



Appeal Decision

Inquiry opened on 19 October 2021

Site visit made on 26 October 2021

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 December 2021

Appeal Ref: APP/X5990/W/21/3275399 52-73 Wilton Road, London SW1V 1DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vitcorp Ltd against the decision of City of Westminster Council.
 - The application ref.19/06682/FULL, dated 19 August 2019, was refused by notice dated 1 December 2020.
 - The development proposed was described as 'redevelopment of the site including demolition and subterranean excavation to provide a mixed-use development comprising office (Class B1a), residential (Class C3), and retail/restaurant uses (Classes A1/A2/A3). Hard and soft landscaping and associated works'.
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Preliminary Matters

1. As set out above, the Inquiry opened on 19 October 2021. It was closed on 22 October 2021 after four sitting days. The Inquiry was conducted as a 'live' or 'physical' event, but it was also accessible through the Council's 'Teams' platform. Some participants joined proceedings through that vehicle and others followed. I am very grateful for the technological and logistical assistance that was provided by the Council throughout.
2. I carried out an unaccompanied visit to the site, and its surroundings, on the day before the Inquiry opened, and revisited at various times during the course of the event. Nevertheless, I carried out a further visit to the site, taking in various viewpoints highlighted by the parties, on 26 October 2021. On that day, I also took in some other examples of the architect's work.
3. As set out in the Statement of Common Ground¹, the scheme was changed in April and August 2020 and the description of development was altered accordingly. I have dealt with the appeal on the basis of the scheme as amended and decided upon by the Council.

Decision

4. The appeal is allowed, and planning permission is granted for demolition of existing buildings and redevelopment to provide part 4, part 5 and part 6 storeys building and 2 basement levels for a mixed-use development comprising office floorspace (use class B1a) at part ground and first to fifth floor levels with terraces at 3rd, 4th, and 5th floor levels, 5 residential flats (4 x 2 bedroom flats and 1 x 3 bedroom flat) with balconies (use class C3) at first to

¹ CD5.4

third floor levels at the corner with Gillingham Row and retail floor space (use classes A1/A3) at ground and basement levels with associated works including installation of plant at roof level and alterations to public realm with hard and soft landscaping and the creation of loading bays at 52-73 Wilton Road, London SW1V 1DE in accordance with the terms of the application, ref.19/06682/FULL, dated 19 August 2019, subject to the conditions set out in Annex A to this decision.

Main Issue

5. This is the effect of the proposal on the character and appearance of the area, encompassing design, and any impact on the setting and thereby the significance of designated heritage assets.

Reasons

6. The appeal site comprises seven buildings² on the north-east side of Wilton Road, bounded by Gillingham Row to the north-west, and No.74 Wilton Road to the south-east. The Queen Mother Sports Centre lies to the immediate north-east of the site while on the opposite side of Wilton Road sits Hindon Court.
7. The development plan for the area includes the New London Plan³ of March 2021, and the Westminster City Council City Plan: 2019-2040⁴, of April 2021. As set out in the CP, the site lies within the Central Activities Zone⁵, and the Warwick Way/Tachbrook Street CAZ Retail Cluster. It lies close to the boundary of the Victoria Opportunity Area⁶ (the boundary of which runs along Gillingham Street). The edge of the Pimlico Conservation Area runs along the south-eastern boundary of the appeal site. On the opposite side of Gillingham Row to the appeal site, is a Grade II listed terrace - Nos.1-25 Gillingham Street.
8. The appeal site is part of an area that was heavily bombed in World War II and while some of the buildings on the appeal site survived the attentions of the Luftwaffe, others did not. Those that did not were replaced post-war with buildings that were clearly well-intentioned in terms of their design, but which now appear rather tired and dated. Moreover, this post-war infill was set back from the established (historic) building line along Wilton Road, in anticipation of a road-widening scheme that never materialised. In that context, and bearing in mind its location within the CAZ, and its proximity to the VOA, it seems to me that the appeal site is one that is ripe for redevelopment.
9. Further, having regard to, in particular, LP Policies GG2 which seeks to make the best use of land, and GG5, which looks to grow a good economy, CP Policies 13 that supports economic growth by providing new and improved office floorspace to provide capacity for at least 63,000 new jobs over the Plan period, and 14 which supports the intensification of the CAZ, it seems to me imperative that any redevelopment of the site achieves optimisation.
10. However, as CP Policy 14 tells us, that optimisation must be realised in a manner that is acceptable in townscape and heritage terms. That leads on to the question of design, first of all.

² Nos.52-53, 54-55, 56-62, 63, 64-65, 66-71, and 72-73 Wilton Road

³ Referred to hereafter as LP

⁴ Referred to hereafter as CP

⁵ Or CAZ for short

⁶ Referred to hereafter as VOA

11. There can be no doubt about the importance attached to design in the development plan, and the National Planning Policy Framework⁷.
12. CP Policy 38 requires new development to incorporate exemplary standards of high-quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods. All development is required to positively contribute to Westminster's townscape and streetscape, having regard to: the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around them and the pattern and grain of existing streets squares, mews and passageways; and materials, building lines, scale, orientation, access, definition, surface treatment, height, and massing, amongst other things.
13. Alongside that, CP Policy 40 requires development to be 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.
14. LP Policy D3 deals with optimising site capacity and says that all development must make the best use of land by following a design-led approach. In terms of form and layout, development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. That is underlined by LP Policy D4 which is geared to deliver high-quality design and place-making.
15. This overall policy approach to design derives from, and sits comfortably alongside, Framework Chapters 11: Making effective use of land; and 12: Achieving well-designed places.
16. To my mind, the best place to start with an assessment of the proposal is its massing. It is arranged as four (what are termed modern mansion) blocks, with lower blocks at either end, and two higher blocks in the middle. The blocks would share a common architectural language, with a largely glazed base, a middle of brick, with regular openings, and Mansard style roofs above.
17. The result would be something more massive than what occupies the appeal site at the moment. The central question though is whether that increase in mass would be incongruous, bearing in mind the policy imperative to optimise the use of the site.
18. In my view, the mass of the proposal would not be out of place. Certainly, Hindon Court on the opposite side of Wilton Road to the appeal site should not be treated as a precedent, but at the same time, it cannot be ignored. It is an established part of local context. It is prominent in views along Wilton Road from the north-west, and south-east.
19. The mass of the proposal would very clearly defer to Hindon Court and because of the splitting of the building into four parts, and the set-downs at either end, it would relate comfortably with its neighbours, in massing terms. As such, I see nothing harmful in the increase in size the proposal involves.

⁷ Referred to hereafter as the Framework

20. In terms of scale, as set out, the four blocks that make up the proposal have a common base, and a uniformity in the treatment of middles, and tops. There is a formality in the vertical and horizontal rhythms of the frontages of the blocks, and the arrangement of openings, that is a pleasing and intelligent reference to Nos.1-25 Gillingham Row, and the Cubitt terraces that make up much of the Pimlico Conservation Area. The same applies to the window/wall ratio. As a result, despite being bigger than its neighbours, the proposal would have a contextually appropriate scale.
21. Moreover, the detailing of the facades includes details such as the tiles at ground floor level, and the curved windows at the end of the individual blocks, that take their cue from other buildings in the area. While subtle, these cues would nevertheless help bed the building into its context. The use of London stock brick as the principal wall material in the middle portion of the facades would do that in a more direct way, as would the Mansard roof treatment.
22. The analysis cannot stop there however, because the proposal would undoubtedly have an impact on the setting of designated heritage assets. A number have been referred to in the evidence but in my view, there are two where the impact of the proposal has a bearing – the Pimlico Conservation Area, and the Grade II listed terrace at Nos.1-25 Gillingham Row. The nature of that impact must form part of any assessment of the success, or otherwise, of the design.
23. In assessing that impact, I naturally take account of the provisions of s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in relation to the impact on the setting of the listed building).
24. Further, CP Policy 39 seeks to ensure that heritage assets, and of relevance here, their settings, are conserved and enhanced in a manner appropriate to their significance. LP Policy HC1 takes a broadly similar tack. Underlying that, paragraph 199 of the Framework tells us that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
25. The Pimlico Conservation Area with its gridded street pattern and fine terraced housing, amongst other things, has a relatively large compass. The impact of the proposal on its setting would be limited to its presence in views along Wilton Road from the conservation area, to the south-east of the appeal site, and into the conservation area, along Wilton Road, from the north-west.
26. Views out of the conservation area towards the appeal site currently take in an urban block that is disjointed, in terms of the various elevational treatments, and the building line. These views also include the strong presence of Hindon Court, and even bigger buildings beyond. In that context, the proposal would provide a reasonable transition between the relatively lower buildings that make up much of the conservation area, and the much larger buildings in Victoria beyond. Moreover, it would reinstate the previous building line and provide a unified architectural treatment that makes reference to the terraces found in the conservation area. The proposal would have a similar impact, in reverse, in views into the conservation area, from the north-west. It would provide for a reasonable transition between the larger buildings of Victoria, and the smaller buildings that make up much of the conservation area and its disciplined elevational treatment would reflect the architectural forms beyond.

27. For all those reasons, I am content that the impact of the proposal on the setting of the conservation area would not be a harmful one.
28. Turning then to Nos.1-25 Gillingham Row, it is in my view readily apparent as a remnant of what the prevailing form and scale of development was like in the area before 1940. Since then, large scale development on the opposite side of Gillingham Street, the Queen Mother Sports Centre, and Hindon Court, have grown around it. Nevertheless, the form of the terrace retains a strength and a resonance that allows it to stand alongside these larger buildings without being harmfully dominated by them.
29. The view from the north-west, and the opposite side of Gillingham Street, is where the juxtaposition of the terrace and the proposal would be most apparent. As things stand, the visual indiscipline of the existing buildings on the appeal site, and the failure of the more recent of them to follow the historic building line, makes for a rather jarring, and unhappy relationship. There is certainly nothing in the relationship between the terrace, and the existing buildings on the appeal site, that adds to the significance of the listed building.
30. While much bigger than the terrace, the proposal would step up from the terrace before reaching its full height, reinstate the historic building line, and have a discipline in its elevational treatment, and use of materials, that would reflect, but not mimic, the terrace. As such, the relationship that would be formed would be a respectful one, where the terrace and the proposal at issue would relate well to each other. As such, it is my view that the scheme would have no harmful impact on the setting of Nos.1-25 Gillingham Row or its significance as a listed building.
31. Bringing all those points together, it is my conclusion that the proposal would attain an exemplary standard of design that would optimise the use of the site and bring an uplift to the character and appearance of the area, while causing no harm to the setting or the significance of designated heritage assets.

Other Matters

32. Concerns have been raised by local residents, particularly in Hindon Court, about the potential impact of the proposal on their living conditions. Having regard to the various studies that have been carried out, including in relation to daylight and sunlight, the urban location, and the clear need to optimise the potential of the appeal site, I am content that any impacts would be well within reasonable bounds.
33. Issues were also raised about changes to the frontage of Wilton Road, and their potential impact on pedestrian and vehicular traffic. However, as I have set out above, there are clear benefits in reinstating the original building line and on my analysis, there is more than enough pavement area to cope with the combination of outdoor seating serving the proposed ground floor uses, and the movement of pedestrians. Moreover, this matter can be controlled by condition. Similarly, with the level of control that can be exerted by conditions, the operation of the loading bays need not cause any interference with the free flow of vehicular traffic along Wilton Road.
34. I appreciate that in time the site of the Queen Mother Sports Centre may be redeveloped. Clearly the proposal will have something of an influence on the form that redevelopment might take.

35. However, it is plain that the proposal has been designed with the potential for redevelopment on the adjacent site in mind and it seems to me that it would provide far less of a constraint than the existing buildings, with their facing windows, accesses, and ventilation systems. Any future redevelopment proposal on the site of the Queen Mother Sports Centre would need to consider the presence of the proposal, should it have been built out, but there is nothing in the proposal that would prejudice redevelopment of the adjacent site.
36. Arguments were advanced too that the scheme would frustrate the purposes of the Pimlico Neighbourhood Plan that is in preparation. However, it is at an early stage of the process and I agree with the main parties that it can be attached little or no weight in development control decisions at this point in time.

Conclusion

37. As set out above, the proposal would be of exemplary design. It would optimise the use of the site and benefit the character and the appearance of the area, while causing no harm to the setting or the significance of designated heritage assets. As such, it would comply with LP Policies GG2, GG5, D3, D4, and HC1, and CP Policies 13, 14, 38, 39 and 40. As a result, the proposal complies with the development plan, read as a whole, as well as the provisions of the Framework. There are no material considerations of sufficient weight to justify a conclusion contrary to the provisions of the development plan.

Conditions and the Obligation

38. Discussions about the conditions the Council would favour in the event that the appeal was allowed, and planning permission was granted, took place before and during the Inquiry and a draft list of suggested conditions was produced⁸. This facilitated a 'round table' discussion involving all parties.
39. I have considered these conditions in the light of that discussion, and advice in paragraph 56 of the Framework. This explains that planning conditions should be kept to a minimum and only imposed where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise; and reasonable in all other respects. It continues to the effect that, of relevance, conditions that are required to be discharged before development commences should be avoided, unless there is clear justification. Footnote 25 sets out that sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply. In that regard, the appellant's written agreement was helpfully forthcoming at the Inquiry⁹.
40. There was some discussion too about the format and language of the suggested conditions. The Council has moved away from the established forms of wording¹⁰ in favour of something more readily accessible. The meaning of the various conditions is plain and given that it will be for the Council to administer them, I am of the view that there is little to be gained from returning them to a more conventional format. I have left them largely untouched, save for where a change is needed to aid precision.

⁸ ID11

⁹ ID12

¹⁰ Derived from the model conditions in the Annex to Circular 11/95: *The Use of Conditions in Planning Permissions* (now cancelled)

41. The list of suggested conditions does not contain the standard commencement condition because the Council habitually deals with this elsewhere in their decision notices. I have added one¹¹. The standard condition setting out the approved plans is also required¹².
42. Given the potential of the construction process to cause issues for local residents, it is reasonable to apply conditions governing the means by which that takes place, and when, and to address any potential contamination. It is correct that a copy of the planning permission and the attached conditions, including details of the permitted hours of working, is placed in a prominent position while those works are underway¹³. The relationship between piling work and water pipes must be managed by conditions¹⁴.
43. A series of conditions are suggested to address materials and detailed design. It is necessary for the Council to have this control to ensure that the quality of the scheme as presented is carried through into its execution¹⁵. I have modified the condition relating to the tiles proposed at ground floor level to leave responsibility for their design more open. Similarly, a condition is required to bring forward the proposed 'Secured by Design' measures and to ensure the BREEAM rating of 'excellent' is achieved¹⁶. It is essential that the energy measures included within the scheme are brought to fruition and the same goes for the cycle parking¹⁷. Landscaping (the replacement trees) needs to be dealt with by condition¹⁸ but I have conjoined the two suggested. Finally, bearing in mind the potential for the site to house remains, I have applied a condition to cover archaeology¹⁹. Biodiversity measures will have to be realised through a condition²⁰.
44. A whole series of conditions have been put forward to deal with noise and/or vibration from plant and others to cover the issue of noise transmission between different areas or uses in the building²¹. All are necessary impositions to protect the living conditions of existing residents in the area, and prospective residents and users of the development.
45. Linked to that, conditions are needed to control the opening hours of the restaurants and to secure management plans setting out how they would be managed, including any associated delivery services²². Limitations are needed on the extent of the bars relative to restaurants and to ensure external seating is installed and operated in a satisfactory manner²³. Given the obvious potential to cause issues in terms of visual impact, and living conditions, details of the

¹¹ As my condition 1 (which disturbs the numbering of what follows – references below are to the final list [ID11] discussed at the Inquiry)

¹² Suggested condition 1

¹³ Suggested conditions 2, 3, 5 and 34

¹⁴ Suggested conditions 30 and 31

¹⁵ Suggested conditions 7, 8 and 40

¹⁶ Suggested conditions 6 and 28

¹⁷ Suggested conditions 37 and 25

¹⁸ Suggested conditions 43 and 44

¹⁹ Suggested condition 4

²⁰ Suggested condition 29

²¹ Suggested conditions 9, 10, 11, 12, 13, 14 and 15

²² Suggested conditions 16, 17 and 23

²³ Suggested conditions 32, 41 and 42

ventilation systems should be submitted for approval²⁴. The relationship between doors and the public highway must be addressed²⁵.

46. Further, to protect the living conditions of local residents, and the visual environment, the use of the roof terraces needs to be managed, alongside any additional structures users might want to install²⁶.
47. Given the nature of the uses proposed, and their embedded benefits, it is imperative to control the potential for changes to those uses that might be possible without the need for a further grant of planning permission²⁷. For the same reasons, the beneficial nature of some of the residential accommodation (specifically the 3-bed unit) needs to be retained, along with the installation of balustrades to some residential windows²⁸.
48. To protect local amenity, the way in which waste and recycling is managed needs to be the subject of a condition, as do the servicing arrangements for the various uses²⁹.
49. A draft version of the Agreement under s106 of the principal Act was available for discussion at the Inquiry, alongside a CIL Compliance Schedule helpfully prepared by the Council³⁰ and a final version was submitted, in accordance with an agreed timetable, after the Inquiry closed³¹. Mirroring the requirements of Regulation 122(2) of the CIL Regulations 2010, paragraph 57 of the Framework says that planning obligations must only be sought where they are: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. I have considered the various obligations put forward against that background.
50. On my analysis, the Highway Works and Stopping-Up Order, Carbon Offset Contribution, the Employment Training and Skills Contribution, the Employment Training and Skills Plan, the Tree Planting Contribution, and the Monitoring Fee, are all soundly based in pragmatic and/or policy terms and the various contributions are all arrived at with reference to accepted calculators. As such, I conclude that all the obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. As such the tests imposed by Regulation 122(2) and paragraph 57 of the Framework are met.

Final Conclusion

51. For the reasons given above, I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR

²⁴ Suggested condition 18

²⁵ Suggested condition 26

²⁶ Suggested conditions 21, 22 and 36

²⁷ Suggested conditions 19 and 20

²⁸ Suggested conditions 35 and 38

²⁹ Suggested conditions 24, 27 and 33

³⁰ ID13

³¹ ID16

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Hamsi Mohamed of Counsel

Instructed by Ms Louise Metson of
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He called

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Joshua Howitt
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FOR THE APPELLANT

Russell Harris QC

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He called

Matthew White
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INTERESTED PERSONS

Latasha Bowden
Tony Hambro
Rupert Owen
Anthony Smith
Adam Lawford
Peter Ruback (via Mr Smith)
Richard Hadfield
Dan Poole

Local Resident
Local Resident
Local Resident
Local Resident
Local Resident
Local Resident
Local Resident
Local Resident

INQUIRY DOCUMENTS

ID1	Appearances for the Appellant
ID2	Opening on behalf of the Appellant
ID3	Opening on behalf of the Council
ID4	Submission of Mr A Smith
ID5	Submission of Mr T Hambro
ID6	Submission of Mr P Ruback
ID7	Mr White's document relating to public realm (existing and proposed)
ID8	Plans relating to Agreement under s106
ID9	Submission of Mr R Hadfield
ID10	Submission of D Poole (via film)
ID11	Suggested Conditions
ID12	Note about the pre-commencement conditions
ID13	Draft Agreement under s106 and CIL Compliance Schedule
ID14	Closing on behalf of the Council
ID15	Closing on behalf of the Appellant
ID16	Completed Agreement under s106

Annex A: Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: 055-B-10-01: Existing Site Location Plan; 055-A-00-00: Location Plan Revision A; 055-A-01-09: Existing Basement Level B1 Revision B; 055-A-01-10: Existing Level 00 Ground Floor Revision B; 055-A-01-11: Existing Level 01 Revision B; 055-A-01-12: Existing Level 02 Revision A; 055-A-01-13: Existing Level 03 Revision A; 055-A-01-14: Existing Roof Level Revision A; 055-A-06-01: Existing Section AA & BB Revision A; 055-A-07-01: Existing Elevations Revision A; 055-A-07-02: Existing Elevations Revision A; 055-A-11-08: Proposed Basement Level B2 Revision E; 055-A-11-09: Proposed Basement Level B1 Revision H; 055-A-11-10: Proposed Level 00 Ground Floor Revision G; 055-A-11-11: Proposed Level 01 Revision E; 055-A-11-12: Proposed Level 02 Revision E; 055-A-11-13: Proposed Level 03 Revision E; 055-A-11-14: Proposed Level 04 Revision E; 055-A-11-15: Proposed Level 05 Revision E; 055-A-11-16: Proposed Roof Level Revision E; 055-A-16-01: Proposed Section AA & BB Revision E; 055-A-17-01: Proposed Elevations Revision E; and 055-A-17-02: Proposed Elevations Revision E.
- 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: between 08.00 and 18.00 Monday to Friday; between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. You must carry out piling, excavation and demolition work only: between 08.00 and 18.00 Monday to Friday; and 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).
- 4) 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.
- 5) (A) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved in writing what you have sent us. (B) You must then carry out the archaeological work and development according to this approved scheme.

You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, and to the Greater London Sites and Monuments Record, Greater London Archaeological Advisory Service, Historic England, 4th floor, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA. (C) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme.

- 6) You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied. Phase 1: Desktop study - full site history and environmental information from the public records has been completed (Appendix E of the Structural Methodology Report). Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property. Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution. Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
- 7) Prior to the occupation of each use a "Secured by Design" accreditation shall be obtained for each use and thereafter all features are to be permanently retained.
- 8) 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.
- 9) You must apply to us for approval of details of the following parts of the development: (i) detailed drawing of a typical bay study; (ii) detailed drawings of the shopfronts (sections and elevations); (iii) detailed drawings of all new windows (sections and elevations scaled 1:10); (iv) detailed drawings of all new external doors (sections and elevations scaled 1:10); and (v) detailed drawings of the Juliet balconies. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details.
- 10) 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 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.

- 11) 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.
- 12) 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.
- 13) The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.
- 14) The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.
- 15) 1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the commercial use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm and shall be representative of the activity operating at its noisiest.
- 2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the commercial use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm and shall be representative of the activity operating at its noisiest.
- 3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include: (a) the location of most affected noise sensitive receptor location and the most affected window of it; (b) distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (c) measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use.

This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (d) the lowest existing LA90, 15 mins measurement recorded under (c) above; (e) measurement evidence and any calculations demonstrating that the activity complies with the planning condition; (f) the proposed maximum noise level to be emitted by the activity.

- 16) You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in condition(s) 10, 13, 14 and 15 of this permission. You must not start work on this part of the development until we have approved what you have sent us.
- 17) Customers shall not be permitted within the restaurant premises before 0800 or after 2300 each day.
- 18) You must apply to us for approval of an operational management plan for each restaurant unit to include details of restaurant capacity and measures to prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the restaurant is in use.
- 19) You must apply to us for approval of details of the ventilation system to get rid of cooking smells for each restaurant use, including details of how it will be built and how it will look. The termination of the extract system needs to be at high level. You must not begin the restaurant use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details.
- 20) You must keep the ground and lower ground floor units as at least 9 self-contained units and you can use them for any use within Class E of the Town and Country (Use Classes) Order 1987 as amended in September 2020 (or and equivalent class in any Order that may replace it) except as: E(c) financial/professional services; E(d) indoor recreation; E(f) creche/nursery; or E(g) office/research and development/light industry.
- 21) You can use part of the first, second and third floor levels and the entire fourth and fifth floor levels (as identified on the approved drawings) and above of the property for any use within Class E of the Town and Country (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any Order that may replace it) except as: E(a) retail; E(b) restaurant/café; E(d) indoor recreation; E(e) medical/health services; or E(f) creche/nursery.
- 22) You can only use the office terraces at third, fourth and fifth floor levels hereby approved between the following hours: 1000 to 1800 Monday to Friday but not at all on bank or public holidays.
- 23) You must not play live or recorded music or use amplified public address system on the office terraces.
- 24) In the event you use a lower ground and ground floor commercial unit as a restaurant/café, you must apply to us for approval of an Operational Management Plan for that unit to show how you will prevent and delivery service from causing nuisance in the area and how you will prevent

blocking of the highway. You must not occupy the relevant restaurant/café unit 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 relevant ground floor restaurant/café unit(s) are in use, unless otherwise agreed with the local planning authority.

- 25) You must provide the waste store shown on drawings 055-A-11-09 Revision H and 055-A-11-10 Revision G before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the office, retail and restaurant. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose.
- 26) You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained, and the space used for no other purpose.
- 27) Notwithstanding what is shown on the approved drawings, you must hang all doors or gates so that they do not open over or across the footway or pavement.
- 28) Notwithstanding the information provided, you must apply to us for approval of a detailed Servicing Management Plan for the office, retail and restaurant uses within the approved development identifying process, internal storage location, schedule of deliveries and staffing. You must not occupy any of these uses until we have approved what you have sent us. All servicing shall be undertaken in accordance with the approved strategy and maintained for the life of development unless otherwise agreed in writing by the local planning authority.
- 29) The development shall achieve an 'Excellent' rating under the BREEAM Assessment.
- 30) You must apply to us for details of on-site biodiversity measures to be installed. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved documents.
- 31) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme of the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method.
- 32) Construction should not be within 5m of the supply main unless a Ground Movement Assessment and method statement showing that works will not impact the pipe is submitted and approved, prior to construction works being carried out within that 5m zone.
- 33) If you provide a bar and bar seating in any of the restaurants hereby approved, it must not take up more than 15% of the floor area of the property, or more than 15% of each unit if you let the property as more than one unit.
- 34) All servicing must take place between 07.00 and 18.00 hours on Monday to Sunday.

- 35) You must put up a copy of this planning permission and all its conditions in the shared part of the building on the ground floor for as long as the work continues on site.
- 36) The three-bedroom residential unit shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.
- 37) You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terraces.
- 38) The energy measures set out in the approved Energy addendum dated 08 October 2020 shall be provided and thereafter retained for the life of the development.
- 39) The balustrade to new residential windows must be installed prior to the occupation of the flats and must be retained thereafter.
- 40) You need to provide the following site-specific sustainability measures as set out in your application prior to occupation of any part of the development: a 12x 5m plantroom shown in the Energy addendum dated 08 October 2020 for the future connection with the Pimlico District Heat Undertaking; and 4 blue roofs and 2 attenuation tanks below the slab basement. Thereafter they shall be retained for the life of the development.
- 41) You must apply to us for approval of details of the following parts of the development: the final patterning and materiality of the ground floor tiles. 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.
- 42) You must not place any external seating or other items of furniture within the unadopted forecourt underneath the overhang unless otherwise agreed through condition 43 of this decision.
- 43) You must apply to us for approval of details of the layout for external seating in the unadopted footway underneath the overhang and an operational management plan for the external seating including hours of installation. You must not use the unadopted forecourt for external seating until we have approved in writing what you have sent us. You must then carry out the development in accordance with the details approved.
- 44) You must apply to us for approval of the proposed new tree planting, including species, size, locations, tree pit design, irrigation and maintenance and the soil crating system to be used in each of the three planting locations, along with a timetable for implementation. You must include details of the depth and area and overall volume of the new soils which you propose to use to create an adequate rooting environment for new tree planting including details of any drainage layer and other components, the soil specification and profile, and the way that the proposed areas of soil will be connected to the surrounding soil. The soil volume within the crating systems must be no less than 200 cubic metres. You must not start any work until we have approved what you have sent to us. You must then carry out the work according to the approved details.