

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 August 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Warwick	
Subject of Report	11 Belgrave Road, London, SW1V 1TS,		
Proposal	Partial demolition including the front and rear facades, sixth floor and structures at seventh floor; replacement frontages; rear extension, rebuilding of the sixth floor and a seventh floor extension for office use (Class B1); creation of a restaurant/ café unit (Class A3) at part ground floor; flexible office (Class B1) or non-residential institution use (Class D1) at part ground floor; assembly and leisure unit (Class D2) at part ground and lower ground floor levels; landscaping and a new boundary wall to the rear; external terraces; rooftop plant enclosure; rooftop photovoltaic panels and associated external works.		
Agent	Gerald Eve LLP		
On behalf of	Quadrum Belgrave Limited		
Registered Number	20/02660/FULL	Date amended/ completed	22 April 2020
Date Application Received	22 April 2020		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

1. Grant conditional permission, subject to the completion of a S106 legal agreement to secure the following planning obligations:

- a) Installation of 12 cycle parking spaces on Belgrave Road;
- b) Removal of four trees and associated highway works on Guildhouse Street to accommodate four new replacement trees;
- c) Removal of redundant crossover and associated highway works on Guildhouse Street;
- d) Financial contribution of £72,400 to the Westminster Employment service; and
- e) The costs of monitoring the S106 legal agreement.

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

- a) The Director of Place Shaping and Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and

appropriate the Director of Place Shaping and Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and 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; the Director of Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

11 Belgrave Road is on the east side of Belgrave Road, south of Eccleston Square, and is a post war office building. The site is bounded by Guildhouse Street to the rear. The building is located in the Pimlico Conservation Area but is not listed.

The applicant seeks permission for the replacement of the facades and the erection of new rear and roof extensions to provide: additional office floorspace; the creation of a restaurant / café unit at part ground floor; a flexible office or non-residential institution use at part ground floor; and an assembly & leisure unit at part ground and lower ground floor levels. Associated works include landscaping and a new boundary wall to the rear, external terraces, rooftop plant enclosure and rooftop photovoltaic panels.

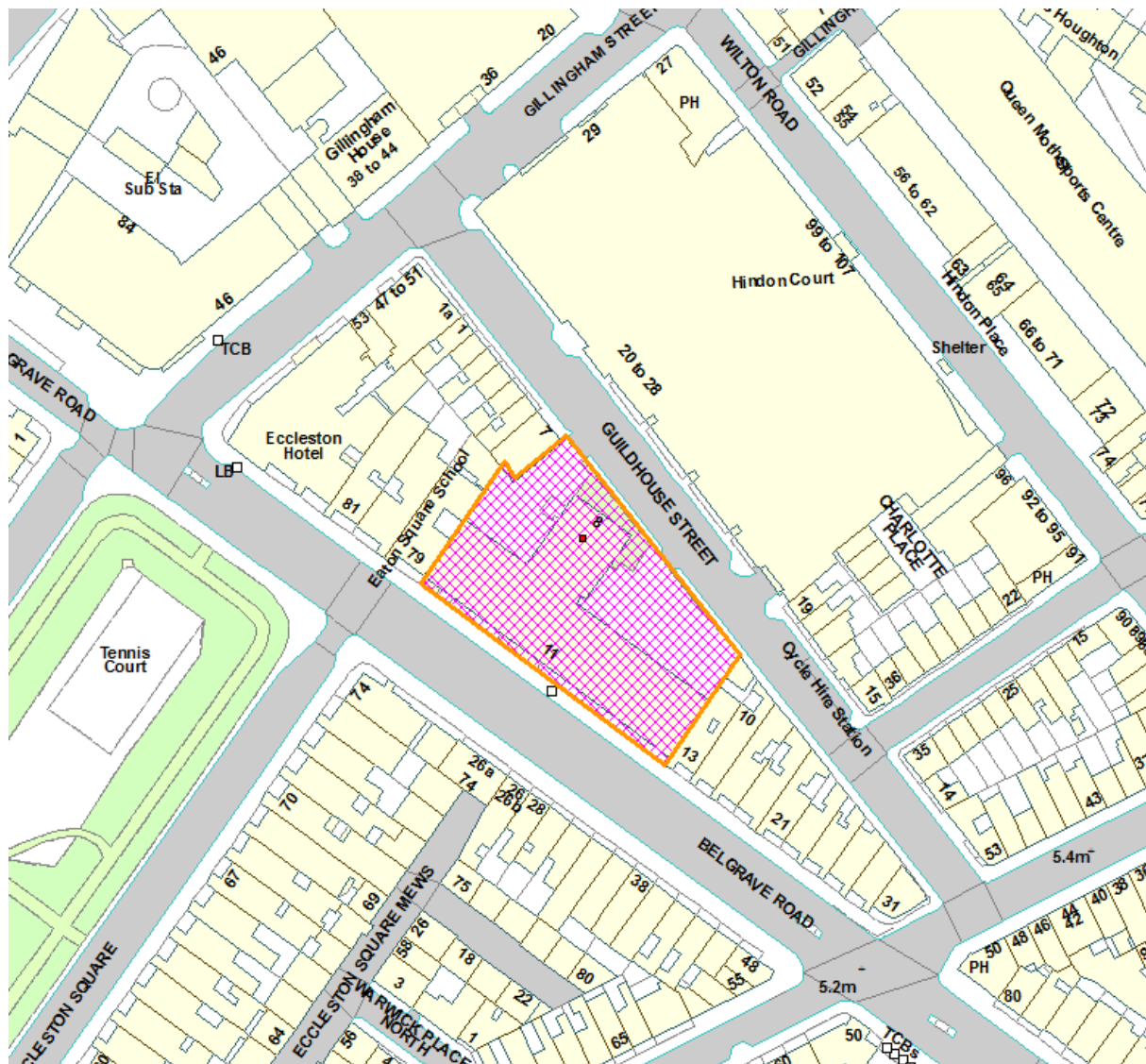
The key issues for consideration are:

- The acceptability of the additional office floorspace and the new uses in land use terms;
- The impact of the external alterations on the character and appearance of the Pimlico Conservation Area; and
- The impact on the amenity of neighbouring residential occupiers.

The application has received support from a number of local residents and local groups, and one objection. Supporters primarily consider the works would improve the appearance of the building and would introduce uses that would benefit the area, the objector disagrees stating the works would not be visually inappropriate and raises concerns regarding land use and consultation.

Subject to conditions and a S106 legal agreement, the proposed development is considered acceptable in land use, conservation and design, amenity and highways terms and to comply with relevant policies in Westminster's City Plan: Strategic Policies (the City Plan) and the Unitary Development Plan (UDP).

3. LOCATION PLAN



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4. PHOTOGRAPHS



View from Belgrave Road



View from Guildhouse Street

5. CONSULTATIONS

COUNCILLOR WILKINSON:

As a local councillor, I have been working with the Ecclestone Square Residents Association and the developer in finessing the plans for this application. I have been impressed by the efforts made by the developer to address local concerns to ensure that the final plans would meet the requirements and needs of WCC and local residents.

11 Belgrave Road has long been a blot on the landscape of this part of Pimlico. I am pleased to see that the current plans aim to meld with the traditional Cubitt buildings along Belgrave Road as well as having a connection and resonance with the greenery of Ecclestone Square.

The back of 11 Belgrave Road has long been a hot spot for anti-social behaviour – drug taking and drinking, which has resulted in complaints from residents of Guildhouse Street. I am pleased to note that the developer has had discussions with WCC's neighbourhood team and the police on how to design out future opportunities for ASB. In addition, the developer entered into an agreement with current landlord and shared the expense of erecting a hoarding at the back of 11 Belgrave Road to keep out those intent on ASB. In view of the above, I am very happy to support this application.

PIMLICO FREDA:

FREDA appreciate the considered, sympathetic, attractive design of this refurbishment. A vast improvement on the existing building and blends well with adjacent buildings on Belgrave Road. It is also noted, and welcomed that the developer has by “designing out” addressed the crime and anti-social behaviour specifically on Guildhouse Street. Plus has provided a dedicated disabled parking space for the development. The applicant should also be commended on their frequent and constructive community consultations with local residents/associations.

WESTMINSTER SOCIETY:

Any response to be reported verbally.

PIMLICO NEIGHBOURHOOD FORUM:

Any response to be reported verbally.

ECCLESTON SQUARE RESIDENTS ASSOCIATION:

Welcomes the positive and meaningful engagement the applicant undertook with them. The rooftop would not be overly large and the presence of greening is welcomed. The new facades are an improvement and the new lightwells better relate to Belgrave Road. While a residential scheme would have been preferred, not opposed to continuation as an office and welcomes the other uses to be introduced on the ground/ lower ground floors which will add activity to the road.

It would not be difficult to improve on the existing building, but it is nevertheless pleasing that the applicant has chosen to do so in a relatively benign way: staying within the existing envelope on the Belgrave Road side, avoiding total demolition (and the associated noise and disruption), and retaining the existing use of the building. It seems to us that redeveloping the site in the way proposed would greatly improve the general appeal of this part of north Pimlico. We ask the Council to approve the application.

METROPOLITAN POLICE (Designing Out Crime):

Any response to be reported verbally.

ENVIRONMENTAL HEALTH:

In terms of noise and vibration, the proposals would be acceptable, subject to conditions including a supplementary acoustic report to demonstrate how design criteria would be met. A condition is required to make sure that any contamination on site is identified and treated so that it does not harm anyone. In terms of site suitability, the D1 use should avoid include schools and nurseries which are more sensitive to existing poor air quality. In other respects, the updated air quality assessment addresses air quality issues.

ARBORICULTURAL SECTION:

There are four mature alder trees on Guildhouse Street. They are substantial trees and although individually they are of varying quality, as a group they have high amenity value. Two alders, are are required to be removed as they directly conflict with the development proposals. The applicant suggests replacing these trees with the same species (Italian alder) in the same tree pits. The applicant consultant supports the retention of two mature trees to maintain a mixed age range and a more resilient tree stock. However, the four trees form a distinct group so it would be more desirable in landscape/design terms to treat the trees together, that is to remove and replace all four trees rather than to retain two. An alternative species to Italian alder would be desirable. Further, these should be planted within build out on the highway.

Two courtyard gardens are proposed, on the north-east side of the site, fronting onto Guildhouse Street. No details are provided but trees are indicated on the drawings. The proposals must maximise soft landscaping and natural drainage. Details should be secured by condition.

HIGHWAYS PLANNING TEAM:

No objection to the loss of car parking, and off street servicing provision is welcomed although unfortunate that vehicles will not be able to enter and leave the site in a forward gear. A servicing Management Plan should be conditioned.

The provision of 178 long-term cycle parking spaces is welcomed – these would meet the requirements of the London Plan. The applicant proposes short-stay cycle parking on Belgrave road with the provision of 12 spaces – the London Plan would require 35 however.

Alterations to the highway, including the cycle stands and build-outs for the trees, are outside of the application site and require a legal agreement to be entered into. The details of these works can be agreed under the agreement.

WASTE PROJECT OFFICER:

No objection, subject to a condition to ensure waste and recyclable storage is installed and available to occupiers of the building.

ENVIRONMENTAL POLICY OFFICER:

Further information and justification for not connecting the Pimlico District Heating Undertaking should be provided by the applicant.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 361

Total No. of replies: 10 (excluding duplicates)

No. of objections: 1

No. neither supporting nor objecting: 1

No. in support: 8

In summary, a neighbouring resident objects on the following grounds:

Design and public realm:

- The appearance of the building on Guildhouse Street is 'ugly';
- The appearance of the courtyard garden (by Guildhouse Street) is obscured, 'ugly' and would be of no benefit to the public. It is not accessible to the public, entrances to the new public uses are on Belgrave Road. The rear will be a service yard and therefore antisocial behaviour will persist.

Land use:

- The café/restaurant would likely fail due to the lack of foot traffic on Belgrave Road, access from Guildhouse Street as suggested by residents not implemented.
- A rooftop restaurant would be unique, and more of a benefit to the public – particularly as it would be able to use the roof terrace – but this suggestion was not implemented.

Consultation:

- The residents of Longmoore Street were not included in the applicant's or the City Council's consultation with residents, and residents here have different interests to those towards the west on Eccleston Square and Warwick Square.

In summary, a neighbouring resident neither objects nor supports but makes the following comments:

Design:

- The general appearance of the building would be improved;
- Unclear whether first floor balconies are proposed, such balconies should have railings and porticoes should be in-keeping with those on the street/ area;

Land uses:

- In light of the ongoing pandemic, is additional office space required? Housing is needed instead;

In summary, 10 neighbouring residents, local business owner, representative of a resident group and other interested parties support the proposals on the following grounds:

Design and townscape:

- The proposals would improve the appearance of the building and area as it would be more in-keeping with the Pimlico Conservation Area;
- Improvements to the rear to remove the existing car park are welcomed, and public

- access to the new gardens would also be welcomed if possible;
- The greening is welcomed;

Land use

- Introduction of new uses the public can use/ benefit from is welcomed;
- Improvement to the office floorspace will contribute to economic success of the area;

Anti-social behaviour:

- The changes to the Guildhouse Street side of the building will reduce anti-social behaviour in the area;

Construction:

- It is welcomed that the proposals do not involve demolition of the entire building;

Consultation:

- Have been engaged with the applicant during their consultations.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

On the east side of Belgrave Road, south of Ecclestone Square, 11 Belgrave Road is a post war office building constructed on the site of the Ecclestone Square Congregational Church (1845) which was destroyed by bomb damage in 1941. The current building was completed in the mid-1950s for use by the J. Arthur Rank Organisation, following which it was used as a Civil Service College.

The building is currently used as offices and it comprises basement, ground and six upper storeys, plus structures at roof level which contain mechanical and electrical equipment. The building bounds both Belgrave Road to the front and Guildhouse Street to the rear. The building is formed in a 'T' shape with the main entrance on Belgrave Road within a continuous frontage. To the rear, the building is set back from Guildhouse Street and the site includes surface level car parking set around the building and behind a low boundary wall.

The site is within the Pimlico Conservation Area and is adjacent to a terrace of grade II listed townhouses to the north which form part of Ecclestone Square. All the townhouses around the square are grade II listed and the square itself is a grade II listed garden.

The site is located outside of the Core Central Activities Zone (Core CAZ) and is outside of the Victoria Opportunity Area although it is very close to these areas as their boundary lies less than 50 metres to the north on Gillingham Street. The site is within London Mayor's CAZ. The site is also within the CAZ defined within the City Council's draft City Plan 2040.

6.2 Recent Relevant History

On 20 April 2016, the City Council granted permission for the use of building for residential purposes (Class C3) to provide 73 residential units (45 private units and 28 affordable units). Re-cladding of all existing facades, installation of balconies and terraces including creation of two terraces to rear at first floor level and associated landscaping works at rear of building. Provision of 44 off-street car parking spaces and 131 cycle parking spaces within an enclosed private car park with access from Guildhouse Street. Reduction of plant room at roof level, installation of plant at lower ground floor level and installation of solar panels on roof at seventh floor level. The then building owner did not implement this development, and the permission expired in 2019.

7. THE PROPOSAL

The applicant proposes extensive alterations, extensions and the introduction of new uses within the building. In summary the principal works include:

- Replacement of the front façade, including new porticos and greening;
- Extensions to the rear of the building to all floors, including the existing basement level;
- Demolition of the sixth floor and the plant room structures above, and the erection of two new floors, including roof terraces;
- Removal of all but one car parking space (for disable workers/ visitors) and new landscaping to rear, including a new garden, and the provision of an off-street servicing area;
- Erection of a new boundary along Guildhouse Street; and
- Extensive refurbishment of the building including providing new cycle stores, new waste and recycling stores, new plant equipment, provision of photovoltaic panels and other works in connection with upgrading the building for modern use.

The applicant proposes these works to provide additional office floorspace, and to provide new uses on the lower levels. These include a new restaurant / café unit at part ground floor, a new assembly and leisure (gym) unit at part ground and lower ground floor levels and a flexible unit used either as office or non-residential institution (medical use).

Table 1: Floorspace Figures

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office (Class B1)	10,294	12,046	+1,752
Restaurant/ café (Class C3)	0	282	+282
Assembly and leisure (Class D2)	0	540	+540
Flexible office (Class B1) and non-residential institution (Class D1)		200	+200
Total	10,294	13,068	+2,774

8. DETAILED CONSIDERATIONS

8.1 Land Use

The surrounding area comprises of a mixture of uses, including offices, hotels, retail and

education. Although the Site is within Pimlico, where residential is the predominate use, this part of Belgrave Road is largely non-residential. The applicant has provided an analysis on the land uses within the area. It shows that on the east side between Gillingham Street and Warwick Way, and on the west side between Eccleston Square and Warwick Way, there are a large number of hotels (as can be found on other Pimlico streets that are close to Victoria Railway Station). This includes a hotel immediately adjacent to the south of the site. Adjacent to the north of the site, there is a school. There is also a relatively large number of the buildings used as offices, including the application site. Overall on this part of Belgrave Road, only eight buildings contain residential flats (out of 30 buildings).

To the rear, Guildhouse Street is more residential in character. The non-residential parts are mainly where the rear buildings on Belgrave back onto Guildhouse Street and a larger number of residential units can be found elsewhere on the street. This include residential dwelling houses on the east side of Guildhouse Street to the north of the Site, and residential flats on the upper floor of the building opposite (the development which contains 'Sainsbury's' supermarket).

Provision of additional office floorspace

The application proposes providing an additional 1,752 sqm (GIA) of office floorspace. Under Policy S20 of the City Plan, one of the strategic priorities of the City Council is to enhance and promote the City as one of the world's most attractive and competitive business locations, and seeks to ensure the City Council works to exceed its target for additional office floorspace and the creation of new jobs. The London Mayor also seeks to support business, ensuring that in 'appropriate parts' of the CAZ development of office provision is not strategically constrained and provision is made for a range of occupiers (London Plan Policy 2.10). The 'appropriate parts' of the CAZ for the purposes of London Plan Policy 2.10(A)(e) is discussed within City Plan Policy Para. 4.21 that states, *'... growth needs to be directed to the most appropriate locations in Westminster, and the appropriate balance between commercial floorspace and residential needs to be struck...'*

Policy S20 sets out where this new provision of office floorspace should be directed, and this is to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core CAZ, the Named Streets, and the North Westminster Economic Development Area. The Site is outside of these areas. Within Pimlico, policy S10 of the City Plan is relevant and states *'new commercial uses will not generally be appropriate'*. This is because Pimlico is primarily a residential area, and the current City Plan seeks to maintain this and prevent commercial developments from displacing potential residential schemes within this area. Given policies S10 and S20, an office extension scheme would conflict with the City Plan.

Despite this policy conflict, officers consider there to be exceptional circumstances that warrant a departure from the City Plan. As explained above, the Site is very close to the Core CAZ and the Victoria Opportunity Area, the site is already in commercial use and that this part of Belgrave Road is predominately non-residential.

The applicant notes that being close to the commercial area of Victoria means this Site could be considered as a transition area between the highly commercial and busy area

of Victoria, and the more residential and smaller scale areas of Pimlico. The existing building is in office use currently, and the proposals would not only provide additional office floorspace but would significantly upgrade and improve the quality of the existing floorspace. Indeed, support for office improvements is found within London Plan Policy 4.2(A)(c) that seeks to, '*... encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility...*' While it is acknowledged that there are residential units to the rear of building on Guildhouse Street, considering the uses to the front on Belgrave Road and the Site's proximity to the commercial area of Victoria, this office development would not be introducing new office floorspace in an area unsuitable or unviable for it. Indeed, considering this context, the character and function of this part of Pimlico would not be harmed.

In addition, under the draft City Plan 2040 the Core CAZ will be replaced by a wider CAZ in which office developments would be encouraged within this part of Pimlico (if the street the site is located is not predominately residential, like on this part of Belgrave Road). This draft City Plan has been submitted to the Secretary of State for Examination in Public, after a formal consultation. This independent examination is required before the council can formally adopt it. While the National Planning Policy Framework (NPPF) explains local planning authorities can give weight to emerging plans, it sets tests to guide how much weight should be given. In light of these tests, officers consider only very limited weight should be given to this plan. The emerging plan will gain more weight further into the examination period, however at this point the current City Plan should remain the primary consideration.

The City Council's mixed-use policy (S1 of the City Plan) does not require residential floorspace to offset the increase in office floorspace for sites outside of the city's core CAZ. Therefore, no residential floorspace is required.

Provision of a restaurant / cafe

The proposals involve the creation of a restaurant/ café unit approximately 282sqm (GIA) in size. It is understood that the applicant envisages a café occupier within this unit and this is what a number of local stakeholders suggested is required in the area during the applicant's consultations with them. Cafés are important facilities for residents, workers and visitors to the City, and these uses contribute toward the vitality and vibrancy of an area. These uses are typically found within the City's core commercial areas and local shopping areas. This site falls outside of the Core CAZ and Victoria Opportunity Area and also falls just outside of the Warwick Way / Tachbrook Street District Centre (located to the east and south).

Policy SS 8 of the UDP is relevant to these proposals as it relates to new retail floorspace in development schemes outside the Core CAZ. It seeks to ensure new retail and services are provided where appropriate, and outside District or Local Centres it states they will only be permitted where they would not cause harm to the vitality or viability of existing shopping centres.

The most recent Town Centre Health Check Report for the Warwick Way / Tachbrook Street District Centre notes that it is a busy and vibrant centre that has a strong local identity. The centre attracts visitors staying in hotels in the neighbouring areas, commuters travelling from or to Victoria Station, workers from the surrounding areas and

of course local residents. Restaurant/ café uses make up 10% of the floorspace in the centre, and the dominate use remains A1 retail. Given this, a new café use on Belgrave Road would likely compliment, rather than detract from, the main function of the centre as a shopping area.

Policy S24 of the City Plan and TACE 9 of the UDP are also relevant. Policy S24 states proposals for entertainment uses must demonstrate they are appropriate in terms of their size and impact on residential amenity, local environmental quality and other impacts. Similarly, policy TACE 9 states permission will only be granted where the City Council is satisfied that the use has no adverse effect on residential amenity or local environmental quality and no adverse effect of the character or function of its area.

The proposed café would introduce additional activity when compared to the existing office. This is because it would be open to public and would be open until 10pm in the evenings. The size of the unit means there would be a maximum of 120 covers. The applicant has provided an acoustic report, which includes an assessment of internal activity and the impact it could have on noise sensitive properties nearby, including the adjacent school and hotels. The Environmental Health officer states the report confirms the development would accord with the City Council's noise criteria as set out in policy ENV7 of the UDP, meaning nearby residents and occupiers of noise sensitive properties would not be harmed by the activity within the café.

In terms of ventilation, an extract duct is proposed to rise to roof level. This will ensure that any kitchen odours are well dispersed into the air away from any residents or other properties nearby. The Environmental Health officer is satisfied with this arrangement.

There would be increased comings and goings associated with this use, but as noted above, neither of the adjacent buildings are in residential use and overall only a few buildings on Belgrave Road are in residential use. Given the new restaurant would be on the Belgrave Road frontage and there are no external areas proposed to be associated with the unit, it is likely patrons will be able to disperse without causing detriment to residential occupiers. Conditions are recommended to control the use, including hours of operation and number of covers to ensure that the unit remains acceptable once implemented.

Provision of an assembly and leisure unit (a gym)

The applicant also proposes a gym primarily located at basement level, with an entrance at ground floor level on the Belgrave Road frontage. The unit would provide 540 sqm (GIA) of floorspace.

The proposed gym would provide a new health/ community facility for those who live, work and visit the area. Policy S34 of the City Plan states new social and community facilities will be encouraged throughout the City, and SOC 4 of the UDP aims to improve facilities for health service uses. Nonetheless, in all cases these facilities need to be in appropriate buildings that meet the needs of the service and they need to ensure they do not harm neighbouring residents.

The newly refurbished and extended building allows for the provision of a modern gym facility, and this would be of benefit to the local community and visitors. The facility

would be available to the public on a commercial basis, and this would compliment other social and community facilities (both public and private) in the area. For the same reasons Belgrave Road is suitable for café, it is also suitable for a gym. Further, the aforementioned acoustic report confirmed the internal activity generated would not harm neighbours. Conditions are recommended to ensure that this would be the case.

Provision of a flexible office or non-residential institution unit

The applicant explains that as part of their consultations, they found that there could be interest in using part of the building for medical purposes (such as a dentist or similar). Because there is no formal agreement with this potential occupier, the applicant seeks permission to use 200 sqm (GIA) on the ground floor for either office or this medical use. This would give them flexibility to use the property for either purpose, and permitted development rights would allow the applicant to switch between these uses for a 10 year period.

For the reasons set out above, the use as an office would be appropriate. In terms of use for medical purposes, health facilities are considered social and community uses and their provision throughout the City is supported by policy S34 of the City Plan. Policy SOC 4 of the UDP relates to health facilities specifically and supports the provision of services to meet health needs. Again, these facilities need to be in appropriate buildings that meet the needs of the service and they need to ensure they do not harm neighbouring residents.

Medical facilities, such as dentists, are important for communities and should be easy for all people to reach. This location would be in easy reach of local residents in Pimlico, other visitors and workers in the area and Belgrave Road is considered an appropriate location for this. Again, the aforementioned acoustic report confirmed the internal activity generated would not harm neighbours and conditions are recommended to ensure that this would be the case.

8.2 Townscape and Design

Residing on the east side of Belgrave Road, south of Eccleston Square, number 11 is a post war building constructed on the site of the Eccleston Square Congregational Church (1845) which was destroyed by bomb damage in 1941.

Unlisted, the building lies within the Pimlico Conservation Area and the setting of numerous grade II listed buildings. The terrace to the north comprises grade II listed townhouses which form part of Eccleston Square. Indeed, all the townhouses around the square are grade II listed and the square itself is a grade II listed garden.

Policy and Legislation

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of*

preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”* Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

In terms of the Development Plan, policies S25 and S28 of the City Plan, policies DES 1, DES5, DES6, DES9 and DES10 of the UDP are most relevant to design and townscape.

Consideration

The building is a typical 1950s block, constructed around a concrete frame with brick and glass infills. Whilst slightly taller than the neighbouring terraces, its height is relatively restrained. Architecturally the building's horizontality and scale sit at odds with its traditional context of eighteenth-century terraces, and its street frontage is unrelenting and inactive.

To Belgrave Road, the remodelled facade intends to introduce more verticality and includes pronounced bays, porched entrances and a meaningful cornice line at first floor level and along its parapet. The scheme intends to restore light-wells along the street frontage. These details and features not only alleviate the unyielding width of the building but successfully respond to the neighbouring eighteenth century stucco terraces which typify this part of Pimlico. The facade will be composed of polished and etched pre-cast concrete framing, pinned back to the existing structure. To moderate the scale and extent of glass and to aid solar shading, metal 'T' solar shades and back paned glass spandrel panels have been incorporated into glazing system. The pre-caste concrete is a contemporary material which compliments the stucco facades of neighbouring buildings and considered successful in townscape terms.

To Guildhouse Street a series of additions seek to extend the existing floor plate, as well as a larger podium extension at ground floor level. The simple form and modest depth of the rear extensions is appropriate to the building's immediate setting of traditional terraces and their distinctive outriggers. The ground floor extension occupies and underlisted car park and has the benefit of delivering an active frontage to Guildhouse Street. The design approach to the rear is more restrained than Belgrave Road and appropriate for the reserved character of Guildhouse Street. Faced with terracotta

panels and bronze framed glazing, the building exhibits a warmer tone to appear less stark against the predominantly brick faced buildings within the street. To guarantee their quality and finish, materials samples and mock-ups of typical bays are secured by condition.

The scheme includes two recessive storeys. The sixth floor replaces the existing top floor with the proposed seventh floor replaces a series of existing brick enclosures. The sixth floor is defined by a succession of vertical fins presenting more solidity than the existing top floor which is largely glazed. Remodelling the sixth floor includes removing the bulk from the northern edge of the building which significantly improves the perception of the building from Eccleston Square, a clear townscape benefit. Also, to avoid an unrelenting mass, the sixth floor includes niches which align with the three entrance porches below breaking up its otherwise unrelenting form. The seventh floor, which is comparable in height to the existing roof top enclosures, is further set back to avoid a single mass. Largely glazed, the seventh floor is discreet in the majority of townscape views, including long views along Belgrave Road. The resulting height and bulk generated by the seventh floor is more apparent at the rear, in views from Guildhouse Street. The applicant has sought to address this by increasing the depth of setbacks and modifications to the design and materiality of the extension. The additional height and bulk presented to the rear has a moderate impact on views but is not considered so significant to object on design grounds when considering the proposals as a whole.

A notable benefit of the scheme is the development of the rear courtyard, greening and improvements to the boundary Guildhouse Street. Extending the office accommodation, the depth of the site at ground floor level provides an active frontage and much needed surveillance to Guildhouse Street. The boundary wall of the site is to be articulated by vertical openings, which would frame the external green space beyond, and provide a delineation between the public and private space without appearing imposing and impenetrable.

The scheme mediates successfully between the mid- nineteenth century, six-storey townhouses to the south fronting Belgrave Road and the small-scale, two-three storey houses to the north of the site Guildhouse Street. The building is considered to compliment the character of Belgrave Road echoing notable architectural features of the terrace and activation of its frontage. As a commercial building in a setting with a largely domestic aesthetic (notwithstanding the fact this part of Belgrave Road actually contains relatively few residential properties), the treatment of the rear facade is more challenging, however improvements to the materials offers a warmer tone that goes some way in addressing this.

Conclusion

As such, whilst being mindful of policies S25 and S28 of the City Plan, policies DES 1, DES5, DES6, DES9 and DES10 of the UDP, given the additional bulk would have a modest impact but that there would be considerable public benefits that would be delivered, which comprise new employment floorspace, new services and significant improvements to the building, the proposal is considered acceptable in terms of its impact on the designated heritage assets, including the conservation area and adjacent listed buildings. Therefore, the recommendation to grant conditional permission is

compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

As described elsewhere in this report, there only a few residential properties on Belgrave Road, these include numbers 26 and 28 Belgrave Road opposite, and 74 Eccleston Square. Adjacent at 79 Eccleston Square (which includes 7 Guildhouse Street) is a school. On Guildhouse Street there are a greater number of residential properties, including the flats at 20 to 28 Guildhouse Street opposite.

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring residential properties and schools based on the various numerical tests laid down in the Building Research Establishment (BRE) guide “Site Layout Planning for Daylight and Sunlight: a guide to good practice” – the applicant updated this assessment considering the revision. The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE guide principally seeks to protect light to principal habitable rooms, and it accepts that bedrooms are of less importance.

Daylight

The BRE methodologies for the assessment of daylight values is the ‘vertical sky component’ (VSC) and ‘no sky line’ (NSL).

VSC measures the amount of light reaching the outside face of a window. Under this method, a window achieving a VSC value of 27% is well lit. If, because of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable.

NSL measures the proportion of a room that will receive light. If, because of the development, the proportion of the room that receives light reduces by 20% or more, the loss would be noticeable.

In terms of VSC, all residential properties fully comply with the BRE guide’s criteria.

There would be breaches of the VSC criteria to 7 Guildhouse Street however. This property forms part of Eaton School Square located at 79 Eccleston Square. Two ground floor windows there would experience a reduction of 22%. However, the rooms these windows serve benefit from more than one window and these other windows would comply with the BRE guide’s criteria for VAC and the reduction is only marginally over

the 20% criteria – therefore, this minor breach would not be unduly harmful.

In terms of NSL, all neighbouring properties comply with the criteria except for six rooms within the flats at 20 to 27 Guildhouse Street, the building opposite the site to the east. The applicant's daylight and sunlight consultants have determined that two of these rooms are small kitchens (which are not habitable rooms). The other four serve bedrooms. Bedrooms are habitable rooms, but the BRE guide accepts that these are less significant than the main living areas of a flat (which in this case, would not breach the criteria). Furthermore, the reductions are between 21% and 24% which again are only modestly above the 20% criteria and the windows to these rooms comply with the other daylight measurement.

Given these results of the daylight measurements and the circumstances explained, officers consider the proposals would not result in undue losses of daylight.

Sunlight

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed.

BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

In terms of APSH, all residential properties fully comply with the BRE guide's criteria.

There would be breaches of the APSH criteria at 7 Guildhouse Street (part of the school) however. The breaches would occur to five windows which serve three ground floor rooms there. Four of the annual losses range from 36% to 29%, while in one instance a window will lose 100% of its Annual Probable Sunlight Hours. It should be noted however that the existing values are low, which can mean small absolute changes can lead to higher percentage losses – for instance, the window with a 100% loss only receives 6% Annual Probable Sunlight Hours in the existing circumstance. Similarly over winter, the existing windows only receive a maximum of 2% of the winter sunlight that is available and the development would result in proportional losses ranging from 0% to 100% while actually only losing between 1 and 2% in absolute terms.

Non-domestic buildings such as schools would have a reasonable expectation of light and so these losses in sunlight are regrettable. However, considering the level of absolute losses and the low levels of existing winter sunlight, it is not considered that the losses would give rise to detrimental conditions in the school. Further, it should be noted that the City Plan and UDP's emphasis is on preventing harm to residential uses rather than other uses.

Sense of Enclosure

An increase in a sense of enclosure occurs where development would have an adverse overbearing effect that would result in an unduly oppressive living environment.

In relation to those opposing the building on Belgrave Road, residents here would not suffer a significant increase in a sense of enclosure. This is because the height of the building would be similar to the existing building. While an additional storey is proposed, this would replace existing structures which house plant machinery. While there would be additional bulk because the new additional storey is larger than these, this would not significantly worsen the situation – particularly given that properties are some distance away, the width of the Belgrave Road is approximately 25 metres (façade to façade).

Those opposing the site to the rear of Guildhouse Street would also not be unduly enclosed. While the building projects rearwards as well as upwards, and Guildhouse Street is less wide than Belgrave Road, there would still be a sizable gap of approximately 15 metres between the closest part of the building and the opposing neighbours. Moreover, the majority of the building would be set back further than this.

Loss of Privacy and Noise

The proposal involves the creation of new replacement windows as well as new roof terraces. To the front, the new windows at roof level and the new roof terraces would be the same distance as the existing windows a floor below and Belgrave Road is of a relatively large width (25 metres), and so the loss of privacy to those on Belgrave road therefore be limited. To the rear, the new windows would be closer than the existing on where the building is extending rearwards, and a new roof terrace would be located to the rear as well. Again however, there is a sufficient distance between the extended building and neighbours to avoid undue loss of privacy.

The roof terraces also have the potential to disturb neighbours from noise, particularly if they are used at anti-social times and music is played on them. With conditions to control these aspects of their use, as recommended, it is considered unlikely that these roof terraces would disturb neighbours in this instance.

8.4 Transportation/Parking

Car Parking

The site contains 29 existing off-street car parking spaces. As set out in policy TRANS 22 of the UDP, there is no minimum requirement of car parking spaces for office, entertainment or leisure uses. As such, the Highway Planning Manager does not object to the loss of all but one of the car parking spaces. The single car parking space would be for disabled visitors which is welcomed, and is recommended to be ensured by condition.

Servicing

The proposals include an off-street servicing area off Guildhouse Street. The Highway Planning Manager considers this to be acceptable, and in accordance with policy

TRANS 20 of the UDP, subject to ensuring the Servicing Management Plan is adhered to through condition.

Cycle Parking

In terms of long-stay cycle parking spaces, the applicant proposes 178 spaces which is in line with the London Plan and is welcomed by the Highway Planning Manager.

In terms of short-stay cycle parking, the applicant proposes the installation of six Sheffield Stands (12 spaces) on Belgrave Road. This is under the London Plan requirement for 35 spaces of short-term spaces. While the Highway Planning Manager welcomes the provision of cycle stands on Belgrave Road (which are to be secured via a legal agreement), he asked the applicant to consider providing further short-term space within the development itself. The applicant now also commits to three further Sheffield stands (six spaces) in the rear courtyard for visitors to the offices, four bike lockers in the office reception and five vertical stands in the gym reception. Therefore a further 27 short stay spaces are proposed in total as a minimum. The Highway Planning Manager welcomes this. Because the applicant has not provided details of this additional short-term cycle parking storage, a condition is attached to ensure it is provided.

Cross-over

The existing car parking currently contains two vehicular entrances with crossovers to the carriageway. The proposed arrangement would have a single vehicular entrance, meaning one of the crossovers would be redundant. The legal agreement will secure arrangements for the redundant crossover to be removed, at the applicant's expense.

8.5 Economic Considerations

The economic benefits arising from the additional office space and new uses would have in terms of job creation and an increase in local spend, are welcome. Whilst Westminster has the highest number of jobs of any London borough, it relies heavily on skilled workers commuting in. Removing barriers to employment for local residents improves their life chances and helps support continued business growth. This is why, under policy S19 of the City Plan, we seek financial contributions collected through S106 agreements to be used to secure the aims of the policy. The financial contributions will be used to support the Westminster Employment Service, and the applicant has agreed to contribute £72,400.

8.6 Access

The main office entrance is off Belgrave Road and gives access to the expanded mixed use ground floor. Secondary entrances for the café and gym uses are to the north and south of Belgrave Road. These entrances are to be step free, and there would lifts internally to all floors. A dedicated accommodation stair internally gives access to the cycle parking and changing facilities, as well as potential access to the gym at lower ground floor.

8.7 Other UDP/Westminster Policy Considerations

Basement

Policy CM28.1 relates to all basement excavation in the City. In this case, the works involve excavation to extend the existing lower ground floor level. The construction works associated with excavations can often have a serious impact on quality of life and often last longer than other developments with the potential to cause significant disruption to neighbours during the course of the works, and this is why the City Council adopted the basement policy which in part sought to reduce the impacts associated with this type of development. Part (B) and (C) of policy CM28.1 relates to the design and scale of development involving new basement levels. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. The policy limits basements to a single storey below the original ground level and the proposals comply with this aspect of the basement policy.

Structural Impact

The applicant has submitted a detailed structural methodology statement as required by the basement policy. It investigates existing structures and geology and sets out how the developer proposes to construct the basement including the plans to safeguard adjacent properties during construction. It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that the developer must use during construction which may need to be altered once the site investigation/ 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. Therefore, 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 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 draft decision letter.

Construction Impact

The applicant has also submitted a draft signed proforma Appendix A of the Code of Construction Practice (CoCP) which demonstrates that the applicant would be willing to comply with the code. The CoCP recognises 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 Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that the developer should carry this out if and when the City Council grants planning permission and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often

help reduce the impact of the development process.

Flood Risk

The site is located within an area at a very low risk of flooding from rivers/ the sea and at a very low risk of flooding from surface water. A very low risk means that each year this area has a chance of flooding of less than 0.1%.

Archaeological Impact

The site is outside of an Archaeological Priority Area which means there is negligible risk of harm to archaeological heritage assets.

Plant and Machinery

The application includes plant to be located in in parts of the basement and at roof level. Environmental Health raises no objection to the proposal but notes that the acoustic report submitted to support the application does not provided information on the specific plant that would be installed, and therefore a supplementary acoustic report is required which is recommended to be secured by condition, in addition to standard noise conditions.

Refuse /Recycling

The initial waste storage provision shown was identified as not being adequate for the proposal by the Council's Project Officer for Waste. Following revisions and the submission of further details regarding waste arrangements and management, there is now no objection subject to condition securing the proposed waste storage.

Trees

Street trees

There are four mature alder trees on Guildhouse Street. They are substantial trees and although individually they are of varying quality, as a group they have high amenity value.

The applicant explained in their Arboricultural Report that the proposal requires the removal of two of these trees as they directly conflict with the development proposals. The applicant suggested the option of replacing these trees with the same species (Italian alder) in the same tree pits. A second option they propose is to replace these two trees, but within buildouts on the highway rather than in the existing tree pits. A third option would be to replace all four trees within buildouts.

The City Council's Arboricultural Officer considers that because the four trees form a distinct group, it would be more desirable in landscape/design terms to treat the trees together, that is to remove and replace all four trees rather than to retain two – i.e the third option presented by the applicant. They also consider an alternative species to Italian alder would be desirable. The applicant has agreed to this and, because the street trees are outside of the site, it will be secured by a legal agreement including securing further detailed survey work.

Landscaping

Two courtyard gardens are proposed, on the north-east side of the site, fronting onto Guildhouse Street. No details are provided but trees are indicated on the drawings. The proposals must maximise soft landscaping and natural drainage, and so details of this are to be secured by condition.

Energy Strategy

A zero-carbon target for major residential developments has been in place for London since October 2016 and applies to major non-residential development such as this. To meet the zero-carbon target, the London Plan sets an on-site reduction requirement of at least 35 per cent beyond the baseline of Part L of the current Building Regulations. The priority is to minimise the energy demand of the building (Be Lean), then to supply energy efficiently (Be Clean) and adopt renewable technologies as last step (Be Green).

In this case, the applicant has submitted the required Energy Strategy to support their application. They note that the much of the building existing is to be retained, making efficient use of the existing structure and avoiding the need to replace much of the existing materials (with their embedded carbon) with new materials. However, this has made it more difficult to minimise the energy demand of the proposed building because they have to work within the limitations of the existing structure. Nonetheless, the applicant has proposed multiple measures to reduce energy use through on-site renewable energy technologies including Air Source Heat Pumps and Water Source Heat Pumps and through the installation of a photovoltaic array.

The measures the applicant proposes would meet the requirement for an on-site reduction of at least 35% percent baseline of Part L of the current Building Regulations, and so it acceptable in this respect.

Policy S39 of the City Plan states that major development should be designed to link to and extend existing heat and energy networks, and in this case Pimlico does have a district heating system (the Pimlico District Heating Undertaking 'PDHU') which is mainly concentrated to the south of the neighbourhood, although a heating main is 400 metres from this site. The applicant has explained they have investigated connecting to it, and concluded it would not result in any energy savings compared to the sustainability features proposed on-site and, because the district heating uses gas fired Combined Heat and Power technology and this also impacts on air quality levels. Further, the proposed development has reversible/simultaneous heat pumps to utilise the energy saving benefits of simultaneous heating and cooling production, which would make difficult a connection to the district heating system.

However, the City Council's Environmental Policy officer does not consider that the applicant has submitted enough evidence to demonstrate that the connection to the district heating system is not appropriate in this case. They explain it would have been beneficial for the applicant to have provided further analysis comparing the relative performance of the current proposed approach verses heat network connection using an additional emission factor (SAP2012). Further, as the PDHU begins its decarbonisation programme and moves away from burning natural gas as the primary fuel source,

connection to the heating network would become more beneficial in terms of carbon emission reduction.

Considering the purpose of policy S39 which is to reduce carbon emissions, and that the applicant reports connecting to the district heating system would accrue no emissions reduction, it is considered that ensuring the building is designed in such a way to ensure that future connection to the district heating network is possible would be the most appropriate solution. However, officers have asked the applicant to further investigate connection and provide further analysis so the Council can be sure that the applicant is correct that the connection to the district heating system is not beneficial at this time.

Air Quality

Construction Phase

Impacts from construction dust has been risk assessed using the Mayor of London SPG control of dust and emissions from construction and demolition sites. The risk rating of both dust soiling and human health for both the demolition construction phase has indicated that there is medium risk for dust soiling and impacts to human health. As a major development, the site will have to comply with the Council's Code of Construction Practice and a site-specific Site Environmental Management Plan will be required and agreed with the local authority prior to commencing works on site. The SEMP will build on the submitted risk assessment and the mitigation measures within chapter 6 of the air quality assessment.

In terms of Non-Road Mobile Machinery and other construction vehicles, the assessment notes that there will be controls through London's 'Low Emission Zone' and that there would be relatively few additional HDV movements on any given day.

Operational Impacts

The proposed development is predicting 36 vehicle movements per day including service and delivery trips, which is below the criteria defined for requiring a detailed air quality assessment of this element because this would not lead to a significant impact on air quality.

In association with improving the energy efficiency of the building, the applicant proposes to remove the existing oil-fired boilers and flues and their replacement with heat pumps. This would benefit local air quality as air source heat pumps have no associated local air quality emissions. There would be a back up generator, but this would only be for emergencies.

The Environmental Health officer also raised concern about the potential for the proposed D1 use being operated as a school or nursery, which would have a greater sensitivity to poor air quality. However, the applicant proposes a medical use, such as a dentist, and a condition is recommended to ensure that this is the case.

Contaminated Land

Environmental Health have reviewed historic maps, the site has unknown land uses possibly associated with the Omnibus Depot circa 1950. In order to mitigate contamination risks, a contaminated land investigations/risk assessment is

recommended via a pre commencement planning condition.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 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 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, 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 not a relevant neighbourhood plan that has been adopted. In 2019, a Pre-Submission Consultation was carried out on the Draft Pimlico Neighbourhood Plan, but again, because of its very early stage, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it attracts very limited weight at this present time.

8.10 London Plan

Beyond those mentioned elsewhere in this report, there are no strategic issues arising from this development.

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 a pre-commencement conditions to secure the following:

- Adherence to the City Council's Code of Construction Practice; and
- Investigations/ risk assessment of contaminated land.

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

- a. Installation of six Sheffield cycle parking stands on Belgrave Road;
- b. Replacement trees and associated highway works on Guildhouse Street;
- c. Removal of redundant crossover and associated highway works on Guildhouse Street;
- d. Employment and Skills Contribution of £72,400 (index linked); and
- e. The costs of monitoring the S106 legal agreement.

The estimated Westminster CIL payment is £504,596*

The estimated MCIL2 payment is £507,696.35*

*Includes indexation

8.13 Environmental Impact Assessment

An Environmental Impact Assessment has not been submitted with the application.

8.14 Other Issues

Public consultation

The applicant has submitted a Statement of Community Involvement (SCI) with the application. This sets out the consultation carried out by the applicant prior to the submission of the application.

The SCI advises that engagement with stakeholders including nearby residents, members of the Ecclestone Square Residents Association, parents of students at Eaton Square School and ward councillors were invited to attend a private viewing of the proposals in addition to public exhibitions open to all. Across these events, 36 attendees were present and 15 feedback forms returned. A summary of all the responses received and raised during the stakeholder meetings are provided in the SCI, along with a summary of the applicant's response to them.

Crime and security

In relation to crime and anti-social behaviour, both the applicant and residents have noted that the rear of the site on Guildhouse Street can be location in which crime can occur because it is easily accessible because it is only enclosed by a low wall and because Guildhouse Street is a quieter part of an otherwise busy area. The applicant's proposals improve the situation by altering the boundary of the site so that this can no longer occur which would be a welcomed improvement.

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

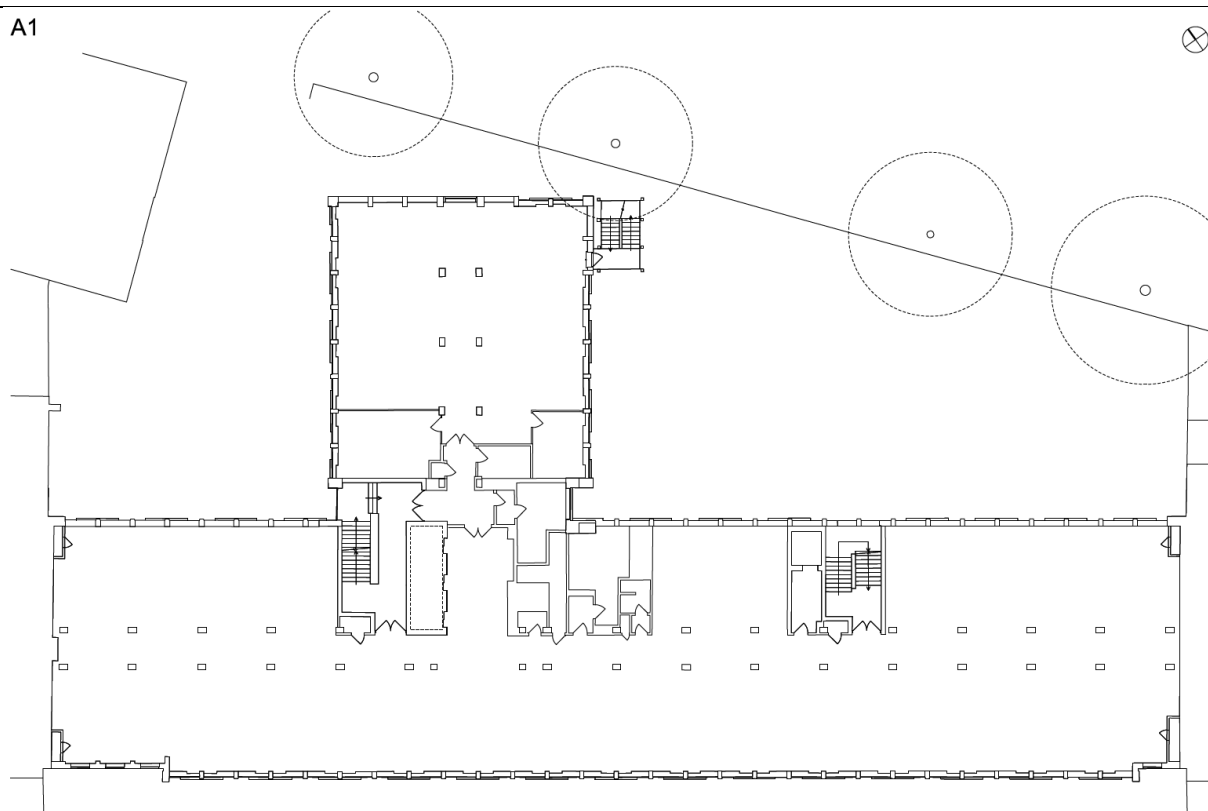
Item No.
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IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING
OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

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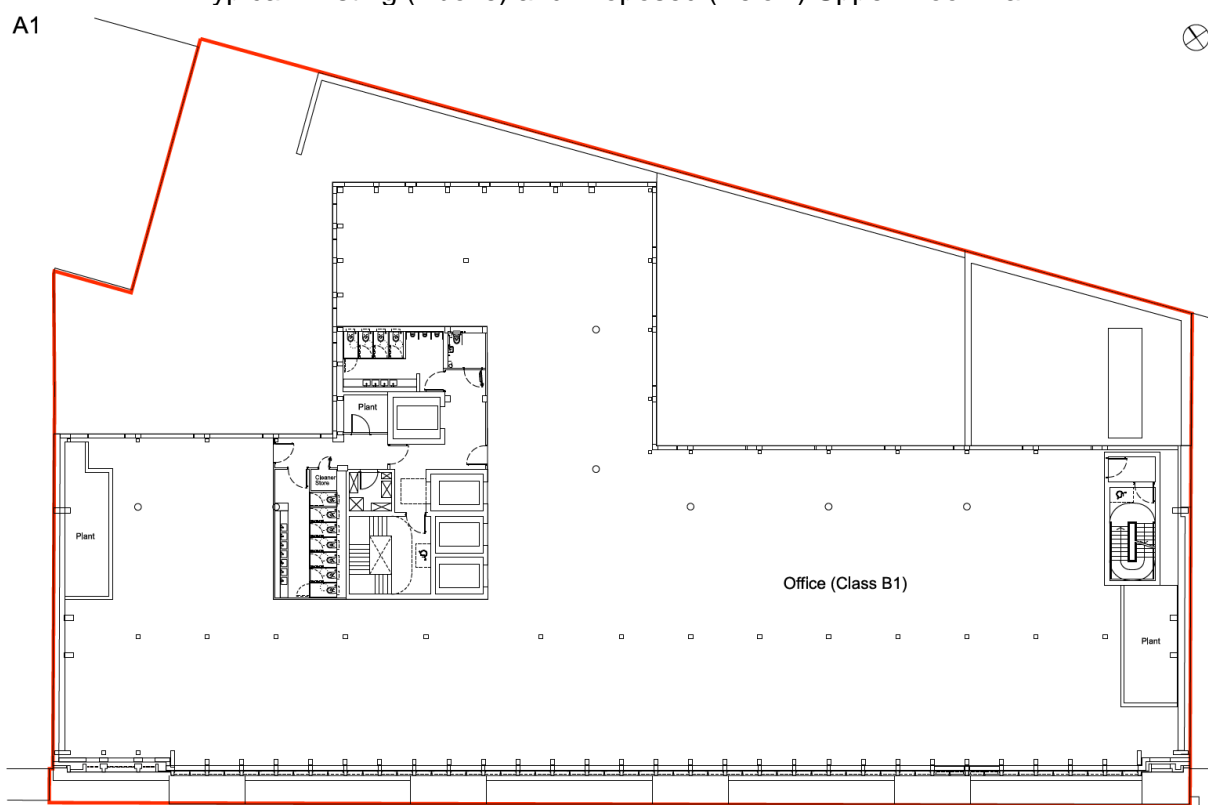


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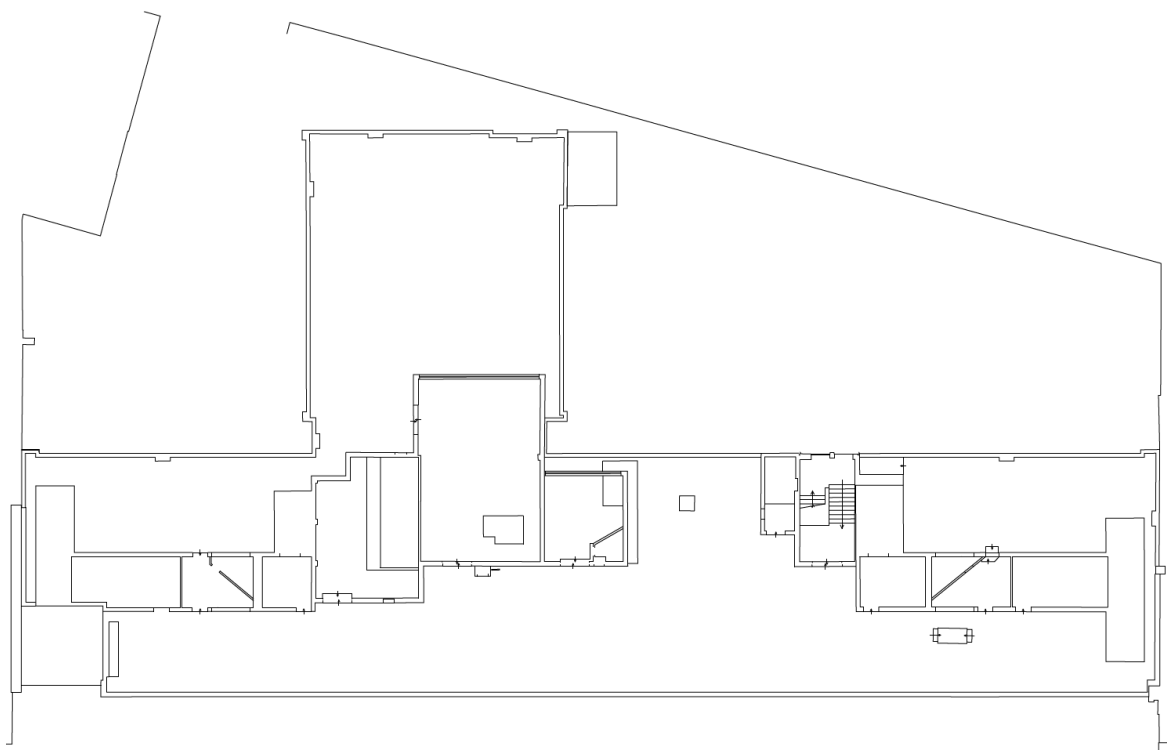


Typical Existing (Above) and Proposed (Below) Upper Floor Plan

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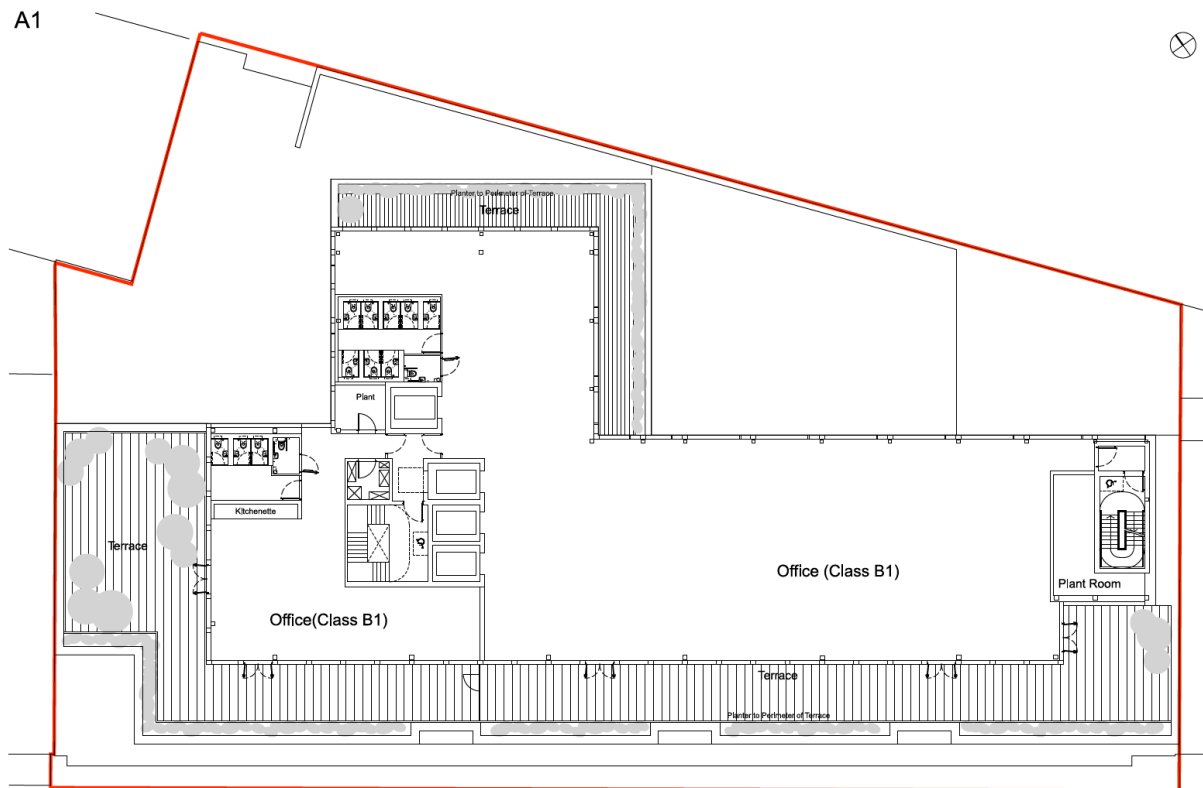


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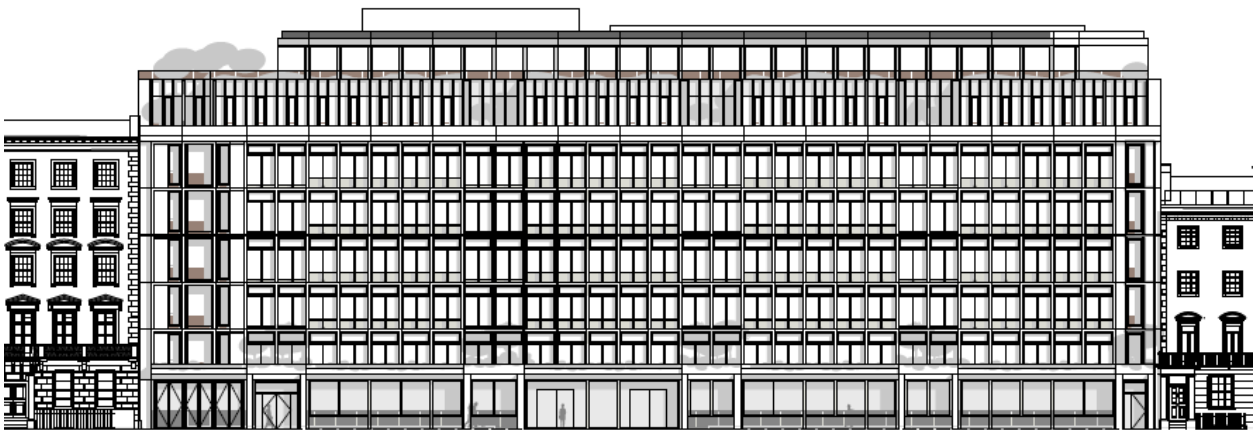
Existing (above) and Proposed (below) Seventh Floor Plan

A1



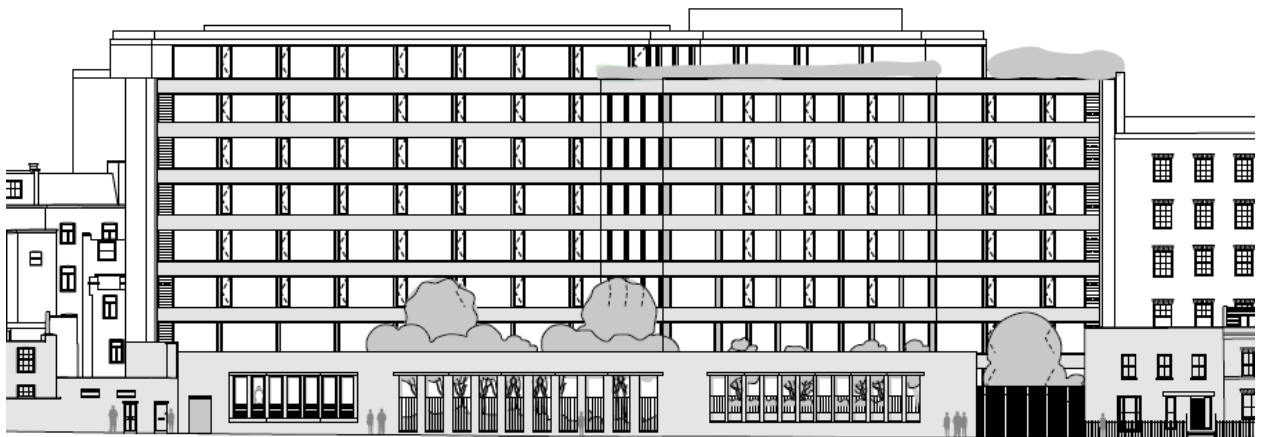


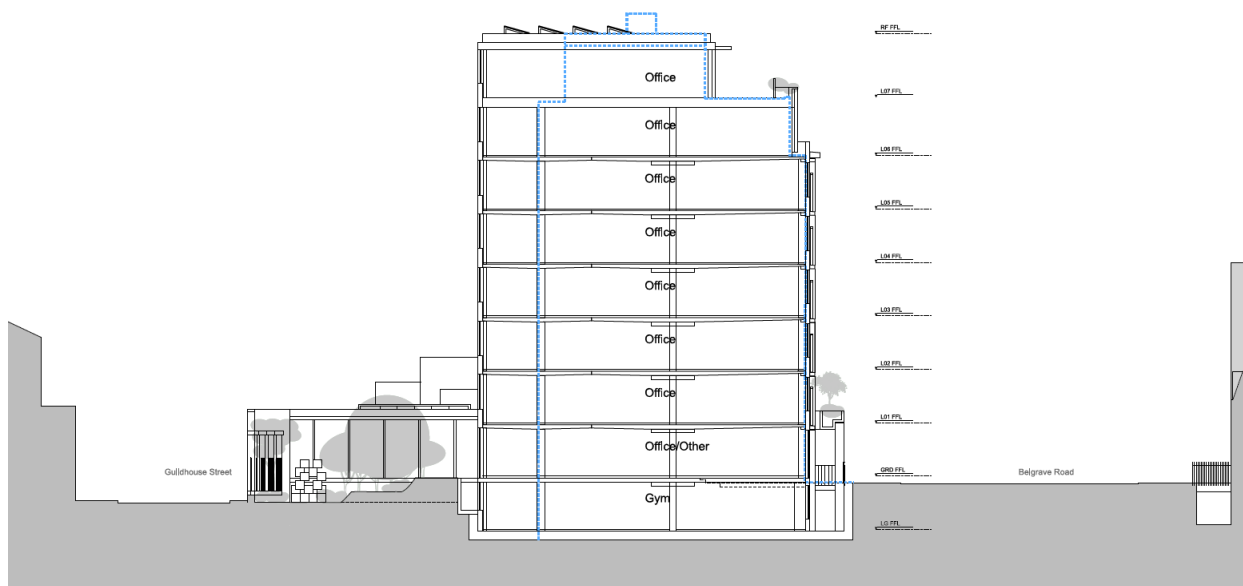
Existing (above) and Proposed (below) Front Elevation



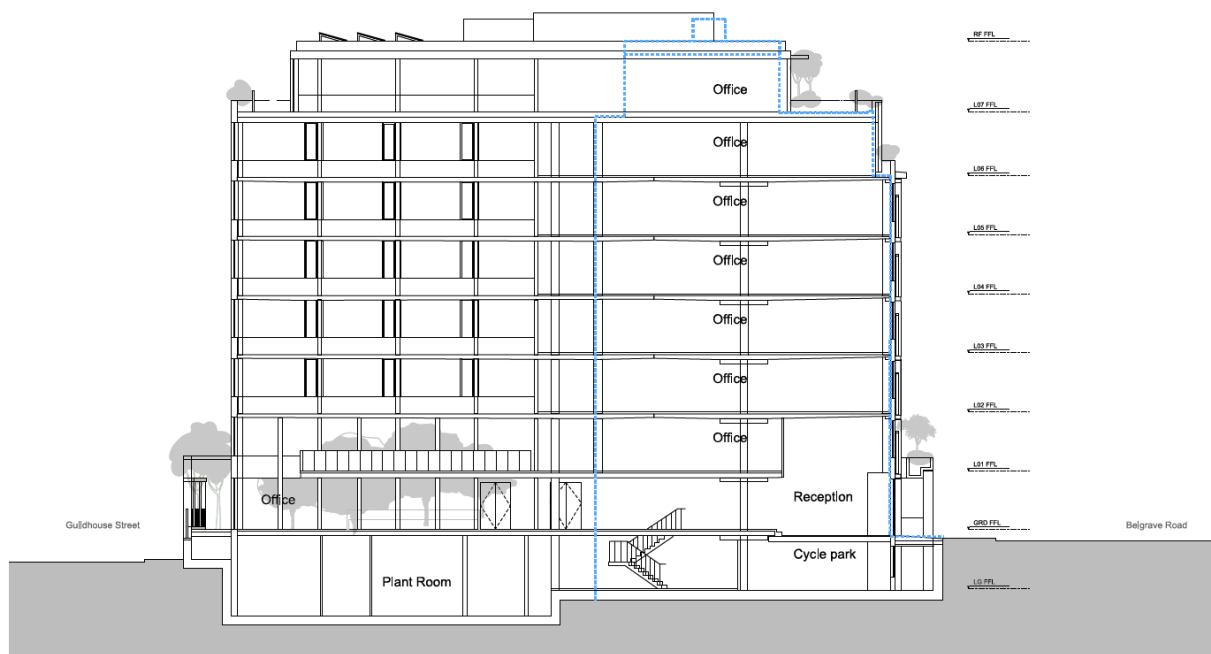


Existing (above) and Proposed (below) Rear Elevation



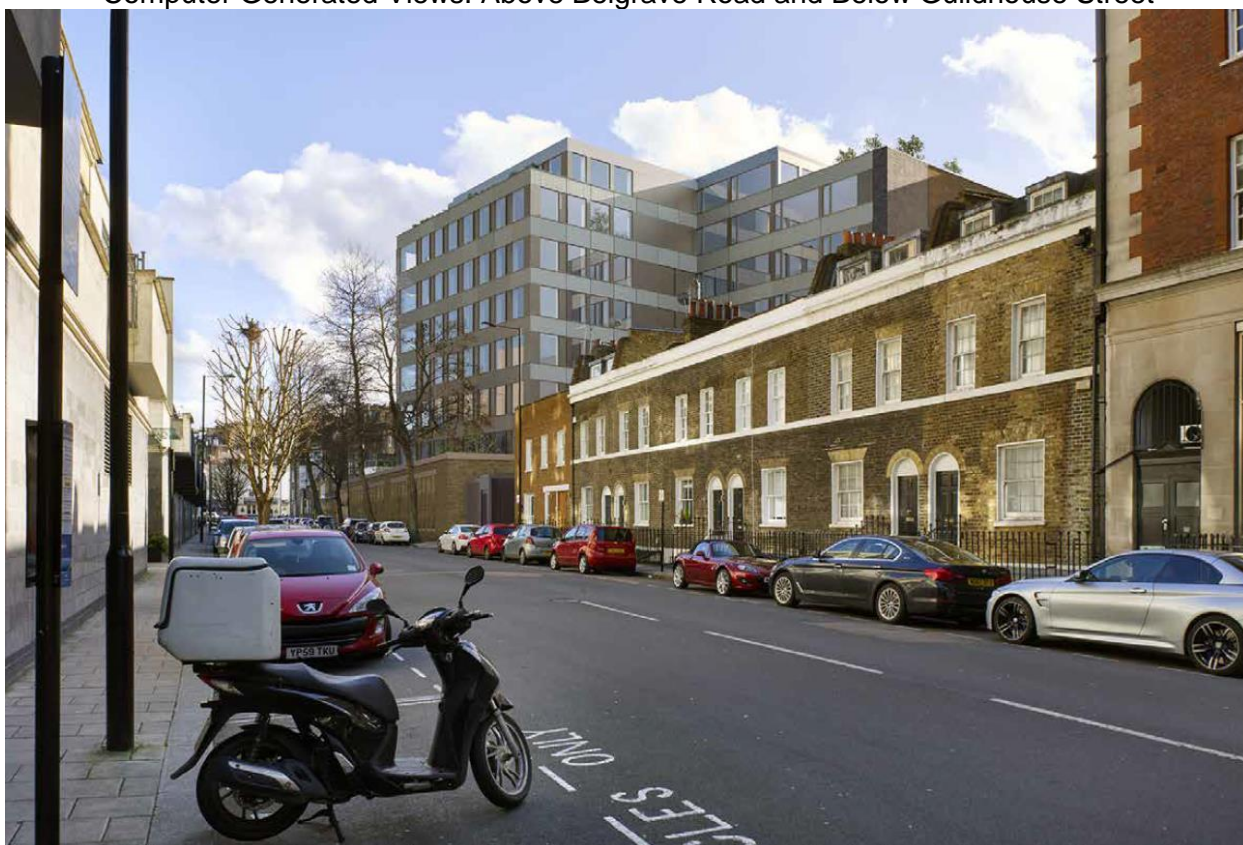


Proposed Sections





Computer Generated Views: Above Belgrave Road and Below Guildhouse Street



DRAFT DECISION LETTER

Address: 11 Belgrave Road, London, SW1V 1TS,

Proposal: Partial demolition including the front and rear facades, sixth floor and structures at seventh floor; replacement frontages; rear extension, rebuilding of the sixth floor and a seventh floor extension for office use (Class B1); creation of a restaurant/ café unit (Class A3) at part ground floor; flexible office (Class B1) or non-residential institution use (Class D1) at part ground floor; assembly and leisure unit (Class D2) at part ground and lower ground floor levels; landscaping and a new boundary wall to the rear; external terraces; rooftop plant enclosure; rooftop photovoltaic panels and associated external works.

Reference: 20/02660/FULL

Plan Nos: Drawings:
 Site Location Plan; EPA-BRD-05-1-009 rev P00; EPA-BRD-05-1-010 rev P00; EPA-BRD-05-1-011 rev P00; EPA-BRD-05-1-012 rev P00; EPA-BRD-05-1-013 rev P00; EPA-BRD-05-1-014 rev P00; EPA-BRD-05-1-015 rev P00; EPA-BRD-05-1-016 rev P00; EPA-BRD-05-1-017 rev P00; EPA-BRD-05-1-018 rev P00; EPA-BRD-05-2-010 rev P00; EPA-BRD-05-2-011 rev P00; EPA-BRD-05-3-010 rev P00; EPA-BRD-05-1-049 rev P00; EPA-BRD-05-1-050 rev P00; EPA-BRD-05-1-051 rev P00; EPA-BRD-05-1-052 rev P00; EPA-BRD-05-1-053 rev P00; EPA-BRD-05-1-055 rev P00; EPA-BRD-05-1-056 rev P00; EPA-BRD-05-1-057 rev P00; EPA-BRD-05-1-058 rev P00; EPA-BRD-05-2-050 rev P00; EPA-BRD-05-2-051 rev P00; EPA-BRD-05-3-050 rev P00; EPA-BRD-05-1-099 rev P00; EPA-BRD-05-1-100 rev P00; EPA-BRD-05-1-101 rev P00; EPA-BRD-05-1-102 rev P00; EPA-BRD-05-1-103 rev P00; EPA-BRD-05-1-104 rev P00; EPA-BRD-05-1-105 rev P00; EPA-BRD-05-1-106 rev P00; EPA-BRD-05-1-107 rev P00; EPA-BRD-05-1-108 rev P00; EPA-BRD-05-2-200 rev P00; EPA-BRD-05-2-201 rev P00; EPA-BRD-05-2-204 rev P00; EPA-BRD-05-3-100 rev P00; EPA-BRD-05-3-101 rev P00; EPA-BRD-05-3-102 rev P00; EPA-BRD-05-3-103 rev P00; EPA-BRD-05-3-104 rev P00; EPA-BRD-05-3-105 rev P00; EPA-BRD-05-5-100 rev P00; EPA-BRD-05-5-110 rev P00.

Documents:

Cover Letter (Gerald Eve) dated 17 April 2020; Planning Statement (Gerald Eve) dated 17 April 2020; Design and Access Statement (Eric Parry Architects) dated April 2020 and Addendum dated July 2020; Transport Statement (Pell Frischmann) dated 16 April; Servicing Management Plan (Pell Frischmann) dated 16 April 2020, prepared by Pell Frischmann; Energy Statement (Max Fordham) dated 16 April 2020; Noise Impact Assessment (Sandy Brown) dated 17 April 2020; Daylight and Sunlight Assessment (The Chancery Group) dated 16 April 2020; Draft Appendix A of the Code of Construction Practice; Structural Statement (Heyne Tillett Steel) dated 8 April 2020; Statement of Community Involvement (Kanda) dated April 2020; Air Quality Assessment (WSP) dated June 2020; Flood Risk Assessment & SuDS Strategy (Heyne Tillett Steel) dated March 2020; Ventilation & Extraction Statement (Max Fordham) dated 3 April 2020; Arboricultural Development Report (Tree:Fabrik) dated April 2020.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

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:

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

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

Reason:

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

- 3 **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 You must apply to us for approval of details of the following parts of the development:

- i) A typical bay study of the Belgrave Road facade and a mock up showing its construction and materials;
- ii) A typical bay study of the Guildhouse Street facade and a mock up showing its construction and materials; and
- iii) A typical bay study of the sixth and seventh floors.

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.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of a brick sample panel of the following parts of the development - the Guildhouse Street boundary. 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 this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development:

- i) Ground floor frontages to Belgrave Road at 1:20 scale with x-sections at 1:10 scale;
- ii) Front and Rear railings at 1:20 scale; and
- iii) Gates to Guildhouse Street at 1:20 scale.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 The glazing to all ground floor street frontages shall be clear glass, unless otherwise agreed in writing by the City Council.

Reason:

To provide natural surveillance to the street in order to deter rough sleeping and anti-social behaviour as set out in S29 of Westminster's City Plan (November 2016).

- 8 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor

location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

- 12 No music shall be played in the cafe/ restaurant, office, assembly/ leisure or non-residential institution uses such as to be audible outside the premises. No music shall be played on the roof terraces or other external amenity spaces.

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)

- 13 You must not use the roof terraces on the building except between the hours of 08.00 and 21.00 hours Monday to Friday; and not at all on Saturdays, Sundays, bank holidays and public holidays. Outside of these hours you can only use the roof terrace to escape in an emergency.

Reason:

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

- 14 The building shall be designed to allow future connection to a district heating network should one become available and you must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application, which include:

- Air Source Heat Pumps;
- Water Source Heat Pumps; and
- Solar Photovoltaic Panels.

You must not remove any of these features, unless we have given you our permission in writing. (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)

- 15 **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 in the building or of the ground 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. (R18BA)

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

Reason:

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

- 17 Customers shall not be permitted within the assembly & leisure (Class D2) unit before 06:00 or after 22:00 each day.

Customers shall not be permitted within the restaurant/ cafe (Class A3) unit before 06:00 or after 22:00 each day.

In the event you implement the non-residential institution use (Class D1), customers shall not be permitted within the unit before 07:00 or after 22:00 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 18 You must not allow more than 120 customers into the restaurant/ cafe (Class A3) unit at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 19 In the event you implement the non-residential institution (Class D1) use, you must use the unit only for medical purposes. You must not use it for any other purpose, including any within Class D1 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

We cannot grant planning permission for unrestricted use within Class D1 because it would not meet ENV 5 of our Unitary Development Plan that we adopted in January 2007, and because of the special circumstances of this case. (R05BB)

- 20 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the restaurant/ cafe (Class A3) unit from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant/ cafe (Class A3) use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant/ cafe (Class A3) is in use. (C05JB)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and TACE TACE 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 21 You must provide the waste store shown on drawing EPA-BRD-05-1-099 rev P00 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 22 Delivery and Servicing must be carried out on-site in line with the Delivery and Servicing Plan dated 16 April 2020.

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)

- 23 All servicing must take place between 0700 to 1900 Monday to Saturday and 0800 to 1800 on Sundays, public holidays and bank holidays. Servicing includes loading and unloading goods from vehicles.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

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

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)

- 25 You must not operate a delivery service from the restaurant/ cafe (Class A3) unit

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet S24 and S29 of Westminster's City Plan (November 2016) and TACE 9 of our Unitary Development Plan that we adopted in January 2007.

- 26 You must provide each long-stay 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.

You must apply to us for approval of details of additional secure short-stay cycle storage for the building (to be provided on site). You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the short-stay cycle storage for any other purpose.

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)

- 27 You must provide the disabled car parking space shown on the approved drawings prior to occupation of the office use. Thereafter the disabled car parking space must be retained and used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide disabled car parking for building visitors.

- 28 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)

- 29 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 2 years of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 2 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 30 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) 8 and 11 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

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

reducing excessive ambient noise levels. (R51AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 3 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. 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).
- 5 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 6 No digging should take place within 5 metres of a High Voltage Cable without contacting National Grid's Plant Protection Team <https://www.beforeyoudig.nationalgrid.com>
- 7 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 8 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 9 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 10 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice and to apply online please visit www.westminster.gov.uk/apply-temporary-structure-road-closure-or-crane-licence.
- 11 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 12 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the

public even if the works are being carried out in accordance with a prior approval or a notice.

- 13 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.
- 14 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 15 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 16 Under Part 3, Class V of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, the flexible office (Class B1) and non-residential institution (Class D1) unit can change between the two uses we have approved for 10 years without further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change. (I62A)
- 17 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:

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.

- 18 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:
- a) Installation of six Sheffield cycle parking stands on Belgrave Road;
 - b) Replacement trees and associated highway works on Guildhouse Street;
 - c) Removal of redundant crossover and associated highway works on Guildhouse Street;
 - d) Employment and Skills Contribution of £72,400 (index linked); and
 - e) The costs of monitoring the S106 legal agreement.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.