

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 4 July 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Pimlico North	
<b>Subject of Report</b>	<b>Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU</b>		
<b>Proposal</b>	Part demolition, remodelling and extension of existing part eight and part four storey building plus basement (Use Class E, with former caretaker unit) to create an eight-storey building plus basement and roof level plant (Use Class E) and new facade, relocation of main entrance to side facade, new landscaped garden space, roof terraces, waste storage, cycle parking, associated plant and other necessary works.		
<b>Agent</b>	Gerald Eve – Caoilfhionn McMonagle		
<b>On behalf of</b>	Elwood Fund Management		
<b>Registered Number</b>	23/01690/FULL	<b>Date amended/ completed</b>	13 March 2023
<b>Date Application Received</b>	13 March 2023		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Outside of a conservation area (close to Pimlico Conservation Area)		
<b>Neighbourhood Plan</b>	Not applicable.		

## 1. RECOMMENDATION

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

- a) Undertaking of all highways works immediately surrounding the site including removal of crossover, reinstatement of kerb and alteration to parking bays, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development);
- b) A financial contribution of £83,295 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
- c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- d) A financial contribution of £129,753 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster

- Employment Service (payable prior to the commencement of the development);
- e) A financial contribution of £513,297 (index linked) towards the Affordable Housing Fund (payable prior to the commencement of the development);
  - f) Provision of and adherence to a management plan relating to the public gardens, ensuring public access during daylight hours and appropriate security arrangements (to be agreed prior to occupation of the development); and
  - g) The costs of monitoring the S106 agreement.

2. If the S106 legal agreement has not been completed within 3 months from the date of the Committee's resolution then:

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

## 2. SUMMARY & KEY CONSIDERATIONS

Gillingham House is a 1970s office building comprising two elements, one street facing element and another to the rear, which are linked by a staircase. The top floor of the street facing element contains a residential flat.

The applicant proposes the partial demolition of the existing building (retaining approx. 60% of the structure) and its extension and alteration to provide an eight storey office building, without re-providing the existing residential floorspace. The development includes the provision of roof terraces serving the offices, provision of photovoltaic panels, cycle parking facilities, excavation to enlarge the existing basement, provision of a use on the ground floor café and a publicly accessible garden at ground floor. The new entrance, planting and landscaping at ground level result in the existing vehicle access into the site being removed and servicing occurring on-street.

The key considerations in this case are:

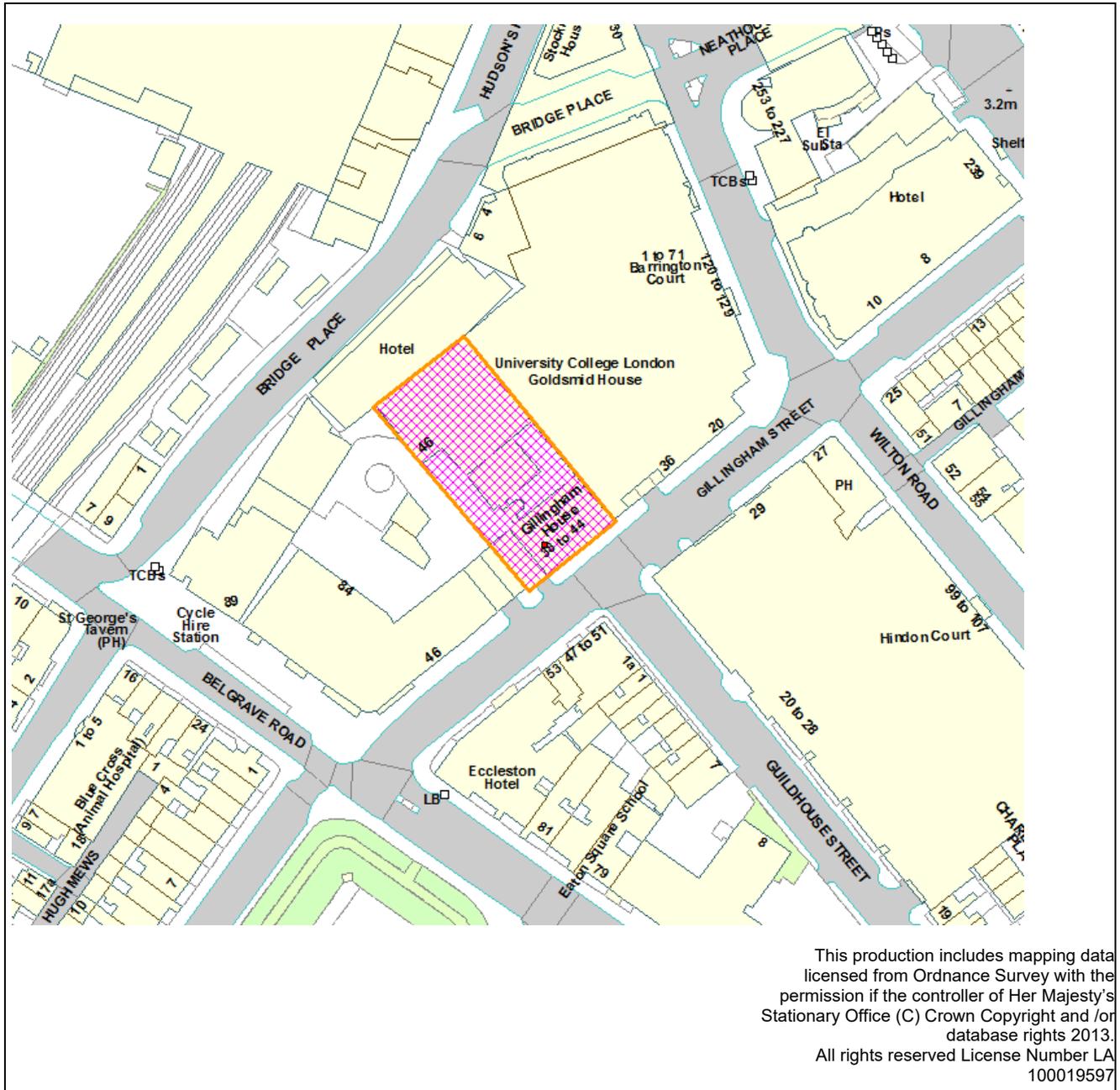
- The acceptability of the proposed increased office floorspace.
- The acceptability of the loss of the residential floorspace.
- The acceptability of the embodied emissions associated with the proposed building.
- The acceptability of the energy performance of the proposed building.
- Whether the development has delivered sufficient biodiversity net gain.
- The acceptability of the proposed building in design terms.
- The impact of the proposed building on the setting of nearby designated heritage assets,

including the Pimlico Conservation Area, the grade II listed Eccleston Hotel and other listed buildings in the area.

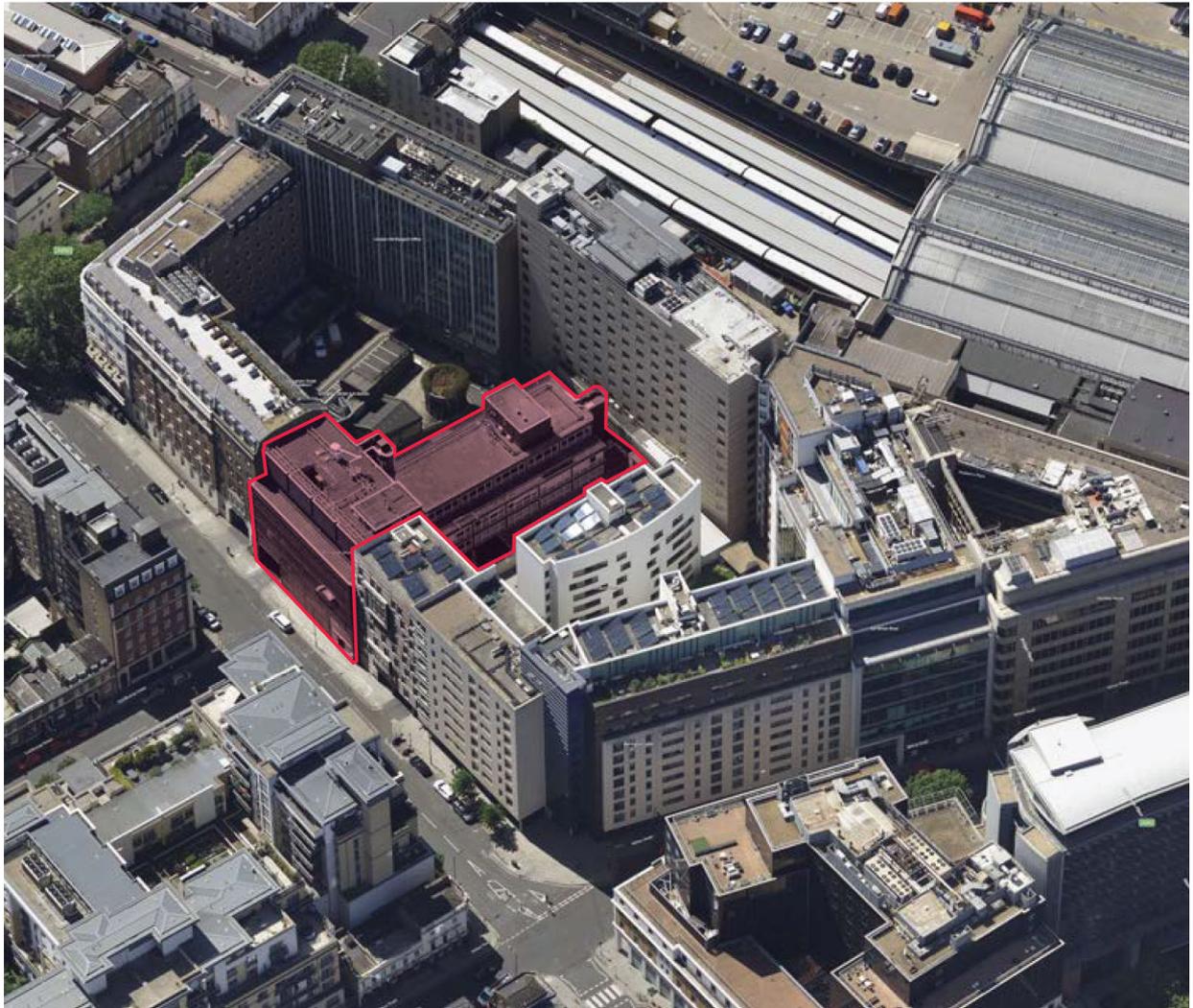
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposed building's impact on the functioning of the highway.

This report explains the proposed development is overall consistent with Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). As such, the proposals are considered acceptable in land use, sustainability/ energy, heritage, townscape, design, amenity and highway terms and the application is recommended for approval subject to the completion of a S106 legal agreement and the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



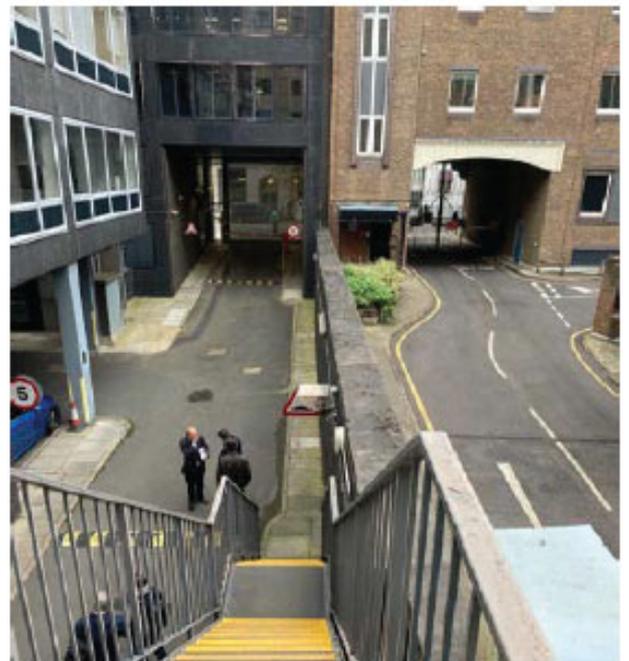
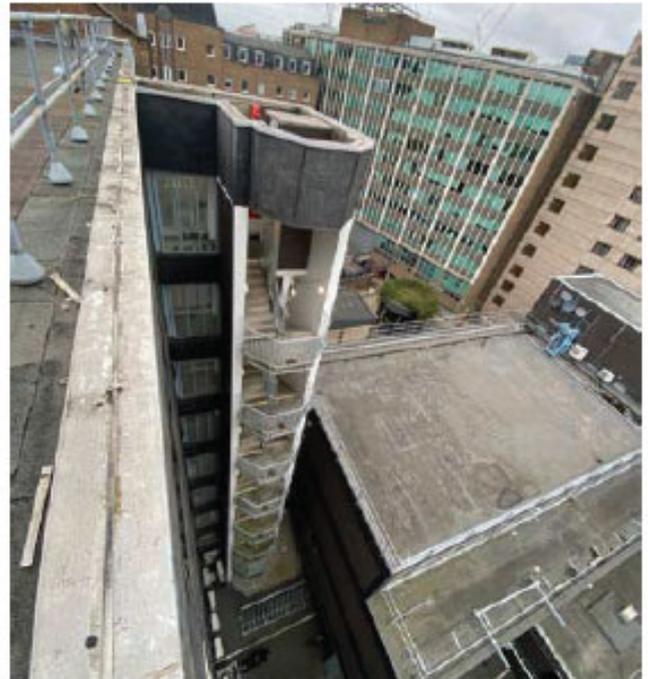
**4. PHOTOGRAPHS**



**Aerial view of the site**



Views of front elevation



Views of rear of the site

## 5. CONSULTATIONS

### 5.1 Application Consultations

#### WESTMINSTER SOCIETY:

No objection to this application: the re-use and extension of this building has been well thought through. Visually the existing building contributes nothing to the area and the replacement facades are of high quality and not over-bearing in the streetscape.

The public consultation process was very well managed, with the Societies feedback accurately recorded and the design amended as our suggestions. Submission documents, particularly the Statement of Community Involvement and Design and Access Statement, were helpful.

The reduction in massing through the pre-application engagement are welcomed, particularly in relation to the improvements to views. The adaption is particularly successful given the site constraints. The public garden and café is supported, although management of it will be key in determining success and suggest a legal agreement with provision to ensure the café operates for at least a 5 year period. The façade has a good sense of proportion, and the setback upper floors are designed to feel roof-like. The materials to the facade are appropriate. The quality of the materials and detailing are key and should not be lost through subsequent amendments. In terms of sustainability, it is welcomed that much of the frame is to be retained.

#### VICTORIA NEIGHBOURHOOD FORUM:

No response received to date.

#### VICTORIA BID:

No response received to date.

#### PIMLICO NEIGHBOURHOOD FORUM:

No response received to date.

#### PIMLICO FREDA:

No response received to date.

#### HISTORIC ENGLAND (LISTED BUILDS/CON AREAS):

No comment/ advice.

#### HISTORIC ENGLAND (ARCHAEOLOGY):

The site lies in an area of archaeological interest, the Pimlico Tier 3 Archaeological Priority Area. Agree with the applicant's desk based archaeological assessment (and other information) indicates that overall the site's archaeological potential appears to be low to moderate. The impact of development in terms of archaeology arises primarily from a modest extension to the basement and new piling. This work could cause harm to archaeological remains and that and field evaluation is needed to determine appropriate mitigation. An appropriate archaeological condition, which ensures that evaluation and any appropriate mitigation is undertaken, should be attached to ensure no harm is done

to these archaeological assets.

**LONDON UNDERGROUND LIMITED:**

No objection in principle, however there are several potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. Therefore, a condition is recommended to ensure the development does not harm this infrastructure.

**TRANSPORT FOR LONDON:**

No objection in principle, however consideration should be given to London Underground assets, impact of servicing, impact of construction, parking bays, cycle parking, trip generation and other vehicles to ensure an acceptable proposal.

**ENVIRONMENT AGENCY (THAMES REGION):**

No objection. Satisfied that the developer has assessed the risk from a breach in the Thames tidal flood defences; that the developer has not proposed any sleeping accommodation below the modelled tidal breach flood level; and the proposal has a safe means of access and/or egress in the event of flooding.

**CADENT GAS:**

No objection. The applicant should be informed that that Cadent Gas Ltd own and operate gas infrastructure within the area of the development and Cadent Gas Ltd may have legal interest in the land that restrict activity close to Cadent Gas Ltd assets which the applicant should be aware of.

**THAMES WATER UTILITIES LTD:**

No response to date.

**METROPOLITAN POLICE (DESIGNING OUT CRIME):**

No objection to the development, subject to the imposition of a Secure By Design planning condition. Advice also given on how to manage the property to ensure that it is secure and minimises opportunities for crime.

**WASTE PROJECT OFFICER:**

No objection to the revised waste details. The details are in line with the council waste storage requirements.

**HIGHWAYS PLANNING MANAGER:**

Objection to the on-street servicing strategy. It will not be policy compliant. Under City Plan Policy 29 it explains that servicing must be provided off-street and vehicles must be able to pull clear of the public highway without causing obstruction, unless it is clearly demonstrated that it cannot be accommodated and adequate justification is provided for this. Unconvinced the applicant has demonstrated that servicing cannot be accommodated on this site – particularly since it already is. Although understands the disadvantage of on-street servicing will be weighed against other benefits.

No objection in relation to cycle parking or car parking.

**BUILDING CONTROL:**

The structural method statement is considered to be acceptable. The proposals to

safeguard adjacent properties during construction are considered to be acceptable.

**ENVIRONMENT HEALTH:**

No objection, subject to conditions to ensure the environmental impact of the development is acceptable, including relating to noise from plant equipment and impacts of the construction works.

**ARBORICULTURAL SECTION:**

No objection, subject to conditions and informatives to ensure that the soft landscaping proposals are adequate.

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

No. Consulted: 482

Total No. of replies: 5 (from 4 residents)

No. of objections: 5 (from 4 residents)

No. in support: 0

In summary, four neighbouring residents object on the following summarised grounds:

**Residential amenity:**

- The height and bulk of the proposed building will reduce light to neighbours opposite the site;
- The height and bulk of the proposed building will be dominating and have an overwhelming effect;
- The proposal will increase overlooking of neighbours;
- The plant equipment will generate noise harmful to neighbours.

**Construction impacts:**

- The impact of noise pollution and impact on environmental quality from construction, particularly cumulatively with neighbouring development sites.

**Other:**

- The proposal will set a precedent for similar harmful development in the area (as has other harmful developments);
- lack of information of the number of developments being considered in the area,
- pressure on existing infrastructure and residents.

**PRESS NOTICE/ SITE NOTICE:**

Yes.

## **5.2 Applicant's Pre-Application Community Engagement**

The applicant carried out engagement with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

<b>Engagement Method/Event/Activity</b>	<b>Date</b>
Meeting with Pimlico North Councillors	16 <sup>th</sup> Sept 22
Meeting with Westminster Society	20 <sup>th</sup> Sept 22
Meeting with Victoria BID	25 <sup>th</sup> Oct 22
Meeting with Eccleston Square Residents Association	29 <sup>th</sup> Nov 22
Meeting with Pimlico Neighbourhood Forum	30 <sup>th</sup> Nov 22
Distribution of 1,750 flyers to local residents and businesses and launch of social media campaign	1 <sup>st</sup> Dec 22
Email to key stakeholders notifying them of the start of public consultation	2 <sup>nd</sup> Dec 22
In-person, public exhibition event on site	8 <sup>th</sup> Dec 22
In-person, public exhibition event on site	12 <sup>th</sup> Dec 22
Meeting with Councillor Barraclough and Bush	19 <sup>th</sup> Jan 23

In summary, across the range of engagement undertaken by the applicant the principal issues discussed were:

- The principal of retrofitting and reusing existing structures / issues relating to sustainability
- The scale of the building, including impact on adjacent occupiers of neighbouring buildings and impact on the setting of adjacent conservation area
- The detailed design of the building
- Land use and activation of ground floor frontage
- Servicing and impact on functioning of the highway
- Public garden area and greening
- Construction impacts, including noise
- Noise impact of plant equipment

The applicant's Statement of Community Involvement and other application documents identify that the scheme has been revised in response to views and representations expressed during pre-application community engagement, and principally this was in the following ways:

- Reducing the overall height of the proposed height extension, setting the upper floors back from Gillingham Street, and further developing details of the façade materiality
- Further developing proposals for the public garden area.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor

of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

## **6.2 Neighbourhood Planning**

The application site is not located within an area covered by a Neighbourhood Plan.

## **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

Gillingham House is a 1970s office building. It is located within the Central Activities Zone (CAZ) and Victoria Opportunity Area (VOA). It is within a block bounded by Gillingham Street, Belgrave Road, Wilton Road and Bridge Place which contains commercial offices, residential flats, the Hilton Double Tree Hotel and University College London student accommodation. The site is also close to the Warwick Way/ Tachbrook Street CAZ Retail Cluster.

Gillingham House includes a front, street facing element, and a rear element. The front element comprises basement, ground and seven upper floors and the rear element comprises ground and three upper floors. The top floor of the street facing element contains a residential unit, originally a caretaker flat. Access to the flat is through the office parts of the building. The street facing and rear elements are distinct, and have different internal floor heights, but are linked by a staircase.

The street facing element on Gillingham Street is constructed from a polished black granite cladding and aluminium framed windows. The existing building does not make an important contribution to the appearance of the streetscape. The site is close to the boundary of the Pimlico Conservation Area which lies immediately opposite to the site, the boundary runs down part of Gillingham Street and down Guildhouse Street. The site is located in close proximity to several grade II listed buildings, including the Eccleston Hotel located in the north eastern corner of Eccleston Square and the grade II listed terrace of 1 – 25 Gillingham Street.

In summary, the site is located within an area defined by the following characteristics:

- Within the Central Activities Zone (CAZ);
- Within the Victoria Opportunity Area (VOA);
- Close to the Warwick Way/ Tachbrook Street CAZ Retail Cluster;
- Close to the boundary of the Pimlico Conservation Area;

- Close to several listed buildings;
- Within Flood Risk Zone 3;
- Within a Surface Water Flood Risk Hotspot;
- Within an Area of Nature Deficiency;
- Within an Area of Open Space Deficiency; and
- Within a Tier III Archaeological Priority Area.

## 7.2 Recent Relevant History

None relevant.

## 8. THE PROPOSAL

The applicant proposes the partial demolition of the existing building (retaining approx. 60% of the structure) and its extension and alteration to provide a building comprising basement, ground and eight upper floors, plus a ninth floor roof top plant room. The building will be used for offices (Class E) – and the residential floorspace will not be re-provided.

As well as the front and rear elements increasing in height, the proposals also increase the volume of the building by extending into the existing gap between the two elements. To resolve the different floor heights between the two elements, the applicant proposes the use of internal stairs and lifts to combine the two elements.

At ground floor, the existing vehicular access into the site will be removed. The undercroft will be converted into a pedestrian entrance which leads into a public garden area with the main reception located off it. At the front of the building, at ground floor, the proposal involves the provision of a new café use, in addition to office floorspace.

Also at ground floor, cycle parking facilities and waste storage areas will be provided. At basement level, the proposals involve excavation to enlarge the existing basement by 79 sqm, and this area will contain plant equipment and other ancillary areas for the building including additional waste storage areas. The new roof of the building will contain a plant room, which will include the provision of air source heat pumps and photovoltaic panels on top.

The proposals involve the introduction of outdoor amenity spaces with the provision of roof terraces serving the offices as well as the ground level garden. The ground level garden will be open to the public, while the roof terraces would be for office occupiers only. The applicant proposes to incorporate soft landscaping to these areas.

**Table: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	5,106	9,352	+4,246
Residential	152	0	-152
Café	0	100	+100
Total	5,258	9,452	+4,194

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

#### **Increased Office Provision**

The proposals involve increasing office floorspace. It will deliver 9,352sqm of office floorspace, representing an uplift of approx. 4,246sqm.

City Plan Policies 1, 4, 13 and 14 support office growth and modernisation to provide at least 63,000 new office-based jobs in the city, alongside other forms of commercial growth. Within the VOA, City Plan Policy 4 identifies a growth target of 4,000 additional jobs. Policy 13 explains this new and improved office floorspace is supported in principle within parts of the CAZ with a commercial or mixed-used character, including the VOA.

London Plan Policies SD1, SD4 and E1 support growth of office floorspace in the CAZ and opportunity areas and the provision of new and refurbished office space which will improve the quality, flexibility, and adaptability of London's office stock. London Plan Policy E2 supports the provision of office floorspace for small to medium sized companies while Policy E3 supports provision of affordable workspace at rents maintained below the market rate for that space.

The new office floorspace proposed in this location is welcomed in respect to the policies. The site is within a commercial area which is appropriate for commercial growth. The uplift in floorspace will contribute toward the office-based jobs growth targets. The proposal also represents an improvement in terms of quality over the existing office floorspace, which is currently below modern standards. The proposals include providing new outdoor space for office occupiers, new landscaping and new facilities, including for cycle parking. The building will also be more energy efficient. Overall, the proposals will create a higher quality office environment and thereby will improve the office offer in the VOA.

The applicant has confirmed that the building is designed to be operated so that the proposed floorspace can be let flexibly to various types of office occupiers. The proposed building's layout is such that it will be capable of providing space for small to medium size companies, letting floors or multiple floors. This is considered in line with London Plan Policy E2 which requires consideration be given to the scope to provide this type of commercial floorspace.

London Plan Policy E3 requires consideration for affordable workspace in certain circumstances which do not apply here. City Plan Policy 13 states proposals involving the provision of affordable workspace will generally be supported throughout the commercial areas of the city, but the justification goes on to identify two areas in the north of the borough where this will be encouraged. While it also states such provision elsewhere in Westminster would be welcomed, the City Plan does not identify the VOA as an area where existing affordable workspace is at risk from cost pressures or where affordable workspace is required to ensure the character of the area is maintained. Therefore, while affordable workspace would have been welcomed had the applicant proposed it, given the policy context it is not considered reasonable to require the applicant provide it.

An unrestricted Class E use will not accord with the City Plan because a loss of office accommodation in this location will undermine the provision of an appropriate mix of uses that supports the vitality, function and character of the CAZ and the VOA. Further, because Class E contains a wide variety of uses (including restaurants and indoor recreation) and given the amount of office floorspace proposed and proximity to residential occupiers, conversion to other Class E uses could result in harmful impacts to amenity, local environmental quality and/ or the highway network. Therefore, it is recommended that a condition be attached to ensure the use of the upper floors is maintained as offices, and not changed to another Class E use.

### **Ground Floor Café Use**

The proposals include the creation of a café type unit on the ground floor of the building, facing Gillingham Street.

City Plan Policy 14 supports uses which include active frontages and serve visiting members of the public within commercial parts of the CAZ. City Plan Policy 16 states food and drink uses will be a type and size appropriate to their location and that the over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines it.

This part of Gillingham Street is primarily commercial in character at ground floor level and so the principle of a new café in this location is supported. It will not be a large unit and will not lead to an over-concentration of this type of use on Gillingham Street. It will have the benefit of activating the frontage on Gillingham Street and providing residents, workers and visitors to the area a new café facility.

To ensure that the café will not harm the amenity of neighbouring residents or local environmental quality, conditions are recommended to ensure appropriate opening hours and that the applicant submits an appropriate management plan and ventilation details (should there be primary cooking) before the use commences. A condition is also recommended to require the area identified for a café is only used for café/ restaurant/ retail purposes which will ensure the benefit of an active frontage is realised.

### **Loss of Residential Floorspace**

One residential unit, comprising 152sqm of floorspace would be lost.

City Plan Policy 8 states all existing residential units, uses, floorspace and land will be protected, except where:

1. the reconfiguration or redevelopment of supported or affordable housing would better meet need; or
2. non-family sized housing is being reconfigured to create family sized housing.

Given the proposal does not meet either of these exceptions, the loss of the residential floorspace will not accord with City Plan Policy 8. The circumstances of this residential flat are somewhat unusual, however. The original intention of the space was for it to be a caretaker flat – i.e., used in connection with the office parts of the building by someone

who also works in the building. Indeed, this is why access into the flat is through the office parts of the building. Flats which are physically and functional connected and subordinate to a main office use of a building could be ancillary to that main use. While today the flat is clearly physically connected to the office part of the building because you must travel through the office parts to gain access, its function as a flat for someone associated with the offices has been lost. The applicant explains the building was formerly used as a bank depository and therefore 24-hour security on site was required, and so a caretaker of the building lived within the flat. However, most recently it has been let to a person with no connection to the office use of the building (although it is currently vacant). This means that the flat was not functionally linked to the main use of the site.

The applicant has explored options to re-provide the flat either on site or off site but has found this will not be possible/ desirable for them to achieve. In relation to on site re-provision, the applicant notes modern regulations relating to fire safety, which new developments must comply with (and which the existing flat would not comply with if it were built today), would result in an inefficient building because of the separated core/ fire escape provisions (as well as other separate services for cycle parking and waste storage) that would be required – particularly as this would be for one unit only. The applicant has also explored the possibility of re-providing the flat off-site, through a land swap. However, they report they have not been able to find a similar sized office building in the area suitable for a land swap, nor do they own one.

The applicant also notes that because access into the flat is through office parts of the building, the flat may not fit clearly within the central government definition of a 'dwelling' for the purpose of considering housing supply because they require dwellings to be self-contained to contribute to dwelling statistics/ targets.

Notwithstanding the above, during course of the application, the applicant made an offer to the Council of a payment to the Council's Affordable Housing Fund in lieu of retaining/ re-providing the residential floorspace. The offer is £513,297. The applicant provided a document setting out how they have arrived at this figure. It rightly acknowledges that there is an absence of a policy and guidance relating to payments in lieu of retaining existing market residential floorspace, but nonetheless creates a methodology which indexes against inflation a figure for a new affordable housing unit published in a now outdated guidance note the City Council had published several years ago. The offer to the Affordable Housing Fund will help the Council deliver affordable housing elsewhere in the city.

The applicant also notes the various benefits of the scheme, which in their view would outweigh the loss of the residential floorspace, including:

- A significant uplift in office floorspace, and the corresponding increase in office based jobs growth;
- Improvements to the site which the public will be able to access, including provision of a café and public garden;
- Improved energy performance of the building;
- Improved greening and biodiversity; and
- Contribution the building will make to the townscape.

Overall, while it is disappointing that the residential floorspace has not been re-provided

(either on or off site) as part of these proposals, it is acknowledged that the flat has unusual circumstances – chiefly that it is not properly self-contained and has a history of being a caretaker flat. Officers also acknowledge that re-providing the unit on site would diminish the efficiency of the building, which in turn would have implications on the benefits the scheme can provide. Indeed, there are significant benefits that would arise from these proposals as the applicant notes. It is also understood that it is not always possible to find suitable land swap sites. For these reasons, the loss of the residential floorspace is not opposed in this instance. It is recommended that the legal agreement includes provision for the £513,297 payment to be made to the Affordable Housing Fund as this will help the council deliver new housing elsewhere in the city (which will be affordable, in contrast to the existing market residential flat).

### **Land Use Overview**

Overall, the development is considered acceptable in land use terms. The City Plan and London Plan support growth of office floorspace in the CAZ and VOA. The introduction of a new café at ground floor that will serve visiting members of the public will help activate the frontage and is supported by the City Plan. Despite the conflict with City Plan Policy 8, the loss of the residential floorspace on balance is not opposed in this instance as there are mitigating circumstances as set out in this section.

## **9.2 Environment & Sustainability**

### **Energy Performance and Sustainable Design**

City Plan Policy 36 and London Plan Policy SI 2 require major development to be net zero-carbon in terms of regulated carbon emissions from operations, and follow the energy hierarchy, as set out in the London Plan. The energy hierarchy includes:

1. be lean: use less energy and manage demand during operation
2. be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
3. be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
4. be seen: monitor, verify and report on energy performance.

The London Plan requires a minimum on-site reduction of at least 35 per cent beyond Building Regulations for major development. Applicants should reduce carbon emissions by 15% for non-domestic development through using energy efficiency measures. Where an applicant clearly demonstrates the zero-carbon targets cannot be fully achieved on-site, any shortfall can be provided for by a payment in lieu contribution to Westminster's carbon offset fund or off-site.

**Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.** *Note: values rounded*

	Regulated Carbon Dioxide Savings	
	Tonnes CO <sub>2</sub> per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	3.2	9
<b>Be Clean:</b> Savings from heat network	0.0	0
<b>Be Green:</b> Savings from renewable energy	2.6	7
Cumulative on-site savings	5.8	17
Carbon shortfall	29.2	-
	Tonnes CO <sub>2</sub>	
Cumulative savings for offset payment	877	
Cash-in-lieu contribution	£83,295	

The baseline against which the carbon emissions savings have been calculated is Part L 2021 of the Building Regulations. The carbon intensity factors adopted for the calculations are in line with the Greater London Authority (GLA) methodology as set out in their Energy Assessment Guidance.

The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 is challenging to achieve, as acknowledged in the GLA's guidance. However, the applicant has made significant efforts to reduce emissions through the Energy Hierarchy, as set out below, and is aiming to achieve a BREEAM rating of excellent (which is recommended to be conditioned).

**Be Lean:**

In the 'Be Lean' stage, the applicant has integrated passive design principles to enable the building to be less reliant on heating, cooling, ventilation and air conditioning systems and minimise dependence on artificial lighting.

The design of the façades will maximise passive solar gains in wintertime, whilst minimising excessive solar gains in summertime. The amount of glazing as well as provision of shading through window reveals has been optimised to limit excessive solar gain through the windows. The applicant has conducted optimisation studies to inform the final glazing ratio of the facades, balancing the requirements for daylight and energy/thermal performance.

This is combined with high performance glazing specifications, providing climate responsive façades considering the building mass, orientation and surrounding buildings. Also, exposed thermal mass will help to regulate heat in the building, and

thereby reducing energy demand.

The use of natural light has been maximised by adequately sizing glazing areas, window reveals and by maximising glass visual light transmittance. The proposed design includes openable windows on all façades to maximise natural ventilation, as part of a mixed-mode ventilation strategy. This strategy ensures natural ventilation can be used during mid-season to significantly reduce cooling demand, but active cooling is provided to ensure comfort during hotter periods. The applicant also explains most fixed internal light fittings will be dedicated and energy efficient. Energy-efficient lifts will also be installed in the buildings to reduce transport-related energy consumption.

### *Be Clean*

In the 'Be Clean' stage, there is no existing or potential future district heating network in close proximity to the site. The site is approximately 500m away from existing Pimlico District Heating Undertaking (PDHU) but given the relatively low heat demand from the site, the applicant does not consider it viable to pursue district heating expansion and connection and this is accepted in this instance.

### *Be Green*

In the 'Be Green' stage, the applicant proposes to use an Air Source Heat Pump (ASHP) for space heating and cooling, and a dual heat pump system for Domestic Hot Water (DHW). The ASHP will provide 100% of space heating and cooling load, and 64% of the DHW. The remaining 36% of the DHW will be provided by the water-to-water heat pump.

Additionally, renewable energy generation is proposed through photovoltaic (PV) panels that are proposed above the non-heat rejection plant space on the roof. While the proposed panels are the maximum the applicant currently thinks is feasible, they note that subject to further detailed design development, there could be the potential for additional panels above the cores and at the edge of the southern roof terrace. A condition is recommended to ensure the applicant further studies whether it will be possible to install additional panels (and to install them if it is possible and are acceptable in other respects).

The strategy for the building includes the use of the structural thermal mass as a heat storage by using Building Management Systems (BMS) to control HVAC systems to flush or preheat the building and thus reduce peak demand for heating and cooling. This strategy will be incorporated into the controls design as the design progresses.

### *Net Zero*

The applicant explains the proposed development would achieve an overall reduction of regulated carbon emissions of 17% over what is required by Building Regulations (Part L 2021). In relation to net zero carbon, there would be a shortfall which the applicant calculates as 29.2 tonnes of carbon annually. As set out in the GLA's Energy Assessment Guidance, shortfalls must be met off site or through a payment in lieu contribution of £95 per tonne (for a 30-year period) to the Council's Carbon Offsetting Fund. The shortfall in this case is to be met through a payment in lieu contribution amounting to £83,295 which is recommended to be secured by legal agreement.

*Be Seen*

The applicant has provided a 'Be Seen' spreadsheet as part of their submission. This spreadsheet contains detailed calculations of what they expect the development's energy performance to be. The legal agreement is recommended to include an obligation to ensure the actual operational energy performance of the building is monitored in accordance with the London Plan.

**Whole Life-cycle Carbon and Circular Economy**

London Plan Policy SI 2 requires developers to calculate and reduce Whole Life-Cycle Carbon (WLC) emissions. Developments should calculate WLC emissions through a nationally recognised WLC assessment and demonstrate actions taken to reduce life-cycle carbon emissions. The justification for City Plan Policy 38 explains the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be justified based on WLC impact. This is also echoed in the Council's Environmental SPD.

London Plan Policy D3 and SI 7 promotes circular economy outcomes and states developments should aim to be net zero-waste and promotes a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible. City Plan Policy 37 states the council will promote the Circular Economy and contribute to the London Plan targets for recycling and for London's net self-sufficiency by 2026.

The Applicant has explored various options for the building, from light refurbishment to full demolition and rebuilding. The applicant makes a strong case for a deep retrofit and extension as proposed, which will allow some demolition to accommodate the energy, public realm, biodiversity, and commercial benefits that the scheme will provide. In accordance with the aforementioned policies, the upgrade and reuse of existing buildings is a sustainable approach and can help meet carbon reduction targets by avoiding the higher carbon footprint associated with constructing entirely new buildings.

WLC emissions are the carbon emissions resulting from the materials, construction and the use of a building over its entire life, including its demolition and disposal. A WLC assessment provides a true picture of a building's carbon impact on the environment. The applicant has included a WLC assessment in their Energy and Sustainability Statement. The assessment is split into 'life-cycle modules' dealing with various stages over the life of the development. The below table summarises the emissions:

**Table: Estimated Whole Life-cycle Carbon Emissions**

Sourcing and construction kg CO2e/m2	Use stage		End of life stage kg CO2e/m2	Total kg CO2e/m2	Total (excluding B6 – B7) kg CO2e/m2
	B1 – B5 kg CO2e/m2	B6 – B7 kg CO2e/m2			
674	321	343	24	1,362	1,019

The GLA's Whole Life-Cycle Carbon Assessments Guidance includes benchmarks for

WLC. These benchmarks exclude some of the carbon emissions (B6 – B7 in the above table) because these carbon emissions are regulated operational emissions that will be subject to the zero-carbon target and so the Council will offset these emissions using the applicant's financial contribution, as set out in the previous section. The benchmarks for offices are as follows:

- Baseline Benchmark: of less than 1,400 kg CO<sub>2</sub>e/m<sup>2</sup>; and
- Aspiration Benchmark: of less than 970 kg CO<sub>2</sub>e/m<sup>2</sup>.

The development will total 1,019 kg CO<sub>2</sub>e/m<sup>2</sup> – which is close to the aspirational benchmark and significantly below the baseline benchmark. However, it is surprising that the WLC assessment shows such high levels of upfront carbon (674 kg CO<sub>2</sub>e/m<sup>2</sup>), as well as higher than expected whole life carbon. It would be expected to see more reductions, since the proposal keeps much of the existing structure. Nonetheless, overall, the proposals have strong environmental design and overall sustainability credentials. The applicant proposes to optimise the direct re-use of high impact materials (70% of the existing concrete structure by volume and 60% by area), which falls under the 'Prevent' category of the waste hierarchy, the top priority in carbon reduction strategies for mitigating climate change as it results in less material being used and keeping material in use for longer. It is recommended that a condition is attached to ensure that the applicant submits a WLC Assessment at various stages post planning to ensure that monitoring and level of ambition is continuously followed through every phase of the development.

The Applicant has committed to earn at least 2 credits under BREEAM Wst 01 (construction waste management) by reducing the amount of non-hazardous on-site/ off-site construction waste generated, which is welcomed. A pre-commencement condition is recommended to ensure that a Circular Economy statement is submitted to and approved by the council based on a pre-demolition audit and construction processes.

### **Air Quality**

City Plan Policy 32 and the Environmental SPD commits the City Council to improving air quality in the city, it expects development to reduce exposure to poor air quality, it expects development to improve local air quality and it expects this to be explained within an Air Quality Assessment.

During the course of the application, the applicant updated their Air Quality Assessment to demonstrate that the development would be air quality positive. The Council's Environmental Health team have reviewed the assessment and raise no objection.

In relation to construction and dust, Environmental Health agree that the development would not have significant air quality impact – subject to ensuring that the development adheres to the Council's Code of Construction Practice (CoCP), which a recommended condition will ensure.

In relation to the operational phase, the vehicle movements associated with the development are unlikely to be significant. In addition, because the development utilises electric forms of heating and cooling there will not be a significant impact in air quality from these systems. Overall, and considering the use of the proposed building,

Environmental Health conclude the development will improve air quality in the area and will not expose occupiers in the building to unacceptable air quality.

### **Flood Risk & Sustainable Drainage**

The site is inside Flood Risk Zone 3 and is within the Pimlico North & Victoria Surface Water Flooding Hotspot. Flood Risk Zone 3 indicates a risk of tidal flooding from the Thames, although this part of London is protected to a very high standard by the Thames tidal flood defences such that there is up to a 1 in 1000 (0.1%) chance in any year flood event.

In accordance with City Plan Policy 35, the applicant has provided a Flood Risk Assessment and Surface Water Drainage Strategy.

The Environment Agency have assessed the proposal and state they have no objection to the proposed development as they are satisfied with the applicant's assessment, including that the developer has assessed the risk from a breach in the Thames tidal flood defences using the latest modelled tidal breach data and that the proposal has adequate safe means of access and/or egress in the event of flooding.

New developments can lead to increased risks of flooding in the city through water run-off, however. Therefore, City Plan Policy 35 also requires new development to incorporate Sustainable Drainage Systems (SuDS) to help alleviate the risk of flooding and reduce water run-off, and the applicant has submitted a SuDS strategy. It sets out that the development that will manage runoff from the site for all surface water flood events and a combination of SuDS features such as green roofs and a below ground attenuation tank will be utilised to manage surface water on site by attenuating and treating runoff generated by the proposed development. This is welcomed and a condition is recommended to ensure that this is provided.

### **Ventilation/ Odour**

The submission does not detail a ventilation system to get rid of odours/ smoke if primary cooking occurs in the café unit. Because the application proposes the refurbishment/ extension of the entire building, there will be an opportunity to provide an adequate ventilation system should it be required. Therefore, a condition is recommended to ensure that if primary cooking is proposed ventilation details are submitted to and approved by the council to ensure that there is no nuisance to neighbours in terms of odours.

### **Environment & Sustainability Summary**

Overall, the Applicant's submission demonstrates the development will result in an acceptable environmental impact. The developer has chosen to minimise demolition and propose a new building whose carbon emissions through its operations will be improved over Building Regulation requirements, which is welcomed. The submission has also assessed WLC emissions which shows these emissions will be below the baseline benchmark over its lifetime. The development will also be acceptable from an air quality and flood risk perspective.

### 9.3 Biodiversity & Greening

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Developments should also achieve a biodiversity net gain, wherever feasible and appropriate. London Plan Policy G5 also requires development to contribute to the greening of London and sets an 'Urban Greening Factor' target score of 0.3 for commercial developments.

The proposals include the removal of two shrubs/ shrubby trees outside of the site. Their removal is proposed in order to facilitate the demolition and rebuild of the boundary wall between Gillingham House and 84 Gillingham Street. The Council's Arboricultural Officer does not object to their loss, and an informative is added to remind the applicant they should re-provide this planting.

The applicant proposes numerous new green elements within the site, including a new public garden area at ground floor with planters and large areas of planting and biodiverse green roof to much of the building's roof. This would increase the Urban Greening Factor from 0 for the existing building to 0.29. This is a very significant improvement and only marginally below the target score. In central London where sites are largely built over, achieving a high score is more difficult – particularly given that a balance must be struck between the competing elements required to be located at roof level, including on-site renewables and elements for building maintenance, as well as the limited outside space around the building. In these circumstances, the increased greening is welcomed and considered acceptable in this instance. The greening and public garden are particularly welcomed here as the area is identified as being within an area of nature and open space deficiency – the legal agreement will ensure that the public have access to the ground level garden so it will benefit the public. Conditions are recommended to ensure details of the soft and hard landscaping are provided, as well as the green roofs.

### 9.4 Townscape, Design & Heritage Impact

#### Legislative & Policy Context

In this case, the key legislative requirement in respect to designated heritage assets are as follows:

*Section 66 of the LBCA Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

and the severity of the harm caused.

The most relevant City Plan policies in terms of design, townscape and heritage are 38, 39, 40 and 43. These seek to ensure high quality, sustainable and inclusive urban design that responds to Westminster's context by positively contributing to Westminster's townscape and streetscape. These seek to protect or improve heritage assets, including their setting. And these seek to ensure new buildings are sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape.

### **Design, Townscape and Built Heritage**

The proposal site is located outside of a conservation area, but near the boundary of the Pimlico Conservation Area which runs immediately opposite the proposal site. The site is located within the VOA on the north side of Gillingham Street. Long vistas of the site are available northwards along Guildhouse Street. Several grade II listed buildings are in reasonably close proximity to the site in Eccleston Square; the Eccleston Hotel is in closest proximity and is viewed in conjunction with the proposal site in westerly views along Gillingham Street from the Square. Eccleston Square is a grade II listed Registered Park and Garden. The proposal site therefore forms part of the setting of nearby designated heritage assets including the Pimlico Conservation Area and the grade II listed buildings located on the easternly edge of Eccleston Square.

The proposal site is formed of two blocks linked by a staircase; the street facing building is seven storeys (and an additional brick clad lift overrun) in height above ground and basement storeys whilst the rear block is lower at three floors (and an additional plant room) above ground floor. The building dates from 1975 and its front façade is constructed from a polished black granite cladding and aluminium framed windows, projecting further frontwards than the neighbouring buildings on both sides whilst the two sixth and seventh levels are set back from the principal façade below. The proportions of the existing fenestration are squat with a horizontal emphasis. At ground floor level, there is a large undercroft providing vehicular access, which has a deadening impact on the streetscene. The existing building is not considered to be of significant design merit and the proposal to construct a new facade represents an opportunity to enhance its contribution to the streetscene and the setting of nearby designated heritage assets.

There is a logical and reasonably consistent building height on this side of Gillingham Street and in terms of its height, the existing building relates successfully to the prevailing height of buildings. The five storey (above ground floor) principal façade height, however, is notably lower than its neighbours. The proposals seek to extend the height of the principal façade by extending the sixth floor frontwards with a double height storey to meet the principal building line below- which projects frontwards of the neighbouring sites. The overall height of the resulting six storey principal façade relates successfully to the parapet height of the neighbouring building to the west and will fit comfortably within the existing streetscape.

Above sixth floor, a new double height roof storey is proposed, set back from the principal façade below with a terrace in front. The eighth storey is pitched. Above the double height roof storey, the proposals also show a ninth floor plant enclosure with a small lift overrun projection above. Following extensive negotiations at pre- application

stage, the ninth floor has been set so far back from the front that it aligns with the rear facades of the adjacent sites, with a terrace in front. Given that it will now be used only for plant and is designed as a solid enclosure without window openings, it will appear secondary to the main building below and will not appear as an integrated storey.

Views 2A and 4A in the supporting Heritage and Townscape Statement demonstrate that whilst the proposed high level massing will be visible in public views from the west and south, including from Eccleston Square and from within the conservation area, the building will sit comfortably in the context of the surrounding streetscape. The proposed height and bulk will be visible above the roofline of the grade II listed Eccleston Hotel in longer views from the south- west corner of Eccleston Square, identified as view 1B in the supporting Heritage and Townscape Statement. However, given the significant number of mature trees which screen the site from this viewpoint, it is unlikely that even in winter months the impact of the additional height and bulk in the background of the Eccleston Hotel would cause harm to its setting. View 1A, which is located closer to the proposal site, demonstrates that the additional height and bulk will be barely perceptible above the roofline of the Hotel. The proposed height and bulk is not considered harmful to the setting or special interest of these nearby listed buildings. The additional high level bulk is entirely concealed in views from the east on Gillingham Street by the height of the adjacent buildings. The ninth storey will only be visible in long vistas from Guildhouse Street (view 4A) and given its significant set back from the front, against the backdrop of taller buildings to the north, the overall height and bulk of the proposed street facing block is not considered harmful to local views or the setting of nearby designated heritage assets.

To the rear, considerable additional height and bulk is proposed above what is currently the separated rear block. The additional height will not be visible from public views given the taller massing that will obscure it on the street facing block. The proposed increase in height in this enclosed location to the rear is therefore not considered harmful to the appearance of the building and will still appear subordinate to the taller part of the building fronting on to Gillingham Street. No objection is raised to linking the two blocks by infilling the existing gap between them.

The new façade is faced in brickwork, which is a characteristic facing material on the north side of Gillingham Street and will blend in well with the neighbouring building to the west. Grey bricks are proposed to the two lowermost storeys to align with the stucco base to the neighbouring townhouses, whilst red brickwork is proposed to the upper storeys. Windows are to be composite timber framed. The design of the seventh and eighth roof storeys incorporate a faceted texture clad and two options have been presented for its materiality; a fibre cement or a reconstituted stone rainscreen cladding. The imposition of a condition to agree final facing material samples is recommended. The composition of the street facing façade is divided into four, with larger openings at ground and first floor levels enhancing activation at street level whilst the window openings between second and fifth floors have a more vertical emphasis and smaller openings which relates more successfully to the composition of the neighbouring townhouses.

The proposal to create a garden area at ground floor level in the location of the existing vehicular entrance will significantly enhance the appearance of the streetscape at ground level and views into the site from street level. This aspect of the proposals is

therefore supported in design terms subject to securing details of proposed landscaping.

Overall, the proposed development will enhance the contribution made by the building to the appearance of the streetscene and will cause no harm to the setting of nearby designated heritage assets. It is compliant with Policies 38, 39 and 40 of the City Plan 2019- 2040 and is recommended for approval in design terms.

### **Public Art**

City Plan Policy 43 states applicants will be encouraged to provide high quality public art as an integral part of the design of new major developments. In this case, the applicant states that there are opportunities for artwork throughout the ground floor public realm.

Public art contributes to creating a sense of place and a visually stimulating environment, which adds to public enjoyment of the public realm, and it is therefore welcomed that applicant sees there is an opportunity to deliver it here. A condition is recommended to ensure the applicant provides details of the public art and that it is provided.

### **Archaeology**

City Plan Policy 39 requires applicants to assess the archaeological potential/ implications of developments and propose the conservation of deposits wherever possible. The site is within the Tier III Pimlico Archaeological Priority Area. Historic England's Greater London Archaeological Advisory Service (GLAAS) explains that the area covers a former wetland and note that whilst most of this landscape was probably not favoured for settlement, but small settlements probably existed on 'gravel islands' above the marsh. It is understood that such a local high point existed next to the application site. In historical times the area was known as Tothill Fields and attracted tournaments, a market and an annual fair in the medieval period and in later centuries it was used for military practices, duels, animal baiting and plague burials. From the 1720s the Chelsea Water Company built a complex network of canals and channels eventually covering 100 acres from which water was pumped by windmills, horse mills and later steam engines to create Pimlico.

GLAAS agrees that the applicant's desk based archaeological assessment (and other information) indicates that overall the site's archaeological potential is low to moderate. The impact of development in terms of archaeology arises primarily from a modest extension to the basement and new piling. GLAAS advise that this work could cause harm to archaeological remains and that field evaluation is needed to determine appropriate mitigation. In this case, GLAAS advise that an appropriate archaeological condition, which ensures that evaluation and any appropriate mitigation is undertaken, will ensure that these heritage assets are not harmed – and this condition is recommended on the draft decision notice.

## **9.5 Residential Amenity**

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy and sense of enclosure and encourage development which enhances the residential environment, quality of life and health and wellbeing.

Some of the buildings within the immediate vicinity of the site are non-residential. Residents do reside within the following nearby buildings however:

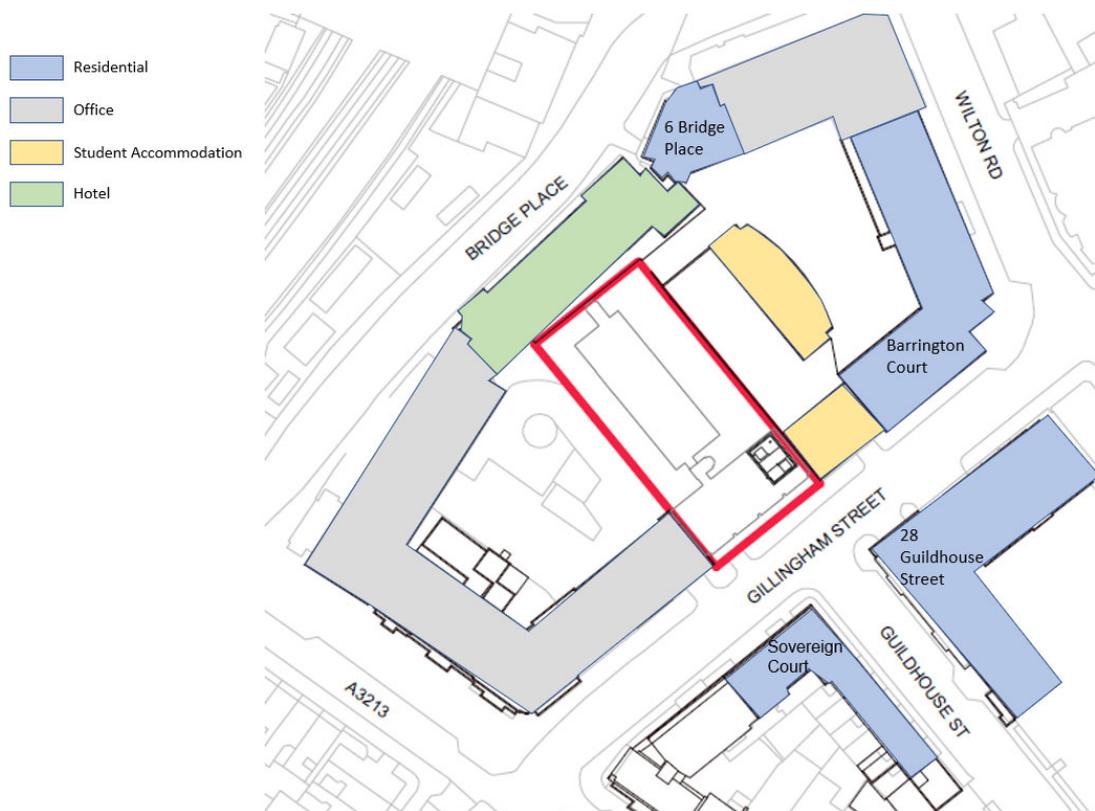
- 4-6 Bridge Place
- 28 Guildhouse Street
- Sovereign Court, 47 – 51 Gillingham Street
- Barrington Court, Wilton Road and Gillingham Street

In addition, there is student accommodation located in the following buildings:

- Goldsmid House, 36 Gillingham Street (University College London)

Also to the rear of the site is the Hilton Double Tree Hotel, 2 Bridge Place – although no guest is known to reside there permanently. The other buildings in the area are offices.

The below map shows the land uses for the buildings adjacent to the site.



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

## Sunlight and Daylight

The applicant has carried out an assessment on the neighbouring properties based on the various numerical tests laid down in the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice". The BRE guide stresses that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in a dense urban environment, more obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings. The BRE explains their guidelines are intended for use for rooms in adjoining dwellings where light is required, and principally seeks to protect light to main habitable rooms (i.e. living rooms) in residential dwellings, and it accepts that bedrooms are of less importance. The BRE also confirms that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of natural light. In this case, that could include the student accommodation although as explained below, they will have a lower expectation of natural light when compared to permanent dwellings. Offices are normally artificially lit spaces and would therefore have a low expectation of natural light, similarly hotels will have a significantly lower expectation of natural light when compared to dwellings.

The applicant's original daylight and sunlight report misidentified Barrington Court as containing student accommodation, when it contains self-contained residential flats. It also misidentified 4-6 Bridge Place as 129 Wilton Road, when 129 Wilton Road is the adjacent office building. This has since been rectified.

## Daylight

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

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

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

### 4-6 Bridge Place

4-6 Bridge Place is located to the north east of the site. The applicant's analysis shows there will be no breaches of the VSC measure. It shows there would be four breaches of the NSL measure, as outlined in the table below.

**Table: NSL Breaches at 4-6 Bridge Place**

Floor	Room	Room Use	Existing NSL (sq ft)	Proposed NSL (sq ft)	Loss (sq ft)	%Loss
First	R3/51	Bedroom	110.2	77.1	33.1	30
First	R5/51	Living/ Dining	130.9	88.2	42.7	32.6
Second	R3/52	Bedroom	115.8	85.8	30	25.9
Second	R5/52	Living/ Dining	132.5	104.3	28.2	21.3

In the above table, the rooms at first floor will experience a loss between 30% and 39.9% indicating a moderate loss in terms of NSL and those at second floor will experience a loss between 20% and 29.9% indicating a minor loss. However, the VSC and NSL should be considered together to gain a complete understanding of the daylighting impact, and in this case the windows which serve these affected rooms will not suffer a VSC loss. Considered together, it is considered that the losses in NSL will not be detrimental to the enjoyment of these rooms.

#### 28 Guildhouse Street

28 Guildhouse Street is part of the wider mixed used development known as Hindon Court which spans most of the block bounded by Guildhouse Street, Gillingham Street, Wilton Road and Longmore Street. 28 Guildhouse Street is located within the north-western part of the development, closest to Gillingham House and it contains residential flats on the upper floors.

The applicant's analysis of the proposals shows there will be one breach of the VSC measure and no breaches of the NSL measure. The table below explains the breach:

**Table: VSC Breaches at 28 Guildhouse Street**

Floor	Window	Room Use	Existing VSC	Proposed VSC	Loss	% Loss
Sixth	W6/716	Assumed living room	7.93	6.31	1.62	20.43

The breach is very modestly over the 20% threshold, which suggests that the breach will be only just perceptible. In reality, the loss is unlikely to be perceptible as this window forms part of a larger opening to a room, and the other window panes which makes up that opening will not breach the BRE guidelines. In addition, the room this window serves will adhere to the NSL measure.

#### Sovereign Court, 47-51 Gillingham Street

Sovereign Court is located to the south of the site. The applicant's analysis shows there will be no breaches of the VSC measure or the NSL measure – which indicates there will be no noticeable daylight impact to the flats within this building.

#### Barrington Court

Barrington Court is located on Wilton Road, at the junction with Gillingham Street. It contains residential flats on the upper floors which include rear windows which look into the internal part of the block the application site is located within. It is to the east of the site and to the east of the student accommodation at Goldsmid House.

The applicant's analysis of the proposals shows there will be five breaches of the VSC and 18 breaches of the NSL measures. The tables below summarise the breaches:

**Table: VSC breaches at Barrington Court**

Floor	Window	Room Use	Existing VSC	Proposed VSC	Loss	% Loss
First	W4/501	Living/ Dinning	4.45	3.38	1.07	24.04
First	W6/501	Bedroom	10.13	7.92	2.21	21.82
First	W7/501	Bedroom	9.88	7.24	2.64	26.72
Second	W7/502	Bedroom	10.94	8.36	2.58	23.58
Third	W7/503	Bedroom	12.26	9.76	2.50	20.39

**Table: Summary of NSL breaches at Barrington Court**

No. of rooms assessed	No. BRE complaint	No. BRE breaches			Total
		20% to 29.9% loss	30% to 39.9% loss	40% + loss	
167	149	10	3	5	18

The 5 VSC losses that exceed the BRE guide's 20% threshold at Barrington Court are between 20.39% and 26.72%, these are only slightly above the threshold indicating the losses would correspondingly have a minor adverse effect. The 18 NSL losses that exceed the BRE guide's 20% threshold are between 20.9% to 64.0%, and therefore indicate a range from a minor adverse effect to a significant adverse effect. However, there is only one room / window that breaches both the VSC measure and the NSL measure – a first floor room, assumed to be a living room (room R4/501 and window W4/501). The breaches of VSC and NSL measures are both minor in that case (VSC 24.04% and NSL 28.4%). Given both measures should be considered together when determining the impact on daylighting, it is likely that the impact on this room will be noticeable, although impacts between the 20% and 29% range will be a minor adverse effect. Given the scale of the impact, and that the development of Gillingham House will result in a building of comparable height to others within the street block, this impact is not considered unduly harmful. All other rooms suffering a breach in terms of NSL comply with the VSC measure, and the other VSC losses (which are minor) are to windows which serve rooms in compliance with the NSL measure. With both measures considered together, it is considered that the daylight losses will not be detrimental to the enjoyment of the flats at Barrington Court.

### Goldsmid House

Goldsmid House comprises two buildings, one adjacent to the application site to the east on Gillingham Street, and another inside the street block and with no street facing frontage. The blocks contain student accommodation.

The applicant's analysis of the proposals shows there will be 92 breaches of the VSC and 59 breaches of the NSL measures. The tables below summarise the breaches:

**Table: Summary of VSC breaches at Goldsmid House**

No. of windows assessed	No. BRE complaint	No. BRE breaches			Total
		20% to 29.9% loss	30% to 39.9% loss	40% + loss	
110	18	23	28	41	92

**Table: Summary of NSL breaches at Goldsmid House**

No. of rooms assessed	No. BRE complaint	No. BRE breaches			Total
		20% to 29.9% loss	30% to 39.9% loss	40% + loss	
105	46	8	4	47	59

The daylight results show losses in VSC and NSL to most of the windows and rooms within Goldsmid House. The losses are largest in the non-street facing block, which contains windows which look over the rear element of the application site which the proposals will increase in height and bulk. This will inevitably result in the loss of visible sky and correspondingly will reduce daylight enjoyed within Goldsmid House. While the losses occur to windows throughout the buildings' floors, the windows on higher floors currently enjoy very good VSC levels (not normally found in central London where the built environment is denser), and so even the relatively high percentage losses in VSC levels to these windows result in absolute VSC levels which are reasonably good in central London. For the 92 windows with VSC losses more than the 20% threshold, absolute VSC levels are maintained above 15% VSC in approximately 40% of them (37 out of the 92). This means that these windows will receive levels of daylight typical or better for an urban area. However, and as to be expected, the windows on the lower floors will be impacted more significantly – generally, these windows will go from experiencing good to typical levels of daylight to somewhat poor levels of daylight.

Student accommodation has a different expectation in relation to natural light compared to permanent residential accommodation, however. Goldsmid House is an undergraduate hall, whose residents rent rooms for 39 weeks of the year (and some students may not occupy the rooms for that entire time given holidays). In addition, the non-street facing block of Goldsmid House is 8 storeys high – and the proposals at Gillingham House are to create a building of a not a significantly higher height than Goldsmid House and also comparable to the other buildings within this part of the VOA. For new/ extended buildings to match or be comparable in height to existing buildings, losses more than the BRE guide's thresholds is sometimes unavoidable. Also, Goldsmid House was designed to be orientated with a large number of windows facing over the rear element of Gillingham House, but it is set back over 13 metres from the Gillingham House boundary, and presumably this set back was included so to not restrict development on the Gillingham House site.

Overall, it would be unreasonable to resist this development based on harm to the daylight conditions in this student accommodation block given the circumstances described above.

### **Sunlight**

The BRE methodology for the assessment of sunlight is Annual Probable Sunlight Hours (APSH). It is a measure of sunlight that a given window may expect over a year period.

The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room. Sunlight is influenced by orientation (north facing windows will rarely receive sunlight) and so only windows with an orientation within 90 degrees of south are assessed. BRE guidance recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4%, then the proposed values should not be reduced by 20% or more of their previous value in each period.

The applicant's assessment found no breaches of the sunlight criteria for the residential flats at 4-6 Bridge Place, 28 Guildhouse Street, Sovereign Court and Barrington Court. There would be losses of sunlight more than the BRE guidelines at Goldsmid House, and these losses are summarised below:

**Table: Summary of sunlight breaches at Goldsmid House**

No. of rooms assessed	No. rooms BRE complaint	No. BRE breaches
78	27	51

Given the daylighting results for Goldsmid House as outlined above and its orientation, it is to be expected that there will be breaches of the APSH measure of sunlight. These occur to the non-street facing block and the results show most of the assessed rooms will experience losses of sunlight in excess of the thresholds set out in the BRE guide.

If total APSH is considered only, the number of rooms receiving less than 25% of the total available sunlight would be 33, meaning 18 of the windows breach the criteria because of winter sunlight only. Again though, while the percentage and absolute losses are high for the rooms on the upper floors, the resulting sunlight environment for the bedrooms will be typical for a dense urban environment such as this. There will be a greater impact again on the lower floors, but because of the circumstances set out in the daylight section, it is not considered that the impact will be detrimental to the students occupying the rooms.

### **Sense of Enclosure**

An unacceptable 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 proposed building is both higher and bulkier than the existing building on the site – although, only moderately higher than most of those immediately adjacent and comparable in height to others in this part of the VOA. The main impact could be to those within Goldsmid House, and to a lesser extent Barrington Court, Sovereign Court and 28 Guildhouse Street.

The main impact on the students within Goldsmid House will be from the part of the building that will be used as the stair and lift core. This core will be located on the eastern side of the building and will rise on the boundary within Goldsmid House. In addition, the rear element, while set back from the boundary as existing, will also be higher. Combined, this will reduce the openness currently enjoyed by the occupiers of

Goldsmid House (and to a lesser extent Barrington Court).

Nonetheless, those within the non-street facing Goldsmid House block are at least 13.8 metres away from the core because Goldsmid House is set back from the boundary, and then this widens to over 20 metres north of the core. While enclosure will increase given the existing situation allows for an unusually a high level of openness, because of the relatively wide gaps between the buildings that will remain, the impact will not be unduly oppressive.

Sovereign Court and 28 Guildhouse Street are approximately 19 metres and 18 metres from the proposed building respectively, which is the street width in these locations. The impact of the additional height of the building will be mitigated by the setbacks which means the highest roof level plant room will be over 30 metres from Sovereign Court or 28 Guildhouse Street.

Given the position of and distance to the flats on Bridge Place, there would be no impacts on a sense of enclosure.

Overall, given the setbacks and given the distance between opposing properties it is not considered that there will be a detrimental impact in terms of an increase sense of enclosure to neighbours.

### **Overlooking and Noise from Roof Terraces**

The proposal includes multiple roof terraces, and the new building will contain additional windows. This will create additional opportunities for the workers at the application building to overlook the neighbours.

As explained above, Goldsmid House is the closest building that contains residents. However, the views between that building and these new roof terraces / windows will, at a minimum, be 20 metres. This is a large distance which will minimise the impact of overlooking. Similarly, views from the roof terraces to the front will be approximately 19 metres from those opposing the site at Sovereign Court and 28 Guildhouse Street which will mitigate the degree of harm from the roof terraces in terms of privacy. Views of the properties on Bridge Place and within Barrington Court will not be significant given their distance and relative positions.

The roof terraces will also be no closer to these residents than the existing windows in the building. Given this and given that roof terraces used in connection with offices are not generally used at anti-social times, the roof terraces are unlikely to give rise to a significant impact on neighbours in terms of overlooking or noise. In order to ensure that this is the case conditions are recommended in order to ensure the roof terraces are not used at inappropriate times and that a plan is submitted to and approved by the council to ensure that the roof terraces and public garden are managed appropriately, including setting limits on the numbers of people who can be of the roof terraces at any one time.

### **Noise & Vibration from Plant Equipment and Internal Noise**

City Plan Policies 7 and 33 seek to manage amenity and environmental impacts in the city, including in relation to noise and vibrations from plant equipment and new uses.

The City Council's Environmental SPD sets out criteria for which noise and vibration impacts should be considered against.

The application includes plant equipment to be located in in parts of the basement and at roof level, as well as introducing a new commercial use on the ground floor (the café). The application includes an acoustic report which the Environmental Health team have assessed. Environmental Health raises no objection to the proposal, subject to conditions which are recommended on the draft decision notice to control these aspects of the development.

### **Light Pollution**

City Plan Policy 33 requires development to be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users. In this case, to ensure the external lighting, principally on the roof terraces, does not cause harm to neighbours of the local environmental quality, a condition is recommended to ensure a lighting strategy is submitted to and approved by the City Council.

### **Impact on Commercial Premises**

The development is will also have some impact on the internal environment of the adjacent offices and the hotel to the rear of the site. The applicant's assessment indicates there will be an impact on the light to some of the rooms within the hotel, and because of the proximity there will also be a degree of increased enclosure. However, because the hotel is occupied by guests who stay on a short term basis, the expectation for natural light is much lower than for permanent residential occupiers (and lower than for student accommodation). Similarly, offices will have a low expectation for light, privacy and openness given they are places of work and are often artificially lit. On this basis, while there will be a degree of negative impact on the amenity of these buildings, it is not significant enough to justify withholding planning permission on those grounds.

## **9.6 Transportation, Accessibility & Servicing**

### **Accessibility**

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places.

The building is designed to allow level access to all floors, and all part of the floors. However, because the development involves combining the front and rear elements of Gillingham House which have different floor levels, level access is somewhat convoluted in parts. The floors contain internal stairs which combine the front and rear elements of the building. There is a lift (in the core) which can stop at both floor levels, but this creates an unfortunate diversion for those requiring level access who need to travel from the front part of a floor to the rear (involving entering a hallway and waiting for a dedicated lift) which those who do not require level access will not have to experience. However, it is accepted that alternatives to this solution would have either involved the demolition and rebuilding of the frame, or creating internal ramps which on some floors

would have not been practical and on other floors would have been highly inefficient. It is noted that the proposals are an improvement over the existing arrangement (where level access between the front a rear element is not possible in parts without having to exit the building). Therefore, overall and on balance, the proposals are acceptable in terms of accessibility.

### **Servicing**

City Plan Policy 29 and London Plan Policy T7 expect off-street servicing to provided in new developments. The application includes no provision for off-street servicing and proposes an on-street servicing strategy, servicing from the street adjacent to the building frontage on Gillingham Street.

The applicant proposes changes to the existing on-street parking and crossover which are required to allow this on-street servicing strategy to happen and to allow the existing off-street servicing area to be used as a public garden. As the Highway Planning Manager notes, this on-street servicing strategy will not be policy complaint. Under City Plan Policy 29 it explains that servicing must be provided off-street and vehicles must be able to pull clear of the public highway without causing obstruction, unless it is clearly demonstrated that it cannot be accommodated and adequate justification is provided for this.

The Highway Planning Manager is unconvinced that the applicant has demonstrated that servicing cannot be accommodated on this site – particularly since it already is. The Applicant contends that having on-street servicing is necessary because otherwise vehicles will have to reverse across the footway (as the proposed building does not include a turning area), but the Highway Planning Manager notes that this only becomes necessary because of changes that the applicant is proposing to the existing building (the extension infilling the gap between the front and rear elements is where the vehicles currently can turn around on site, the propose infilling prevents this).

The Highway Planning Manager does understand that a balance between the disadvantages of having on-street servicing with the potential advantages of the creation of a public garden, should be considered. While the Highway Planning Manager does not consider the on-street servicing strategy is acceptable, in this instance there will be a benefit to allowing it – the public garden. In addition, while there will be some impact on the functioning of the highway through allowing the on-street servicing – subject to a suitable Delivery and Servicing Management Plan and alterations to the highway recommended to be secured through a condition and legal agreement – this impact will not be so significant in the context of the benefits of the scheme to justify withholding permission on these grounds. Through the legal agreement, the final design of the highway alterations, including alteration to / provision of parking bays, will be agreed.

### **Waste & Recycling Storage**

City Plan Policy 37 requires development to provide appropriate facilities for the storage of separate waste streams which are safe and convenient. The Waste Project Officer initially raised concern regarding the storage the applicant proposed, but during the course of the application the applicant updated their drawings and they now show adequate provision. A recommended condition requires it is provided.

## **Cycling & Cycle Storage**

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. In terms of long-stay car parking, the London Plan requires 141 spaces for the office and small café space and the proposals complies with this requirement – the cycle parking storage is located to the rear of the site. In relation to the short stay car parking, 11 short stay spaces are required and these are proposed under the entrance undercroft. Therefore, the cycle parking provision is acceptable. A recommended condition requires it is provided.

## **Parking**

The proposal does not include any off-street car parking provision. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the area would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1.

## **9.7 Economy including Employment & Skills**

Commercial areas of the city have been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their continued post pandemic recovery. The proposed development will contribute to the recovery of the VOA in accordance with City Plan Policies 1, 4 and 13 by providing new and higher quality office floorspace, which will increase the number of office based jobs on the site, and will improve the contribution that the site makes to the local economy.

As set out in City Plan Policy 18, major developments will contribute to improved employment prospects for local residents and in this case a financial contribution of £129,753 towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service is recommended to be secured by a legal agreement.

## **9.8 Other Considerations**

### **Basement Excavation**

City Plan Policy 45 relates to basements and it seeks to make sure that basement developments are appropriately designed and constructed.

In relation to the extent and depth of the basement, Policy 45 states basement developments of a single storey will be supported and in this case the basement is a single storey, modestly extending the existing single storey basement by 79sqm.

The application has been supported by a structural statement which the City Council's Building Control Team confirm demonstrate the basement can be constructed while safeguarding the structural stability of the buildings. Conditions are recommended to ensure that the developer adheres to the Code of Construction Practice and suitable

hours of building works. This will ensure the impacts that arise are mitigated appropriately.

### **Fire Safety**

London Plan Policy D12 requires all major development proposals to be supported with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

The applicant has provided this statement which is authored by a person who holds a BSc (Hons) in Fire Safety Engineering and a MSc in Fire Safety Engineering & Explosions. The statement considers building construction methods, means of escape, fire safety measures, fire service access and fire appliance access amongst other issues and therefore meets the requirements of Policy D12. A condition is recommended to ensure that the measures proposed are followed.

### **Crime**

City Plan Policy 38 states all development will place people at the heart of design, including by introducing measures that reduce the opportunity for crime and anti-social behaviour.

The Metropolitan Police Service (Designing Out Crime) have noted that the development will need to ensure that security and safety is considered in the building's management and detailed design. As advised, a recommended condition will require the applicant to achieve Secured By Design Accreditation.

## **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

## **9.10 Planning Obligations & Pre-Commencement Conditions**

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

- Undertaking of all highways works immediately surrounding the site including removal of crossover, reinstatement of kerb and alteration to parking bays, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development);
- A financial contribution of £83,295 (index linked) towards the City Council's Carbon Off Set Fund (payable prior to the commencement of the development);
- 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
- A financial contribution of £129,753 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
- A financial contribution of £513,297 (index linked) towards the City Council's Affordable Housing Fund (payable prior to the commencement of the

- development);
- Provision of and adherence to a management plan relating to the public gardens, ensuring public access during daylight hours and appropriate security arrangements (to be agreed prior to occupation of the development); and
- The costs of monitoring the S106 agreement.

The estimated Community Infrastructure Levy (CIL) payment is:

Westminster CIL: £1,098,956

Mayoral CIL: £825,611

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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

- Evidence to demonstrate the development will be bound by the Code of Construction Practice.
- Submission of a written scheme of investigation relating to archaeology, including a programme and methodology of site evaluation.
- Updated Whole Life-cycle Carbon Assessments.
- Updated Circular Economy Statement.
- Submission of details assessing impact and explaining safeguarding measures relating to London Underground assets.

The applicant has agreed to the imposition of the conditions.

## 10. Conclusion

As set out in this report, the development is acceptable in land use terms. The City Plan and London Plan support growth of office floorspace in the CAZ and VOA. Despite the conflict with City Plan Policy 8, the loss of the residential floorspace on balance is not opposed in this instance as there are mitigating circumstances as set out in this report.

In terms of sustainability and energy, the developer has chosen to minimise demolition and propose a new building whose carbon emissions through its operations will be reduced compared to Building Regulation requirements. The submission has also assessed WLC emissions which shows these emissions will be below the baseline benchmark over its lifetime.

In terms of design, townscape and heritage impacts, the proposed development will enhance the contribution made by the building to the appearance of the streetscene and will cause no harm to the setting of nearby designated heritage assets.

In terms of impacts on amenity, there will be negative impacts on the occupiers of Goldsmid House, which is student accommodation, and some minor negative impacts on permanent dwellings, but these are not so significant as to justify withholding planning consent on these grounds.

The proposals will result in numerous benefits including: a significant uplift in office floorspace, and the corresponding increase in office based jobs growth; improvements to the site which the public will be able to access, including provision of a café and public garden; improved energy performance of the building; improved greening and biodiversity; and the contribution the building will make to the appearance of the area.

As such, the proposal is considered acceptable, mindful of policies within the development plan and therefore, a recommendation to grant conditional permission will be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(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: JOSHUA HOWITT BY EMAIL AT [jhowitt@westminster.gov.uk](mailto:jhowitt@westminster.gov.uk)

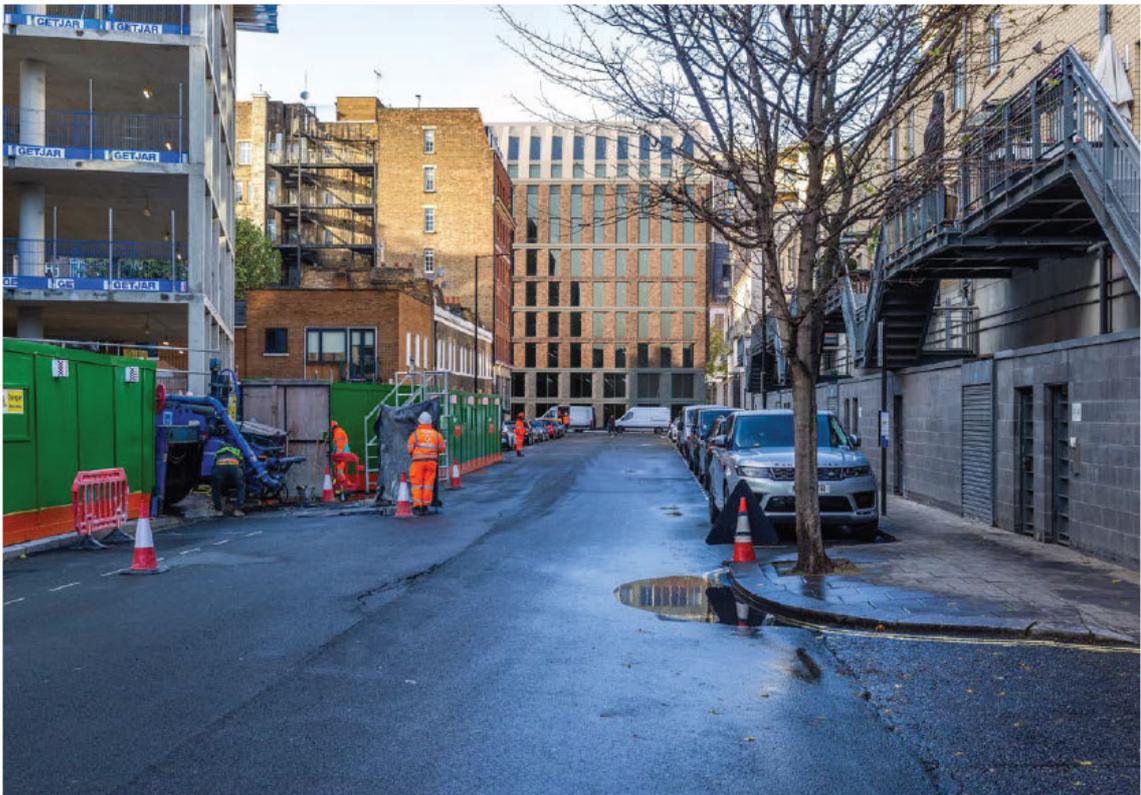
**11. KEY DRAWINGS**



**Image of Front Elevation**



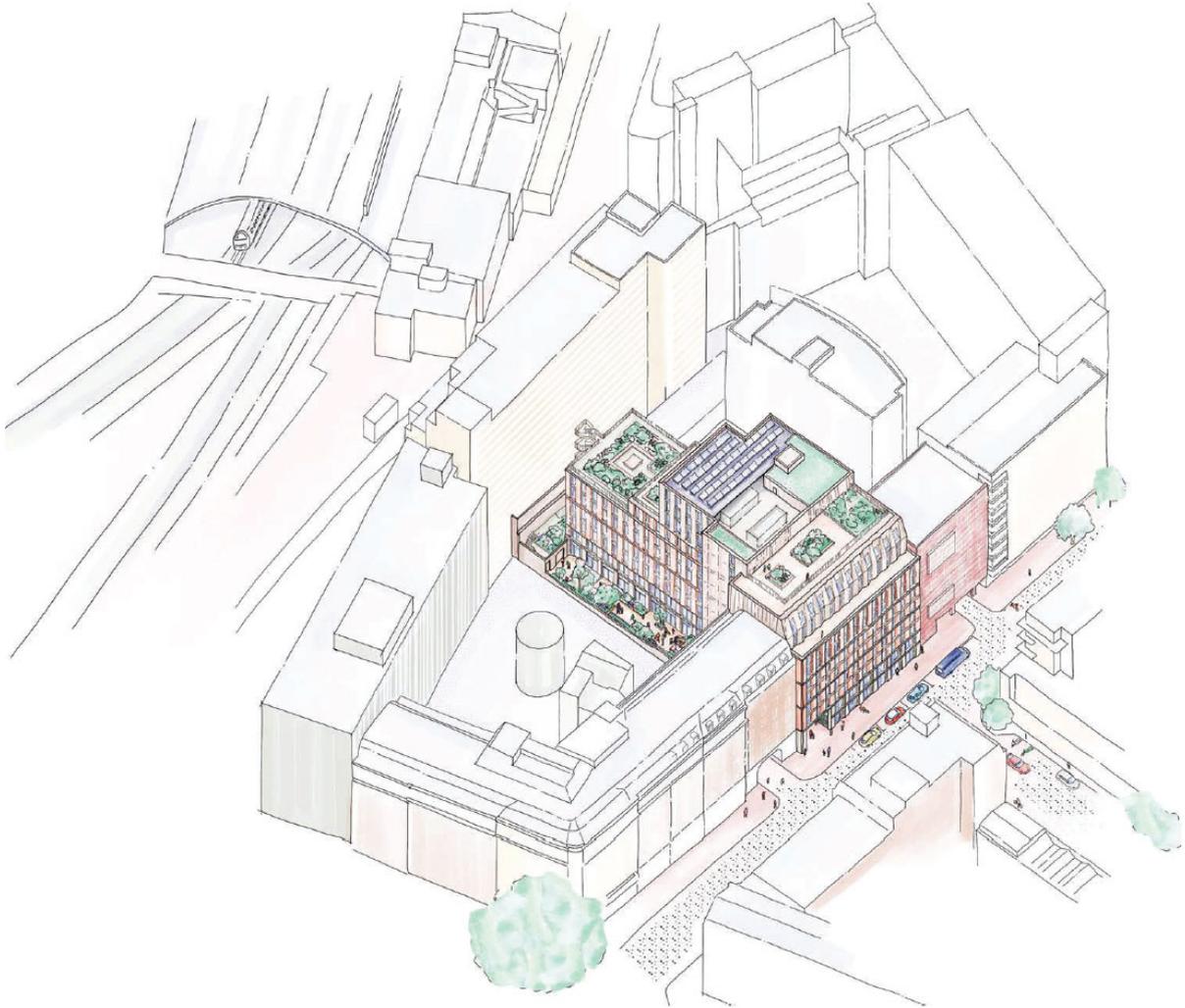
Images of Front Elevation





**Images of Rear**

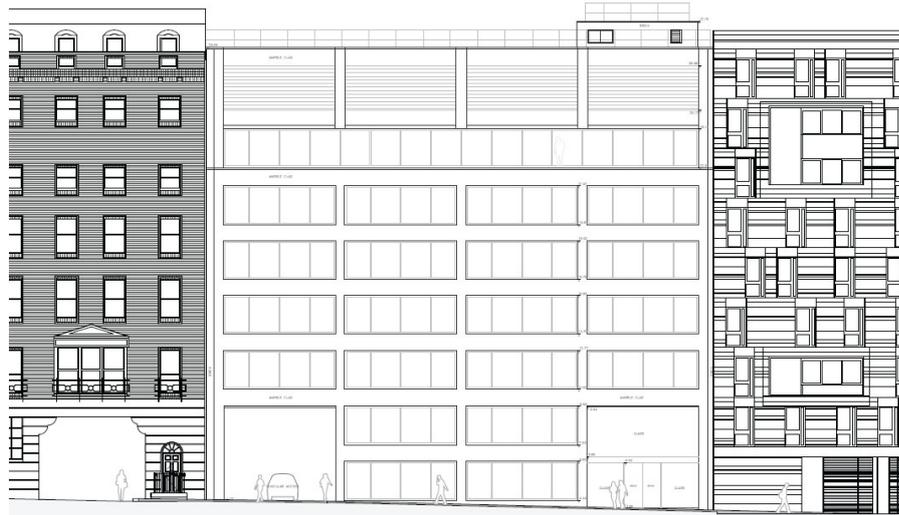




3D Image of proposed building



Proposed elevation in context



**Existing and proposed front elevation**

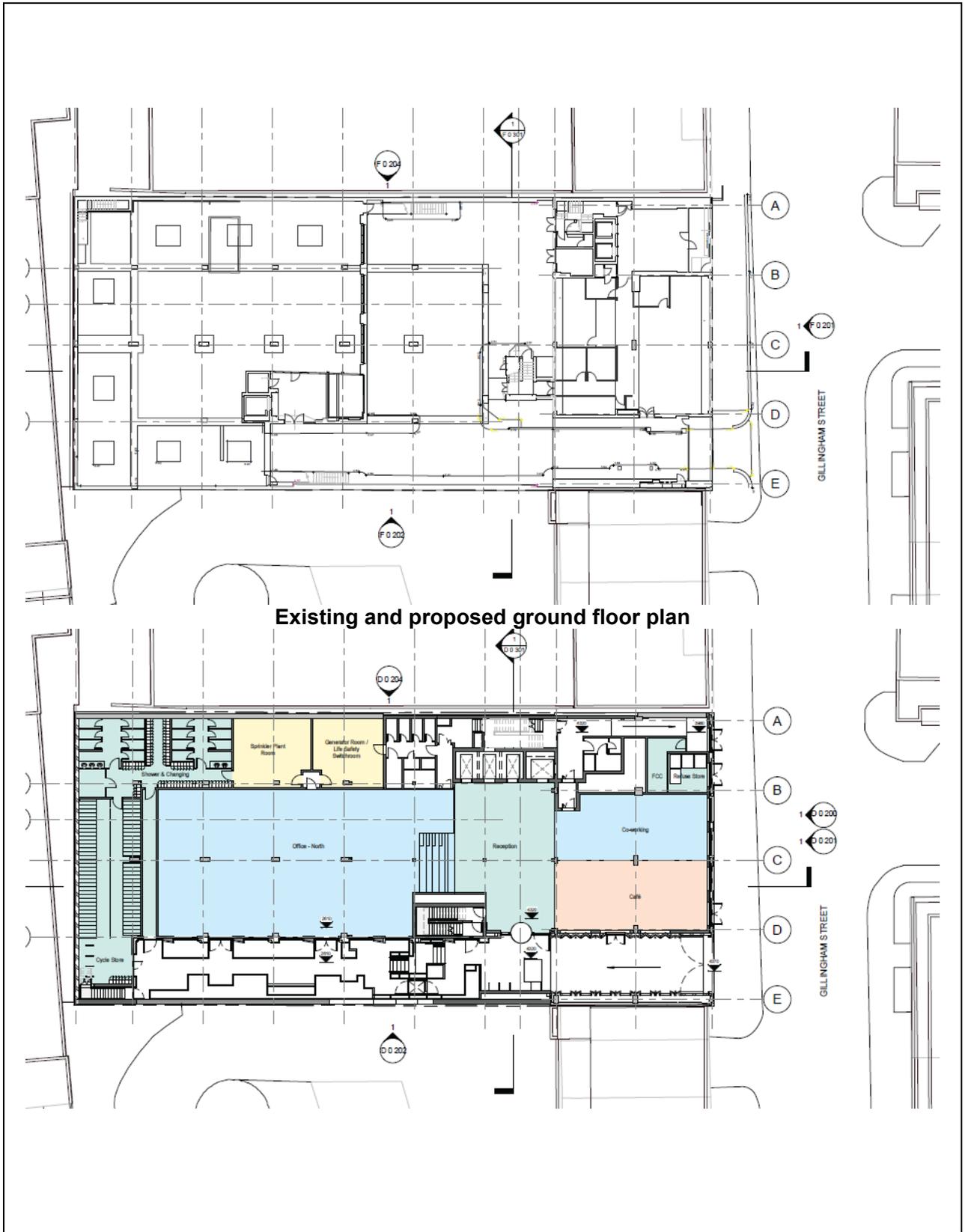


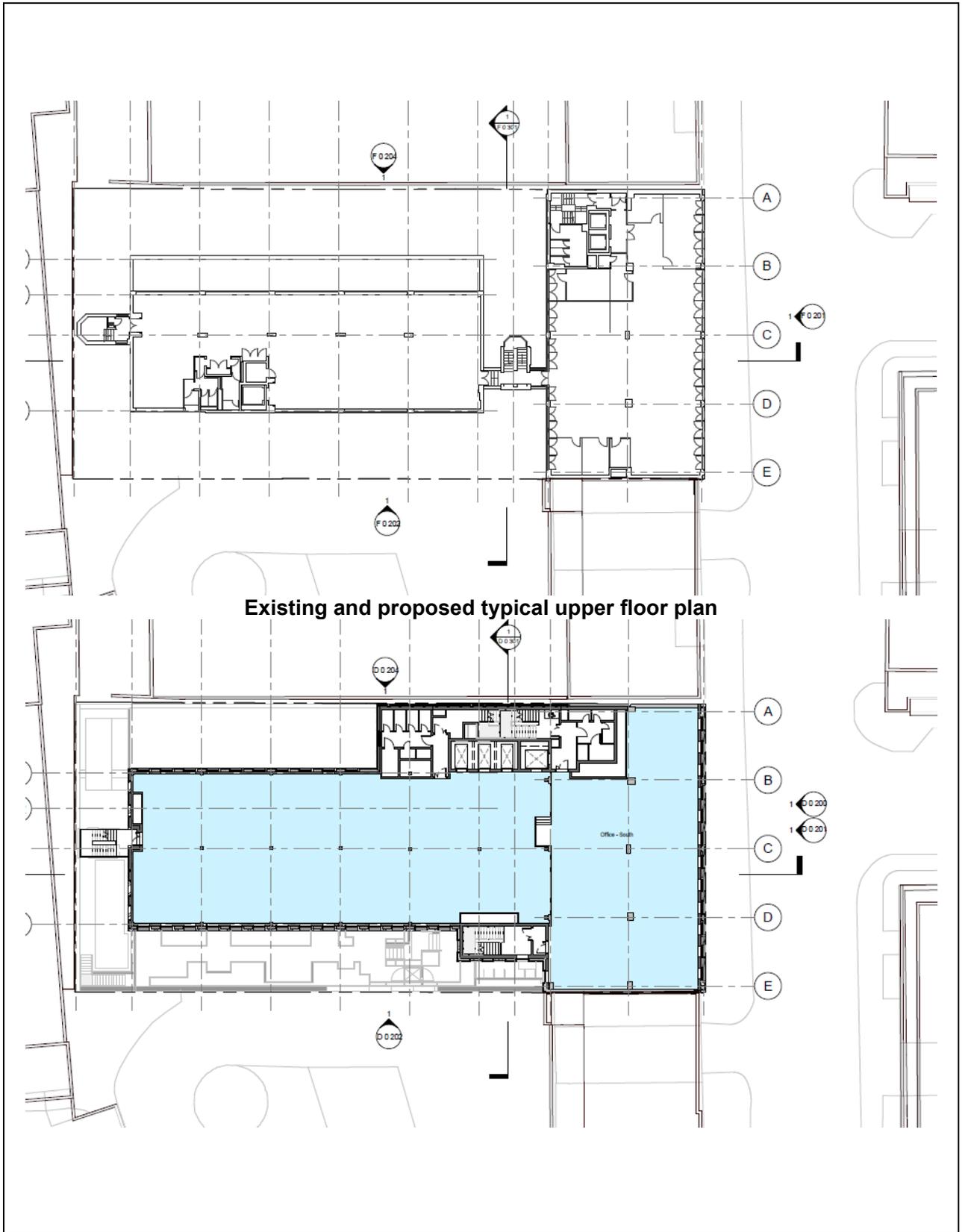


Existing and proposed west elevation









Existing and proposed typical upper floor plan



Extract of landscape plan by Turkington Martin - Ground Floor Plan



Extract of landscape plan by Turkington Martin - Roof Plan

**Landscaping plans**

**DRAFT DECISION LETTER**

- Address:** Gillingham House, 38-44 Gillingham Street, London, SW1V 1HU
- Proposal:** Part demolition, remodelling and extension of existing part eight and part four storey building plus basement (Use Class E, with former caretaker unit) to create an eight-storey building plus basement and roof level plant (Use Class E) and new facade, relocation of main entrance to side facade, new landscaped garden space, roof terraces, waste storage, cycle parking, associated plant and other necessary works.
- Reference:** 23/01690/FULL
- Plan Nos:** Existing Drawings:  
A12123 F 0 099 rev P1; A12123 F 0 100 rev P1; A12123 F 0 101 rev P1; A12123 F 0 102 rev P1; A12123 F 0 103 rev P1; A12123 F 0 104 rev P1; A12123 F 0 105 rev P1; A12123 F 0 106 rev P1; A12123 F 0 107 rev P1; A12123 F 0 108 rev P1; A12123 F 0 109 rev P1; A12123 F 0 201 rev P1; A12123 F 0 202 rev P1; A12123 F 0 203 rev P1; A12123 F 0 204 rev P1; A12123 F 0 300 rev P1; A12123 F 0 301 rev P1.
- Proposed Drawings:  
A12123 D 0 002 rev I2; A12123 D 0 003 rev I1; A12123 D 0 099 rev I1 (received 02 May 2023); A12123 D 0 100 rev I1 (received 02 May 2023); A12123 D 0 101 rev P1; A12123 D 0 102 rev P1; A12123 D 0 103 rev P1; A12123 D 0 104 rev P1; A12123 D 0 105 rev P1; A12123 D 0 106 rev P1; A12123 D 0 107 rev P1; A12123 D 0 108 rev P1; A12123 D 0 109 rev P1; A12123 D 0 120 rev P1; A12123 D 0 200 rev P1; A12123 D 0 201 rev P1; A12123 D 0 202 rev P1; A12123 D 0 203 rev P1; A12123 D 0 204 rev P1; A12123 D 0 210 rev P1; A12123 D 0 211 rev P1; A12123 D 0 300 rev P1; A12123 D 0 301 rev P1.
- Approved Documents:  
Rooftop Plant Noise Assessment dated 22 February 2023; Fire Statement dated 3 February 2023.
- Documents for Information:  
Planning Statement dated March 2023; Design and Access Statement dated February 2023; Heritage and Townscape Statement dated February 2023; Energy and Sustainability Statement dated February 2023; Air Quality Positive Statement dated 10 May 2023; Daylight Sunlight and Overshadowing Report dated May 2023; Transport Assessment dated March 2023; Outline Delivery and Servicing Plan dated June 2022; Outline Construction Logistics Plan dated March 2023; Workplace Travel Plan dated March 2023; Archaeological desk-based assessment dated February 2023; Ecological Assessment dated 6 March 2023; Contaminated Land Assessment dated February 2023; Utilities Assessment dated March 2023; Technical Note response to TfL Highway Comments dated 9 May 2023; Technical Note response to sustainability officer comments dated 25 April 2023; Operational Waste Management Strategy dated February 2023; Statement of Community Involvement dated February 2023; Structural Method Statement - Basement Impact Assessment dated March 2023; Draft Appendix A Checklist of Code of Construction Practice; Draft Operational Management Plan dated February 2023; Arboricultural

Impact Assessment dated February 2023; Flood Risk Assessment and Surface Water Drainage Strategy dated February 2023; Landscape Statement dated February 2023.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 07866038007

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 4 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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces hereby approved. (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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

- (a) New external windows and doors (1:10)
- (b) Gates to undercroft (1:20)
- (c) External railings (1:10)
- (d) Typical window reveals (1:10)
- (e) Decorative finish to undercroft (1:20)
- (f) PV panels showing relationship to finished roof level (1:20)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roofs of either building, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

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

- (a) A typical bay study of the Gillingham Street principal facade (ground or first floor) and a mock up showing its construction and materials;
- (b) A typical bay study of the Gillingham Street principal facade (second to fifth floors) and a mock up showing its construction and materials;
- (c) A typical bay study of the Gillingham Street principal facade (sixth floor) and a mock up showing its construction and materials;
- (d) A typical bay study of the seventh and eighth floors fronting on to Gillingham Street and a mock up showing its construction and materials.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 9 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 10 You must apply to us for approval of a scheme of public art at ground floor level.

You must not start work on the public art until we have approved in writing what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details.

You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AC)

## Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 11 **Pre Commencement Condition.** No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. Where appropriate, details of a programme for delivering related positive public benefits
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

## Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 12 Except for the area coloured orange and labelled 'cafe' on approved drawing 100 rev 1, you must use the premises only as offices. You must not use them for any other purpose, including any within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended in September 2020 (or any equivalent class in any order that may replace it).

## Reason:

We cannot grant planning permission for unrestricted Class E use because a loss of office accommodation in this location would undermine the provision of an appropriate mix of uses that support the vitality, function and character of the Central Actives Zone and the Victoria Opportunity Area. The office accommodation also contributes to meeting the business and employment needs of the City. An unrestricted Class E could also harm the amenity of neighbouring occupiers, local environmental quality and the highway network. This would not meet Policies 1, 2, 4, 13, 16, 28, 29 and 33 of the City Plan 2019

- 2040 (April 2021).

- 13 You can use the area coloured orange and labelled 'cafe' on approved drawing 100 rev 1 as any use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it) except as:
- E(c) financial/ professional services;
  - E(d) indoor recreation;
  - E(e) medical/ health services;
  - E(f) creche/ nursery; or
  - E(g) office/ research & development/ light industrial.

Reason:

We cannot grant planning permission for unrestricted use within Class E because it could harm the character and function of the Central Actives Zone and Victoria Opportunity Area. This would not meet Policies 1, 2, 4, 14 and 16 of the City Plan 2019 - 2040 (April 2021).

- 14 Customers shall not be permitted within the ground floor commercial premises (the area coloured orange and labelled 'cafe' on approved drawing 100 rev 1) before 07:00 hours or after 00:00 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 15 You must apply to us for approval of a management plan to show how you will prevent office workers and visitors to the site from causing nuisance for people in the area, including people who live in nearby buildings, while they are using the roof terrace and garden. This must include limits on the number of people allowed to congregate on each terrace/ garden and details of how this will be ensured. You must not start using the roof terraces or garden until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the building is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 16 No music shall be played within the building such as to be audible outside the premises. No music shall be played on the roof terraces or public garden.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 17 The roofs terraces hereby approved shall only be used between 08:00 and 21:00 hours Monday to Friday only.

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13BD)

- 18 You must apply to us for approval of a lighting strategy for any external lighting, including timings. You must not start occupying the development until we have approved what you have sent us. You must then only use the external lighting in accordance with the approved lighting strategy.

Reason:

To ensure a satisfactory appearance and to minimise light pollution to neighbouring residents, as set out in Policies 7, 33, 38 ,39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 19 (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 in writing 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 in writing 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 written 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 LA90, 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.  
(C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 20 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.  
(C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 21 The plant/machinery hereby permitted shall not be operated except between 07:00 hours and 21:00 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 22 The design and structure of the building 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. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens.

The design of the separating wall and/or floor should be such that the received value in the residential habitable spaces, with music playing, should be 10 dB below that measure without music events taking place, at the quietest time of day and night, measured over a period of 5 minutes and in the indices of Leq & LFM<sub>ax</sub> in the octave bands of 63 Hz & 125 Hz.

Reason:

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, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 23 (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 cafe (Class E) 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA<sub>90</sub>, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqT<sub>m</sub>, 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 cafe (Class E) 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 in writing by the City Council. The background level should be expressed in terms of the lowest LA<sub>90</sub>, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqT<sub>m</sub>, 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 written 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. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 24 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:

(1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) 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 in an emergency situation.

(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. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 25 In the event you use a ground floor commercial unit as a restaurant/ cafe with primary

cooking, you must apply to us for approval of details of the ventilation system to get rid of cooking smells for that unit, including details of how it will be built and how it will look. You must not begin the restaurant/ café 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.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 26 You must apply to us for approval of an Operational Management Plan to show how you will prevent customers who are leaving the restaurant/ cafe unit from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant/ cafe 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 ground floor restaurant/ cafe unit(s) are in use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 27 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 28 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number A12123 D 0 100 rev 1 and A12123 D 0 099 rev 1 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 29 You must apply to us for approval of a Servicing Management Plan prior to the occupation of the building hereby approved. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. The approved Servicing Management Plan shall be adhered to thereafter unless an alternative Servicing

Management Plan is submitted to and approved by the City Council.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 30 All areas for servicing within the building, including holding areas, access corridors and the service lift in the loading area, must be retained for this purpose for the life of the development and used for no other purpose.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 31 You must provide the access for people with disabilities as shown on the approved drawing(s) and as outlined in the Design and Access Statement dated February 2023 before you use the building. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 32 The development shall be carried out in accordance with the approved Energy and Sustainability Statement rev P04 (prepared by Atelier Ten dated February 2023). The energy efficiency and sustainability measures set out therein shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development.

The development shall achieve regulated carbon dioxide emission savings of no less than 17 % against the Target Emissions Rate of Part L of Building Regulations (2021) as set out in the approved Energy and Sustainability Statement.

Within 3 months of first occupation of the development a post completion verification report shall be submitted to and approved in writing by us to confirm that the above minimum standard has been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 33 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability.

Within six months of first occupation of the development, you must submit to us a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 34 A. You must apply to us for approval of a feasibility study exploring whether the development can support the inclusion of additional photovoltaic panels. You must not start occupying the building until we have approved what you have sent us.

B. If the study approved under part A. indicates the installation of additional photovoltaic panels is feasible, you must apply to us for approval of detailed drawings, sectional drawings and other information to demonstrate the additional photovoltaic panels will not harm the appearance of the building or townscape. You must then must provide, maintain and retain the additional photovoltaic panels as approved before you start occupying the building.

Reason:

To make sure that the development provides the maximum amount of environmental sustainability features feasible and 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 Policies 36, 38 and 40 of the City Plan 2019 - 2040 (April 2021).

- 35 The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

Reason:

The development hereby approved shall be constructed to achieve or exceed the BREEAM 'Excellent' standard for the 'Wat 01' water category or equivalent.

- 36 **Pre-Commencement Condition.** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development:

- a) Prior to commencement of any construction works.
- b) Within 3 months of first occupation of the development.

Where the updated assessment submitted pursuant to part b above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 674 kgCO<sub>2e</sub>/m<sup>2</sup> and/or Whole Life Carbon (A1-C4, excluding modules B6 - B7) above 1,019 kgCO<sub>2e</sub>/m<sup>2</sup>, which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be minimised.

You must not commence any construction works until we have approved the updated

assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved.

The post construction assessment submitted for our approval pursuant to (b) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (a).

Reason:

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022).

**37 Pre-Commencement Condition**

(a) Prior to commencement of any works on site including works of demolition full details of the pre-demolition audit in accordance with section 4.6 of the GLA's adopted Circular Economy Statement guidance shall be submitted to us and approved by us in writing. The details shall demonstrate that the development is designed to meet the relevant targets set out in the GLA Circular Economy Statement Guidance. You must not carry out any works on site including works of demolition until we have approved what you have sent us. The demolition and other pre-construction works shall then be carried out in accordance with the approved details.

(b) Prior to the commencement of any construction works and following completion of RIBA Stage 4, a detailed Circular Economy Statement including a site waste management plan (or updated version of the approved Circular Economy Statement that reaffirms the approved strategy or demonstrates improvements to it), shall be submitted to us and approved by us in writing.. The Circular Economy Statement must be prepared in accordance with the GLA Circular Economy Guidance and demonstrate that the development has been designed to meet the relevant targets set out in the guidance. The end-of-life strategy included in the statement shall include the approach to storing detailed building information relating to the structure and materials of the new building elements (and of the interventions to distinguish the historic from the new fabric). The development shall be carried out in accordance with the details we approve and shall be operated and managed throughout its life cycle in accordance with the approved details..

Reason:

To ensure the development is resource efficient and maintains products and materials at their highest use for as long as possible in accordance with Policy SI7 in the London Plan 2021, Policy 37 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Circular Economy Statements' (March 2022).

**38** You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in

writing what you have sent us. You must then carry out the landscaping and planting within 1 of completing the development (or within any other time limit we agree to in writing).

If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 39 You must apply to us for details of the volume, depths, specification and profile of the soil which you propose in the areas of soft landscaping, including details of the drainage layer and other components. You should maximise the overall soil volumes and link soil volumes together as much as possible. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 40 You must provide, maintain and retain the following flood mitigation measures before you start to use any part of the development, as set out in your application:
- a. Green roofs;
  - b. Below ground attenuation tank; and
  - c. Areas of soft landscaping.

You must not remove any of these features. (C44CA)

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 41 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management

plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 42 You must carry out the measures included in your Fire Statement dated 3 February 2023 before anyone uses the building, and you must ensure the fire safety features are installed and adequately maintained.

Reason:

In the interest of fire safety, as set out in Policy D12 of the London Plan (March 2021).

43 **Pre Commencement Condition.**

A. The demolition of Gillingham House hereby permitted shall not be commenced until details of an impact assessment safeguarding measures and impact to London Underground assets and method statement of the demolition in consultation with London Underground) have been submitted to and approved in writing by the local planning authority.

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

- provide construction details of the primary substructures and superstructures (general arrangement plans)
- accommodate the location of the existing London Underground structures and tunnels
- accommodate ground movement arising from the construction thereof by submitting tunnel impact assessment to LU
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels, The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan (March 2021).

- 44 You must not occupy the building until you have achieved Secured By Design accreditation. You must then maintain this accreditation for the lifetime of the development.

Reason:

To reduce the chances of crime as set out in Policy 38 of the City Plan 2019-2040 (April 2021). (R16AD)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 In relation to condition 11, the written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 In relation to condition 38, when you apply to us for approval of the details of the hard and soft landscaping scheme you should use standard rather than multi-stemmed trees.
- 4 You should provide replacement planting for existing planting T1 and T2 located at 84 Gillingham Street, which are proposed for removal in relation to this application.
- 5 In relation to the assessment required pursuant to part (b) of Condition 36 the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) ([london.gov.uk](http://london.gov.uk)). To support the results provided in the template, the following minimum evidence requirements should also be submitted:
  - a) site energy (including fuel) use record
  - b) contractor confirmation of as-built material quantities and specifications
  - c) record of material delivery including distance travelled and transportation mode (including materials for temporary works)
  - d) waste transportation record including waste quantity, distance travelled, and transportation mode (including materials for temporary works) broken down into material categories used in the assessment, e) a list of product-specific environmental product declarations for the products that have been installed.

The data collected must demonstrate compliance with the Whole Life Carbon Assessment approved at application stage and will provide an evidence base that informs future industrywide benchmarks or performance ratings for building typologies. In addition to submitting this information to the Council where the original application was referable to the Mayor of London you should also submit the post-construction assessment to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the requirements of the Mayor's guidance.

- 6 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
- 7 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](mailto: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.

- 8 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](http://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.

- 9 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained., Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- \* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
  - \* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
  - \* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
  - \* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
  - \* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 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](http://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 With reference to condition 3 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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 Inspectorate ([cocp@westminster.gov.uk](mailto:cocp@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 Inspectorate team must be paid on submission of the details relating to the relevant phase.

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

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

- 14 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/planning-building-and-environmental-regulations/building-control](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control).
- 15 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 16 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 17 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 18 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

- 19 This permission is governed by a legal agreement under Section 106 of the Town and Country Planning Act 1990. The agreement relates to:
- a) Undertaking of all highways works immediately surrounding the site including removal of crossover, reinstatement of kerb and alteration to parking bays, to the City Council's specification and at the full cost to the developer (highway works to be agreed prior to commencement of the development);
  - b) A financial contribution of £83,295 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development);
  - c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data;
  - d) A financial contribution of £129,753 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment Service (payable prior to the commencement of the development);
  - e) A financial contribution of £513,297 (index linked) towards the Affordable Housing Fund (payable prior to the commencement of the development);
  - f) Provision of and adherence to a management plan relating to the public gardens, ensuring public access during daylight hours and appropriate security arrangements (to be agreed prior to occupation of the development); and
  - g) The costs of monitoring the S106 agreement.

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