

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 10 July 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>Development Site At 1-11 And 13-15 Carteret Street and 40 Broadway, SW1</b>		
<b>Proposal</b>	Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway).		
<b>Agent</b>	DP9		
<b>On behalf of</b>	Carter Victoria Limited C/O Tellon Capital		
<b>Registered Number</b>	18/01395/FULL	<b>Date amended/ completed</b>	16 February 2018
<b>Date Application Received</b>	16 February 2018		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Broadway And Christchurch Gardens		

## 1. RECOMMENDATION

<p>1. Grant conditional permission, subject to the views of the Mayor and a S106 Agreement to secure the following:</p> <p>(i) Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development)</p> <p>(ii) Employment and Training Strategy</p> <p>(iii) Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development)</p> <p>(iv) Highway works on Carteret Street to include works to reinstate footway and repaving adjacent to the site.</p> <p>(v) The setting up of a Stakeholder Liaison Group for the duration of the development</p> <p>(vi) Monitoring Costs</p> <p>2. If the S106 legal agreement has not been completed within three months of the date of the Committee resolution, then:</p> <p>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;</p>
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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 an 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.

## 2. SUMMARY

This application seeks permission to demolish the existing office buildings at 40 Broadway, 1-11 Carteret Street and 13-15 Carteret Street and replace them with two new office buildings known as the North and South buildings. A similar application was approved in 2012 albeit that included residential use in the North building.

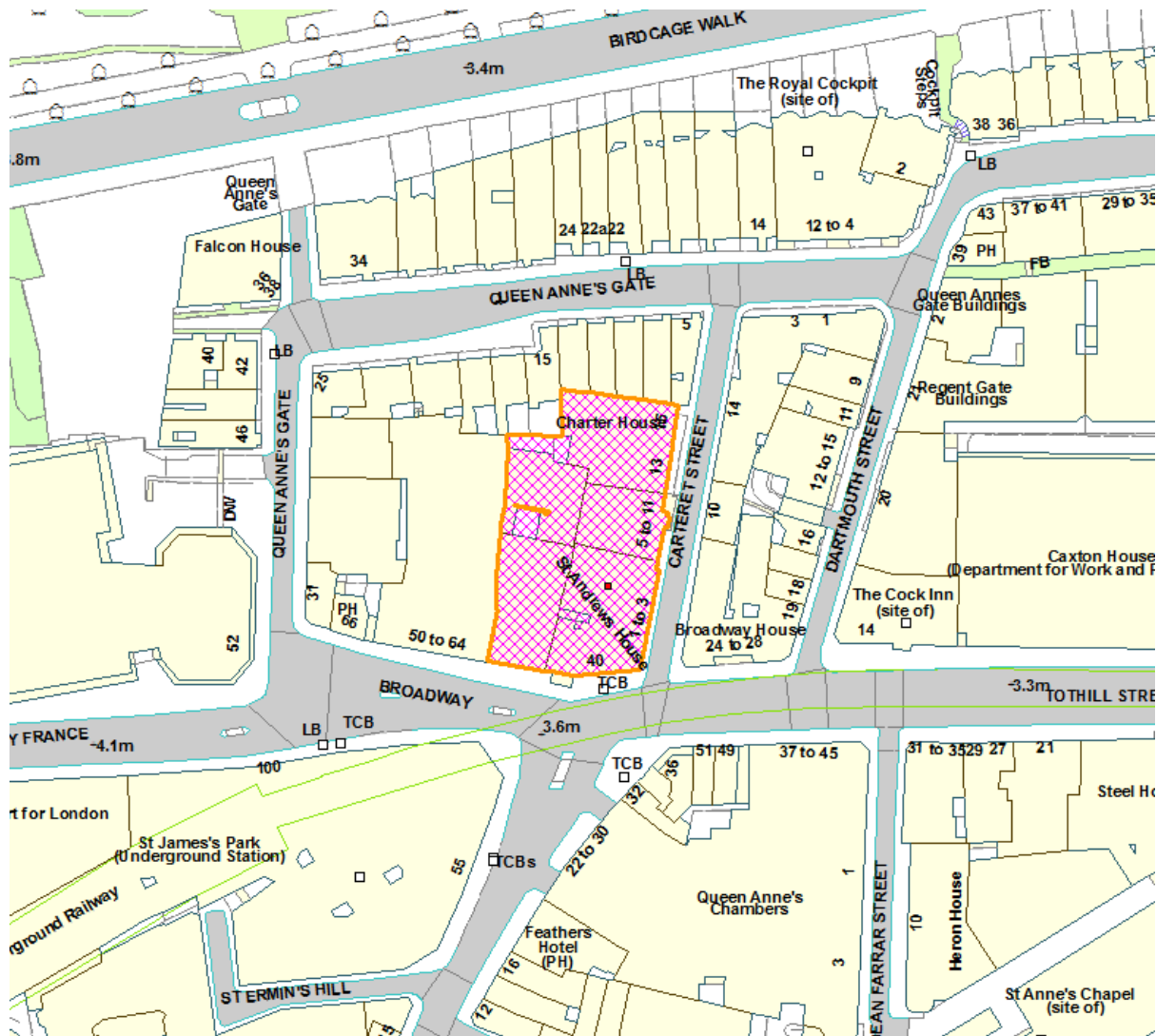
The application site is located within the Core CAZ and within the Broadway and Christchurch Gardens Conservation Area. Immediately to the north of the site, following its boundary, is the Birdcage Walk Conservation Area including the Grade I listed rows of late 17th to 18th century terraced houses which form the southern side of Queen Anne's Gate. There is a residential block of six flats at 10 Carteret Street that directly overlooks the application site.

The key issues in this case are:

- \* The impact of the development on the Broadway and Christchurch Gardens Conservation Area
- \* The impact of the development on the amenity of nearby residents on Queen Anne's Gate and Carteret Street;
- \* The proposed Class A3 restaurant use.
- \* The energy efficiency of the development and its impact on air quality.

Letters of objection have been received from neighbouring occupiers on matters including loss of amenity, design and conservation, noise and disturbance from the A3 restaurant, traffic generation and construction issues including the phasing of the development. However, it is considered that, for the reasons set out in the report and, with appropriate conditions, the development is acceptable in land use and amenity terms. On this basis the proposed application is considered to comply with relevant policies in our City Plan and UDP and is recommended for approval subject to the views of the Mayor and a S106 Agreement.

### 3. LOCATION PLAN



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1. PHOTOGRAPHS



40 Broadway front elevation



1-11 Carteret Street



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## 2. CONSULTATIONS

### Consultation responses for original scheme 26.02.2018

#### Greater London Authority

The provision of a substantial quantitative and qualitative improvement in office floorspace provision within the CAZ is strongly supported. The height, scale and design quality of the proposed development is supported. The applicant must investigate the potential for connection to the nearby district heating network and provide further technical information to verify the stated reductions. The level of cycle parking falls short of minimum London Plan standards.

#### Historic England (Listed Builds/Con Areas)

Do not wish to offer any comments. The application should be determined in accordance with national and local policy guidance.

#### Historic England (Archaeology)

There is potential for remains dating from the prehistoric, Roman, medieval and post-medieval periods. A condition is recommended to require a two-stage process of archaeological investigation.

#### Transport for London

The number of long stay cycle parking spaces should be increased to 167 spaces and the short stay spaces to 22. Conditions should secure a Delivery and Service Plan, a Construction Logistics Plan and Travel Plan.

#### London Underground

No comment.

#### Cleansing

The waste storage capacity propose is adequate and can accommodate waste generated on site. However, an objection is raised to on-street collection.

#### Highways Planning Manager

Welcomes the reduction in car parking on the site from 16 vehicles to a single disabled parking space. Concerned that both office buildings cannot be serviced from the loading bay but accepts the arguments put forward by the applicant. Notes that there will be a shortfall in cycle parking (24 visitor spaces) when applying London Plan standards.

#### Environmental Health

No objection subject to conditions to control noise from plant and machinery and to control re-radiated groundborne noise and vibration from the District and Circle line. Conditions should be used to control noise from terraces, from the servicing of the building and to secure details of a kitchen extract for the A3 use.

#### Thorney Island Society

Accept the demolition of the existing building on Broadway. The bulk and massing of the new building is supported but have reservations about the detailed design, in particular the heavy mansard roof. This element of the design should be reconsidered.

#### Westminster Society

Fully content with the underlying proposals and the creation of space for Small and Medium Enterprises is especially welcome. The restaurant component is also welcome.

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

No. Consulted: 88

Total No. of replies: 33

No. of objections: 32

No. in support: 0

#### Land Use

- Retention of office accommodation is supported.
- Impact on residential amenity from large entertainment use including late night noise, increased demand for parking and fumes and odours.
- Insufficient detail on the position of the kitchen extract duct for restaurant use.
- The smaller office building should be residential as approved in the previous scheme.

#### Design

- Overdevelopment of the site, the proposal will damage this historic part of Westminster and is out of keeping with the character of the area.
- The heavy mansard roof appears out of proportion to the Broadway facade below.
- The development is too massive, too monotonous and too boring.
- The materials for the main office building to the rear of 17 Queen Anne's Gate are inappropriate.
- The heritage of Queen Anne's Gate properties should be preserved.
- The existing mosaic on Carteret Street should be preserved.

#### Amenity

- The height should be reduced / plant room set further back to lessen the impact on neighbouring residential properties.
- Loss of privacy from the office terraces that overlook Queen Anne's Gate. The terraces are no longer necessary as the building is now in commercial use.
- Loss of daylight and sunlight to neighbouring residential properties.
- Increased sense of enclosure.
- The scheme extends further along the boundary with Queen Anne's Gate than previously approved
- Overshadowing to rear gardens of Queen Anne's Gate properties.
- The terraces should be for maintenance purposes only with no access for staff.
- Servicing hours should be restricted.
- There entrance to the service bay should not be opposite No. 10 Carteret Street.



### Highways

- Increase in traffic generation
- Servicing concerns for restaurant.

### Impact from construction

- Carteret Street is a narrow street for construction traffic and construction access should be from Broadway.
- Dust from construction..
- A construction management plan should be provided with the application and secured by the council.
- The phased development will prolong the construction period.
- Structural damage. The council should insist on a structural survey for the Queen Anne's Gate properties.
- There should be a formal mechanism established via S106 agreement to provide specific protection to the houses and residents and further consultation on materials and meetings with local stakeholders.

### Environment

- Increase in air pollution

### Other

- The previous consent was not implemented and has lapsed. The current application is different to the previous scheme and should be considered afresh on its own merits.
- There is no justification for the development of these buildings. They should be refurbished instead.
- The losses suffered by the residents through the demolition phase will be contrary to their human rights.
- The depth of the basement should not be any lower than at present as increasing the depth is likely to increase the transmission of noise and vibration from the Underground.
- Series of questions raised by the current tenant of 1-11 Carteret Street about the implication of the phased construction programme.
- The lapsed permission should not be considered to establish a precedent for this proposal.

## **Consultation responses for revised scheme 29.05.2018**

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 98

Total No. of replies: 12

No. of objections: 9 (from seven properties)

No. in support: 0

- Reduction in size of restaurant welcomed. Conditions should be used to restrict number of covers, ventilation and hours of operation.
- Pleased to see that the development is now set back where it abuts 9 Queen Anne's Gate.
- Reiterate concerns about impact of building works and phasing of development.

- The relationship with No. 7 Queen Anne's Gate remains unchanged; the proposed development will be built right up to the rear wall. As a result there is a risk of structural damage and noise.
- Reiterate objection to the terraces.
- Daylight and sunlight concerns still remain.
- Reiterate objection on grounds of bulk and mass and increased sense of enclosure
- The proposed development at first floor level extends back further along the common boundary with 7 QAG. This was not the case with the previous proposal
- The Carteret St office building extends back significantly more towards 7 Queen Anne's Gate at first floor level than the previously consented development.
- Impact of traffic, road access and servicing.
- Reiterate concerns about potential vibration and noise transmission from the District Line due to the proposed basement of the development.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### **3. BACKGROUND INFORMATION**

#### **3.1 The Application Site**

The application site is a large block of modern office buildings fronting the corner of Carteret Street with Broadway within the Broadway and Christchurch Gardens Conservation Area. Adjoining the site to the west is the unlisted building of merit, 50 Broadway, whilst opposite the site to the south is the Grade I listed 55 Broadway (LUL Headquarters) and St James's Park Underground Station. +Immediately to the north of the site, following its boundary, is the Birdcage Walk Conservation Area including the Grade I listed rows of late 17th to 18th century terraced houses which form the southern side of Queen Anne's Gate. Further beyond to the north is St James's Park, a Grade I Registered Park forming the eastern end of the Royal Parks Conservation Area, whilst to the east are views from Broad Sanctuary and the west frontage of Westminster Abbey. The site is visible from and to the World Heritage Site, but subject to height is otherwise not considered to be within its setting.

This application site comprises three separate commercial buildings located within the Core Central Activities Zone (CAZ); 40 Broadway comprises a 1960s office building of basement ground and seven upper floors, 1-11 Carteret Street is a 1920s office building over basement, ground and six upper floors and 13-15 Carteret Street is a 1980s office building over basement, ground and up to five upper floors. Nos. 5-13 and 17-19 Queen Anne's Gate immediately to the north are in residential use mostly as single family dwelling houses. There is a residential block of six flats at 10 Carteret Street that directly overlooks the application site and the residential development at Nos. 1-3 Queen Anne's Gate which is nearing completion.

#### **3.2 Recent Relevant History**

##### 08/10393/FULL

Demolition of existing buildings and redevelopment to provide an office building on basement, ground and seven upper floors, eight residential dwellings, car parking and other associated works.

Application Permitted 23 November 2012

08/10394/CAC

Demolition of existing buildings and redevelopment to provide an office building on basement, ground and seven upper floors, eight residential dwellings, car parking and other associated works.

Application Permitted 23 November 2012

08/04010/FULL

Demolition and redevelopment to provide an office building (Class B1) on basement, ground and seven upper floors and a residential building comprising nine residential units (Class C3) over basement, ground up to four upper floors, together with basement car parking and associated works.

Application Withdrawn 11 August 2008

08/04011/CAC

Demolition and redevelopment to provide offices (Class B1) on basement, ground and seven upper floors, nine residential units (Class C3), car parking and associated works.

Application Withdrawn 11 August 2008

934856 and 934857

Demolition of existing buildings and redevelopment to provide building of basement, ground and six upper floors to provide Class B1 offices with retail (A1, A2, A3) on part basement and ground floors, basement car parking and roofplant room.

Application Permitted 26 May 1994.

#### 4. THE PROPOSAL

Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
B1 office	9,978	11,455	+1,477
A1 (shop) or A3 (restaurant)	0	442	+442
Total	9,978	11,897	+1,919

Permission is being sought for the demolition of the existing buildings and redevelopment to provide two office buildings together with a Class A1 (shop) or Class A3 (restaurant) use at part ground and part basement. For the purposes of this report the two buildings proposed are identified as the North and South buildings.

The South building, which is the larger of the two buildings, will face onto Broadway and will extend half way along Carteret Street. This building will comprise basement, ground and seven upper floors with a roof top plant room. The Class A1 or A3 use will be located within this building with the entrance from Broadway. Along the Carteret Street frontage the upper floors are set back from the third floor and above and a series of landscaped terraces are provided. A delivery bay is provided with access from Carteret Street. The building will have a curved wall along Broadway and will have a natural stone cladding with deep metal and stone window reveals and inverted dormer windows in the roof.

The North building faces onto Carteret Street and shares the boundary with the rear gardens of Nos. 5 to 13 Queen Anne's Gate. The North building is smaller in footprint and height terms than the South building. The building will be constructed from brick with metal window linings and a metal roof. A second floor terrace is proposed at the rear.

## **5. DETAILED CONSIDERATIONS**

### **5.1 Land Use**

The principle of an office redevelopment on this site is supported by Policy S20 of the City Plan. This policy states that new office development will be directed to a number of locations, including the Core CAZ. The existing office space on site is generally of poor quality and suffers from having inflexible internal layouts, poor levels of daylight and falls short of modern standards in terms of accessibility. The proposal would provide a total amount 11,455sq.m (GIA) of modern and fully accessible office floorspace. The smaller North building B will be targeted at small and medium sized enterprises (SMEs). The economic benefits generated by this office redevelopment are welcome.

The net additional B1 office floorspace is 1, 477 sq m (GIA) which is 10% of the existing building floorspace. On this basis Policy S1 of the City Plan does not apply to this scheme and there is no requirement for residential floorspace.

The scheme includes a commercial retail unit for either Class A3 restaurant or Class A1 shop use with a floorspace of 442sq.m (GIA). Policy TACE 8 of the UDP states that permission will generally be granted for restaurants of this size within the CAZ where the council is satisfied that the proposal has no adverse effect (either singularly or cumulatively) upon residential amenity or local environmental quality and no adverse impact on the character and function of the area. Policy S24 of the City Plan states that 'New entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area'.

Broadway has a mixed use character and whilst there are other entertainment uses along the street, including a number of public houses, it is not considered that the proposal will have any cumulatively adverse impact. The restaurant entrance is located on Broadway which will concentrate late night noise away from residents. In terms of smells, the kitchen has been moved away from the rear of the building and a kitchen extract is shown running within the building and projecting at roof level. This is likely to be acceptable subject to the appropriate dispersal of cooking smells. Although the proposal will increase late night activity and may increase parking and traffic, it is not considered that the effect will be so harmful to local environmental quality to justify a refusal. It is recommended that conditions are used to control the opening hours of the restaurant, to secure details of the kitchen extract duct and to secure an operational management and a servicing management plan for the restaurant use. Although objections have been received to the restaurant use, it is considered that with these conditions the proposal is compliant with TACE 8 of the UDP and S24 of the City Plan.

The alternative Class A1 use for the commercial retail unit is considered acceptable in principle in this location as it is compliant with Policy S21 of the City Plan. Conditions to control the opening hours of this unit for A1 purposes are not considered necessary in this location. However, a condition requiring a servicing management plan for the Class A1 use is recommended together with a condition preventing its use as a food supermarket.

## 5.2 Townscape and Design

The largest buildings on the site, 40 Broadway and 1-11 Carteret Street, fronts the corner and consists of ground plus seven upper floors, lowering to three storeys fronting Carteret Street. It is faced in stone with regularly spaced windows. Whilst in some respects a carefully designed building, it is typical of its period (1950s) and makes a generally neutral contribution to the character and appearance of the conservation area (as defined by the conservation area audit). No.13-15 Carteret Street is a smaller office building of later 20th century date, built of brick to a generally postmodern design. Again the building has some individual character, but is of limited architectural merit and makes only a neutral contribution to the character and appearance of the conservation area. The site to the rear is a jumble of variable rear wings. Generally much plainer, it is a rather untidy composition and has a significant and generally negative impact on the setting of the Queen Anne's Gate listed buildings.

The application proposals are, in design terms, substantially the same as approved in 2012 (RN: 08/10393/FULL), and it is considered that this remains a sound baseline for considering the design proposals now submitted for approval, subject to close consideration of the changes proposed to the North building and to the rear elevations. The local and national heritage and design policies now applicable are largely the same in both wording and intent as were applicable in 2012, including notably the council's own City Plan and UDP policies and Sections 7 and 12 of the NPPF. The statutory tests requiring special regard to be paid to the preservation or enhancement of the character / appearance of the conservation area and to the preservation of the setting of listed buildings still apply (Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

The proposed new development would, like the existing buildings and the 2012 permission, be divided between a large scale office rising facing onto Broadway before stepping down to three storeys (with set backs above) once it turns the corner onto Carteret Street and a smaller scale part four and part three storey office building fronting Carteret Street and adjoining the rear boundary with Queen Anne's Gate.

The South building would be effectively identical to that approved in 2012, consisting of five sheer storeys and three mansard storeys. Where it fronts Broadway the façade would be curved to follow the line of the street, with the parapet rising from fifth to sixth floor to modulate between the taller parapet line of 50 Broadway, and the lower scale of Carteret Street and 24-28 Broadway. Its projecting regularly spaced fenestration would create an interesting façade which responds to the grand scale and rhythm of Broadway, whilst respecting the more intimate character of Carteret Street. Subject to careful control of build quality through conditions, the proposed South building is considered to remain a positive design which will be an improvement upon the existing. Objections have been received to the scale of the proposed mansard roof. It is acknowledged that

this would be a large roof, but it is considered to suit both the scale of the existing building, but also that of adjacent buildings. The elevation would remain dominated by the sheer lower storeys, which would further mitigate the proportions of the mansard when viewed from the street.

The smaller North building fronting the northern end of Carteret Street is an alternative design to that approved in 2012. Now proposed for office use rather than residential, it would be slightly taller to allow for the typically greater floor to ceiling heights of offices. Where the new design would be larger than approved in 2012, this would be only slight and would be otherwise mitigated by what is considered to be a suitably improved design. The forwards parapet fronting Carteret Street remains suitably subservient to the Queen Anne's Gate listed buildings where they would be viewed together.

Objections have been received from neighbours with respect to the setting of the Queen Anne's Gate listed buildings. Whilst it is noted that the proposed development would be a large office block in relatively close proximity to a row of exceptional domestic listed buildings, this must be seen in the context of the existing buildings on the site and in the surrounding area which are overwhelmingly large scale and commercial in character. Queen Anne's Gate is significant in part as an enclave of early terraced housing, and the experience of this significance would not be altered as a result of the development. As such it is considered that the proposals would preserve the setting of the listed buildings. A condition is recommended to secure details of the rear wall to the South building that overlooks Nos. 15 and 17 Queen Anne's Gate. The applicant advises that following discussions with neighbours some green infrastructure may be added to the elevation to soften it.

The proposal includes the retention of the 'Victor' mosaic (located on the rear wall of 5 Queen Anne's Gate) as the scheme's public art contribution. A condition is recommended to secure full details of this proposal.

In conclusion, the proposals are considered to represent a large scale but positive redevelopment of a tightly constrained site in a highly sensitive area. The design responds well to the variable scales of the surrounding area, presenting a grand office façade to Broadway whilst stepping this down successfully to the more domestic scale of Carteret Street and Queen Anne's Gate behind. The proposals would preserve and in many respects enhance the character and appearance of the conservation area, and would preserve the setting of the adjacent listed buildings and conservation area and also of the nearby Registered Park and World Heritage Site. The proposals would therefore be compliant with relevant local and national policies and guidance, in particular DES 1, DES 9 and DES 10 of the UDP, and Sections 7 and 12 of the NPPF.

### **5.3 Residential Amenity**

In height, bulk and massing terms the proposal is substantially similar to the scheme approved in 2012. However, this permission has lapsed and the current application must be assessed on its own merits and against current policy. Policy ENV13 of the UDP seeks to protect existing premises, particularly residential, from a material loss of daylight and sunlight as a result of new development. Policy S29 states that 'The council will resist proposals that result in an unacceptable material loss of residential amenity and developments should aim to improve the residential environment.'

Letters have been received from residents of Queen Anne's Gate and 10 Carteret Street who object to the development on grounds of loss of daylight and sunlight, overshadowing of gardens, increased sense of enclosure, overlooking, light pollution and increased noise and disturbance. These matters will be addressed in this section of the report.

### Loss of Daylight and Sunlight

The applicant has undertaken a daylight and sunlight assessment in accordance with the Building Research Establishment (BRE) guidelines 'Site Layout Planning for daylight and Sunlight (Second Edition). The properties that have been assessed are Nos. 5-13 Queen Anne's Gate and five flats at No. 10 Carteret Street. A revised daylight and sunlight assessment dated 14 May 2018 was provided to take into account the reduced bulk to the North building at first floor level along the boundary with Queen Anne's Gate properties. It is important to note that the daylight and sunlight assessment is based on the impact of the development compared to the existing buildings on the site (the true baseline) and not the previously approved scheme.

With regard to daylight, the report measures Vertical Sky Component (VSC) and daylight distribution. The 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 guidance advises that the window will have the potential to provide good levels of daylight. The guidance also suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The daylight distribution is measured by plotting the 'no skyline' contour which represents the amount of sky visible from a particular height in the room. The guidance suggests that if following construction of a development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value then this will be noticeable to the occupants, and more of the room will appear poorly lit. Greater protection is afforded to living rooms and kitchens with bedrooms being less important.

In terms of sunlight, greater protection is afforded to living rooms and less so for kitchens and bedrooms. In general, the sunlighting of the existing dwelling may be adversely affected if the centre of the window

- receives less than 25% of annual probable sunlight hours, 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 annual probable sunlight hours.

#### 5-13 Queen Anne's Gate

The VSC analysis demonstrates that the scheme is fully compliant with the BRE guidance for Nos. 5-13 Queen Anne's Gate in terms of daylight. The daylight distribution analysis states that a ground floor kitchen and third floor bedroom within 13 Queen Anne's Gate will not fully comply with the BRE guidance with reduction of 26.7% and 32.8% respectively. For 11 Queen Anne's Gate there will be reductions of 20.6% to a ground floor kitchen and 20.9% and 29.2% to a bedroom. There will also be a reduction of 20.1% to a bedroom at 9 Queen Anne's Gate.

Although the reductions in daylight are likely to be noticeable to the occupiers of the Queen Anne's Gate properties, it is not considered that the impact would result in an unacceptable material loss of residential amenity given the overall size of the properties affected (i.e. there are many other rooms in the properties unaffected by the development) and the central London context. The development is fully compliant with the BRE guidance with regards to the VSC test and overall it is considered that the affected properties will retain good levels of daylight.

An objector of one of the houses at Queen Anne's Gate has raised a concern about the accuracy of plans submitted with the daylight assessment relating to a skylight window. The applicant advises that the analysis of Queen Anne's Gate was based on survey drawings available at the council, however, the analysis of the daylight distribution for the three skylights that serve the basement room is correct. The VSC and daylight distribution assessment shows that daylight levels to the basement room will increase as a result of the development.

#### 10 Carteret Street

There will be reductions in the VSC and Daylight Distribution beyond that recommended in the BRE guidance for the flats in Carteret Street. The flats at second floor level and above will still retain good levels of daylight for their central London context. Given their position at the bottom the building, the ground and first floor flats will see the biggest impact.

The first, second and third floor flats have bedrooms and open plan living /kitchens facing onto the application site. There will be reductions in the VSC to these open plan living /kitchens of up to 29.97% for the first and second floor flats and 26.28% for the third floor flat. However, despite these reductions the impact will be mitigated by the fact that these rooms are dual aspect and served by multiple windows to the front and rear. The living/kitchens to the second and third floor flats will also retain good levels of daylight for their central London context. There will also be reductions to the bedrooms of up to 26.35% for the first and 23.66% for the second floor flats. The first and second floor bedrooms also fail the Daylight Distribution test. However each bedroom is served by two windows and they will also still retain good daylight levels for the central London context. The fourth and fifth floor penthouse flat will see a small reduction to a bedroom at fourth floor level however it is a minor transgression (20.44%) and otherwise all other rooms comply with the BRE guidance. The ground floor flat (which is combined with the basement floor) will see reductions to its kitchen/ living room from 12.51 to 9.23 VSC (26.22%) for one window and 12.37 to 9.06 VSC (26.76%) for the other. The ground floor kitchen / living room also fails the Daylight Distribution test.

The daylight analysis demonstrates that there will be material reductions in daylight to living rooms to flats at 10 Carteret Street. However as the majority of the affected rooms are dual aspect and served by multiple windows the impact will be lessened. It is accepted that the windows within 10 Carteret Street that face the rear will be affected by the recently constructed development at 1-3 Queen Anne's Gate. Despite this the kitchen / living room remains a dual aspect room and benefits from additional light levels. It is considered that whilst the proposal will result in a material loss of amenity, this will not be unacceptable given the site specific circumstances and the central London context. The ground floor flat does not appear to benefit from a dual aspect layout and



as such the material loss of residential amenity needs to be balanced against the benefits of the scheme which are considered to be significant given the uplift of high quality office floorspace in the Core CAZ. On this basis the proposal is considered to comply with policies ENV 13 and S29.

In accordance with the BRE criteria, it is only necessary to carry out a sunlight analysis for Nos. 5 to 13 Queen Anne's Gate. The assessment indicates that the impact on the majority of properties is in compliance with the BRE guidance. The only transgressions are to No. 13 Queen Anne's Gate which will see a reduction of APSH from 8 to 3 to a first floor bedroom and 11 Queen Anne's Gate which will see a reduction of APSH from 6 to 1, also to a first floor bedroom. Bedrooms are afforded less protection in the BRE guidance and given that the properties retain overall good levels of APSH, the reduction is considered acceptable given the central London context.

### Overshadowing

Objections have been received from Queen Anne's Gate residents regarding the impact of overshadowing on gardens from the new office building. Under the previously approved scheme it was demonstrated through an overshadowing analysis (which tracked the shadow path under existing and proposed conditions at hourly intervals on the Spring Equinox (21<sup>st</sup> March) which is the appropriate test data from the BRE Guidelines) the surface of the rear gardens of the Queen Anne's Gate houses will be in permanent shadow almost entirely under both existing and proposed conditions. The applicant has confirmed that this will remain the case with this scheme. However in response to an objection from a resident in Queen Anne's Gate the applicant carried out an individual overshadowing analysis of that particular garden. Those results show that when measured on the recognised test date of the Spring Equinox no part of the rear garden will receive more than 2 hours of "sun-on-the-ground" under "existing" conditions and those results remain exactly the same under "proposed" conditions, i.e. there will be no change. Therefore in conclusion there will be no material change at all in the extent of permanent overshadowing in the gardens. A refusal on the impact of overshadowing would not therefore be warranted.

### Sense of Enclosure

Policy ENV 13 of the UDP requires that there should not be a significant increase in sense of enclosure as a result of new development.

The North building extends to four storeys plus a set back plant room. However along the boundary with Nos. 5, 7 and 9 Queen Anne's Gate the building drops down to three storeys with the third floor set back from the northern boundary edge. With the exception of an increase in bulk to the first floor, the building is substantially similar in height and bulk terms to the previously approved residential building. The occupier of a property on Queen Anne's Gate has raised a specific concern about the proposal to move the building line of the North building forward which they argue will impact on their first floor terrace. The relationship with the objector's property will remain the same as the previously approved scheme in that the three storey element of the North building will be set back from the pavement edge, which will leave a buffer, before the higher four storey element steps forward. Overall it is considered that the residential building which abuts Queen Anne's Gate properties is acceptable in terms of sense of enclosure.

It is acknowledged that the South building would be considerably greater in bulk than the existing building when viewed from Queen Anne's Gate properties. However, it is considered that there would remain sufficient separation distance such that it would not result in a significant increase to the occupiers' sense of enclosure. There will again be a small reduction in the bulk of the office building behind Nos. 15 and 17 Queen Anne's Gate compared to the existing situation.

Whilst the bulk of the proposed development opposite No. 10 Carteret Street would be greater than that existing, it is considered that the stepping back of the upper floors of the South building and the lower height of the North building would minimise the sense of enclosure such that it would not have a significant adverse impact on the amenities of the residents. Although objections have been received from the occupiers of the flats at 10 Carteret Street regarding increased sense of enclosure, given the set backs at upper floor level, it is considered that the new building would not have a significant adverse impact on the amenities of the residents. A refusal on this basis could not be sustained.

### Overlooking

Policy ENV 13 states that there should not be a significant increase in overlooking as a result of new development. The scheme includes a number of terraces on both buildings and an increase in the number of windows and neighbouring residents have raised objections to these parts of the scheme.

It is acknowledged that there would be more windows overlooking Carteret Street than currently exists. The relationship with No. 10 Carteret Street is the same as previously approved in 2012 and is not an uncommon relationship in any conventional street pattern. Any increase in overlooking would not, therefore, be so significant as to warrant refusal. The South building has small terrace areas facing onto Carteret Street as a result of the set backs at upper floor level. The applicant has indicated that these will have areas of deep planting and access will be for maintenance purposes only. It is recommended that these measures are secured by condition.

The residents of Queen Anne's Gate have also objected on the grounds of loss of privacy from windows in the South building and to loss of privacy from terraces from both buildings. With regards to the windows, it is considered that there is sufficient window to window distance between the new office building and the affected Queen Anne's Gate properties to prevent any harmful loss of privacy. The terraces on the north elevation of the South building are progressively set back higher up the building. Given the separation distance, together with the deep planting areas proposed on each terrace, they would not result in a significant degree of overlooking or noise and disturbance. A single terrace of 48 sq.m is proposed at second floor level for the North building. The terrace will incorporate a set back and 1.8m high planting is proposed to prevent overlooking. The applicant considers this compares favourably with the current situation where 61 sq.m of terrace is provided. Unlike the previous approval, the terrace now proposed is for office use and whilst officers recognise it is desirable it is not essential. However it is considered that on balance the terrace is acceptable given that the existing building already has an unrestricted terrace and multiple windows in the northern flank elevation. Overall it is considered that the proposal therefore represents a reduction in overlooking. It is recommended that conditions are used to restrict the hours of use of

the terraces to reasonable office hours 0800-1900 hours Monday to Friday and to secure a planting management strategy.

### Light Pollution

Concerns have been expressed about light pollution from the office building. A condition is recommended to secure details of all external lighting to protect amenity. Matters relating to light pollution are controlled under Section 102 of the Clean Neighbourhoods and Environment Act 2005. An informative is suggested to be added to the decision notice advising the applicants that the lighting should be designed so that it does not cause any nuisance for neighbours at night. Although the office could be used 24 hours a day, the applicant has advised that an intelligent internal lighting control system will be provided to ensure that lighting is only in use when necessary.

### Pedestrian and vehicular movements

Objections have been received from occupiers at 10 Carteret Street about additional pedestrian and vehicular movements along Carteret Street and the position of the delivery bay close to their flats. The details of the servicing requirements for the development are set out in section 8.4 below. The existing office building at 40 Broadway and 1-11 Carteret Street are serviced from a small loading bay on Carteret Street with refuse collected from the kerb side whilst 13-15 Carteret Street is serviced exclusively from the street. With the exception of refuse collection and the servicing of the North building, the new off-street servicing arrangements should reduce noise as servicing will now be contained within the loading bay.

Given the constraints of the site, the proposed loading bay is required for highway safety purposes to be on Carteret Street and away from the junction with Broadway. In terms of pedestrian movement, most of the predicted increase in pedestrian activity will be centred on the new office entrance on Broadway. The increased activity associated with the A3 restaurant use is assessed in Section 8.1. Therefore, it is not considered that the scheme could be refused on the grounds of noise and disturbance from increased pedestrian and vehicular activity.

## **5.4 Highways Considerations**

The Transport Statement predicts that there will be a net change in total vehicles of +2 in the am peak (0800-0900) and +12 in the evening peak (1700-1800) compared to the existing building. Total Vehicles includes car drivers, car passengers (i.e. drop off), taxis, and servicing. This increase is partly a result of the proposed A3 use which will generate up to 6 servicing trips per day. The servicing requirement for the B1 office uses is expected to broadly remain the same as existing. There is no objection to the scheme in terms of total trip generation.

The loading bay on Carteret Street will provide off-street servicing arrangements for the South building only. It is proposed to service the North building from the street. The applicant has advised that it is not possible for both buildings to share the loading bay because the two office buildings are separate and there are level differences between them. This is unfortunate but the Highway's Planning Manager has accepted the

argument put forward by the applicant that the proposal will represent an improvement over the current situation because as existing both buildings are serviced from the site.

The Cleansing Manager is satisfied with the refuse and recycling storage arrangements but is concerned that waste collection will be picked up from the street and not from within a dedicated loading bay. The waste storage arrangements are the same as those approved for the previous scheme and given the constraints of the site are considered acceptable.

The scheme will provide a total of 167 cycle spaces with 14 in the North building and 153 in the South building (of which 15 would be foldable 'Brompton' cycle lockers). The Highways Planning Manager notes that the numbers are short of what is required by the London Plan (which requires 167 long-stay spaces plus 24 for visitors). The shortfall is essentially the non-provision of visitor spaces. The applicant considers that visitor parking cycle parking can utilise the 152 standard cycle spaces to be provided within the building as it is unlikely they will all be occupied at the same time. The Highways Planning Manager takes the view that this is acceptable.

## **5.5 Economic Considerations**

The economic benefits generated by a substantial net increase in office floorspace, which will be modern office accommodation, are welcome.

## **5.6 Access**

The proposed development would provide step-free and sufficiently wide entrances from the street. The office floorspace would be entirely step-free and includes wheelchair accessible toilets. Internal circulation spaces and lifts will have sufficient widths and turning spaces to ensure accessibility for all users. A single disabled parking space is provided within the loading bay area.

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

### Plant

Environmental Health officers have not raised objections with regard to the plant equipment proposed. A Noise Assessment Report has been provided, however, a condition is recommended to secure the provision of a supplementary acoustic report once the details of the plant are available.

### Groundborne Noise and Vibration.

The proposed scheme is in very close proximity to the District and Circle Underground Line and any new structure, piles or foundations greatly increases the risk of changing and / or strengthening the pathway of existing groundborne noise from underground trains to the new development as well as adjacent and nearby properties. This is an issue that has been raised by a number of objectors. Therefore, it is recommended that a condition is used to ensure that the design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations. Details of historical data will also be required to

demonstrate the noise and vibration baseline conditions prior to development works commencing.

### Archaeology

An archaeological desk-based assessment has been submitted in support of the application which has found that the site has a high potential to contain archaeological remains dating to both pre-historic and later medieval periods and also a moderate potential to contain archaeological remains dating from the Roman period. A condition is recommended to secure a programme of archaeological work in line with the comments of Historic England.

### Flood Risk and Sustainable Drainage

The site is located within Flood Zone 3 and is therefore considered by the Environment Agency to be at a high probability of tidal and fluvial flooding. The proposal includes office space and a restaurant within the basement. In line with policy, there are no 'more vulnerable' uses (defined within the National Planning Policy Framework as residential dwellings, hospitals, schools, hotels, and drinking establishments) proposed below the breach flood level. To ensure safety of occupants in the event of a breach, the restaurant and office uses within the basement would have access to the ground floor. From the ground floor occupants could either access dry areas on the first floor and above, or exit the building onto Carteret Street and head north (approximately 30m) to areas of higher ground.

The applicant's drainage strategy would achieve a run-off rate of 17 litres per second for a 1 in 100 year storm event, through the provision of an attenuation tank within the basement of the Broadway building and a blue roof on the Carteret Street building. This would reduce the existing rate of surface water run-off on site by 50%. It is recommended that the provision of these measures is secured by condition. The potential for above ground Sustainable Urban Drainage (SuDs) systems has been fully explored by the applicant, in accordance with the drainage hierarchy set out in the London Plan and it is accepted that further above ground measures are not feasible due to site constraints.

### Sustainability

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.

The following passive and active energy efficiency features and Low/Zero Carbon Technologies are proposed within the development:

- High performance building fabric to reduce heat losses and passive design techniques e.g. solar control glass and external shading to reduce cooling demand;

- Highly efficient building services systems for heating, cooling and ventilation that exceed minimum Part L standards in terms of performance;
- Low energy light fittings with sophisticated controls including daylight and occupancy sensors.
- A Variable Refrigerant Flow (VRF) system utilising reverse-cycle Air-Source Heat Pumps ASHPs) of high efficiency will provide space heating and cooling;
- Photovoltaic panels (67sq.m) installed on the roof.

Based on the energy assessment submitted, an on-site reduction in carbon dioxide (CO<sub>2</sub>) emissions of 32% beyond 2013 Building Regulations compliant development is expected to be achieved. This does not comply with the policy target of 35% within London Plan Policy 5.2 and Policy SI2 of the draft London Plan. The applicant has agreed that the remaining shortfall in CO<sub>2</sub> reductions is to be provided through a cash-in-lieu contribution to the City Council's carbon offset fund. It is recommended that this contribution is secured through a Section 106 agreement. The GLA in their Stage 1 response has requested that the applicant must investigate the potential for connection to the nearby district heating network and provide further technical information to verify the stated reductions. The applicant advises that these issues will be addressed prior to any referral under Stage 2.

With regards to Sustainability, the scheme aspires to achieve a BREEAM 'Excellent' rating for the office areas by incorporating sustainable measures in different aspects of the design.

#### Air Quality

The proposed development site is located within an Air Quality Management Area (AQMA) as designated by the council. The air quality impact resulting from the proposed development is predicted to be 'not significant'. This is largely because the overall increase in additional traffic movements on the surrounding roads doesn't exceed the indicative criteria for detailed assessment and the proposal does not include any centralised energy plant. Environmental Health has raised no concerns with regarding to the air quality assessment carried out for this development.

## 5.8 London Plan

**Principle of development:** The proposed development would provide a substantial quantitative and qualitative improvement in the office floorspace provision within the CAZ and is strongly supported, in accordance with London Plan Policies 2.10, 2.11 and 4.2 and Policies SD4, SD5 and E1 of the draft London Plan.

**Design and heritage:** The height, scale and design quality of the proposed development is supported and would preserve and enhance the character and appearance of the conservation area and would not harm the setting of adjacent designated heritage assets.

**Climate change:** The applicant must investigate the potential for connection to the nearby district heating network and provide further technical information to verify the stated reductions in carbon dioxide emissions, with the remaining shortfall in carbon dioxide reductions secured as mitigation through a Section 106 agreement.

Transport: The proposed level of cycle parking provision falls short of the minimum standards in the London Plan and draft London Plan. Full compliance with the London Plan standards and the Mayor's London Cycle Design Standards must be secured.

### **5.9 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.

### **5.10 Planning Obligations**

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

- Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development)
- Employment and Training Strategy
- Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development)
- Highway works on Carteret Street to include works to reinstate footway and repaving adjacent to the site.
- The setting up of a Stakeholder Liaison Group for the duration of the development.

The estimated Westminster CIL payment is £383,800.

The estimated Mayoral CIL is £95,950.

### **5.11 Environmental Impact Assessment**

The scheme is not significant enough to warrant an Environmental Impact Assessment. Environmental issues specific to this development have been covered in section 8.7.

### **5.12 Other Issues**

#### Construction impact

Objections have been raised about the impact of the construction works on surrounding residents in terms of noise, dust and vibration. To address these concerns 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.

In response to the objections from local residents, the applicant has provided an Initial Construction Phase Management Plan (CMP) which sets out how Westminster's CoCP

will be applied to this specific development proposal in respect of matters such as site access, site welfare facilities and road closures. This is not an approved document but has been provided for information purposes only.

Specific objections have been received in respect of the structural implications of the development on the Grade I listed buildings on Queen Anne's Gate. A structural report, including an outline methodology statement, has been provided as part of the application documents. This demonstrates the potential measures to be taken to ensure that the proposal does not undermine the structural stability of neighbouring buildings. It is recommended that this matter be fully addressed by a condition requiring the submission and approval of a detailed Structural Report and Method Statement prior to any works commencing. The submitted CMP also states that a specific methodology to monitor the listed walls and surrounding buildings in regards to vibration and movement will be included in the final document.

The current methodology for the construction of the proposed buildings considers a sequence whereby the North building is constructed prior to the larger South office building. Concerns have been expressed by local residents and a current occupier of the South building that this phasing approach will extend the construction period, that the narrow width of Carteret Street means it is insufficient to serve as an access point and undermine the operational requirements of the existing offices at 40 Broadway. Whilst the request by the objector's to carry out the development in a single phase is understood, it is not something that the council can insist upon and any attempt to do so, for example by a condition, would not be reasonable and would fail the six tests set out in the NPPF. It would be perfectly legitimate for example for the applicant to submit two separate planning applications. It is understood that the phasing approach is to do with obtaining vacant possession of the Broadway/ Carteret Street buildings and that if circumstances change the applicant will revisit the phasing approach. Matters relating to the operational requirements of the existing office building at 40 Broadway if 13-15 Carteret Street is demolished first are a private matter between the landlord and tenant.

#### Community Liaison

A Statement of Community Involvement (SCI) has been submitted with this application. The engagement and consultation targeted Westminster City Council members and officers, local ward councillors, community and amenity groups as well as local residents and businesses. A public exhibition of the proposals was held over two days in a local hotel.

#### Crime and security

It is recommended that a crime and security statement is provided prior to works commencing so that the council can ensure that appropriate measures to deter crime are provided as part of the development.

#### Party Wall

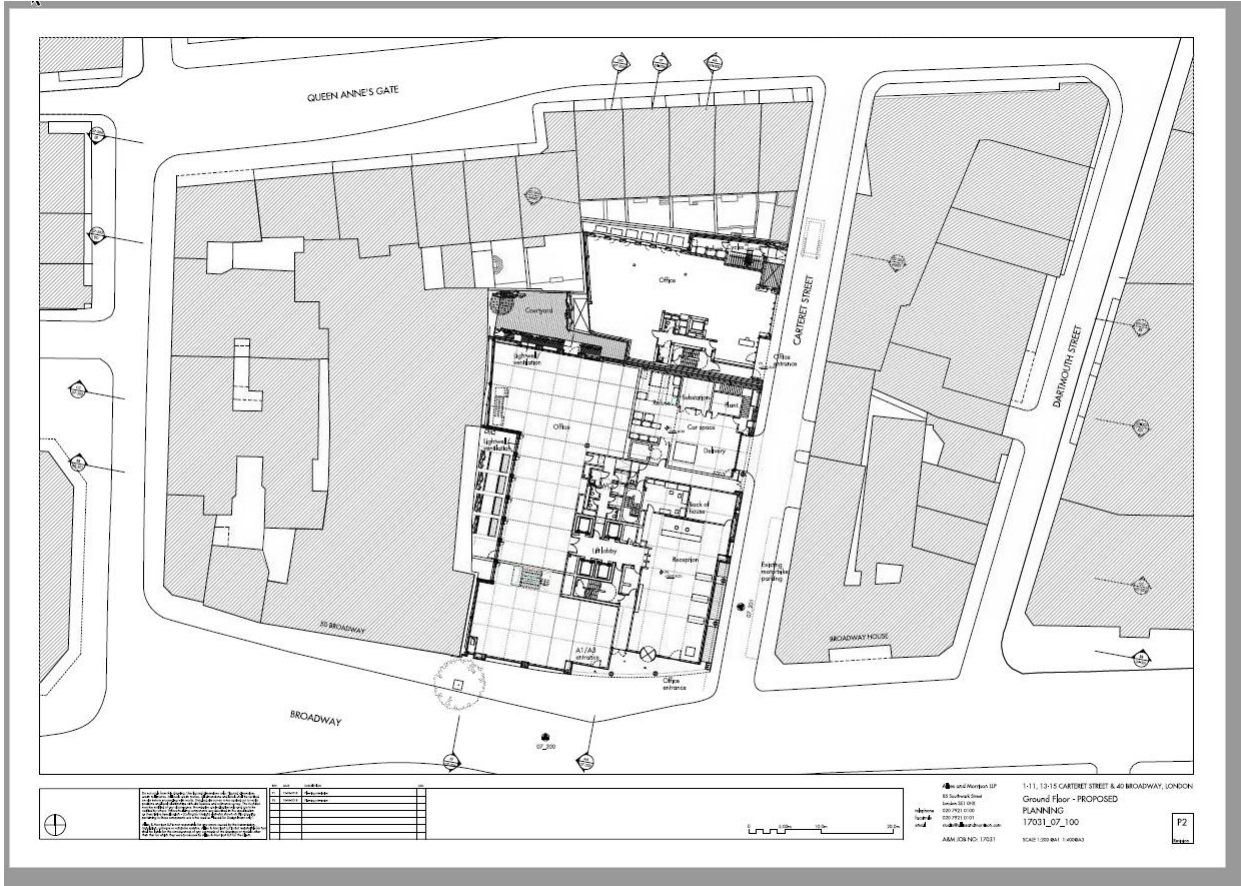
An occupier of Queen Anne's Gate has raised a concern about the impact on the rear boundary wall adjacent to the development site which they consider to be in their ownership. This issue is a matter that would be considered under the Party Wall Act rather than through the planning process.



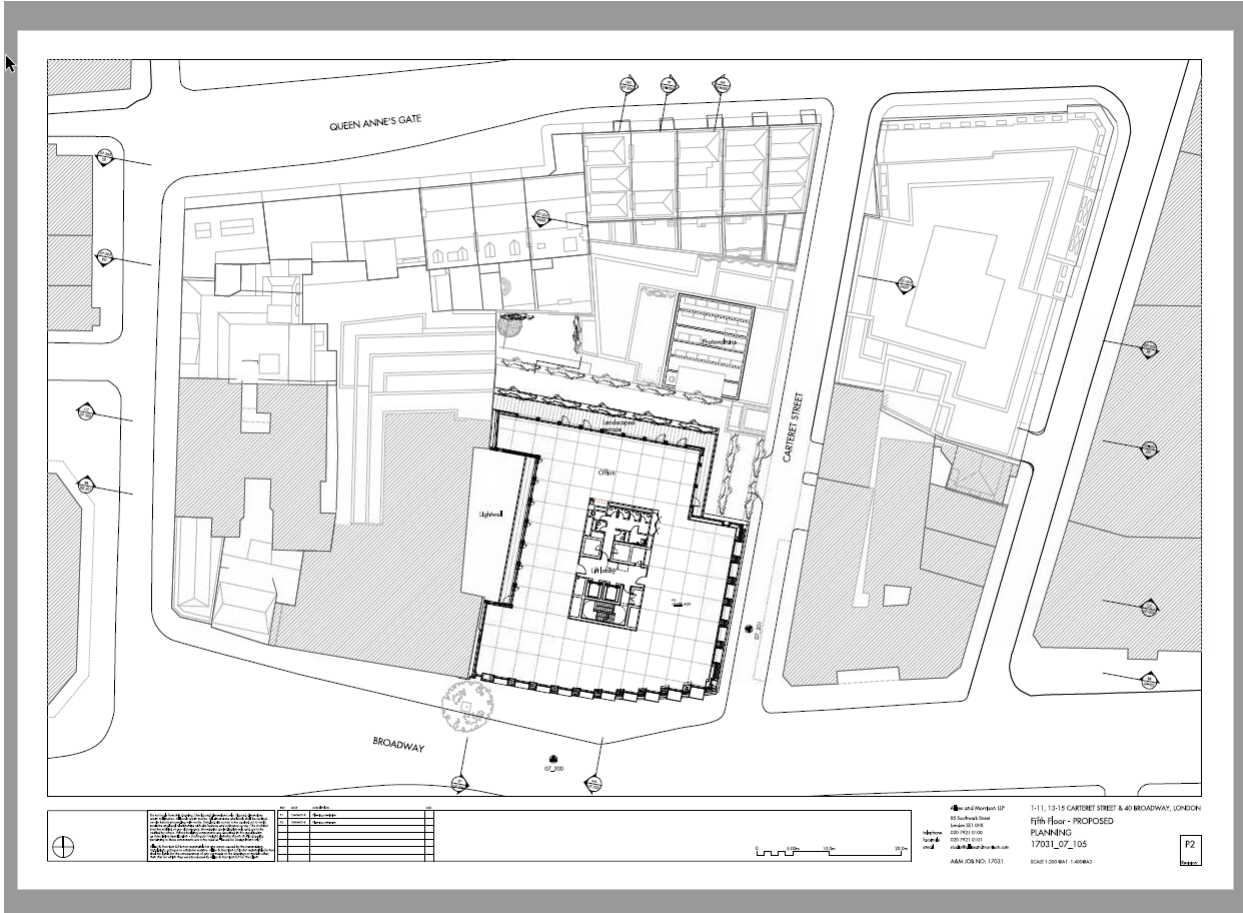
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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



**Proposed Ground Floor**



**Typical Upper Floor Plan**



Architectural details and project information including a north arrow, a table of materials and colors, a scale bar, and project metadata.

NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1	Brick	11	Dark Grey	21	Dark Grey
2	Brick	12	Dark Grey	22	Dark Grey
3	Brick	13	Dark Grey	23	Dark Grey
4	Brick	14	Dark Grey	24	Dark Grey
5	Brick	15	Dark Grey	25	Dark Grey
6	Brick	16	Dark Grey	26	Dark Grey
7	Brick	17	Dark Grey	27	Dark Grey
8	Brick	18	Dark Grey	28	Dark Grey
9	Brick	19	Dark Grey	29	Dark Grey
10	Brick	20	Dark Grey	30	Dark Grey

1-11, 13-15 CARTER STREET & 40 BROADWAY, LONDON  
Broadway elevation - PROPOSED  
PLANNING  
17001\_02\_200  
P2

Proposed Broadway Elevation



1. Proposed building  
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NO.	DESCRIPTION	DATE	BY	CHECKED
1	Prepared	15/07/2013	J. Smith	M. Jones
2	Revised	16/07/2013	J. Smith	M. Jones
3	Approved	17/07/2013	J. Smith	M. Jones

NO.	DESCRIPTION	DATE	BY	CHECKED
1	Prepared	15/07/2013	J. Smith	M. Jones
2	Revised	16/07/2013	J. Smith	M. Jones
3	Approved	17/07/2013	J. Smith	M. Jones



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 ARK JOB NO: 17031

1-11, 12-15 CARTERET STREET & 40 BROADWAY, LONDON  
 Carteret Street elevation - PROPOSED  
 PLANNING  
 17031\_07\_01  
 SCALE 1:500 (BY 1:500)

P2

**Proposed Carteret Street elevation**



**Illustrative view Broadway elevation**



**Illustrative view Carteret Street**

**DRAFT DECISION LETTER**

- Address:** Development Site At 1-11 And 13-15 Carteret Street, 40 Broadway, London, ,
- Proposal:** Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway).
- Reference:** 18/01395/FULL
- Plan Nos:** Site location plan 17031\_07\_001 P1., Existing and demolition plan 17031\_07\_010 P1, 17031\_07\_011 P1, 17031\_07\_012 P1, 17031\_07\_013 P1, 17031\_07\_014 P1, 17031\_07\_020 P1, 17031\_07\_021 P1., , Proposed Plans, 170311\_07\_050 P2, 170311\_07\_099 P2, 170311\_07\_100 P2, 170311\_07\_101 P2, 170311\_07\_102 P2, 170311\_07\_103 P2, 170311\_07\_104 P2, 170311\_07\_105 P2, 170311\_07\_106 P2, 170311\_07\_107 P2, 170311\_07\_108 P2, 170311\_07\_109 P2, 17031\_07\_200 P2, 17031\_07\_201 P2, 17031\_07\_300 P2, 17031\_07\_301 P2, 17031\_07\_302 P2, 17031\_07\_303 P2, 17031\_07\_304 P2, 17031\_07\_306 P2, 17031\_07\_400 P2, 17031\_07\_401 P1, 17031\_07\_402 P1, 17031\_07\_403 P1, 17031\_07\_404 P1, 17031\_07\_405 P1., , Documents, Acoustic Report Rev 05 (February 2018), Heritage Statement, Preliminary Environmental Risk Assessment (Issue 2 February 2018), Transport Statement (February 2014), Flood Risk Assessment (February 2018), Energy and Sustainability Statement (Issue 04 February 2018), Daylight and Sunlight Report (February 2018), Historic environment assessment (Issue 3 February 2018), Air Quality Assessment (Rev C01 February 2018), , For information purposes only, Structural Method Statement, Statement of Community Involvement, Design and Access Statement.

**Case Officer:** Matthew Mason

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

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

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.  
  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 2 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained



therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

- 3 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , o not at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

- 4 The principal stone material to the facades of the South office building shall be coursed Portland Stone.

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 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 The brickwork to the North office building shall be in hand-laid courses and not a panelled system.

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)

- 6 The principal roofing material to the South office building shall be natural slate.

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 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 a written and photographic schedule of the facing materials you will use, including glazing, along with annotated versions of the approved elevations and roof plans demonstrating the location / use of each of the proposed materials. The submitted schedule must include a record of finished samples prepared on-site for our inspection, including fully pointed-up brick and stonework. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area 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 You must apply to us for approval of detailed drawings of the following parts of the development: , a) Typical bay studies (drawn elevations and sections at 1:20);, b) Windows and doors (drawn elevations and sections at 1:5, including surrounding fabric);, c) Shopfronts (drawn elevations and sections at 1:10, including surrounding fabric); and, d) Balustrade and gate details., (e) Any external lighting., (f) The rear elevation of the South building. , (g) Public art. , 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 Broadway and Christchurch Gardens Conservation Area 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)

- 9 You must not paint any outside walls of the buildings without our permission. This is despite the fact that this work would normally be 'permitted development' (under class A of part 3 of schedule 2 to the Town and Country Planning General Permitted Development Order 1995, or any order that may replace it).

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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the buildings facing the street unless they are shown on drawings we have approved. (C26MA)

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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 11 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on any permitted 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 Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

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)

- 14 You must apply to us for approval of a Delivery and Service Plan for the Class B1 office use in the South building. You must not occupy the South building for office purposes until we have approved what you have sent us. Thereafter you must manage the office use in accordance with the approved Delivery and Service Plan. The submitted plan shall be consistent with condition 15 of this permission.

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

Reason:

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 In the event that the retail unit in the South building is used for either Class A1 or Class A3 use, you must apply to us for approval of a Delivery and Service Plan. You must not occupy the retail unit for Class A1 or Class A3 purposes until we have approved what you have sent us. Thereafter you must manage the Class A1 or Class A3 use in accordance with the approved Delivery and Service Plan. The submitted plan shall be consistent with condition 15 of this permission.

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 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 food retail supermarket.

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)

- 18 All servicing must take place between 07.00hrs and 20.00hrs on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA),

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. (R22CC)

- 19 You must provide the waste and recycling stores for the North and South buildings shown on drawing 17031\_07\_100 rev P2 before anyone moves into the offices. You must clearly mark it and make it available at all times to everyone using the buildings. 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 and materials for recycling 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. (R14CC)

- 20 The car parking space shown on drawing 17031\_07\_100 Rev P2 shall only be used for car parking by Blue and White Badge holders.

Reason:

To provide parking spaces for people with disabilities as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 21 You must provide the cycle parking spaces and the changing and shower facilities for the North and South office buildings shown on the approved drawings prior to occupation. Thereafter the cycle spaces and changing and shower facilities must be retained and the space used for no other purpose.

Reason:

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

- 22 In the event that the retail unit in the South building is used for Class A3 purposes, you must apply to us for approval of an Operational Management Plan. You must not occupy the premises for restaurant purposes until we have approved what you have sent us. Thereafter you must manage the restaurant use in accordance with the approved plan. (C26CB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 23 In the event that the retail unit is used for Class A3 purposes, customers shall not be permitted within the restaurant premises before 0700 or after 0030 (the following day) on Monday to Saturday and before 0800 or after 0000 (midnight) on Sundays. (C12BD)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

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

Reason:

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

- 25 You must not use any part of the roof of the South building that faces east onto Carteret Street for sitting out or for any other purpose. You can however use this part of the roof to escape in an emergency and for maintenance purposes.

Reason:

To protect the environment of residents as set out in S29 of Westminster's City Plan (November 2016) and ENV 10 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

- 26 Other than the area identified as a terrace on drawing 17031\_07\_102 Rev P2 you must not use any of the roofs on the North office building for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes. (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)

- 27 You must apply to us for approval of details of a plan showing the outdoor terraces and those areas of flat roof restricted to maintenance purposes only (by conditions 25 and 26 on this decision) for the North and South buildings. You must not use any of the roofs as terraces until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the approved plan.

Reason:

To ensure that the areas to be used as terraces are consistent with conditions 25 and 26 and 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)

- 28 The outdoor terraces shown on the plan approved under condition 27 of this decision must only be used between the hours of 0800 to 1900 Monday to Friday.

Reason:

To protect the environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 29 You must apply to us for approval of details of the following: , (i) A planting scheme for the terraces to both office buildings to include the number, size, species and position of the plants, (ii) A planting maintenance plan for the terraces to both office buildings., You must not use any of the roofs permitted for terrace use until we have approved what you have sent us. You must then carry out the work according to these drawings prior to occupation and thereafter the planting must be maintained in accordance with the details approved. (C26DB)

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)

- 30 The glass that you put in the windows in the north elevation of the North office building must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

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

- 31 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: , - provision of living roofs to all roofs not used as terraces or roof plant areas to the North and South buildings., - provision of bird and bat boxes on the North and South building., , 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.

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)

- 32 You must apply to us for approval of details of a biodiversity management plan in relation to the living roofs secured under condition 31 of this decision. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

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)

- 33 You must provide the environmental sustainability features (environmentally friendly features) set out in the Energy and Sustainability Statement before you start to use any part of the development. Thereafter you must not remove any of these features unless we have given you our permission in writing.

Reason:

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

- 34 The BREEAM assessments must be completed for the offices and certified by the Building Research Establishment within six months of practical completion. Upon certification by the Building Research Establishment a copy of the certificate detailing the awarded score for the building is to be submitted to the Local Planning Authority for our approval.



**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)

- 35 (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.

- 36 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the mechanical plant will comply with the Council's noise criteria as set out in Condition 35 of this permission.

You must not operate the plant equipment 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 CS31 of our Core Strategy that we adopted in January 2011, by contributing to reducing excessive ambient noise levels.

- 37 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.

- 38 (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.

- 39 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations.

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.

- 40 You must apply to us for approval of a Structural Report setting out how the proposed building will comply with condition 39 of this permission. The Structural Report must include historical data to demonstrate the

noise and vibration baseline conditions of the application site. You must not start any work until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

**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.

- 41 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development other than demolition to ground level shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works., , If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development shall take place other than in accordance with the agreed stage 2 WSI which shall include: , , A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and, the nomination of a competent person(s) or organisation to undertake the agreed works., B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI., , ,

**Reason:**

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

- 42 You must apply to us for approval of details of the door opening mechanism to the loading bay and a supplementary acoustic report demonstrating that noise from the door mechanisms will comply with the Council's noise criteria as set out in Condition 35 of this permission. You must not occupy the North building until we have approved what you have sent us. Thereafter you must carry out the development in accordance with the details approved.

**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.

- 43 **Pre Commencement Condition.** Notwithstanding the details submitted, you must apply to us for approval of a detailed Structural Report and Method Statement for the North building to demonstrate that the Queen Anne's Gate properties that adjoin the application site will not be structurally affected by building works. You must not start work on the North building until we have approved what you have sent us., , You must then carry out the work according to the approved statement. (C26CB)

**Reason:**

To protect the special architectural or historic interest of the neighbouring listed buildings on Queen Anne's Gate. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil), , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to . (I55AA)
- 4 Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 5 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)

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.