

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 November 2024	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Broadcasting House, 2 - 22 Portland Place, London, W1A 1AA		
Proposal	Modification of the S106 planning obligation agreed in connection with the planning permission (and subsequent amendments) dated 15 May 2003 (RN 03/02603/FULL); namely, to enable changes to the Public Spaces Management Plan including the public access arrangements to Broadcasting House.		
Agent	Lichfields		
On behalf of	British Broadcasting Corporation		
Registered Number	24/04826/MOD106	Date amended/ completed	10 July 2024
Date Application Received	10 July 2024		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Agree modification to legal agreement.

2. SUMMARY & KEY CONSIDERATIONS

The original planning permission for Broadcasting House in May 2003 (RN 03/02603/FULL) was granted subject to a legal agreement requiring the BBC to provide public access to a number of areas within the building, including the reception areas, the Radio Theatre café (now occupied by Café Nero and the Theatre Bar (now known as the Media café). Clause 1.4.2 of the original agreement enables the BBC to seek the Council's approval to variations to the Management Plan.

The reception areas of Broadcasting House as well as the Media Café have been closed since 2017, and the BBC contend that this is as a consequence of both terrorist activity and then the COVID pandemic. The BBC states that these terrorism concerns remain, that Broadcasting House has been a focus for protest and criminal damage most recently in 2022 and 2023 and that it is not practical as a consequence for the BBC to reopen and manage these areas and allow public access. They therefore request that the Management Plan is varied to exclude public access to these areas.

The BBC argue that as a consequence of The Terrorism (Protection of Premises) Bill being

introduced to Parliament earlier this month and its likely adoption as statute law, the opening of the receptions and Media Café areas, will in practice bring additional operational and legal responsibilities upon the BBC and its security provider requiring that they are prepared for and protected against terrorist attacks. They argue that these responsibilities make public access unviable as the BBC would need to implement significant measures to reduce the risk to as low as reasonably practicable. This would involve searching every member of the public and their belongings, rucksacks, suitcases, etc., who enters the building, regardless of whether they are visiting the reception areas, Media Café or not. This would have to be at the earliest point of entry, which is operationally unviable, as it would be impossible to search every member of the public who enters the building. In addition, the risk to the building and its occupants, including staff, guests and legitimate users is also increased as a potential terrorist actor would already be inside the building before they have even been searched.

Strong objections to the loss of access to the Media café have been received from a single objector who believes that the security incidents and terrorist attacks referred to as justification for closure of the café all took place after the decision to remove public access in March 2017; that the proposals are purely to enable the BBC to use the space for internal meetings and for their social club; that the Media cafe is not visible 'on air' and is not a particular threat of protest activities and that there is physically no greater a risk than the existing Cafe Nero ('World Cafe') off the piazza, which is freely accessible to the public in normal conditions.

A security assessment report has been submitted which sets out that as an international news broadcaster, the BBC and its Board are the subject of public criticism as a result of high-profile incidents involving BBC staff, both historic and recent. This leads to London Broadcasting House being a focal point for a vast number of protests: some pre-planned and many others spontaneous. The report sets out that since 2019, Broadcasting House has been the target for 119 protests and that re-opening the receptions and Media Café will leave the Corporation susceptible to protesters being able to enter the building undetected and carry out their protest within the confines of the public area. In the last 12 months the BBC has been the victim of criminal damage attacks to the outside of the building, most recently by damage to a statue above the entrance to the reception of Old Broadcasting House and damage by way of spraying a red liquid on the reception external doors of New Broadcasting House.

As the Media Café overlooks the Newsroom, it has a direct line of sight into the broadcasting studios and is therefore a vulnerable spot within the building and is open to the threat of terrorist and protest action. The Media Café has a number of fire-exits that lead onto Duchess Street to the north of the building. By re-opening the Media Café, it would be necessary to position security officers on these doors to prevent a would-be protester opening them to allow a whole protest group into the building.

Café Nero, however, is located outside the main entrance of Broadcasting House and there is no access from the cafe into the BBC's building. There are no internal doors leading from Café Nero into Broadcasting House, the unit can only be accessed via the piazza.

The Metropolitan Police (Counter Terrorism) concur with the concerns set out in the security assessment and believe that should the media café be re-opened to un-vetted and unscreened members of the public, there is likely to be an increase in overall vulnerability from terrorism and protest. The BBC provides international communications across the globe, and is considered a major part of the UK national infrastructure. Interference or disruption to the BBCs capability to broadcast live (nationally or internationally), could be viewed as a direct attack on the UK establishment and therefore may be considered a likely attractive target for terrorism and/or protest.

Whilst protest it is not terrorism, the potential impact that disruptive protest has on the BBC ability to broadcast must be taken into consideration. Whilst Broadcasting House has already been subject to a number of targeted protests, these have been largely contained to the exterior of the building or the immediate reception area and as such have had limited/no impact on the ability to broadcast. Inviting un-vetted and unscreened members of the public into the media café space would provide opportunity for protest and hostile activity much closer to broadcast areas of the site, potentially impacting on the BBC's ability to undertake its core function.

The Security Assessment report provides comment on the level of protective security measures required to appropriately manage the re-opening of the media café. This would be akin to the procedures required for entry to the Radio Theatre, where attendance is by a pre-booking system, which requires validation of tickets, provision of photo ID and security checks on arrival. The Metropolitan Police agree that any person entering this space should be managed by an appropriate level of guard force, with those wishing to use the space undergoing the same vetting and screening as any other visitor into the building. If these measures cannot be implemented or maintained, it would present a significant vulnerability to the site.

The BBC remains committed to public access/engagement and despite the criticism that the amendments would result in no public access to the buildings for interested members of the public, the Management Plan still enables:

1. Visits by school groups via the BBC Academy STEM (Scientists, Technologists, Engineers and Mathematicians) and Young Reporter programmes. And various BBC departments arrange tours for school and university groups that are studying journalism or are working on education projects that relate to the BBC i.e. podcasting, music production etc. throughout the year.
2. The BBC arranges 'Friends and Family Days' for BBC staff to bring known invited members of the public for tours and activities annually.
3. The BBC are also part of the "Open City" initiative and this year took part on Saturday 14th September 2024.
2. Access for community groups including All Souls Sunday School who make use of the BBC buildings every Sunday.
3. Access for a range of groups who now participate in pre-arranged visits.
4. Access to the Radio Theatre and its programme of events. The Radio Theatre has over 200 audience shows a year where public can apply for tickets to see a variety of programmes and events. The Media Café is where audiences are held once entering via Portland Place. This means approximately 60,000 - 80,000 members of the public visit the Radio Theatre and Media Café.
5. The BBC also has audiences that come in for BBC Radio 4 Book Club monthly with 40-45 audience members per programme.
6. The ability to witness first-hand the BBC at work via activity related to The One Show on the Piazza. This occurs twice to four times a month and attracts a chance audience.
7. General access to the World Café (Café Nero within the piazza).

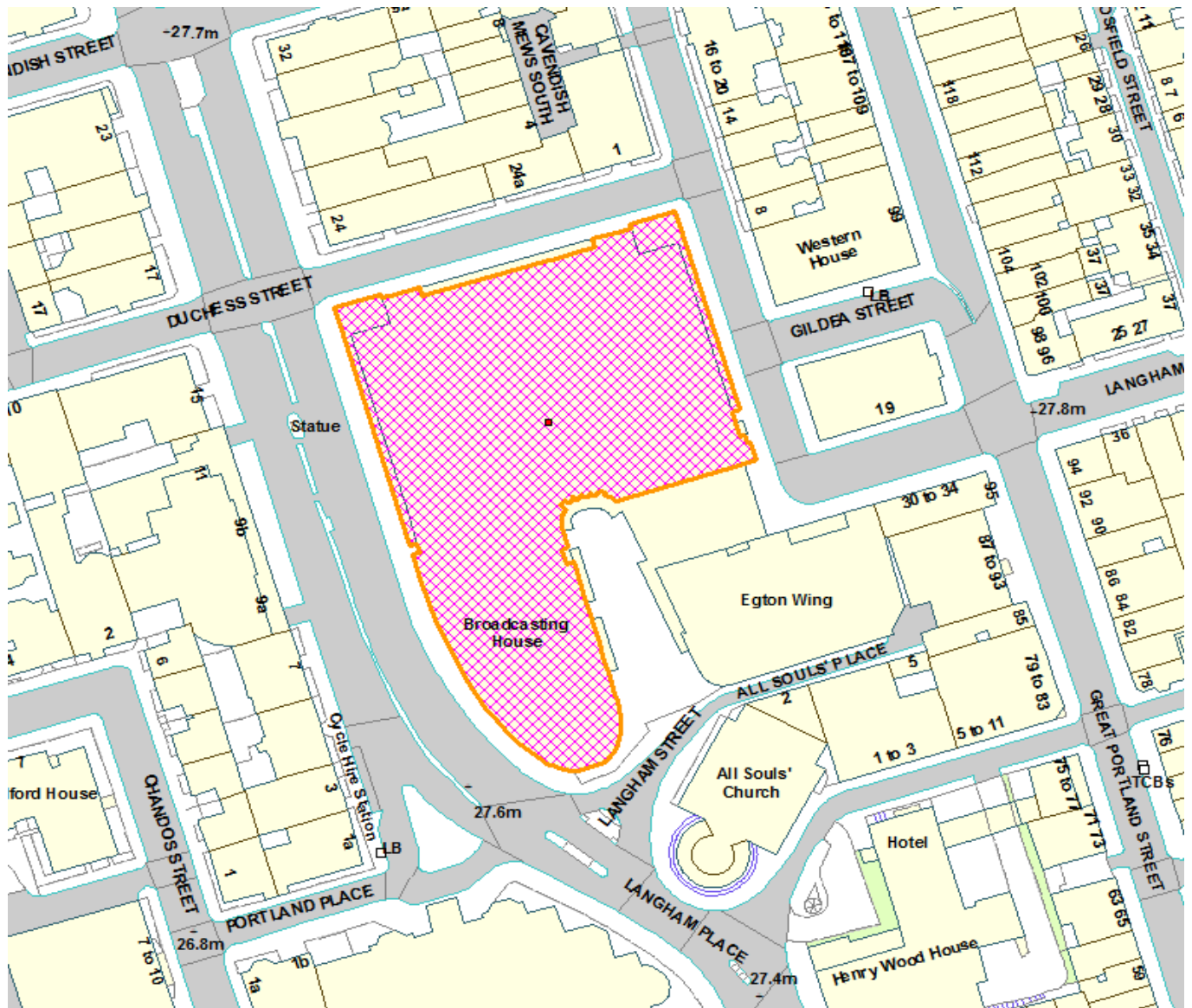
The objector also believes that the requirement to provide public access would have been necessary to make the original planning permission acceptable in planning terms and therefore argues that it is hard to see, if the obligations were necessary for planning reasons, how it can be acceptable to reach a different position now. At the time the original application was considered, adopted policy required the provision of an equivalent amount of residential floorspace equivalent to the net uplift of commercial floorspace. At the time the BBC put forward an argument as to why it was not possible to provide residential on-site, and the Committee accepted that the national importance of

Broadcasting House, the contribution it makes to the character and function of central London and the benefits of the scheme, including the provision of the new public space, the provision of an educational element and increased public access were considered to off-set the policy requirement for on-site residential. This policy no longer exists, and in land use planning terms, it would be difficult to insist that the same obligations that were secured by the original legal agreement are now maintained.

Conclusion

Whilst public access is still maintained, this is significantly reduced from the former access arrangement, where unfettered access to the café was provided. This, however, needs to be considered against both the current policy position, and the security concerns highlighted in the applicant's submission, and in accordance with the advice of the Metropolitan Police this is considered paramount, and a deed of variation is therefore considered acceptable.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

METROPOLITAN POLICE

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 0

Total No. of replies: 1

No. of objections: 1

No. in support: 0

One letter of objection on the following grounds:

* The BBC references security incidents and terrorist attacks that took place in 2017 as justification for the closure, but these all happened after the decision to remove public access in March 2017.

* The Media Café is not visible 'on air' or especially visible to the public, so it is not a particular threat of protest activities

* The Media Café was designed for public access and has no direct access to the internal areas of the rest of the building. As such, it is physically no greater a risk than the Café Nero ('World Café') off the piazza, which is freely accessible to the public in normal conditions.

* Public visitors before 2017 were not vetted in advance, but they were subject to airport-style screening, and access was available by the side door from Portland Place (the same arrangements used for Radio Theatre audience access)

* Public access is achieved at several critical public sites in Westminster with security screening controls being sufficient, such as the Houses of Parliament.

* The BBC has leased the Media Café space to an associated private social club, BBC Club Sports and Leisure Ltd, made up of current and former BBC staff. Whilst they require members to show photo ID to gain access, the BBC have also allowed the social club to permit members of the public to be signed in as guests. There is no requirement for pre-notification of their identities, and no mention of a requirement to even show ID. This is therefore in effect permitting access from members of the public with no pre-vetting, a situation that the BBC claims is not acceptable from a security risk.

* Approving this change would reward the BBC for their violation of the previous S106 agreement and would set a precedent for owners of other buildings where public access has been secured.

* Per the 2010 regulations, it would not have been lawful to require the section 106 public access condition if it was not necessary to make the development acceptable in planning terms. It is notable that they do not propose any compensating obligations for the obligations they wish to remove: they are just weakening and removing obligations in this request, ending with in effect no public access to the buildings for interested members of the public, merely access for their own invited guests who are admitted for the BBC's own purposes, just like any other private site. It is therefore hard to see, if the obligations were necessary for planning reasons, how it can be acceptable to reach a different position now on this basis.

6. KEY DRAWINGS

Table 1: Public internal spaces at London Broadcasting House

Public space	Area of public space	Ref.	Map
Media Café.	600 sq.m	A	
Radio Theatre and Foyer	318 sq.m	B	
World Café	159 sq.m	C	
Broadcasting use in Zone H (formerly Peel Wing)	170 sq.m	D	
Total area	1,247 sq.m		

Figure 1: Public spaces at London Broadcasting House

