

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 2 May 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	Development Site At 1-11 And 13-15 Carteret Street, 40 Broadway, London,		
Proposal	Variation of conditions 1 and 25 of planning permission dated 14th July 2022 (RN:22/01513/FULL) which itself varied conditions 1, 2, 40, 41, 43 and 44 of planning permission dated 15th March 2019 (RN:18/01395/FULL) for 'Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works, namely plant screen rearranged and doors to plant screen relocated, introduction of roof terrace at the eighth floor, maintenance path around eighth floor added, roof light added to stair core in lieu of losing glass elevation to north.		
Agent	DP9		
On behalf of	Carter Victoria Limited		
Registered Number	22/05034/FULL	Date amended/ completed	25 July 2022
Date Application Received	25 July 2022		
Historic Building Grade	Unlisted		
Conservation Area	Broadway And Christchurch Gardens		
Neighbourhood Plan	Not Applicable		

1. RECOMMENDATION

1. Grant conditional permission, subject to a deed of variation to the original Section 106 legal agreement dated 15 March 2019 to secure the originally secured planning obligations in relation to this new permission.
2. If the deed of variation has not been completed within six weeks of the date of this resolution then:

- a) The Director of Town Planning and Building Control shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;
- b) The Director of Town Planning and Building Control shall consider whether the 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 Place Shaping and Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY & KEY CONSIDERATIONS

The application site is located within the Central Activities Zone and within the Broadway and Christchurch Gardens Conservation Area. Immediately to the north of the site, following its boundary, is the Birdcage Walk Conservation Area including the Grade I listed rows of late 17th to 18th century terraced houses which form the southern side of Queen Anne's Gate. There is a residential block of six flats to the east at 10 Carteret Street that directly overlooks the application site.

The application proposes to vary conditions 1 and 25 to revise the design of the roof top plant room to allow for the provision of a roof terrace at 8th floor level. An operational management plan submitted with the application would restrict use of the terrace Monday to Friday between the hours of 08:00 – 19:00 and with a maximum capacity of 50 persons. Other minor works to the roof at 8th floor level are proposed as set out in the report.

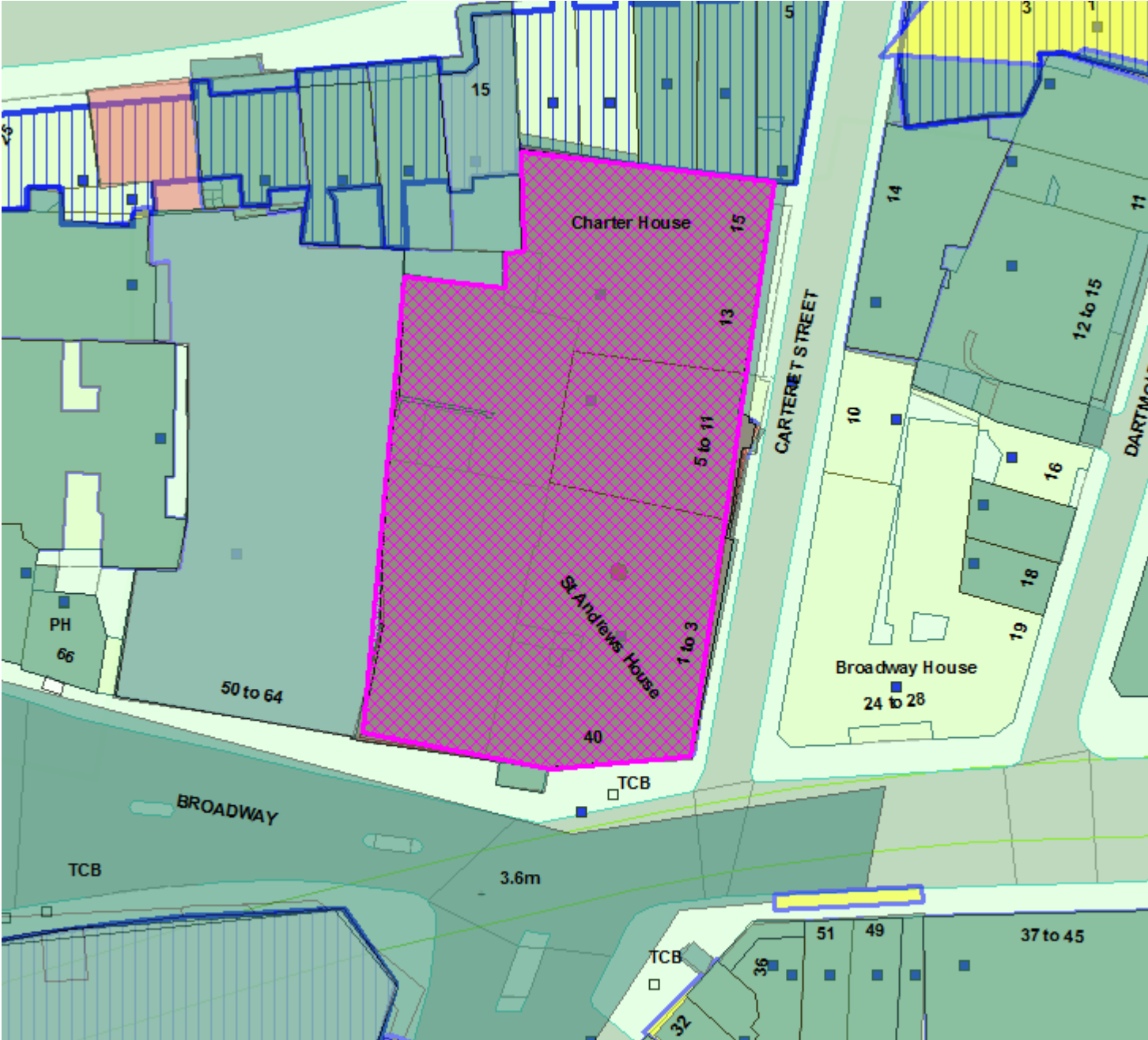
The key considerations in this case are:

- The impact of the proposed roof terrace on the character and appearance of the Broadway and Christchurch Gardens Conservation Area and the setting of other nearby designated heritage assets, such as the grade I listed buildings adjoining the site to the north.
- The impact from the use of the terrace on the amenity of the occupiers of nearby residential properties in terms of noise and disturbance and overlooking.

The applicant has demonstrated with a noise impact assessment that the use of the terrace would not be unneighbourly in terms of noise and disturbance to the nearest noise sensitive properties. The operational management plan submitted with the application would provide additional safeguards for local residents by restricting both capacity and the hours of use of the terrace. Given the high level position of the roof terrace and the distance from the nearest residential properties, the proposal is acceptable in overlooking terms. The alterations required for the terrace are at high level and would reduce the size of the approved plant room and are acceptable in design and heritage terms.

As set out in this report the proposed development accords with the relevant policies in Westminster's City Plan 2019 – 2040 (the City Plan). The application is therefore considered acceptable in land use, design, heritage, and amenity terms, and is recommended for approval subject to a deed of variation and to the conditions set out in the draft decision letter.

3. LOCATION PLAN



4. PHOTOGRAPHS



40 Broadway elevation pre-demolition



40 Broadway post demolition

5. CONSULTATIONS

5.1 Application Consultations

Environmental Sciences

No objection in noise terms (on the proviso that the use of the flat roof at 3rd floor level facing Carteret Street is sufficiently controlled by condition to prevent its use as a terrace.)

Historic England

Any response to be reported verbally.

Victoria Neighbourhood Forum

Any response to be reported verbally.

Westminster Society

Any response to be reported verbally.

Queen Anne's Gate Residents' Association (QAGRA)

- The proposal is contrary to existing Condition 25 which prohibits the use of the roof for sitting out or for any purpose other than maintenance or emergency access. The application documents fail to explain why Condition 25 should now be reversed.
- The proposal is contrary to existing Condition 31 which requires the provision of living roofs to all roofs not used as terraces or roof plant areas.
- The Association recognises that mental health is a critical issue. The alleged 'wellness' benefits of the proposal, as set out in the planning application documents, however are vague and not supported by evidence or policy.
- The application does not include any proposed operating conditions (whether by way of planning conditions or internal controls by the building owner) or information as to how the conditions will be enforced to secure compliance by current and future owners and occupiers of any of the buildings, as well as by their employees and contractors in perpetuity.
- There is no justification for any reversal of the previous ban on roof terraces which was put in place in the 2019 scheme to protect the amenity of residents.
- There are now more residential properties that will be affected by the roof terrace with the completion of recent developments.
- Permission has already been granted for various terraces on the approved building.
- We would question the methodology for the noise assessment report.
- St James's Park & Christchurch Gardens provide close and easily accessible open spaces for office users.
- It would be almost impossible for residents to obtain redress in the event of a breach of the conditions proposed.
- The best use of the unused roof space would be for the introduction of additional photo-voltaic panels to generate green energy for the building and reduce carbon emissions or as a bio-diversity roof.

QAGRA commissioned their own noise assessment report by RBA Acoustics dated 9

September 2022 which highlighted a number of deficiencies in the applicant's noise assessment report. Following the receipt of additional reports from KP Acoustics dated 30 September and 7 November 2022, QAGRA commissioned a further technical note from RBA Acoustics that outlines the potential impact of noise as a result of the proposed terrace use, with up to 60 occupants at any given time during daytime operating hours.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 68

Total No. of replies: 18 (from 16 addresses)

No. of objections: 18

No. in support: 0

- Noise and disturbance from the use of the terrace by office workers, especially from large gatherings. Noise travels easily at height.
- Smells and light pollution from the roof terrace.
- Overlooking from roof terrace to Queen Anne's Gate properties including to bedrooms.
- The condition which restricts the use of the roof space of this development for escape/maintenance purposes should remain.
- The roof should be used to generate green energy and increase bio-diversity.
- Outdoor space for staff is easily found in St James's Park and Christchurch Gardens.
- A roof terrace is not a necessary amenity for an office building.
- Concerns raised about parking for guests of roof top bar.
- The objections of the QAGRA are fully supported.
- Enforcing noise limits would be difficult.
- There are already terraces on the lower floors of the approved building.
- In the absence of clear covenants on use - like no alcohol, no amplified sound, and early evening curfews – the proposal would add to the sources of noise pollution in the area.
- Would question the methodology for the noise assessment report.
- There does not appear to be any way for residents to secure that conditions relating to the proposed terrace (such as the landscaping), will be implemented and enforced.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

There is a Stakeholder Liaison Group linked to this development site secured through the original Section 106 legal agreement. This includes a requirement to inform local businesses, residential occupiers and stakeholders of the design and development proposals. The applicant advises that the proposed changes to the scheme were presented to neighbours of the site via Zoom calls in February and May 2022, at which time comments and queries from the neighbours were discussed and acknowledged. The two key issues were the potential for overlooking and noise from the proposed roof

terrace. Accordingly, the applicant advises that the proposal has been designed to mitigate potential for this as part of the current application.

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

The application site is located within the Central Activities Zone and within the Broadway and Christchurch Gardens Conservation Area. Immediately to the north of the site, following its boundary, is the Birdcage Walk Conservation Area including the Grade I listed row of late 17th to 18th century terraced houses which form the southern side of Queen Anne's Gate. There is a residential block of six flats at 10 Carteret Street to the east that directly overlooks the application site.

7.2 Recent Relevant History

08/10393/FULL

Demolition of existing buildings and redevelopment to provide an office building on basement, ground and seven upper floors, eight residential dwellings, car parking and other associated works.

Application Permitted

23 November 2012

08/10394/CAC

Demolition of existing buildings and redevelopment to provide an office building on basement, ground and seven upper floors, eight residential dwellings, car parking and other associated works.

Application Permitted 23 November 2012

18/01395/FULL

Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway).

Application Permitted 15 March 2019

19/03693/NMA

Amendments to planning permission dated 15th March 2019 (RN:18/01395/FULL) for the demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with restaurant (Class A3 use) at part ground and basement level and other associated works. NAMELY to amend condition 44 to read 'You must not start any demolition work on the site of the proposed northern or southern building until we have approved either: (a) a construction contract with the builder to complete the redevelopment work for the northern or southern building respectively for which we have given planning permission on the same date as this consent, or (b) an alternative means of ensuring we are satisfied that demolition on the site of the proposed northern or southern building will only occur immediately prior to development of the new northern or southern building respectively. You must only carry out the demolition and development according to the approved arrangements' and condition 45 to read 'You must not carry out demolition work unless it is part of the complete development of the northern or southern building respectively. You must carry out the demolition and development of each part without interruption and according to the drawings we have approved.'

Application Permitted 26 June 2019

21/05250/NMA

Amendments to planning permission dated 15th March 2019 (RN 18/01395/FULL) for the demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. (Site includes 1-11, 13-15 Carteret Street And 40 Broadway). NAMELY design changes to the north office building to allow for the development to be provided as a single building, external changes, internal changes to layout and amendments to the wording of conditions 4, 5, 6, 8(f), 14, 15, 16, 18, 19, 20, 21, 22, 25, 26, 27, 29, 30, 31, 33, 42, 43, 46, 47, 48 and add an additional condition 49.

Application Permitted 22 November 2021

22/00802/NMA

Amendments to planning permission dated 15th March 2019 (RN:18/01395/FULL) for: Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works.

(Site includes 1-11, 13-15 Carteret Street And 40 Broadway). Namely, to remove the chimney at the western extent of the site.

Application Permitted 31 March 2022

22/01513/FULL

Variation of Conditions 1, 2, 40, 41, 43 and 44 of planning permission dated 15th March 2019 (RN:18/01395/FULL) for 'Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works', namely to allow design amendments, (including omission of lightwell adjacent to Queen Anne's Gate boundary, basement level lowered by 150mm, changes to ground floor entrance, external fire escape added to NW corner of building, additional photovoltaic panels and lift over run increased in height) and to record discharged conditions.

Application Permitted 14 July 2022

22/06356/LBC

Works to the boundary wall between the Development Site at 1-11, 13-15 Carteret Street and 40 Broadway and the listed buildings between and including nos. 5 to 17 Queen Annes Gate.

Application Permitted 20 December 2022

8. THE PROPOSAL

The application proposes to vary conditions 1 and 25 of planning permission dated 14th July 2022 (RN:22/01513/FULL) to revise the design of the approved plant room at 8th floor level to allow for the provision of a roof terrace for occupiers of the building which will be predominantly office use. As originally submitted it was proposed also to vary condition 27 (which requires the submission of a plan showing the outdoor terraces on the building) however this was not necessary and the description of development amended accordingly. Condition 1 and 25 are currently worded as follows:

Condition 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.

Condition 25

Notwithstanding what is shown on the approved drawings, you must not use any part of the roof of the building that faces east onto Carteret Street at any level for sitting out or for any other purpose. You can however use this part of the roof to escape in an emergency and for maintenance purposes.

An operational management plan submitted with the application would restrict use of the terrace to Monday to Friday only between the hours of 08:00 – 19:00 and with a maximum capacity of 50 persons.

In addition to the creation of a roof terrace, the application proposes the following

additional changes at roof level:

- Plant screen rearranged and doors to plant screen relocated.
- Maintenance path around eighth floor added.
- Roof light added to stair core in lieu of losing glass elevation to north.

Construction works at the site in relation to planning permission dated 14th July 2022 (RN:22/01513/FULL) are substantially underway.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	9,978	11,046	+1,068
Restaurant and café	0	478	+478
Total	9,978	11,524	1,546

9. DETAILED CONSIDERATIONS

9.1 Land Use

The principle of development for the new office building with a retail unit at part ground and basement level has been established by planning permission dated 15 March 2019 under reference 18/01395/FULL and carried forward within planning permission dated 14 July 2022 under reference 22/01513/FULL.

The applicant advises that due to innovations in mechanical plant being made smaller and more efficient the quantum of approved plant enclosure is now redundant. Furthermore as the expectations of office occupiers has changed post-covid, the amendment proposed seeks to reduce the size of the 8th floor plant enclosure and utilise the space as a roof terrace for office employees instead.

Policy 13 (Supporting economic growth) of the City Plan states that 'New and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the Plan period.' Paragraph 13.11 of the City Plan states that 'To enable growing sectors to continue to thrive, new and refurbished employment floorspace should be designed to meet the needs of modern occupiers. This could include providing dedicated space for hot-desking, informal meetings and collaboration, hosting conferences, and the provision of on-site amenities that helps make them attractive to a talented workforce'.

Unlike in residential developments, there is no policy requirement to provide external amenity space for offices. This is an issue that has been raised by some objectors who argue that the approved office building already has terraces at 4th, 5th, 6th and 7th floor levels on the north elevation of the building and that St James's Park is located nearby. These comments are noted, however, the proposed 8th floor terrace would be a larger external space than the terraces already approved and would further improve the quality of the approved office accommodation which is supported by policy 13 of the City Plan.

9.2 Environment & Sustainability

Policy 36 of the City Plan (*Energy*) states that the council will promote zero-carbon development and expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change.

The proposed minor material amendment application does not propose any amendments which would require the approved sustainability strategy to be reviewed. However, objectors to the roof terrace consider that the space freed up by the reduced 8th floor plant room would be better used providing additional photovoltaic panels.

As approved, the permission dated 15 March 2019 is expected to achieve an on-site reduction in carbon dioxide (CO₂) emissions of 32% beyond 2013 Building Regulations. Part of this is to be met through the provision of photovoltaic panels installed on the roof. This was not fully compliant with the policy target of 35% within London Plan Policy 5.2 and Policy SI2 of the draft London Plan which was in place at the time. However the council accepted that the remaining shortfall in CO₂ reductions be provided through a cash-in-lieu contribution to the City Council's carbon offset fund of £45,360.

Whilst the provision of additional photovoltaic panels on the roof of the approved building would be supported in terms of policy 36, given that the energy strategy for this development has been approved by the council, it would not be reasonable to refuse permission on the grounds that the space given over to the proposed roof terrace should be used for the provision of additional photovoltaics instead.

9.3 Biodiversity & Greening

Policy 34 of the City Plan (*Green Infrastructure*) states that 'developments will, wherever possible, 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.'

The proposed roof terrace would incorporate large raised planters. These are welcome in terms of biodiversity. A condition is recommended to secure details of the planting within the raised planters to maximise biodiversity and to ensure that the planters are installed as shown on the submitted drawings and retained thereafter.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the LBCA Act") requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 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.”*

Section 72 of the LBCA Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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.

Bulk, Height & Scale

The proposal to introduce a roof terrace at level 8 of the approved building will result in a reduction in the size of the plant room which as approved is approximately 1.9m high. This is welcome in design and townscape terms as it will reduce the bulk of the building when viewed from street level and from surrounding buildings. A condition is recommended to ensure that no structures are introduced on the terrace beyond what has been approved as part of this submission. The other works proposed to the plant screen doors, the provision of a maintenance path and roof light added to stair core are minor works and acceptable in design terms. The proposal would comply with policy 40 of the City Plan (*Townscape and architecture*).

Detailed Design

The terrace will be enclosed by a metal balustrade along the roof edge which whilst visible from street level will be discreet. The terrace itself would have areas of seating and raised planters which given the height of the building are unlikely to be visible from street level. The terrace would also have a shaded canopy adjacent to the plant room approximately 1.9m tall. This would follow the same line as the plant room but it would be an open structure and therefore will not have a significant impact in terms of bulk. The proposal is therefore considered to comply with policy 38 of the City Plan (Design principles).

Impact on Heritage Assets

The proposed amendments are restricted to 8th floor level and given that the proposal would result in a reduction in bulk at roof level in comparison with the approved building, there would be no harm to the significance of the Broadway and Christchurch Gardens Conservation Area or the setting of nearby listed buildings arising from the proposed amendment. The proposal is therefore considered to comply with Policy 39 (*Westminster's heritage*) of the City Plan.

9.5 Residential Amenity

Noise

City Plan Policy 7(B) (*Managing development for Westminster's people*) requires new development to be neighbourly by protecting, and where appropriate enhancing local environmental quality.

City Plan Policy 33 (C) (*Local environmental impacts*) relates to noise and states "Development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to (i) minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses."

The Environmental Supplementary Planning Document (ESPD) (Adopted 2022) provides guidance for developers on how they can meet the environmental policies within Westminster's City Plan 2019 –2040. The ESPD covers seven environmental topics of which local environmental impacts (e.g. noise) is the most relevant to this application. The ESPD sets out that a Noise Impact Assessment (Acoustic Report) is required where development, including change of use, could affect noise sensitive receptors. Noise sensitive receptors comprises residential use, educational establishments, hospitals, hotels, hostels, concert halls, theatres, law courts, and broadcasting and recording studios.

The nearest noise sensitive receptors to the proposed roof terrace are flats within 10 Carteret Street. There are other residential properties on Queen Anne's Gate that extend along the northern boundary of the site. There have been objections to the roof terrace from the occupiers of nearby residential properties in Queen Anne's Gate, Carteret Street and Old Queen Street who are concerned about increased noise levels and disturbance from the proposed roof terrace.

In accordance with the adopted ESPD, the applicant submitted a Noise Impact Assessment for the proposed terrace with their application on 11 August 2022 from KP Acoustics. The assessment is intended to determine the potential noise impact of the intended use of the terrace in relation to the prevailing background noise levels in the area. QAGRA commissioned their own Noise Impact Assessment from RBA Acoustics dated 9 September 2023. In response the applicant provided two updated Technical Notes dated 30 September and 7 November 2022. RBA Acoustics then provided a further technical note dated 21 November 2022 on behalf of QAGRA. KP Acoustics then responded further with a technical note dated 25 November 2022 on behalf of the applicant. In addition, the applicant submitted an operational management plan for the

roof terrace dated 8 November 2022.

Environmental Sciences has reviewed the Noise Impact Assessment reports and technical notes provided on behalf of the applicant (KP Acoustics) and from QAGRA (RBA Acoustics). Environmental Sciences advise that the applicant's noise assessment has now adopted the Council's favoured approach for assessing the potential noise impact from the proposed outdoor terrace by using the Institute of Environmental Management and Assessment (IEMA) guidance and that the assessment should be made upon a likely worst case scenario of people speaking with raised voices and with 50% of people speaking at once (as opposed to 20% previously used). Both the applicant's and the objectors (QAGRA's) noise consultants now agree on the representative pre-existing background and ambient noise levels to be used in the IEMA assessment.

Where a difference of opinion still exists between the applicant's and the objector's noise consultants is on the issue of the proposed terrace at 3rd floor level adjacent to noise sensitive receptors at 10 Carteret Street. QAGRA's noise consultant assesses that the use of this terrace by up to 10 persons could increase the predicted noise level at the Carteret Street receptors by up to 4 dB. Whilst this calculation is not disputed, what the objector's consultant has not taken into account is that condition 25 on the 2019 planning permission restricts the use of the flat roof at third (and fourth) floor level facing Carteret Street from its use as a terrace. On this basis it would be unreasonable for the applicant to include noise from this external part of the building within their noise assessment report.

The other area where is disagreement between the applicant's and the objector's noise consultants is in relation to Broadway House immediately opposite the site on Carteret Street. The objector's noise consultant has treated Broadway House as a noise sensitive receptor whilst the applicant's noise consultant states that the building is a commercial office and need not be treated with the same sensitivity as a residential receptor. The City Council's records indicate that Broadway House is a commercial office with no residential use and as such is not afforded (and does not require) the level of protection given to residential receptors.

The concerns of residents with regards to noise are understood. However the applicant's noise assessment has demonstrated that when using IEMA guidance and the Noise Policy Statement for England (NPSE) the impact on the nearest noise sensitive receptor (i.e. the flats within 10 Carteret Street) would be not significant. This conclusion is based on compliance with the operational management plan provided for the roof terrace which includes the following measures:

- Use of the terrace between 08:00 – 19:00 hours only Monday to Friday.
- The total number of users of the roof terrace at any one time will be restricted to: 50 persons.
- Amplified music at the roof terrace will be prohibited at all times.
- The roof terrace would be exclusively used by the tenants of the building. It would not be accessible to any other users.

Furthermore Environmental Sciences do not object to the proposed roof terrace on noise grounds on the basis that there are restrictions on use of the external terraces facing

Carteret Street. In order to permit the use of part of the 8th floor as a roof terrace, it is recommended draft condition 25 is amended to state:

'Notwithstanding what is shown on the approved drawings, you must not use any part of the roof of the building that faces east onto Carteret Street at any level (other than the approved terrace at 8th floor level) for sitting out or for any other purpose. You can however use this part of the roof to escape in an emergency and for maintenance purposes.'

Overlooking

Objectors have raised concerns about overlooking from the proposed roof terrace. The terrace would be approximately 45m from the rear boundary with nos. 5-13 (odd) Queen Anne's Gate to the north and 30m from 10 Carteret Street to the east. In addition, the terrace would be at high level and above the height of neighbouring residential windows. Furthermore, the landscaping scheme proposes deep planters allowing for dense planting and fixed bench seating that would direct users into the terrace rather than outward towards the neighbouring residential properties. Taking all this into account, the roof terrace is unlikely to result in harmful overlooking to neighbouring residential properties.

9.6 Transportation, Accessibility & Servicing

There are no material changes to the approved scheme in terms of transportation, accessibility and servicing.

9.7 Economy including Employment & Skills

There are no material implications for the economy arising from the proposed minor material amendment application which is for changes to roof level only.

9.8 Other Considerations

Concerns have been raised by objectors about enforcement of how the terrace is used. The operational management plan would form part of the approved drawings and if it is not fully complied with the occupiers could be liable to enforcement action by the council.

Concerns have been raised about the use of the terrace as a bar or attracting visitors to the site. The operational management plan submitted states that the roof terrace would be exclusively used by the tenants of the building and that it would not be accessible to any other users. However, there are no restrictions on serving alcohol to users of the terrace which is not considered necessary given the other controls in place within the operational management plan.

Whilst concerns have been raised about smells from the objectors, given that the terrace would serve an office use, this is unlikely to be a significant issue.

Comments have been made that the proposal is contrary to existing Condition 25 which prohibits the use of the roof for sitting out or for any purpose other than maintenance or emergency access. As currently worded the proposal 8th floor terrace would be contrary

to condition 25 which is why the applicant seeks to vary the wording of the condition through a minor material amendment application.

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 application is subject to a deed of variation to the original S.106 legal agreement dated 15th March 2019 to cover the following issues:

- (i) Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development)
- (ii) Employment and Training Strategy
- (iii) Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development)
- (iv) Highway works on Carteret Street to include works to reinstate footway and repaving adjacent to the site and to Broadway to facilitate provision of service bay.
- (v) The setting up of a Stakeholder Liaison Group for the duration of the development
- (vi) Monitoring Costs

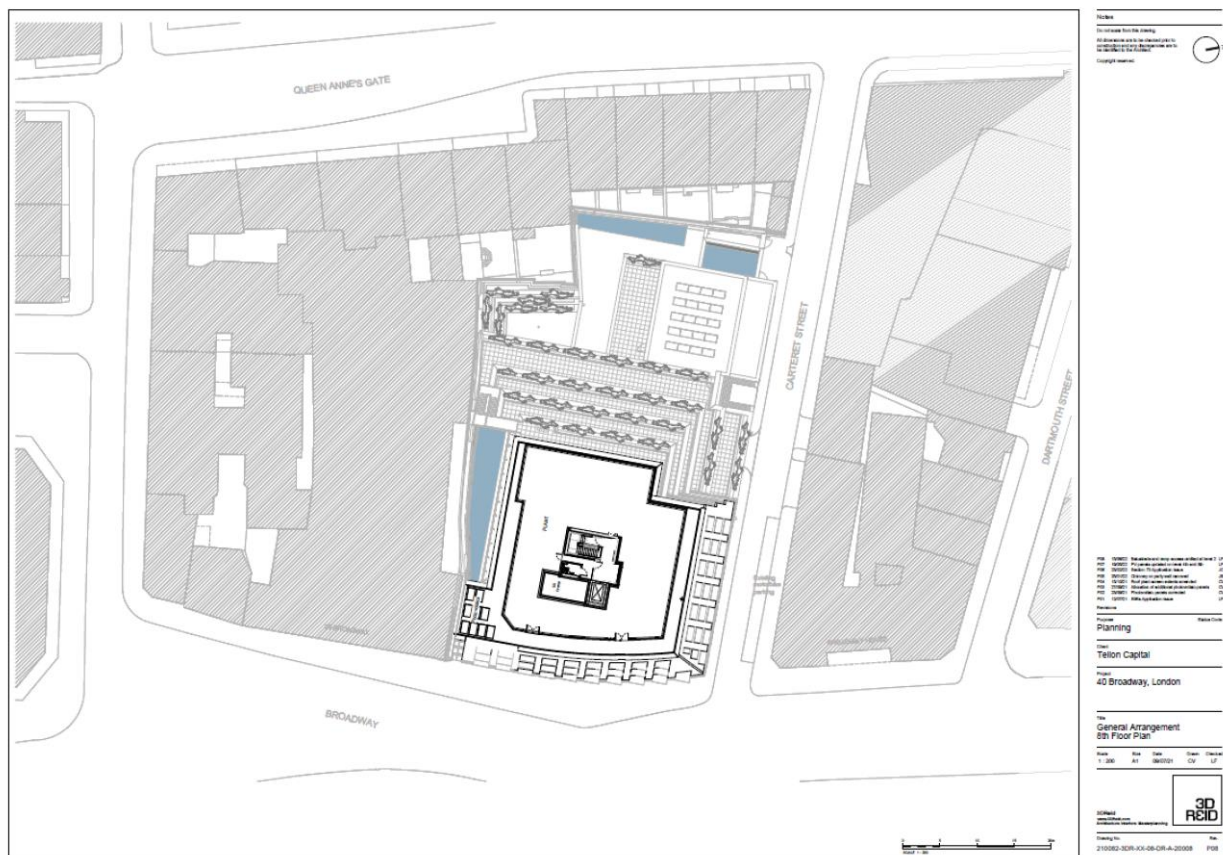
10. Conclusion

The applicant has demonstrated with a noise impact assessment that the use of the terrace would not be unneighbourly in terms of noise and disturbance. The operational management plan would provide additional safeguards for local residents by restricting both capacity and the hours of use of the terrace. When the distance between the roof terrace and the nearest residential properties is taken into account together with the height of the terrace and the design of the landscaping and seating, the roof terrace is unlikely to result in harmful overlooking to neighbouring residential properties. The proposed roof terrace is therefore considered to be neighbourly and would comply with City Plan Policy 7(B) and 33 (C). The minor material amendment proposal is acceptable in townscape, design and heritage terms for the reasons set out in this report.

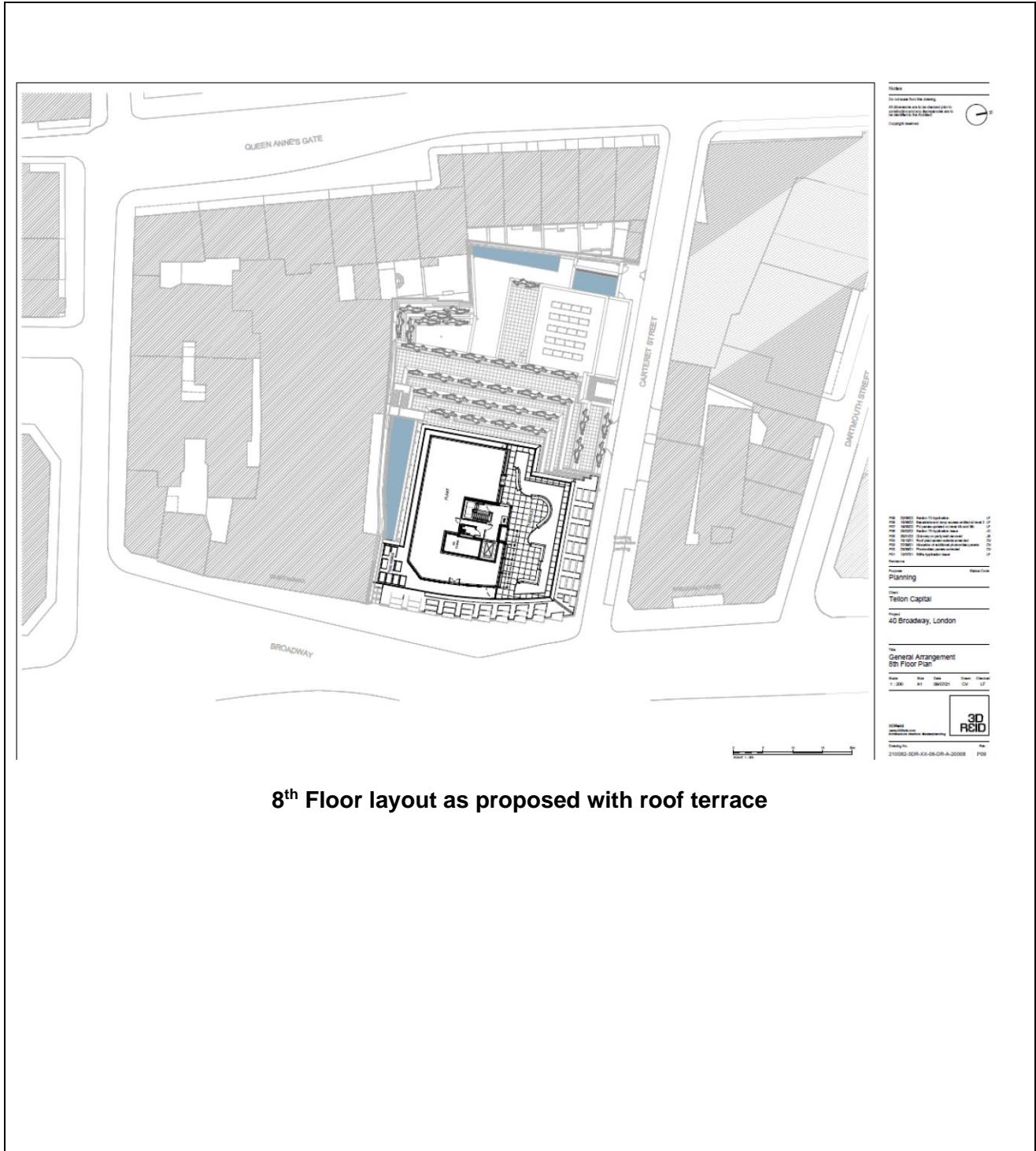
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MATTHEW MASON BY EMAIL AT mmason@westminster.gov.uk

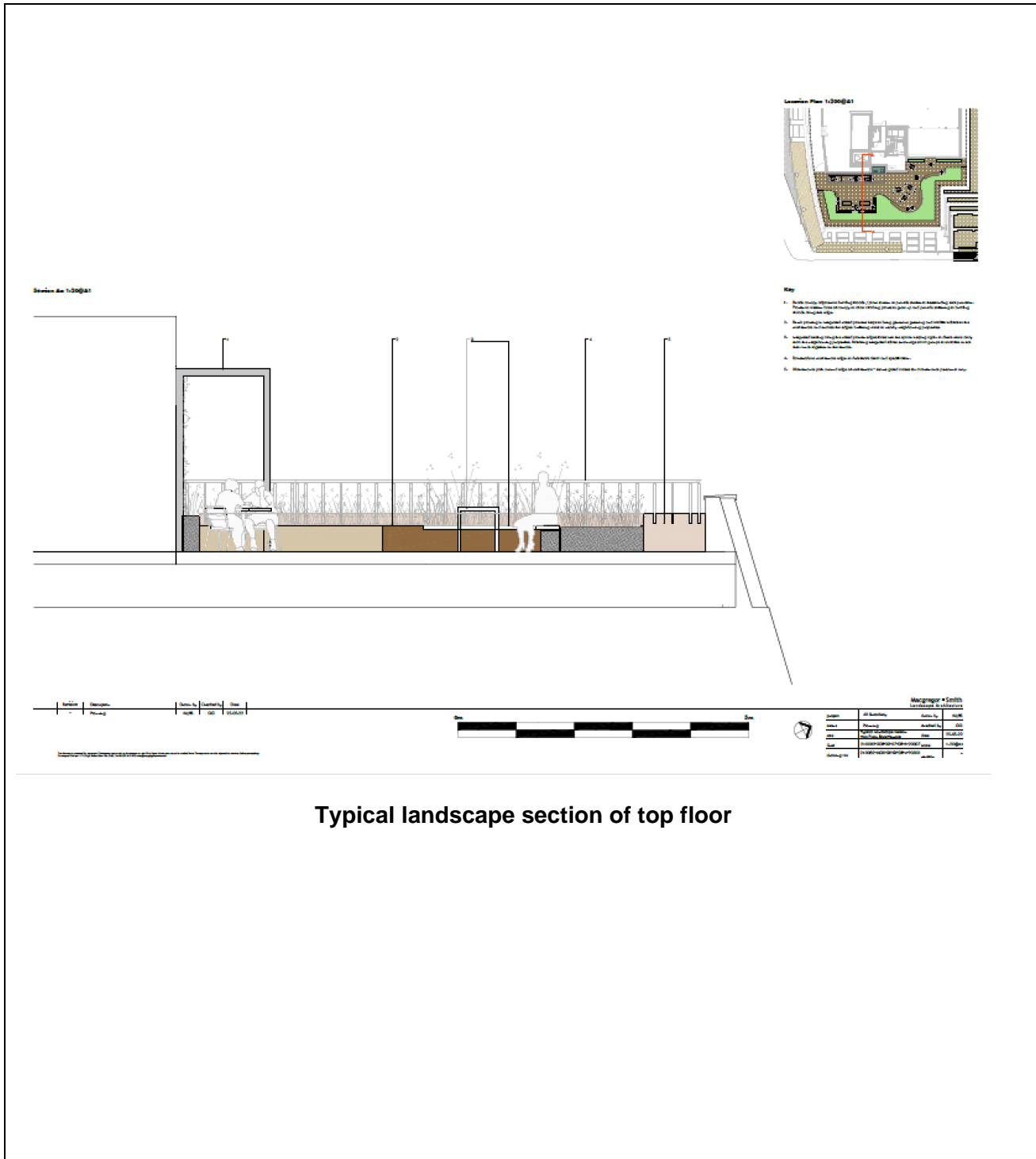
11. KEY DRAWINGS



8th Floor layout as approved



8th Floor layout as proposed with roof terrace



DRAFT DECISION LETTER

Address: Development Site At 1-11 And 13-15 Carteret Street, 40 Broadway, London,

Proposal: Variation of conditions 1 and 25 of planning permission dated 14th July 2022 (RN:22/01513/FULL) which itself varied of Conditions 1, 2, 40, 41, 43 and 44 of planning permission dated 15th March 2019 (RN:18/01395/FULL) for 'Demolition of existing buildings and redevelopment to provide two office buildings ranging from one to eight storeys (plus basement) with retail unit at part ground and basement level for Class A1 (shop) or Class A3 (restaurant) and other associated works. Namely, plant screen rearranged and doors to plant screen relocated, introduction of roof terrace at the eighth floor, maintenance path around eighth floor added, roof light added to stair core in lieu of losing glass elevation to North.

Reference: 22/05034/FULL

Plan Nos: Drawings approved under RN 22/01513/FULL

210082-3DR-XX-XX-DR-A-10000 P09; 210082-3DR-XX-00-DR-A-20000 P05; 210082-3DR-XX-01-DR-A-20001 P04; 210082-3DR-XX-02-DR-A-20002 P04; 210082-3DR-XX-03-DR-A-20003 P04; 210082-3DR-XX-04-DR-A-20004 P06; 210082-3DR-XX-05-DR-A-20005 P06; 210082-3DR-XX-06-DR-A-20006 P06; 210082-3DR-XX-07-DR-A-20007 P06; , 210082-3DR-XX-R1-DR-A-20008 P08; 210082-3DR-XX-R2-DR-A-20009 P08; 210082-3DR-XX-BS-DR-A-20020 P06; 210082-3DR-XX-ZZ-DR-A-20100 P06; 210082-3DR-XX-ZZ-DR-A-20101 P04; 210082-3DR-XX-ZZ-DR-A-20200 P06; 210082-3DR-XX-ZZ-DR-A-20201 P04; 210082-3DR-XX-ZZ-DR-A-20202 P03; 210082-3DR-XX-ZZ-DR-A-20203 P05; , 210082-3DR-XX-ZZ-DR-A-20204 P05; 210082-3DR-XX-ZZ-DR-A-20205 P05; 210082-3DR-XX-XX-DR-A-20300 P03; 210082-3DR-XX-08-DR-A-31600 P04 (Plant screen details); 210082-3DR-XX-08-DR-A-31602 P01 (Plant screen); 210082-MGS-XX-XX-DR-L-90301 (Typical extensive green roof detail); Energy Addendum Rev P00 (dated 17 May 2022), For information purposes only: Design and Access Addendum.

As amended by: 21/05250/NMA

210082-3DR-XX-XX-DR-A-10000 P05, 210082-3DR-XX-BS-DR-A-20000 P01, 210082-3DR-XX-00-DR-A-20000 P01 , 210082-3DR-XX-01-DR-A-20001 P03, 210082-3DR-XX-02-DR-A-20002 P02, 210082-3DR-XX-03-DR-A-20003 P02, 210082-3DR-XX-04-DR-A-20004 P03, 210082-3DR-XX-05-DR-A-20005 P03, 210082-3DR-XX-06-DR-A-20006 P03, 210082-3DR-XX-07-DR-A-20007 P03, 210082-3DR-XX-R1-DR-A-20008 P04, 210082-3DR-XX-R2-DR-A-20009 P04, 210082-3DR-XX-ZZ-DR-A-20100 P02, 210082-3DR-XX-ZZ-DR-A-20101 P02, 210082-3DR-XX-ZZ-DR-A-20200 P04, 210082-3DR-XX-ZZ-DR-A-20201 P03, 210082-3DR-XX-ZZ-DR-A-20202 P02, 210082-3DR-XX-ZZ-DR-A-20203 P03, 210082-3DR-XX-ZZ-DR-A-20204 P03, 210082-3DR-XX-ZZ-DR-A-20205 P03

As amended by: 22/00802/NMA

210082-3DR-XX-R1-DR-A-20008 P05; 210082-3DR-XX-R2-DR-A-20009 P05; 210082-3DR-XX-ZZ-DR-A-20101 P03; 210082-3DR-XX-ZZ-DR-A-20100 P03; 210082-3DR-XX-ZZ-DR-A-20200 P05

As amended by 22/07354/NMA

210082-3DR-XX-00-DR-A-20000 P07; 210082-3DR-XX-01-DR-A-20001 P06;
 210082-3DR-XX-02-DR-A-20002 P06; 210082-3DR-XX-03-DR-A-20003 P06;
 210082-3DR-XX-04-DR-A-20004 P08; 210082-3DR-XX-05-DR-A-20005 P08;
 210082-3DR-XX-06-DR-A-20006 P08; 210082-3DR-XX-07-DR-A-20007 P08;
 210082-3DR-XX-08-DR-A-20008 P10; 210082-3DR-XX-R2-DR-A-20009 P10;
 210082-3DR-XX-BS-DR-A-20020 P08; 210082-3DR-XX-XX-DR-A-10000 P11;
 210082-3DR-XX-ZZ-DR-A-20100 P08; 210082-3DR-XX-ZZ-DR-A-20101 P06;
 210082-3DR-XX-ZZ-DR-A-20200 P08; 210082-3DR-XX-ZZ-DR-A-20201 P06;
 210082-3DR-XX-ZZ-DR-A-20202 P05; 210082-3DR-XX-ZZ-DR-A-20203 P07;
 210082-3DR-XX-ZZ-DR-A-20204 P07; 210082-3DR-XX-ZZ-DR-A-20205 P07.

As amended by RN 22/05034/FULL

17031_07_001 P1, 210082-3DR-XX-XX-DR-A-10000 P010, 210082-3DR-XX-08-DR-A-20008 P09, 210082-3DR-XX-08-DR-A-31600 P09, 210082-3DR-XX-08-DR-A-31602 P01, 210082-3DR-XX-R2-DR-A-20009 P09, 10082-3DR-XX-ZZ-DR-A-20100 Rev P07, 210082-3DR-XX-ZZ-DR-A-20101 P05, 210082-3DR-XX-ZZ-DR-A-20200 P07, 210082-3DR-XX-ZZ-DR-A-20201 P05, 210082-3DR-XX-ZZ-DR-A-20202 P04, 210082-3DR-XX-ZZ-DR-A-20203 P06, 210082-3DR-XX-ZZ-DR-A-20204 P06, 210082-3DR-XX-ZZ-DR-A-20205 P06, 210082-MGS-XX-XX-DR-L-20002, 210082-MGS-XX-XX-DR-L-90303, Roof terrace Operational Management Plan

Case Officer: Matthew Mason

Direct Tel. No. 020 7641
07866037944

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 The roof terrace at 8th floor level can only be used in accordance with the measures set out in the approved Operational Management Plan.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 3 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 , onot 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)

- 4 The principal stone material to the facades of the part of the building at the southern end of the site that faces Broadway and part faces Carteret Street shall be coursed Portland Stone.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The brickwork to the part of the building at the northern end of the site shall be in hand-laid courses and not a panelled system.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 6 The principal roofing material to the part of the building at the southern end of the site that faces Broadway and part faces Carteret Street shall be metal.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of a written and photographic schedule of the facing materials you will use, including glazing, along with annotated versions of the approved elevations and roof plans demonstrating the location / use of each of the proposed materials. The submitted schedule must include a record of finished samples prepared on-site for our inspection, including fully pointed-up brick and stonework. 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 using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development: , a) Typical bay studies (drawn elevations and sections at 1:20);, b) Windows and doors (drawn elevations and sections at 1:5, including surrounding fabric);, c) Shopfronts (drawn elevations and sections at 1:10, including surrounding fabric); and, d) Balustrade and gate details., (e) Any external lighting., (f) The rear elevation of the part of the building at the southern end of the site that faces Broadway and part faces Carteret Street., (g) The retention of the mosaic., , 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 approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must not paint any outside walls of the buildings without our permission. This is despite the fact that this work would normally be 'permitted development' (under class A of part 3 of schedule 2 to the Town and Country Planning General Permitted Development Order 1995, or any order that may replace it).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the buildings facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 Unless shown on the approved drawings, you must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on any permitted roof terrace.

(C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 12 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on any roof, 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 this part of the Broadway and Christchurch Gardens Conservation Area Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 14 Notwithstanding the approved plans, you must apply to us for approval of a Delivery and Service Plan for the Class B1 office use. This should include information to demonstrate that the dimensions of the off-street loading bay can adequately manage the servicing requirements of the combined office buildings. You must not occupy any part of the development until we have approved what you have sent us. Thereafter you must manage the office use in accordance with the approved Delivery and Service Plan. The submitted plan shall be consistent with condition 15 of this permission. (see informative 5)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 15 With the exception of collecting rubbish and the servicing of the Class A3 use (if implemented), no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving any part of the development must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 16 In the event that the retail unit is used for either Class A1 or Class A3 use, you must apply to us for approval of a Delivery and Service Plan. You must not occupy the retail unit for Class A1 or Class A3 purposes until we have approved what you have sent us. Thereafter you must manage the Class A1 or Class A3 use in accordance with the approved Delivery and Service Plan. The submitted plan shall be consistent with conditions 15 and 47 of this permission.

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 17 All servicing must take place between 07.00hrs and 20.00hrs on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA),

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 18 All servicing to all uses within the building must take place between 07.00hrs and 20.00hrs on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect the environment of residents and the area generally as set out in Policies 7, 27 and 33 of the City Plan 2019 - 2040 (April 2021). (R22CD)

- 19 Notwithstanding the approved plans, you must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. 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 provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the building. (see informative 6)

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)

- 20 The car parking space shown on drawing 210082-3DR-XX-00-DR-A-20000 P05 shall only be used for car parking by Blue and White Badge holders.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22BC)

- 21 You must provide the cycle parking spaces and the changing and shower facilities shown on drawing 210082-3DR-XX-BS-DR-A-20020 P06 prior to occupation of any part of the development. Thereafter the cycle spaces and changing and shower facilities must be retained, and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 22 In the event that the retail unit is used for Class A3 purposes, you must apply to us for approval of an Operational Management Plan. You must not occupy the premises for restaurant purposes until we have approved what you have sent us. Thereafter you must manage the restaurant use in accordance with the approved plan.

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)

- 23 In the event that the retail unit is used for Class A3 purposes, customers shall not be permitted within the restaurant premises before 0700 or after 0030 (the following day) on Monday to Saturday and before 0800 or after 0000 (midnight) on Sundays. (C12BD)

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)

- 24 You must apply to us for approval of detailed drawings of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not occupy the retail unit for Class A3 use until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

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

- 25 Notwithstanding what is shown on the approved drawings, you must not use any part of the roof of the building that faces east onto Carteret Street at any level (other than the approved terrace at 8th floor level) for sitting out or for any other purpose. You can however use this part of the roof to escape in an emergency and for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 26 Notwithstanding what is shown on the approved drawings, you must not use any part of the flat roofs at ground, first, second and third floor levels on the building for sitting out or for any other purpose. You can however use the roofs to escape in an emergency and for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 27 You must apply to us for approval of details of a plan showing the outdoor terraces and those areas of flat roof restricted to maintenance purposes only (by conditions 25 and 26 on this decision) for the approved building. You must not use any of the roofs as terraces until, we have approved what you have sent us. Thereafter you must carry out the development in accordance with the approved plan.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 28 The outdoor terraces shown on the plan approved under condition 27 of this decision must only be used between the hours of 0800 to 1900 Monday to Friday.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 29 You must apply to us for approval of details of the following:
- (i) A planting scheme for the terraces (including the 8th floor terrace) to include the number, size, species and position of the plants,
 - (ii) A planting maintenance plan for the terraces.
- You must not use any of the roofs permitted for terrace use until we have approved what you have sent us. You must then carry out the work according to these drawings prior to occupation and thereafter the planting must be maintained in accordance with the details, approved.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 30 The glass that you put in the windows in the north elevation of the four storey part of the development that faces onto Queen Anne's Gate properties must not be clear glass, and you must fix it permanently shut. The glass that you install must be the sample of glass approved on 4.11.22 under ref 22/07204/ADFULL or in accordance with alternative details approved subsequently by the City Council as local planning authority.,

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out

Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 31 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: - provision of living roofs to all roofs not used as terraces or roof plant areas., - provision of bird and bat boxes., You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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)

- 32 You must apply to us for approval of details of a biodiversity management plan in relation to the living roofs secured under condition 31 of this decision. You must not start any work until we have approved what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

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)

- 33 You must provide the environmental sustainability features (environmentally friendly features) set out in the Energy and Sustainability Statement, Flood Risk Assessment and Drainage Strategy and the photo voltaics shown on drawings 210082-3DR-XX-04-DR-A-20004 P06,, 210082-3DR-XX-R1-DR-A-20008 P08, 210082-3DR-XX-R2-DR-A-20009 P08 and 210082-3DR-XX-08-DR-A-31602 before you start to use any part of the development. Thereafter you must not remove any of these features unless we have given you our permission in writing.

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)

- 34 The BREEAM assessments must be completed for the offices and certified by the Building Research Establishment within six months of practical completion. Upon certification by the Building Research Establishment a copy of the certificate detailing the awarded score for the building is to be submitted to the Local Planning Authority for our approval.

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)

- 35 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;,, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;,, (c) Manufacturer specifications of sound emissions in octave or third octave detail;,, (d) The location of most affected noise sensitive receptor location and the most affected window of it;,, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;,, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;,, (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;,, (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;,, (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in 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)

- 36 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the mechanical plant will comply with the Council's noise criteria as set out in Condition 35 of this permission. You must not operate the plant equipment until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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. (R51AC)

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

Reason:

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)

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

Reason:

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)

- 39 The design and structure of the development shall be of such a standard, that it will not increase existing noise and vibration levels in adjacent properties from re-radiated ground borne noise and vibration from the transmission of underground train operations.

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)

- 40 You must carry out the development in accordance with the Structural Report approved under RN 21/08273/ADFULL dated 14.12.2021 or in accordance with alternative details approved subsequently by the City Council as local planning authority.,

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)

- 41 You must carry out the development in accordance with the written scheme of investigation (WSI) approved under RN 21/08270/ADFULL dated 20.01.2022 or in accordance with alternative details approved subsequently by the City Council as local planning authority., , If heritage assets of archaeological interest are identified by the WSI 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 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. 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 protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 42 You must apply to us for approval of details of the door opening mechanism to the loading bay and a supplementary acoustic report demonstrating that noise from the door mechanisms will comply with the Council's noise criteria as set out in Condition 35 of this permission. You must not occupy any part of the development until we have approved what you have sent us., Thereafter you must carry out the development in accordance with the details approved.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and 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. (R51AC)

- 43 You must carry out the development in accordance with the detailed Structural Report and Method Statement approved by RN: 21/08272/ADFULL (dated 16.02.2022) or in accordance with alternative details approved subsequently by the City Council as local planning authority.

Reason:

To protect the special architectural or historic interest of the neighbouring listed buildings on Queen Anne's Gate. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD) (R26ED)

- 44 You must only carry out the demolition and development according to the arrangements approved by RN: 21/08271/ADFULL (dated 11.02.2022) or in accordance with alternative details approved subsequently by the City Council as local planning authority.,

Reason:

To maintain the character of the Broadway and Christchurch Gardens Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 45 You must not carry out demolition work unless it is part of the complete development of the northern or southern building respectively. You must carry out the demolition and development of each part without interruption and according to the drawings we have approved.

Reason:

To maintain the character of the Broadway and Christchurch Gardens Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 46 Notwithstanding the approved drawings, prior to occupation of the ground and basement unit approved for either Class A1 or Class A3 use you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the Class A1 or Class A3 uses 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)

- 47 You must only use the loading bay in Carteret Street for servicing and deliveries for the B1 use and for the Class A1 use (if implemented). In the event that the retail unit is used for Class A3 use, all servicing and deliveries for the A3 use must only be carried out from Broadway.

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)

- 48 Notwithstanding the approved drawings, you must apply to us for approval of details of the public art for this development. 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 approved details. The approved public art must then be installed prior to occupation of any part of the development and thereafter retained as approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 49 You must not use the rear basement lightwell shown on drawing 210082-3DR-XX-BS-DR-A-20020 P06 for sitting out or for any other purpose. You can however use the lightwell to escape in an emergency and for maintenance purposes.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 50 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: , , The single leaf door at the ground floor reception entrance on Broadway to open inwards. , , You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. ,

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil, Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, Forms can be submitted to CIL@Westminster.gov.uk, **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: (i) Financial payment of £45,360 towards the council's Carbon Offset Fund (index linked and payable on commencement of development), (ii) Employment and Training Strategy, (iii) Crossrail Funding SPG payment of £246,560 (index linked and payable on commencement of development), (iv) Highway works on Carteret Street to include works to reinstate footway and repaving adjacent to the site and to Broadway to facilitate provision of service bay., (v) The setting up of a Stakeholder Liaison Group for the duration of the development, (vi) Monitoring Costs
- 4 With regard to condition 14, if the Delivery and Service Plan is unable to demonstrate that the off-street loading bay cannot handle the additional capacity as a result of combining the office buildings then modifications to the off street loading bay may be required.
- 5 The details required under condition 19 should include the following:
 - , *Confirmation as to whether one waste store at basement level will serve the whole development or not.
 - , *If one waste store is proposed for the whole development, you must submit a waste route diagram showing access to the waste store from all the units in the development.
 - , *Confirmation of the bin capacity for the general waste, food waste, and recyclable materials.
 - , *The bins should be indicated and labelled R (for recycling), O (for food waste), and W (for general waste) on the drawing.
 - , *A temporary waste holding area must be indicated on the ground floor plan to prevent waste being stored on the public highway pending collection.

Please note: the full text for informatives can be found in the Council's Conditions

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.