

Item No.
1

CITY OF WESTMINSTER		
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 November 2019	Classification For General Release
Report of Director of Place Shaping and Town Planning	Ward(s) involved St James's	
Subject of Report	2 - 14 Palmer Street, London, SW1H 0AP.	
Proposal	Demolition and redevelopment of existing building to provide a nine storey building (Basement, Lower Ground, Ground + 6 upper floors) and roof level plant, providing flexible commercial units at ground floor (Classes A1/A2/A3/D2) and lower ground floor (Class D2 gym), office accommodation (Class B1a) on upper levels, with cycle parking, changing facilities, waste storage and plant at basement level.	
Agent	Mr James Huish, Montagu Evans.	
On behalf of	Amdec UK Limited	
Registered Number	19/03757/FULL	Date amended/completed 20 September 2019
Date Application Received	16 May 2019	
Historic Building Grade	Unlisted	
Conservation Area	Not in a conservation area.	

1. RECOMMENDATION

1. Grant conditional permission subject to a S106 legal agreement to secure the following:
- i) All highway works immediately surrounding the site required for the development to occur, including any necessary changes to footway levels, on-street restrictions, removal of bollards and associated work (legal, administrative and physical)
 - ii) A financial contribution towards employment, training and skills of £54,283 (index linked) payable on commencement of development.
 - iii) A financial contribution (index linked) towards the City Council's affordable housing fund, payable upon commencement of development. The precise amount will be dependant upon the configuration of land uses at ground floor level.
 - iv) Removal of two street lights immediately outside the application site and their relocation onto the new building (to be completed prior to occupation). A wayleave agreement will be required.
 - v) Monitoring costs.

Item No.
1

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:
- a) The Director of Place Shaping and Town 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 is authorised to determine and issue such a decision under Delegated Powers; however, if not
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.
- 3 i) That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place.
- ii) That the Director of Place Shaping and Town Planning, Executive Director of City Management and Communities, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in conjunction with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders.

2. SUMMARY

The proposal involves the demolition and redevelopment of 2-14 Palmer Street (former GCHQ building) to form a new building comprising basement, lower ground, ground and 6 upper floors. The building will comprise a gym at lower ground level, two commercial units (flexible A1/A2/A3/B1/D2) with office use on the upper floors.

The key issues for consideration in this application are:

- The suitability of the replacement building in conservation and design terms.
- The impact of the new building upon the amenity of surrounding residential occupiers.
- The impact of development on the local highway network.

Significant objection has been received from local residents and consultees. These objections concentrate primarily upon the amenity impact to surrounding residents, lack of off street servicing, the appropriateness of the proposed land use and size and design of the building.

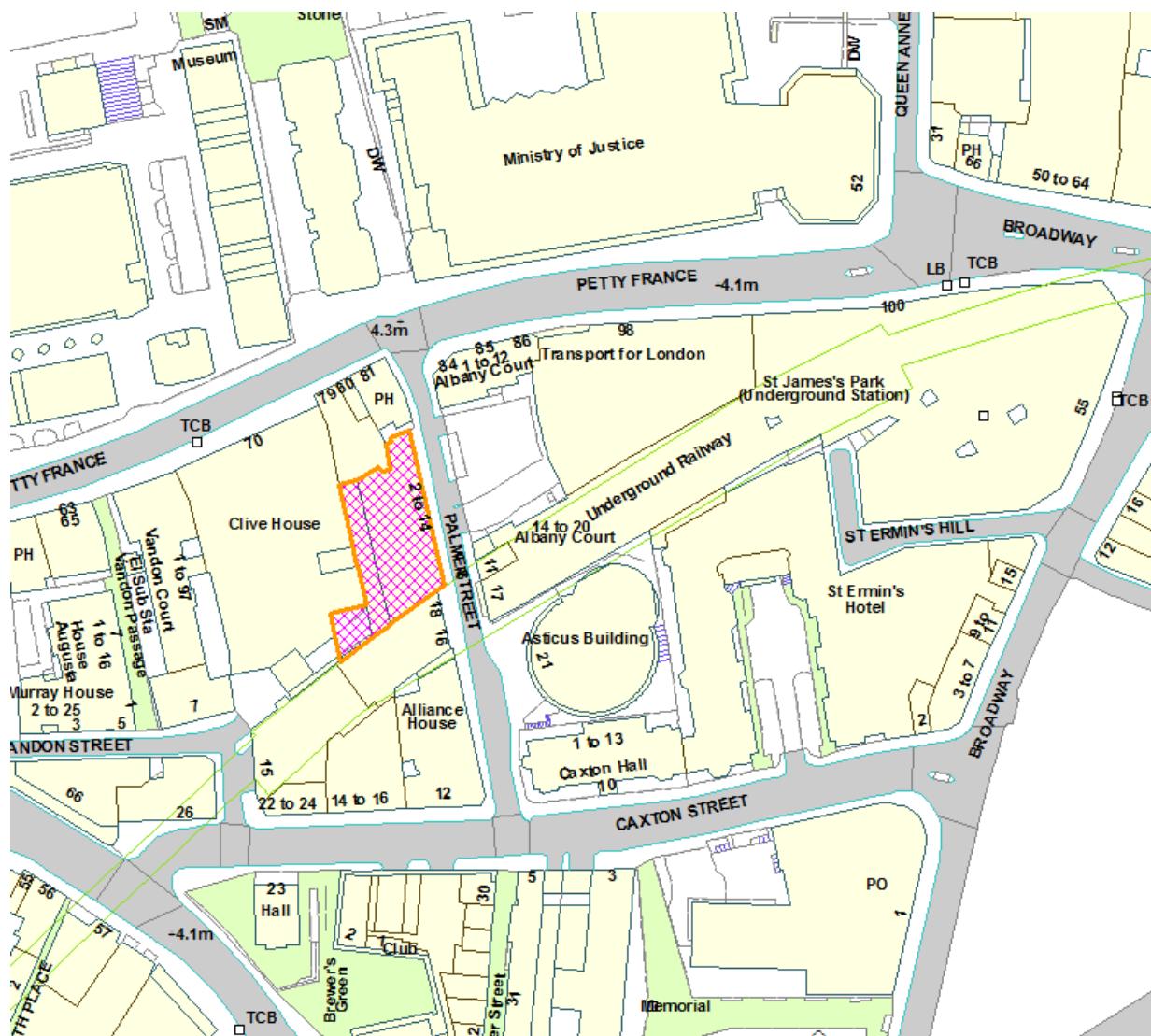
The design quality is considered to moderate the townscape impacts of the larger scale and bulk of the new building. Whilst the lack of off street servicing is very unfortunate, the combination of land uses proposed are considered to minimise the potential servicing demand, and there is likely to be sufficient on-street capacity in the servicing bay to accommodate demand.

In amenity terms, whilst there are some material impacts on daylight to several flats opposite, the retained levels of daylight are considered appropriate for an urban area. By virtue of its design

Item No.
1

quality and land uses strongly supported by the site's location in the Core CAZ, the application is acceptable in land use, amenity, highways and design terms.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationery Office (C) Crown Copyright and/or database rights 2013.
All rights reserved License Number LA
100019597

Item No.
1

4. PHOTOGRAPHS



Front elevation looking south along Palmer Street

Item No.
1

5. CONSULTATIONS

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend that a condition is attached requiring a written scheme of archaeological investigation to be completed.

WESTMINSTER SOCIETY

No objection, a well considered scheme. Support the retention of office use and retail provision opposite the tube station, no objection to the height or design. On street servicing may be appropriate subject to the type of retail proposed.

THORNEY ISLAND SOCIETY

Do not oppose the principle of redevelopment, but object to this scheme as follows:

Height – Significant additional bulk on a narrow road, the impact of the additional floors is unacceptable.

Land Use – the retail units are too large, smaller ones as requested by WCC have not been provided. No residential is provided.

Amenity – excessive overlooking and loss of daylight (in particular daylight to the rear of the pub)

Servicing – On street servicing will present problems to other users of the street particularly in terms of wheeling bins along the narrow pavement and transferring to the refuse vehicles.

LONDON UNDERGROUND (TfL)

No objection subject to a pre-commencement condition requiring full details/method statements for demolition, foundations, basement and ground floor to be agreed by London Underground to ensure the integrity of the LU infrastructure.

VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

THAMES WATER

No objection, suggest an informative reminding the applicant that they should comply with Thames Water's guidance on building near water mains.

HIGHWAYS PLANNING MANAGER

Objects to lack of off street servicing and waste storage arrangements; concerns over building line and pavement lights.

ENVIRONMENTAL HEALTH

No objection subject to conditions requiring a contaminated land assessment, standard noise conditions and compliance with the City Council's Code of Construction Practice to help mitigate the impact on air quality and traffic during the construction period.

Confirmation required that the extract duct for the potential A3 restaurant will discharge at roof level.

Item No.
1

DISTRICT SURVEYOR

Any response to be reported verbally.

WASTE PROJECT OFFICER

Objects on the basis of the original design of the waste store.

CITY ECONOMY TEAM

The scheme will prompt a requirement for a contribution towards the Westminster Employment service in line with our adopted guidance.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 214

Total No. of replies:

No. of objections: 19

No. in support: 0

Objections raise some or all of the following points:

Amenity

- Loss of daylight/sunlight – the bulk of the proposed building will have a significant impact on the daylight/sunlight received by the residential properties at Albany Court directly opposite the site.
- The increased bulk and height of the building will cause a sense of enclosure to residential windows facing an already very narrow street.
- Inadequate daylight/sunlight survey – no daylight distribution assessment was done.
- The additional retail/gym uses proposed will bring excessive numbers of people to this quiet street during evening and at anti-social hours.
- Significant disruption to existing residents as a result of the demolition/construction process.
- Noise from deliveries and the retail/restaurant uses.
- Overlooking and loss of privacy as a result of new, large office windows directly opposite residential flats.
- The flat above the pub will lose a significant amount of daylight.
- The permitted additional storey on the Asticus building will have a cumulative impact on the sense of enclosure to surrounding properties.
- Increase in light pollution as a result of the intensified commercial use.

Design

- The increased height and bulk on the main elevation creates a ‘cliff face’ appearance and is not characteristic of the street.
- The street is too narrow to successfully accommodate such a tall building that is not stepped back like its neighbours. The set backs to the uppermost storeys are insignificant and do little to mitigate the impact of the building.
- The visual impact is oppressive and dour. It will dominate and overshadow the street.
- A missed opportunity for a structure that could provide benefit to local people.

Item No.
1

- The design should incorporate more terracing and planting to soften its impact on the streetscape and provide greater environmental benefit.
- Current building should be preserved to acknowledge its cold-war era history.

Highways

- Servicing from the street will cause disruption to pedestrians, residents and will be unsafe.
- No opportunity is being taken to ease the over-crowding of the narrow pavement, particularly during rush hours which is aggravated by the very narrow and busy carriageway.
- Deliveries and servicing should take place from the access to the rear of the site.
- Removing the bollards in front of the site will make little practical difference to the available pavement space.
- The trolleying of goods from the servicing bay over to the development site would cause additional noise and disturbance and would obstruct the pavement.
- Refuse lorries will stop on Palmer Street and obstruct the entire street.
- Traffic congestion will increase as a result of the proposed servicing strategy.
- The traffic survey/reports produced in the Transport Assessment are limited in scope and duration, does not reflect the complexity of the area or the needs of the residents/community.

Land Use

- We do not need more retail units on this street – it's too narrow and busy to accommodate them. There are already vacant retail units in the area (eg on Petty France) and there is no demand.

Other

- Construction management – concern that road will be blocked during construction and consequent implications for access for emergency services and services requiring 24 hour access.
- There must be appropriate levels of compensation to existing residents for the extent of impact to them as a result of the construction works.
- The application must not impede access to the car park outside Albany Court.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

RECONSULTATION FOLLOWING REVISION:

THORNEY ISLAND SOCIETY

The building is still too high. No attempt has been made to set back from Palmer Street, and the set backs on the south side are insufficient to make any difference. The issues of overlooking and daylight loss have not been addressed; there are still too many retail units and servicing will still be problematic despite revising the refuse arrangements. There are no residential units provided as originally requested by WCC.

HIGHWAYS PLANNING MANAGER

The on-street servicing is not ideal and as a minimum a servicing management plan should be conditioned; the building line at points appears to encroach around 15cm onto the highway. The applicant should be required to either revise the building line, or they

Item No.
1

could complete a wayleave agreement to attach the public street lighting to the outside of the new building to maximise the available footway. Support the cycle parking and revisions to the waste store.

WASTE PROJECT OFFICER
No objection to revised arrangements.

ADJOINING OWNERS/OCCUPIERS
Number consulted: 22
Number of replies: 6

Objections on the following grounds:

Land Use

The number of commercial units has not reduced.

Amenity

The revisions do not address overlooking, loss of daylight or enclosure. The building remains too high for the street. There is no additional set back from Palmer Street.

Highways

The servicing remains unacceptable and will block the street.

Consideration should be given to pedestrianising Palmer Street given narrow width and its use as a cut through.

Other

There is insufficient greening on the terraces to provide a more pleasant environment to look out upon.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site is located on the west side of Palmer Street, opposite the one of the entrances to St James's Park underground station. The existing building comprises basement, lower ground, upper ground and five upper floors, which step back from the Palmer Street elevation at third floor and above. It was built following the second world war and is an unremarkable design, albeit rather typical of the immediate locality. The building is neither listed nor within a Conservation Area. The site is flanked to the north by the rear of the Adam and Eve pub which has a primary façade to Petty France. To the south is a single storey building over the District and Circle line currently occupied by Starbucks. This section of Palmer Street (to the north of Caxton Street) contains a mixture of office, small retail units and residential blocks.

Until very recently, the existing building was occupied by GCHQ. Consequently, it presents a rather blank façade at street level and has a line of security bollards on the footway immediately outside.

When the building was in Government ownership, there was a vehicular access to the rear of the site from Vandon Street, going past the rear of Clive House (a Home Office

Item No.
1

building on Petty France). This was excluded from the sale of the site and the area in the ownership of the applicant does not include this vehicular access.

6.2 Recent Relevant History

None directly relevant.

7. THE PROPOSAL

It is proposed to demolish the existing building and replace it with a new building comprising basement, lower ground, ground and six upper floors. The ground floor will comprise the main office entrance and reception, along with two commercial units, a bin store and sub-station. The ground floor commercial units are intended to be for flexible retail use, gym or office use. There is an additional commercial unit at lower ground floor level – this is proposed to be for gym (D2) use.

First floor and above will comprise office use, including terraces at fifth and sixth floor levels. Plant is contained in an enclosure at roof level.

The application has been revised during the course of its consideration – the fifth and sixth floor levels have been set back slightly on the south side in an attempt to mitigate the impact on residents opposite in Albany Court south. The bin store has been amended. The commercial units have been slightly reconfigured to reduce the flexibility of uses – the original application contained flexible retail and restaurant uses over ground floor and basement. There are still two commercial units at ground floor but the applicant will accept a restriction requiring that only one is used for retail/restaurant purposes. The other could be used for A2/B1 or D2 purposes.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A summary of the existing and proposed floorspace by use is provided below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	2605.2	3347.7 up to 3708.8*	
Retail (A1/A3) – one ground floor unit		Up to 182.4*	
Services (A2) or office (B1) – ground floor units		Up to 361.1*	
Gym (Class D2) – lower ground and part ground		Up to 736.7*	
Total	2605.2	4280.2	+1675

*Dependent on the final configuration of uses at ground floor.

Item No.
1

Office Use

City Plan policy S18 reiterates that Core CAZ is the priority area for commercial growth. The provision of additional office accommodation within the Core CAZ is supported by Policies S6, S18 and S20 of the City Plan and by London Plan Policy 4.2.

The point has been made by some objectors that the existing building could be refurbished to provide modern office accommodation. Whilst this may be feasible, a refurbishment option is not the application before the City Council for determination. It should be noted that the structural composition of the existing building in terms of the levels (you have to go down a large internal ramp to get to the 'ground' floor) and somewhat smaller floor to ceiling heights than is common with modern offices would provide a potentially less desirable type of internal environment than would be achieved by a redevelopment.

Policy S1 relates to mixed use development within the Central Activities Zone. Part 3 of this policy relates to additional B1 office floorspace within core CAZ. Where the additional B1 space is between 30 and 50% of the original building floorspace, then an equivalent amount of residential floorspace must be provided less 30% of the existing building floorspace. The policy allows the residential to be provided as a payment in lieu which goes to the City Council's affordable housing fund.

Following the revision of the application, the applicant has requested that there is flexibility to allow an office use in the two units at ground floor level. Should these both be used for B1 purposes, then the additional office floorspace will breach the 30% allowance provided for by the policy, taking the office increase to up to around 42%. The applicants have confirmed they will provide a payment in lieu of residential provision, but the exact amount will depend upon whether one or both ground floor units are used for office purposes. This can be dealt with by legal agreement, requiring the applicant to notify us of the floorspace and agree the appropriate financial contribution prior to first occupation of an office use. Based on the current calculation set out in our policies, the contribution would be up to a maximum of £654,645 (index linked) should both units be occupied as offices.

Retail Uses

Policy S6 identifies the Core CAZ as an appropriate location for a range of commercial and cultural uses. Policy S21 states that new retail floorspace will be directed to the designated Shopping Centres. In terms of the UDP, saved Policies SS4 and SS5 are relevant. SS4 requires developments within CAZ to include 'shop type premises' at street level, and should provide the same amount of retail floorspace as was there before. SS5 relates primarily to protecting Class A1 retail within the CAZ, and restricting the introduction of non-A1 uses at street level, basement and first floors.

The two units comprise 182.4 square metres and 178.7 square metres GIA. They are not considered to be large. The configuration of the site means that dividing them any

Item No.
1

further would produce incredibly long, narrow units which would not fit comfortably in the building.

Some objectors are of the view that the introduction of retail or entertainment uses on this section of Palmer Street would not be appropriate in terms of maintaining Palmer Street as a quieter, calmer street in comparison to the rather busier Victoria Street or Petty France. They are concerned that Palmer Street is busy enough with commuters, residents and local workers that any additional retail activity would negatively impact upon the quiet amenity enjoyed by residents, particularly outside normal working hours. There is also concern about the number of speculative retail units in the new developments along the pedestrianised sections of Palmer Street further south, and any further units would be in danger of being left vacant.

These concerns are well understood. The site, however, is in Core CAZ and very centrally located with excellent public transport links. Our policies are fully supportive of new retail and service uses to provide facilities for residents and workers. The current building presents a rather blank and unengaging façade at street level and the inclusion of some animation through the proposed retail use is welcomed.

The application as originally submitted showed 'flexible' retail uses (i.e. Class A1, A2 or A3) at both ground and lower ground floors which would have potentially given the applicants the option to have conventional A1 retail, A2 service uses or A3 restaurants in all or some of the units. It was considered that this arrangement was not particularly appropriate and would potentially place a very high servicing demand on Palmer Street (given the lack of rear servicing access).

As currently proposed, one unit would be either Class A1 retail or A3 restaurant, or other commercial uses including financial/professional services, office use or gym. The other commercial unit would not be used for retail or restaurant purposes, but would be restricted to either financial/professional services, office or gym.

Restaurant (Class A3) use

The London Plan (2016) encourages a supportive approach to planning diverse night time activities in appropriate locations. The Draft New London Plan is also a material consideration. Policy HCB6 B states that boroughs should promote the night-time economy where appropriate and address their impacts. Policy S24 of the City Plan requires proposals for entertainment uses to demonstrate that they are appropriate in terms of the type and size of use, the scale of activity, the relationship to any concentrations to entertainment uses including cumulative impacts, and demonstrate that they do not have any adverse impact on amenity, health and safety, local environmental quality and the character and function of the area. Policy TACE 8 of the UDP is also applicable, which states that restaurants of this size within CAZ will usually be permissible.

In environmental terms the plans provide for appropriate full height extraction to serve the restaurants, routing out through the main roof of the new building. There is no reason to presume that, with suitable management procedures in place, a relatively

Item No.
1

small restaurant of either 182 sqm or 178 sqm would result in littering or pollution of the public realm. Subject to appropriate conditions controlling the hours of use and plant, this use is acceptable. The applicants have not specified the operating hours, but it is considered appropriate to restrict the hours to between 0700 to 2300 Monday to Saturday, and 0800 to 2230 on Sundays/Bank Holidays.

Gym

A gym is proposed at lower ground floor level, comprising 375 square metres GIA. The applicants are also seeking the flexible use of the ground floor for gym purposes – if this area was also used, a gym could potentially cover up to 736.6 square metres. The proposed use would be providing a service for the local working and residential population and in principle is considered acceptable, supported by policy S18 of the City Plan. Given the other uses falling within the D2 use class (for example cinemas/concert halls) and potential impact of those uses on the local area, any permission granted will be restricted by condition to a gym within Class D2 and an operating hours restriction between 0630 to 2200 Monday to Saturday and 0900 to 2000 Sunday/bank holidays. Given the potential use of music in a gym, conditions are recommended which place restrictions on noise levels and require acoustic lobbies. As discussed in the highways section, gyms do not tend to have an intense servicing demand, and as such this is considered to be one of the more appropriate commercial uses for an area where on street servicing will be difficult.

8.2 Townscape and Design

The site comprises an unremarkable, post war, red bricked building, comprising basement, ground floor with four upper storeys and terminating with roof top plant. The building forms part of a varied townscape which lies outside of a designated Conservation Area, although is in close proximity to both the Birdcage Walk and Broadway and Christchurch Conservation Areas.

The proposed building rises to six storeys above ground floor level, housing a plant room above. With setbacks at fifth and sixth floor level, the resulting additional height and bulk is somewhat controlled and not significantly overbearing. The principal facade is articulated by brick chamfered columns which provide depth as well as visual interest. Proportionally the building has a strong vertical emphasis which sits in contrast with its neighbour at 20 Palmer Street. The townscape in the locality is varied, and it is not considered that this building would be in overt conflict with the variety of building styles found locally. The ground floor is reactivated by wide glazed shopfronts defined by chamfered stone plinths and pediments.

In relation to the finer details, the building is faced with rose coloured brick, dressed with rose stone details and bronze finishes such as fluted panels and windows. Lighter brick work will be used for the fifth floor for visual variety and the top floor is glazed with metal framing to crown the building. Overall the scheme offers an appropriate palette of materials and details which offer visual interest. Conditions are recommended to secure material samples as well as mock ups of key façade details to insure their design quality and finish.

Item No.
1

Whilst substantially taller than the existing building, the proposed height and bulk of the building sits comfortably within its context and its design quality is apparent in the materials and finishes of the facades.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Daylight/Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Malcom Hollis, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site on Palmer Street, Caxton Street and Petty France.

Whilst there was no assessment of daylight distribution when the application was submitted, this has since been done. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. 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 guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

The properties tested for daylight and sunlight levels comprise:

- Albany Court (north and south)
- The Adam and Eve pub
- Caxton Hall

Item No.
1

Albany Court

Albany Court is a post-war residential building divided into two blocks, Albany Court North and Albany Court South. The blocks comprise commercial uses at ground floor with residential flats at first to fourth floors. Both blocks have living room and bedroom windows facing the application site across Palmer Street.

There is no material impact on VSC or daylight distribution to windows in Albany Court North. There is, however, a material impact on Annual Probable Sunlight Hours to the living area of the first floor flat facing Palmer Street (26 reduced to 18). There is also an impact on winter sunlight to a bathroom window also at first floor, though bathrooms are not considered to be 'habitable' rooms where residents would spent significant time.

There are some material impacts on VSC to the living rooms of 3 flats within Albany Court South as set out in the table below:

Floor	Window ref	Exg VSC	Proposed VSC	Percent reduction
1	W6 – living room	21.76	16.15	26
2	W6 – living room	25.11	19.01	24
3	W6 – living room	28.41	22.12	22

There is one window at second floor (W7) where the proposals also have a material impact on the daylight distribution within a bedroom. The directly lit portion of the room is reduced by 21%, marginally outside the BRE guideline of 20% tolerance.

In terms of the retained levels of VSC, all the affected windows, whilst experiencing some losses, retain VSC levels typical of a densely developed urban location and it is not considered that it would be reasonable to refuse the scheme on this basis.

Adam and Eve pub

There are several windows in the rear of the pub, facing onto the application site, which appear to serve an ancillary flat. Three of the windows are obscure glazed, apparently serving bathrooms. The affected windows already face a very built up area and are close to the rear boundary of the pub. Given the primary function of the building as a public house, with no separate entrance to any independent flat, it is not considered that these windows should be afforded the same level of protection as conventional independent, self contained residential units.

Caxton Hall

The flats within the residential conversion of Caxton Hall have windows obliquely facing the application site. There is no material impact on Vertical Sky Component. At lower ground floor, there are minor material impacts on the daylight distribution within two rooms, losing 21% and 24%.

Sense of Enclosure

The new building will be substantially taller than the existing building, though as proposed it is similar in height to other office buildings to the rear and to the south. That said, there will be a significant difference in outlook to some of the flats in Albany Court – particularly those on the 3rd and 4th floors of the south block which currently have fairly open outlooks to the west from their living areas.

Item No.
1

The flats at present have a view of the application site set in the context of the Clive House office building which is behind the application site. Whilst the proposed building will not be any higher than Clive House behind it, it will be much closer to the Albany Court flats, therefore there will be a more 'enclosed' feel to the affected windows. Given the built up context of the area, and the relatively minimal effect upon daylight levels, it is not considered that the scheme could reasonably be refused upon an increased sense of enclosure.

Privacy

Objectors are concerned that the new windows and sixth/seventh floor terraces to the office building will provide greater opportunity for overlooking given their size and proximity.

Given the urban context of the area and the street width between the existing residential windows and new office windows, it is not considered that any mitigation in the form of obscure glazing/screening would be necessary. It is recommended that a condition is attached which restricts the hours of use of the office terraces to between 0800 to 1900 Monday to Friday, with no access to the small strip of terrace on the Palmer Street frontage.

8.4 Transportation/Parking

Servicing

Policy S42 deals with servicing, seeking to ensure that developments are managed in a way that minimises adverse impacts on the highway. TRANS20 requires convenient and safe access to premises for servicing, and generally requires that servicing is undertaken off street.

There has been significant local objection on servicing issues including the potential highway obstruction and amenity issues arising as a consequence of servicing from Palmer Street.

It is highly regrettable that the site as now owned by the applicant does not contain the former rear access (which is physically still there but not in the applicant's ownership) which would have provided the ability for the site to be serviced off street.

This situation forces any building on this site to be serviced from Palmer Street. Even if the current building was retained and used as offices, it would now need to be serviced from Palmer Street. The means of servicing is via the existing servicing bay outside the Asticus building (cylindrical building on the opposite side of the road next to St James's underground station). The main issue here is whether the building as proposed generates a level of servicing which would be capable of being supported by the existing servicing bay on Palmer Street, and how this could potentially be managed.

Officers were concerned that the combination of land uses contained in the original application would produce a high servicing demand. The retail and restaurant uses in particular are considered to potentially generate significant servicing trips and the applicant has revised the land uses in an attempt to reduce servicing demand.

Item No.
1

The transport consultants have considered the various servicing levels connected with the potential combination of commercial uses in the ground and lower ground floors. The office use at first to sixth floors is predicted to have a maximum of 16 servicing trips per day. Depending on the mix of uses, the 3 commercial units could attract between 1 and 6 servicing trips per day. The 'worst case' scenario would be for one retail unit and the other two units being used for office purposes, whereas the use of all 3 units as a gym would entail between 1-2 servicing trips per day. The calculations are based on TRICS, an established transport industry database. The original transport assessment submitted with the application concluded that there would be up to 28 servicing trips per day with the original application. The revised scheme results in a predicted maximum of 22 trips per day. The revisions to the land uses at lower ground and ground floors are therefore considered to somewhat relieve the servicing burden.

The majority of delivery and servicing activity associated with the proposed scheme (except refuse collection) will take place from the existing loading bay on the eastern side of Palmer Street outside the Asticus building. The bay is approximately 15m in length and can accommodate 2 transit type vans at one time. Additional surveys have been completed on existing servicing activity in the street, to determine the potential additional capacity of the servicing bay. The surveys were undertaken over several weekdays, which are considered to be representative of the busier times for office deliveries. Based on the surveys undertaken, the transport consultants conclude that there is sufficient capacity to accommodate the estimated 22 trip maximum.

The location of the on street servicing bay is not ideal, since goods will still need to be trolleyed or carried over the road to the application site. When there are large deliveries, this could potentially be very disruptive to both residents and could obstruct traffic and pedestrians. A condition requiring a delivery and servicing management plan will go some way towards managing disruption, controlling delivery times, and mitigating the worst effects of on street deliveries. It is also considered necessary to attach a condition restricting the retail use to non-supermarket retail given the often intense servicing demands of such operations. On balance, the highways planning manager considers this arrangement acceptable and agrees that there is sufficient on-street capacity.

Cycle storage

47 cycle spaces are indicated within the site with 3 of the spaces usable by oversized bikes. The cycle storage is provided at lower ground and basement which is not ideal from an access perspective however a goods lift is available and of sufficient size to accommodate cycles. As such it is considered that the proposed provision is acceptable.

Refuse storage and collection

The bin store is located at basement level and incorporates a compactor. There is a separate holding area at ground floor level for keeping the bins in just prior to collection. Following concerns raised by the waste project officer regarding the temporary holding arrangements, the application has been revised. An internal corridor is now incorporated to enable the transfer of refuse/recycling from the basement up to the refuse storage holding area. The configuration of bins has been amended to suit the requirements of the waste project officer.

Bollards

Item No.
1

The line of bollards along the back edge of the kerb will be removed as part of the proposals. This is welcomed and will provide some additional pavement space for pedestrians.

Building line

At some points along the new façade where the shopfront framing meets the footway, it appears that the building line has moved forward over the public highway by around 15cm. The Highways Planning Manager has objected to this, given the already narrow width of the pavement; he has suggested either setting the building line back, or requiring the applicants to complete a ‘wayleave’ agreement which enables public street lights to be attached to the façade of the building, thus maintaining an unobstructed footway in front of the development site. The applicants have agreed to attaching the streetlights to the building, but in the event of not being able to for technical or legal reasons then they will revise the building line. This can be captured by the legal agreement and conditions.

8.5 Economic Considerations

Any economic benefits generated are welcomed.

8.6 Access

There is level access from Palmer Street to the proposed building and it has been designed to be compliant with part M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Noise/plant

Environmental Health officers are satisfied that the plant is capable of complying with the City Council’s noise standards as set out in Policy ENV6 and ENV7 of the UDP. Appropriate conditions are attached to the draft decision notice.

Sustainability

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

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The applicant has submitted an energy strategy setting out the measures incorporated into the proposed development in the context of sustainable design principles.

In terms of addressing the GLA’s ‘energy hierarchy’, the applicant commits to maximising the energy performance through passive measures within the design including insulation and high performance facades. Air source heat pumps will provide heating and cooling. The energy strategy concludes that with the energy efficiency and

Item No.
1

air source heat pumps the development will save approximately 52% over the Building Regulations Part L 2013 Target Emission Rate. Therefore, the development exceeds the 35% target complying with Policy 5.2 of the London Plan.

Air Quality

The applicants have submitted an air quality assessment. It identifies short term impacts from construction (dust/particulates) which can, to a degree, be managed. In the longer term, the impact of energy plant emissions is likely to be negligible. Environmental Health officers are satisfied with the conclusions of the report and as such the development is in line with policy S31 which seeks to minimise static and traffic based sources of air pollution in developments.

Employment and skills

The City Council published an interim guidance note in May 2019 on the interpretation of policy S19. Policy S19 contains scope for financial contributions collected through Section 106 agreements to be used to secure the aims of the policy. Financial contributions will be used to support the Westminster Employment Service and will address the limitations highlighted above by:

- Helping residents access a wide range of opportunities in a range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.
- Supports developers to deliver their agreed targets through a service with a proven track record. In the past 2 years the Westminster Employment Service has delivered over 1500 jobs for Westminster residents.

The note sets out how contributions will be calculated according to the type of development proposed. In this case, the commercial floorspace (office and retail uses) attracts a contribution of £54,283 to which the applicant has agreed.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019.

In the case of a draft local plan that has been published and subject to consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

There is no adopted neighbourhood plan for this area.

Item No.
1

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the following:

- i) The applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development.
- ii) Details and method statements relating to demolition, foundations and all ground and below ground structures to be agreed by London Underground in order to ensure LU infrastructure is protected.
- iii) A written scheme of archaeological investigation.
- iv) A desktop study, site investigation, remediation strategy and validation report to assess the risk of contaminated land and how it is treated before development can begin.

The applicant has accepted the conditions.

8.12 Planning Obligations

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

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £415,350 along with Mayoral CIL for Crossrail 2 (MCIL 2 introduced in April 2019) of up to £309,875 depending upon the uses implemented. These figures are provisional and may be subject to any relief or

Item No.
1

exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

In addition, for reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

8.13 Environmental Impact Assessment

It is not considered that the proposal warrants an Environmental Statement (ES) under the EIA Regulations (2016). The applicant has submitted various studies relating to the principal environmental issues raised by the development including noise, archaeology, air quality, energy and recycling. The issues raised can reasonably be dealt with by conditions attached to the permission. The principal environmental effects requiring further clarification or work through conditions and mitigation are examined in the relevant sections of this report.

8.14 Other Issues

Archaeology

The site is within a Tier 2 archaeological priority area (Victoria Street). In line with Policy DES11, an archaeological mitigation strategy has been prepared and agreed in principle with officers and Historic England. The archaeological investigation can be secured by condition.

Construction impact

Objectors have raised concern regarding the impact of the construction process on amenity and the local environment generally.

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice.

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these, the Council's approach is for a condition to be imposed requiring the applicant to provide evidence of compliance with the CoCP before starting work. Compliance is monitored by the Environmental Inspectorate.

A condition is also recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as

Item No.
1

the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Basement

The proposals involve the excavation of a deeper basement than currently exists. The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

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

8.15 Concluding comments

City Plan policy S47 and the NPPF have a presumption in favour of sustainable development.

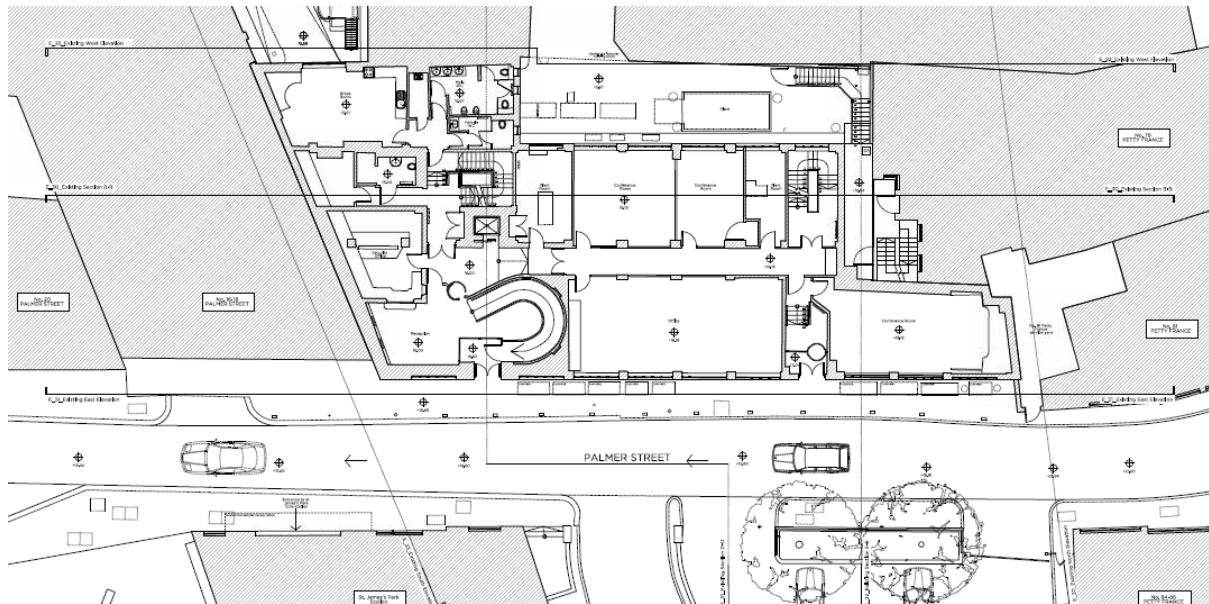
The benefits of the scheme include the provision of new office floorspace, a retail unit and a gym, all of which are strongly supported by the City Council's land use policies for the Central Activities Zone and policies supporting commercial growth (S1, S6, S18, S19 and S20). The impact upon the amenity of neighbouring residents is finely balanced, but ultimately it is not considered that the application could reasonably be refused on the loss of daylight or sense of enclosure. Whilst the lack of off-street servicing is very unfortunate and creates an undesirable situation, the combination of land uses has been altered to minimise servicing demand and again, it is not considered that it would be reasonable to refuse the application on highways grounds on this occasion.

On balance, the application is acceptable in the context of the NPPF, the London Plan and Westminster's City Plan and UDP policies subject to the conditions and terms of the legal agreement set out in the recommendation and draft decision letter.

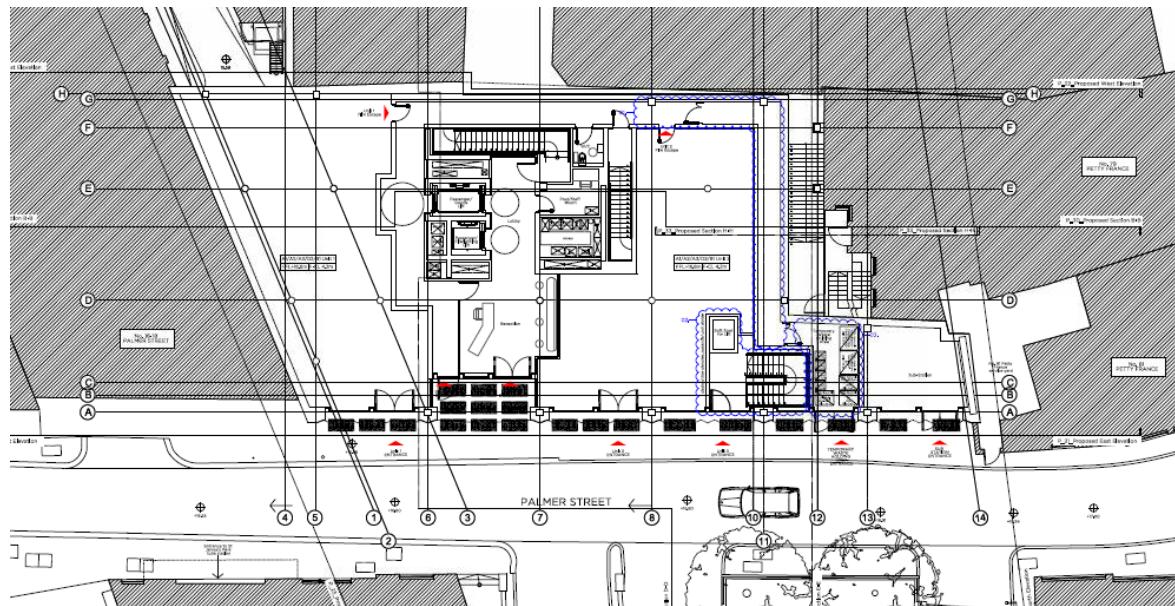
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT lfrancis@westminster.gov.uk

9. KEY DRAWINGS



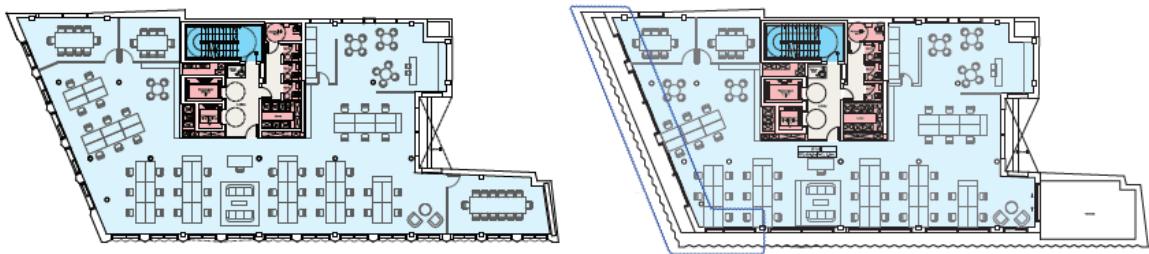
Existing ground floor plan



Proposed ground floor plan

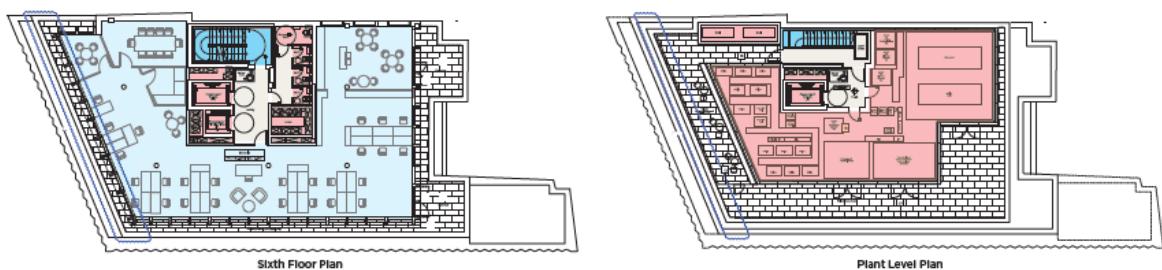
Item No.

1



Typical Floor Plan (no Change)

Fifth Floor Plan



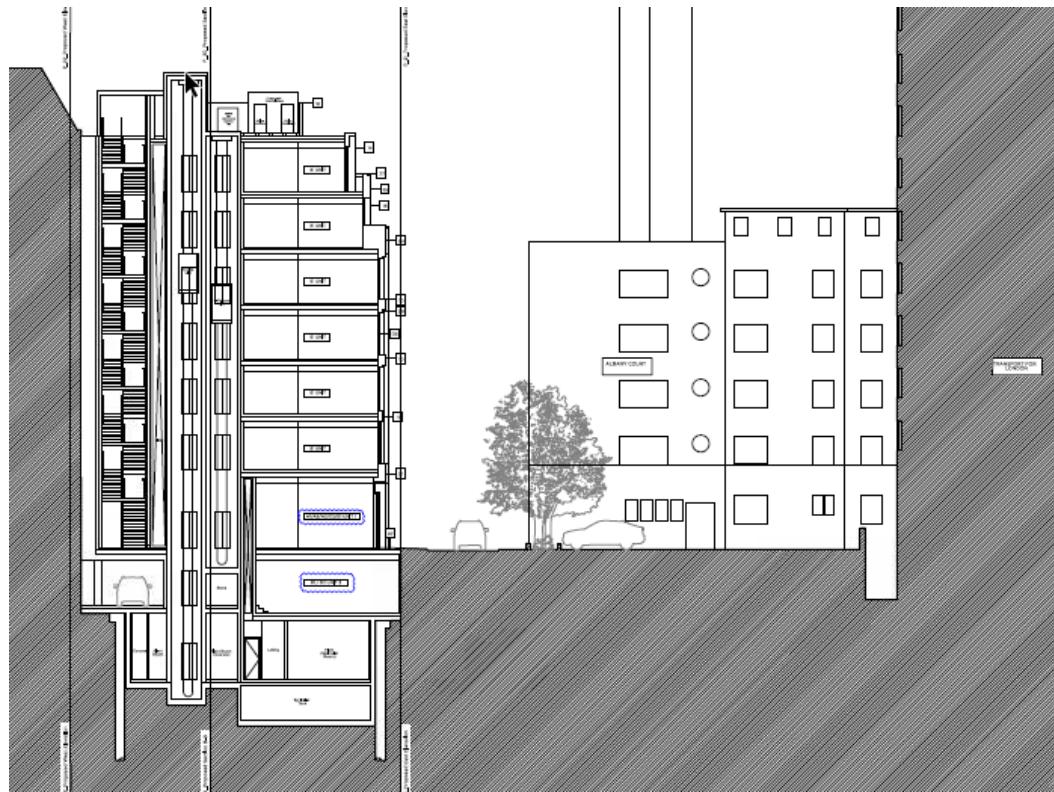
Sixth Floor Plan

Plant Level Plan

Typical upper floor and set backs at fifth and sixth floors



Proposed Palmer Street elevation



Proposed section looking north (Albany Court to the right, application site to the left)

Item No.
1



View from Caxton Street (existing)



View from Caxton Street (proposed)

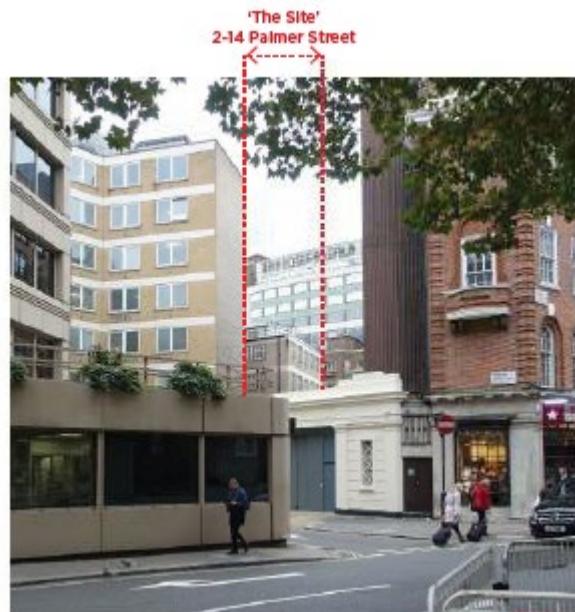
Item No.
1



View from Petty France (existing)



View from Petty France (proposed)



Existing view from corner of Buckingham Gate/Caxton St



As proposed view from the corner of Caxton St/Buckingham Gate

Item No.
1



Visual of Palmer Street

Item No.
1

DRAFT DECISION LETTER

- Address:** 2 - 14 Palmer Street, London, SW1H 0AP,
- Proposal:** Demolition and redevelopment of existing building to provide a nine storey building (Basement, Lower Ground, Ground + 6 upper floors) and roof level plant, providing flexible commercial units at ground floor (Classes A1/A2/A3/D2) and lower ground floor (Class D2 gym), office accommodation (Class B1a) on upper levels, with cycle parking, changing facilities, waste storage and plant at basement level.
- Reference:** 19/03757/FULL
- Plan Nos:** E_000; E_03; E_04; E_05; E_06; E_07; E_08; E_09; E_10; E_14; E_20; E_21; E_22; E_23; E_30; E_31; E_32; D_01; D_02; D_03; D_04; D_05; D_06; D_07; D_08; D_09; D_10; D_14; D_20; D_21; D_22; D_23; D_30; D_31; D_32; P_01; P_02A; P_03B; P_04A; P_05; P_06; P_07; P_08; P_09A; P_10A; P_11A; P_12A; P_14A; P_20; P_21A; P_22A; P_23A; P_30A; P_31A; P_32A; P_33A; P_40; P_41.

For information only:

Design and Access statement (May 2019) and addendum (September 2019); Daylight and sunlight assessment (Malcom Hollis, September 2019); Planning Statement (Montagu Evans, May 2019) and amendments cover letter dated 19 September 2019; Transport Assessment, travel plan, delivery and service plan (Motion, May 2019); Transport addendum (Motion, September 2019); Archaeology assessment (Pre-construct, April 2019); Energy/sustainability statement (Cundall, May 2019); Fire Strategy (Cundall, May 2019); Noise Assessment (Cundall, March 2019); Air Quality Assessment (Cundall, April 2019); Ventilation and Extraction statement (Cundall, April 2019); Flood Risk Assessment (Turner Jomas May 2019); Statement of Community Involvement (Concilio, May 2019); Structural Report (Form, May 2019)

Case Officer: Louise Francis

Direct Tel. No. 020 7641 2488

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

Item No.
1

- 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 Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

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

3. **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

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

Reason:

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

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

- provide details on all structures
- provide details on temporary works
- demonstrate that there will at no time be any potential security risk to the railway, property or structures
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason:

Item No.
1

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

5. Pre Commencement Condition.

- (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.
- (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.
- (c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

6. Pre Commencement Condition. You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate. (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 7 (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

Item No.
1

outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;:, (b) Locations of the plant and machinery and associated ducting; attenuation and damping equipment;:, (c) Manufacturer specifications of sound emissions in octave or third octave detail;:, (d) The location of most affected noise sensitive receptor location and the most affected window of it;:, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;:, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;:, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;:, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;:, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

Item No.
1

- 9 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 7 and 8 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

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

Reason:

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

- 11 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing numbers P02A and P04A. You must clearly mark them and make them available at all times to everyone using the building. (C14FB)

Reason:

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

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

Reason:

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

Item No.
1

- 13 Notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) the retail accommodation hereby approved shall not be used for food retail purposes (i.e. a supermarket).

Reason:

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

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

Reason:

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

- 15 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the character of the area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007.

- 16 You must apply to us for approval of a detailed servicing management plan. The plan shall identify process, storage locations, scheduling of deliveries and staffing. You must not occupy any part of the building until we have approved what you have sent us. The servicing management plan shall be maintained for the life of the development unless a revised strategy is agreed in writing by us.

Reason:

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

- 17 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the retail, restaurant and gym use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15

Item No.
1

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 18 The terraces shown on the approved drawings shall only be accessible to users of the building between the hours of 0800 to 1900 daily unless required as an emergency means of escape. The part of the sixth floor terrace to the Palmer Street (east) elevation shall only be accessible as a means of escape or for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 19 The Class D2 (gym) floorspace hereby approved at lower ground and ground floors shall only be used for gym purposes within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any equivalent class in any order that may replace it).

Item No.
1

Reason:

We cannot grant planning permission for unrestricted use within Class D2 because it would not meet ENV6, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007, S29 and S42 of our City Plan (adopted November 2016) and because of the special circumstances of this case.

- 20 Customers shall not be permitted within the Class D2 gym premises before 0630 or after 2200 Monday to Saturday and before 0900 or after 2000 on Sundays, Bank holidays and public holidays.

Reason:

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

- 21 Customers shall not be permitted in the restaurant or Class A1/A2 retail/service units before 0700 or after 2300 Monday to Saturday, or before 0800 or after 2230 hours on Sundays and Bank or public holidays.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 22 Of the two commercial units approved at ground floor level shown on drawing number P04A, a maximum of one unit will be occupied for retail or restaurant purposes under Classes A1 and A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). In the event that one of the units is occupied as either a Class A1 or Class A3 use, the other unit must only be occupied by a use within Classes A2, B1 or D2.

Reason:

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

- 23 In the event that the relevant units at ground and lower ground floors are occupied for either restaurant (Class A3) or gym (Class D2) purposes, acoustic lobbies shall be installed to the entrances to minimise noise outbreak.

Reason:

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

Item No.
1

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in January 2007. (R26CD)

- 25 You must apply to us for approval of detailed drawings at 1:20 of the following parts of the development - typical bay. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 26 You must apply to us for approval of detailed drawings of the following parts of the development - balustrade for roof terraces. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

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

- 27 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.
 - air source heat pumps.
 You must not remove any of these features. (C44AA)

Reason:

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

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

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)

Item No.
1

Informative(s):

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

- 2 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:

Highways works including removal of bollards, financial contribution towards education and training, financial contribution towards the City Council's affordable housing fund (dependent on office floorspace) and removal of street lights outside the application site and their relocation to the new building. (I55AA)

- 3 Condition 6 refers to a publication called 'Contaminated land, a guide to help developers meet planning requirements' - produced in October 2003 by a group of London boroughs, including Westminster. You can get a copy of this and more information from our environmental health section at the address given below. Contaminated Land Officer, Environmental Health Consultation Team, Westminster City Council, Westminster City Hall, 64 Victoria Street, London SW1E 6QP. Phone: 020 7641 3153 , (I73AB)

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

Item No.
1

- 5 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

- 6 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water's guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.

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

- 8 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

Please note: the full text for informatics 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.