



City of Westminster

Committee Agenda

Title:

Planning (Major Applications) Sub-Committee

Meeting Date:

Tuesday 7th May, 2019

Time:

6.30 pm

Venue:

Rooms 18.01 & 18.03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Members:

Councillors:

Gotz Mohindra (Chairman)
David Boothroyd
Ruth Bush

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 a pass, issued from the ground floor reception from 6.00pm. 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, Georgina Wills: Committee and Governance Officer.

**Tel: 020 7641 7513; Email: gwills@westminster.gov.uk
Corporate Website: 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

Members of the public are welcome to speak on specific applications at planning committee meetings.

To register to speak and for guidance please visit:

www.westminster.gov.uk/planning-committee.

In the event that you are successful in obtaining a speaking slot please read the guidance, in order to familiarise yourself with the process prior to attending the meeting.

1. DENISON HOUSE, 292 VAUXHALL BRIDGE ROAD, LONDON, SW1V 1AE

(Pages 19 - 62)

2. 127-133 CHARING CROSS ROAD, LONDON, WC2H 0EA

(Pages 63 - 106)

3. 46 BERKELEY SQUARE, LONDON, W1J 5AT

(Pages 107 -
112)

Stuart Love
Chief Executive
26 April 2019

Order of Business

At Planning Applications Sub-Committee meetings the order of business for each application listed on the agenda will be as follows:

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Ward Councillor(s) and/or MP(s)
vi) Council Officers response to verbal representations
vii) Member discussion (including questions to officers for clarification)
viii) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.



CITY OF WESTMINSTER

MINUTES

Planning (Major Applications) Sub-Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning (Major Applications) Sub-Committee** held on **Tuesday 23rd April, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Gotz Mohindra (Chairman), David Boothroyd, Ruth Bush, Murad Gassanly, Jim Glen and Elizabeth Hitchcock

1 MEMBERSHIP

- 1.1 There were no changes to the membership.
- 1.2 Councillor Mohindra advised that the Planning (Major Application) Sub-Committee Membership had been reduced from seven councillors to six and informed that Councillor Peter Freeman was no longer a member of the Sub-Committee. Councillor Mohindra thanked Councillor Freeman for his work during his membership on the Sub-Committee and advised that Councillor Freeman had moved to the Planning Application Sub-Committee (1).
- 1.3 Councillor Mohindra advised that Councillor Ruth Bush membership on the Planning (Major Application) Sub-Committee was to cease and thanked Councillor Bush for her contribution to the meetings. Councillor Bush was also congratulated on her nomination and wished well for her new role in the next Municipal Year.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Mohindra Gotz explained that a week before the meeting, all six Members of the Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Committee, it did not mean that the issue had been ignored. Members will have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Mohindra declared that he was the Chair of the Planning (Major Applications) Sub-Committee and declared in respect of Item 1 had meet with the Applicant on 21 October 2018 and in respect of Item 3 had met with the Applicant on 20 November 2018 in his capacity as Chair. These meetings are both listed in the Reports.

- 2.3 Councillor Jim Glen declared that he was a Trustee of the Westminster Tree Trust.
- 2.4 Councillor David Boothroyd declared that he was Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct. With regards to item 1, he declared that some Thorncliffe clients had engaged with DP9 as planning consultants and with Gerald Eve on items 2, 4 and 5, and with Lichfields on item 3. and they were also representing the applicants at the Planning (Major Applications) Sub-Committee. However, he does not deal directly with clients or other members of project teams, and planning consultants are not themselves clients.
- 2.5 Councillor Boothroyd declared that in respect of Item 1, he had sat on a Planning Applications Sub-Committee in May 2011 which had granted a previous permission for the site.
- 2.6 Councillor Ruth Bush declared that in respect of Item 1, she had previously sat on a Planning Applications Sub-Committee which considered and approved aspects of the development site complex which included Building 1. Councillor Bush also attended an onsite presentation on Building 1.
- 2.7 Councillor Bush declared that in respect of Item 1 and 4, she was a Trustee of the Westminster Tree Trust.

3 MINUTES

- 3.1 That the minutes of the meeting held on 5 March 2019 be signed by the Chairman as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE - LAND AT HARBET ROAD, LONDON W2 1JU

Redevelopment comprising the erection of a 42 storey building (Building 1) and a 21 storey building (Building 6) above three basement levels. Use of buildings as 426 residential units (Class C3) (including 67 affordable housing units in Building 6), retail floorspace (Classes A1/ A2/ A3/ A4/ A5) and retail/leisure floorspace (Classes A1/ A2/ A3/ A4/ A5/ D2); provision of car parking, cycle parking, ancillary space, plant, servicing, highway works, hard and soft landscaping and other associated development.

Additional representations were received from DP9 Ltd (18.04.19) and Thames Water (11.04.19)

A late representation was received from Merchant Square Residential (Buildings A&F) Limited (Undated)

The Presenting Officer tabled the following amendments to the Recommendations and Conditions in the draft decision letter

Item 1, Land At Harbet Road, W2 (Merchant Square)

Amended Recommendation

Further to the additional representation made by DP9 on behalf of the applicant, the following amendments have been made to the draft recommendation (additional text in red and underlined and deleted text struck through):

1. Grant conditional permission, subject to:

- a) the completion of a S106 legal agreement and a deed of variation to the Overarching Agreement dated 4 August 2011 (as previously varied on 27 March 2012) on to secure the following planning obligations:

New Buildings 1 and 6 S106 Agreement

- i. Notice of commencement of development.
- ii. Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1).
- iii. Provision and management of CCTV.
- iv. Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.
- v. Provision of public realm areas prior to occupation.
- vi. Provision of maintenance, use of and access to the on-site public realm.
- vii. Provision of cycle parking within shared basement.
- viii. Provision of lifetime (25 year) car club membership for all market and affordable units.
- ix. Provision of land for installation of Mayor's Cycle Hire docking station.
- x. Provision and periodic review of a workplace and residential travel plans.
- xi. Provision and maintenance of public access to the Sky Bar in Building 1.
- xii. Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
~~Provision of lifetime car club membership for each affordable housing unit within the development.~~
- xiii. Provision of skills and employment opportunities for local residents including a financial contribution of £238,644 to the Westminster Employment Service and provision of an Employment and Skills Plan.
- xiv. Costs of monitoring the agreement (£500 per head of term).

Deed of Variation to Overarching Agreement

- i. Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- ii. Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- iii. A financial contribution of £360,000 (index linked from August 2011 to the date of determination of the current application) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- iv. Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- v. Provision of towpath works (these have been delivered in conjunction with Building 3).
~~Building 3 Affordable Housing Underprovision Sum (£2.59m index linked) (payable where more than 80 market units are provided in Building 3 without provision of the affordable housing in Building 6 and returnable to the developer where the affordable housing units in Building 6 are completed within 6 years of the date of the payment of the sum).~~

- vi. Off-site provision of a waterways facilities building incorporating the listed canopy.
 - vii. Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
 - viii. Provision of, and connection to, the Energy Centre within 3 Merchant Square and provision of updated specification CHP equipment (relative the previously approved schemes).
 - ix. Provision and management of on-site car club spaces.
 - x. Provision and management of on-site residential car parking provision within shared basement.
 - xi. Provision of electric car charging facilities.
 - xii. Provision and adherence with a servicing management strategy.
 - xiii. Provision of a green waste composting scheme.
 - xiv. Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
 - xv. Mitigation measures for television signal interference.
 - xvi. Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).
 - xvii. Compliance with the Local Procurement Code (amended to Buildings 2 and 3 only.
- b) the concurrence of the Mayor of London.
2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 1 August 2019 then:
- a) The Executive Director Growth, Planning and Housing shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Executive Director Growth, Planning and Housing shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Making and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
3. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway in North Wharf Road to enable this development (Building 6) to take place.
4. That the Director Place Shaping and Town Planning be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

Additional Development Phasing Condition

To phase the delivery of the development an additional condition is recommended as set out below. The development would be split into three phases with the basement as Phase 1, Building 1 as Phase 2 and Building 6 as Phase 3.

Additional Condition

The Development hereby approved shall be carried out in Phases in accordance with the approved Phasing Plan (ref. M_A_PL_050), unless an alternative Phasing Plan is submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

Amended CIL Liability

In light of the adoption of the new Mayoral CIL ('MCIL 2') the revised CIL liability of the development is estimated to be £26.5m for Westminster's CIL and £4.8m for the Mayoral CIL (note this is prior to any relief that may be applied for).

Revised Cycle Parking Condition

It is recommended that the condition is amended to secure the cycle parking proposed, which accords with the adopted London Plan:

Revised Condition 16

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.

Amended Reason 16

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016.

Amended Mechanical Ventilation Conditions

Following the additional representation from DP9 the following amended condition and additional conditions are recommended.

Amended Condition 22

Prior occupation of Buildings 1 and 6 you must apply to us for approval of a Mechanical Ventilation and Overheating Strategy to ensure future users are not exposed to predicted concentrations of NOx/ NO2 above the Air Quality Strategy Objective and to demonstrate that the flats within the development will not be subject to overheating that breaches the CIBSE criteria. The Mechanical Ventilation and Overheating Strategy shall provide details of the residential units that will include NOx/ NO2 filtration and a maintenance strategy for the filtration system where such a system is required. You must then carry out the development in accordance with the Mechanical Ventilation and Overheating Strategy that we approve and you must install any mitigation measures that may be required prior to occupation of the buildings.

Additional Condition

Prior to occupation of Buildings 1 and 6 you must apply to us for approval of a supplementary air quality assessment which details the impacts of emissions of the final energy plant to be installed in Building 3. The air quality assessment should use a detailed dispersion model to quantify predicted concentrations at each floor height in Buildings 1 and 6. Where significant impacts from the energy plant within Building 3 Energy Centre are identified, details of mitigation measures must be submitted. You must then carry out the development in accordance with the supplementary air quality assessment and mitigation measures we approve and you must install any mitigation measures that may be required prior to occupation of the buildings.

Amended Photovoltaic Panels Condition

The condition has been amended to ensure the provision of the PV panels indicated in the originally submitted Energy Statement as provision of additional panels is unlikely to be feasible.

Amended Condition 35

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

- Revision of the roof plan for Building 6 to show the photovoltaic panels indicated in Appendix H of the Energy Strategy dated June 2018.

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 and install the photovoltaic panels prior to occupation of the flats in Building 6. Thereafter the photovoltaic panels must be retained on the building.

Revised Thames Water Conditions

Following the additional representation from Thames Water withdrawing their earlier objections to the impact of the development on the foul water sewerage network Condition 30 in the draft decision letter is to be deleted.

Conditions 31, 32 and 33 on the draft decision letter remain relevant and have not been deleted.

Duplicate Contaminated Land Condition

Condition 38 is a duplicate of Condition 29 and is therefore to be deleted from the draft decision letter.

Andrew Scrivener addressed the Sub-Committee in support of the Application.

Kay Buxton addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY:

1. That conditional permission and recommendations, as amended, be granted subject to:

a) the completion of a S106 legal agreement and a deed of variation to the Overarching Agreement dated 4 August 2011 (as previously varied on 27 March 2012) on to secure the following planning obligations:

New Buildings 1 and 6 S106 Agreement

- i Notice of commencement of development.
- ii Provision of on-site affordable housing to the quantum, mix, tenure and affordability set out in Section 8.1 with early and late stage review mechanisms in accordance with the Mayor's 'Affordable Housing and Viability' SPG (prior to occupation of more than 50% of the market residential units in Building 6 and prior to occupation of more than 111 units in Building 1).
- iii Provision and management of CCTV.
- iv Provision and adherence with an advertisement and shopfront strategy for retail uses and 'sky bar'.
- v Provision of public realm areas prior to occupation.
- vi Provision of maintenance, use of and access to the on-site public realm.
- vii Provision of cycle parking within shared basement.
- viii Provision of lifetime car club membership for all market and affordable units
- ix Provision of land for installation of Mayor's Cycle Hire docking station.
- x Provision and periodic review of a workplace and residential travel plans.
- xi Provision and maintenance of public access to the Sky Bar in Building 1.

- xii Financial contribution of £522,749 (index linked) to the Carbon Off-set Fund (payable on commencement).
- xiii Provision of skills and employment opportunities for local residents including a financial contribution of £238,644 to Westminster Employment Service and provision of an Employment and Skills Plan.
- xiv Costs of monitoring the agreement (£500 per head of term).

Deed of Variation to Overarching Agreement

- i. Highway works to the public highway to the perimeter of the site to improve footways and carriageways including temporary road finishes repairing and resurfacing works.
- ii. Improvement works to Harbet Road (these were delivered prior to occupation of Building 3).
- iii. A financial contribution of £360,000 (index linked from August 2011 to the date of determination of the current application) towards Harrow Road subway works (prior to occupation of the earlier of Building 1 or Building 2).
- iv. Provision of Kayak Store and bridge across the canal basin (these have been delivered in conjunction with Building 3).
- v. Provision of towpath works (these have been delivered in conjunction with Building 3).
- vi. Off site provision of a waterways facilities incorporating the listed canopy
- vii. Delivery of public realm areas in accordance with landscape masterplan prior to occupation.
- viii. Connection of development to Energy Centre within 3 Merchant Square and provision of an updated specification CHP equipment (relative approved scheme).
- ix. and management of on-site car club spaces.
- x. Provision and management of on-site residential car parking provision within shared basement.
- xi. Provision of electric car charging facilities.
- xii. Provision and adherence with a servicing management strategy.
- xiii. Provision of a green waste composting scheme.
- xiv. Completion of vehicle access ramp below Building 2 before first occupation of Buildings 1, 2 or 6.
- xv. Mitigation measures for television signal interference.
- xvi. Compliance with the Code of Construction Practice (amended to Buildings 2 and 3 only).
- xvii. Compliance with the Local Procurement Code in respect of Buildings 2 and 3 only.

b) the concurrence of the Mayor of London.

2. If the legal agreement and deed of variation to secure the planning obligations has not been completed by 1 August 2019 then:

a) The Executive Director Growth, Planning and Housing 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 Executive Director Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers; however, if not;

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

3. That Sub-Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway in North Wharf Road to enable this development (Building 6) to take place.

4. That the Director Place Shaping and Town Planning be authorised to take all necessary procedural steps in conjunction with the making of the order and to make the order as proposed if there are no unresolved objections to the draft order. The applicant will be required to cover all costs of the Council in progressing the stopping up order.

2 15-20 MANCHESTER SQUARE, LONDON, W1U 3PW

Demolition and replacement of existing fourth floor, demolition of existing plant room, and erection of single storey roof extension at fifth floor and rear extension at second to fifth floor levels in connection with existing office (Class B1) use, provision of new main office entrance, flexible use of part ground and basement floor for either retail or office use (Class A1/B1), creation of roof terrace at fifth floor level, provision of cycle parking spaces and facilities, roof plant and associated external alterations, including replacement windows.

An additional representation was received from Gerald Eve (17.04.19)

The Presenting Officer tabled the following amendments to Condition 6 and Condition 17.

Item 2 15 – 20 Manchester Square, London, W1U 3PU

Condition 6

You must apply to us for details of the following parts of the development:

Public art (to replace that which was part of the original development).

You must not start any work on this part of the development until we have approved what you have sent us. **You must not occupy either the fourth or fifth floors until the public art has been installed in accordance with these details. The public art shall be retained in situ unless agreed in writing by the Local Planning Authority.**

Condition 17

You must not use the west facing fifth floor flat roof of the building (facing Bakers Mews), **or the rear first and second floor flat roofs**, for sitting out or for any other purpose. You can however use **these roofs for maintenance purposes** or to escape in an emergency.

Michael Squire addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted.

3 NATIONAL PORTRAIT GALLERY, 2 ST MARTIN'S PLACE, LONDON, WC2H 0HE

External and internal alterations and extensions to the National Portrait Gallery; including the creation of a new entrance to the north façade and associated works to the public realm involving repositioning of the Henry Irving Statue; erection of a bridge over northern lightwell, an extension within lightwell, and an extension to a lift shaft; alterations to eastern entrance, to gate and railings, to northern lightwell, to service yard, to rooftop plant and structures, to Duveen wing façade following the removal of the Orange Street ramp and other associated alterations, including extensive internal alterations on all floors.

Additional representations were received from the Metropolitan Police Service (10.04.19) and Transport for London (15.04.19)

A late representation was received from Councillor Louise Hyams (19.04.19) on behalf of the three St James's Ward Councillors in support of the application.

Dr Nicholas Cullinan addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted subject to an additional Condition regarding the detailing of the hard landscaping to the existing Orange Street to address the concerns of the Designing Out Crime Officer and that a further Grampian condition be included to secure the following benefit:
 - a) arrangements to facilitate and fund the public realm works.
2. That conditional listed building consent be granted.
3. To agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notices.
4. To agree that minor changes are required to the wording of several the draft conditions on the planning permission and listed building and content for officers to make these changes to be agreed under delegated powers.

4 41 ABBEY ROAD, LONDON, NW8 0AA

Demolition behind retained central bay facade and redevelopment to provide a new building comprising basement, lower ground, raised ground and three upper floors to provide an elderly care facility (Use Class C2) communal and welfare/medical areas, cycle storage, landscaping and tree works and associated works.

Additional representations were received from the Director of Place Shaping and Town Planning (17.04.19) recommending an addition Condition 32 to secure a financial contribution towards tree planting in the vicinity of the application site and addition informative No 20, Gerald Eve (11.04.19) & (09.04.19) and Chelsea Court Place, (17.04.19),

Late representations were received from a resident (18.04.19) and the Director of Place Shaping and Town Planning (23.04.19).

The Presenting Officer tabled the following additional Informative(s)

Item. 4 Abbey Road, London, NW8 0AA

To reiterate the strong protection afforded bat species and the requirement to obtain a license from Natural England for works that may affect them, as per condition 26, the following informative is recommended:

Informative

22. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a

bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, Annex IV of the Habitats Directive 1992 and the Countryside and Rights of Way Act 2000.

James Cook addressed the Sub-Committee in support of the Application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to an additional Grampian Condition No 32 to secure tree planting in the vicinity/ St John's Wood Area.

5 ARMY RESERVE CENTRE, 52 - 56 DAVIES STREET, LONDON, W1K 5HR

Use of part basement, ground, first, part second and part third floors of 56 Davies Street as event space (sui generis) for a temporary period of 36 months.

Additional representations were received from a resident (Unknow), Crossrail (12.04.19) and Geraldeve (15.04.19),

The Planning Officer tabled the following amendments to Condition 5 and an additional Condition.

Item 5. Army Reserve Centre, 52-56 Davies Street, W1

Amendments:

Condition 5

~~No loading or unloading shall take place and Staff customers~~ shall not be permitted within the premises before ~~07.00~~ **08.00** or after 00.00 (~~Sunday to Wednesday~~ **Monday to Friday**), or before ~~07.00~~ **10.00** or after ~~01.00 (the following morning)~~ (~~Thursday to Saturday~~) **00.00 (Saturday and Sunday)**.

No loading or unloading shall be take place other than between 08.00 and 23.00 (Monday to Friday) or between 10.00 and 23.00 (Saturday and Sunday).

[No change to reason for condition]

Additional Condition 12

Attendees of events shall only be permitted within the premises between the following hours:

- 18.45 – 23.30 (Tuesday to Saturday)
- 18.15 – 23.00 (Sunday).

: Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 5 of our Unitary Development Plan that we adopted in January 2007.

Thomasin Renshaw addressed the Sub-Committee in support of the Application.

RESOLVED UNAMIOUSLY:

1. That conditional permission, as amended, be granted for a temporary period of 36 months.

2. That the amended Condition 5 as tabled at committee be changed in respect of Sunday servicing hours be altered to the hours between 10.00hrs -22.00hrs.

The Meeting ended at 9.21 pm

CHAIRMAN: _____ **DATE** _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 7th May 2019
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 18/09683/FULL Vincent Square	Denison House 292 Vauxhall Bridge Road London SW1V 1AE	Demolition of existing building to basement slab level and erection of a new building comprising basement, ground and 11 upper levels together with rooftop plant to provide a hotel (Class C1) with associated ancillary facilities including all necessary enabling works.	
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 19/00531/FULL West End	127-133 Charing Cross Road London WC2H 0EA	Refurbishment and extensions to existing building including three additional floors at roof level and rooftop plant enclosure, replacement of external facades and terraces at first to sixth floor level; to provide retail (Class A1), office (Class B1) and nightclub (Sui Generis) floorspace.	
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 7th May 2019
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

3.	RN(s) : 19/03014/ADV West End	46 Berkeley Square London W1J 5AT	Flowers arranged over scaffolding on front elevation for a temporary period from 19 May 2019 -27 May 2019	
	Recommendation Refuse advertisement consent - visual amenity and setting of listed building			

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 May 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Vincent Square	
Subject of Report	Denison House, 292 Vauxhall Bridge Road, London, SW1V 1AE		
Proposal	Demolition of existing building to basement slab level and erection of a new building comprising basement, ground and 11 upper levels together with rooftop plant to provide a hotel (Class C1) with associated ancillary facilities including all necessary enabling works.		
Agent	Ms Kate Outterside, DP9 Limited		
On behalf of	CitizenM London Victoria Properties B.V.		
Registered Number	18/09683/FULL	Date amended/ completed	20 February 2019
Date Application Received	13 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	No, but adjacent to the Westminster Cathedral Conservation Area.		

1. RECOMMENDATION

- | |
|--|
| 1. Subject to referral to the Mayor of London, grant conditional permission. |
|--|

2. SUMMARY

Dension House is not listed and is not located within a conservation area but is adjacent to the Westminster Cathedral Conservation Area. Planning permission is sought to demolish the existing building to basement slab level and erect a new building comprising basement, ground and 11 upper levels together with rooftop plant to provide a hotel (Class C1) with associated ancillary facilities, including all necessary enabling works.

The key considerations are:

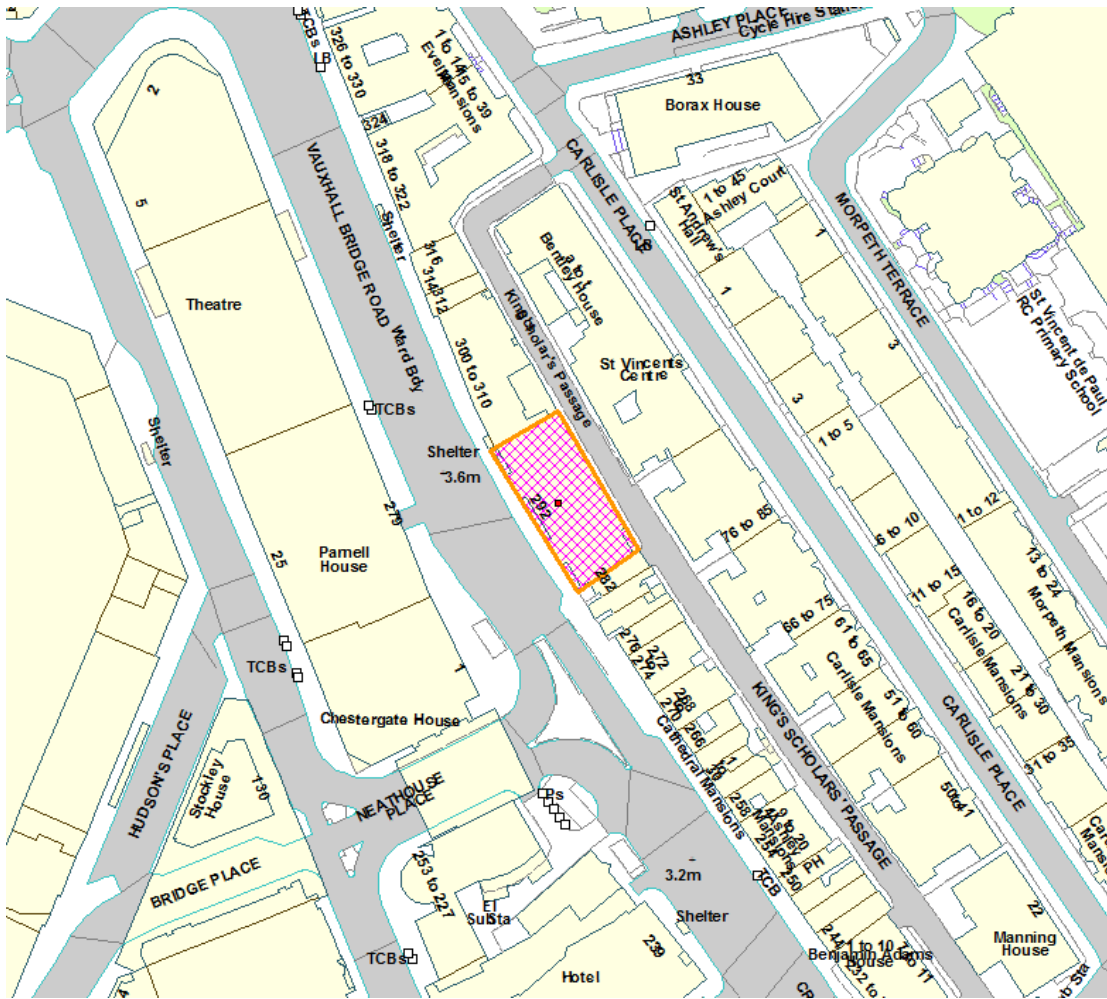
- The impact of the proposal on the character and appearance of the area;
- The land use implications of the proposal;
- The impact of the proposal on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

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.

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



Front of Denison House, 292 Vauxhall Bridge Road



Rear of Denison House, King's Scholars' Passage

5. CONSULTATIONS

WARD COUNCILLORS FOR VINCENT SQUARE

Any response to be reported verbally.

GREATER LONDON AUTHORITY

- The application is supported in principle, though is not fully compliant with the London Plan and draft London Plan.
- The loss of the existing office building is justified in the context of the provision of a small scale hotel within an accessible location within the commercial core of the CAZ.
- The height, massing and architectural rationale of the development is supported.
- The communal areas and 10% of all rooms must be fully wheelchair accessible and this should be secured by condition.
- The applicant must provide further clarification with regard to the site-wide energy network, heating and renewable energy. Connection to the Pimlico District Heating Undertaking (PDHU) network should be prioritised and evidence of correspondence with the network operator should be provided.
- A revised surface water drainage strategy is required to reflect greenfield run off rate and additional attenuation storage volume calculations and SuDs maintenance information is required.
- The proposal to utilise the existing parking for blue badge parking is not accepted and alternative arrangements should be identified and secured. Further detail is required in terms of trip generation, coach parking/drop off and delivery and servicing.
- Discussions are required with TfL regarding provision of cycle parking and construction deliveries on Vauxhall Bridge Road.

TRANSPORT FOR LONDON

- Vauxhall Bridge Road is part of the Transport for London Road Network (TLRN).
- A secondary access at the southern end of the site frontage, for servicing and deliveries, will provide access to the basement lifts and the applicant will be required to enter into a s278 agreement with TfL for any works on the highway.
- No modal split assessment has been provided with regard to trip generation and is required in order to determine whether any financial contributions are required in order to mitigate the impact of the development on the public transport network.
- A condition requiring hours of servicing to be restricted to between 10pm and 6pm is required to be secured by condition, subject to further analysis from TfL.
- A Delivery and Servicing Management Plan (DSP) must be agreed in conjunction with TfL and should be secured by condition.
- TfL would be resistant to taxi pick-up activity occurring on the Vauxhall Bridge Road frontage, as it is likely that this activity will use the already well-used loading bay.
- A Taxi, Private Hire and Coach Management Strategy is required to be produced and should be secured by condition.

- Disabled spaces should be 50m walk of the site. Secondary access from King's Scholars' Passage should be provided so that the blue badge spaces on Carlisle Place can be accessed with a reasonable walking distance of the site.
- The acceptability of the Demolition and Construction Management Plan will be subject to further discussion with TfL so that it can be ensured that traffic, including pedestrians on the footway, and bus services on Vauxhall Bridge Road remain unaffected.

WESTMINSTER SOCIETY

- Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM

- Any response to be reported verbally.

VICTORIA BID

- Any response to be reported verbally.

CATHERDRAL AREA RESIDENTS GROUP

Object on the following grounds:

- The existing building is less than 30 years old.
- Construction would have to take place on a very constrained site.
- Impact on conservation area.
- Loss of light, overlooking, light and noise pollution, kitchen exhaust, vibration impact on neighbouring residential properties.
- Mass of proposed building would increase canyonisation of King's Scholars' Passage to the rear.
- Design unsympathetic to other buildings in the terrace.
- Loss of office accommodation.
- Increase local flood risk.
- Traffic increase and rat-running through the residential streets of the Cathedral area.
- Inactive façade to King's Scholars' Passage making anti-social behaviour worse.

DESIGNING OUT CRIME OFFICER

- Any response to be reported verbally.

HIGHWAYS PLANNING

- Coaches can set down and pick up for 20 mins from the marked loading bays in the vicinity of Vauxhall Bridge Road and as such if coaches were to turn up at the application site it is unlikely to have a significant adverse impact on the surrounding public highway.
- In terms of servicing it is not considered that the likely level of trip generation would increase to a level which would have a significant adverse impact on the surrounding public highway especially given the loading/unloading opportunities in the vicinity.
- Cycle parking should be secured by condition. All cycle parking should be provided within the confines of the site, however this matter is left to TfL.
- Doors must not open over public highway, requires an amending condition.

CLEANSING MANAGER

- Revised details required as food waste is stored in 140L bins not 240L bins. One 90L bin and one 140L bin is preferred. The 4 x 1,100Lbins are not labelled R for recycling and W for waste as required by the council's waste storage guidance.

ENVIRONMENTAL HEALTH

- No information about extraction and ventilation system to manage smell associated with cooking has been provided. Additional information is required to be secured by condition to demonstrate that the risk of nuisance arising from cooking smells shall be sufficiently mitigated.

BUILDING CONTROL

- Any response to be reported verbally.

INITIAL CONSULTATION ON ORIGINAL PROPOSALS (November 2018)**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS**

No. Consulted: 207; Total No. of Replies: 11.

11 letters of objection received from or on behalf of residents in the adjoining flats, which can be summarised as raising the following concerns:

AMENITY

- Loss of daylight and sunlight.
- Overshadowing.
- Loss of privacy and overlooking from additional windows.
- Noise and nuisance.
- Noise from the use itself.
- Loss of reflected light.
- Light from hotel use.
- Smells from kitchen ventilation, kitchen extract must not be expelled onto King's Scholar's Passage.
- Plant noise, plant should be in basement due to proximity of neighbouring residents.

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 character with the area, mansion blocks and neighbouring conservation area.
- Modular construction with cheap exterior and does not fit in.
- Building too high and too dark and would canyonise King's Scholar's passage.

HIGHWAYS

- Question if there is enough parking space for coaches and cars.
- Traffic impact and air pollution.

- Not a suitable location for a hotel of this scale as Vauxhall Bridge Road is a main north/south London traffic artery on a red route and so vehicles will not be able to stop outside the hotel and so will affect bus operations and bus stops on the vicinity.
- Servicing requirements will increase congestion.
- Pavement not wide enough, in disrepair and will not accommodate the additional footfall. Hotel should pay for this upgrading and widening.

OTHER

- Demolition of existing buildings is environmentally wasteful.
- The proposals would exacerbate the antisocial problems in King's Scholars' Passage, rather than improve it.
- Noise, disruption and dust from construction works.
- Concerns about impact on sewage, drainage and flood risk issues.
- 2015 permission was a bad decision which ignored the comments of previous residents.
- Loss of light from previous decision led to rights of light action.
- Development should enable residents to enter from Kings Scholar's Passage to discourage antisocial behaviour.
- Café and lounge should be moved to King's Scholar's Passage facing side of hotel to make street more welcoming.
- Development should link Kings Scholar's Passage and Vauxhall Bridge Road with walkway to allow access between.
- Potential structural impact on adjoining buildings.
- Waste of resources to demolish building, should be reconditioned.
- Loss of income to landlords renting apartments in surrounding properties.
- Use of King's Scholars' Passage during construction will affect access for residents.
- Quality of modular structure and single purpose nature of development.
- Reference made to a residents' petition against the development being gathered prior to the revised scheme. No petition received at this time.

SECOND CONSULTATION ON REVISED PROPOSALS (February 2019)

Application revised to respond to objections raised during first round of consultation. Revised proposals include a reduction in height of proposed building at rear eleventh floor level, change in colour of proposed facades and updated supporting information.

CATHEDRAL AREA RESIDENTS GROUP

Maintain their objection to the proposals, for reasons previously given.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. reconsulted: 215; Total No. of Replies: 5 and petition to applicant containing 119 signatures from residents in Carlisle Mansions West (dated **prior** to the revised scheme)

Objections reiterate original concerns outlined above. Petition raises no additional issues. Three letters of objection received from residents in the adjoining flats, raising the following additional concerns; building should be used for affordable housing/housing

given the housing shortage, welcome proposed reduction in height and lightening colour of the façade.

Two letters of support from residents who previously objected to the proposals on the grounds that the revised proposals will help revitalise the Vauxhall Bridge Road area and help to eliminate the anti-social behaviour that currently occurs in King's Scholars' Passage and that applicant's business strategy is to have a long-term commitment to the area and that they seem willing to engage with and support the neighbourhood.

6. BACKGROUND INFORMATION

6.1 The Application Site

Denison House is unlisted and is not located within a conservation area, but lies adjacent to the Westminster Cathedral Conservation Area. The building is located at the north end of Vauxhall Bridge Road on the eastern side. The site is located within the Core Central Activities Zone (CAZ). Vauxhall Bridge Road is part of the Transport for London road network (TLRN).

The existing building comprises basement, ground and seven upper floors plus roof plant and is currently occupied as offices by the Press Authority. The seventh floor is set back with rooftop plant enclosures above. The building has a frontage on Vauxhall Bridge Road which is a TfL Red Route and backs onto King's Scholars' Passage and the rear of the listed Carlisle Mansions (six storeys above basement). The King's Scholars' Passage frontage provides pedestrian access and vehicle access via a lift for basement car parking.

6.2 Recent Relevant History

A certificate of lawfulness for the existing use of the building as offices (Class B1) including residential units at seventh floor level, was issued in March 2019. The certificate application was submitted concurrently to this planning application and neighbour notification was undertaken. The certificate establishes the prevailing use of the building in its entirety as offices (Class B1).

Planning permission was granted in December 2015 for the use of part ground and part first floors for either retail (Class A1), financial and professional services (Class A2) or restaurant (Class A3) use; part ground, part first floor and second to ninth floors to provide 26 residential flats (Class C3) and basement for plant, car and cycle parking; erection of a roof extension and plant room; installation of photovoltaic panels at roof level and associated external alterations to the facades including of inset balconies at second to ninth floors levels. This planning permission was not implemented and has subsequently expired.

268-282 Vauxhall Bridge Road

Planning permission was refused in October 2018 at the adjoining site at 268-282 Vauxhall Bridge Road for the demolition of the existing six unlisted buildings of varying heights comprising office, hotel and residential units and their replacement 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). Permission was refused on the grounds of sense of enclosure and loss of light to the residents of Carlisle Mansions to the rear of the site. The applicant has appealed the decision and a Public Inquiry is set to take place in July 2019.

7. THE PROPOSAL

This application seeks to demolish the existing building to basement slab level and erect a new building comprising basement, ground and 11 upper levels together with rooftop plant to provide a hotel (Class C1) with associated ancillary facilities, including all necessary enabling works.

The hotel would be accessed from Vauxhall Bridge Road and contain 232 guestrooms with lounge/ café and front of house at ground floor level.

The existing and proposed floorspace figures are set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Use Class B1)	5,512	-	-5,512
Hotel (Use Class C1)	-	7,078	+7,078
Total	5,512	7,078	+1,566

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of office use

The proposal will result in the loss of 5,512 sqm 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. 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.

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.

The proposed hotel will comprise 232 rooms, including accessible rooms. Back of house, waste storage, cycle parking, WC's, plant and an energy centre will be provided at basement level, with front of house and a lounge/café at ground floor level. Screened plant is to be provided at main roof level. The entrance will be on Vauxhall Bridge Road only. No access to the hotel is provided on King's Scholars' Passage, only two escape doors from the stair cores are provided.

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 number of hotels 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

Located on the east side of Vauxhall Bridge Road, the application site is a 1980s office building which lies outside of a designated Conservation Area but is within the immediate setting of the Westminster Cathedral Conservation Area to the east. Comprising basement, ground and seven upper storeys the building is comparable in scale to the developments directly to the north and opposite on the western side of Vauxhall Bridge Road, however it towers above the smaller scale more traditional terrace to the south. The existing 1980s building is of limited architectural quality and the principle of its redevelopment has to some extent been established by the 2015 approval for a largely residential scheme which allowed a roof extension and substantial elevation alterations.

In design and townscape terms the proposed building is comparable in height to the neighbouring commercial buildings which characterise the northern end of Vauxhall Bridge Road and would not appear out of scale or visually detrimental to the area. The intended building is no taller than the previously approved scheme for residential use, including external plant which is welcome. Furthermore, the rear building line has been set back and previously approved balconies removed, which minimises the potential impact on King's Scholars' Passage, and creates a quieter elevation.

At the front the 11th (top) floor and plant room is set back from the principal façade reducing the potential bulk. As a result of resident's concerns over the proposals as originally submitted, the bulk of the rear of the top floor has been significantly reduced

during determination by establishing a setback. In terms of height, the development is lower than the previously approved scheme, and with the rear being set back and the roof tiered, its bulk is considerably reduced.

Whilst the building is constructed of a modular system, the facade has been treated in three parts. The ground floor is largely glazed, segmented by slender polar white glass reinforced concrete fins which continue up the building integrated into its grid design. The main section of the façade (Floors 1-8) displays a framework composed of polar white reinforced concrete vertical fins, deep set horizontal silver anodised aluminium panels and anodised aluminium glazed curtain walling. Floors 9-10 are articulated by half width apertures emphasising more vertical proportions. The 11th and top floor is demarcated by closely set aluminium fins.

The rear exhibits more solidity, though unlike the current building, the ground floor includes glazing which will improve surveillance onto King's Scholars' Passage. The facade incorporates polar white glass reinforced concrete panels alongside a framework articulating narrower window apertures in the same material. To reduce overlooking and improve privacy, the glass is partially obscured by an opaque fritted pattern. Like to the front, the top floor is articulated by closely set aluminium fins as well as aluminium panels.

The immediate area exhibits a diverse pallet of materials, as such the combination of concrete, metal and glass are not opposed. To ensure their quality, samples of the materials are secured by condition.

It is considered that the proposed building is of sufficiently high quality and will add interest to this part of Victoria. It is considered to comply with the City Council's urban design and conservation policies including City Plan: Strategic Policy S28 and DES 1, DES 4 and DES 10 of the UDP.

8.3 Residential Amenity

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

There are residential properties approximately 10m to the rear of the site on King Scholar's Passage. Objections have been received from residents of Carlisle Mansions that face onto King's Scholar's Passage on the grounds of loss of light, loss of privacy and noise. The proposals have been revised during determination in response to concerns raised. The alterations include the reduction of one floor at the rear of the building together with reduced floor to floor heights throughout the building resulting in the height of the parapet on the King's Scholars' Passage elevation being reduced by approximately 3.25m with an overall approximately 350mm reduction in height across the whole building.

The façade material has been changed from liquid black to off-white. A stepped back screen is proposed on the lower roof of Level 10 on King's Scholars' Passage elevation, to conceal the proposed plant. Plant has also been located within the floorplate of the 10th floor, out of sight.

As a consequence of the proposed amendments, the overall number of bedspaces has been reduced by 10 to 232 bedspaces.

Sunlight and Daylight

In terms of daylight, VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, The BRE guide states that if a living room of an existing dwelling has a main window facing within 90 degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal (measured from the centre of the windows in a vertical section perpendicular to the window), then the sunlighting of the dwelling may be adversely affected. The room may appear colder and less cheerful and pleasant. This will be the case if the centre of the window:

- Receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of annual probable sunlight hours between 21 September and 21 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.

Objections have been received on the grounds that the proposed increase in height will result in a loss of daylight and sunlight for the neighbouring properties to the rear of the site, namely Carlisle Mansions. The applicant has undertaken a daylight and sunlight assessment in accordance with the BRE guidelines. The properties included in the assessment are 76-85 Carlisle Mansions and St Vincent's Centre

Although the VSC results show that the majority of windows tested within 76-85 Carlisle Mansions adhere to the BRE guidelines in terms of daylight, there will be reductions to the VSC value beyond that recommended in the BRE guidelines to 2 windows (at ground and first floor level). However these windows only just fall below the guidelines, with former values of 0.79, i.e. a 21% reduction. The VSC results for St. Vincent's Centre show that 86% (i.e. 22) of the windows tested adhere to the BRE guidelines. With the exception of three windows, the windows falling below the guidelines have former values ranging between 0.71 – 0.79. Many of the windows are enclosed by two elevations of St. Vincent's Centre, which restricts natural light, making the windows much more reliant on light from over the top of existing site.

In terms of daylight distribution 76-85 Carlisle Mansions results show 28 (68%) of the 41 rooms tests adhere to the BRE guidelines. Of the 13 rooms falling below, 11 (27%) are more borderline with ratio reductions of 0.70-0.78. The remaining 2 rooms (5%) obtain ratio reductions of 0.65 and 0.66. The daylight distribution results for St Vincent's Centre

show that 62 (74%) of the 84 rooms adhere to the BRE guidelines. Of the 22 rooms falling below, 12 (14%) are more borderline with ratio reductions of 0.70-0.78. The remaining 10 rooms (12%) again have restricted light levels at present, making the rooms more sensitive to changes in light.

In terms of sunlight there will be reductions to the APSH value beyond that recommended in the BRE guidelines to two windows within 76-85 Carlisle Mansions. The two windows that do not fully comply are located in the recessed areas of the property which already have lower sunlight availability and these windows only just fall below the guidelines, with ratio reductions of 0.74. There will be reductions to the APSH value beyond that recommended in the BRE guidelines to 13 windows within St. Vincent's Centre. However, of these 3 are borderline with ratio reductions of 0.70 - 0.78 and the remaining 10 rooms are windows with restricted light levels at present.

The daylight and sunlight results for 76-85 Carlisle Mansions show that the majority of the rooms tested adhere to the BRE guidelines. The windows/rooms that do not adhere mostly fall just below the BRE guideline recommendations for ratio reductions of 0.8. The rooms which fall below the guidelines are recessed which serve to diminish the potential daylight they can receive in the existing condition and therefore it is inevitable to have some reductions greater than the BRE guidelines where existing levels are already well below the BRE guideline recommendations.

The results for St Vincent's Centre shows the majority of the windows and rooms tested adhere to the BRE guidelines for daylight and sunlight. In most cases, the rooms that do not adhere only just fall below the guidelines recommendations. There are low levels of daylight and sunlight in the existing condition at the basement and ground floor levels which can skew the ratio reduction tests, whereby even a small reduction in daylight might appear to be a large reduction, when in reality it is imperceptible. As with Carlisle Mansions, the existing recessed/courtyard design of the St. Vincent's Centre serve to reduce the daylight to the existing windows/rooms.

The design of the proposed development has evolved as a response to limit the daylight and sunlight impact on neighbouring properties. Given the urban context and the existing massing of adjoining buildings the proposed development is not considered to have a sufficiently harmful impact on daylight and sunlight to justify refusal of planning permission and would represent a marked improvement over the previous permission.

The results show that there has been a significant improvement with the revised proposal, in comparison to the originally submitted scheme, which was comparable to the 2015 approval. The majority of the windows/rooms tested for 76-85 Carlisle Mansions and the St Vincent's Centre obtain levels that meet or exceed the BRE guidelines.

Where there are greater reductions in the daylight distribution it is clear the majority of the windows affected are already limited from receiving natural light, due to the recessed design. Such examples of this are where windows/rooms within Carlisle Mansions have their return flank acting as a blinker, or the lower floor levels within the St Vincent's Centre.

Privacy, Sense of Enclosure and Noise

In terms of privacy, objections have been received on the grounds that there will be increased overlooking and a loss of privacy from the windows along the rear elevation on King's Scholars' Passage. The proposals have been revised to include additional opaque glazing and frit has been introduced in the accessible rooms on the King's Scholars' Passage elevation, which serves to further reduce to the amount of clear glazing on this elevation to protect privacy of neighbouring residents. It is recommended that the fritting is secured by condition and that a condition is applied requiring all windows and doors on the elevation to be fixed shut.

Given the windows already exist in the rear elevation of the building, albeit serving the office occupiers at present, and as this is a dense urban location where overlooking is not uncommon it is not considered that the proposals would lead to an unacceptable loss of privacy or increase in noise to neighbouring residential occupiers.

With regard to concerns about increased sense of enclosure, the additional height created by extending the building amounts to approximately six metres at its highest point. Following the revisions, which reduce the massing by one floor at the rear of the building thus reducing the height of the parapet on the King's Scholars' Passage elevation by approximately 3.25m and a reduction in height across the whole building by approximately 350mm, it is considered that the resulting relationship between the extended building and neighbouring buildings would not result in an increased sense of enclosure sufficient to justify refusing the application.

Mechanical plant is proposed internally at basement and tenth floor level and screened externally at rear eleventh floor and main roof level. Environmental Health officers have confirmed that they have no objection subject to the Council's standard noise conditions and the submission of a supplementary acoustic report once the plant items have been chosen. Subject to these conditions, it is considered that the plant will not result in noise nuisance or a loss of residential amenity.

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.

Trip generation

With regard to trip generation, both the Greater London Authority and Transport for London have commented that no modal split assessment has been provided and is required in order to determine whether any financial contributions are required in order to mitigate the impact of the development on the public transport network.

The applicant's transport consultant has been in discussion with Transport for London on this point. Whilst TfL's concerns are noted, the information that has been provided is on balance considered satisfactory given the relatively small scale of the development, which would not be expected to result in significant detrimental highway safety or

operation subject to the conditions recommended in relation to coaches and taxis and deliveries and servicing set out below.

Coaches and taxis

The Highways Planning Manager considers there is adequate opportunity on Vauxhall Bridge Road for coaches and taxis to serve the hotel without creating a significant adverse impact on the surrounding public highway. Transport for London has requested that a Taxi, Private Hire and Coach Management Strategy is provided 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 is an existing loading bay in front 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. An additional condition requiring that all deliveries and servicing takes place between the hours of 10pm and 6am unless otherwise agreed in writing, has also been requested by TfL.

No servicing for the hotel will take place to the rear on King's Scholars' Passage.

Car Parking

The development is car-free which is welcomed. In terms of disabled parking, Transport for London has commented that secondary access from King's Scholars' Passage should be provided so that the blue badge spaces on Carlisle Place can be accessed with a reasonable walking distance of the site, in line with DfT guidance which requires disabled parking to be within 50m of the site, however given the limitations of the site the proposed arrangements are considered satisfactory.

Cycle parking

In terms of the hotel, the application proposes 14 cycle spaces at basement floor level which is higher than required by policy and a further four short-stay spaces on-street, the acceptability of which will be subject to further discussion with TfL. It is recommended that the cycle parking within the application site is secured by condition.

8.5 Economic Considerations

The proposed development would provide employment opportunities during construction and would create 121 FTE jobs once operational. A condition is recommended to secure an employment and training opportunities strategy during construction and for the hotel use.

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

The proposed development has been designed to meet the requirements of the Disability Discrimination Act (DDA) and incorporates the principles of inclusive design. The public entrance will have level access with lift access provided to all floor levels. 10% of hotel bedrooms in both hotels will be wheelchair accessible in accordance with the London Plan's requirements, which it is recommended is secured by condition.

8.7 Other UDP/Westminster Policy Considerations

Plant

Mechanical plant is proposed internally at basement and tenth floor level and screened externally at eleventh and main roof level. 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.

Refuse /Recycling

A dedicated refuse storage space which is located at basement level and accessed via the servicing access on the right side of the main façade and it is understood that hotel management will assist with movement of bins on collection days. 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 39% over Part L of the 2013 Building Regulations and therefore exceeds 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 to ensure that their provision is maximised. The applicant proposes a combined heat and power system to heat the building and provide hot water. The development is designed to allow future connection to a district heating network and an update on the feasibility of the connection to the Pilmico District Heat network is required by a condition requiring submission of a revised Energy Strategy and Sustainability Statement.

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, which sets out appropriate flood evacuation procedures and measures. The Environment Agency raises no objection to the proposals.

Sustainable Urban Drainage Systems

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDs) 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.

A revised Flood Risk Assessment & Surface Water Drainage Strategy is required by condition which should reflect greenfield run off rate and additional attenuation storage volume calculations and provide further information with regard to SUDs maintenance.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the

NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 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.

8.10 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.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.11 Planning Obligations

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

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

Mayoral CIL 2: £219,240.00 (index linked)
Westminster CIL: £373,297.42 (index linked)
Total CIL: £592,537.42 (index linked)

8.12 Environmental Impact Assessment

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

8.13 Other Issues

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 (CoCP).

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.

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 proposed hotel will be staffed 24 hours a day unlike the current building. It will feature a uniform façade which will help prevent loitering. The lounge/cafe extends to the rear with windows facing King's Scholars' Passage. It is recommended to secure by condition that all ground floor windows are left clear and free from vinyl. 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.

The proposals have been revised during determination in conjunction with the Metropolitan Police to address concerns raised. The ground floor fire escape doors that lead to King's Scholars' Passage have been moved out and are now flush with the façade and the GRC ledge at first floor level height on King's Scholars' Passage has been angled to prevent climbing/anti-social behavioural issues.

Sewage, drainage and flood risk

Concerns have been raised about impact on sewage, drainage and flood risk issues. The applicant has confirmed that to avoid construction works around the Thames Water combined sewer, it is proposed to use the existing connection to the Thames Water public combined sewer on Vauxhall Bridge Road. The drainage and sewage proposal for

the hotel includes a separate foul water pump and pumped surface water storage in the basement (designed to manage a 1 in 100 year storm), that will lower the risk of flooding following heavy rain. The mansion blocks on Carlisle Place/Morpeth Terrace are served by different sewers. The hotel will only be served by the sewer in Vauxhall Bridge Road therefore the development would not have any effect on the sewers serving the mansion blocks. An informative is recommended advising the applicant to contact Thames Water.

Quality of modular construction

Objection has been raised on the grounds of waste of resources to demolish the existing building, which should be reconditioned. The applicant has explained that existing building would require extensive and obtrusive remodelling to achieve the current building standard requirements, resulting in significant disruption. The applicant intends to utilise modular construction, where the development of the modular components relates only to the delivery and installation of guest rooms which will enable a shorter construction period and improve constructability in an urban environment.

Structural concerns/ Loss of rental income

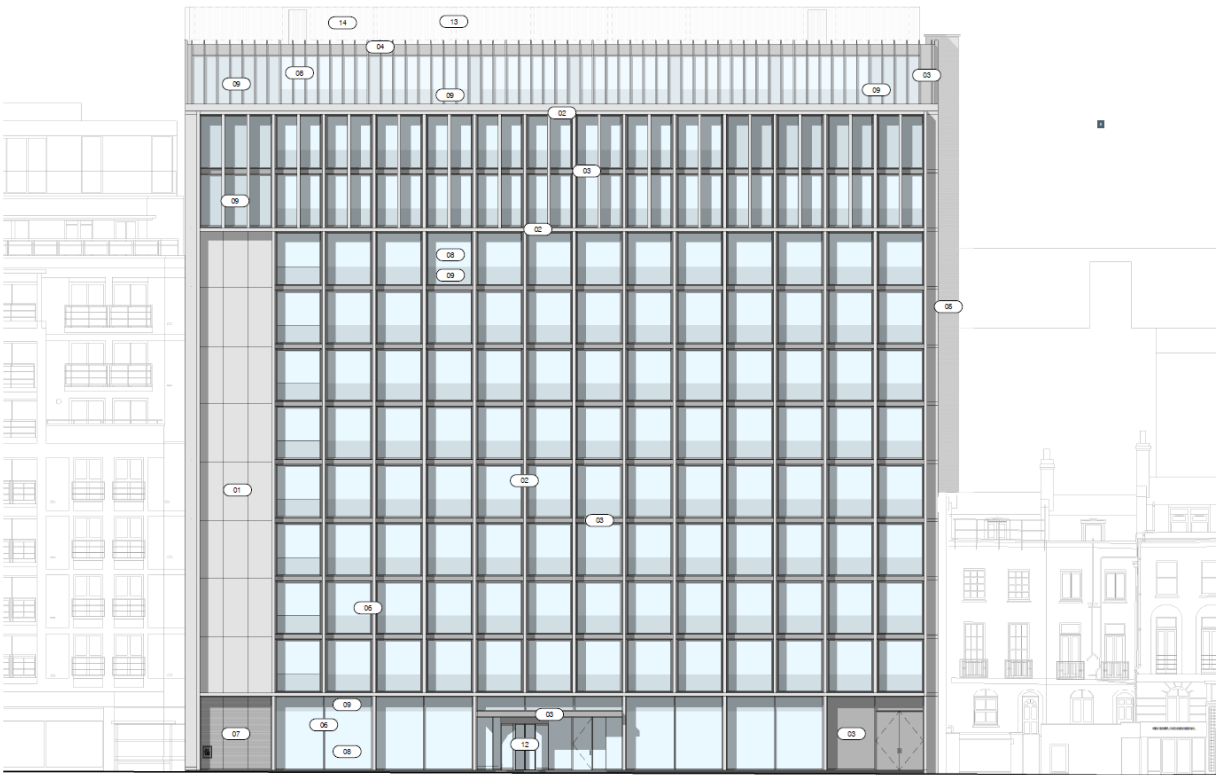
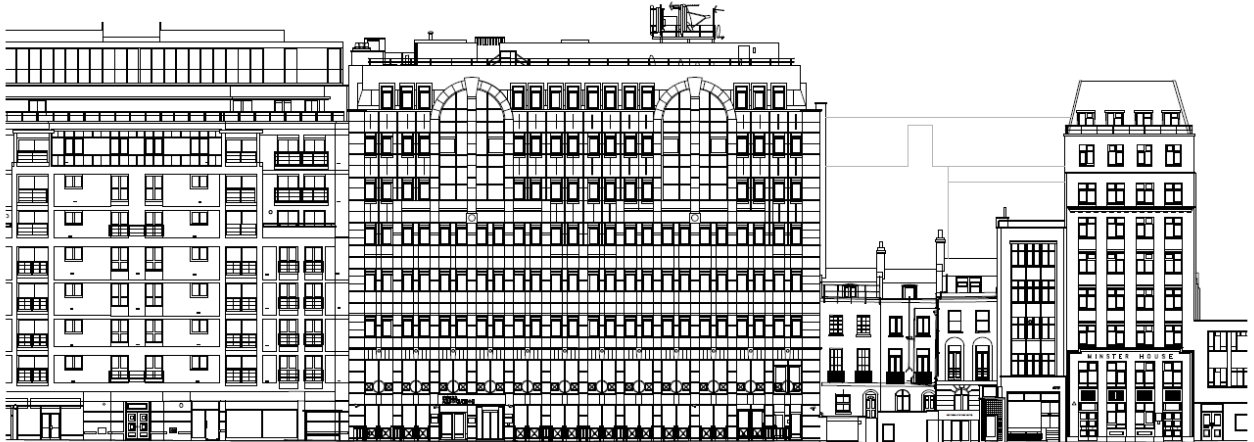
Objections have additionally been received on the grounds of potential structural impact on surrounding buildings and loss of income to landlords renting apartments in surrounding properties. Such matters are not material planning grounds and planning permission cannot be reasonably withheld on these grounds.

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

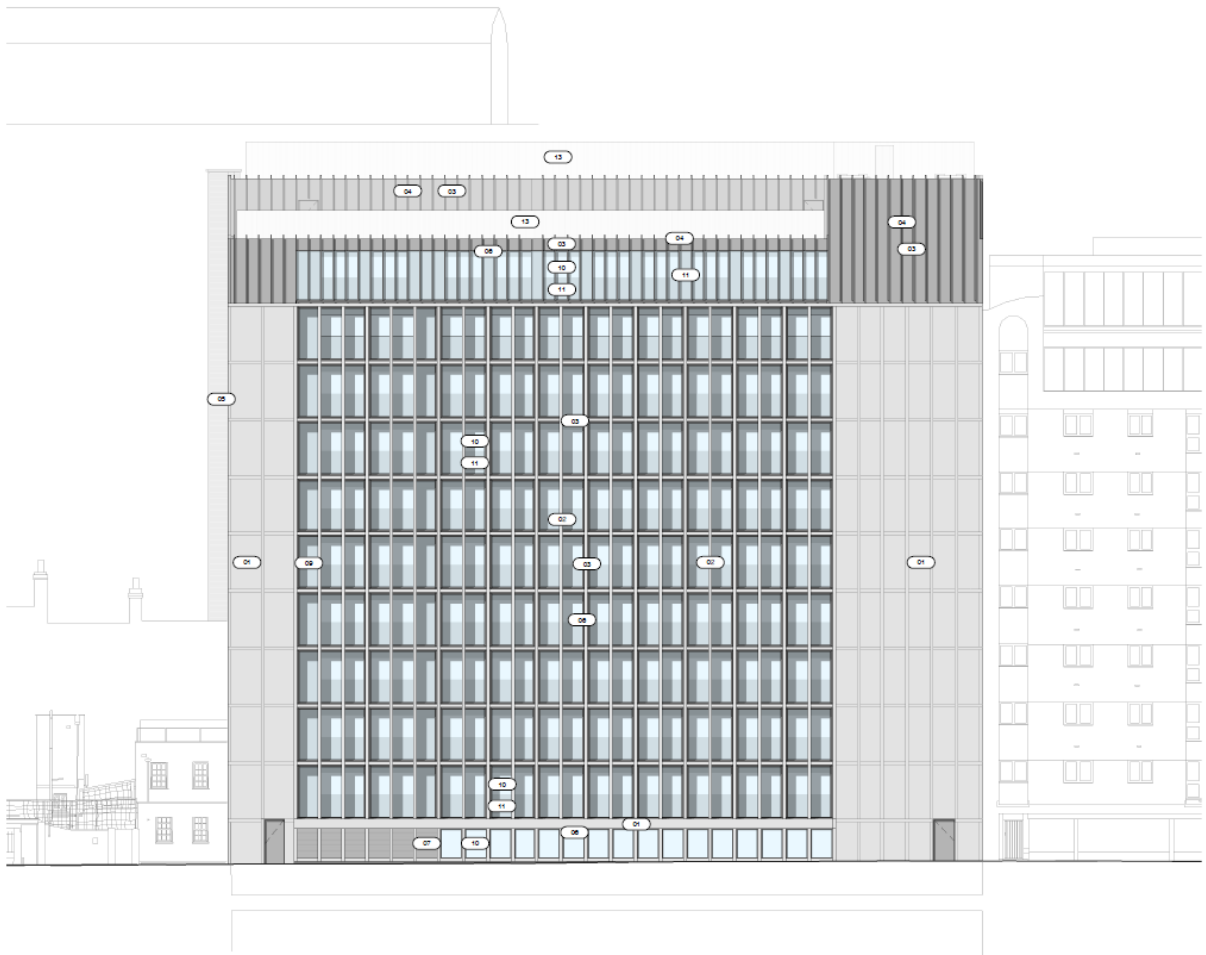
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SEBASTIAN KNOX BY EMAIL AT sknox@westminster.gov.uk.

9. KEY DRAWINGS

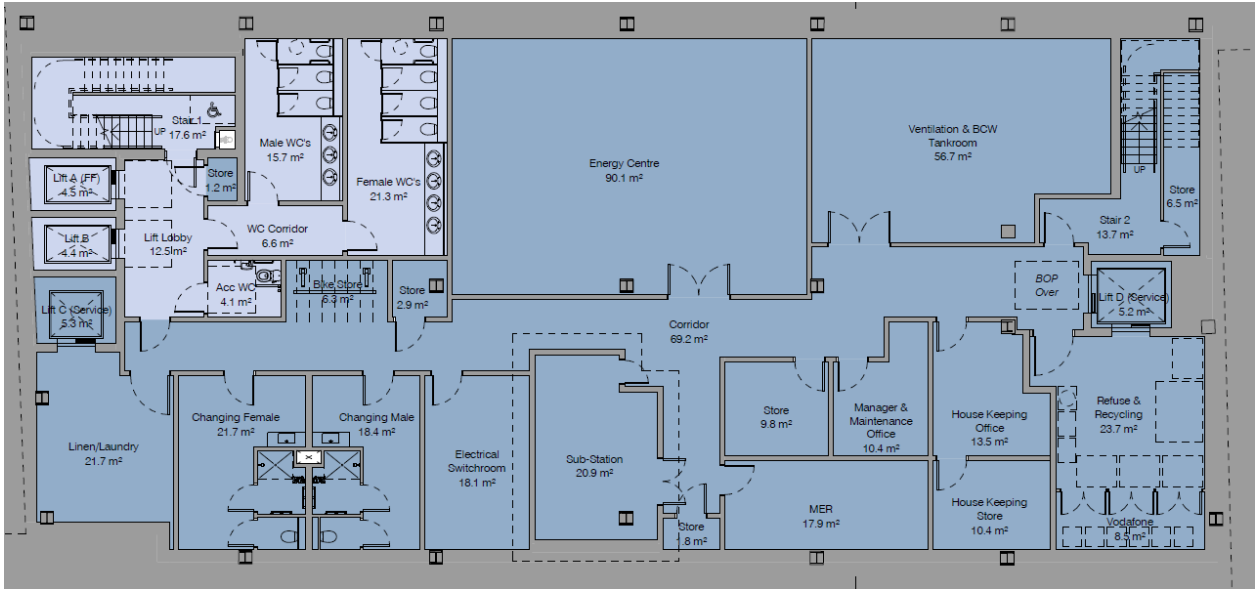
Existing and Proposed Vauxhall Bridge Road elevation



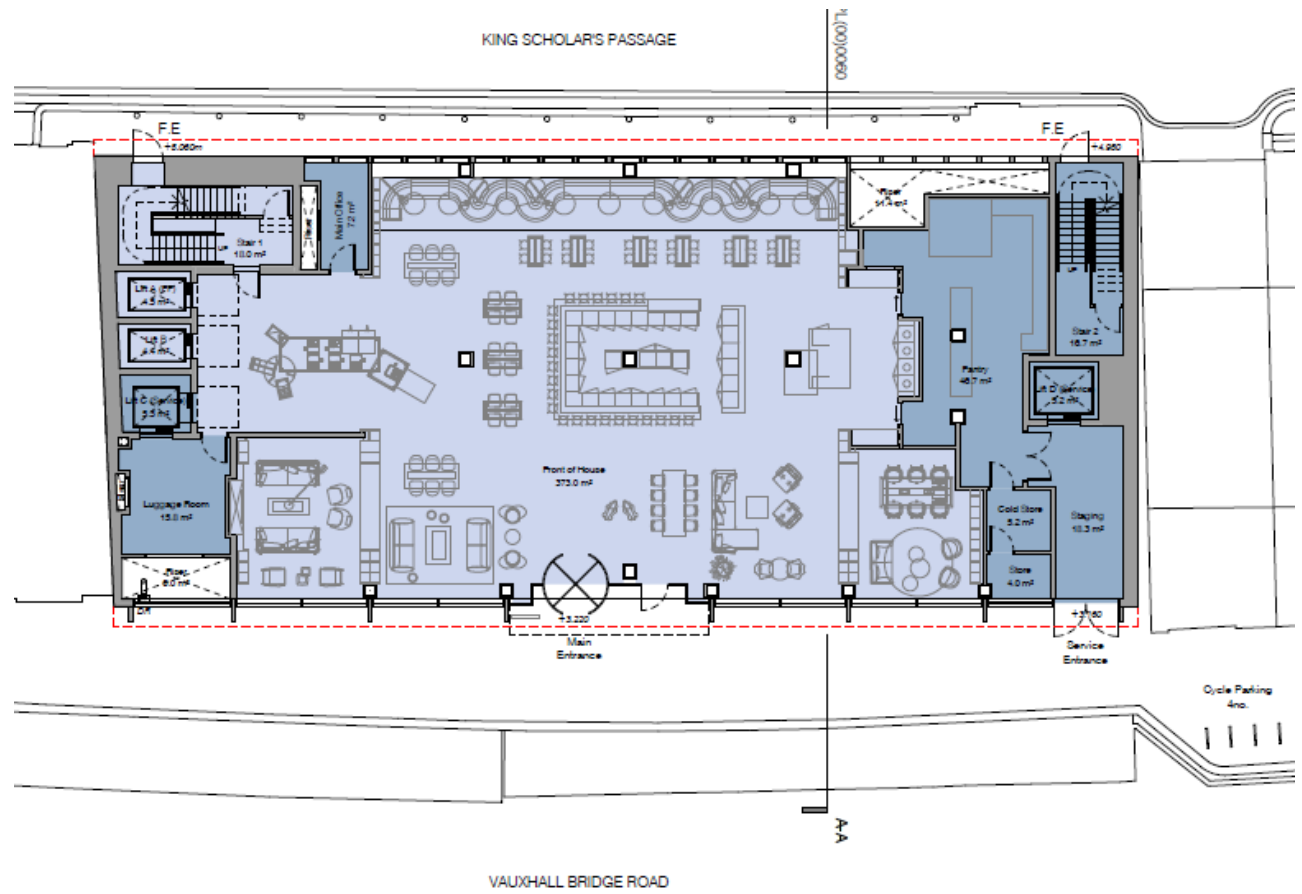
Existing and Proposed King's Scholars' Passage elevation



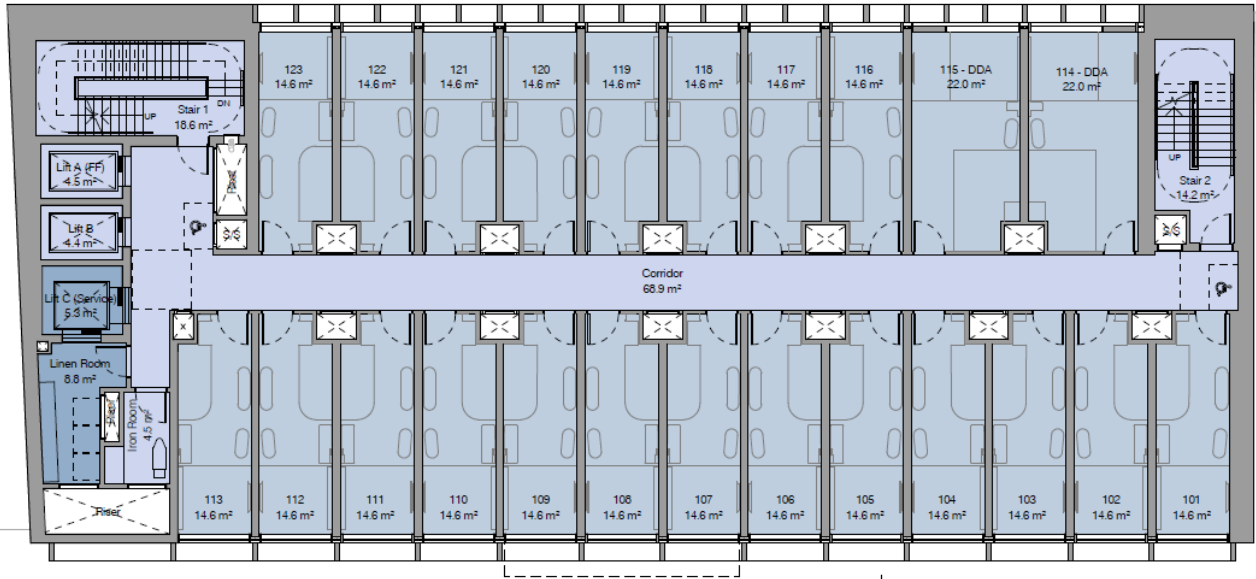
Proposed basement plan



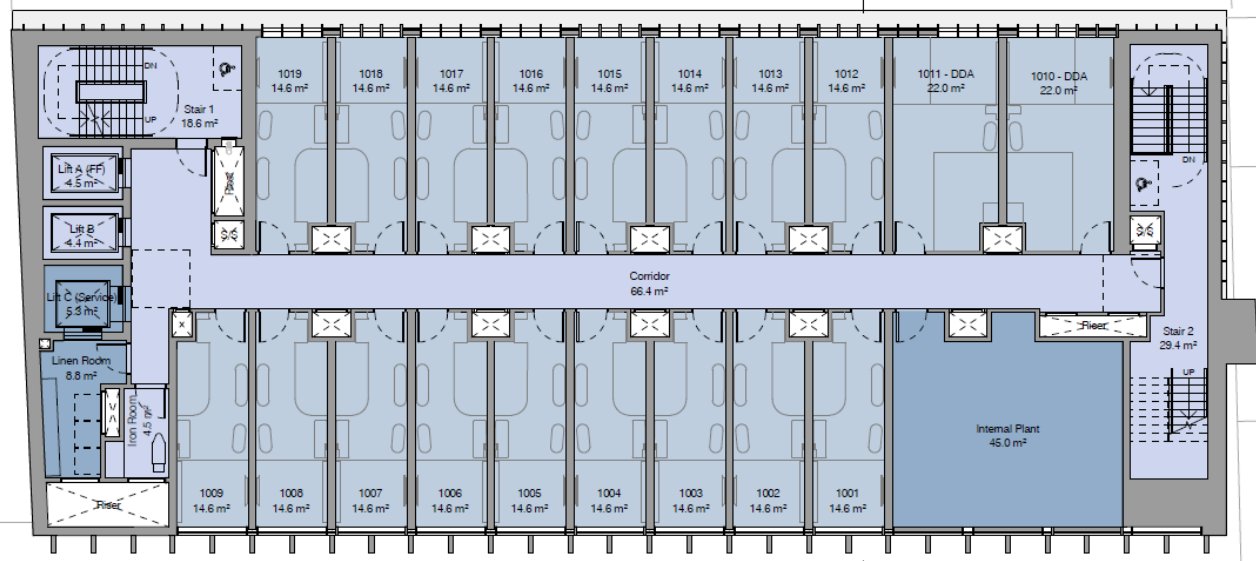
Proposed ground floor plan



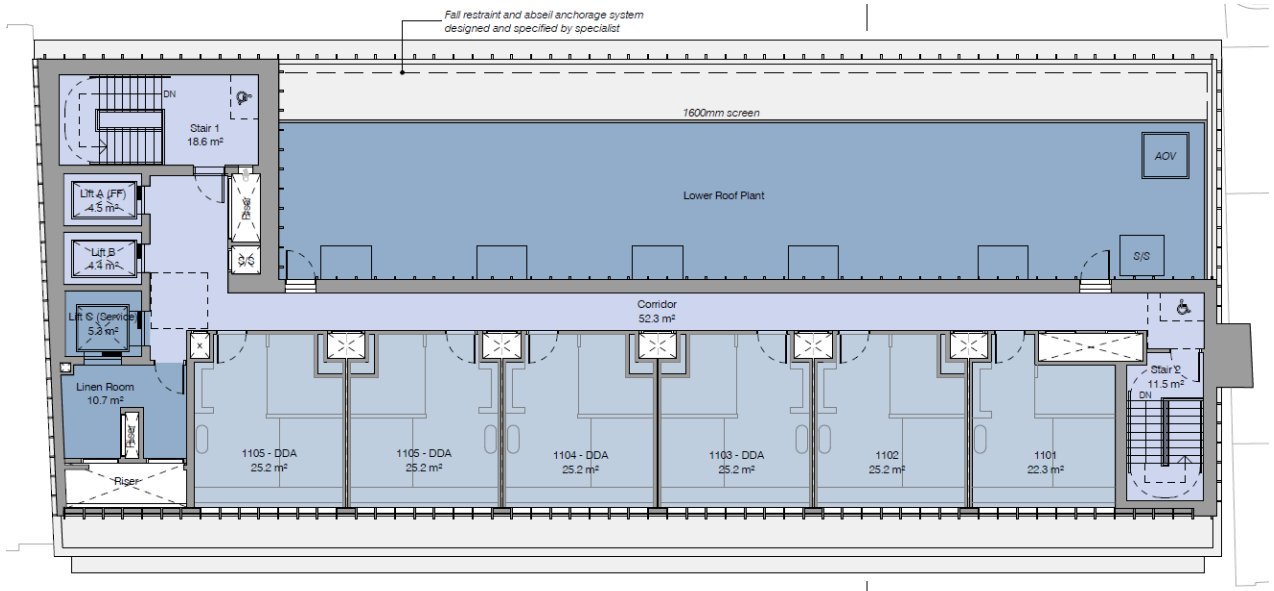
Typical first (to ninth) floor plan



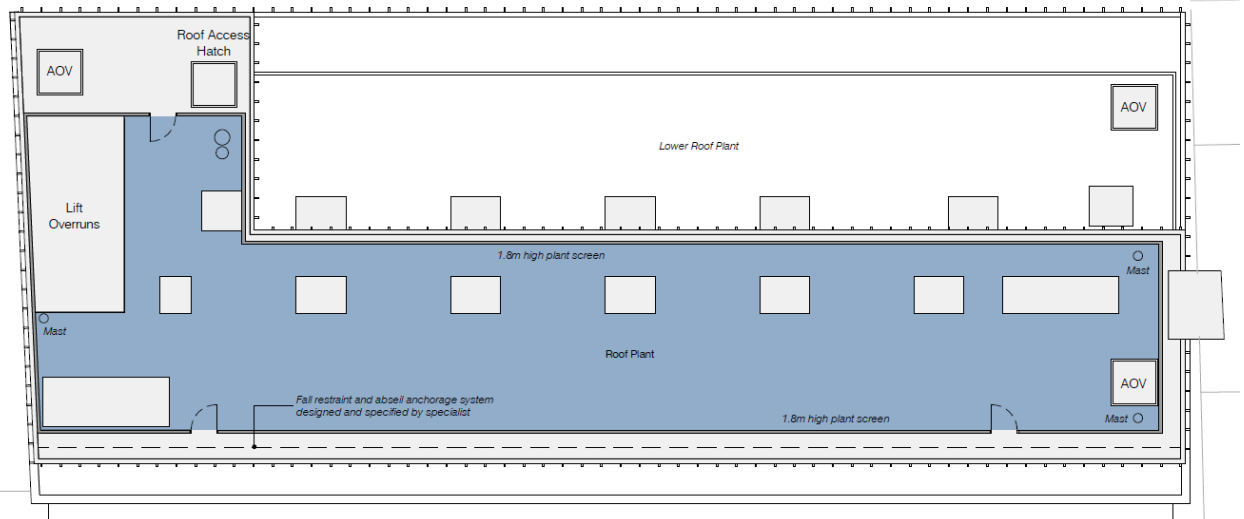
Tenth floor plan



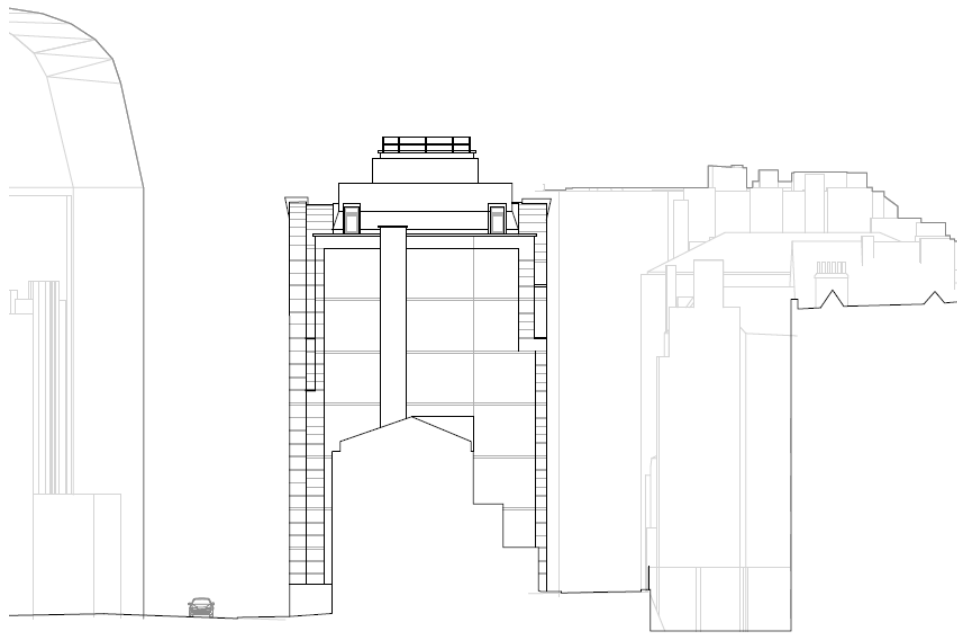
Eleventh floor plan



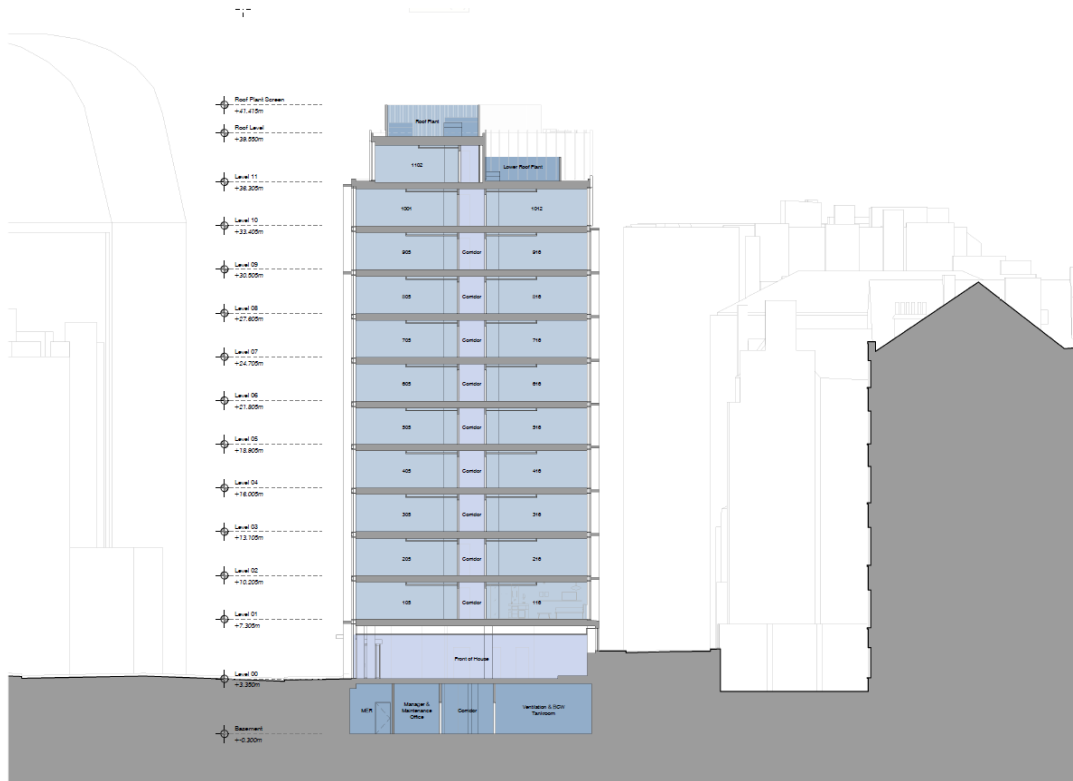
Roof level plan



Existing south-east elevation



Proposed Section A-A



DRAFT DECISION LETTER

Address: Denison House, 292 Vauxhall Bridge Road, London, SW1V 1AE

Proposal: Demolition of existing building to basement slab level and erection of a new building comprising basement, ground and 11 upper levels together with rooftop plant to provide a hotel (Class C1) with associated ancillary facilities including all necessary enabling works.

Plan Nos:

PL(00)0010; PL(00)0011; PL(00)0020; PL(00)0021; PL(00)0022; PL(00)0023;
 PL(00)0024; PL(00)0025; PL(00)0026; PL(00)0027; PL(00)0028; PL(00)0029;
 PL(00)0031 C; PL(00)0032 C; PL(00)0033 C; PL(00)0034 C; PL(00)0036 C;
 PL(00)0037 C; PL(00)0038 A; PL(00)0039; PL(00)0040 A; PL(00)0041 A;
 PL(00)0042 A; PL(00)0043 A; PL(00)0050 B; PL(00)0052 A; PL(00)0054 A;
 PL(00)0055 A; PL(00)0060 B; PL(00)0070; PL(00)0071; PL(00)0072; PL(00)0073;
 PL(00)0074; PL(00)0075; PL(00)0076; PL(00)0077; PL(00)0078; PL(00)0079;
 PL(00)0080; PL(00)0081; PL(00)0090; PL(00)0300; PL(00)0301; PL(00)0302.

(For information purposes) Cover Letters prepared by DP9 dated 12.11.2018 and 20.02.2019; Planning Statement, prepared by DP9 dated November 2018; Design and Access Statement, prepared by ICA dated November 2018; Daylight and Sunlight Assessment, prepared by Anstey Horne dated 7th November 2018; Transport Statement, prepared by TTP Consulting dated November 2018; Travel Plan, prepared by TTP Consulting dated November 2018; Delivery and Servicing Management Plan, prepared by TTP Consulting dated November 2018; Townscape, Visual Impact and Heritage Assessment, prepared by Peter Stewart Consulting dated November 2018; Statement of Community Involvement, prepared by Concilio dated November 2018; Energy Performance Statement, prepared by eb7 dated 8th November 2018; Draft Demolition and Construction Management Plan Issue 2, prepared by Meinhardt dated 9 November 2018; Air Quality Assessment, prepared by eb7 dated 8th November 2018; Utilities Statement, prepared by Elkoms dated October 2018; Design and Access Statement Addendum, prepared by ICA dated February 2019; Townscape, Visual Impact and Heritage Assessment Addendum, prepared by Peter Stewart Consulting dated February 2019; Anstey Horne Letter dated 25 January 2019; Energy Strategy and Sustainability Statement, prepared by Elkoms dated January 2019; Environmental Noise Survey, prepared by Elkoms dated January 2019; Memo prepared by TTP Consulting responding to transport queries raised by the GLA, dated 8 February 2019; Statement of Community Involvement Addendum, prepared by Concilio dated February 2019; Below Ground Drainage Strategy P04 Issue, prepared by Meinhardt dated 11 February 2019; Flood Risk Assessment Issue P04, prepared by Meinhardt dated 11 February 2019.

Case Officer: Sebastian Knox

Direct Tel. No. 020 7641 4208

Recommended Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the

City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

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

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

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

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch 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)

- 4 Unless otherwise agreed in writing by us in conjunction with TfL, all deliveries and servicing must take place between the hours of 10pm and 6am.

Reason:

To ensure the safe and efficient operation of bus services on the A202 Vauxhall Bridge Road and to conform to draft London Plan policy T7.

- 5 **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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 6 (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)

- 7 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)

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

- i) a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 6 and 7 of this permission;
- ii) height and location of the CHP flue;
- iii) design and location of the hotel kitchen extract flue.

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

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)

- 9 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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. (R47AB)

- 10 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)

- 11 No live or recorded music shall be played in the hotel use such as to be audible outside the premises.

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 14 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

All doors or gates hung so that they do not open over or across the road or pavement.

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:

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)

- 15 At least 3 months prior to occupation you must apply to us for approval of a Delivery and Servicing Management Plan for the approved hotel use. You must not commence the hotel use until we in consultation with TfL have approved what you have sent us. Thereafter the hotel must be managed in accordance with the approved Delivery and Servicing Management Plan (See informative 19 for what should be included in the plan).

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)

- 16 At least 3 months prior to occupation you must apply to us for approval of an Operational Management Plan for the approved hotel use. You must not commence the hotel use until we in consultation with TfL have approved what you have sent us. Thereafter the hotel must be managed in accordance with the approved Operational Management Plan. (See informative 20 for what should be included in the plan).

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)

- 17 You must not commence construction until we have approved appropriate arrangements to secure the following:

i) An employment and training opportunities strategy during construction and for the hotel use.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in STRA7 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

- 18 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.

- 19 You must not occupy the hotel until the fritted glazing shown on the approved drawings is installed. The fritted glazing must be retained and maintained in good order for the life of the development.

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)

- 20 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)

- 21 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

Installation of a biodiverse roof at main roof level of the proposed building, including sections to show construction of base, substrate depth, species list, maintenance regime and works to accommodate the supporting structure within the proposed new roof structures and associated piping/irrigation etc.

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 and retain the biodiverse in perpetuity and in accordance with the maintenance regime.

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)

- 22 The development shall achieve a minimum BREEAM rating of 'Excellent' (New Construction 2014 or any such national measure of sustainability that replaces that scheme of the same standard).

A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 3 months of completion on site.

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)

- 23 Notwithstanding the submitted Energy Strategy and Sustainability Statement, you must apply to us for approval of a revised Energy Strategy and Sustainability Statement, in consultation with the Greater London Authority. You must not occupy the hotel 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. (See informative 23 for what should be included in the revised Energy Strategy and Sustainability Statement).

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)

- 24 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)

- 25 Notwithstanding the information submitted, 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 undertake primary cooking (i.e. cook raw or fresh food on the premises) 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)

- 26 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)

- 27 The hotel windows and doors 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)

- 28 At least 3 months prior to occupation you must apply to us for approval of a Taxi, Private Hire and Coach Management Strategy for the approved hotel use. You must not commence the hotel use until we in consultation with TfL have approved what you have sent us. Thereafter the hotel must be managed in accordance with the approved Taxi, Private Hire and Coach Management Strategy.

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)

- 29 Notwithstanding the submitted Flood Risk Assessment, you must apply to us for approval of a revised Flood Risk Assessment & Surface Water Drainage Strategy, in consultation with the Greater London Authority. You must not occupy the hotel 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. (See informative 24 for what should be included in the revised Flood Risk Assessment & Surface Water Drainage Strategy).

Reason:

To utilise sustainable drainage systems (SUDS) and conserve and protect water supplies and resources as required by Policy 5.13 and Policy 5.15 of the London Plan 2016.

- 30 (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)

- 31 You must provide a minimum of 10% of the hotel bedrooms as wheelchair accessible.

Reason:

As required by Policy 4.5 of the London Plan 2016.

- 32 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

A revised roof plan with detailed layout demonstrating that the roof's potential for PV installation has been maximised.

You must not start on these parts of the work until we, in consultation with the Greater London Authority, have approved what you have sent us. You must then carry out the work according to the approved drawings.

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)

- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 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.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

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

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.
- 6 Conditions 6 and 7 control noise from the approved machinery. It is very important that you

meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 7 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 8 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)
- 9 With reference to condition 5 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.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

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

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

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.

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

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

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

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

- 11 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)
- 12 We recommend all hoteliers to join the Westminster Considerate Hoteliers scheme and to support the Considerate Hoteliers Environmental Charter. This aims to promote good environmental practice in developing and managing hotels. For more information, please contact:

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

E-mail: info@consideratehoteliers.com
Phone: 01308 482313

(I76AA)

- 13 Any structure or awning over the footway (highway) must maintain 2.6 metres vertical clearance

from the footway surface at all times and not extend closer than 1 metre to the kerb edge.

- 14 No development should occur between the footway and a depth of 900mm. This is to ensure sufficient space remains for utilities and in accordance with TRANS19.
- 15 The applicant will need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (afoster1@westminster.gov.uk) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway.
- 16 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 17 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)
- 18 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 19 You must include the following information in the Servicing Management Plan:
 - hours of servicing
 - the full delivery process
 - internal storage locations
 - scheduling of deliveries
 - staffing arrangements for deliveries.
- 20 You must include the following information in the Operational Management Plan:
 - arrangements for managing the potential of noise and disturbance from any food and beverage area affecting neighbouring properties;

- arrangements for managing the potential of noise and disturbance from hotel guests congregating, arriving and leaving the building;
 - arrangements for smoking for staff and guests;
 - arrangements for dealing with waste bottles;
 - taxi management and private vehicle hire process for arrivals and departures;
 - clear process for managing coach party arrivals and departures including how the transfer of guests from the identified coach drop-off/collection locations will be managed;
 - measures to ensure that coaches do not park on Strutton Ground or Victoria Street
 - clear process on providing information to guests on how to reach the site via public transport and how this will be prioritised on line and with booking information and confirmation details.
- 21 You are advised to make an application for chimney height approval in connection with the CHP, under the Clean Air Act 1993. Please contact environmentalsciences2@westminster.gov.uk for further advice about this.
- 22 You are advised that any proposed signage may require advertisement consent.
- 23 With regard to Condition 23, the revised Energy Strategy and Sustainability Statement should include an update on the feasibility of connecting to the Pimlico District Heating Undertaking (PDHU) and provide further clarification with regard to the site-wide energy network, heating and renewable energy.
- 24 With regard to Condition 29, the revised Flood Risk Assessment & Surface Water Drainage Strategy should reflect greenfield run off rate and additional attenuation storage volume calculations and provide further information with regard to SuDs maintenance.
- 25 You are advised to consult with Thames Water on the development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	127-133 Charing Cross Road, London, WC2H 0EA,		
Proposal	Refurbishment and extensions to existing building including replacement of external facades; three additional floors at roof level plus rooftop access housing and plant enclosure; and terraces at second to seventh floor level; to provide retail (Class A1), office (Class B1) and nightclub (Sui Generis) floorspace.		
Agent	Miss Louise Overton		
On behalf of	RDI REIT Charing Cross Road Limited		
Registered Number	19/00531/FULL	Date amended/ completed	24 January 2019
Date Application Received	24 January 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

The existing building is four storeys in height and was constructed in the 1970's. The application retains much of the existing buildings structure, but with the replacement of all facades. Extensions are proposed to the north and south elevations and an upward extension to provide three additional floors plus a rooftop plant enclosure and access housing at roof level. Terraces are proposed at second to seventh floor level. The uses will reflect the existing, with the two nightclubs retained at basement and ground floor level, retail to Charing Cross Road and an increase in office floorspace.

The key issues for consideration are:

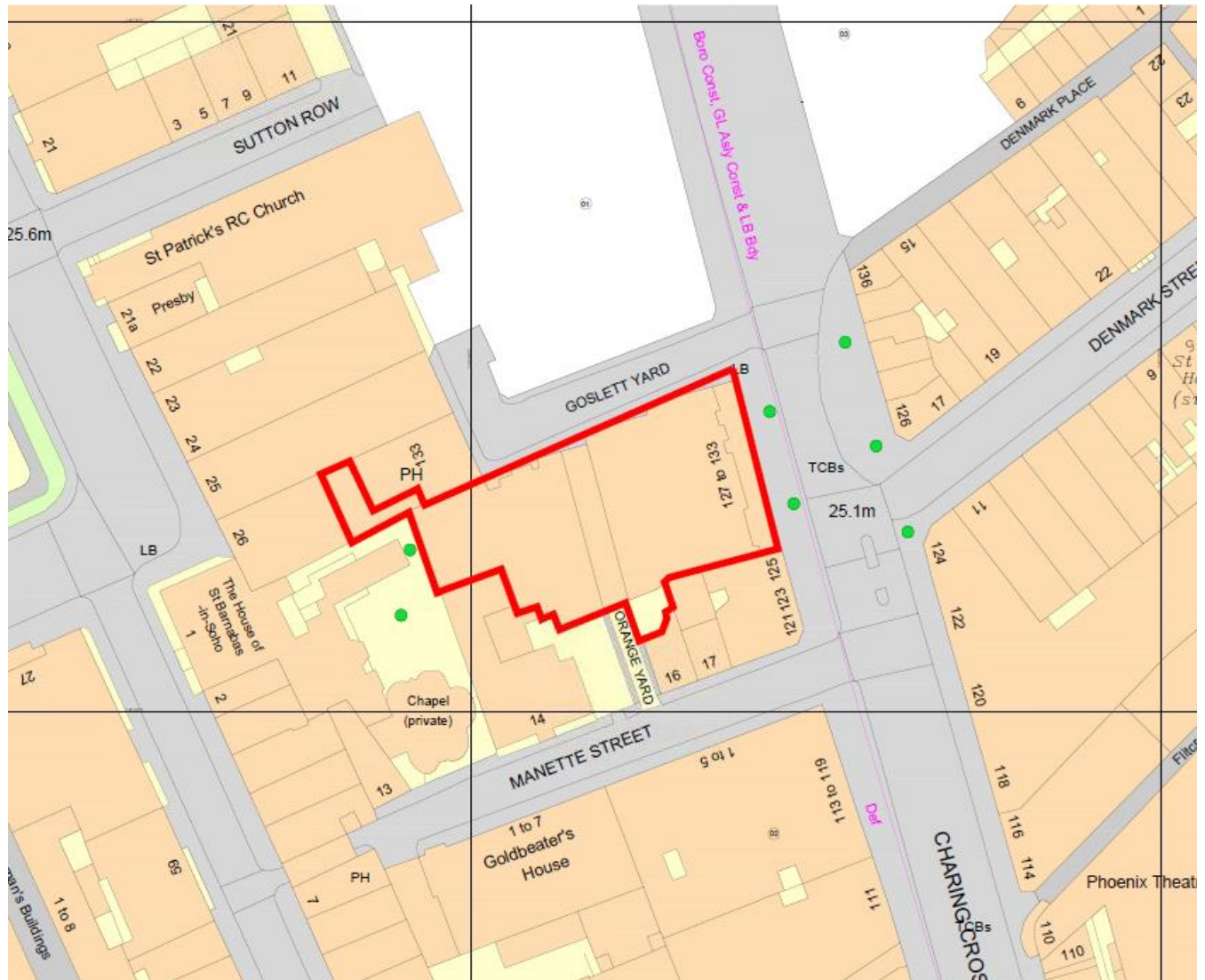
- The impact of the proposals on the character and appearance of the Soho Conservation Area and the setting of adjacent listed buildings;
- The land use implications of the proposal;
- The impact of the proposals on the amenity of surrounding residents; and
- The impact of the proposal on the surrounding highway network.

The proposals are considered acceptable in design, conservation, land use, amenity and highway terms in accordance with the Core Strategy and Unitary Development Plan (UDP) policies.

2. SUMMARY

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
 - i) A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
 - ii) Carbon offset payment of £41,400.
 - ii) Monitoring costs.
2. If the S106 legal agreement has not been completed within four weeks of the Committee resolution then:
 - a) The Executive Director for Growth, Planning and Housing shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under Delegated Powers, however, if not
 - b) The Executive Director for Growth, Planning and Housing shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.

3. LOCATION PLAN



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4. PHOTOGRAPHS



View along Charing Cross Road on corner with Goslett Yard



View from Manette Street

5. CONSULTATIONS

COUNCILLOR GLANZ

Requests that the application be determined at Committee.

HISTORIC ENGLAND

No comment.

HISTORIC ENGLAND (ARCHAEOLOGY)

No archaeology requirement.

LONDON BOROUGH OF CAMDEN

No response received to date.

SOHO SOCIETY

No objection. However, there is a mis-statement in the applicant's consultation statement that they consulted with the Society, which they did not.

FITZROVIA NEIGHBOURHOOD ASSOCIATION

No response received to date.

THAMES WATER

No objection subject to informatives.

CROSSRAIL

The detailed design of the proposed development needs to take account of the construction of Crossrail. No objection subject to a condition and informative.

METROPOLITAN POLICE

No objection.

HIGHWAYS PLANNING

No off-street car parking is proposed. The site is within a controlled parking zone and has a good level of public transport accessibility. The proposal is unlikely to have a significant impact on on-street car parking in the area.

No off-street servicing is available at the site. The servicing requirements are unlikely to alter significantly as a result of the proposed development and it is not considered that it will have a significant adverse impact on the surrounding public highway.

The proposal includes the provision of 68 cycle spaces (the 12 folding spaces are not recognised as formal spaces). This provision is sufficient to meet the needs of the proposed extension. The inclusion of changing and shower facilities are welcomed.

The new façade of the building will be no further than the existing "buttress" structures on Charing Cross Road. The proposal will not result in the loss of publicly maintained public highway and should not have a significant adverse impact on pedestrians.

No doors should open out over the public highway.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

Further information is required in relation to plant and machinery noise; noise egress from commercial uses, noise impact from terraces/external areas and hours of use. A supplementary acoustic report will be required when details of plant and the proposed location has been decided and an operational management plan for customers leaving and arriving at the premises. Conditions recommended.

ARBORICULTURAL MANAGER

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 238

Total No. of replies: 4

4 letters have been received from local residents (2) and businesses (2) on the following grounds:

Land use

- The nightclub floorspace will increase late night noise and potential for crime and disorder in the area which already houses a nightclub.
- G-A-Y Group limited, the sub-tenant and operator of the ground floor nightclub a well-known LGBT+ nightclub, seek to ensure that the proposed works will not impact on the nightclubs operations or jeopardise the future of the venue as an important late-night entertainment venue within the LGBT+ community and contributor to London's late-night economy. Conditions should be imposed to ensure that the development does not affect the continued operation of the venue as it currently functions; any building work should cease by 8pm and should not interfere with their deliveries.

Design

- The bulk and height of the proposed building will dwarf the properties on Manette Street.

Amenity

- Loss of light and privacy to flat within Shaldon Mansions, 132 Charing Cross Road.
- Loss of light and privacy to flat within 133 Charing Cross Road.
- Loss of natural light to Charing Cross Road and Manette Street. Manette Street will become a dark and gloomy place as it will be surrounded by buildings that dwarf them.

Other

- The area will become hotter as all the glass will reflect the heat.
- Noise, disturbance and increased traffic during construction work.

- Residents and businesses in the area have already suffered greatly due to the level of development/building works going on in the area for Crossrail, Ilona House and Denmark Street.
- Lack of consultation on the development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the west side of Charing Cross Road on the corner with Goslett Yard. The south elevation partially abuts Orange Yard off Manette Street, and the rear of the building backs onto The House of St Barnabas.

The existing building was constructed in the 1970's. It is four storeys in height with a set back plant enclosure. There is retail at basement and ground floor level fronting Charing Cross Road, two nightclubs (sui-generis) at basement and ground floor level accessed from Goslett Yard and Orange Yard and offices on the upper floors.

The site is not listed, but it lies within the Soho Conservation Area. It is within the Core Central Activities Zone and the West End Special Retail Policy Area.

The surrounding area contains a range of built forms and scales and has been the subject of significant development principally triggered by the construction of a new Crossrail Station. There are a number of listed properties within the immediate vicinity of the site. These comprise The House of St Barnabas (Grade I) to the rear; 26 Soho Square (Grade II*) also to the rear; and 14, 16 and 17 Manette Street (Grade II) to the south of the site.

6.2 Recent Relevant History

There have been a number of applications permitted for external lighting, replacement windows, shopfronts, plant and advertisements at the property.

Planning permission was granted for an extension of the ground floor to eliminate recess and installation of a new shopfront and office entrance on Charing Cross Road elevation with provision of disabled access and installation of display windows to Goslett Yard in July 2001.

Planning permission was granted for the erection of a glazed extension to the rear of the site at second and third floor levels to provide additional office accommodation, roof terraces, removal of part of the existing mechanical plant at roof level and installation of new plant and associated screening at roof level and the installation of a green roof in January 2008.

7. THE PROPOSAL

The application retains much of the existing buildings structure, but with the replacement of all of the facades. Extensions are proposed to the north and south elevations and an upward extension to provide three additional floors plus a rooftop plant enclosure and access housing at roof level. Terraces are proposed at second to seventh floor level.

The uses will reflect the existing, with the two nightclubs retained at basement and ground floor level, retail to Charing Cross Road and increased office floorspace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The building is currently in office use with retail and nightclub uses at basement and ground floor level. The existing and proposed land uses can be summarised as follows:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (class A1)	786	635	-151
Office (class B1)	3090	5552	+2462
Nightclub (Sui generis)	1054	1059	+5
Total	4930	7246	+2316

(Applicants calculations)

Office use

The site is located within the Core Central Activities Zone (CAZ). Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports it's living, working and visiting populations. The policy goes onto state that for development within the core CAZ, which includes net additional B1 office floorspace, where the net additional floorspace (of all uses) is between 30% and 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be required, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. This policy seeks to restrict the loss of office space to housing within the CAZ.

The proposed offices will be accessed from a new entrance/reception area on Charing Cross Road with a central core providing access to the basement and upper levels. The proposal will result in an increase in office floorspace of approximately 2462sqm which is considered acceptable in land use terms. The proposed development will provide 48% net additional floorspace (of all uses) and therefore triggers the requirement for new residential floorspace. Policy S1 states that the residential floorspace that is required can be provided in one of four ways: On-site; Off-site; Mixed use credits; or a payment in lieu of the residential floorspace. The Applicant has confirmed that they

will provide this as a payment in lieu in accordance with Councils formula. It is recommended that a payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development) be secured through a section 106 legal agreement.

Retail Use

The site falls within the West End Special Retail Policy Area. Policy S7 of Westminster's City Plan (November 2016) relates to the West End Special Retail Policy Area and seeks to prioritise improved retail space; appropriate retail growth; improved pedestrian environment; development of oasis areas of rest, including seating areas and A3 café and restaurant uses where appropriate; and improved linkages to and from surrounding retail areas and visitor attractions and provision of appropriate service uses where they complement the shopping environment.

Policy S6 (Core Central Activities Zone) and S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP protect existing retail floorspace and encourage new retail floorspace in the CAZ. Policy SS4 states that development schemes should provide at least the same amount of A1 use as was there before. The size and type of units must be appropriate to the character and function of the street.

Replacement retail floorspace is proposed at basement and ground floor level, however, there will be a reduction in retail floorspace of 151sqm due to the improved central core for the office use and increased office facilities in the basement including cycle storage. Whilst the loss of retail floorspace is highly regrettable, the amount of retail frontage along Charing Cross Road will remain unchanged, occupying three bays, with the provision of high quality shopfronts which will create a much-improved ground floor frontage. Additional shopfront glazing is also proposed to Goslett Yard which will activate this frontage. The retail area will have the flexibility to be let as either one large unit or two smaller retail units. It is not therefore considered that a refusal on the grounds of loss of retail floorspace could be sustained.

Nightclub Use

Policy S24 of the City Plan and TACE 8 -10 of the UDP relate to new entertainment uses which includes nightclubs. There are no policies which relate to existing nightclub uses. The Draft New London Plan (policy HC6) supports the night-time economy particularly in the Central Activities Zone, building on the Mayor's Vision for London as a 24-Hour City and seeks to protect and support evening and night-time cultural venues such as pubs, night clubs, theatres, cinemas, music and other arts venues.

The proposal will retain the two existing nightclubs at basement and ground floor level which are currently occupied by G-A-Y and Borderline. An additional 5sqm of floorspace will be provided due to the provision of a new bin store.

A representation has been received from G-A-Y Group Limited, the sub-tenant and operator of the ground floor nightclub which is a well known LGBT+ nightclub. They seek to ensure that the proposed construction works and development will not impact on the nightclub's operations and the future of the venue as an important late night entertainment venue within the LGBT+ community and contributor to London's late night

economy. The applicant has confirmed that they are in discussions with G-A-Y Group Limited and an update will be reported verbally at the committee.

Given that the nightclubs are to remain as existing, there are no land use objections to this element of the scheme. The venues late night licence to 4am is personal to G-A-Y so the venue would close earlier under a different occupier.

8.2 Townscape and Design

The existing site and area

The application site is an existing late 20th century office block fronting Charing Cross Road and Goslett Yard. The city boundary with the London Borough of Camden follows the centre of Charing Cross Road immediately in front of the site. To the north of the site on the opposite side of Goslett Yard is 'Number One Oxford Street' Site B, part of the over-site development associated with the new Tottenham Court Road Crossrail Station, the entrance to which itself lies on the other side of Charing Cross Road to the north-east. A further major oversite development is also currently being built opposite the application site between Denmark Place and the new station entrance within Camden. The site adjoins to the south a short row of older buildings 121-123 Charing Cross Road, fronting Charing Cross Road and forming the corner with Manette Street. Immediately south of those, forming the other corner of Charing Cross Road with Manette Street, is the current development site of 'Iona Rose House' at 113-119 Charing Cross, formerly part of Foyles.

The site falls outside of but is immediately surrounded to the north, east and south by the Tottenham Court Road Opportunity Area (TCROA). As a result of this, the character of this part of Charing Cross Road has and continues to change substantively, producing a collection of large scale commercial buildings in a mixture of architectural styles and stages of completion. These are shown in context in the application documentation.

The site falls just within the eastern-most part of the Soho Conservation Area (SCA) where it meets the larger scale character area of Charing Cross Road and St Giles beyond. The SCA as a whole is characterised by a densely packed 17th century grid of narrow streets and squares, fronted by an array of buildings of mixed styles, periods and scales. The site is at the interface between this more historic character and the more modern and less intimate urban commerciality to the east.

Immediately adjacent to the site to the south, facing Manette Street, are the Grade II listed 14, 16 and 17 Manette Street. To the rear of the site is the Grade I listed House and Chapel of St Barnabas, and the Grade II* listed 26 Soho Square. The contribution which setting makes to the significance of these listed buildings is mixed, but is now heavily affected by the presence of the various large developments associated with the TCROA. Whilst they retain their sense of integrity with the 18th century character of the rest of Soho and Soho Square, they are also now characterised by a backdrop of large-scale office blocks in often starkly contrasting architectural styles.

The existing building is not listed itself, nor is it considered to have any architectural or historic significance in its own right. Built in the 1970s over four above-ground storeys

plus a rooftop plant / access pavilion, its construction is based on a concrete frame, overclad with brick. It is a generally functionally designed building, but with an uncompromisingly prominent arrangement of projecting brick columns supporting a heavy brick parapet to the front elevation. The south and rear elevations have been extended in the past decade to form a glazed southern façade, visible from Manette Street in gaps between the listed buildings. When viewed from the garden of the House of St Barnabas, it appears low over the boundary wall as a series of stepped terraces, so reducing the impacts which it might have on the setting of the garden. The building has no architectural merit in itself and is not known to be the work of a significant architect. It is considered to have a significantly negative affect on the character and appearance of the conservation area and setting of adjacent listed buildings.

Legislation, policy and guidance

Due to the site's location within the conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention must be given to the preservation or enhancement of the character / appearance of the conservation area when determining this application. Similarly, due to the adjacency of the listed buildings discussed above, Section 66 of the same Act requires that special regard must be given the preservation of the setting of the listed buildings when determining this application. Coupled with the requirements of the NPPF which requires that great weight must be given to the preservation of the significance of designated heritage assets such as these, this equates to a strong presumption against the approval of harmful proposals unless significantly and demonstrably outweighed by public benefits directly secured by the application proposals.

We are required also to determine the application in accordance with the London Plan, City Plan and Unitary Development Plan, in particular DES 1, DES 9 and DES 10 of the UDP which require us to seek the preservation of these assets, and to secure a high quality of architectural design. This is further informed by the Soho Conservation Area Audit, which identifies key characteristics, sensitivities and opportunities for enhancement within the SCA.

The application proposals

It is proposed to retain the concrete frame of the existing building, and to reclad and extend it to enlarge the building. The proposal would add a further three storeys (fourth to sixth floors), plus a plant / roof access storey and enclosure on top of the existing ground to third floors, producing a seven storey building (from the existing four).

The existing brick and metal cladding would be stripped off, and replaced by stone and faience cladding, inset with new metal fenestration and ground floor shopfronts. The retention of the existing concrete frame limits the freedom of the site's redesign, resulting in a continued arrangement of vertical columns supporting a parapet to the front elevation. However, the existing poorly defined corners of the building would be resolved through the addition of (effectively false) corner columns, thereby enabling both a properly 'framed' front elevation with a more carefully refined parapet, whilst also allowing the building to properly turn the corner into Goslett Yard. Within this stone frame would be inset faience panels around triple height bays of metal-framed windows

separated by horizontal stone spandrels. This would create a richness and depth of character whilst avoiding the uncomfortably deep recesses of the existing elevation.

This front principal block would be surmounted by the new fourth to sixth floors which would be set back from the front building line by around two metres, and from the side building lines by around 1 metre. These new upper storeys would be faced in faience with metal-framed windows arranged in pairs or triplets. This is a simpler elevation to ensure subservience with the principal floors below. Towards the middle and rear parts of the site, the additional storeys would rise sheer from ground to sixth floor to follow the southern property boundaries with Manette Street, and to follow the angle of Goslett Yard to the north. To the rear, the new additional storeys would continue the approach of stepped terraces rising away from the garden of the House of St Barnabas.

Design quality and townscape / heritage impacts

Whilst the freedom of the redesign of the site is restricted by the retention of the building, it is considered that the proposals would enable a notable improvement in architectural quality over the existing very poor quality but obtrusive building. The resolution of the corners of the front façade, and a more successful façade onto Goslett Yard would resolve many of the poorly considered elements of the existing buildings, whilst allowing the use of new, high quality traditional materials arranged to create a series of carefully ordered elevations. The design proposed strikes a careful balance between variety and a more unified building design, whilst also carrying a strong sense of hierarchy from ground to top, and from front to rear.

The proposal does of course represent a significant increase in size. The existing building is notably more bulky than the older buildings to the south and west, and it is proposed to enlarge this further through the addition of three further storeys (four including the access / plant storey). This would dwarf the small collection of older buildings to the south, including the listed buildings on Manette Street. It is nevertheless consistent with and in fact lower in scale than the new buildings being built immediately to the north, east and south, all of which are currently being built; the proposals must be considered in this context.

The increase in scale when viewed from Charing Cross Road would be significant, but generally comfortable given the evident backdrop of the taller development of Number One Oxford Street. Similarly, from the north looking south down Charing Cross Road, the extended building would be seen with the new Ilona Rose House in the background. The most significant impacts would be seen from Manette Street, where gaps between the listed buildings would reveal the notable increase in height over the existing building. This would cause some harm to the setting of the listed buildings on Manette Street, and in turn to the way in which these former houses contribute to the character and appearance of the conservation area. The impacts on the Grade I listed House of St Barnabas would be negligible fortunately, given the continued approach of terraces receding in the view away from the House's garden.

The impacts on the Manette Street listed buildings must be considered in light of the degree to which setting contributes to the significance of the listed buildings, which due to the emerging character of the area is now more limited than it might be if the development was not on the edge of the SCA and TCROA. As such it is considered

that the harm caused to the listed buildings is only slight when compared to the existing, and is somewhat balanced by the design improvements secured by the proposals when compared with the poor quality of the existing building.

In summary, the proposals are considered to represent a significant improvement in the design quality of the site when compared with the existing building, and would allow the site to contribute positively to the architectural character of the surrounding conservation area and wider townscape. Whilst some degree of harm to the setting of adjacent listed buildings, and to the appearance of the area through the increase in scale must be acknowledged, this is considered to be minimal due to the context of the surrounding Opportunity Area developments, which have substantively increased the average scale of developments in this part of the conservation area. This residual harm must, in accordance with paragraph 196 of the NPPF, be weighed carefully against the wider public benefits of the scheme.

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 educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The proposal will substantially increase the height and bulk of the building. Two objections have been received from neighbouring residents in Shaldon Mansions, 132 Charing Cross Road (opposite) and 133 Charing Cross Road (next door) on the grounds of loss of light and privacy to their properties. One commercial occupier has objected on the grounds that the proposal will result in a loss of light to the surrounding streets, making the area feel gloomy.

Sunlight and Daylight

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 applicant's consultants GIA have carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties at 126-136 Charing Cross Road (Shaldon Mansions), 3, 4 - 5 Greek Street, The Royal George Public House (133 Charing Cross Road) and Denmark Place. The House of St Barnabas which is in use as a private members club has also been tested.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with reductions of over 20% of existing daylight (VSC) levels likely to be noticeable; or the area of the working plane in a room which can receive direct skylight i.e. is within no-sky line (NSL) is reduced by over 20%. In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall

faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight.

The report confirms that the proposed development will comply with BRE guidelines in relation to sunlight and daylight at 3, 4-5 Greek Street, Denmark Place and The House of St Barnabas and there will be no material loss of sunlight or daylight to these properties. All rooms tested will meet the APSH criteria and there will be no loss of sunlight to any of the properties tested.

One window within 126-136 Charing Cross Road (Shaldon Mansions) will experience a minor transgression in VSC of 20.2% against a BRE target of 20%. The retained level of VSC will remain good (17%) and it appears that the effected room is also served by three further windows which will be BRE compliant.

The two storey Royal George Public House abuts the site to the north west. The public house is located at ground floor level with a residential unit at first floor level. Of the six windows tested, which appear to serve two rooms, none will achieve compliance with BRE guidelines in relation to daylight. These windows already have low VSC levels of between 6.4% to 8.9% (which creates disproportionate percentage changes), with retained VSC levels between 4.8% to 5.5%. These windows, however, will remain BRE complaint with regards to the daylight distribution test (NSL). The loss of daylight to this residential flat is highly regrettable, however given the existing VSC levels are already low and it will remain compliant with NSL, it is not considered that a refusal on the grounds of loss of daylight to this property could be sustained.

The proposed building will be lower than the new developments being constructed in the immediate vicinity along Charing Cross Road. The building has been stepped down to the rear to reflect the smaller buildings in Soho. Given the context of the site it is not considered that the development could be resisted on the grounds of overbearing impact on the surrounding streets.

Privacy

Terraces are proposed to serve the office floors, with the exception of the first floor, with a communal terrace proposed at seventh floor/roof level. A condition is recommended restricting the hours of use of the terraces to between 0700 and 2100 Monday to Friday to protect the amenity of surrounding residents. Accordingly the proposal is considered acceptable in amenity terms.

8.4 Transportation/Parking

The applicant has submitted a Transport Statement in support of their application. No car parking is proposed which is consistent with UDP policies TRANS21 and TRANS22 of the UDP.

68 cycle parking spaces are proposed with a further 12 spaces for fold up bicycles at basement level accessed from Orange Yard. This is sufficient to meet the needs of the proposed development. The provision of changing and showers facilities at basement level are welcomed.

There is currently no off-street servicing at the site. The site is located within a Controlled Parking Zone, with single and double yellow lines in the vicinity to allow loading and unloading to occur. The Highways Planning Manager is satisfied that the servicing requirements of the building are unlikely to alter significantly as a result of the proposed development and it will not have a significant adverse impact on the surrounding highway network.

The frontage to Charing Cross Road will be moved forward in line with the buildings existing columns. There will be no loss of publicly maintained public highway and it is not considered to have a significant adverse impact on pedestrians.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

Level access is proposed into each of the uses at ground floor level with lift access to the basement and upper floors. Lift lobbies, corridors and thresholds will comply with the Disability Discrimination Act.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed within the basement level and an open plant enclosure at main roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures available to confirm compliance with the Council's standard noise condition.

Air Quality

The proposed development falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application which concludes that the operational air quality effects of the development are not significant.

Refuse /Recycling

Separate waste storage areas are proposed at ground level for each of the uses with direct street access. The Council's Waste Project Officer is satisfied that they are large

enough to accommodate the waste and recycling expected from the development.

Trees/Biodiversity

The applicant has submitted an Arboricultural Impact Assessment. There are eight trees adjacent to the development site, three London planes and two Liquidambar trees located on the public footway on Charing Cross Road and two London Planes and a mature black mulberry in the courtyard garden of the House of St Barnabas.

The Council's Arboricultural Manager is satisfied that with tree protection measures these trees will not be harmed during the construction works and it is recommended that details be secured by condition.

The development includes a new green roof and planters on the terraces to include habitats and planting to promote biodiversity, bat and bird boxes and an efficient water irrigation strategy. Conditions are recommended to secure these measures and details of a planting scheme for the terraces.

Sustainability

The applicant has submitted an Energy Statement and a Sustainability Statement in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

Due to the extensive nature of the refurbishment and the scale of the proposed extension, the applicant has assessed the office building as a new development, rather than an existing one.

It is proposed to deliver a 16% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through passive design and energy efficiency measures including high performance insulation and glazing and energy efficient building services systems. Renewable energy is proposed in the form of photovoltaic panels (43sqm) at roof level in order to provide on-site electricity generation providing 2% carbon emissions savings.

There are no available existing or proposed district heating networks in the vicinity of the proposed Development. However, the scheme will be future proofed to make allowance for connection should a low-carbon district heat network become available.

The applicant has agreed to a carbon offset payment of £41,400 (index linked) for the

shortfall in carbon savings relative to the 35% requirement of the London Plan (Policy 5.2 and Policy SI2 of the draft London Plan). It is recommended that this be secured through the section 106 legal agreement.

The scheme aims to achieve a BREEAM 'Excellent' rating assessed against BREEAM New Construction 2014 criteria.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

Not applicable to this site.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

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

During the course of this application, a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, tree protection measures and Crossrail requirements. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

- A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
- Carbon offset payment of £41,400.
- Monitoring costs.

The estimated CIL payment is: £980,539.70 (£428,460 Mayoral CIL and £552,079.70 Westminster CIL)

8.13 Environmental Impact Assessment

An Environmental Impact Assessment is not required. Sustainability and environmental issues are covered in section 8.7 above.

8.14 Other Issues

Construction impact

A condition is recommended 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 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.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

Community Liaison

A Statement of Community Involvement (SCI) has been submitted with this application. A public exhibition of the proposals was held at St Anne's Church on 10 January 2019.

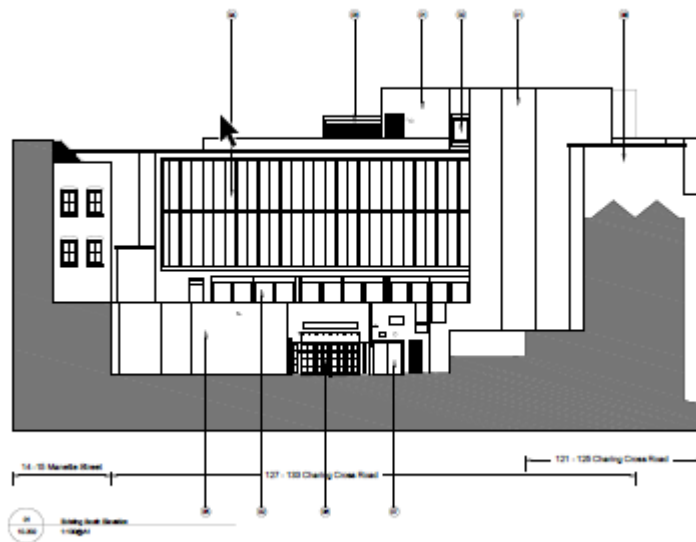
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **JULIA ASGHAR** BY EMAIL AT jasghar@westminster.gov.uk

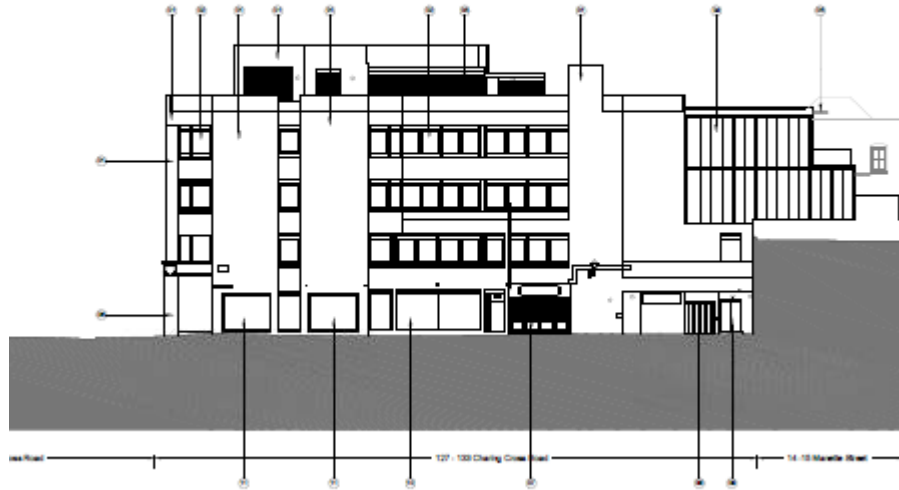
9. KEY DRAWINGS



Existing Charing Cross Road elevation



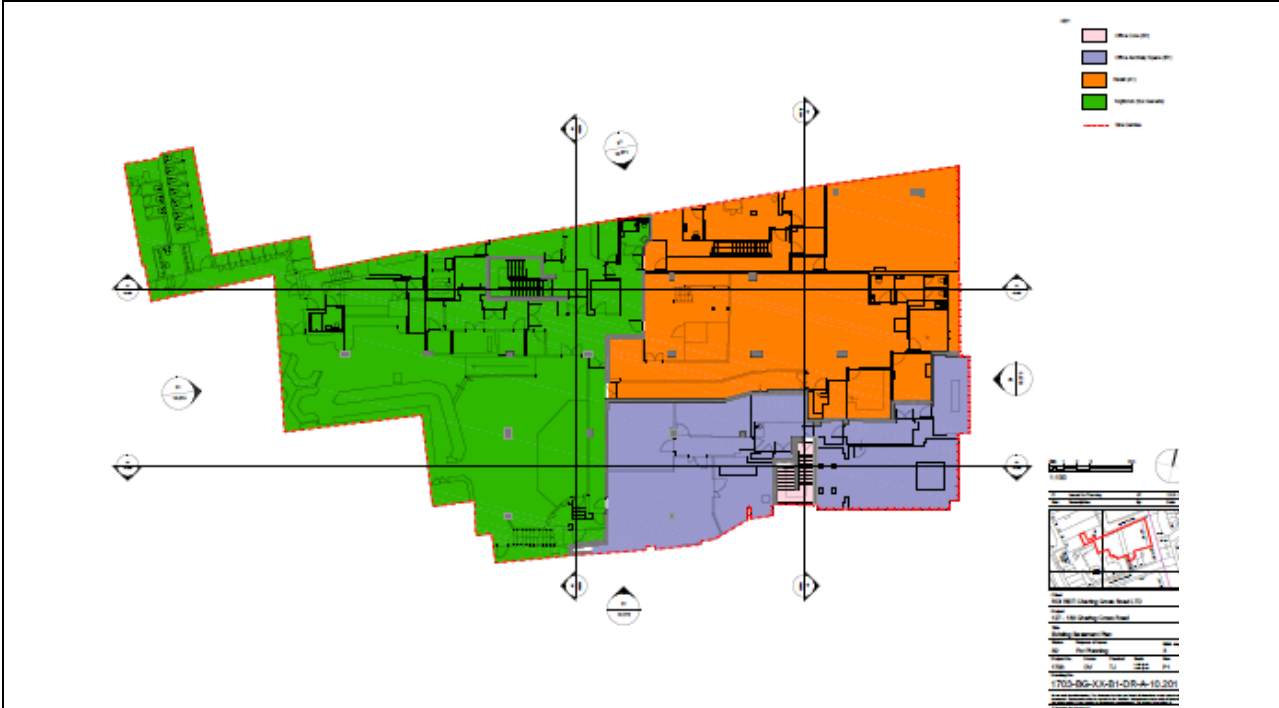
Existing Manette Street elevation



Existing Goslett Yard elevation



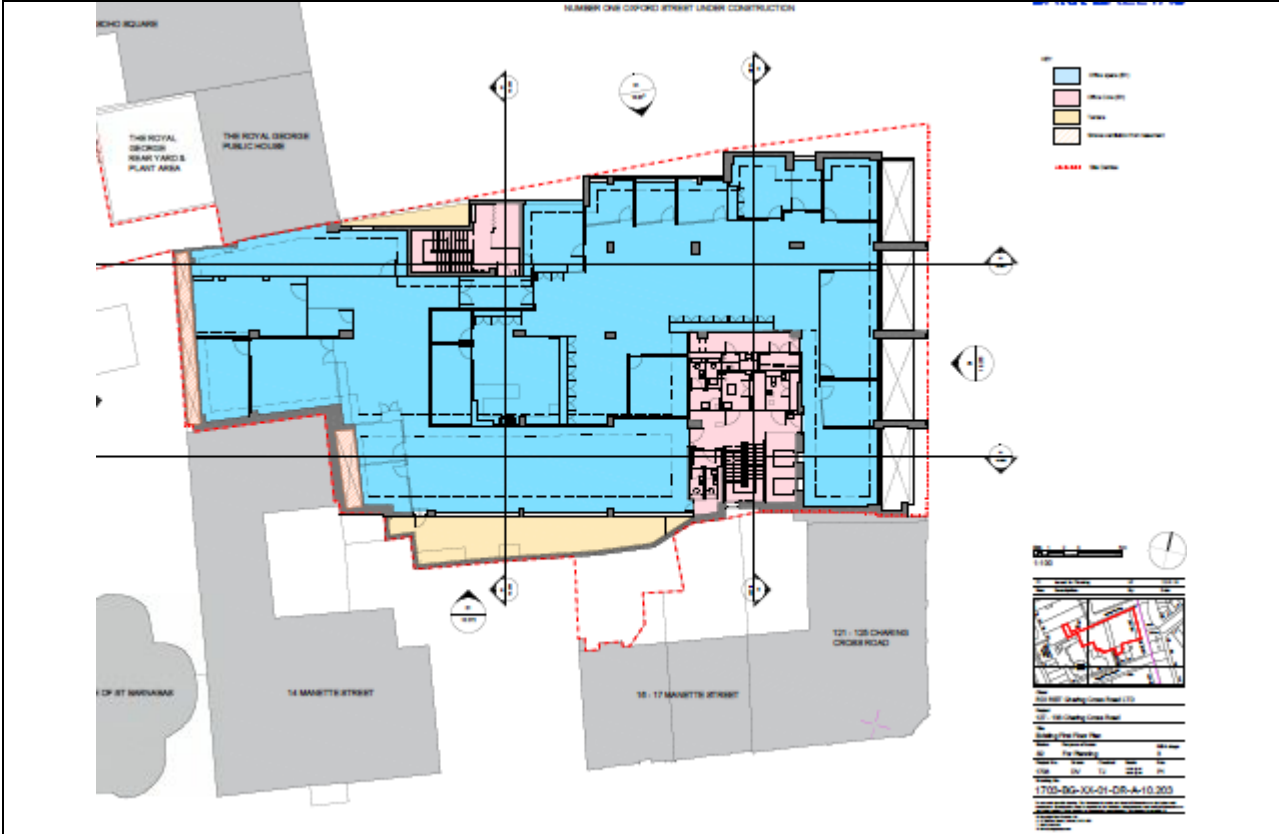
Existing section



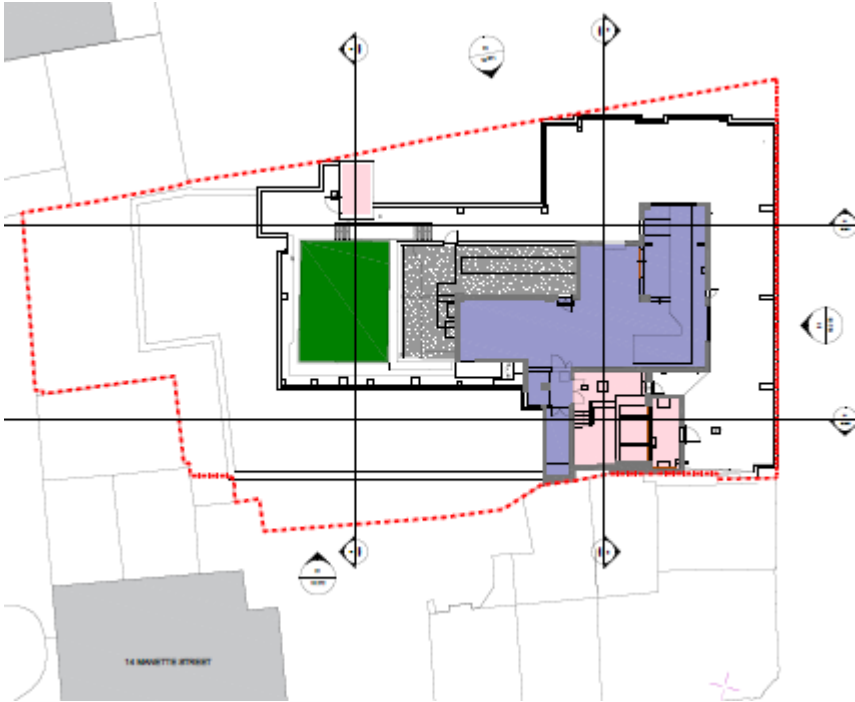
Existing Basement



Existing ground floor



Existing first floor



Existing roof plan



Proposed Charing Cross Road



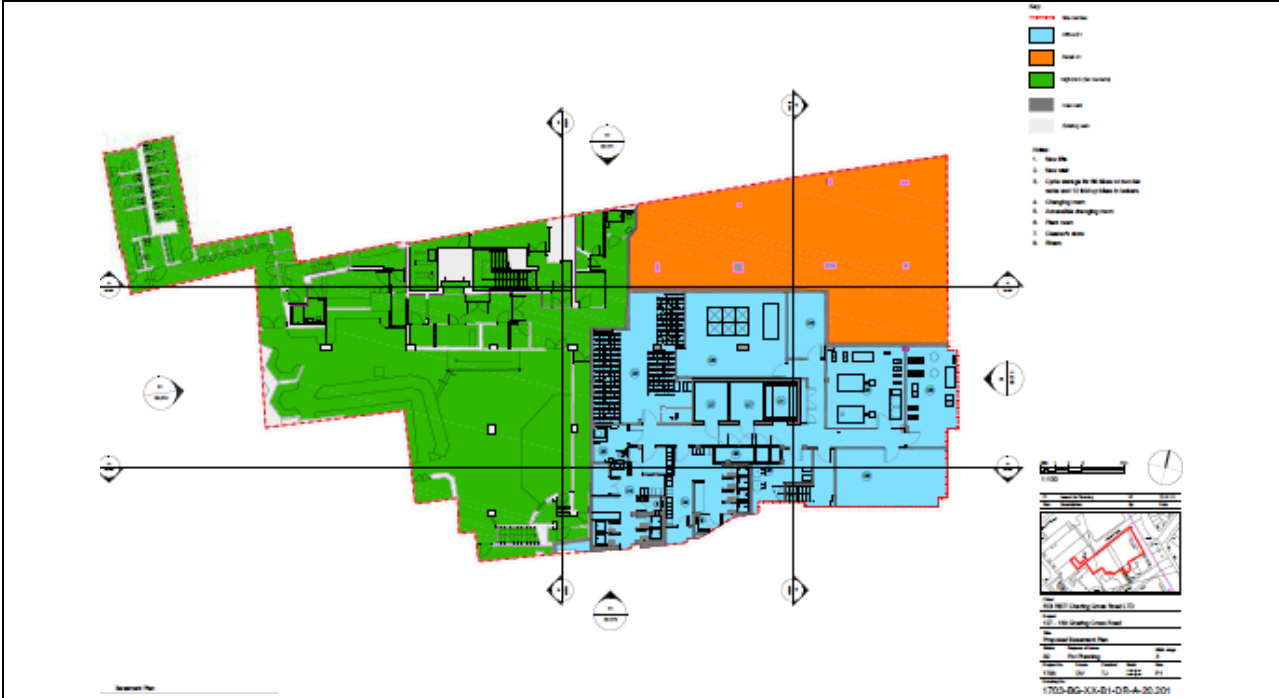
Proposed Manette Street



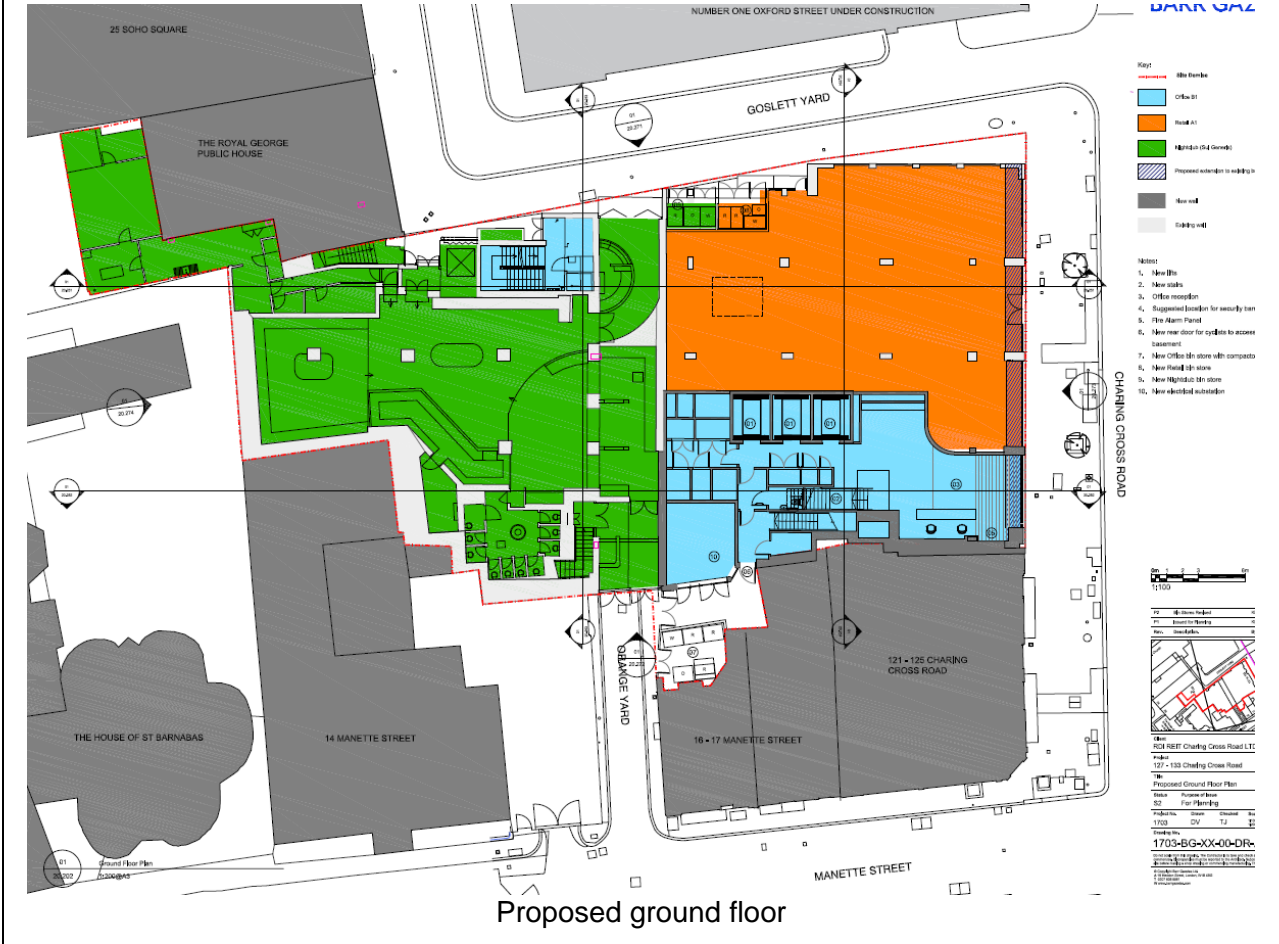
Proposed Goslett Yard



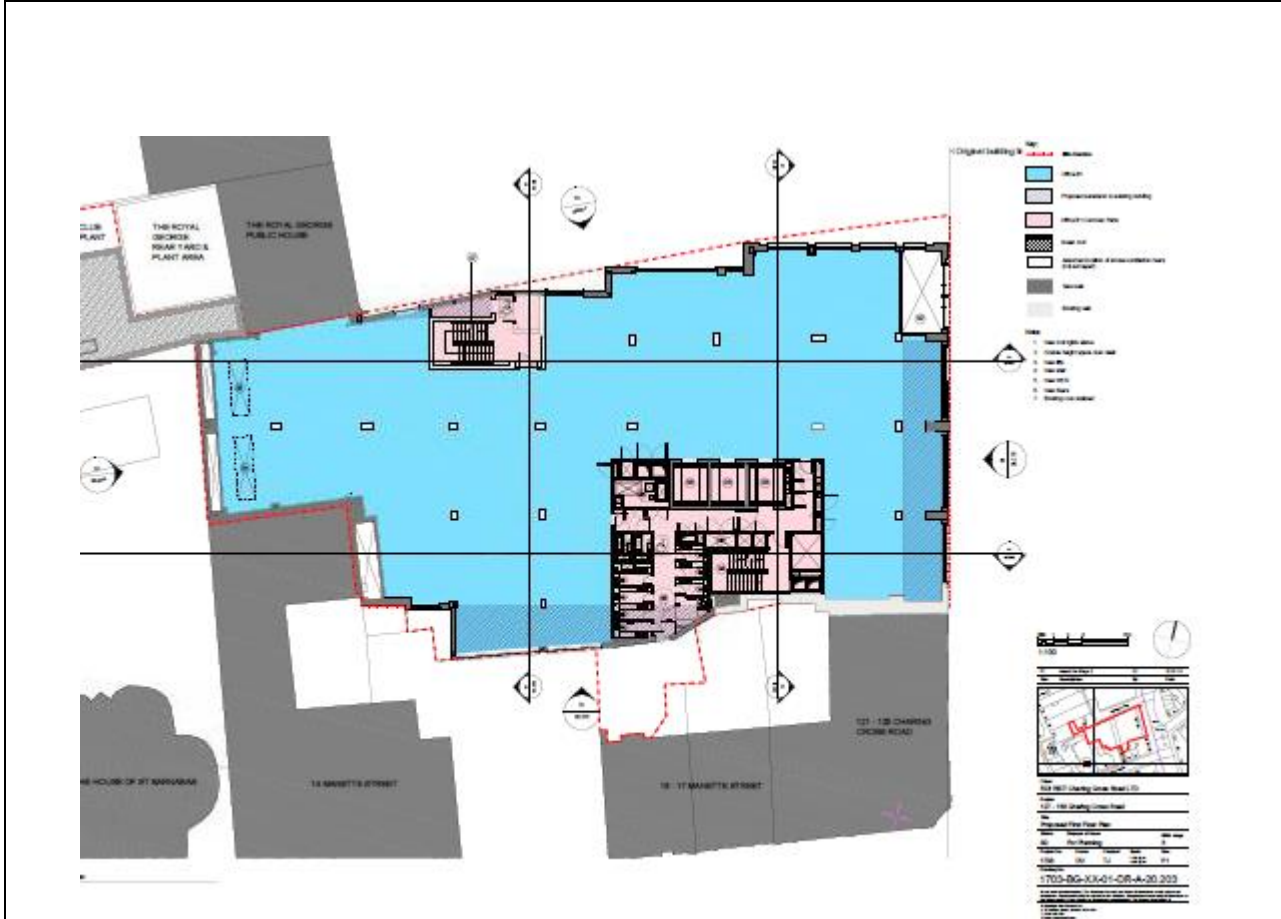
Proposed section



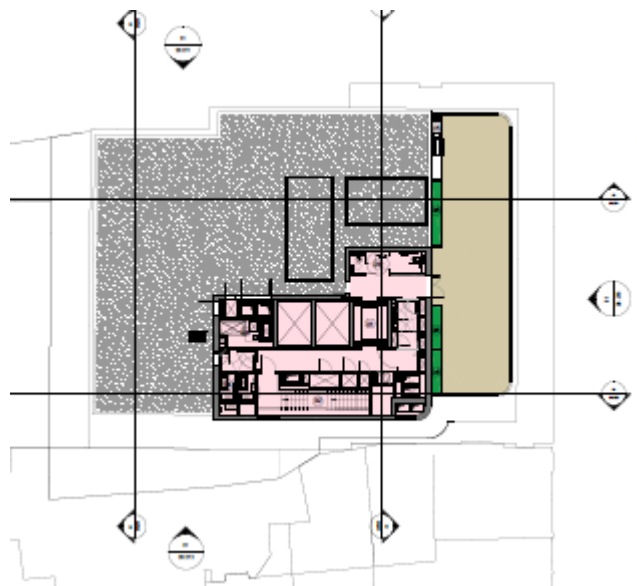
Proposed basement



Proposed ground floor



Proposed first floor



Proposed seventh floor

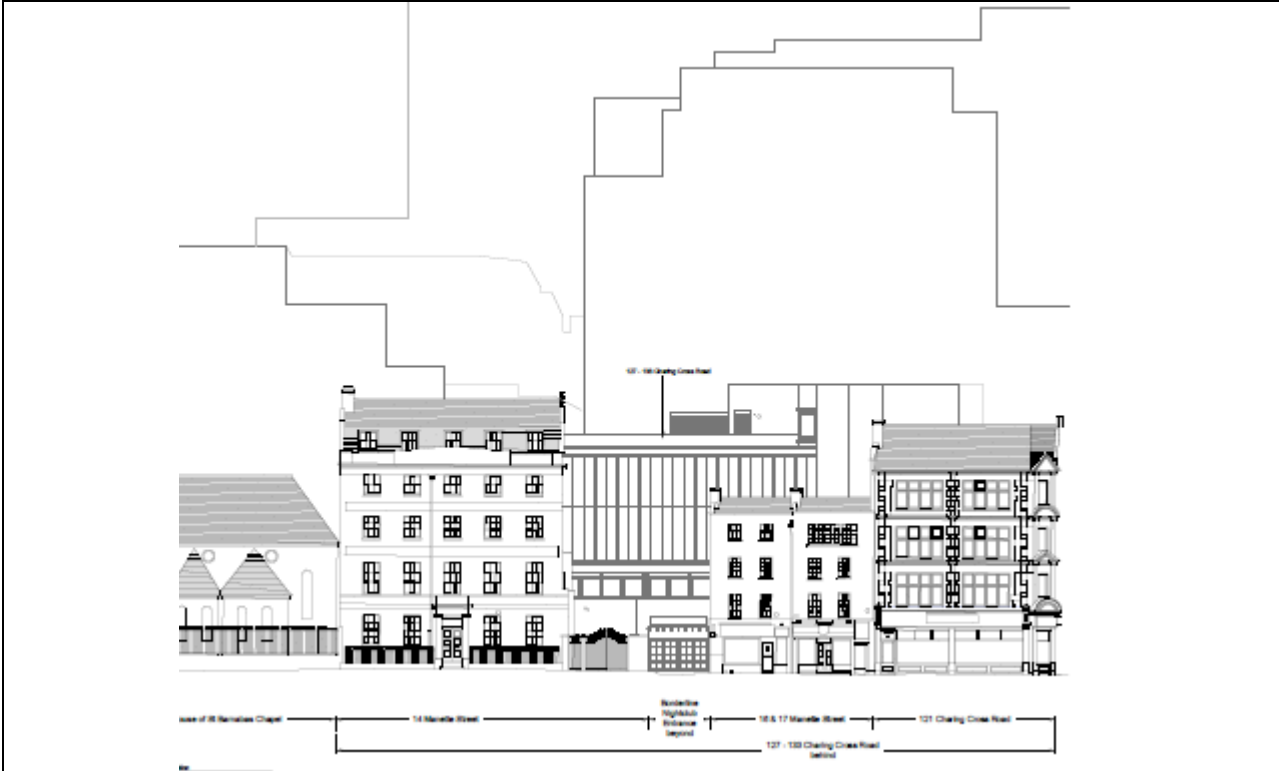
Existing Charing Cross Road



Existing Charing Cross Road with the existing building



Proposed Charing Cross Road



Existing Manette Street



Proposed Manette Street



Charing Cross Road

DRAFT DECISION LETTER

Address: 127-133 Charing Cross Road, London, WC2H 0EA,

Proposal: Refurbishment and extensions to existing building including replacement of external facades; three additional floors at roof level plus rooftop access housing and plant enclosure; and terraces at second to seventh floor level; to provide retail (Class A1), office (Class B1) and nightclub (Sui Generis) floorspace.

Plan Nos: 1703.00.101; 1703_10.101; 1703.10.171; 1703.10.172; 1703_10.201; 1703_10.202; 1703_10.203; 1703_10.204; 1703_10.205; 1703_10.206; 1703_10.251; 1703_10.252; 1703_10.253; 1703_10.254; 1703_10.271; 1703_10.272; 1703_10.273; 1703_10.274; 1703_15.201; 1703_15.202; 1703_15.203; 1703_15.204; 1703_15.205; 1703_15.206; 1703_15.251; 1703_15.252; 1703_15.253; 1703_15.254; 1703_15.271; 1703_15.272; 1703_15.273; 1703_15.274; 1703.20.171; 1703.20.172; 1703_20.201; 1703_20.202/P2; 1703_20.203; 1703_20.204; 1703_20.205; 1703_20.206; 1703_20.207; 1703_20.208; 1703_20.206; 1703_20.207; 1703_20.251; 1703_20.252; 1703_20.253; 1703_20.254; 1703_20.271; 1703_20.272; 1703_20.273; and 1703_20.274.

For information only: Planning Statement prepared by DP9; Design and Access Statement, prepared by Barr Gazetas; Air Quality Assessment, prepared by Air Quality Consultants; Arboricultural Impact Assessment, prepared by Wardell Armstrong; Archaeological Historic Environment Assessment, prepared by MOLA; Construction Management Plan, prepared by Spring & Co; Daylight and Sunlight Report, prepared by GIA; Delivery and Servicing Management Plan, prepared by TTP Consulting; Energy Statement, prepared by Aecomlood Risk Assessment and Drainage Strategy, prepared by Heyne Tillet Steel; Heritage Statement, prepared by Heritage Collective; Noise Assessment, prepared by Clement Acoustics; Statement of Community Involvement, prepared by Concilio; Sustainability Statement, prepared by Aecom; Transport Statement, prepared by TTP Consulting; Utility Services Report, prepared by Aecom; Visual Impact Assessment, prepared by M3FX; and Workplace Travel Plan, prepared by TTP Consulting.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641 2518

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any
- (a) demolition, and/or
 - (b) earthworks/piling and/or
 - (c) construction

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must apply to us for approval of a detailed written and photographic schedule of the facing materials you will use and which you should prepare as sample panels to be viewed by us on-site. Your schedule should include annotated versions of the approved elevations and roof plans to show where each of the materials would be used. You must not start work on the relevant parts of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

character and appearance of this part of the Soho 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)

- 5 You must apply to us for approval of further information as set out below of the following parts of the development:
- a. Shopfronts and ground floor entrances (detailed elevations and sections at 1:20);
 - b. Typical bay study of the third to fourth floor elevations (detailed elevations and sections at 1:20);
 - c. Typical bay study of the sixth to seventh floor elevations (detailed elevations and sections at 1:20);
 - d. Signage strategy (enhanced elevations at 1:20 of signage zones, proposed signage design code, and details of how this will be managed with tenants).

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 approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho 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)

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

- a. Increased depth of profile to window mullions.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

character and appearance of this part of the Soho 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)

- 8 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest.
- (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the **** use 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 permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
 - (f) The proposed maximum noise level to be emitted by the activity.

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 (UDP), 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. (R47AB)

- 9 (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)

- 10 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)

- 11 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment. 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. You must not change it without our permission. (C13BB)

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 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) 9 and 10 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)

- 13 The terraces shall only be used between the hours of 0700 and 2100 Monday to Friday.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 14 You must provide the waste store shown on drawing 1703-20.202/P2 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 15 No waste should be left or stored on the public highway.

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 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)

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

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 18 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it) the retail accommodation hereby approved shall not be used as a supermarket unless otherwise agreed in writing by the City Council as local planning authority.

Reason:

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

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

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

Reason:

To 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. (R43FB)

- 20 You must install the features outlined in your Sustainability Report: bird boxes, bat boxes and efficient water irrigation strategy. You must not occupy the office part of the development until these features have been installed. You must not remove any of these features.

Reason:

To 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. (R43FB)

- 21 You must apply to us for approval of details of the planters on the roof terrace, to include construction method, dimensions, irrigation and planting scheme. You must not occupy the office part of the development until we have approved what you have sent us. You must then install these features according to the details approved.

Reason:

To 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. (R43FB)

- 22 **Pre Commencement Condition.** Notwithstanding the details submitted, you must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

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

Photovoltaics and green roof.

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

Reason:

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

- 24 The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2014 or any such national measure of sustainability that replaces that scheme of the same standard).

A post construction certificate confirming this standard under BREEAM has been achieved must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 3 months of completion on site.

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)

- 25 You must apply to us for approval of detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), which:-

- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
- (ii) Mitigate the effects on Crossrail, of ground movement arising from development.

You must not start work until we, in consultation with Crossrail Ltd, have approved what you have sent us. You must then carry out the work according to these design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1(ii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in S41 and S43 of Westminster's City Plan (November 2016) and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 4 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)
- 5 Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The applicant should contact Jeff Perkins (0207 641 2642) in Highways Planning to progress the application for stopping up of the highway. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring.
- 6 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 7 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)

- 8 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 9 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)
- 10 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)
- 11 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 12 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 13 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)

- 14 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 15 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 16 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.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) and the checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. The full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements) must be submitted at least 40 days prior to commencement of works (which may include some pre-commencement works and demolition).

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

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

- 17 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)
- 18 You should include features that improve biodiversity when designing the development and any open areas. For more advice, please speak to our Biodiversity Project Manager on 020 7641 1951. (I81AA)
- 19 When you apply to us for approval of details under condition 22 you must provide more precise details for the tree protective boxing and a brief methodology for the hosing down of adjacent trees, including details of who will assess the requirement for hosing the trees, how often this assessment will be made and a brief methodology for hosing down the leaves to ensure the effectiveness of the procedure.
- 20 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

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

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

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

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

- 22 There may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. Thames water will need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. You are advised to read Thames Water's guide working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.
- 23 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. You are advised to read Thames Waters guide to working near or diverting our pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
- 24 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. You should take account of this minimum pressure in the design of the proposed development.
- 25 As both the future Elizabeth Line (Crossrail) and London Underground operate in tunnels beneath the development site the developer is advised to consider and mitigate as far as reasonable, the risk of impact from transmitted groundborne noise and vibration.
- 26 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- i) A payment of £1,713,303.47 towards the Council's affordable housing fund (index linked and payable on commencement of development).
 - ii) Carbon offset payment of £41,400.
 - ii) Monitoring costs.

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Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 7 May 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved West End	
Subject of Report	46 Berkeley Square, London, W1J 5AT		
Proposal	Flowers arranged over scaffolding on front elevation for a temporary period from 19 May 2019 -27 May 2019		
Agent	Jon Dingle Ltd		
On behalf of	46 Berkeley Square Limited		
Registered Number	19/03014/ADV	Date amended/ completed	18 April 2019
Date Application Received	18 April 2019		
Historic Building Grade	Grade I		
Conservation Area	Mayfair		

1. RECOMMENDATION

Refuse advertisement consent - visual amenity and setting of listed building

2. SUMMARY

The building is listed Grade 1 and forms part of a highly significant terrace of listed Georgian buildings on the west side of Berkeley Square, in the Mayfair Conservation Area. Other buildings in the terrace are also listed grade 1, including 44 and 45. No. 47 is listed grade 2 Star. This terrace is of the highest heritage importance.

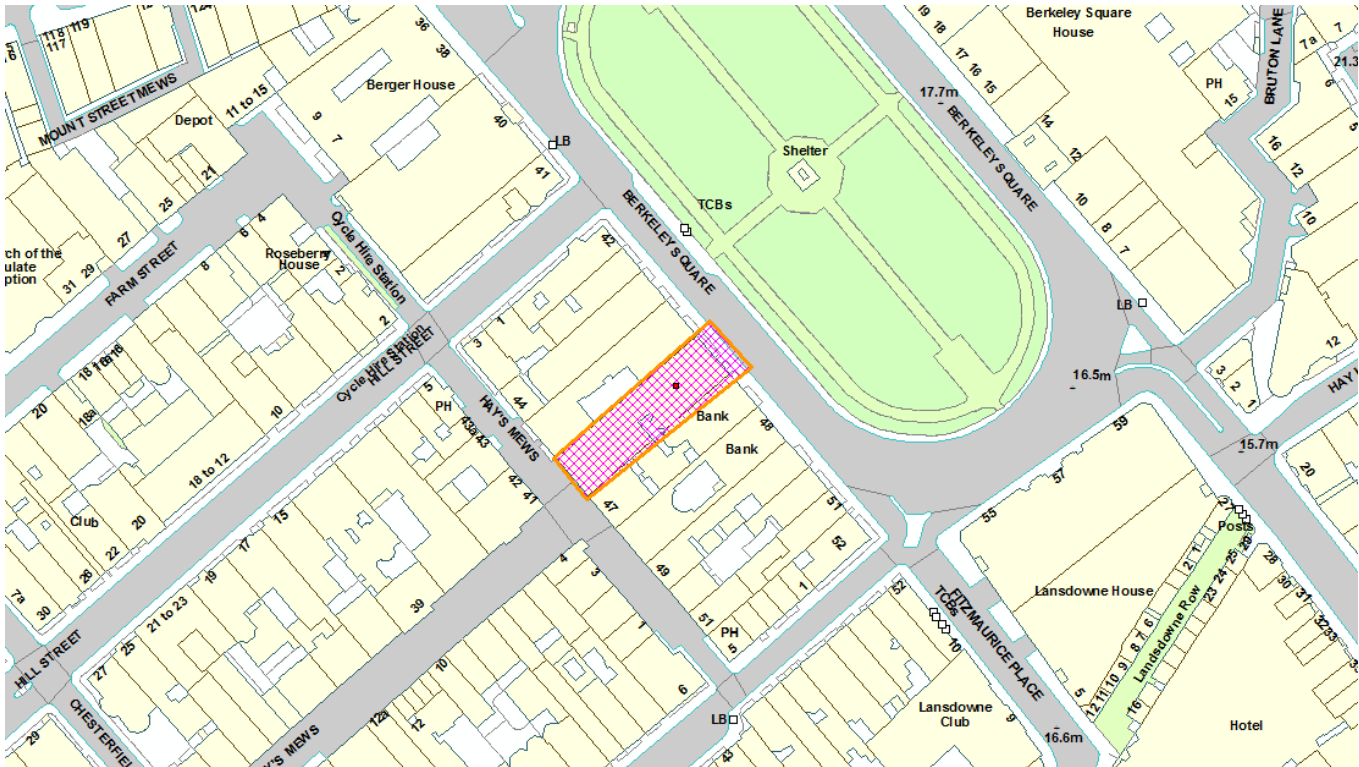
The proposed display would obscure the facade of the Grade 1 listed building harming its setting, albeit for a temporary period. This would also harm the settings of the adjacent listed buildings in the terrace and the character and appearance of the Mayfair Conservation Area.

Annabel's opened as a private members club in no.46 last year. Since then there have been at least two of temporary unauthorised displays in front of the building, extending the full height of the facade. A display at Christmas 2018 was granted advertisement consent. At a recent meeting with Cllr Mohindra and Officers the applicant advised that they wish to display temporary adverts at the front of the building twice a year. This was duly noted.

It is considered that the display is contrary to the City Council's policies regarding advertisements and the preservation of listed buildings and conservation areas. It would cause clear harm to

heritage assets. There are no special circumstances to be taken into consideration in this case and, in addition, the event for which the advertisement is to be displayed (the Chelsea Flower Show) is not related to this premises or indeed to the City of Westminster. To permit such a display could make resisting similar displays on other buildings difficult as the rationale for allowing it would be equally applicable in many other situations. It is considered that there are no public benefits to outweigh the harm, and therefore the proposal is recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

No consultations undertaken

5.1 Recent Relevant History

On 14 November 2018 advertisement consent was *granted* for the display of a non-illuminated Christmas decoration on a printed screen (Christmas tree), measuring 13m x 13m for a temporary period from 10 December 2018 to 11 January 2019.

On 13 February 2019 advertisement consent was *refused* for the display of a non-illuminated printed hoarding screen (birthday cake) measuring 18.3m x 12.3m. This display was erected without consent. (RN:19/00597/ADV). It was considered that the shroud advertisement would harm the special interest of the grade 1 listed building and harm the setting of the adjacent listed buildings in the terrace.

(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: HELEN MACKENZIE BY EMAIL AT hmackenzie@westminster.gov.uk

6. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 46 Berkeley Square, London, W1J 5AT

Proposal: Flowers arranged over scaffolding on front elevation for a temporary period from 19 May 2019 -27 May 2019

Reference: 19/03014/ADV

Plan Nos: 1819-GA-EL-11-G

Case Officer: Robert Ayton

Direct Tel. No. 020 7641 2978

Recommended Reason for Refusal:**Reason:**

Because of its design, size and location, the proposed advertisement would harm the special interest of this grade 1 listed building. It would harm the settings of the adjacent listed buildings in the terrace. It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Mayfair Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 8, DES 9, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AD)

Informative(s)

- 1 If the proposed advertisement (which includes any supporting structure) is attached to the grade 1 listed building then listed building consent would also be required. However, listed building consent is unlikely to be granted.

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.