

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 16 August 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward involved</b> St James's	
<b>Subject of Report</b>	<b>49 Charing Cross, London, SW1A 2DX,</b>		
<b>Proposal</b>	Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets.		
<b>Agent</b>	CBRE		
<b>On behalf of</b>	Antham 1 Limited		
<b>Registered Number</b>	15/07397/FULL and 15/07398/LBC	<b>Date amended/ completed</b>	12 August 2015
<b>Date Application Received</b>	12 August 2015		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Trafalgar Square		

## 1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure:

- i) A financial contribution towards affordable housing of £3,336,000 (index linked and payable on commencement of development);
- ii) Lifetime car club membership (25 years) for future residential occupiers.
- iii) Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

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

b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the

Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3. Grant conditional listed building consent.

4. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.

## 2. SUMMARY

The site comprises adjoining properties 49-50 Charing Cross and 12 Whitehall which are currently occupied by the Royal Bank of Scotland (formally Drummonds bank). 49-50 Charing Cross is Grade II listed and both buildings are located within the Core Central Activities Zone and the Trafalgar Square Conservation Area. Permission and listed building consent are sought for alterations in connection with the partial use of the site as 10 residential flats. The remainder of the site would be retained as a bank (Class A2) and offices (Class B1).

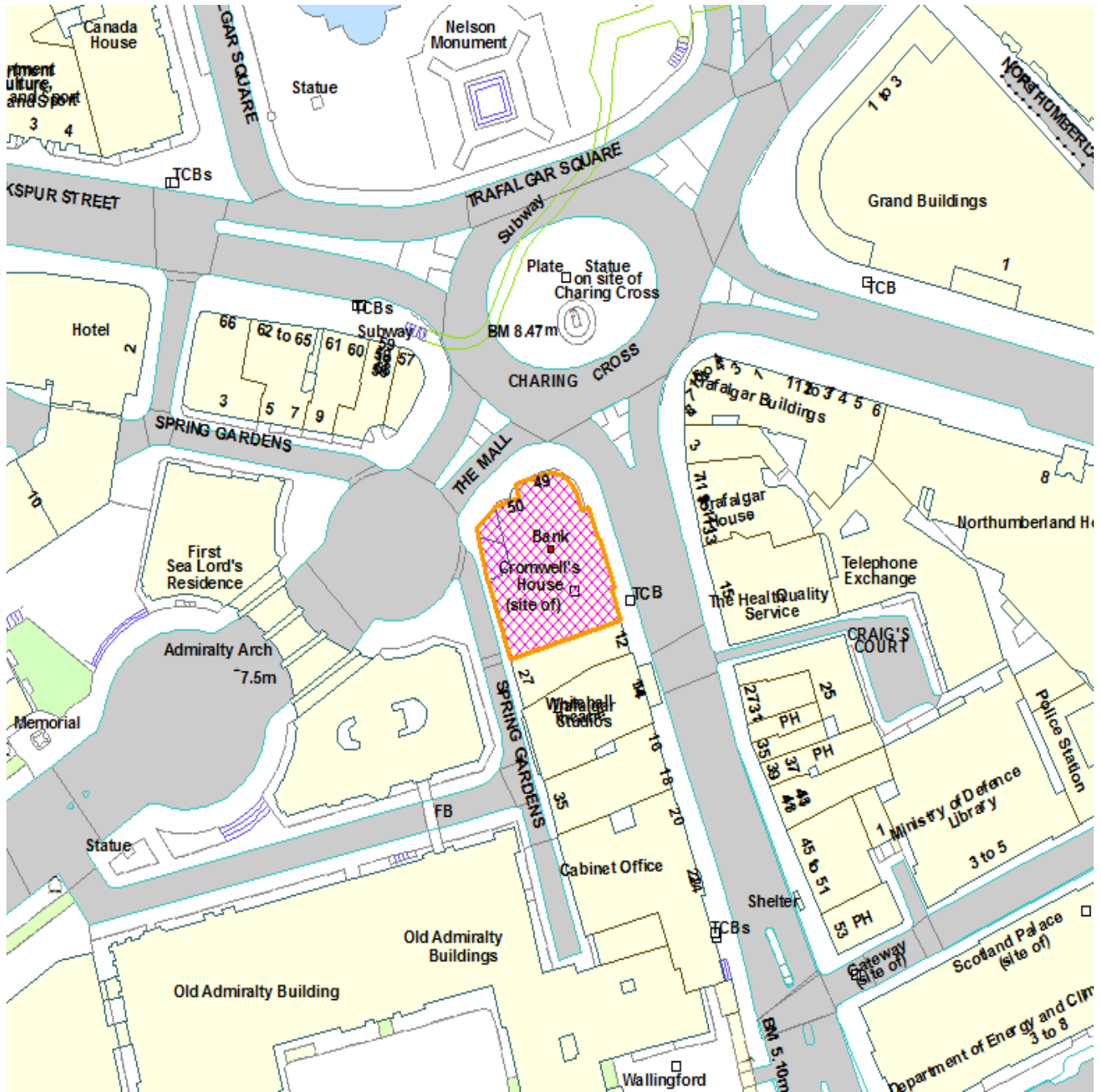
Two letters of support and two letters of objection from neighbouring owners/occupiers have been received.

The key issues for consideration in this case are:

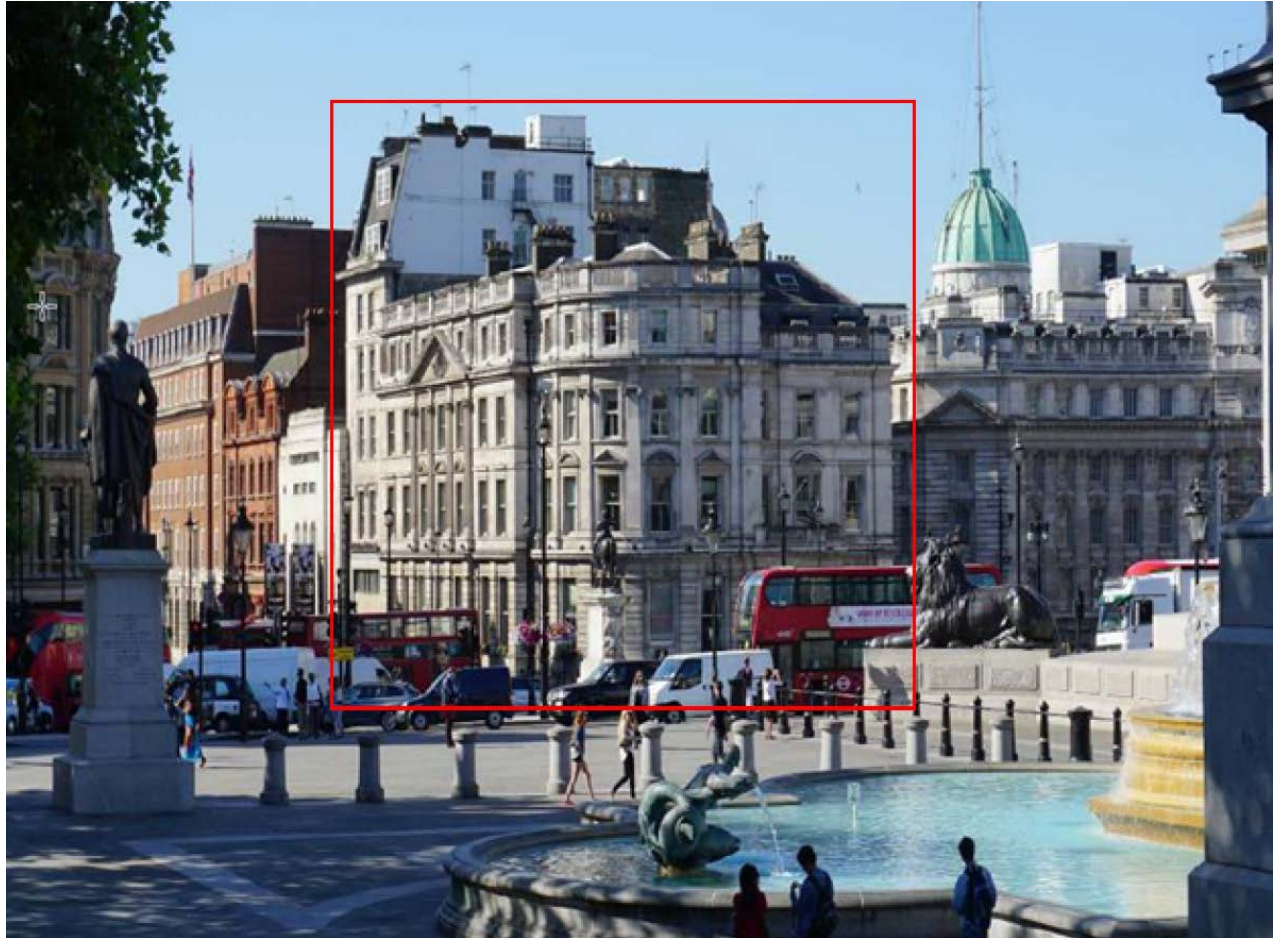
- \* The impact of the proposals on the character and appearance of the buildings and conservation area;
- \* The relationship between the site and the adjoining Trafalgar Studios theatre;
- \* The potential for the construction programme to impede neighbouring development sites.

The proposals are considered acceptable in land use, amenity, design, conservation and listed building terms and comply with the City Council's policies as set out in the Unitary Development Plan (January 2007) and Westminster's City Plan (July 2016).

### 3. LOCATION PLAN



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**49-50 Charing Cross and 12 Whitehall from Trafalgar Square**

#### 4. CONSULTATIONS

##### HISTORIC ENGLAND

Authorisation given to determine application as seen fit.

##### WESTMINSTER SOCIETY

No objection.

##### LONDON UNDERGROUND LTD

No comment.

##### TRANSPORT FOR LONDON

No objection.

##### HIGHWAYS PLANNING

No objection subject to conditions.

##### ENVIRONMENTAL HEALTH

No objection subject to conditions.

##### DESIGNING OUT CRIME OFFICER

No objection subject to condition.

##### ADJOINING OWNERS/OCCUPIERS

Number consulted: 55

Number of replies: 4

One letter of support has been received from a local resident.

The Ambassador Theatre Group, managers of the adjoining Trafalgar Studios Theatre, have written to confirm they support the proposals subject to the noise mitigation measures as agreed during discussion with the applicant and Environmental Health.

Letters have been received from the Department of Education and on behalf of Admiralty Arch Ltd raising concern over the potential conflict in construction logistics between the application site and implementation of proposals at their own sites.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

#### 5. BACKGROUND INFORMATION

##### 5.1 The Application Site

The site comprises adjoined properties 49-50 Charing Cross and 12 Whitehall. Both buildings are located within the Core Central Activities Zone and the Trafalgar Square Conservation Area. Whilst linked internally the buildings manifest as separate properties externally and were built at different points in time.

49-50 Charing Cross is a Grade II listed building comprising of basement, ground and three upper floors. It is a purpose built bank located at the junction of Whitehall and the Mall. Drummonds commissioned construction of the bank in 1885 to replace their existing bank on the site.

12 Whitehall, an unlisted building of merit, comprises seven storeys plus basement and mezzanine. Although the ground floor has the appearance of a retail unit, the entire building has lawful office use (Class B1). The building flanks the south of 49-50 Charing Cross, fronts onto Whitehall and has a rear elevation to Spring Gardens. It was built in 1922 by Drummonds bank. The buildings are linked at first, second and third floors.

49-50 Charing Cross is currently occupied in its entirety by the Royal Bank of Scotland (following its takeover of Drummonds). The ground floor is used as a traditional banking hall (Class A2), with associated storage at basement level. The first floor comprises a series of private meeting and dining rooms for customers, with further meeting rooms and offices on the upper floors. Parts of the first and third floors of 49-50 Charing Cross and the entirety of 12 Whitehall are currently vacant.

## 5.2 Recent Relevant History

None relevant.

## 6. THE PROPOSAL

Planning permission and listed building consent are sought for the change of use of part basement, ground and first floors and the entirety of remaining upper floors of No.49-50 to provide 10 residential units. The bank will be retained at part basement, part ground and part first floor of No.49-50.

The application originally sought to change the use of 12 Whitehall to provide a further seven flats (17 flats in total). Due to the relationship between No.12 and the adjoining Trafalgar Square Studios theatre, this element has now been omitted and 12 Whitehall is to be retained for office use.

External alterations include infill extensions at second and third floor levels within lightwells to No.49-50. Mechanical plant is to be reorganised and housed within enclosures at fourth floor level to No.49-50 and within an internal lightwell to No.12. Alterations are also sought to windows, balustrading and parapets. Works to provide the residential accommodation will also require the creation of a new entrance off Spring Gardens, installation of a passenger lift and alterations to partitioning, including separation works between the residential accommodation and bank.

## 7. DETAILED CONSIDERATIONS

### 7.1 Land Use

The proposal essentially seeks to use part of the bank and offices to create 10 residential units. A summary table of land uses is below (sqm).

	<b>Existing</b>	<b>Proposed</b>	<b>Net Change</b>
Bank and offices	6,110	3,602 (A2 – 1990, B1 – 1612)	- 2,508
Residential	0	2,634	+2,634
<b>TOTAL</b>	6,110	6,236	+126

#### **Loss of office use**

The proposal would result in the loss of back of house Class A2 floorspace and ancillary office floorspace amounting to 2,508sqm. The Council has acknowledged the need to safeguard Westminster's role as an economic generator of high value. To this end the Council has recently adopted Policy S20 of the City Plan (2016) which resists the loss of offices to residential use in this location.

Prior to the policy adoption an announcement was made in a statement by the Deputy Leader on 18<sup>th</sup> March 2015 that no loss of office floorspace will be considered acceptable unless a developer can demonstrate that the benefits of a proposal, taken as a whole, outweigh the loss of the office floorspace. This change was not to be introduced for applications received prior to 1<sup>st</sup> September 2015. The September date was chosen to take into account development proposals which had been prepared and submitted prior to the policy announcement, as is the case here.

Officers consider that it is appropriate to honour the policy position prior to the 1<sup>st</sup> September date in this instance. To apply the recently adopted policy would be contrary to the terms of the Council's statement. Notwithstanding this, the bank use amounting to 1,990sqm and offices amounting to 1,612sqm would be retained and remain viable entities in their own right. It could be argued that the current proposal constitutes an improved position over the existing, with the creation of self-contained offices within No.12, rather than the existing situation of substantial back of house offices connected to the bank which remains substantially disused.

#### **Residential use**

The proposed development will consist of 10 new residential units spread over three floors, located above the bank with ancillary accommodation at basement and ground floor levels. The proposed use of part of the building for residential purposes is supported under Policies S14 of the City Plan and H3 of the UDP.

The breakdown in units is as follows: 1 Beds x 1 (10%) 2 Beds x 6 (60%) 3 Beds x 3 (30%). The provision of 3-Bed units, although marginally below the target set by Policy H5 which seeks 33% or more of units to be family sized, is considered acceptable in this instance given the limitations of the site.

The residential units vary in size from 73sqm for the one bed unit and up to 205sqm for the largest three bed unit. The new flats would provide a good standard of accommodation for this dense urban location. The units are typical for this type of development and are not considered oversized and as such comply with Policy S14 which requires the number of residential units on development sites to be optimised. All unit sizes exceed the requirements of the national space standards and all bedrooms are over the minimum 8sqm.

The consideration of the new residential in terms of noise levels and relationship with the adjoining theatre is discussed in section 7.7 of this report.

### **Affordable housing**

The scheme results in an increase in residential floorspace of 2,634sqm (GEA). Policy S16 of the City Plan expects a proportion of the new residential floorspace over 1,000sqm to be provided as affordable housing. The proportion of affordable housing required by the interim housing guidance for sites in this location is 668.5sqm.

Policy H4 of the UDP and Policy S16 of the City Plan require a sequential approach to affordable housing provision, with on-site provision being the expected form of delivery. However, where it can be demonstrated that on-site or off-site provision in the vicinity of the site cannot be achieved for legitimate reasons, a financial contribution to the Council's affordable housing fund may be considered as an acceptable.

In this case the applicant does not consider it viable to provide affordable housing on or off site and instead seeks to provide a full financial contribution towards the Council's affordable housing fund.

A viability assessment has been submitted as part of the planning application documents which details that the scheme cannot support the provision of on-site affordable housing without impacting on the financial viability of the scheme. The applicant does not have any alternative sites for off-site provision of affordable housing. The Council's independent consultant has reviewed the findings and consider that on-site affordable housing could not be viably sustained by the development.

The applicant is willing to make a full contribution to the affordable housing fund as a payment in lieu which amounts to £3,336,000. This form of provision is considered to be appropriate in this instance and will be secured by legal agreement.

## **7.2 Townscape and Design**

In design terms the proposals are broadly acceptable. The extensions within the lightwells will not be visible from the public realm. The form of the lightwells has been significantly altered in their appearance over time. The amount of infill extension has been reduced as a consequence of discussions with officers and during the application itself. This in addition to the proposed removal of more modern accretions within the lightwells is considered to enhance the appearance of the building.

The reorganisation of plant areas and encasing of replacement plant within enclosures at roof level of No.12 and at fourth floor level of No.49-50 will be a more organised solution compared to existing.



A number of amendments have been made during the application process which include enhancement to the residential reception area, retention of stone balustrades to the Charing Cross elevation and revision to the balustrade treatment to No.12.

Subject to conditions, including a condition requiring details of the separation interface work needed between the bank and residential part of the development, it is considered that the proposals will not result in harm to the special architectural and historic interest of the building or to the character and appearance of the Trafalgar Square Conservation Area.

### **7.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a loss of daylight/sunlight, particularly in dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. The nearest existing residential accommodation to the site is located over 30m away from the site.

Given the orientation of the existing building, the relationship with surrounding properties and their predominately commercial nature, the proposals would not result in overlooking or loss of privacy to neighbouring buildings. Very little change is sought externally and as such the proposal would not result in a material loss of light, increased overshadowing or increased sense of enclosure to neighbours. It is considered that the proposals will accord with Policies S29 and ENV13.

### **7.4 Transportation/Parking**

The site is almost entirely occupied by the existing buildings' footprint which makes it impractical to provide car parking on-site without significant intervention to the heritage fabric of the building. No on-site car parking is therefore provided. The most recent on-street parking surveys show that both night time and day time occupancy is below the 80% deficiency level set out in Policy TRANS23 (47% and 50% respectively). The applicant is willing to commit to providing lifetime (25 years) car club membership for all the proposed residential units. This is to be secured by legal agreement.

19 cycle spaces will be provided within the basement. Access/ egress for cycles will be via the secondary residential entrance to the rear of 12 Whitehall with a lift used to transport cycles to the basement storage area.

In terms of servicing, given the use of the existing buildings, it is not considered that the impact on the highway would increase with the introduction of the residential use. Highways Planning raise no objection subject to a condition to secure the off street cycle parking spaces for the residential use.

### **7.5 Economic Considerations**

The development will have a beneficial economic effect through additional local spending during construction and occupation as well as the social benefits from the provision of additional housing.

## 7.6 Access

All the residential units have level access by virtue of the new lifts serving all floors. The units have been designed to meet Lifetime Home Standards as far as the existing historic fabric allows.

## 7.7 Other UDP/Westminster Policy Considerations

### Noise

Discussions have taken place between the applicant, the adjoining Trafalgar Studios theatre and Environmental Health to ensure that the proposed conversion does not interfere with the current operation and performances of the theatre. As well as No.12 now being retained as offices, the applicant has proposed the installation of noise mitigation measures along the shared boundary. Environmental Health raise no objection subject to the conditions recommended to protect the proposed residential within No.49-50 from potential noise.

Background noise levels in this location can be high and Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise. Environmental Health officers have confirmed that subject to the imposition of safeguarding conditions, it is considered that sufficient measures will be put into place to mitigate against internal and external noise.

In terms of proposed plant, the submitted noise assessment has indicated that the proposals are likely to meet the requirements of the City Council's standard noise conditions. Environmental Health has confirmed they have no objection subject to the standard noise conditions.

### Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments. A dedicated waste and recycling store will be provided at basement level within 12 Whitehall accessible to all residents internally.

### Sustainability

The proposals seek to accord with the London Plan energy hierarchy of Lean, Clean and Green. Policy 5.2 of the London Plan requires a 35% improvement in carbon dioxide emissions over the 2013 Building Regulations. The proposals would provide approximately 39% of carbon reduction improvements over the Building Regulations which are welcomed.

In terms of the energy and sustainability performance of the building, the new build residential would achieve a 'Very Good' rating for BREEAM Domestic Refurbishment. Given the site's spatial constraints and listed status this is considered acceptable.

The sustainability strategy demonstrates a reduction in carbon emissions beyond the requirements of Building Regulations and in line with the London Plan. The proposed energy and carbon reduction measures are considered acceptable.

## 7.8 London Plan

This application raises no strategic issues.

## 7.9 National Policy/Guidance Considerations

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

## 7.10 Planning Obligations

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

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

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

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council adopted its own Community Infrastructure Levy on the 1st May 2016.

The applicant has offered to enter into a S106 legal agreement to secure the following:

- \* A financial contribution of £3,336,000 towards the City Council's affordable housing fund.
- \* Lifetime car club membership (25 years) for future residential occupiers.
- \* The payment of monitoring costs.

These 'heads' are considered to satisfactorily address City Council policies. Subject to conditions and the securing of the legal agreement the proposals are considered acceptable and are recommended for approval.

The estimated Westminster CIL payment is zero.

## **7.11 Other Issues**

### **Construction impact**

Concerns have been raised by Admiralty Arch Ltd and the Department of Education, who have permitted applications of their own, on the grounds of the logistical impact of construction. More precisely, that the construction traffic and set up of the application site could impede the practical implementation of neighbouring application sites. Given the relationship of this site to neighbouring development sites, the likelihood that construction access will only be available via Spring Gardens and New Road, and the potential for wider security implications of the build, it is considered reasonable to add a pre-commencement condition requiring the submission of a Construction Management and Logistics Plan.

The applicant is willing to accept such a condition and following the comments has been in contact with Admiralty Arch Ltd, the Department of Education and Trafalgar Studios to ensure there is open dialogue and a point of contact going forward. The recommended condition explicitly requires the Construction Management and Logistics plan to be produced in consultation with surrounding neighbours which include the Department of Education, Admiralty Arch Ltd, Trafalgar Studios, Department for International Development, Lord Moon of the Mall public house, Centre for the Protection of National Infrastructure and the Metropolitan Police.

### **Crime and security**

The Designing Out Crime Officer has been consulted and has subsequently met with the application to discuss the scheme. The proposals are generally supported from a designing out crime perspective and a condition is recommended requiring the submission of details of a Secured by Design Scheme which will be submitted prior to occupation and considered in consultation with the Designing Out Crime Officer.

## 8. BACKGROUND PAPERS

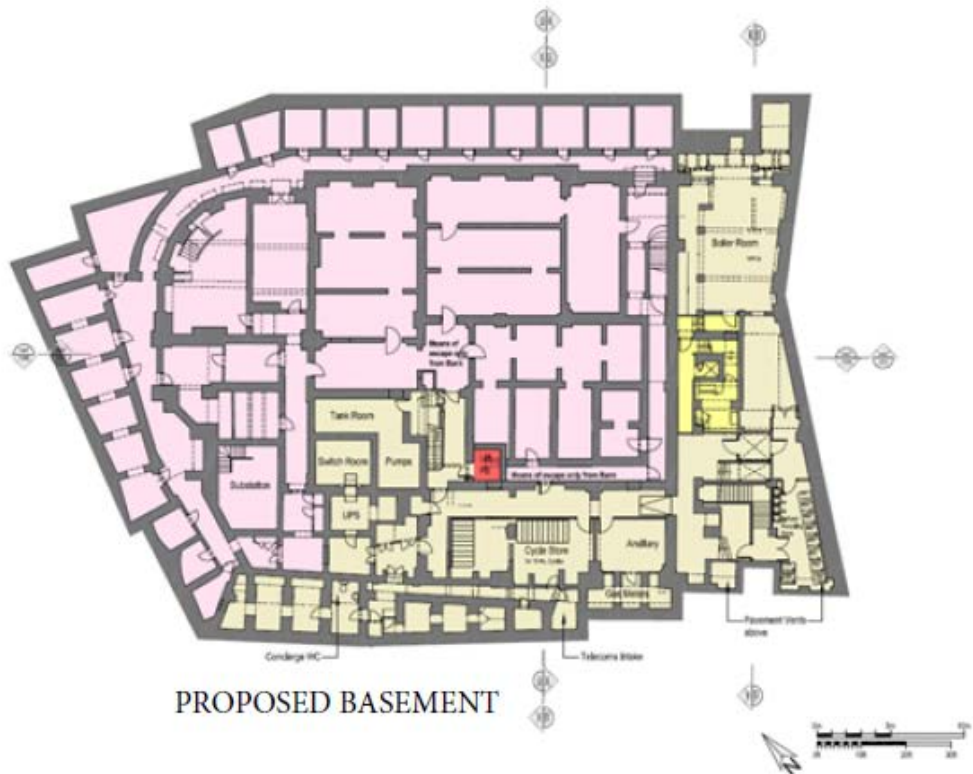
1. Application form.
2. Letter from Historic England dated 25 August 2015.
3. Letter from Transport for London dated 2 September 2015.
4. Letter from London Underground dated 11 September 2015.
5. Letter from the Westminster Society dated 21 August 2015.
6. Memo from Highways Planning dated 1 October 2015.
7. Letter from the Metropolitan Police dated 25 April 2016.
8. Memos from Environmental Health dated 27 June 12 February 2016.
9. Letter from the Ambassador Theatre Group dated 26 November 2015.
10. Letter from owner/occupier of Flat 3, 35 Spring Gardens dated 15 March 2016.
11. Letter on behalf of Admiralty Arch Ltd dated 11 April 2016.
12. Letter from the Department of Education dated 20 April 2016.

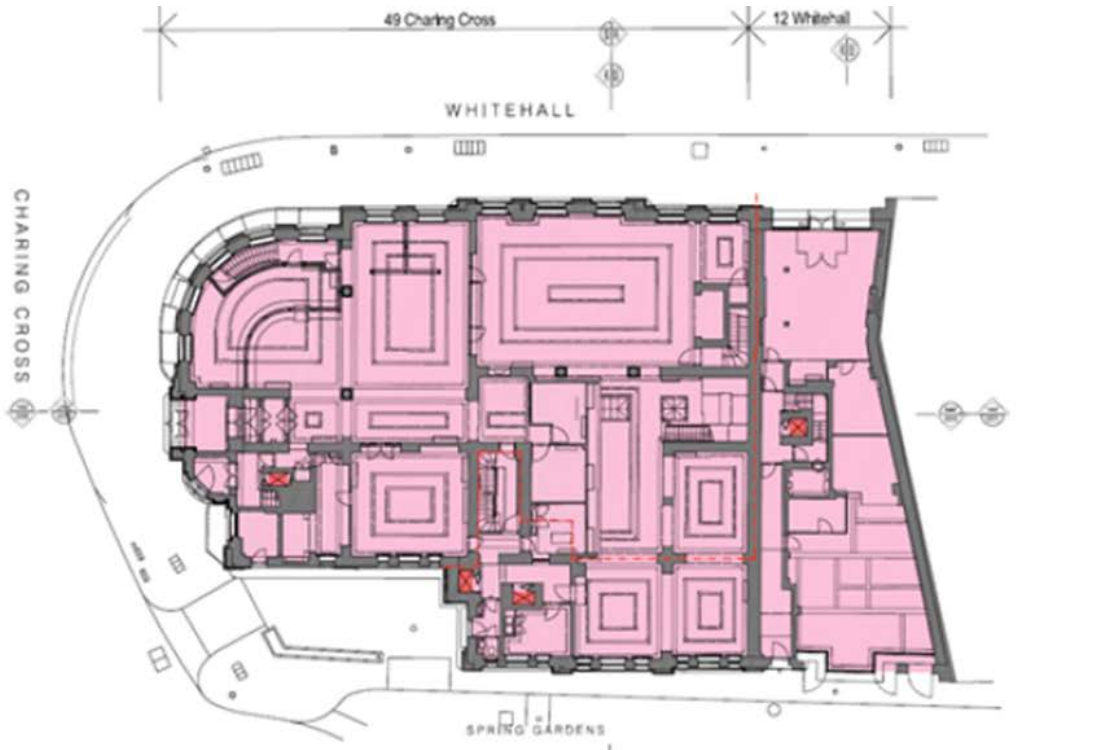
### Selected relevant drawings

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

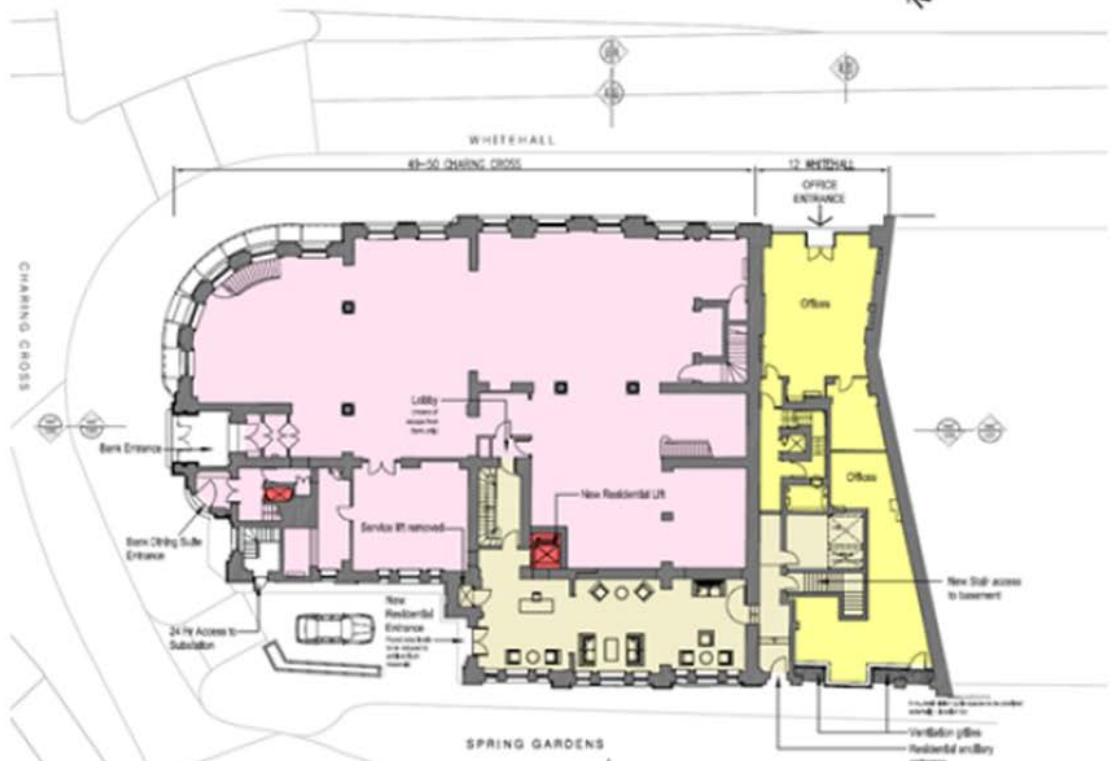
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT [MMASON@WESTMINSTER.GOV.UK](mailto:MMASON@WESTMINSTER.GOV.UK)

9. KEY DRAWINGS





EXISTING GROUND

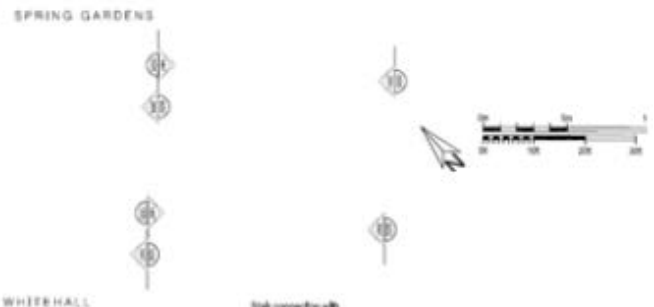


PROPOSED GROUND





EXISTING FIRST FLOOR



PROPOSED FIRST





**DRAFT DECISION LETTER**

- Address:** 49 Charing Cross, London, SW1A 2DX,
- Proposal:** Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets.
- Plan Nos:** 1447-0001A; 1447-0002; 1447-0100B; 1447-0101B; 1447-0102B; 1447-0103B; 1447-0104B; 1447-0105B; 1447-0106B; 1447-0107B; 1447-0108B; 1447-0109B; 1447-0130A; 1447-0200B; 1447-0201B; 1447-0203B; 1447-0205B; 1447-0206A; 1447-0300B; 1447-0301B; 1447-0302B; 1447-0460E; 1447-0461E; 1447-0462E; 1447-0463E; 1447-0464E; 1447-0465D; 1447-0930E; 1447-0931E; 1447-0932D; 1447-0933E; 1447-0934G; 1447-0935G; 1447-0936H; 1447-0937H; 1447-0938G; 1447-0939F; 1447-0940D; 1447-0941D; 1447-0943D; 1447-0945D; 1447-0946E; 1447-0950B; 1447-0951C; 1447-0952C; 1447-1100J; 1447-1101H; 1447-1102G; 1447-1103I; 1447-1104K; 1447-1105L; 1447-1106J; 1447-1107G; 1447-1108G; 1447-1109H; 1447-1200K; 1447-1201H; 1447-1203E; 1447-1205F; 1447-1206E; 1447-1300D; 1447-1301D; 1447-1302F; 1447-4200; 1447-4300A; SK-1150B; SK-1350B; SK-1400B; SK-4500C; SK-4501C; SK-4502B; SK-4700A; Planning Statement by CBRE (August 2015); Design and Access Statement (August 2015); Response to consultation comments by Brimelow McSweeney Architects (November 2015); Historic Building Assessment (August 2015); Heritage Assessment of Alterations - Addendum (November 2015); Noise Assessment (10 August 2015); Energy and Sustainability Statement (12 August 2015); Daylight Analysis Report (11 August 2015); Cundall Report 1011662-RPT-AS-00005 Rev B; Transport Statement including Waste and Servicing (August 2015).

**Case Officer:** Vincent Nally **Direct Tel. No.** 020 7641 5947

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

**Reason:**

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- \* between 08.00 and 18.00 Monday to Friday;
- \* between 08.00 and 13.00 on Saturday; and
- \* not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

**Reason:**

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

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:
- (a) new windows and rooflights including surrounding details (detailed drawings at a scale of 1:5);
  - (b) new external doors including surrounding details (detailed drawings at a scale of 1:5);
  - (c) new external stairs and balustrades (detailed drawings at a scale of 1:5);
  - (d) new shopfronts (detailed drawings at a scale of 1:10);
  - (e) overall external profiles of each extension (detailed drawings at a scale of 1:20).

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

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

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

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

Reason:

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

- 6 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture,

face bond and pointing. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C27DB)

Reason:

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

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

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

- 8 (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 (July 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.

- 9 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.

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

Reason:

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

- 11 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.

The Lmax of noise from the theatre in the 63 Hz octave band should not exceed 47 dB in new residential dwellings in 49 Charing Cross. This condition is based on the assumption that sound generated in the theatre (Trafalgar Studios) will not exceed the agreed levels described in Appendix 1 of Cundall Report 1011662-RPT-AS-00005 (Rev B dated 31/5/2016).

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.

- 12 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant, design and structure of the development will comply with the noise criteria as set out in Condition 8, 9, 10 and 11 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 (July 2016), by contributing to reducing excessive ambient noise levels.

- 13 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1447-110J. You must clearly mark them and make them available at all times to everyone using the residential part of the development. (C14FB)

Reason:

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

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

Reason:

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

- 15 You must apply to us for approval of details of how waste and recyclable material is going to be stored within the Class A1 retail unit. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details. You must not use the waste store for any other purpose. (C14CD)

Reason:

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

- 16 The residential part of this development must achieve a 'very good' rating under BREEAM Domestic Refurbishment, or any such national measure of sustainability for house design that replaces the scheme of the same standard. You must provide us with a copy of the Building Research Establishment (or equivalent independent assessment) issued Final Post Construction Stage Assessment and Certification, confirming that each unit built has achieved the required level, within 3 months of completion.

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 (July 2016). (R44AC)

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

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 18 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management and logistics plan for the proposed development has been produced in consultation with surrounding neighbours and submitted to and approved in writing by the City Council as local planning authority. The plan shall include but is not limited to:

- (i) a construction programme including a 24 hour emergency contact number;
- (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
- (iv) erection and maintenance of security hoardings;
- (v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (vi) a statement to confirm sign up to the national Considerate Constructors Scheme;
- (vii) details of liaison with surrounding neighbours.

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

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (July 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development

Plan that we adopted in January 2007.

- 19 Prior to the occupation of the development an application for the Secured by Design award scheme setting out how the principles and practices of Parts Two and Three of the Secured by Design Scheme are to be incorporated must be submitted to and approved in writing by the City Council in consultation with the Metropolitan Police Designing Out Crime Officers. The development must thereafter be carried out in accordance with these details.

Reason:

To reduce the chances of crime without harming the appearance of the building or the character of the Trafalgar Square Conservation Area as set out in S29 of Westminster's City Plan (July 2016) and DES 1 (B) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R16BC)

#### **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 (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 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)
- 3 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 4 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.  
If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>.  
**You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**

- 5 Conditions 8, 9 and 12 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)
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please 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)
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 8 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)

- 9 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of



disabled people. Email: [districtsurveyors@westminster.gov.uk](mailto: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](http://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](http://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](http://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.

- 10 For the purposes of Condition 18, reference to surrounding neighbours includes the Department for Education, Admiralty Arch Limited, Department for International Development, Trafalgar Studios, Lord Moon of the Mall public house, Centre for Protection of National Infrastructure and the Metropolitan Police.
- 11 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
  - Affordable housing provision;
  - Car club membership;
  - Monitoring.

## DRAFT DECISION LETTER

**Address:** 49 Charing Cross, London, SW1A 2DX,

**Proposal:** Use of part basement, part ground, part first and the upper floors of 49-50 Charing Cross and part basement and part ground of 12 Whitehall as 10 residential flats (Class C3). External alterations include extensions within internal lightwells at second and third floor levels, installation of plant within enclosures at roof level and within lightwells, alterations to windows, doors, balustrading and parapets. Associated internal alterations.

**Plan Nos:** 1447-0001A; 1447-0002; 1447-0100B; 1447-0101B; 1447-0102B; 1447-0103B; 1447-0104B; 1447-0105B; 1447-0106B; 1447-0107B; 1447-0108B; 1447-0109B; 1447-0130A; 1447-0200B; 1447-0201B; 1447-0203B; 1447-0205B; 1447-0206A; 1447-0300B; 1447-0301B; 1447-0302B; 1447-0460E; 1447-0461E; 1447-0462E; 1447-0463E; 1447-0464E; 1447-0465D; 1447-0930E; 1447-0931E; 1447-0932D; 1447-0933E; 1447-0934G; 1447-0935G; 1447-0936H; 1447-0937H; 1447-0938G; 1447-0939F; 1447-0940D; 1447-0941D; 1447-0943D; 1447-0945D; 1447-0946E; 1447-0950B; 1447-0951C; 1447-0952C; 1447-1100J; 1447-1101H; 1447-1102G; 1447-1103I; 1447-1104K; 1447-1105L; 1447-1106J; 1447-1107G; 1447-1108G; 1447-1109H; 1447-1200K; 1447-1201H; 1447-1203E; 1447-1205F; 1447-1206E; 1447-1300D; 1447-1301D; 1447-1302F; 1447-4200; 1447-4300A; SK-1150B; SK-1350B; SK-1400B; SK-4500C; SK-4501C; SK-4502B; SK-4700A; Planning Statement by CBRE (August 2015); Design and Access Statement (August 2015); Response to consultation comments by Brimelow McSweeney Architects (November 2015); Historic Building Assessment (August 2015); Heritage Assessment of Alterations - Addendum (November 2015); Noise Assessment (10 August 2015); Energy and Sustainability Statement (12 August 2015); Daylight Analysis Report (11 August 2015); Cundall Report 1011662-RPT-AS-00005 Rev B; Transport Statement including Waste and Servicing (August 2015).

**Case Officer:** Vincent Nally

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

- 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings of the following parts of the development:
- (a) new windows and rooflights including surrounding details (detailed drawings at a scale of 1:5);
  - (b) new external and internal doors including surrounding details (detailed drawings at a scale of 1:5);
  - (c) new external and internal stairs and balustrades (detailed drawings at a scale of 1:5);
  - (d) new decorative ceilings and wall panelling / plaster (detailed drawings at a scale of 1:10);
  - (e) new shopfronts (detailed drawings at a scale of 1:10);
  - (f) overall external profiles of each extension (detailed drawings at a scale of 1:20).

You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must not carry out any works to cover or otherwise compromise the original ceilings, floors or walls, including their constituent parts (doors, cornices, architraves, floorboards or other fixed mouldings) until we agree a detailed 'Fire Separation and Noise Insulation Works Plan' which shall include the following:
- (a) A room by room analysis of surviving original features, including those currently concealed by lightweight grid ceilings;
  - (b) A detailed assessment of the need for additional fire separation and noise insulation measures;
  - (c) A detailed set of proposals for each situation where additional measures are required, including justification and detailed drawings at 1:10.

The development must then continue in accordance with the approved plan and details.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

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

development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Trafalgar Square Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan July 2011, Westminster's City Plan (July 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the character of this building of special architectural or historic interest.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and

\* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)