

CITY OF WESTMINSTER			
PLANNING APPLICATIONS (MAJOR) SUB COMMITTEE	Date 10 November 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Warwick	
Subject of Report	Development Site At 52 To 73, Wilton Road, London		
Proposal	Demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storey building and 2 basement levels for a mixed-use development comprising office floorspace (Use Class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th and 5th floor levels, 5 residential flats (4 x 2 bedrooms flats and 1 x 3 bedrooms flat) with balconies (Use Class C3) at first to third floor levels at the corner with Gillingham Row and retail floorspace (Use Classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays.		
Agent	Montagu Evans		
On behalf of	.		
Registered Number	19/06682/FULL	Date amended/ completed	22 August 2019
Date Application Received	22 August 2019		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

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

- Carbon offset payment of £43,956 (index linked) payable on commencement of development.
- All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, provision of soil crating system for tree planting and associated work (legal, administrative and physical).
- A financial contribution towards employment, training and skills of £180,468.03 (index linked) payable on commencement of development.
- Tree planting contribution of £20,000 index linked, to be used for the purposes of tree planting and maintenance, with planting priority where conditions allow to be given in the following order:
Zone 1; In the location shown on planning application drawing 055-A-11-10 G

Zone 2; Within 200m of the development site
 Zone 3; Within Tachbrook ward
 Zone 4; Any sites outside Zones 1-3 within the administrative boundary of the City of Westminster

- Costs of monitoring the S106.

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

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

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3 i) That Committee authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway and creation of new public highway to enable this development to take place.

ii) That the Director of Place Shaping and Town Planning, or other such proper officer of the City Council responsible for highway functions, be authorised to take all necessary procedural steps in connection with the making of the orders and to make the orders as proposed if there are no unresolved objections to the draft orders. The applicant is to cover all costs of the Council in progressing the stopping up orders.

2. SUMMARY

52-73 Wilton Road are seven adjoining unlisted buildings with retail, restaurant and sui generis uses at ground and basement floor levels and office, residential and dental surgery at upper levels. The site falls outside a conservation area but the south of the site adjoins the Pimlico Conservation Area. The site is located within the Pimlico Central Activities Zone (CAZ) and it is identified as a CAZ Frontage. The rear of the site fronts the Queen Mother Sport Centre.

Planning permission is sought for the demolition of all buildings on the site and redevelopment to provide a part-four, part-five and part-six storey building plus two basement levels with office use at first to fifth floor level, five residential units at part first to third floor levels and retail/restaurant units at ground floor level and basement. The application includes plant at basement and roof levels, terraces for residential and office uses and new landscaping and alterations to public realm with new landscaping.

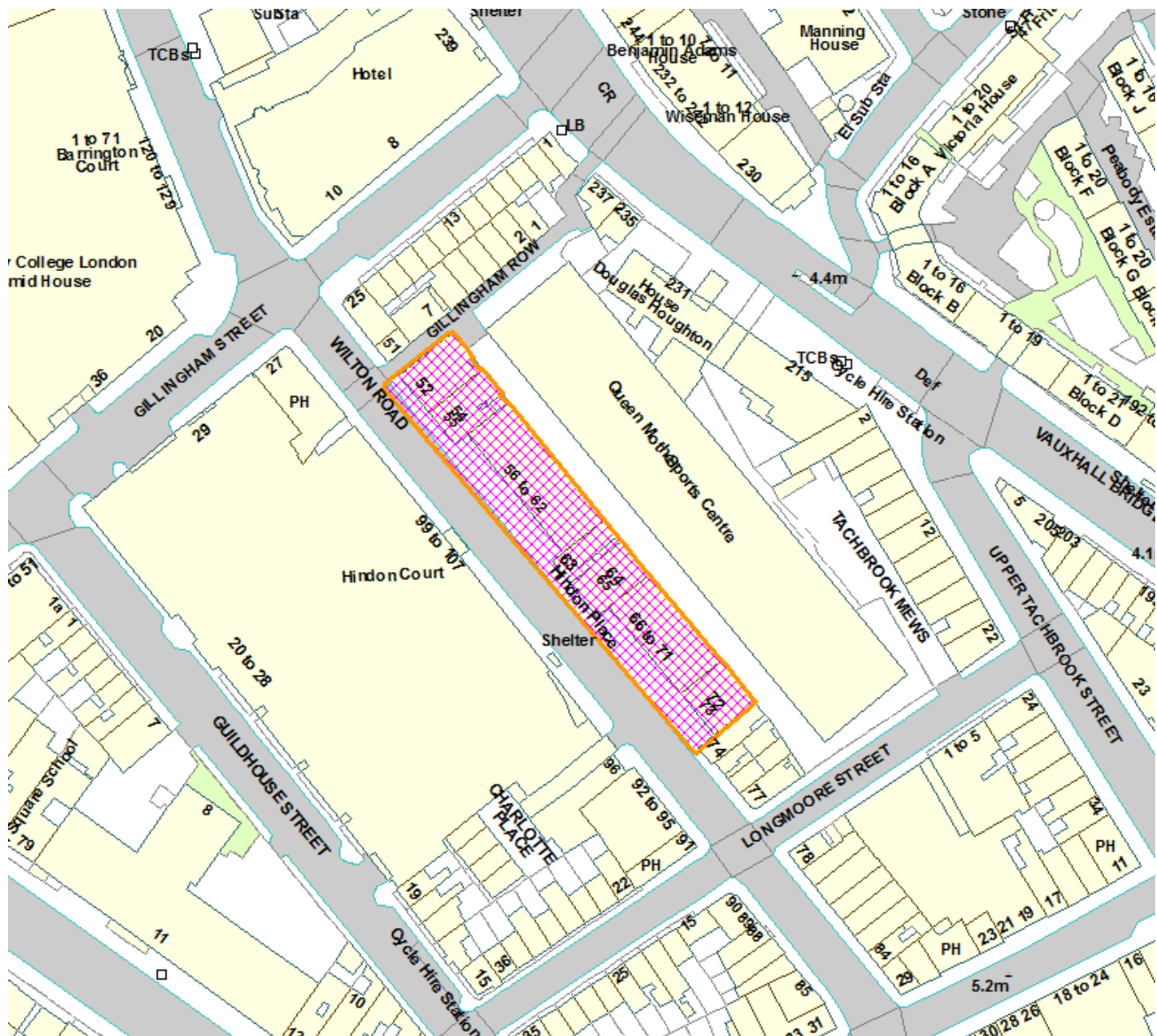
The key issues for consideration are:

- The impact of the proposals on the character and appearance of the area and the setting of the Pimlico Conservation Area;

- The land use implications of the proposal including provision of office floorspace outside the Core Central Activities Zone;
- The impact of the new building on residential amenity;
- The impact of the proposal on the environment and surrounding highway network.

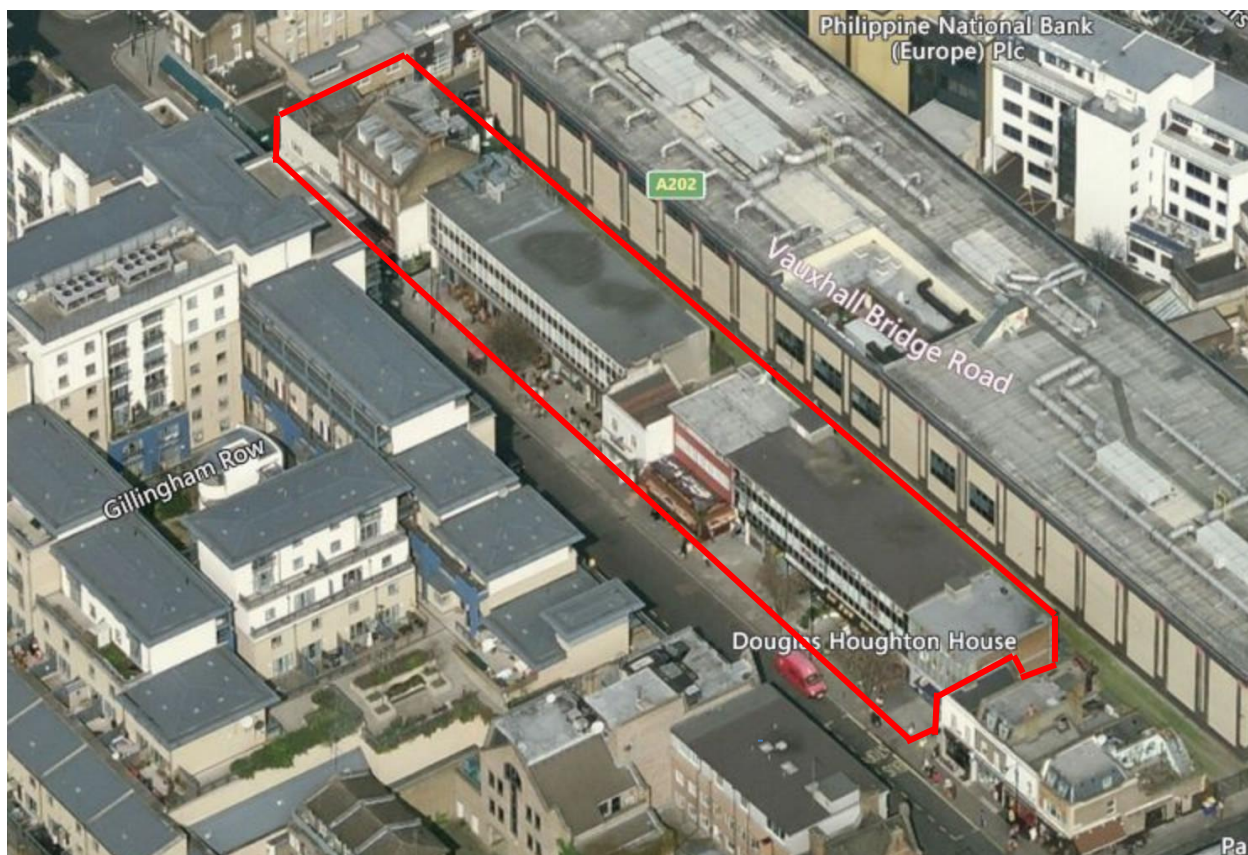
Numerous objections have been received from neighbouring residents primarily on the grounds of harm to residential amenity, scale and mass of the building and its impact on the local area, the mix of uses, the worsening of anti-social behaviour and the loss of public space. For the reasons set out in the main report, it is considered that the proposal is acceptable in land use terms and neighbouring residential occupiers would not be unduly harmed. The revised scheme is appropriate in the streetscape and addresses the security concerns and will not have a detrimental impact on the highway. The proposal is considered to comply with relevant policies in our adopted City Plan and Unitary Development Plan policies subject to conditions and the completion of a S.106 legal agreement.

3. LOCATION PLAN

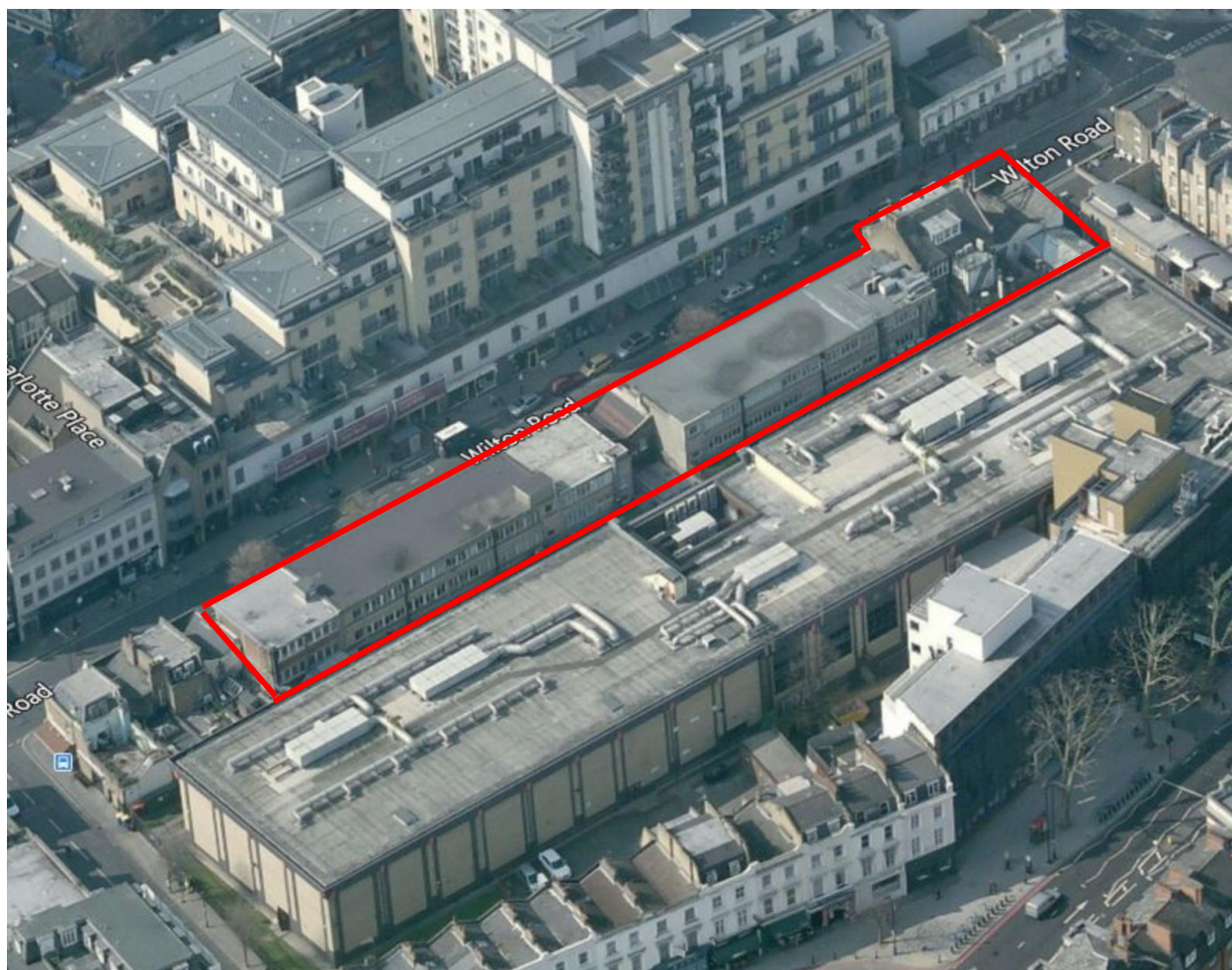


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4. PHOTOGRAPHS



Aerial picture of the site outlined in red



Aerial picture of the site outlined in red



Northern part of the site – Front elevation



Southern part of the site – Front elevation



Rear elevation of the site

5. CONSULTATIONS

WARD COUNCILLORS FOR WARWICK –

Cllr Jacqui Wilkinson:

Objection on the following grounds:

- impact on the Pimlico Conservation Area, the redevelopment on the opposite side is not part of the conservation area.
- Height is a great concern to local residents, reference to the consultation document from Pimlico Neighbourhood Forum.
- Implications on the council's plan for the Queen Mother Sports Centre. The proposed scheme must not impede the Council's ability to develop this site.

Revised scheme – objection on the following grounds:

- Not taking into account Ward Councillors' advice.
- There is no transitional area, Pimlico is the appropriate planning context to take for this development excluding Hindon Court.
- Failure to engage with local residents and residents' association.
- No account seems to have been taken of the draft Pimlico Neighbourhood Plan.

Cllr Nickie Aiken

Objection on the following grounds:

- Fails the Council's strategic objectives for the local area and does not meet some planning policies: S10, S18, S20, DES1.
- The reference of the Victoria Opportunity Area (VOA) is misleading as the site does not lie within the VOA. There is no "transitional area".
- Pimlico is a residential area and requires protecting from such development.
- Mass and height, will have a detrimental effect on neighbouring properties in particular in terms of loss of light.
- Proposed design does not fit with Pimlico's look and feel and it will change the nature of Pimlico.
- Impact on the conservation area.

Cllr Christabel Flight

Objects to the scheme, Councillors have not been kept updated.

Cllr Mark Shearer (St James's Ward)

- Wilton Road is the centre of the community and plays a key role in servicing the needs of local residents.
- The existing low-rise elevation on eastern site, fragmented appearance and the number of local traders contribute to the village feel/ ambience of the street. The setting back helps with circulation and alleviates the massing of the opposite building. Development should be within the existing envelope.
- The scale and massing do not take account of the street width, scale, ambience nor function.
- Overhang creates a cramped/over-bearing feeling and may lead to anti-social behaviour.
- Displacement of local traders.

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Do not wish to offer comments.

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommends archaeological pre-commencement condition.

PIMLICO FREDAS:

04/10/19 - Objection on the following grounds:

- The site is not within the Victoria Opportunity Area (VOA)
- Proposal contrary to policies S10, S18, S41 PIM11, DES1, DES3, DES4, DES9, DES10, ENV 13, TRANS3
- Massing and height – out of keeping with the Gillingham Row, Gillingham Street and the Pimlico Conservation Area. Hindon Court development achieved consent on appeal, the emerging Pimlico Neighbourhood Plan should be reviewed
- Unacceptable substantial increase of office floorspace
- Design: Pimlico architecture is late Georgian/Regency not Victorian, the proposed is a huge monolithic white clock/slab, choice of colour and material is not typical of Pimlico
- Increase in rough sleeping and possible anti-social behaviour
- Impact on heritage assets and conservation areas – the scheme ignores the Pimlico Conservation Area and the listed buildings in Gillingham Street that will be overshadowed and dwarfed.
- Impact on daylight and sunlight.
- Reduction of the pavement size, restriction of movement, no provision of additional open space.
- The supporting documents does not state the correct areas for the two proposed loading bays.
- New residential units should affordable and available to local “working” residents – planning condition to prevent short-term lets.
- Queries about the Transport report about parking and servicing, lack of on-street parking must be taken into account.
- Does not fulfil the needs and requirements for disabled, elderly and people with handicap.

14/05/20

The revised proposal still does not fulfil Westminster adopted policies, most of the comments remain the same as in the letter dated 04/10/19. The additional comments are:

- No reference to the Pimlico design guide- proposal contrary to this document.
- Barely references to the Pimlico Neighbourhood Plan.
- Retention of the overhang that will lead to and in rough sleeping and crime
- Community involvement
- The alteration to the building does not go far enough – bulky out of place unsympathetic block
- Transport strategy do not address parking for disabled person.
- Housing will be used for short term lets.
- The revised building is too tall and the sheer bulk of the scheme will dominate the streetscene.
- The roof profile although improved is out of keeping with both Gillingham Row, Gillingham Street and the Pimlico Conservation Area.

WESTMINSTER SOCIETY:

Objection on the following grounds:

-Massing and scale – little attempt to integrate the scheme into predominantly residential scale of the area or to harmoniously blend into the character of the street. Over blown scale. Uniformity, materiality and detailing exaggerate the length and overbearing nature of the scheme.

-Elevations treatment: bland office elevations, roof form, retail frontage monotonous and out of scale, arches.

-Townscape impact: overbearing nature of the scheme demonstrated by views.

-Residential accommodation: layout of the residential units, glass treatment, problems for the placement of furniture and privacy issues.

PIMLICO NEIGHBOURHOOD FORUM:

Draft Neighbourhood Plan considers this block and site in some detail and in particular the importance of improving the public realm and attractiveness in Wilton Road and *“redevelopment of any this block needs to reflect this [historic] boundary and avoid any sense of dominating the historic area”*.

The closeness of the Wilton Road elevation to the pavement edge, with no substantial set back and the height of development risk resulting in an unrelieved canyon on Wilton Road.

The use of transition area is misleading.

Visual and townscape effect of the development on the historic view from Denbigh Street/Wilton Road is not shown.

The redevelopment on the other side should not justify the height and bulk of scheme.

Risk to encourage anti-social behaviour

Would be very unfortunate if the development prevents the continuing use, refurbishment or replacement of the sports centre.

Housing likely to be used for short-term let market.

VICTORIA NEIGHBOURHOOD FORUM

No response to date.

DESIGNING OUT CRIME

Recommends condition that prior to the first occupation of each building or part of a building or use a “Secured by Design” accreditation shall be obtained and offers comments and recommendations on the residential element, the postal strategy, the retail use, the office element, the cycle stores, the bin stores, the CCTV, the lighting, and the fire routes and security.

ENVIRONMENT AGENCY (THAMES REGION)

Originally objected due to the absence of a Flood Risk Assessment (FRA). Once provision of a FRA has been established no objection is raised but recommends informative.

THAMES WATER UTILITIES LTD

No objection to the above planning application, based on the information provide but recommends conditions and informatives.

HIGHWAYS PLANNING TEAM:

Recommends condition to secure a servicing management plan and cycle parking.

The rebuilding all of the footway on the Wilton Road frontage including the provision of loading pads if that is the preferred solution and tree planting if that is preferred and possible and the requirement for a stopping up order must be secured by legal agreement.

ECONOMY TEAM

Based on the total net uplift floorspace and on the Inclusive Local Economy Policy the scheme is expected to provide an Employment and Skills Plan and a financial contribution.

ARBORICULTURAL SECTION:

17/09/19

Objection on the following grounds:

- the removal of tree identified as T4 (owned by the Council);
- the basement excavation, construction works and the proximity between the new building and the crowns of trees is likely to lead to the loss of trees identified as T2 and T3;
- the scheme will not allow for any sustainable tree planting and the replacement of trees of a size or species which would adequately mitigate the removal of T4;
- the proposed planting of replacement trees may also be prevented by below and above ground constraints such as utilities and street furniture.

18/09/20

Disagrees with the view that the existing Whitebeam trees have limited useful lifespan, the main reason for their removal is to facilitate the redevelopment and not convinced by the suitability of proposed species.

The proposed street trees will not adequately replace the amenity value of the two whitebeam trees and due to proximity with front elevation there will be pressure to excessively prune them.

If consent is granted the following conditions are recommended: new tree planting, details of the below ground soil crating system and soil specification and securing funding for tree planting in the local area by legal agreement.

GO GREEN PROGRAMME - POLICY, PERFORMANCE AND COMMUNICATIONS:

17/10/19 and 04/09/20

The non-domestic use energy strategy is failing to meet the onsite carbon emissions reduction required.

The scheme is not currently proposing to connect to the nearby Pimlico district heat network whilst the strategy indicates that connection to the network would improve site-wide carbon savings. In order to be consistent with the Be Clean stage of the Mayor of London's energy hierarchy – as set out in London Plan policy – the scheme should fully explore connection to site wide district heating before any further approaches are considered (including carbon offset funding).

16/10/20

I am supportive in principle of future connection to PDHU, it would have been helpful for the applicant to demonstrate what alternative energy provision had been considered for the site – and why these have been rejected.

I note the proposal to address the shortfall in carbon via a cash in lieu contribution. While this is permissible, I would welcome further assessment to increase the utilisation of renewable energy on site to further address the shortfall prior to offset.

26/10/20

I recommend that we progress with the offset for the residual emissions as previously discussed.

PDHU AND ENERGY:

21/10/19 and 25/09/20 - The extent of investigation to connect the scheme with PDHU is not sufficient and the exception to Policy S39 here does not apply.

13/10/20

The allowance for a 12x5metre plantroom for a PDHU connection is acceptable. What is not forthcoming in the document is a clear undertaking to connect to PDHU once it has decarbonised and the pipe network extended to Wilton Road. Suggest that planning conditions need to be included that will ensure a future commitment to connect.

WASTE PROJECT OFFICER :

01/05/20 - Objects as the drawings submitted are not in line with the Council's recycling and waste storage requirements.

09/10/20 – No objection subject to recommended condition.

BUILDING CONTROL

Any response to be reported verbally at committee.

ENVIRONMENTAL HEALTH:

25/11/2019

- Air quality: report fails to assess the impact from any centralised energy or communal boilers that may be required and should include proposed number of servicing and delivery trips and the applicant should use the Local Atmospheric Emission Inventory datapoints to determine local pollution concentration and determine if air quality mitigation is required.
- Air quality neutral assessment: building emissions and transport emission have not been calculated and compared against benchmarks.
- Noise: no objection subject to recommended conditions.
- Kitchen extract flues: information to be provided to show that it will be in line with the kitchen extract guidance by condition.
- Contaminated land: recommends pre-commencement condition.
- Overheating/ventilation: further information required on air quality mitigation by condition.

12/05/20

Further information is required on environmental grounds:

Air quality report should be updated to include an assessment for the impacts from any onsite combustion process (CHP, boilers and any backup generators), the proposed number of delivery and servicing trips and be compared against the criteria and a detailed assessment of impacts for the future occupiers using dispersion modelling. The building emissions and transport emissions have not been calculated and compared against benchmarks.

WESTMINSTER DEVELOPMENT TEAM

15/11/19 - In order to deliver a future programme of enhancement of the facilities at the Queen Mother Sports Centre (QMSC) in line with the City of Westminster's Corporate Vision for 2018/2019 for Active Westminster, it will be important to ensure that any proposals for Wilton Road are neighbourly and do not prejudice development coming forward. The following concerns are raised:

- fenestration along and on the boundary between the two sites which might prevent the redevelopment of the QMSC, development should be set back from ownership boundaries;
- residential balconies at the northern end of the site;
- new development should be designed to an appropriate standard to address the existing noise and odour environment;
- excavation could lead to significant vibration and ground movement (pool is especially sensitive to vibration);
- noise from demolition and construction may be detrimental to users;
- servicing of the site must not rely on QMSC land.

22/05/20 – Objects as the revised proposals do not alleviate the concerns raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 466

Total No. of replies: 50 (55)

No. of objections: 49 (54)

No. in support: 1

Letters of objection from The Eccleston Square Residents Association, The Hugh Society, Abbots Manor Residents Association and The Churton and East Pimlico Society and 46 local residents on the following grounds:

***Design**

- Existing building provides interest and diversity.
- Wilton Road marks the beginning of the residential part of Pimlico.
- 7 Storeys building do not fit with Pimlico typical architecture of 2/3 storeys building. New buildings should be at the same level as existing.
- Scale out of keeping with the unique character of the area. Height and mass inappropriate within Pimlico village. Bears no relation to the surrounding areas.
- Bulk and scale would negatively impact the neighbouring Conservation area and adjoining Listed building and would dwarf the adjacent buildings.
- Scale justified by the Sainsbury's redevelopment which was only allowed at appeal – cannot be a precedent.
- Pimlico is one of the few areas left unspoiled by the greed of developers and should be allowed to retain its character.
- Will destroy the village feel of the area and against the wish of residents.
- Would cause a precedent for high rise blocks.
- Inappropriate design and materials – will impact Pimlico style, more in keeping with the VOA - overlong flat row of 35 arched shopfronts is alien to the area and would make the thoroughfare look like Oxford Street, green tiles and white brick, arcade design, colour, glass façade, varying height is unbalanced and asymmetrical, creation of two over-scaled monolithic buildings facing each other along a narrow street.
- Negative impact to the public realm, Wilton Road will feel oppressed.
- Building should be stepped back.
- Overhanging is out of character and oppressive.

***Land use**

- No benefit to the area due to its excessive size, overdevelopment.

- Site not located within the Victoria Opportunity Area.
- Pimlico is one of the unique areas of London where a true sense of “village” community exists. Area is a vibrant and diverse mix of businesses and residential streets. Will make Wilton Road into an anonymous space downgrading the enjoyment and pride in Pimlico.
- Gillingham Street should be the boundary of the “village” character of Pimlico. Will change the character of the area which is made of residential housing and small independent shops which gives its village status.
- Mix of use not appropriate, unbalanced.
- Abundance of office in the area, how further office floorspace would benefit Pimlico and will bring office atmosphere.
- Impact of the 700 additional commuters to be investigated.
- Office replaces libraries, no new nurseries/schools, Westminster start planning good things for your residents.
- No affordable housing
- Lack of residential provision. Residential provision only for the rich.
- Needs to protect local businesses that are valued and viable.
- No commitments to the type of shops and restaurant tenants. Concerns that new retailers will serve needs of office workers and tourists rather than the local community. Only large chains will be able to afford the rent.
- Loss of outdoor dining space.
- Contrary to Westminster Policies, Policy S10, does not fit the draft Pimlico Neighbourhood Plan.

***Amenity**

- Would turn Wilton Road into a dark canyon by narrowing and darkening a bright airy street – will diminish the pedestrian experience.
- Loss of light/daylight to Wilton Road and neighbouring properties.
- Noise pollution and disturbance from plant, deliveries and uses.
- Deliveries to new retail units should be during daytime only.
- Increase in residents that will put a strain on local services.
- View of the sky diminished.
- Create an oppressive environment, overbearing development.

***Highways**

- Negative impact on public realm.
- Narrowing of the road and loss of pavement space – crowding and prevent access wheelchair users and elderly accessing this side of the road.
- Loss of on-street parking spaces but no provision of underground parking.
- Lack of public space.
- Additional traffic in Wilton Road which already struggles to handle buses and other vehicles in a safe and efficient way, worsened traffic congestion that will drive traffic into adjacent streets and affect pedestrian safety.
- Not enough details on how area will cope with the additional footfall.

***Queen Mother Sports Centre**

- Needs to be taken into consideration.
- Will prevent a more ambitious redevelopment.

***Other matters**

- Overhang will encourage anti-social behaviour and worsen rough sleeping which is an existing problem causing health hazards.
- Loss of view.
- Noise, dirt and traffic during demolition and construction works for a long period of time, concerns about the construction hours and number of vehicles. Control hours of operation and construction vehicles and staff access to site and parking.
- Demolition of existing buildings and excavation works may cause structural damages and affect drainage.
- Will destroy the appeal the street holds for those who eat, shop, live or work nearby/ local ambience.
- Impact on micro-climate creating a wind tunnel effect.
- Increase in air pollution.
- Local services already stretched – utilities (flooding).
- Cause a precedent.
- No environmentally friendly measures.
- If trees were to be felled this would a loss of some natural beauty in the road.
- Not enough details on how area will cope with the additional waste.
- Community involvement not satisfactory. Problem with the distribution of notification letters, public forum not well publicised, feedback received at public consultation not taken into consideration.
- Loss of sale value.
- Pimlico Neighbourhood Plan is a material consideration, scheme fails to meet emerging policies (PIM24).

One letter of support on the grounds the elevation will allow more light on the road, the stretch of Wilton Road needs to be cleaned up and modernised and this part does not feel like a village. Nevertheless, it is noted that the proposed canopy might encourage more vagrancy.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

REVISED APPLICATION

(Amendments to reduce the height of the building and remodelling of roof profile, remove one level of basement and alterations to elevations)

No. Consulted: 520

No. Replies: 20

Letters of objection from The Eccleston Square Residents Association, and 19 local residents on the grounds that the revisions do not overcome previously expressed concerns:

***Design**

- Hindon Court is not valid precedent for this development.
- Size, mass and bulk; removal of one floor and one basement level is welcome by development still too large; impact on light and sense of space.
- Covered arches would detract from the light and airiness of the street.

- Wilton Road is not transitional, appropriate planning context to take into consideration is Pimlico.
- Out of keeping with the area and impacts on adjoining buildings and the Conservation Area.
- Design; too uniform in appearance.

***Land use:**

- The allocation of space to the different use classes remain unbalanced, 366% increase of office space, within the context of Covid-19 businesses might need less office floorspace.
- No need for luxury flats.
- Lack of social housing.
- Residential units are very small and boxy.
- No commitments made as to the type of retail/hospitality tenants.
- Outside spaces lost for restaurants
- Pressure on local infrastructure (i.e.: schools, doctors)

***Amenity**

- Overlooking and privacy
- Loss of daylight and sunlight
- Creation of a narrow and dark passage of immense bulk

***Highways**

- The set back of the frontages at 56-62 and 66-73 Wilton Road is an established part of the streetscape.
- Limited space for pedestrian movement.
- Pressure on parking and lack of provision
- Restriction of vehicle access in particular emergency vehicles
- Do not allow for social distancing
- Servicing bays are obstacle to pedestrian movements.

***Other matters:**

- Failure to engage with community opinion
- Encouraging rough sleeping and anti-social behaviour
- Missed opportunity for redevelopment of the entire block and obstacle to the redevelopment Queen Mother Sport Centre due to windows on rear elevation

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises seven unlisted buildings on the eastern side of Wilton Road and it is bound by Gillingham Row to the north. The buildings are located outside of a conservation area but the south of the site adjoins the Pimlico Conservation Area. To the north is a row of Grade II listed building facing Gillingham Street. The site is located within the Pimlico Central Activities Zone (CAZ) and it is identified as being part of a CAZ frontage.

Wilton Road is an active street with mainly retail and restaurant units at ground floor levels and residential and office uses at upper floor level. The site backs onto the Queen Mother

Sport Centre (QMSC). All properties on the other side of Gillingham Row are in residential use and on the opposite side of Wilton Road there is a large residential block (Hindon Court) above retail units.

The existing buildings on site comprise the following uses:

- Nos 52-53 comprises basement, ground and first floor and is in use as a restaurant.
- Nos 54-55 comprises basement and ground and is in use as a café and shop and 3 upper floors used as offices.
- Nos 56-62 is a 3-storey office building with restaurant and shop at basement and ground floor levels.
- No. 63 comprises retail floorspace at basement and ground floor levels currently occupied as a spa and nail salon and a surgery at first floor level.
- Nos. 64-65 is a 3-storey building in residential use and restaurant at basement and ground floor levels.
- Nos 66-71 Wilton Road comprises at ground and basement levels a sui generis use (retail with Chinese medical treatment), a shop and two restaurants and at first and second floor levels offices.
- Nos 72-73 Wilton Road is a 3-storey office building with a restaurant at basement and ground floor levels.

6.2 Recent Relevant History

A review of the planning history show consents were granted for new advertisement signs, front and rear alterations in particular of the shopfronts, the installation of air conditioning units and duct to the different properties. Permissions were granted for extensions in 1995 at 60-62 Wilton Road and in 1998 and 2001 at 52 Wilton Road.

In 2010, 2011, 2012, 2014 and 2015 permission for tables and chairs on the highway were granted at 54-55 Wilton Road.

A certificate of lawfulness was issued for the use as offices at No 54-55 Wilton Road in 1984.

In 1985 planning permission was granted at 70-71 Wilton Road for the change of use from retail and wholesale trading to Chinese restaurant.

Two permissions were granted in 1990 at 65 Wilton Road to use the basement and ground floor as restaurant and upper floors as private club, and extensions to the building.

In 1993 planning permission was granted to a 3-storey extension to the front of the building with retail at ground floor at 56-62 Wilton Road.

Planning permission was granted for the change of use from first and second floor offices to first floor bar/restaurant and occasional accommodation office ancillary to the basement and ground floor restaurant (RN: 94/04119/FULL).

In 1997 planning permission was granted for the change of use of the first and second floors to provide 2 x 2-bedroom flats at 65 Wilton Road (RN: 97/01230/FULL).

In 1998 and 1999 permission were refused for the erection of additional storey to provide residential unit at 64-65 Wilton Road on design grounds.

Planning permission was granted for the use of basement and ground as an extension to offices above at 60-62 Wilton Road in 1999 (RN: 98/7089/FULL). In 2004 planning permission was refused for the renewal of temporary 1999 on the grounds that harm of the retail character, function and vitality of the area and the location of the site outside the Central Activities Zone (RN: 04/01687/FULL). In 2005 the renewal was approved for a temporary period until 31 May 2006 (RN: 04/10207/FULL).

Planning permission was granted in 2007 for the use of part of the basement and ground floors as a restaurant (use class A3), with new shopfront and installation of duct/plant at roof level at 60-62 Wilton Road (RN: 07/01228/FULL).

In 2010 planning permission was granted for the use of the basement and ground floor for mixed retail and café (sui generis use) at 55 Wilton Road (RN: 10/05278/FULL).

Consent was granted for the use of the ground floor and basement levels at 68 Wilton Road for medical treatments and associated retail (sui generis) (RN: 12/02961/FULL).

In 2013 (RN:12/04199) planning permission was refused for the use of the basement and ground floor as a restaurant/takeaway and a full height kitchen extract at 58 Wilton Road on the grounds of loss of retail floorspace.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing buildings and replacement with a new building comprising two basement levels and part 4, part 5 and part 6 storeys. The scheme includes plant contained in an enclosure at roof level and alterations to the public realm with hard and soft landscaping and the creation of loading bays.

The majority of the site will be used as office with terraces at third, fourth and fifth floor levels. The ground floor and basement units will be used either as retail (Class A1) or restaurant (Class A3). On the northern corner of the building 5 residential flats (4 x 2-bedroom flats and 1 x 3-bedroom flat) with balconies are proposed at part first, second and third floor levels.

The application has been amended during the course of its assessment in the following ways:

- reduction of height of the building through the removal of one storey on each block;
- remodelling of roof profile;
- removal of one basement level;
- lowering of the Ground floor retail shopfront and widening of arches;
- alterations of the façade to reduce the extent of glazing and add articulation;
- alteration to the residential entrance.

Given the nature of the amendments a further round of public notification was carried out.

The application was further revised to reconfigure the residential units, creation of linear shopfronts at ground floor level and bringing the frontage forward and redesigning the north-west corner of the building in particular the residential entrance.

A summary of the land use implications of the proposed development is set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Retail (A1 use)	536	1,835	-327
Restaurant (A3 use)	1,626		
Dental surgery (D1 use)	41	0	-41
Sui generis use	138	0	-138
Office (B1 use)	1,489	4,084	+2,595
Residential (C3 use)	193	369	+176
Ancillary	0	3,938	+3,938
Total	4,023	10,226	+6,203

8. DETAILED CONSIDERATIONS

8.1 Land Use

Objections have been received from the ward councillors, local residents and amenity societies about the inappropriate increase of office floorspace in this area, the loss of unique high-quality restaurant and independent shops, the low provision of residential units and the lack affordable housing.

Additional office floorspace

The scheme proposes an uplift of 2,595 sqm of office floorspace. Some objectors consider that the enlargement of the office use is inappropriate in this area which falls outside the Core CAZ.

Policy S20 of the City Plan relates to offices and identifies the need to for significant additional office floorspace within Westminster to retain and enhance Westminster's strategic role in London's office sector and support London's global competitiveness. However this policy states that 'New office development will be directed to Paddington, Victoria and Tottenham Court Road Opportunity Areas, the Core Central Activities Zone, the Named Streets, and the North Westminster Economic Development Area.'. Given that the application site falls outside these areas this policy is not relevant to the assessment of the application.

Policy S10 of the City Plan relates to Pimlico. This policy states that 'This area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision. Retail and other appropriate town centre uses will be directed to the Warwick Way/Tachbrook Street CAZ Frontages and the Local Shopping Centres'. The

policy goes on to state that 'Outside these locations, new commercial uses will not generally be appropriate unless they provide services to support the local residential community in that part of the Central Activities Zone.'. Within the glossary to the City Plan 'Town Centre uses' are defined as A use serving visiting members of the public which may be appropriate at ground floor level in a designated Shopping Centre. Town centre uses include A1 retail uses, non-A1 retail uses, health uses, libraries, entertainment facilities, hotels and offices.'

Policy S10 recognises the predominantly residential nature of the Pimlico area. However this part of Pimlico is mixed in character with retail, residential and office uses, and for this reason the application site forms part of a designated CAZ Frontage. The existing buildings on the site comprise retail, office and residential uses with office use making up approx.37% of the total floorspace. By contrast the amount of residential floorspace on the site represents only approx. 5% of total floorspace. The proposed scheme does not seek to introduce a new commercial use onto the site but seeks to increase the amount of office floorspace through redevelopment. Overall in the proposed scheme the amount of office floorspace will increase by 2,595 sqm. Although a meaningful increase, the office use proposed represents approx.40% of the total floorspace (this increases to approx.55% when the ancillary floorspace is apportioned to the office use). Whilst it would be desirable in policy terms to increase the amount of residential floorspace within the scheme, with a corresponding reduction in office floorspace, this has proved difficult given the constraints of the site adjacent to the Queen Mother Sports Centre.

The application site sits adjacent to the boundary with the Queen Mother Sport Centre (QMSC). The council has indicated that it has plans to redevelop this sport and leisure facility for the benefit of the local community. Officers have taken the view that the provision of windows along the north east boundary of the application site (which face onto the QMSC) would be likely to be bad neighbour windows. This would be the case for any land use but is particularly the case for residential use. The provision of bad neighbour residential windows as part of a redevelopment scheme on the application site may fetter part of the QMSC site as they would be protected by planning policies in terms of protecting the residential amenity of future occupiers. This could restrict the development opportunity of the QMSC which would not be acceptable in policy terms. It is therefore considered that having a building mainly in office use at this location would have less impact to the redevelopment of the adjoining leisure facility. This is because office windows do not require natural light in the same way residential windows do and the council's planning policies generally do not seek to protect the amenities of office occupiers. On this basis only a small part of the site is proposed for residential use where it would not be impacted by the potential redevelopment of the QMSC. The residential uses have been carefully designed in order to protect the future residential amenity of the occupants.

The objections to the commercial aspect of the current scheme are understood. The proposal does not fully comply with the aims of Policy S10. However given that the site is located within a CAZ frontage in a part of Pimlico that has a mixed use character, that the proposed scheme does not introduce a new office use to the site and that it allows development without fettering the redevelopment of the QMSC,, the proposal is considered acceptable in land use terms. In addition the provision of office uses at upper floor level will provide economic benefits in the form of additional spend in the local area from the jobs created by the office use. The applicant estimates that the proposed site has

the potential to generate an increase of approximately 500 additional jobs both in retail and office (based on the Homes and Communities Agency's Employment Density Guide (3rd Edition) November 2015).

The site is located within the London Mayor's CAZ and The London Plan is also a relevant material consideration in the determination of this application.. The supporting text of the current 2016 London Plan Policy 2.11 states that it is important to ensure adequate supply of office accommodation and other workspaces in the CAZ. Policy 4.2 supports the redevelopment of office provision to improve London's competitiveness and attracts businesses of different types and sizes.

The draft (Intend to Publish) London Plan 2019 is also a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the process to adoption. Draft Policy GC2 (Making the best use of land) part C supports exploration of intensification of the use of land to support additional workspaces particularly in locations that are well connected. Draft Policy CG5 (Growing a good economy) promotes sufficient employment in the right locations to support economic development. Finally, Draft Policy SD4 (The Central Activities Zone) promotes the support and enhancement of office functions within the CAZ.

Policy S20 of the City Plan clearly aims to provide additional office floorspace within the Core CAZ and Opportunity Areas. In these areas, Policy S1 seeks to provide a mix of uses by requiring residential floorspace or an equivalent payment in lieu to be provided where certain thresholds are reached. However given that the site falls outside the Core CAZ, this policy does not apply.

The objections received also raise concerns about the impact on local infrastructure such as schools or medical practices. It is not considered that the increase of office workers will have such an impact on local facilities to refuse permission.

It is therefore considered that the proposed increase of office floorspace, whilst not in line with the Council's policies, on balance due to the existing mix of uses within the application site, the character of Wilton Road, and the Core CAZ and the relationship with the QMSC is appropriate at this specific location and will contribute to the City economic vitality without being detrimental to the character of this CAZ Frontage.

Residential use

UDP Policy H3 "To Encourage the Provision of More Housing" seeks to protect all residential uses and maximise the amount of land or buildings in housing use on sites outside the CAZ. Policy S14 "Optimising Housing Delivery" states that housing is a priority across the borough.

At present there are four existing flats located at 64-65 Wilton Road. The new residential floorspace is increased by 176 sqm which is welcomed in policy terms.

Originally the revised scheme submitted in April 2020 included seven units: 2 studios, 4 one-bedroom flats and one three-bedroom flat. At first and second floor levels the 2 studios and the 2 one-bedroom were not considered of acceptable quality given the size of the units and their single aspect layout. Upon officer's recommendation the layout of the

residential floorspace at those levels reverted to the original scheme. The proposed housing mix comprises four x 2-bedroom flats and one x 3-bedroom flat.

The City Council wants to encourage more families to move into and stay in Westminster by providing more family sized housing. Policy H5 of the UDP requires that 33% of housing units be family-sized (being three or more bedrooms). This proposal provides only 20% family-sized accommodation. Whilst the proportion falls below the 33% requirements, given the range of unit sizes offered and the busy nature of the street, in this instance the proposed mix of units is not resisted.

The flats have been designed to comply with London Plan space standards. All units are dual aspects and would benefit from outdoor amenity space. The residential accommodation will be accessed from an independent access from Gillingham Row.

Environmental Health recommend that the protection of the future occupiers from existing external noise sources and new internal noise sources is secured by conditions.

Whilst the provision of residential floorspace is regrettably limited to the northern corner of the building, the provision is compliant with policy and additional provision might compromise the redevelopment of the QMSC as detailed earlier in his report. It is not considered that the application could be refused on the basis of low provision of residential units.

The Pimlico FREDA and the Pimlico Neighbourhood Forum are concerned that the proposed housing will be used for short-term let purposes. This application is for permanent housing, short-term lets over 90 days in any calendar year falls within a separate use class and planning permission would be required to use the flats as such. An informative is recommended to advise the applicant of the legislation on this point.

City Plan Policy S16 relates to affordable housing. It requires that proposals of 10 or more new residential units, or those including over 1000sq.m of additional residential floorspace, must provide affordable housing. The provision of affordable housing is therefore not required in this instance and cannot be a ground to refuse planning permission.

The increase in residential floorspace as part of this scheme is welcomed and whilst more residential floorspace would have been desirable in policy terms, given the constraints of the site, this has not proved possible to achieve. The proposal complies with both Policy H3 of the UDP and S14 of the City Plan which seek to increase the residential floorspace within Westminster.

Retail and restaurant provision

The provision of shops and restaurants at basement and ground floor level is welcome as they will contribute to the character and function of this section of the street.

Currently, the existing buildings have an active ground floor with a mix of restaurants, shops and a medical Chinese treatment facility with a retail element. The proposed scheme will retain that active frontage.

Policy S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP encourage new retail floorspace in the shopping centres and the CAZ Frontages. The policy requests that at least the same amount of retail floorspace as was there before is provided.

City Plan Policy S24 is also relevant as it relates to entertainment uses and states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

The amount of retail, restaurant and sui generis provision is reduced by 465 sqm. The existing provision of retail at basement and ground floor levels represents approximately 28% of the existing basement and ground floor levels floorspace. In addition, it is noted that on the other side of Wilton Road there is a supermarket (Sainsbury).

The proposed plans do not identify which units will be in retail uses and which will be in restaurant uses; this is to provide some flexibility. To protect the character of this CAZ Frontage, a condition is recommended to ensure that a minimum of 500 sqm remains in use as retail floorspace.

With regards to the new restaurants, given the existing provision, it is considered sufficient to control the hours of opening (from 10.00 to 23.00) and the submission of an operation management plan by conditions to protect the amenity and local environmental quality.

In addition, the Environmental Health officer recommends a condition dealing with the requirements to provide kitchen extracts to demonstrate that their locations when chosen will be in line with the guidance.

Many objectors deplore the fact that the existing operators might not be able to afford a space within the new units and there is a concern that the new occupiers might not serve the needs of the local community. Whilst these objections are understood, it should be noted that there is no policy basis on which to protect an existing occupier. Conditions are recommended to provide the 9 self-contained units shown on the plans, a minimum provision for retail floorspace and to limit uses of the units to restaurant and retail. Those conditions are considered to respond to the objectors' concerns as the units could be potentially occupied by a restaurant or other local services, permission cannot be withheld on this basis.

Many objections also refer to the loss of external seating in connection with existing restaurants. Whilst it is understood alfresco dining and drinking contribute to the vibrancy and character of an area, there are no policies that protect the use of the pavement for a private operator. Moreover, the proposed scheme will still provide restaurants at ground floor level and subject to the final design of the servicing arrangements and tree planting it is likely that space will be available for outside seating.

Loss of community use

There is a dental surgery at first floor at No. 63 Wilton Road. The proposed scheme does not include any community floorspace to replace the loss of the dental surgery.

Westminster's City Plan Policy S34 states that "All social and community floorspace will be protected except where existing provision is being reconfigured, upgraded or is being relocated in order to improve services and meet identified needs as part of a published strategy by a local service provider. In all such cases the council will need to be satisfied that the overall level of social and community provision is improved and there is no demand for an alternative social and community use for that floorspace. In those cases where the council accepts a loss or reduction of social and community floorspace the priority replacement use will be residential."

Policy SOC 1 of the UDP states that proposals which involve the redevelopment or change of use of community facilities will be required to include adequate replacement facilities.

Whilst the loss is contrary to policy, on balance the existing dental surgery is small (41 sqm) and there are 7 alternative dental practice within 10 minutes walking distance and their number increases to 13 within 15 minutes walking distance. In addition, with the benefit of the scheme in terms of employment and increased residential floorspace provision, officers accept that in this instance the loss of the community facility is acceptable.

8.2 Townscape and Design

Objections have been received from Ward Councillors, local amenity societies and local residents about the height, bulk, mass and detailed design of the building. It is described as an inappropriate development that would negatively impact the adjacent buildings, the setting of the Gillingham Row listed buildings and the adjoining Pimlico Conservation Area.

53-73 Wilton Road are adjoining unlisted buildings which date from the 19th and early 20th century and vary in terms of architectural quality. The site includes two post-war infills (no.56-62 and 66-71), constructed following WWII bomb damage. The site lies outside of, but directly adjacent to the Pimlico Conservation Area, situated to the south of the site. The site is also adjacent to a terrace of nineteenth century, Grade II listed buildings fronting Gillingham Row. Overall the group of buildings make a neutral contribution to the townscape.

Following negotiations with officers, the scheme has been amended to omit one storey on each blocks of the building, amend the roof profile, reduce the extent of glazing and revise the ground floor.

The revised redevelopment scheme comprises four linked buildings ranging between four and six storeys (above basement level) all blocks are completed by mansard style roofs. The lower of the blocks are suitably placed to the north and south where the site meets the conservation area and smaller scaled terraces. Whilst larger in scale than the existing group of buildings, the proposed scheme is felt to mediate successfully between the neighbouring buildings to the north that border Victoria Station and the lower buildings to the south and the considerably larger Hindon Court to the west.

The floor blocks exhibit a shared architectural language. The base of the building, which will be occupied by a new retail parade, features glazed brick work with a series of sculptured arched openings. The upper parts of the building are faced in buff brick with white brick string courses defining the floors. The main facades are articulated by vertical glazing, relieved by decorative Juliet balconies. Recessed balconies define the curved corners of the residential units to the north, with horizontal curved glazing and metal balustrades express the corners of the commercial blocks. Each block is completed by a contemporary multi-faceted mansard, which incorporate roof top plant. Due to its proximity to the sports centre to the east, the rear of the building is less expressive, and more utilitarian in appearance, which is appropriate.

The height, bulk and architecture of the development is considered suitable in this context and will have a modest impact views from within the Pimlico conservation area, where the development is largely read alongside existing developments within the area and will not appear disproportionate.

The proposals are not opposed on design grounds, and for the reasons set out above withholding permission on design or impact on the adjoining listed building and the character and appearance of the conservation area are not considered reasonable. It is considered therefore that the proposal, that subject to conditions requiring sample of facing materials and detailed drawings of typical bay, shopfront, doors, windows and Juliet Balconies, comply with the City Plan policies S25 and S28, and DES1 of the UDP.

Public art

Public art as an important role in the physical environment by creating visual stimulation, that is why saved UDP Policy DES7 encourages the provision of public artwork for redevelopment scheme.

The choice of green tiling for the treatment of the ground floor level was the subject of comments from local residents and amenity societies. It is proposed that the final patterning and materiality of the tiles is designed in collaboration with a local artist. The provision of public artwork within the envelope of the building and at ground floor level will contribute to enliven the ground floor treatment, so the details and provision will be secured by condition.

8.3 Residential Amenity

There are numerous residential properties in close proximity of the site in particular the properties in Gillingham Row and Gillingham Street and as well as those on the opposing side of Wilton Road.

The City Council places high priority on protecting residential amenity, with UDP Policy ENV13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Also relevant is Policy S29 of the City Plan which relates to the health, safety and wellbeing and states that the Council will result proposals that would result in an unacceptable material loss of amenity. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise. Policy ENV13 also states that regard should be given to the Building Research Establishment guidance entitled,

“Site layout planning for daylight and sunlight: a guide to good practice” (the BRE guide) published in September 2011.

Numerous neighbouring residents have objected on the grounds the proposal would harm their amenity, particularly in terms of loss of light, an increased sense of enclosure and noise disturbance.

8.3.1 Daylight and Sunlight

The applicant has submitted a Daylight and Sunlight Report that assesses the impact on the proposed development on the amount of daylight and sunlight received by neighbouring residential windows.

Daylight

A daylight and sunlight report has been submitted in support of the application to demonstrate compliance with the BRE Guide. The assessment considers the properties below:

- Nos. 1 to 7 Gillingham Row
- Nos. 1 to 27 Gillingham Street
- No.74, 76, No.77, No.90, No. 91 and Nos 92-95 Wilton Road
- Hindon Court
- Barrington Court
- Nos. 1-5 and 7-11 Longmoore Street
- Nos. 2 to 22 Upper Tachbrook Street
- Nos. 181 and 239 Vauxhall Bridge Road

Residential properties beyond these are considered too distant from the subject property to result potentially in unacceptable light loss.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. Under this method, if the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. 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. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows, known as the No Sky Line (NSL) method. This is a measurement of the area of working place within these rooms that will receive direct daylight from those that cannot. The BRE guide suggest that reductions from existing values of more than 20% should be avoided, as occupiers are likely to notice the change.

The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances such as denser inner city environments. Whilst it is accepted that the BRE model is a guide based on a suburban model, it remains an objective means of assessing an application and enables effective comparison of daylight/sunlight impacts.

There are breaches of the above VSC criteria at 5, 6 and 7 Gillingham Row, 7 and Hindon Court. There are also breaches of the NSL criteria at 5 and 7 Gillingham Row and Hindon Court. These breaches are summarised below:

Table 1: Vertical Sky Component breaches

Neighbouring building	No. of windows assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
5 Gillingham Row	6	5 (83.3%)	0	0	1	1
6 Gillingham Row	6	4 (66.6%)	0	0	2	2
7 Gillingham Row	5	0 (0%)	0	1	4	5
Hindon Court	200	164(82%)	22	10	4	36
Totals*	217	173 (79.7%)	22	11	11	44

*Excludes properties assessed and found to be BRE compliant

Table 2: No Sky Line breaches

Neighbouring building	No. of rooms assessed	No. BRE compliant	No. BRE breaches			
			20% to 29.9% loss	30% to 39.9% loss	40% + loss	Total
5 Gillingham Row	5	1 (20%)	0	1	0	1
7 Gillingham Row	3	0 (0%)	1	2	0	3
Hindon Court	132	97 (85.1%)	7	2	7	16
Totals*	137	114 (83.2%)	8	5	7	20

*Excludes properties assessed and found to be BRE compliant

Of the properties listed above, the daylight assessment shows that 44 windows will fail VSC criteria and 20 rooms fail the NSL criteria. The tables above indicate that the most affected buildings would be 7 Gillingham Row and Hindon Court from first to third floor levels. All the other windows will not have VSC or NSL losses that exceed the parameters set out within the BRE guide.

In terms of the VSC breaches, table 4 below shows in detail the losses to the affected windows.

Table 3: VSC breaches in detail

Building / Floor / Room / Window	Existing VSC	Proposed VSC	Loss (%)	Room/circumstances
5 Gillingham Row / G / R2-370 / W4-370	0.06	0	100	Bedroom (NSL compliant)
6 Gillingham Row / G / R2-360 / W4-360	3.09	1.24	59.87	Bedroom (NSL compliant)
6 Gillingham Row / 1 / R2-361 / W2-361	5.63	3.28	42.27	Bedroom (NSL compliant)
7 Gillingham Row / 1 / R1-351 / W1-351	20.01	4.9	75.51	

7 Gillingham Row / 2 / R1-351 / W2-351	26.67	9.92	62.8	Living room – NSL loss 35.6%
7 Gillingham Row / 2 / R1-351 / W4-351	21.64	10.73	50.84	
7 Gillingham Row / 1 / R2-351 / W3-351	23.63	8.27	64.85	Bedroom - NSL loss 32.7%
7 Gillingham Row / 1 / R3-351 / W5-351	23.77	14.6	38.58	Bedroom - NSL loss 25.7%
Hindon Court / 1 / R1-1061 / W1-1061	32.62	18.69	42.7	Bedroom - NSL loss 51.1%
Hindon Court / 1 / R2-1061 / W2-1061	32.49	19.72	39.3	Bedroom - NSL loss 56.9%
Hindon Court / 1 / R3-1061 / W3-1061	31.72	20.59	35.09	Bedroom - NSL loss 46.1%
Hindon Court / 1 / R4-1061 / W4-1061	31.64	21.62	31.67	Bedroom - NSL loss 50%
Hindon Court / 1 / R5-1061 / W5-1061	31.26	22.45	28.18	Bedroom - NSL loss 39.5%
Hindon Court / 1 / R6-1061 / W6-1061	31.13	23.05	25.96	Bedroom - NSL loss 22.8%
Hindon Court / 1 / R7-1061 / W7-1061	31.67	24.37	23.05	Bedroom - NSL loss 25.7%
Hindon Court / 1 / R8-1061 / W8-1061	31.81	25.37	20.25	Bedroom (NSL compliant)
Hindon Court / 2 / R6-1102 / W6-1102	34.23	25.52	25.45	Living room (NSL compliant)
Hindon Court / 2 / R7-1102 / W7-1102	36.7	26.47	27.87	Living room - NSL loss 49.1%
Hindon Court / 2 / R8-1102 / W8-1102	36.66	26.17	28.61	Living room - NSL loss 42.9%
Hindon Court / 2 / R9-1102 / W9-1102	33.06	23.08	30.19	Living room - NSL loss 22.1%
Hindon Court / 2 / R10-1102 / W10-1102	34.72	24.44	29.61	Living room (NSL compliant)
Hindon Court / 2 / R11-1102 / W11-1102	33.12	22.6	31.76	Living room - NSL loss 25.7%
Hindon Court / 2 / R12-1102 / W12-1102	29.25	19.21	34.32	Living room - NSL loss 26.9%
Hindon Court / 2 / R1-1182 / W1-1182	35.51	23.99	34.13	Living room - NSL loss 40.4%
Hindon Court / 2 / R2-1182 / W2-1182	33.6	22.47	33.13	Bedroom (NSL compliant) – - without balcony VSC loss 32.25%
Hindon Court / 2 / R3-1182 / W3-1182	28.3	18.75	33.75	Living room (NSL compliant) – without balcony VSC loss 29.41%
Hindon Court / 2 / R3-1182 / W4-1182	34.61	25.81	25.43	Bedroom (NSL compliant)
Hindon Court / 2 / R4-1182 / W5-1182	34.34	26.58	22.6	Living room (NSL compliant)

Hindon Court / 2 / R4-1182 / W6-1182	28.3	21.59	23.71	Living room (NSL compliant) - without balcony VSC loss 19.42%
Hindon Court / 2 / R5-1182 / W7-1182	28.54	22.8	20.11	Bedroom (NSL compliant)
Hindon Court / 3 / R2-1103 / W2-1103	21.23	16.82	20.77	Kitchen-dining (NSL compliant) – under projecting roof
Hindon Court / 3 / R9-1103 / W9-1103	33.82	25.85	23.57	Kitchen-dining (NSL compliant)
Hindon Court / 3 / R11-1103 / W11-1103	33.92	25.36	25.24	Kitchen-dining (NSL compliant)
Hindon Court / 3 / R12-1103 / W12-1103	29.9	21.72	27.36	Kitchen-dining (NSL compliant)
Hindon Court / 3 / R1-1143 / W1-1143	15.38	5.65	63.26	Bedroom – NSL loss 65.6% -without balcony – VSC loss 33.04%
Hindon Court / 3 / R2-1143 / W2-1143	9.23	6.56	28.93	Living room (NSL compliant)
Hindon Court / 3 / R2-1143 / W3-1143	36.94	26.3	28.8	Without balcony W2/1143 VSC loss 12.76%
Hindon Court / 3 / R2-1183 / W3-1183	15.26	8.94	41.42	Bedroom – NSL loss 45.5% - without balcony VSC loss 26.1%
Hindon Court / 3 / R3-1183 / W4-1183	32.38	25.05	22.64	Living room (NSL compliant) - without balcony VSC loss 21.49%
Hindon Court / 4 / R1-1144 / W1-1144	15.59	8.13	47.85	Bedroom – NSL loss 37.6% - without balcony VSC loss 24.95%
Hindon Court / 4 / R2-1144 / W2-1144	9.5	7.6	20	Living room (NSL compliant) - without balcony VSC loss 8.9%
Hindon Court / 4 / R2-1184 / W3-1184	15.71	11.57	26.35	Bedroom (NSL compliant) - - without balcony VSC loss 16.62%
Hindon Court / 4 / R3-1184 / W4-1184	15.61	12.15	22.17	Living room (NSL compliant) - without balcony VSC loss 14.13%
Hindon Court / 5 / R1-1145 / W1-1145	16.42	11.24	31.55	Bedroom (NSL compliant) - - without balcony VSC loss 17.12%

With regards to 5 and 6 Gillingham Row, as shown in table 3, the actual losses of VSC are relatively low. The percentage losses exceed the 20% threshold due to the existing low levels of light, so even a small absolute loss of VSC results in high percentage loss. One room at 5 Gillingham Row fails the NSL criteria by 35,5% (R2/370), the window serving that living room are VSC compliant. The window is located behind an internal lightwell so whilst the room is 129.7 sqft the reduction of floorspace that will receive direct light is only 3.8 sqft (from 10.7sqft to 6.9sqft) which is relatively low.

7 Gillingham Row is the closest residential property to the redevelopment site. It would be the most impacted property with high losses of VSC and NSL. The 2-bedroom flat property is single aspect, all its front elevation windows are directly adjacent to the flank elevation of the application site. The second-floor windows are high level windows serving the first floor living room. Given the proximity between 7 Gillingham Row and the application site and the fact that the flat relies only on its front elevation windows to provide internal light any changes in height at 52 Wilton Road would inevitably have a great impact on 7 Gillingham Row rooms.

At Hindon Court, it is noted that some windows are located under projecting balconies. The BRE guidelines states that care must be taken in applying the guidelines, if for example a building has a balcony or overhang above the window, then greater reduction in sunlight or daylight may be unavoidable. In these circumstances even a modest obstruction opposite may result in a large relative impact on daylight and sunlight received. An additional assessment omitting the balconies shows that the impact would be lessened as out of 13 failing windows under a balcony, 6 windows would not comply with VSC criteria set out in the BRE guidelines and the breaches would be reduced from up to 63.26% VSC loss to up to 33.04% VSC loss. This is shown in the table above and reflected in the narrative below.

23 of the 36 windows failing the VSC criteria have remaining VSC absolute value between 26.58% and 20.59% which is marginally below the 27%. 10 of the rooms served by those windows are NSL compliant and 4 have NSL losses between 22.1% and 25.7% which is considered to be only slightly above the 20% threshold. Three of the rooms with losses between 39.5% and 46.1% are bedrooms (R3/1061, R4/1061 and R5/1061). BRE guidelines state that bedrooms are less important in relation to daylighting distribution than main living rooms, it is considered that the levels retained are acceptable and the impact is not considered sufficient to justify refusal. Three other rooms with losses between 40.4% and 49.1% are living rooms (R7/1102, R8/1102 and R1/1182), the windows serving those rooms would respectively retain VSC absolute value of 26.47%, 26.17% and 23.99%. All those rooms are located at second floor level and the windows are located behind a parapet delimiting the terrace. The BRE guidance acknowledges that if an existing building contains rooms "lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable". It is considered that all those windows would remain relatively well lit.

4 windows (W1/1061, W2/1061, W12/1102 and W3/1182), located at first and second floor levels, with loss between 33.75% and 42.7% have remaining VSC absolute value between 18.69% and 19.72% which is not unusual for a scheme in a dense urban environment. The room served by W3/1182 is NSL compliant and the room served by window W12/1102 has only a loss of 26.9%. The first floor rooms R1/1061 and R2/1061, which are part of the same flat, have respectively high NSL losses of 51.1% and 56.9% but those rooms are used as bedrooms and in accordance with BRE guidance are afforded less protection than principal rooms. The flat has also two rooms at second floor level R1/1182 whose results are detailed in the paragraph above and R2/1182 which is NSL compliant and would retain a VSC absolute value of 22.47%. It is therefore not considered that the daylight levels would worsen to a degree that would justify withholding planning consent.

The 3rd floor level window W2/1103 and 4th level windows W2/1144, W3/1184 and W4/1184 have VSC losses between 20% and 26.35% which are marginally above the 20% and are all NSL compliant.

At third floor level W1/1143 has a VSC loss of 63.26% and the room has a NSL loss of 65.6%. The room used as a bedroom is located under a balcony. The main window to the living room of that flat has a remaining VSC value of 26.3% just below the 27% threshold and it is NSL compliant.

At third floor level W3/1182 has a VSC loss of 41.42%, at fourth floor level W1/1144 has a VSC loss of 47.86% and the room has a NSL loss of 37.6% and at fifth floor level W1/1145 has a VSC loss of 31.55% but it is NSL compliant. Those rooms are used bedrooms and located under a balcony. The living room of those flats are both VSC and NSL compliant.

In conclusion, whilst some rooms are experiencing significant losses, the retained levels are considered typical of a densely developed urban location. On balance the application is considered acceptable in terms of its impact on the daylight received by surrounding residential windows.

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.

The BRE guidelines state that rooms will appear reasonably sunlit provided that they receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual winter sunlight hours. A room will be adversely affected if the resulting sunlight level is less than the recommended standards and reduced by more than 20% of its former values and if it has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Table 4: Annual Probable Sunlight Hours breaches

Neighbouring building	No. of rooms assessed	No. BRE compliant	Total Breaches
6 Gillingham Row	5	3	2
7 Gillingham Row	3	0	3
Hindon Court	21	19	2
Totals*	29	22	7

*Excludes properties assessed and found to be BRE compliant.

The APSH results show a transgression for two rooms at 6 Gillingham Row, 5 at 7 Gillingham Row and 2 at Hindon Court.

At Hindon Court the annual sunlight losses are 20.7% and 26.7%. The windows would have a retained value of 22% and 23% which is only slightly below the recommended

guidance. Room R2/1142 is compliant in winter and R2/1143 has an absolute winter value of 4% which is considered acceptable in an urban location.

6 Gillingham Row has existing low annual sunlight values which explained the great losses of 60% and 40%.

All rooms at 7 Gillingham Row are in breach with BRE sunlight guidance. One bedroom will retain a good level of sunlight (3% Winter APSH and 23% Annual APSH compared to the recommended 5% and 25%). The other bedroom will retain 1% Winter and 13% Annual APSH and hence will continue to have acceptable level sunlight in a dense urban location. The other room is a living room will retain an annual sunlight value in excess of the guidelines but only 3% of winter APSH. Despite the lower sunlight availability, the winter sunlight level is considered reasonable.

Conclusion

BRE guide indicates daylight and sunlight results should be interpreted flexibly. The City Council assessed needs to assess whether the impacts on daylight and sunlight are within acceptable limits. As detailed in the paragraphs above whilst it is recognised that the proposed scheme will cause material daylight and sunlight losses to neighbouring properties given the specific circumstances it is not considered reasonable to refuse permission in this instance as the rooms will retain acceptable daylight and sunlight levels in a dense environment context. Accordingly, the resulting daylight and sunlight levels would be consistent with policy S29 of the City Plan and ENV13 of the UDP.

8.3.2 Sense of Enclosure and loss of privacy

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.

The scheme includes the introduction of residential windows and balconies at first and second and terraces at third floor levels facing Gillingham Row. There are also terraces for the office users one at 3rd and one 4th floor levels facing the South of Wilton Road and two at 5th floor levels to each sides of the top floor.

The most impacted properties are the one located in Gillingham Row and Gillingham Street.

Gillingham Row is a narrow street of approximately 4 meters. The first windows at 7 Gillingham Row are already facing the side elevation of 52 Wilton Road and second floor windows are high level windows serving the first floor living room. The additional bulk will be noticeable, as the property is single-aspect and due to the low distance between the properties, any form of development at 52 Wilton Road would have an impact on 7 Gillingham Row windows. Given the existing relationships between the properties the views from the windows are already limited it is not considered that the increased sense of enclosure experienced by the occupants is significant enough to refuse permission. While the impact on these rooms is regrettable it is not enough to justify withholding planning consent. Moreover, it should be noted that the new retail and residential windows within Gillingham Row will improve the environment for the residents of that narrow and quiet street. The changes will introduce passive surveillance and enliven the corner

contributing to giving a sense of place and reducing potential for anti-social behaviour. The new elevation treatment facing Gillingham Row is a clear benefit from the scheme.

In terms of overlooking given the difference of levels between the two properties it is not considered that from the first-floor level windows it will be possible to have views into the 7 Gillingham Row windows. In addition, on that elevation the windows will have a 1.1 m balustrading to provide screening and privacy.

The other properties in Gillingham Row have only oblique views into the application site as they face the Queen Mother Sport Centre so these neighbours would not be unduly enclosed or have a loss of privacy.

For residents on Gillingham Street, the impact from the proposed development would not be unduly oppressive and would not cause loss of privacy. Indeed, the closest rear windows are located 14 m away from the development site. These windows are either bedrooms or hallways. The distance is considered sufficient to avoid an increase in a sense of enclosure and overlooking.

The office terraces given their position are not considered to cause overlooking issues.

8.3.3 Noise Disturbance

Objectors raised concern about the noise associated with the building uses and plant.

Policy ENV13 of the UDP and S29 of the City Plan seek to protect and improve residential amenity within the City. Policy ENV 6 of the UDP and Policy S32 of the City Plan relate to noise specifically and require design and operational measures minimise and contain noise from developments.

Noise associated with plant is discussed further in paragraph 8.7.1 of this report.

With regards to the terraces for the office users, conditions are recommended to limit the hours of use of the terraces from 10.00 to 18.00 Monday to Friday and prevent the use of music. It is also proposed to limit the hours for servicing from 07.00 to 18.00. Therefore, it is considered the environment of the adjoining properties are protected.

Objectors are concerned about the noise impact linked with increased office workers. Wilton Road is a commercial street with a lot of activity during daytime and in the evening. It is not considered that the noise associated with the increased number of workers accessing and leaving the premises mainly at daytime during the weekdays will be significant enough to cause noise disruption.

8.4 Transportation/Parking

Objections have been received on the grounds of loss pavement space, parking, traffic and additional footfall.

Car Parking

No off street car parking is proposed. The absence of car parking for the commercial elements of the building is welcomed by the Highways Planning Manager.

With regards to the residential part of the scheme, UDP Policy TRANS23: Off-Street Parking: Residential Development details an 80% on-street car park occupancy threshold above which the provision of additional vehicles to the on-street parking environment will result in an unacceptable level of deficiency.

Policy TRANS23 includes all legal parking spaces. During the daytime period within the area, the legal on-street spaces for permit holders are Residents' Bays and Shared Use Bays. The evidence of the Council's most recent daytime parking survey in 2018 indicates that the parking occupancy of Residents' Bays and Shared Use Bays within a 200-metre radius of the development site is 76.9% (consisting of 272 Residents' and 48 Shared Use Bays, 212 and 34 of which were occupied respectively).

It is recognised that the introduction of increased levels of residential in this area without off-street parking or on-street parking restraint is likely to increase the stress levels. Overnight the pressure on Residents' and Shared Use Bays reduces to 75.6% and residents can also park free of charge on metered parking bays or single yellow line in the area. Therefore, it is considered that addition of 5 residential units without having off-street car parking is in line with TRANS23.

It is therefore not considered reasonable to withhold permission on the grounds of impact on parking.

Servicing

UDP Policy Trans 20 requires that servicing should take place off-street. However the existing building is served from on-street. The applicant has explored the possibility of serving the development from an off-street servicing bay, but it is recognised that it would be difficult to achieve given the relatively narrow site. It is therefore agreed that on-street servicing will not be resisted in this instance. A Servicing Management Plan is proposed which will be secured by condition.

The submitted drawings shows a rebuilt footway alongside the building's Wilton Road frontage including lay-bys for servicing and new trees. The detailed design of this part of the highway is a decision for the relevant Cabinet Member and the Highways Planning Manager commented that what is proposed is not the only option. Nevertheless, the Highways Planning Manager agrees the footway will need to be rebuilt and the works to the highways will be part of the legal agreement.

Pedestrian movement

The impact of additional commuters has been raised within the objection letters. The Highways Planning Manager comments that the proposed footway is sufficiently wide due to the (approx.) 1.2m set back at ground floor level. However the installation of outdoor furniture would restrict footway width due to the proposed alterations to the public realm. It is understood how important the tables and chairs are to the local community and their

contribution to the local economy. A condition is recommended to secure details of outdoor furniture once final details of the highway works are known. For example loading pads could be used by pedestrians when they are not being used by vehicles so they could form additional footway. If the Council deemed that extra footway was required at certain times of day, it could through traffic order process, control the times of the day at which loading is allowed in the pads. These solutions could allow for the installation of outdoor furniture without being detrimental to pedestrian movement.

The area under the proposed overhang is currently shown to be unadopted. To simplify matters, officers consider that the Council should adopt the footway underneath the overhang. This is something that the applicant is considering.

Cycle Parking

The provision of 80 cycle parking spaces (70 for the office/retail elements and 10 for the residential units) is in line with the London Plan standards for long-stay parking. Whilst it is unfortunate that no dedicated short-stay parking is provided it is not considered that permission can be withhold on that grounds.

A condition is recommended to secure the cycle parking provision.

Building Line

The proposed scheme includes bringing the building forward on Wilton Road. The Highways Planning Manager confirmed that the areas on which the applicant proposes to bring the building forward are not classed as highway maintained by the City Council. Nevertheless, on the grounds that the public have had free access to those areas for many years they should be considered as public highway.

Whilst the proposal is not in line with UDP Policy TRANS3, it is conceded in this instance that the natural path for any pedestrians walking along Wilton Road would be on the land that is public highway maintained by the Council. This is because the building line at ground floor level is not consistent and a number of ground floor properties have put external seating on their forecourts. As originally submitted the scheme included a more generous set back at ground floor level (approx. 5.5m). This would have allowed more room for tables and chairs. However this setback was reduced because of concerns about anti-social behaviour.

The Highways Planning Manager points out that there is some compensation in that the footway is proposed to extend beyond its existing kerbline throughout much of the frontage so that pedestrians would get at least as much space as they currently get further to the north. e.g. north of Gillingham Row.

So, on balance the proposed scheme is not resisted on highways grounds. Nevertheless, Pursuant to s247 of the Town and Country Planning Act 1990 the applicant would require a stopping up order for parts of the public highway to enable this development to take place. The stopping up of highway will be required prior to commencement of development.

8.5 Economic Considerations

The proposed increase in office floorspace is welcome through supporting economic growth in this part of the Pimlico CAZ.

8.6 Access

All entrances will provide level access and there will be lift access throughout the replacement building.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise

External plant is proposed at roof level with additional equipment enclosed at basement levels. Due to the early stage of the project, outline plant selections only have been made. As such, plant noise limits have been developed to be achieved at the most exposed noise sensitive receptor location. Adherence to these limits will be secured through the imposition of conditions, including the requirement for the submission of a supplementary acoustic report for the City Council's approval that demonstrates compliance with the relevant criterion within UDP Policy ENV 7. On this basis Environmental Health raise no objections to the application and, despite the concerns raised, it is not considered that the plant operation would adversely affect the amenities of existing, or future, residents.

With regards to the proposed restaurant use, the agent confirmed that the central core and ground floor spatial allowances have been designed to allow for cooking extract ducts to be taken up and out of the highest part of the building. The details of the extract duct and their exact position will be secured by condition upon Environmental Health officer's recommendation to ensure that they will not cause disturbance to the local residents.

8.7.2 Refuse /Recycling

Policy ENV12 requires the provision of suitable facilities for waste storage and recycling in new developments.

The initial waste storage provision for the commercial and residential use was not considered adequate for the proposal by the Council's Waste Project officer. Revised documents have been received to address the concerns raised and the proposed arrangements are now considered suitable.

Appropriate condition to secure the arrangements are attached.

8.7.3 Trees/landscaping

There are three street trees (Whitebeams) to the front of the site on Wilton Road. Whilst their removal is regrettable given their high amenity value, it is considered that subject to an appropriate landscape replacement, it is not reasonable to resist the loss of the street trees.

Upon officers' recommendation an amended landscaping proposal and a drawing showing the feasibility of the installation of a soil crating system have been submitted during the course of consideration of the application. The Council's arboricultural officer is not convinced by the suitability of the five fastigate tree species proposed. Nevertheless, as the proposed trees are located in the highways it is considered that the species choice and the number of trees to ensure suitable growth and aesthetic can be dealt at a later stage. The provision of landscape scheme will be secured via legal agreement through funding of the trees and soil crating system as part of the highway works.

8.7.4 Sustainability

The applicant has submitted an Energy Statement and Sustainability Statement in support of their application.

Policies 5.1 to 5.9 of the London Plan focus on how to mitigate climate change and the carbon dioxide emissions reduction targets that are necessary across London to achieve this. London Plan Policy 5.2 sets out carbon reduction targets which apply to major developments and requires a 35% reduction of CO₂ emissions over the baseline emissions to be achieved by the development.

City Plan Policies S28 and S40 of Westminster's City Plan require major development to reduce energy use and emissions that contribute to climate change during the life-cycle of the development and to maximise onsite renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice design of building services, lighting and controls;
- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

The applicant has submitted an energy statement prepared by Chapman BDSP which focuses on CO₂ reduction by using an efficient building envelope with efficient mechanical and electrical services along with gas-fired boilers serving the residential and commercial aspects of the development. Renewable energy is proposed in the form of PV tiles.

It is proposed to deliver a 56.9% for the domestic use and 27.3% for the non-domestic use improvement in carbon emissions based on the current Building Regulations (2013). Whilst there is an improvement from the figures originally provided the non-domestic use is failing to meet the onsite requirement 35% in the London Plan. The energy strategy is currently proposing to address this via carbon offset cash in lieu contribution. The applicant has demonstrated why various low-zero carbon technologies have not been retained and the limits to the utilisation of renewables on site. Therefore, the carbon offset payment of £43,956 (index linked) for the shortfall in carbon savings relative to the requirements of the London Plan (Policy 5.2 and Policy SI2 of the draft London Plan) is agreed and will be secured through the S106 legal agreement.

The site is in close proximity with the Pimlico district heat network (PDHU) but there is no possibility to connect at this time. The network is going through a programme of decarbonisation and there are proposals for expansion, the Wilton Road area being identified as a technically viable route for the PDHU pipe network. Therefore, upon officers' recommendation the revised energy strategy includes a future proofed connection to the district heat network through the incorporation of a separate plant room and connection room sleeve. The strategy is considered appropriate and will be secured through condition. However, given the uncertainty about the expansion timeframe, it is not considered reasonable to set a deadline as to when the development should connect to PDHU.

A BREEAM pre-assessment has also been undertaken to establish the likely and potential score and rating for the develop development. The results show that the development achieves a BREEAM Excellent Rating. and it is recommended that this be secured by condition.

8.7.5 Biodiversity

It is recognised that the ecological value of the existing site is quite low, nevertheless given the site is redeveloped it is considered that details of biodiversity measures as bat box/ bird nest must be secured by condition.

8.7.6 Air quality

The site is within the city-wide Air Quality Management Area with declared exceedances for short and long term Nitrogen Dioxide NO objectives.

Policy S31 City Plan seeks to reduce air pollution from developments. The applicant has provided a statement prepared by Entran which has been reviewed by the Council's Environmental Health officer who requested further information to assess the impacts from any centralised energy facility or communal boilers, to compare number of servicing and delivery trips against the criteria, to use the dispersion modelling to predict future concentrations of air quality pollutants and to calculate the building emission and compare them against the benchmarks. Revised air quality technical notes have been provided in order to respond to the queries raised by Environmental Health. In particular, the applicant has revised its air quality strategy by considering boilers with lower emission limits. This additional information is currently being assessed by Environmental Health officers and an update will be provided verbally to committee.

8.7.7 Employment and skills

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

- Helping residents access a wide range of opportunities in range of employment sectors. For example, retail, hospitality, facilities management connecting to the end use of a development.

-Support developers to deliver their agreed targets through a service with a proven track record.

-The note sets out how contributions will be calculated according to the type of development proposed. In this case the commercial floorspace (office and retail uses) attracts a contribution of £180,468.03. The applicant has agreed to this contributions.

8.7.8 Flood Risk

A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application, which sets out appropriate flood evacuation procedures and measures. The Environment Agency raises no objection to the proposals.

Policy 5.13 of the London Plan specifies that development should utilise Sustainable Urban Drainage Systems (SUDs) unless there are practical reasons for not doing so, should aim to achieve greenfield run-off rates, and ensure that surface water run-off is managed as close as possible to its source.

The applicant has advised that the London Plan Drainage Hierarchy has been followed to identify appropriate site-specific measures to minimise the quantity of water discharged from the site and therefore reduce the risk of flooding. For the current scheme the following measures will be incorporated: 4 blue roofs and 2 attenuation tanks below the slab basement.

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. The Examination in Public took place between 28 September and 2 October and 12 October and 16 October 2020. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will generally continue to attract very limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

The Pimlico Neighbourhood Area was designated by the City Council on September 2016 and the site will be within the plan area for the forthcoming Pimlico Plan. The draft plan still in development and therefore can be afforded little to no weight at the present time. It is therefore not considered reasonable to withhold permission on the grounds that it is in not in line with the Pimlico Neighbourhood Plan objectives.

8.10 London Plan

The application raises no strategic issues. The maximum height of the proposed building is below the 30m threshold for referral to the Mayor of London.

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 condition to secure the applicant's adherence to the following:

- the applicant's adherence to the City Council's Code of Construction Practice;
- a written scheme of investigation for a program of archaeological work; and
- a site investigation to find out if the building or land are contaminated.

The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

For the reasons outlined elsewhere in this report, a draft 'Heads' of agreement are proposed to cover the following issues:

- i) Carbon offset payment of £43,956 (index linked) to be paid on commencement of development
- ii) All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions and associated work (legal, administrative and physical).
- iii) A financial contribution towards employment, training and skills of £180,468.03(index linked) payable on commencement of development.
- iv) Tree Planting Contribution of £20,000 index linked, to be used for the purposes of tree planting and maintenance, with planting priority where conditions allow to be given in the following order:
 - Zone 1; In the location shown on planning application drawing 055-A-11-10 G
 - Zone 2; Within 200m of the development site
 - Zone 3; Within Tachbrook ward
 - Zone 4; Any sites outside Zones 1-3 within the administrative boundary of the City of Westminster
- v) Costs of monitoring the S106.

The estimated CIL payment is £2,339,917.50 (£1,076,361.49 for the mayor of London CIL and £1,263,566.01 for the Council CIL).

8.13 Environmental Impact Assessment

The scheme is of insufficient size and impact to require assessment under the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

8.14 Other Issues

Queen Mother Sport Centre

Objections have been received on the grounds that the proposed scheme will hinder/prevent the redevelopment of the Queen Mother Sport Centre to the rear of the site. The main concerns are the new windows and balconies to the rear of the site, the noise and odour associated with a leisure centre and servicing.

The proposed redevelopment scheme includes fenestration along the rear boundary with the Queen Mother Sport Centre. There are existing rear windows within the application site. It is acknowledged that the number of windows and proximity with the neighbouring site will be increased. Nevertheless, most of the windows will serve the office floorspace, in a context of redevelopment of the QMSC the obstruction of those windows will not be resisted. To the northern corner of the site there are residential windows and balconies. All flats are at least dual aspects so they will not rely on the rear elevation to provide natural light to the habitable rooms. The rooms directly facing the QMSC are bedrooms and balconies serving the living room at the corner further away from the existing rear line of the QMSC and the windows are angled towards Gillingham Row. The applicant has been informed that those residential windows are considered to be un-neighbourly and they will not be strongly protected if the QMSC is redeveloped.

The Council's Development Team queried if obscured glazing could be installed to the balconies. It is considered that given their corner position it is not required.

With regards to existing noise environment the Environmental Health officer recommended conditions to ensure the protection of the future residents. It is not considered that there is an existing odour issue. If the QMSC is redeveloped given its location within an existing residential environment it would be required that the scheme do not cause noise or smells nuisance to the existing residents regardless of the redevelopment of the application site.

The servicing strategy detailed in section 8.4 of this report clearly shows that the application site will not rely on the QMSC site. With regards to access for maintenance purposes this is a private matter, that would have to be agreed outside the planning process.

In addition, the proposed scheme has been designed in order to provide opportunities of links between Wilton Road and the Queen Mother Sport Centre.

For the reasons set out above it is not considered that the redevelopment of 52-73 Wilton Road will prejudice the redevelopment of the QMSC in the future.

Basement excavation

The proposal includes excavation to the existing basement level and to create an additional basement level and concerns have been raised about the structural and flooding impact.

Policy CM28.1 requires that basement development be accompanied by a detailed structural methodology statement and a signed proforma Appendix A which demonstrates that the applicant will comply with relevant parts of the COCP. These have been submitted.

The purpose of the methodology statement at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

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

Thames Water has requested that a condition is imposed requiring a piling method statement to be submitted to the City's Council approval to ensure that the proposed will not harm the strategic main water.

There is no objection from Historic England (Archaeology) to the proposed excavation subject to the imposition of condition securing a two-stage process of archaeological evaluation and, if necessary, investigation and recording.

The Highways Planning Manager notes that the basement extends under the highway, so it must be at least 900mm below the surface of the highway to allow statutory utilities plant and the Council's furniture to go on the highway as required. The main line with the basement sites as the existing basement vaults, where there is a further protrusion of the basement under the highway it is set deeper to allow the tree pits (1380mm).

Construction impact

Concerns about disruption during the demolition and construction works have been raised by local residents.

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

The City Council's Code of Construction Practice (CoCP) and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new Code of Construction Practice was adopted in July 2016 and is designed to monitor, control and manage construction impacts on site throughout Westminster.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMP; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

It applies to all major developments and schemes involving basement excavation. In recognition that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effect and most cumbersome of these, the Council's approach is for a condition to be imposed requiring the applicant to provide evidence of compliance with the CoCP before starting work. Compliance is monitored by the Environmental Inspectorate.

A condition is also recommended to protect the amenity of the surrounding area by ensuring the core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways' authority or by the local authority under the Control of Pollution Act 1974.

Security

Representations have been received raising concern over the potential for the development to exacerbate the existing anti-social behaviour issues, such as rough sleeping, along the new frontage.

During the course of consideration of the application the scheme has been amended to bring the frontage forward and introduce aligned shopfronts, this reduced the setback from up to 5.3m to a maximum 1.2m. The applicant advises that the overhang is only slightly beyond the Metropolitan Police guidance of 1m, the responses received from the Designing out of Crime do not commented on this element of the scheme. In addition, the ground floor height is higher than normal 5m so the height of the underside of the curved architrave is 4.2m. It is considered that the changes are an improvement and would limit the potential for rough sleeping. In addition, the ground floor will have an active frontage on both Wilton Road and Gillingham Road.

The Designing out of crime section of the Metropolitan Police has been consulted and has offered comment and recommendation on the residential element, the postal strategy, the retail use, the office element, the cycle stores, the bin stores, the CCTV, the lighting, and the fire routes and security. The officer insists that within the Secured by Design scheme there must be a clear separation between the commercial and residential aspects. The officer recommends that prior to the first occupation of each building or part of a building or use a "Secured by Design" accreditation shall be obtained. It is considered that through this condition the specific matters raised by the officer such as the internal door changes

to avoid potential crossover, security systems or the building management processes. The applicant agreed that condition.

The amendments to ground floor design and the “Secured by Design” condition are considered to address the concerns raised.

Public consultation

Local residents and amenity societies state a lack of consultation with local community.

The applicant has submitted a Statement of Community Involvement (SCI), which sets out the consultation with the local community. The first consultation has included a two-day public exhibition and individual meetings with the Pimlico FREDA, the Pimlico Neighbourhood Forum and ward councillors. The invitation to the public exhibitions was posted to 3,721 addresses surrounding the site. A total of 80 people attended the public exhibition and were invited to complete a feedback form on the proposals to record their views on key aspects of the proposals which have been included as part of the SCI.

A revised SCI has been submitted as a second consultation has been carried before submitted the revised scheme. Given the pandemic context, letters were posted to 704 residential and business addresses, Pimlico FREDA, Pimlico Neighbourhood Forum and ward Councillors to invite to a digital consultation from the 20th of March 2020 to the 6th of April 2020.

The City Council consulted neighbours on the application on the original submission, and the revised submission.

Wind

Objectors raised concerns that the proposed scheme will create a wind tunnel effect. The proposed building which comprises 6 storeys on its highest part is not considered to be a tall building. It is therefore not considered reasonable to withhold permission on that grounds.

Loss of view, sale value, emergency vehicles access and precedent

Objections have additionally been received on the grounds of loss of view and loss of sale value in surrounding properties. Such matters are not material planning grounds and planning permission cannot be reasonably withheld on these grounds.

With regards to emergency vehicle access, the width of the highways for motorised vehicles is not affected by the scheme.

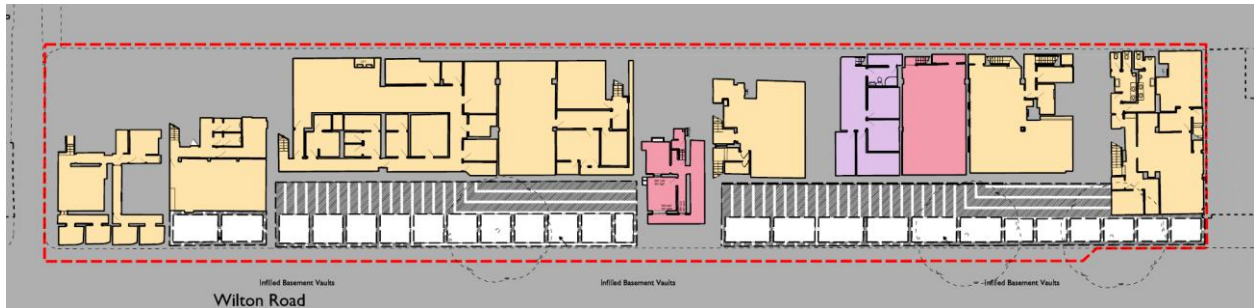
Each application is assessed on its own merits, having regard to the specific proposal, the specific application site and the policies at the time the application is considered. Accordingly, the approval of this development does not mean that similar proposal in the vicinity will also be approved.

Item No.
3

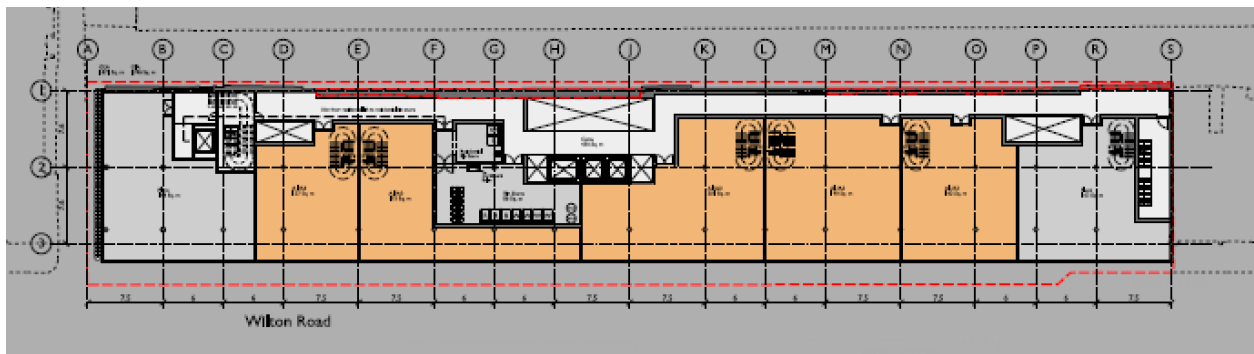
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AURORE MANCEAU BY EMAIL AT amanceau@westminster.gov.uk .
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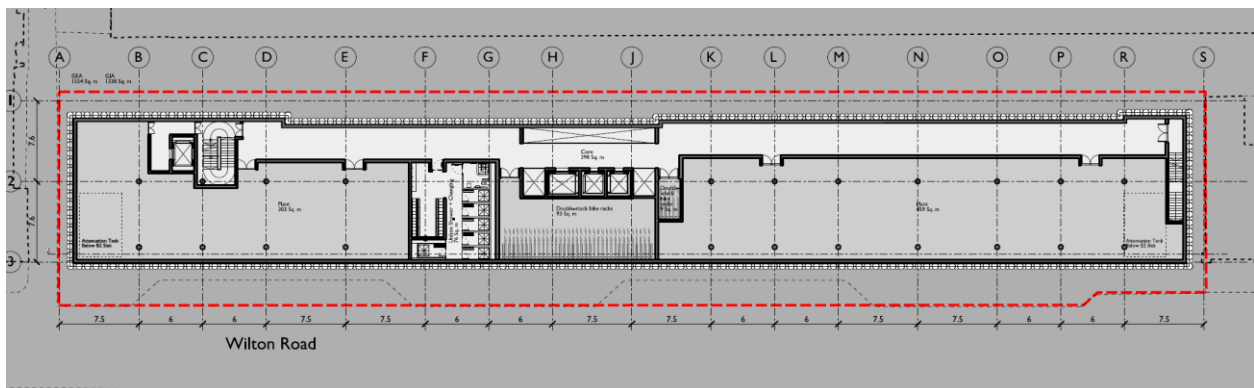
9. KEY DRAWINGS



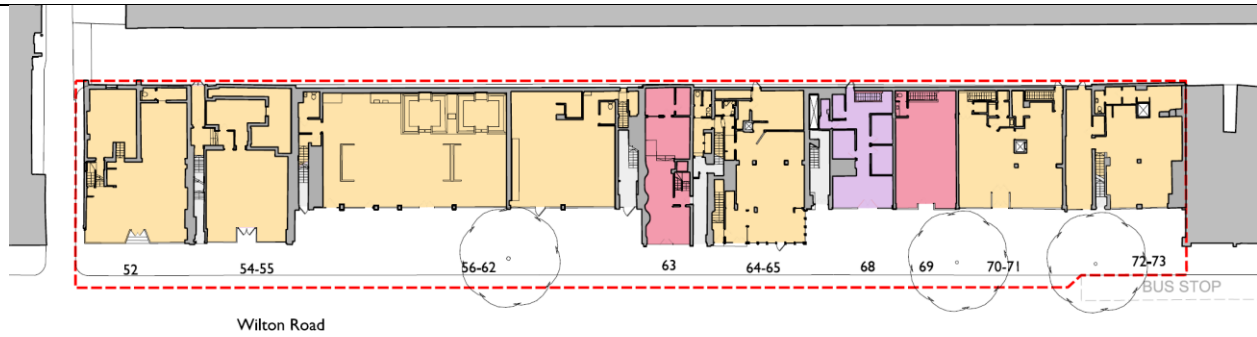
Existing basement



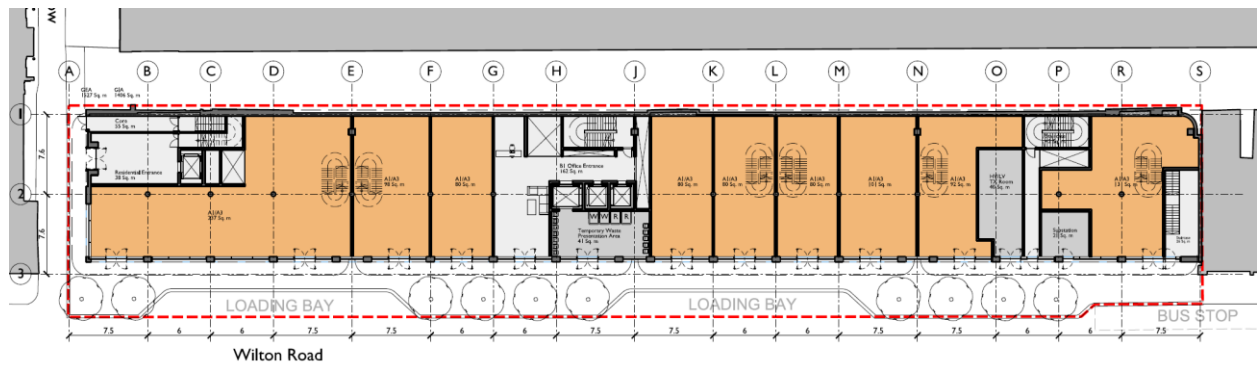
Proposed basement



New basement level



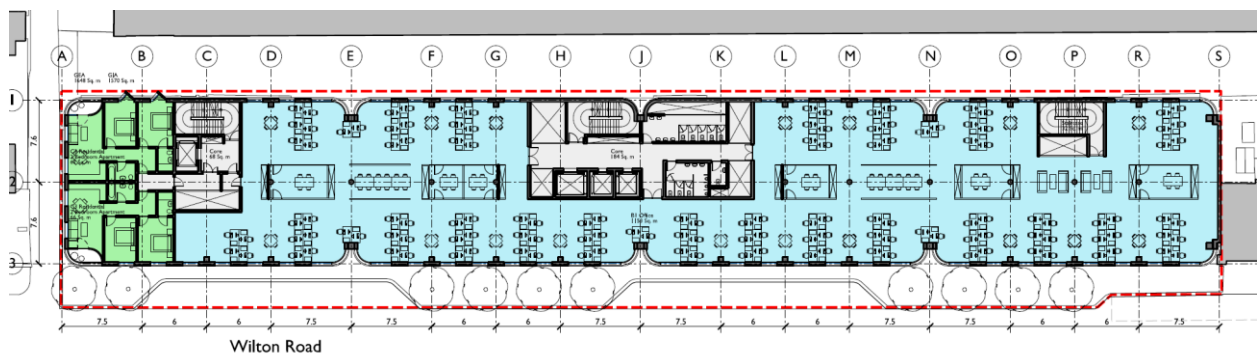
Existing Ground Floor plan



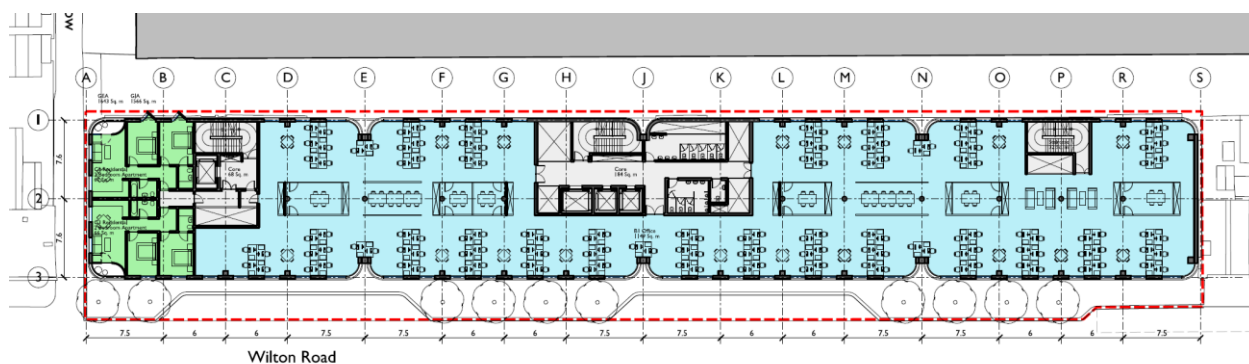
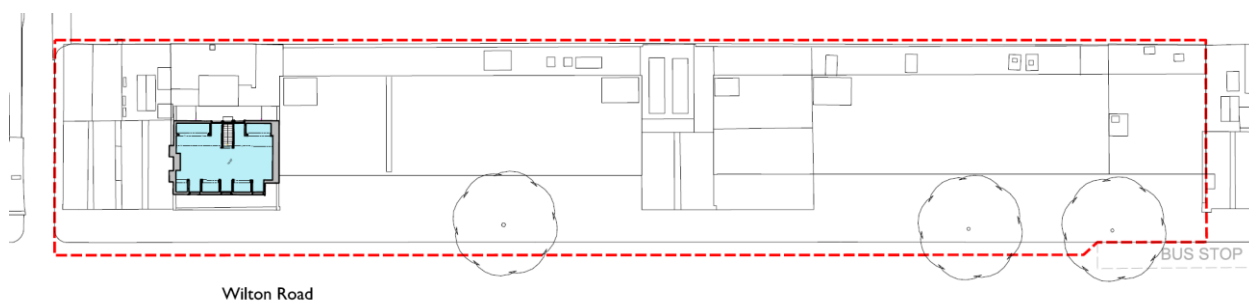
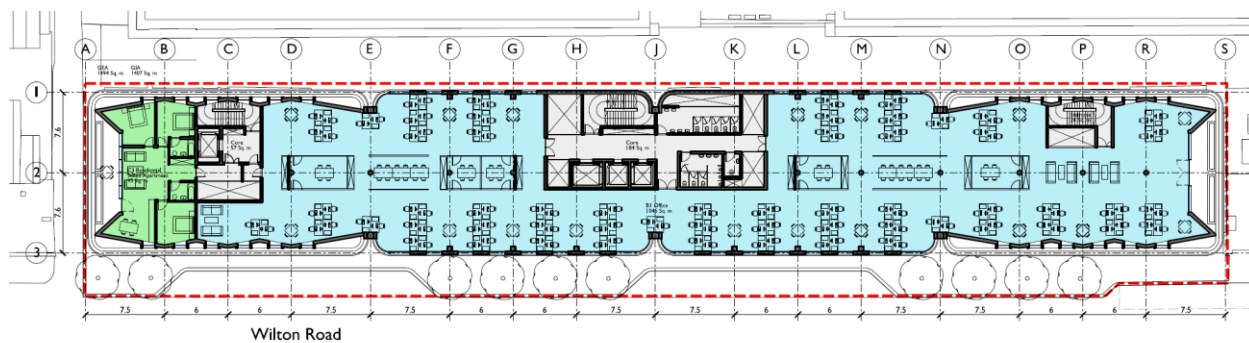
Proposed Ground Floor plan

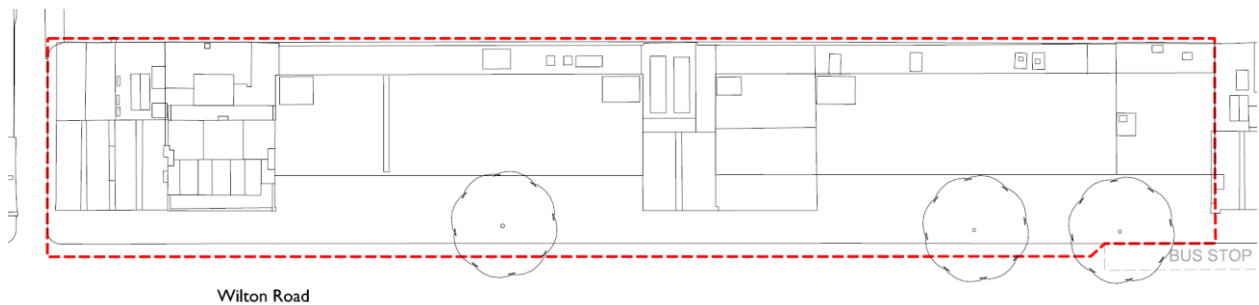
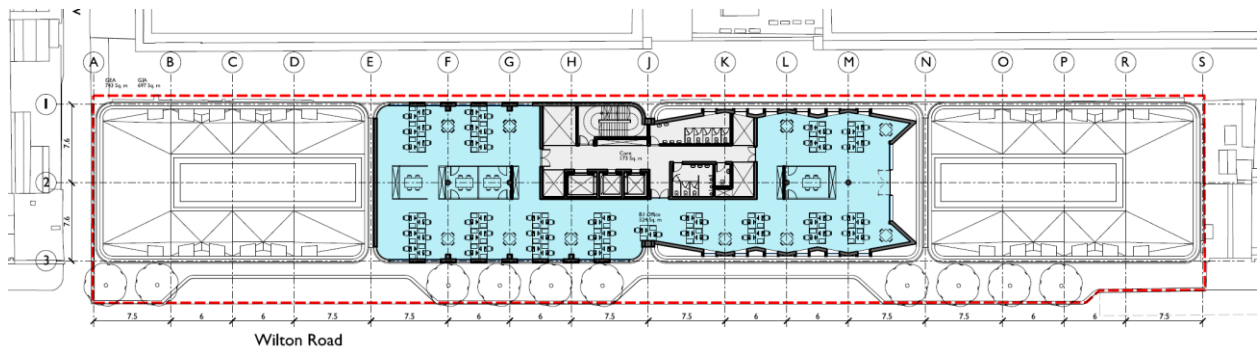
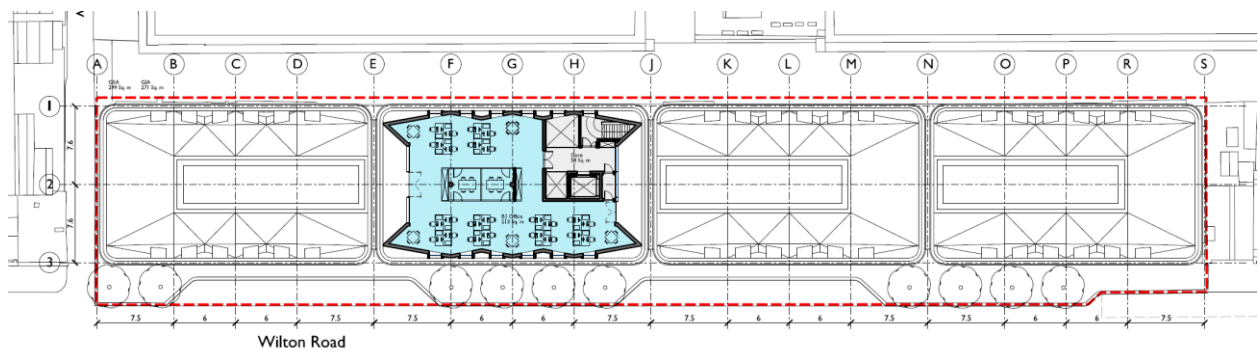
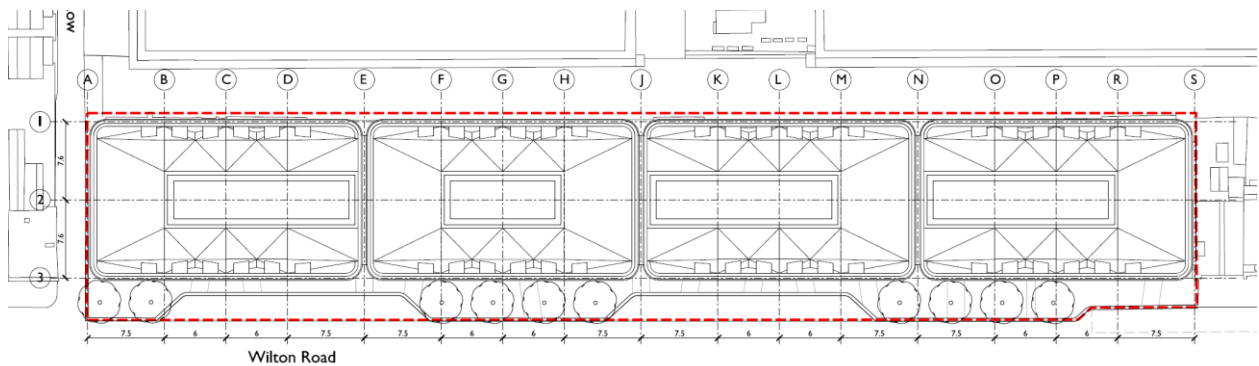


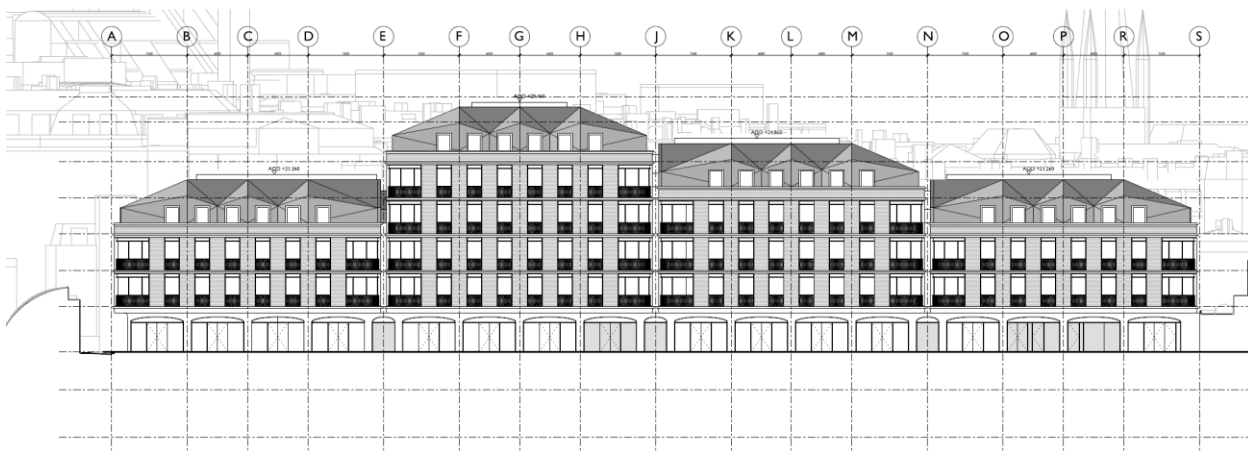
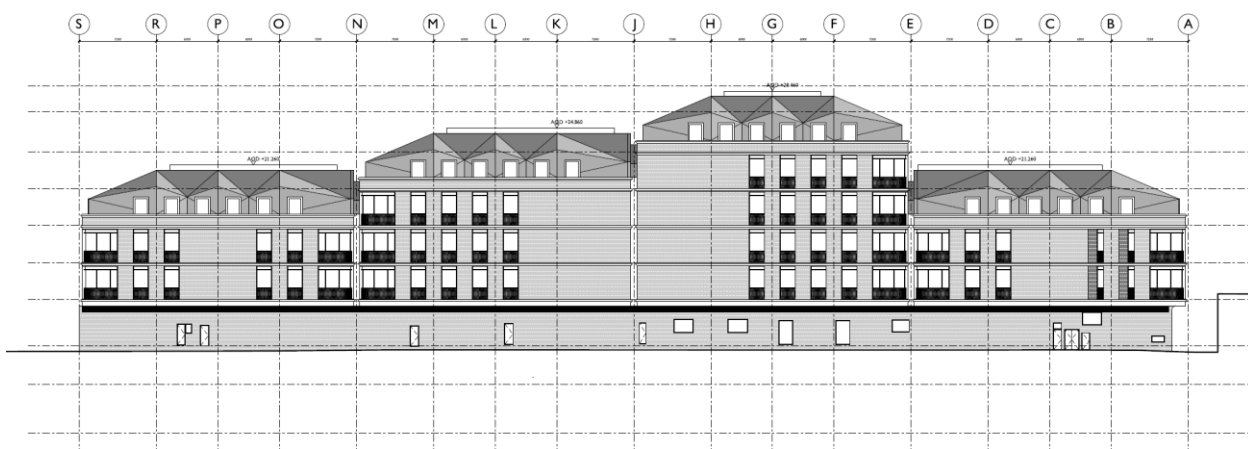
Existing First Floor plan

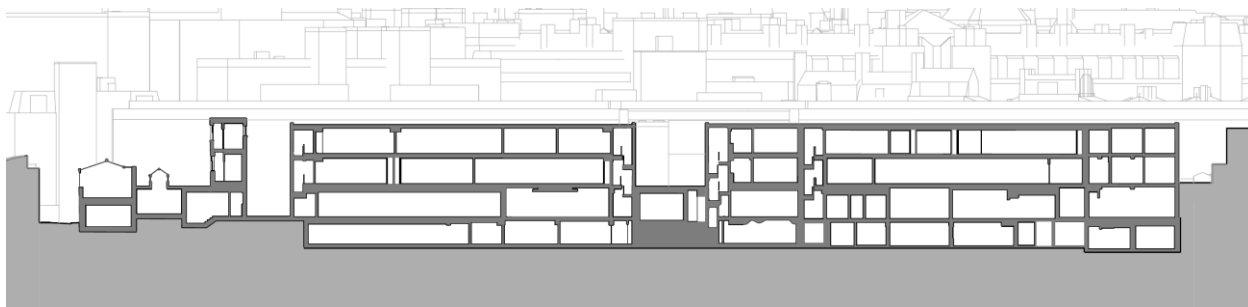


Proposed First Floor plan

**Existing Second Floor plan****Proposed Second Floor plan****Existing Third Floor plan****Proposed Third Floor plan**

**Existing Roof plan****Proposed Fourth Floor plan****Proposed Fifth Floor plan****Proposed Road plan**

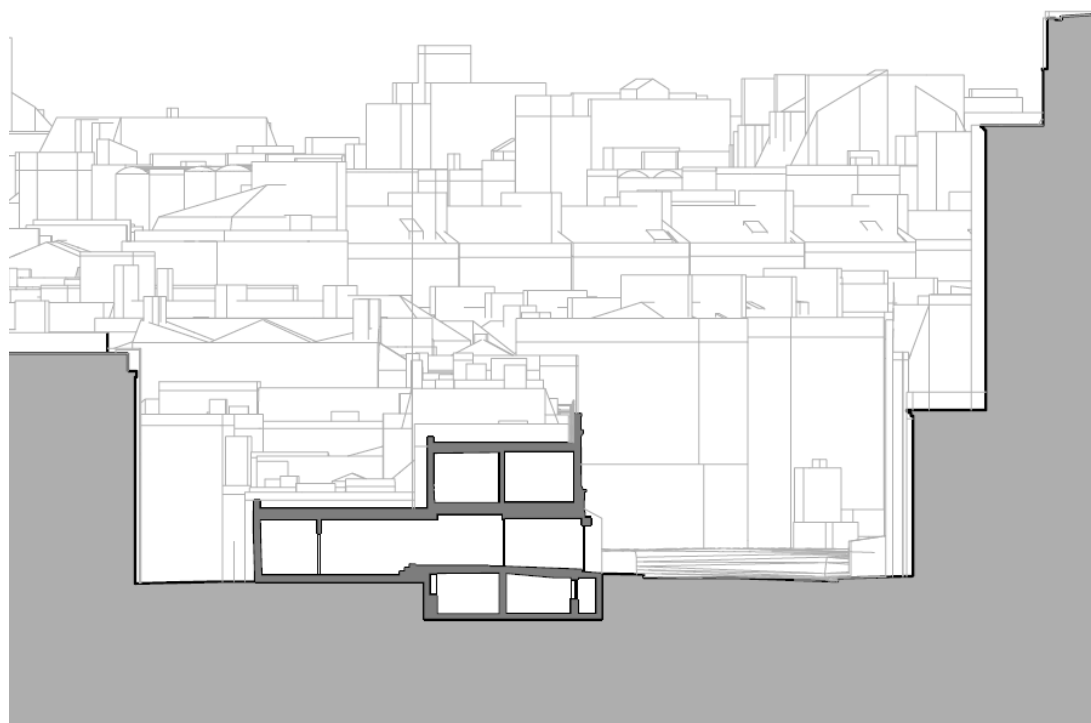
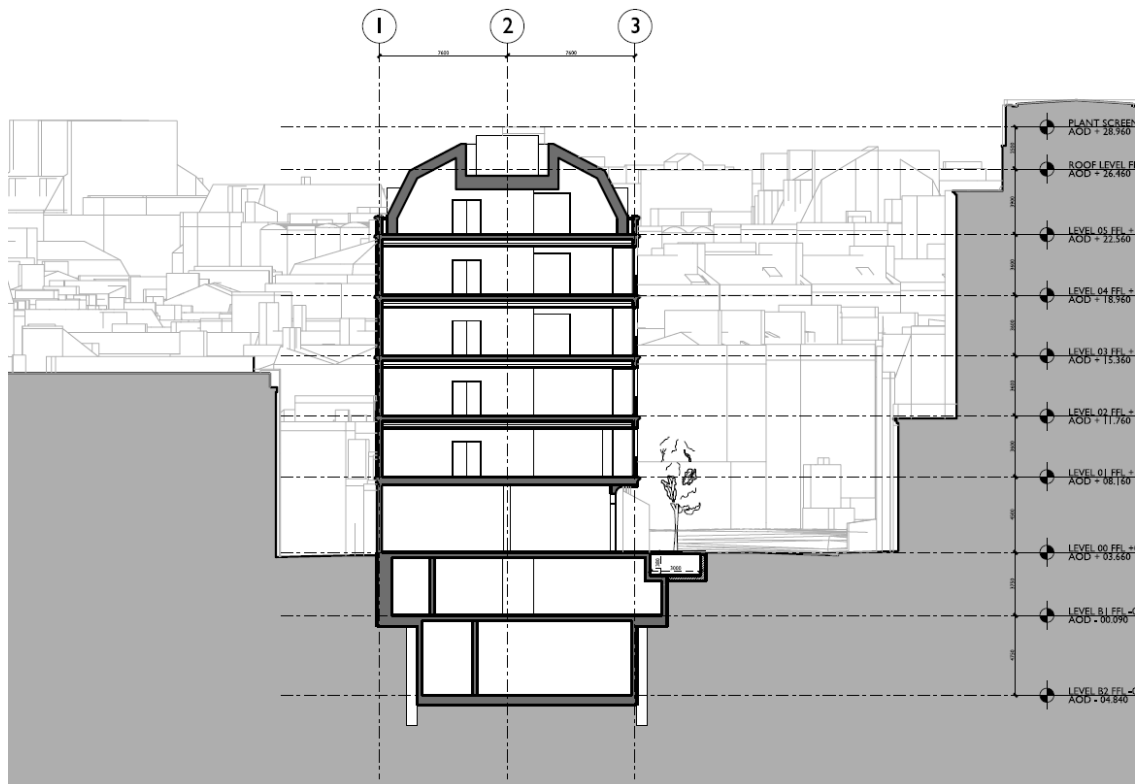
**Existing Front Elevation****Proposed Front elevation****Existing Rear elevation****Proposed Rear elevation**



Existing Section A-A



Proposed Section A-A

**Existing section B-B****Proposed section B-B**

DRAFT DECISION LETTER

Address: Development Site At 52 To 73, Wilton Road, London, ,

Proposal: Demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storeys building and 2 basement levels for a mixed-use development comprising office floorspace (use Class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th and 5th floor levels, 5 residential flats (4 x 2 bedroom flats and 1 x 3 bedrooms flat) with balconies (use Class C3) at first to third floor levels at the corner with Gillingham Row and retail floorspace (use Classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays.

Reference: 19/06682/FULL

Plan Nos: 055-B-10-01; 055-A-00-00 rev.A; 055-A-01-09 rev.B; 055-A-01-10 rev.B; 055-A-01-11 rev.B; 055-A-01-12 rev.A; 055-A-01-13 rev.A; 055-A-01-14 rev.A; 055-A-06-01 rev.A; 055-A-07-01 rev.A; 055-A-07-02 rev.A; 055-A-11-08 rev.E; 055-A-11-09 rev.H; 055-A-11-10 rev.G; 055-A-11-11 rev.E; 055-A-11-12 rev.E; 055-A-11-13 rev.E; 055-A-11-14 rev.E; 055-A-11-15 rev.E; 055-A-11-16 rev.E; 055-A-16-01 rev.E; 055-A-17-01 rev.E; 055-A-17-02 rev.E; Appendix A checklists; Acoustic planning report 19257_R02_A dated 16 August 2019 prepared by Sandy Brown; Energy addendum dated 08 October 2020 prepared by Chapman BDSP; Servicing Management Plan dated September 2020 prepared by Caneparo; Air quality technical note dated 12/06/20 prepared by Entran; Transport statement dated September 2020; Archaeology desk-based assessment revised in August 2019.

For information only:

For information only:

Area schedule; P765/MW 06; Revised statement of community involvement dated April 2020 prepared by Concilio; Fire safety strategy dated March 2020; Planning statement version 2 dated April 2020; Existing utilities assessment rev.01 dated 27 March 2020; Flood risk assessment and SUDs strategy report Rev. C dated 27 March 2020 prepared by Heyne Tillet Steel; Desk study and basement impact assessment dated March 2020; Structural methodology statement Rev. D dated 27 March 2020; Design and access statement dated October 2020; Low zero carbon technologies feasibility matrix dated October 2020; Daylight and sunlight report v.2 dated June 2020; Daylight analysis including without balconies results; Arboricultural impact assessment dated April 2020 HWA10346_APIII 2.0; Landscape strategy dated March 2020 868_LS_001; 868_DO_001; 868_PL_001; 868_PL_301; 868_PL_302; 868_PL_303; Ventilation and extraction statement 02 dated 27 March 2020; Sustainability statement Rev. 01 dated 17 March 2020; Townscape, visual impact and heritage assessment addendum dated April 2020

Case Officer: Aurore Manceau

Direct Tel. No. 07866038763

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 Pre Commencement Condition.

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA.

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

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

5 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 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 has been completed (Appendix E of the Structural Methodology Report).

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

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

Phase 4: Validation report - summarises the action you have taken during the

development and what action you will take in the future, if appropriate. (C18AA)

Reason:

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

- 6 Prior to the occupation of each use a "Secured by Design" accreditation shall be obtained for each use and thereafter all features are to be permanently retained.

Reason:

In the interests of public safety as set out in S29 of Westminster's City Plan (November 2016).

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

Reason:

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

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

- i) detailed drawing of a typical bay study;
- ii) detailed drawings of the shopfronts (sections and elevations);
- iii) detailed drawings of all new windows (sections and elevations scaled 1:10);
- iv) detailed drawings of all new external doors (sections and elevations scaled 1:10); and
- v) detailed drawings of the Juliette balconies.

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

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

Reason:

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

- 9 (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)

- 10 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)

- 11 (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)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 13 The design and structure of the development shall be of such a standard that it will

protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development. (R49BA)

- 14 (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 commercial use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 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 commercial use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.
- (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
 - (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;

(f) The proposed maximum noise level to be emitted by the activity.

Reason:

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

- 15 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) 9, 12, 13 and 14 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)

- 16 Customers shall not be permitted within the restaurant premises before 1000 or after 2300 each day. (C12AD)

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 TACE9 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 17 You must apply to us for approval of an operational management plan for each restaurant unit to include details of restaurant capacity and measures to prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant 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 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 9 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 18 You must apply to us for approval of details of the ventilation system to get rid of cooking

smells for each restaurant use, including details of how it will be built and how it will look. The termination of the extract system needs to be at high level. 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)

- 19 You must apply to us for approval of an updated ground floor and basement floor plan identifying a minimum of 500 sqm of retail floorspace. You must not occupy any part of the basement and ground floor floorspace until purposes until we have approved what you have sent us. You must then carry out the development in accordance with the details approved.

Reason:

To protect the special retail character of the area as set out in S21 of Westminster's City Plan (November 2016) and SS 4 (B) of our Unitary Development Plan that we adopted in January 2007.

- 20 The ground and lower ground floor units shall only be used for retail, cafe or restaurant purposes and kept as at least 9 self-contained units.

Reason:

We cannot grant planning permission for unrestricted use within Class E because we do not have enough information to decide whether other uses within Class E would be acceptable within this part of the Pimlico Central Activities Zone and Shopping Frontage.

- 21 Part of the first, second and third floor levels and the entire fourth and fifth floor levels shall only be used as office.

Reason:

We cannot grant planning permission for unrestricted use within Class E because we do not have enough information to decide whether other uses within Class E would be acceptable within this part of the Pimlico Central Activities Zone.

- 22 You can only use the office terraces at third, fourth and fifth floor levels hereby approved between the following hours: 1000 to 1800 Monday to Friday (excluding bank holidays and public holidays).

Reason:

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

- 23 You must not play live or recorded music or use amplified public address system on the office terraces.

Reason:

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

- 24 You must not operate a delivery service, nor shall the premises utilise a delivery and/or collections service operated by third parties for the restaurant use that operates at basement and ground floor levels hereby approved.

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.

- 25 You must provide the waste store shown on drawing 055-A-11-09 Rev. H and 055-A-11-10 Rev. G before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the office, retail and restaurant. 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)

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

Reason:

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

- 27 Notwithstanding what is shown on the approved drawings, you must hang all doors or gates so that they do not open over or across the footway 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)

- 28 Notwithstanding the information provided, you must apply to us for approval of a detailed Servicing Management Plan for the office, retail and restaurant uses within the approved development identifying process, internal storage location, schedule of deliveries and

staffing. You must not occupy any of these uses until we have approved what you have sent us. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.

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)

- 29 The development shall achieve an 'Excellent' rating under the BREEAM Assessment.

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)

- 30 You must apply to us for details of on-site biodiversity measures to be installed. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved documents.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 31 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme of the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method.

Reason:

The proposed works will be in close proximity to underground water facility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 32 No construction should take place within 5m of the water main. You must submit details how it is intended to divert the asset/align the development, so as to prevent the potential for damage to subsurface potable water infrastructure. Any construction must be undertaken in accordance with the approved details.

Reason:

The works will be in close proximity to underground strategic main, utility infrastructure.

The works have the potential to impact on local underground water utility infrastructure.

- 33 If you provide a bar and bar seating in any of the restaurants hereby approved, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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)

- 34 All servicing must take place between 07.00 and 18.00 hours on Monday to Sunday.

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)

- 35 You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site.

You must highlight on the copy of the planning permission any condition that restricts the hours of building work. (C21JA)

Reason:

To make sure other people in the building are fully aware of the conditions and to protect their rights and safety. (R21FA)

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

Reason:

To maintain the character of the area and the character and appearance of the adjoining Pimlico Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

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

Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan (November 2016) and H 5 of our Unitary Development Plan that we adopted in January

2007. (R07DC)

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

Reason:

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

- 39 The energy measures set out in the approved Energy addendum dated 08 October 2020 shall be provided and thereafter retained for the life of the development.

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)

- 40 The balustrade to new residential windows must be installed prior to the occupation of the flats and must be retained thereafter.

Reason:

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

- 41 You need to provide the following site-specific sustainability measures as set out in your application prior to occupation of any part of the development:
- a 12x 5m plantroom shown in the Energy addendum dated 08 October 2020 for the future connection with the Pimlico District Heat Unit;
 - 4 blue roofs and 2 attenuation tanks below the slab basement.
- Thereafter they shall be retained for the life of the development

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)

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

-the final patterning and materiality of the ground floor tiles designed in collaboration with a local artist.

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 secure the offer of public art and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R26GC)

- 43 You must not place any external seating of other items of furniture within the unadopted forecourt underneath the overhang unless otherwise agreed through condition 44 of this decision.

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 TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 44 You must apply to us for approval of details of:
- the layout for external seating in the unadopted footway underneath the overhang
 - an operational management plan for the external seating including hours of installation.
- You must not use the unadopted forecourt for external seating until we have approved in writing what you have sent us. You must then carry out the development in accordance with the details approved.

Reasons:

To make sure that the type and appearance of the tables and chairs (and where appropriate other furniture or equipment) is suitable to the detriment of the character and appearance of the area and 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 TACE 11 and DES7 of our Unitary Development Plan that we adopted in January 2007.

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 **HIGHWAYS LICENSING:**
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, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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.

BUILDING REGULATIONS:

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

- 3 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 4 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.

- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read Thames Water guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read Thames Water guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

- 6 Prior to the commencement of development, the highway will need to be stopped up under s247 of Planning Act. If works commence prior to the finalisation of the stopping up process, an obstruction of the highway is still occurring. The applicant must contact the Council by writing to Jeff Perkins (JPerkins@westminster.gov.uk) to progress the stopping up order.

The applicant will be required to cover all costs of the Council in progressing the stopping up order.

- 7 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 {b\ul 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.

- 8 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.

- 9 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 10 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 12 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:
- Carbon offset payment of £43,956 (index linked) to be paid on commencement of development
 - All highway works immediately surrounding the site required for the development to occur, including changes to footway levels, on-street restrictions, provision of soil crating system for planting and associated work (legal, administrative and physical).
 - A financial contribution towards employment, training and skills of £180,468.03(index linked) payable on commencement of development.
 - Tree Planting Contribution of £20,000 index linked, to be used for the purposes of tree planting and maintenance
 - Costs of monitoring the S106.
- (I55AA)

- 13 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:

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1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/short-term-lets.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

- 14 You are advised that not all areas of the footway whether adopted or unadopted can be used for external seating as it will depend on tree positions and loading bay designs. Within the adopted footway planning permission is required to install outdoor furniture.

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.