significantly, and if necessary re-assess the requirements for mitigation prior to commencement of installation.

Reason:

To protect biodiversity as required by Policy S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007.

- 9 Details for the long-term maintenance arrangements for the proposal to be submitted and approved in writing by the Local Planning Authority prior to bringing into use the lighting installation hereby permitted. The submitted details should specify the responsibilities of each party for the lifetime of the development and any other arrangement to secure the operation of the scheme throughout its lifetime. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason:

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

- 10 Should the project be decommissioned a Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning shall be carried out in accordance with the approved details.

## Reason:

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

- 11 The lighting scheme hereby permitted will only be illuminated at times within the period from 30 minutes before dusk to midnight.

## Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 10 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 12 You must apply to us for approval of a strategy to paint prominent gable, node and floodlight fittings a colour in keeping with the colour of the existing bridge structure. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development and maintain the colour of the light fittings in accordance with the details approved.

## Reason:

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

- 13 You must apply to us for approval of detailed drawings that clearly show the existing light fittings to be retained and those to be removed on the bridge. You must not install any light fittings until we have approved what you have sent us. Thereafter you must carry out the development in accordance with detailed drawings. The illumination approved by the permission must not be operated until those light fittings that have been identified for removal have been removed.

## Reason:

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

- 14 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of



Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

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

- 15 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

As required by s91 of the Town and Country Planning Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004. (R03EA)

- 16 You must not carry out this permission unless it is part of a scheme to illuminate the bridge in its entirety.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Flood Risk Activity Permit, Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 16 metres of tidal defences on the River Thames, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at

PSO-Thames@environment-agency.gov.uk

- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 4 Marine Management Organisation Licence, A Marine Management Organisation Licence covers inshore areas, and include any area which is submerged at mean high water spring tide up to the territorial limit. They also include the waters of every estuary, river or channel where the tide flows at mean high water spring tide. Should you require a licence or further information, this is available at <https://www.gov.uk/guidance/do-i-need-a-marine-licence>.

**DRAFT DECISION LETTER**

**Address:** Chelsea Side Of Chelsea Bridge, ,

**Proposal:** The architectural illumination, as part of the Illuminated River proposal, including the installation of fixtures, fittings and ancillary equipment and associated works.

**Reference:** 18/03770/LBC

**Plan Nos:** Existing Plans - X0101A, X0102, X0161., Proposed Plans - P0100, P0101, P0102, P0161, P1001, P2005., Documents, Planning and Heritage Statement, Environment Statement (Volume 1, Volume 2, Volume 3, Volume 4 and Volume 5)

**Case Officer:** Matthew Mason

**Direct Tel. No.** 020 7641 2926

**Recommended Condition(s) and Reason(s)**

- 1 The works 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 Prior to the commencement of development, details of fixing methods used in the installation of the hereby approved lighting scheme, shall be submitted to and approved by the Local Planning Authority, and undertaken in accordance with the approved details.

**Reason:**

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

- 3 All new works and finishes, and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Churchill Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A)

and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

**Reason:**

As required by s18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by s51 of the Planning and Compulsory Purchase Act 2004.

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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.