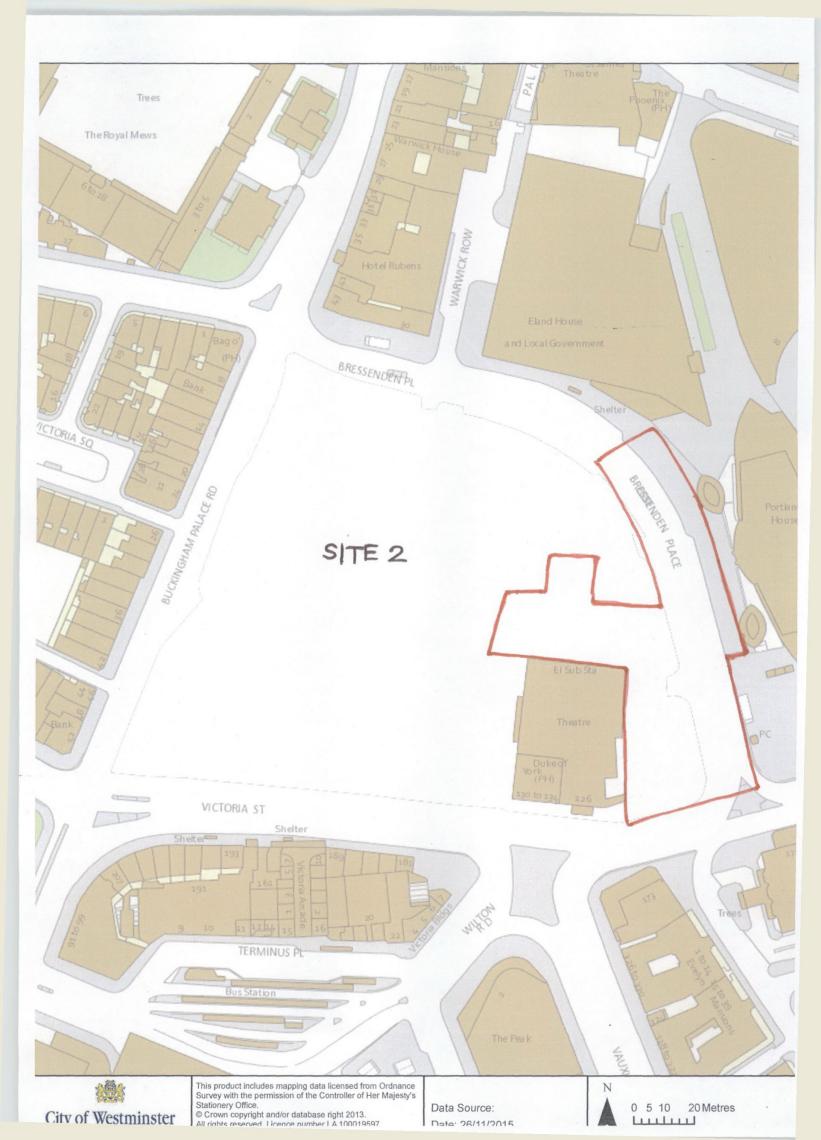
CITY OF WESTMINSTER				
PLANNING	Date	Classification		
APPLICATIONS COMMITTEE	8 December 2015	For General Release		
Report of		Wards involve	ed	
Director of Planning		St James's		
Subject of Report	Development Site At Bressenden Place, Victoria Street and Allington Street London, SW1E 5EF			
Proposal	Construction of a part six, part seven and part 10 storey building (Building 7b/7c) with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1), 42 residential units and associated works, including hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House (previously at 156-158 Victoria Street) on Allington Street.  SITE 2  Construction of new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping/public realm works.			
Agent	Gerald Eve			
On behalf of				
Registered Number	15/08005/FULL 15/08006/FULL	TP / PP No	TP/22151/16019/ 5476/1050	
Date of Application	20.08.2015	Date amended/ completed	20.08.2015	
Category of Application	Major			
Historic Building Grade	Unlisted			
Conservation Area	Outside Conservation Area			
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within London Plan Central A Within Central Activities Zone	ctivities Zone		
Stress Area	Outside Stress Area			
Current Licensing Position	Not Applicable			

Item No.

## 1. RECOMMENDATION

- 1. Grant conditional permission subject to a Deed of Variation to the original S106 legal agreement dated 9 October 2009 and to secure the following additional measures:
- (i) The provision of the library space at a peppercorn rent for a period of 25 years.
- (ii) The provision of nine affordable housing units on site for social rent purposes.
- 2. If the S106 legal agreement has not been completed within three months of the date of the Committee resolution, then:
- a) The Director of Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not
- b) The Director of Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.







Site 1 – land bound by Bressenden Place/ Victoria Street and Allington Street,



Site 2 – land bound by Bressenden Place and Allington Street, SW1

SITE 1 - LAND BOUNDED BY BRESSENDEN PLACE, VICTORIA STREET AND ALLINGTON STREET, SW1

SITE 2 – LAND BOUNDED BY BRESSENDEN PLACE, VICTORIA STREET AND ALLINGTON STREET, SW1

# 2. SUMMARY

The application sites form part of the original Victoria Transport Interchange 2 (VTI2) Masterplan development site and comprise land bounded by Victoria Street, Allington Street and Bressenden Place. The application sites are currently a construction site for London Underground's Victoria Station Upgrade (VSU). Both sites are located outside a conservation area. The Westminster Cathedral Conservation Area is located to the south east and Site 1 is located adjacent to the Grade II\* listed Victoria Palace Theatre.

Permission was granted for the VTI2 Masterplan in October 2009. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with the VSU. Permission 1 has been implemented and construction works are well under way. These applications propose revised schemes for Permissions 2 and 3 (now called Nova Place and Nova East respectively).

The revised Permission 2 proposes the construction of a part six, part seven and part 10 storey building with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1) and 42 residential units. The proposal also includes the reinstatement of elements of the retained facade and interiors of Sutton House (previously at 156-158 Victoria Street) on Allington Street.

The revised Permission 3 proposes the construction of a 16 storey office (Class B1) building fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping/public realm works.

The applications are accompanied by an Environmental Statement (ES).

The key issues with these applications are:

- The design of the new buildings and their impact on the townscape and longer views.
- The increase in office floorspace and compliance with the Council's mixed use policies.
- The increase in the number of residential units from 35 to 42 and the impact on car parking.
- The impact of the additional bulk in the revised Permission 3 on neighbouring properties.

The revised scheme for Permission 2 is considered acceptable in terms of affordable housing on the basis that the affordable housing obligations are triggered by Permission 1 and can be met through a commuted sum. The provision of the library space at peppercorn rent is welcomed in policy terms.

No objections have been received from neighbouring properties to the revised schemes. Both applications are considered acceptable in terms of design, land use, highways, amenity impact and environmental considerations and are therefore recommended for approval subject to a Deed of Variation to the legal agreement dated 9 October 2009 (as amended).

## 3. CONSULTATIONS

## **GREATER LONDON AUTHORITY**

Whilst the scheme is broadly supported in strategic planning terms, the applications do not yet fully comply with the London Plan for the reasons set out in the Stage 1 report.

# TRANSPORT FOR LONDON No objection in principle.

#### CROSSRAIL

Recommend standard condition as the scheme could interface with ancillary works.

# LONDON UNDERGROUND

No objections.

# HISTORIC ENGLAND

Do not wish to offer any comments.

## HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to a condition.

## **ENVIRONMENT AGENCY**

No objection

## TWENTIETH CENTURY SOCIETY

The Society commends the intention to reconstruct the building within the revised Permission 2 scheme. The proposals represent an improvement on the previously consented scheme, producing a better less-damaging outcome.

# **NETWORK RAIL**

No objection.

## NATURAL ENGLAND

No objection.

## THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

No objections.

# LONDON BOROUGH OF HACKNEY

No response.

# LONDON BOROUGH OF WANDSWORTH

Does not wish to comment.

## LONDON BOROUGH OF TOWER HAMLETS

Do not wish to comment

# LONDON BOROUGH OF RICHMOND

No objection.

## LONDON BOROUGH OF HAMMERSMITH AND FULHAM

No objection.

## WESTMINSTER SOCIETY

No objections to either scheme.

## 4. BACKGROUND INFORMATION

# 4.1 The Application Sites

The application sites form part of the original Victoria Transport Interchange 2 (VTI2) Masterplan development site.

Site 1 relates to the site of Permission 2 within the VTI2 Masterplan and comprises land bounded by Victoria Street to the south, Allington Street to the west and north and Bressenden Place to the east. The site is currently a construction site for London Underground's Victoria Station Upgrade (VSU).

Site 2\_relates to the site of Permission 3 within the VTI2 Masterplan and comprises land bounded by Bressenden Place to the east and Allington Street to the south. The site is also currently a construction site for London Underground's VSU.

Both sites are located outside a conservation area. The Westminster Cathedral Conservation Area is located to the south east and Site 1 is located adjacent to the Grade II\* listed Victoria Palace Theatre.

The sites are located within the Core Central Activities Zone (CAZ), the Victoria Opportunity Area and the Victoria Area Planning Brief (VAPB). The sites are located outside the congestion charge zone and the main highways surrounding the sites form part of the inner ring road/congestion charge boundary and part of the Transport for London Road Network.

# 4.2 Relevant Planning History

## 4.2.1 Victoria Transport Interchange 2

Permission was granted for the VTI2 Masterplan in October 2009. The Masterplan was split into three separate planning applications due to constraints imposed by works associated with the VSU which occupies the land that comprises Permissions 2 and 3. The three applications are considered as one proposal however as they are linked via a S106 legal agreement into a series of development scenarios to secure the overall delivery of the Masterplan. The description of each permission and subsequent revisions together with the development scenarios are set out below.

## Permission 1 - Buildings 5, 7a and 6b

Now identified as 'Nova', this permission comprises three new buildings with 170 private residential units, retail and office accommodation. The development includes a two storey basement accessed from Bressenden Place for vehicle and cycle parking, servicing and loading and alterations to the public realm to provide new pedestrian routes and facilities for buses. (08/08205/FULL)

The Nova permission was revised in August 2015 through a minor material amendment, namely to the massing and external appearance, basement, parking and loading arrangements and to the public realm. (12/02797/FULL)

The Nova permission was further revised in June 2013 through a minor material amendment, namely realigning the basement perimeter wall to the east following more detailed information regarding the VSU works and parking numbers (13/00090/FULL). This permission is currently being implemented.

# Permission 2 – Building 7b/7c

This permission comprises a part six and part 12 storey building fronting Bressenden Place and Allington Street for use as offices (Class B1), retail (Classes A1-A5), flexible library/retail (Class D1/A1-A5) and 35 affordable housing units with servicing from Bressenden Place. (08/08206/FULL)

A revised permission was approved in January 2012 for a similar description of development set out above but includes the reinstatement of the facade, part basement and ground floors of Sutton House on Allington Street and the relocation of the library onto Victoria Street frontage.

(11/05097/FULL)

# Permission 3 - Building 6a

This permission comprises the construction of a new 14 storey office (Class B1) building with retail uses at ground and first floor level with servicing from the basement in Nova (08/08207/FULL)

# **Development Scenarios**

The four development scenarios that are secured in the legal agreement for the VTI2 Masterplan are:

Development scenario 1 – Permission 1, 2 and 3 are developed, together with public realm, pedestrian routes and basement levels.

Development scenario 2 – Permission 1 and 2 are developed, together with public realm, pedestrian routes and basement levels.

Development scenario 3 - Permission 1 and 3 are developed, together with public realm, pedestrian routes and basement levels.

Development scenario 4 - Permission 1 only is developed, together with public realm, pedestrian routes and basement levels.

## 4.3 Current Position

Construction work on Nova (Permission 1) is well under way and completion is expected in summer 2016.

The applicant has advised that Permissions 2 and 3 are not commercially feasible and are unlikely to be implemented in their current form.

There is no requirement for Permission 2 to be built as Permission 1's planning obligations, which include the provision of affordable housing and the library within the site of Permission 2, can be fully satisfied by commuted sum payments currently provided for in the S106 legal agreement. The provision for commuted sums for these planning benefits was necessary due to uncertainties associated with the return of land currently occupied by the VSU works.

The S106 legal agreement for the VTI2 Masterplan sets out that if Permission 2 (which provides the library and affordable housing) is not implemented, or if the affordable housing units are not transferred to a registered provider, the applicant is required to pay:

- an affordable housing commuted sum of £8,287,628 (index linked)
- a community space contribution of £6,920,000 (index linked).

The revised scheme for Permission 2 does not seek to provide Permission 1's obligation with regard to affordable housing on the basis that the affordable housing obligation has been satisfied by the commuted sum. The revised scheme does however continue to provide the community space as a library.

Although the current applications for Permissions 2 and 3 are considered as 'standalone' planning applications, it is recommended that they are tied into the VTI2 Masterplan through a deed of variation to the 2009 legal agreement (as amended).

# 4.4 Updated Development Scenarios

If permission is granted for the revised Permission 2 and 3 schemes then three new development scenarios would arise:

Development Scenario 5: Permission 2 and 3 together (with public realm pedestrian routes and basement levels).

Development Scenario 6: Permission 2 only (with public realm pedestrian routes and basement levels).

Development Scenario 7: Permission 3 only (with public realm pedestrian routes and basement levels).

# 4.5 Other Relevant Applications

## Sutton House

Formerly located within the site of Permission 1. Listed building consent was granted on 7 January 2011 for the part demolition and part dismantling of Sutton House, in relation to the existing facade and interior finishes at the ground floor and basement [the retained elements] for storage and reinstallation within the VTI2 Masterplan or elsewhere.

The methodology for selecting an appropriate site for the retained elements of the building is set out in a legal agreement. The hierarchy provides firstly for the location to be a building within the VTI 2 Masterplan. Only, if after exhausting efforts, it is agreed by the City Council and English Heritage that this is impracticable will fall back options be considered in the following order (i) a site within the vicinity of the VTI 2 Masterplan; (ii) a site within Westminster; or (iii) an appropriate alternative location (RN 09/10493/LBC).

A listed building consent application is pending for the installation into the Nova development of certain retained elements dismantled pursuant to the above listed building consent and the disposal of other retained elements. (15/09461/LBC)

#### Victoria Station Upgrade

A Transport and Works Act Order was approved by the Secretary of State on 28 August 2009 to increase the capacity of the Victoria Underground Station mainly serving the Victoria Line by way of the construction of a new northern ticket hall and entrance, enlargement of the existing southern ticket hall, provision of step free access to platforms and improvement of the interchange capacity between the mainline railway station and the southern ticket hall. Works are currently underway.

# Victoria Palace Theatre

Permission and listed building consent were granted on 22 December 2009 for demolition of rear extensions and roof enclosure to Victoria Palace Theatre and of Elliot House, 124 Victoria

6

Street and 3-5 Bressenden Place for the erection of new fly tower. The applications also propose extensions and alterations to the east side of the theatre at ground to fourth floor levels, new roof enclosure, excavation of new stage pit and associated external and internal alterations.(RN 08/04886/FULL and 08/04887/LBC).

## 5. THE PROPOSAL

#### Site 1

Permission 2 has been renamed by the applicant as Nova Place and this term will be used in this report from now on.

Nova Place proposes the construction of a part six, part seven and part 10 storey building with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1), 42 residential units and associated works, including hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. The proposal also includes the reinstatement of elements of the retained facade and interiors of Sutton House (previously at 156-158 Victoria Street) on Allington Street.

The key elements of the Nova Place scheme compared to the previously approved schemes are:

- The realignment of Allington Street to the south.
- Incorporate retained elements of the listed Sutton House on Allington Street rather than a corner location as agreed in 2012.
- Amend the residential mix and increase the quantum of housing provided on the site from 35 to 42 units.
- Retain the proposed flexible accommodation in10ded for the new library on the Victoria Street frontage. The library will now be provided at a peppercorn rent.
- Alterations to the bulk and massing of the building.

#### Site 2

Permission 2 has been renamed by the applicant as Nova East and this term will be used in this report from now on.

Nova East proposes the construction of a 16 storey office (Class B1) building fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping/public realm works.

The key elements of the Nova East scheme compared to the previously approved schemes are:

- Alterations to the bulk, massing and external appearance of the building.
- Increase in the quantum of office floorspace.
- The realignment of Allington Street to the south.

The applications are accompanied by an Environmental Statement (ES).

## 6. DETAILED CONSIDERATIONS

## 6.1 Land Use

Site 1

The existing and proposed land uses can be summarised as follows:

Use	Gross External Floorspace (m2)			
	Permitted 2012 Permission 2	Current Application	Net Change	
Office (Class B1)	2,914	1,317	-1,597	
Retail (Classes A1- A5)	592	77	-515	
Flexible D1/A1 Space	338	238	-100	
Flexible D1/B1 Space	2,170	2,200	+30	
Residential	3,784	5,619	+1,835	
Total	9,768	9,451	-317	

Table 1 Land Use: Nova Place (Applicant's calculations)

## Office and retail uses

The scheme proposes a minimum of 1,317m2 and up to 3,517m2 of office floorspace depending on whether the Council elects to take a lease on the proposed library space. Although a reduction compared to the 2012 scheme, this still represents an increase above the office floorspace on the site before the buildings were demolished for VSU works.

The scheme proposes a minimum of 77m2 and up to 315m2 of retail floorspace (Class A1-A5). This represents a reduction compared to the 2012 permission. However, given that the footprint of the building has been reduced and the overall constraints of the site this is considered acceptable.

Nova Place should also be seen in the context of Nova (under construction) which provides a substantial increase in office and retail uses and Nova East which, if implemented, would also provide significant office uplift. Overall it is considered that the current scheme proposes a mix of office, retail, residential and, if the Council takes a lease on the community space the mix will include a library. This would add to the richness of this part of the CAZ.

#### Library

The provision of a library facing Victoria Street accords with the principles established in the previous two permissions and is considered to be a public benefit. The library floorspace is to be offered to the Council at a peppercorn rent for 25 years. The library floorspace is split over ground plus 5 upper storeys and will be provided to shall and core with the fit out being the responsibility of the Council.

The existing planning obligations provide a mechanism for negotiation to take place between the developer and the Council to conclude an agreement for a lease for the library space. In the event that those negotiations cannot be concluded, i.e. if the City Council does not wish to

Item No.

6

take the library space, then a commuted sum payment of £6,920,000 (index linked) for community space is secured through the S106 legal agreement. In this scenario the applicant could use the library space for B1 office use. The provision of a commuted sum and alternative B1 office use for the library accords with the principles established in the previous two permissions.

## Residential

Nova Place provides 42 flats arranged in a 'L' shaped block fronting Bressenden Place and Allington Street. This represents an increase of seven units compared to the scheme approved in 2012. The 10ure mix will comprise 25% affordable housing and 75% market housing.

Policy S14 of the City Plan and H3 of the UDP seek to maximise the amount of land or buildings in residential use. The proposed increase in the amount of residential floorspace compared to the previous schemes in 2009 and 2012 is therefore welcome.

The revised tenure mix is considered acceptable on the basis that Permission 1's affordable housing obligation is satisfied through a commuted sum payment of £8,287,628 (index linked).(see section 4.3)

The scheme proposes the following mix of units:  $14 \times 1$  bed,  $18 \times 2$  bed,  $7 \times 3$  bed and  $4 \times 4$  beds. Policy H5 of the UDP seeks to ensure an appropriate mix of unit sizes is achieved in all housing developments, with 33% of units to be family sized. With this scheme 23.8% of the units will be family sized. This is similar to the level across the Masterplan in 2009 and is considered acceptable.

The average unit size for all unit types is 87m2. This ranges from an average of 50m2 for a 1-bedroom unit to 141m2 for a market 3-bedroom unit and 128m2 for a 4-bedroom affordable unit. The units comply with national space standards and are therefore considered to be of a reasonable size allowing the level of housing on site to be optimised.

All units have Juliet balconies to their living space and bedroom fronting Bressenden Place. Additionally 100% of the 9 affordable housing units will have private amenity space in the form of inset balconies of approximately 5m2. Playspace is provided on first floor level of the building for the sole use of the affordable housing units. Given the constraints of the site no further playspace can be provide on-site.

Policy H8 of the UDP relates to the provision of homes for long term needs. The City Council will expect all new housing units to meet the Lifetime Homes Standard. The applicant has confirmed that all of the units will meet Lifetime Homes design criteria and that 4 or 10% have been designed to be easily adaptable wheelchair accessible homes.

The scheme will provide 1,386m2 or 25% affordable housing on site which fully complies with Policy S16 of the City Plan. The affordable housing floorspace will be located on levels 1-3 arranged as 6 x 2 bed and 3 x 4 bed units and will comprise 100% social rented accommodation. The scheme has the support of the Council's Affordable Housing Supply Manager.

#### Site 2

The existing and proposed land uses can be summarised as follows:

Ite	em No	ο.	
	6		

Use	Gross External Floorspace (m2)			
	Permitted 2009 Permission 3	Nova East Application	Net Change	
Office (Class B1)	13,844	20,996	+7,152	
Retail (Classes A1- A5)	302	342	+40	
Total	14,146	21,338	+7,192	

Table 2 Land Use: Nova East (Applicant's calculations)

## Office and retail uses

Nova East proposes an increase in office floorspace of 7,152m2 from the scheme granted permission in 2009. The proposed office increase is considered acceptable in terms of Policies S18 and S20 of the City Plan and the aims of the VAPB. The additional retail floorspace of 40m2 is also welcome in policy terms in this location.

#### Mixed use policy

Policy S1 of Westminster's City Plan states that within the CAZ, a mix of uses consis10t with supporting its vitality, function and character will be promoted. The policy goes onto state that 'where proposals increase the amount of commercial floorspace by 200 square metres or more, the provision of an equivalent amount of residential floorspace will be required on-site, where the council considers this to be appropriate and practical.'

In terms of applying Policy S1, it has been agreed by officers that, in calculating the requirements and any financial contributions under mixed use policy, the uplift should be considered to be that from the permitted scheme i.e. the floorspace uplift from the 2009 Permission 3. The mixed use policy only applies to Development Scenarios 5 and 7. For Development Scenario 6 (Nova Place only), the office increase is exceeded by the proposed residential uplift.

## Development Scenario 5

Where Nova East and Nova Place are implemented, the overall office uplift across both sites is 5,555m2. However this office floorspace will increase if the library is not taken by the Council. When the residential uplift within Nova Place is taken into account, there is a shortfall of 3,720m2 of residential provision against the Council's mixed use policies. It is not considered appropriate to provide more residential floorspace within Nova Place given the overall constraints of the site. In terms of providing the equivalent amount of residential offsite, the applicant has advised that they have no other land holdings in the vicinity other than Nova and Nova Place. As the provision of alternative uses on site as part of the scheme would not be appropriate, it is considered that the mixed use Policy Should be dealt with by way of a payment in lieu. It is considered therefore that the mixed use policy in Development Scenario 5 should be dealt with by way of a payment in lieu towards the Council's affordable housing fund. A policy compliant payment would be £6,121,136.

The applicant has provided a financial viability assessment (FVA) to demonstrate that the full payment in lieu towards the Council's affordable housing fund would make the scheme unviable. The FVA has been assessed by the Council's independent consultant GVA who conclude that Development Scenario 5 can only support a payment of £4,795,352. This takes into account the developments other obligations relating to CIL and Crossrail. It is recommended that this payment could be secured through the S106 legal agreement.

## Development Scenario 7

Where only Nova East is implemented, the commercial uplift from the 2009 Permission 3 is 7,192m2. Given the planning history of the site, the provision of on-site residential is not considered appropriate and off site provision or the provision of alternative uses is not considered appropriate for the same reasons set out above. A policy compliant payment towards the Council's affordable housing fund in Development Scenario 7 would be £11,834,196. The applicant has agreed that this payment is acceptable and it is recommended that it could be secured through the S106 legal agreement.

# 6.2 Townscape and Design

#### Site 1

Allington Street is realigned and the size of the site subsequently reduced. The main changes to the design of the previously permitted scheme are restricted largely to the revised location of Sutton House, the reduction in scale and height of the office element and the different architectural treatment to the facades, partly reflecting the change of uses within the building.

Sutton House is a Grade II listed building which was dismantled as part of the earlier Nova development and is required to be re-erected on this part of the site. It was previously proposed for a location on the corner of Allington Street. It is now proposed to be located as part of a terrace fronting onto Allington Street. As the facade previously sat within a terrace, it is considered that this revised arrangement is a more appropriate context than that previously approved. The details of the interior reinstatement are part of a separate listed building application. The height of the adjacent office building is lowered to ensure a better relationship to the reinstated facade.

The form and scale of the buildings are fundamentally the same as previously approved. They step up from and wrap around the adjacent listed Victoria Palace Theatre and Duke of York public house, providing a lower background to these smaller retained buildings on Victoria Street, with the larger scaled buildings of Portland House and Nova East beyond. The development has no impact on strategic or metropolitan views and local views are very similar to those of the previous scheme.

The architectural treatment has been modified to a more highly glazed design, though the glazing elements are contained within a stone (or reconstituted stone) frame, clearly expressing the floorplates and providing a more cohesive design to the various uses within the building than the previous scheme did. The revised design also has a closer contextual relationship to the new Nova East building and provides a more coherent form to this part of the Nova site and aids the transition to the more traditional, orthogonal architecture of Portland House immediately to the east. It is considered that the revised architectural treatment is an improvement over that previously permitted.

## Site 2

The new building to the north of the realigned Allington Street has a larger footprint than the previous consented building. While it is the same maximum height, the bulk and mass of the building at high level is significantly greater than the consented scheme, due to the different building form. The consented scheme had a sloping roofline which peaked at 73.38m AOD, while the current proposal has a flat roof form at the same height, but with considerably more bulk at high level. This is apparent in key views of the building.

Views from the south (e.g. Views L13 and L16) show the building sitting comfortably within the scale of its neighbours and the increase in bulk at high level is not readily apparent in these views. However, views from the north and north-east show the increase in bulk more clearly

and have some impact upon key views. Views G12 and G13 are taken from the vicinity of the Queen Victoria Memorial and comparison with the consented scheme shows that the additional bulk at height is visible and partially fills the skyline "gap" between Buckingham Palace, the Memorial and Portland House. The night time view from this location (view G14n) suggests that care needs to be taken over any night time illumination of the top of the building.

View G16 is from the gardens of Buckingham Palace and shows significantly greater visual impact. The sloping form of the consented scheme reduced its visual impact on this view and maintained clear sky separation between Portland House and the Nova development. The proposed scheme infills this sky "gap" and would lead to a coalescence of built form between Portland House (as consented) and the rest of the Nova development. View G19 shows a similar impact from the courtyard of the Royal Mews.

The impact on these views is considered to be harmful to the setting of listed buildings and their conservation area settings, but the degree of harm is considered to be less than substantial and may be able to justified by any public benefits that the scheme may generate. There have been no objections from the GLA, Historic England or any other third party regarding the impact on these views.

The building's architectural form is a departure from the asymmetrical, sloping shapes of the rest of the Nova site. Its form is more orthogonal, more conventional, and, in that sense, is likely to sit more comfortably with the existing adjacent buildings. It also provides a more suitable backdrop to views of the grade II listed Victoria Palace Theatre from the south, where the architectural form and detail is seen as more contextual than the previous consented scheme.

The building is a conventional curtain wall construction in natural anodised aluminium. The south facade has solar shading by projecting vertical fins which add visual depth to the facade, while other facades have a combination of narrow fins and clear and translucent glass panels. The latter are proposed to have a marble image digitally printed on an interlayer within the glass. The below ground constraints mean that the ground floor has a large area of public realm under a dramatic cantillevered roof.

## 6.3 Amenity

# Sites 1 and 2

## Daylight and Sunlight

Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings.

The applicant has provided a daylight and sunlight assessment with the application. This analysis demonstrates that all of the 930 windows assessed surrounding the site would meet the BRE criteria for the vertical sky component (VSC) for both Nova Place and Nova East.

The applicant has also carried out a 'no sky line' (NSL) assessment. The no sky line divides points on the working plane which can and cannot see the sky. The BRE guidelines state that if the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.8 times its former value this will be noticeable to the occupants, and more of the room will be poorly lit. The analysis for Nova East demonstrates that 17 windows within The View (that serve living rooms) would not meet the BRE guidelines with nine experiencing a NSL reduction between 20-30% and 8 experiencing a reduction of between 30-40%. These reductions in daylight are regrettable, however, given that all

Item No.

6

windows pass the VSC daylight test, and given the central London context, it is not considered that the impact to properties within this building would be so severe as to justify a refusal.

## Mechanical Plant

For Nova East mechanical plant is proposed at first floor, part second floor and at roof levels. For Nova Place there will be mechanical plant at basement and mezzanine level and at roof level. Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the at10uation measures are available to confirm compliance with the Council's standard noise condition. The Council's standard condition relating to the testing of emergency generators is also recommended.

## Construction Management

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

The City Council's Code of Construction Practice and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. Officers from these teams already monitor the Nova site to ensure compliance with the Council's Code of Construction Practice and Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific Site Environmental Plan (SEMP). There is provision within the 2009 S106 agreement for the monitoring of Nova East and Nova Place which will need to be maintained through a deed of variation. It is recommended that a construction logistics plan is secured through a condition.

Mitigation measures for the Victoria Palace Theatre will need to be agreed within the SEMP. This may include an agreement limiting noisy and percussive works during performances.

# 6.4 Transportation/Servicing

Policy S41 of the City Plan requires all development to prioritise pedestrian movement and a pedestrian safe environment, encouraging sustainable transport options whereas S42 requires adequate off-street servicing provision in new developments.

Policy TRANS 23 of the UDP sets out the Council's policy on off-street parking for residential development which is based on a maximum standard of one off-street parking space per residential unit of two bedrooms or less; and 1.5 off-street parking spaces per residential unit of three bedrooms or more. The City Council encourages the provision of parking up to the maximum standard.

#### Car and Cycle Parking

The scheme proposes to provide 38 car parking spaces for the market flats and a further 4 parking spaces for the affordable units. These spaces will be provided in the basement of Nova in Permission 1 which provides a total of 146 residential car parking spaces (the remaining spaces are allocated as 26 for office use, 3 for retail use and 2 car club spaces). Taking both Nova and Nova Place together there will be 146 parking spaces for 212 flats (69%). This is considered to be an acceptable parking provision in highway terms given the sites proximity to all forms of public transport. The applicant has advised that it is not possible to provide the 42 car parking spaces on an unallocated basis for viability reasons. By way of background the FVA for the original VTI2 Masterplan scheme was based on the provision of

allocated car parking within the scheme. It is therefore recommended that the car parking spaces are secured by way of a planning condition to ensure they are provided.

250 secure cycle parking spaces will be provided for Nova East with an additional 24 ground level spaces for visitors.

For Nova Place 91 secure cycle parking spaces will be provided on site but this will be increased to 111 if the Council decides not to take the library space and the space used for offices instead.

# Delivery and Servicing.

Off-street servicing to Nova East will be provided via the basement which is to be connected to the main Nova basement to the west. Nova Place is to be serviced from new servicing bays on Bressenden Place. These servicing arrangements are similar to those previously approved and are considered acceptable in highways terms.

Commercial waste for Nova East will be stored within the shared basement level for Nova and Nova East. For Nova Place separate waste storage rooms are to be provided within the building for the market residential, affordable residential and non-residential land uses.

## **Traffic Generation**

It is not considered that the Nova East or Nova Place applications will have a significant impact on traffic generation compared to the previously approved schemes.

## Pedestrian Movement

The public realm provided around and underneath the building's undercroft will be sloping to accommodate the fall required to link the existing Nova site and the Victoria Palace Theatre to the west and the higher clearance for King's Scholars Pond Sewer to the east. The palette of materials will relate to the neighbouring Nova development. The public realm across the three Nova sites is to be managed by Land Securities, including a comprehensive CCTV system. The public realm proposed within the scheme is considered acceptable.

## Realignment of Allington Street

There are no objections to the realignment of Allington Street in Highways terms.

#### 6.5 Economic Considerations

The economic benefits of the scheme are welcomed.

#### 6.6 Access

The Nova Place and Nova East schemes provide key features for compliant and convenient inclusive access to meet the needs of the public and tenants. In particular the library space will be fully wheelchair accessible with lifts serving all floors. All residential units provided to Lifetime Homes standard and 10% of the residential units to be easily adapted to meet the needs of a wheelchair user. In terms of public realm, gradients would exceed 1:20 in locations between the Nova Place and Nova East buildings however given the constraints of the site this is considered acceptable.

## 6.7 Other UDP/Westminster Policy Considerations

There are none.

## 6.8 London Plan

Whilst the application is supported in principle by the Mayor, there are outstanding strategic planning concerns.

## Affordable housing

The maximum reasonable amount of affordable housing must be verified in line with London Plan policy 3.12.

## Sustainable development

The proposed energy strategy complies with London Plan policy 5.2. The applicant is nevertheless encouraged to continue its engagement with the Pimlico District Heating Undertaking (PDHU) – with a view to prioritising a feasible and viable connection to this network in accordance with London Plan policy 5.6. Climate change mitigation

## Transport

The applicant is required to address matters relating to the realignment of Allington Street, road network, car parking, cycle parking, travel planning, safeguarding transport infrastructure and Crossrail to ensure compliance with relevant London Plan policies.

# 6.9 National Policy/Guidance Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning Policy Statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing plans "according to their degree of consis10cy" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consis10cy with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of these applications are considered to be consistent with the NPPF unless stated otherwise.

## 6.10 Planning Obligations

On 6 April 2010 the Community Infrastructure Levy (CIL) Regulations came into force which make it unlawful for a planning obligation to be taken into account as a reason for granting planning permission for a development, or any part of a development, whether there is a local CIL in operation or not, if the obligation does not meet all of the following three tests:

- (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.

Policy S33 of the City Plan relates to planning obligations. It states that the Council will require mitigation of the directly related impacts of development; ensure the development complies with policy requirements within the development plan; and, if appropriate, seek

contributions for supporting infrastructure. Planning obligations and any Community Infrastructure Levy contributions will be sought at a level that ensures the overall delivery of appropriate development is not compromised.

From 6 April 2015, the Community Infrastructure Levy Regulations (2010 as amended) impose restrictions on the use of planning obligations requiring the funding or provision of a type of infrastructure or a particular infrastructure project. Where five or more obligations relating to planning permissions granted by the City Council have been entered into since 6 April 2010 which provide for the funding or provision of the same infrastructure types or projects, it is unlawful to take further obligations for their funding or provision into account as a reason for granting planning permission. These restrictions do not apply to funding or provision of non-infrastructure items (such as affordable housing) or to requirements for developers to enter into agreements under Section 278 of the Highways Act 1980 dealing with highway works. The recommendations and detailed considerations underpinning them in this report have taken these restrictions into account.

The City Council has consulted on the setting of its own Community Infrastructure Levy, which is likely to be introduced in spring 2016. In the interim period, the City Council has issued interim guidance on how to ensure its policies continue to be implemented and undue delay to development avoided. This includes using the full range of statutory powers available to the Council and working pro-actively with applicants to continue to secure infrastructure projects by other means, such as through incorporating infrastructure into the design of schemes and co-ordinating joint approaches with developers.

For reasons outlined elsewhere in this report, a S106 legal agreement will be required to secure the following:

#### Site 1

- (i) The provision of the library space at a peppercorn rent for a period of 25 years.
- (ii) The provision of nine affordable housing units on site for social rent purposes.
- (iii) The provision of 42 car parking spaces in the basement of Permission 1.

It is considered that the 'Heads of Terms' listed above satisfactorily address City Council policies. The planning obligations to be secured, as outlined in this report, are in accordance.

The proposal would attract a payment to the Mayor's Community Infrastructure Levy which could be dealt with by way of an Informative.

#### Site 2

- (i) A payment of £11,834,196 (index linked) to the Council's affordable housing fund. The payment to be reduced to £4,795,352 (index linked) if Nova East and Nova Place are both implemented.
- (ii) Payment of £1,991,445 towards Crossrail.

#### 6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In putting forward this recommendation, officers have taken into account the Environmental Statement submitted with the application. Officers are satisfied that the environmental information as a whole meets the requirements of the EIA Regulations and that sufficient information has been provided to enable assessment of the environmental impact of the application.

**Energy Strategy** 

Policy 5.2 of the London Plan refers to Minimising Carbon Dioxide Emissions and states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- 1. Be lean: use less energy
- 2. Be clean: supply energy efficiently
- 3. Be green: use renewable energy

City Plan Policy S40 considers renewable energy and states that all major development throughout Westminster should maximise on-site renewable energy generation to achieve at least 20% reduction of carbon dioxide emissions, and where feasible, towards zero carbon emissions, except where the Council considers that it is not appropriate or practicable due to the local historic environment, air quality and/or site constraints.

The application is accompanied by an Energy Strategy which sets out the sustainability credentials of the building. In summary the strategy comprises energy efficiency measures, connection of Nova Place and Nova East to the Masterplan energy centre (capable of district heat connection and principally driven by gas fire CHP) and installation of roof-mounted photovoltaic array at Nova Place. Considering Nova Place and Nova East collectively, the strategy would achieve a 38% carbon dioxide saving, which would exceed the target within London Plan Policy 5.2.

The Council has recently commissioned a feasibility study with regard to connecting Nova to the PDHU. The study concludes that there are significant obstacles to connecting the Nova energy centre to the PDHU. Notwithstanding this the Nova scheme is future proofed to enable a connection to district heating infrastructure should circumstances change in the future.

#### Biodiversity

Nova Place will provide a small sedum roof (50m2). There is also a commitment by the applicant to provide bird boxes and it is recommended that these are secured by condition for both schemes.

## Wind

The application is accompanied by a wind assessment prepared by the Building Research Establishment. Wind tunnel testing for all three development scenarios has been carried out combined with statistical data relating to meteorological conditions in London, adjusted for site specific conditions. If both the Nova Place and Nova East schemes are completed the results show that wind conditions will be suitable for their in10ded pedestrian activities. The results are similar for Development Scenario 7 where only Nova East is implemented.

#### 6.12 Other Issues

## Public consultation

A statement of community involvement has been submitted with the application. This advises that the consultation carried out by the applicant included a public exhibition, newsletter and email and a meeting with a ward councillor. The applicant advises that 90% of respondents to the feedback form supported the proposals.

## 6.13 Conclusion

With the imposition of conditions, and subject to a S106 agreement the proposed developments are considered acceptable in land use, design, amenity, highways and environmental terms.

#### **BACKGROUND PAPERS**

- 1. Application forms.
- 2. Email from Head of Affordable and Private Sector Housing dated 24 November 2015.
- 3. Memorandum from Environmental Health dated 26 November 2015.
- 4. Memorandum from Highways Planning Manager dated 26 November 2015.
- 5. Letter from Greater London Authority dated 20 October 2015.
- 6. Letter from Transport for London dated 23 September 2015.
- 7. Letters from London Underground dated 23 October and 13 November 2015.
- 8. Email from Crossrail dated 25 November 2015.
- 9. Email from Network Rail dated 17 September 2015.
- 10. Letters from Historic England dated 8, 16 and 23 September 2015.
- 11. Letter form Twentieth Century Society dated 23 September 2015.
- 12. Letter from Environment Agency dated 23 September 2015.
- 13. Letter from Natural England dated 11 September 2015.
- 14. Letter from The Royal Borough of Kensington and Chelsea dated 16 September 2015.
- 15. Letter from London Borough of Lambeth dated 6 October 2015.
- 16. Letter from London Borough of Hammersmith and Fulham dated 30 September 2015.
- 17. Letter from London Borough of Richmond upon Thames.
- 18. Letter from London Borough of Tower Hamlets dated 25 September 2015.
- 19. Letter from London Borough of Wandsworth dated 15 September 2015.
- 20. Letter from London Borough of Hackney dated 21 September 2015.
- 21. Letter form Westminster Society dated 24 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT MATTHEW MASON ON 020 7641 2926 OR BY E-MAIL – mmason@westminster.gov.uk

#### DRAFT DECISION LETTER

Address:

Development Site At Bressenden Place, Victoria Street and Allington Street,

London, SW1E 5EF

Proposal:

Construction of a part six, part seven and part 10 storey building (Building 7b/7c) with new basement fronting Allington Street, Bressenden Place and Victoria Street for use as offices (Class B1), flexible retail (Classes A1-A5), flexible library/retail (Class D1/A1-5), flexible library/office (Class D1/B1), 42 residential units and associated works, including hard landscaping, highway, utilities and ancillary works with servicing from Bressenden Place. Reinstating elements of the retained facade and interiors of Sutton House (previously at 156-158 Victoria Street) on Allington

Street.

Plan Nos:

Site location plan - LA-070-NOV-TP-020.

Proposed drawings - LA-070-NOV-TP-209, LA-070-NOV-TP-210, LA-070-NOV-TP-211, LA-070-NOV-TP-212, LA-070-NOV-TP-213, LA-070-NOV-TP-214, LA-070-NOV-TP-215, LA-070-NOV-TP-216, LA-070-NOV-TP-217, LA-070-NOV-TP-218, LA-070-NOV-TP-219, LA-070-NOV-TP-220, LA-070-NOV-TP-221, LA-070-NOV-TP-231, LA-070-NOV-TP-232, LA-070-NOV-TP-232, LA-070-NOV-TP-234, LA-070-NOV-TP-240, LA-070-NOV-TP-241, LA-070-NOV-TP-242, LA-070-NOV-TP-243, LA-070-NOV-TP-244, LA-070-NOV-TP-250, LA-070-NOV-TP-251, LA-070-NOV-TP-260, LA-070-NOV-TP-261, LA-070-NOV-T

NOV-TP-262, LA-070-NOV-TP-263 and LA-070-NOV-TP-270.

Case Officer:

Matthew Mason

Direct Tel. No. 020 7641 2926

# Recommended Condition(s) and Reason(s):

- The development hereby permitted must be commenced not later than whichever is the earliest of the following dates:-
  - (i) The expiration of five years from the date of this permission
  - (ii) The expiration of three years commencing on the operative date.

(see informative 5)

Reason:

At the request of the applicant, and as allowed under Section 91 of the Town and Country Planning Act 1990 (as amended), a longer period for commencing the development is considered acceptable in this instance, due to the current use of the site for Victoria Station Upgrade works.

2 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.

- 3 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.

Noisy work must not take place outside these hours unless except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

## Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

You must carry out a detailed site investigation for all parts of the site, except those which have already been investigated in relation to the Victoria Station Upgrade works, 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, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster.

You must apply to us for approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed:

- 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.
- To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)
- 5 (a) No development shall take place until you have secured the implementation of a

programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

- (b) No development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

#### Reason:

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

Pre-Commencement Condition: No development shall take place until a Construction Logistics Plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority in consultation with Transport for London (see informative 2).

#### Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:
  - (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraph (i) of this condition shall be completed, in their entirety, before any part of the building is occupied

#### Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

You must apply to us for approval of detailed drawings showing how you will support and protect the relevant parts of the Victoria Palace Theatre. You must not start work until we have approved what you have sent us. You must then carry out the work according to these drawings.

#### Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

You must apply to us for approval of details of a detailed condition survey of the Victoria Palace Theatre together with details of construction vibration limits that comply with Part 2 of BS 7385. You must not commence demolition until we have approved what you have sent us. You must then carry out the work according to these agreed vibration limits.

#### Reason

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

10 You must provide 33 parking spaces for use by the private residential units and at least 4 parking spaces for use by the affordable housing units within the basement of Permission 1 (reference 13/00090/FULL). The parking spaces must be provided prior to occupation of the residential units and thereafter made permanently available for use.

#### Reason:

To make sure provision is made for off-street residential car parking in accordance with policy TRANS 23 of our Unitary Development Plan that we adopted in January 2007.

11 You must apply to us for approval of a Servicing Management Plan for the office and retail uses. You must not occupy either the office or retail parts of the development until we have approved what you have sent us. Thereafter you must manage the development in accordance with the approved Plan. The Servicing Management Plan shall be consistent with the restrictions in Conditions 12 and 13.

## Reason:

To avoid blocking the surrounding streets as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

12 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

All servicing for Nova Place by vehicles using street lay-bys must take place between 07:00hrs and 19:00hrs on any day. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

#### Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

- 14 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:
  - the removal of outward opening doors on Bressenden Place and Allington Street at ground floor level.

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. (C26UB)

#### Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

You must provide the waste stores shown on the approved drawing before anyone moves into the relevant part of the development. You must clearly mark them and make them available at all times to everyone using the relevant part of the development. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

#### Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

You must provide each cycle parking space shown on the approved drawings prior to occupation of the relevant part of the development. Thereafter the cycle spaces must be retained for use by the occupiers of the development and the space used for no other purpose.

#### Reason

To ensure the cycle parking spaces and cycle access facilities are provided for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

In the event that any Class A unit hereby approved is occupied for Class A3, A4 or A5 purposes, you must apply to us for approval of the design, construction and insulation of ventilation and plant. You must not fit out any Class A3, A4 or A5 unit until we have approved what you have sent us. You must then only carry out the work according to the approved drawings prior to occupation.

#### Reason:

To protect existing neighbours and future residential occupiers from nuisance from cooking smells as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant installed will comply with the Council's noise criteria as set out in Conditions 19 and 20 of this decision. You must not start work on this part of the development until we have approved what you have sent us.

#### Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- 19 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (excluding emergency plant) hereby permitted shall not at any time exceed either,
  - i) a value of 10 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006 approved under ref 13/00090/FULL), or:
  - ii) a value of 5dB below the minimum post-development external background noise level which ever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design.
  - (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 tonal or intermittent plant and machinery (excluding emergency plant) hereby permitted, when operating at its noisiest, shall not at any time exceed either,
  - i) a value of 15 dB, below the minimum historical pre-development external background noise

levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006 approved under ref 13/00090/FULL), or

- ii) a value of 10 dB below the minimum post-development external background noise level whichever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

#### Reason

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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 property.

#### Reason:

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

vibration.

The design and structure of the residential buildings 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, unless otherwise agreed in writing by us.

#### Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, which reflect the exposure categories in PPG 24, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

The design and structure of the residential buildings 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 commercial elements of 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, unless otherwise agreed in writing by us.

#### Reason:

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

You must apply to us for approval of details of sound insulation measures and a Noise Assessment Report demonstrating how the residential units approved as part of Nova Place will be insulated to comply with Conditions 21 and 22 of this decision. You must not start on the relevant part of the development until we have approved what you have sent us. You must carry out the development in accordance with the details approved prior to the occupation of the residential units.

#### Reason

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, which reflect the exposure categories in PPG 24, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

In the event that any Class A unit hereby approved is occupied for Class A3, A4, or A5 purposes, customers shall not be permitted within the restaurant, public house or take-away premises before 0700hrs and after 2400hrs (midnight) each day.

#### Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and

TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping according to these approved drawings within 3 months of completing the development (or within any other time limit we agree to in writing). (C30AB)

#### Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

You must not attach satellite antennae, flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings.

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

You must apply to us for approval of detailed drawings of a typical (full height) bay detail of each facade in plan, section and elevation annotated to show materials. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings unless otherwise agreed in writing with us.

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

You must apply to us for approval of a schedule and samples of the facing materials you will use. You must then carry out the work using the approved materials, unless otherwise agreed in writing with us.

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

29 You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans.

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

30 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof.

## Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 31 You must apply to us for approval of details of the following parts of the development -
  - bird and bat boxes.

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 prior to occupation. Thereafter the bird and bat boxes must be retained as approved.

## Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

32 You must provide the play space shown on drawing 212 prior to the occupation of the affordable housing units. Thereafter the play space must be retained and not used for any other purpose.

#### Reason:

To ensure that play space is provided in accordance with H 10 of our Unitary Development Plan that we adopted in January 2007.

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

#### Reason:

To protect family accommodation as set out in S15 of Westminster's City Plan: Strategic Policies adopted November 2013 and H 5 of our Unitary Development Plan that we adopted in

January 2007. (R07DC)

34 You must carry out a programme of groundwater monitoring prior to commencement of works.

#### Reason:

To protect existing drainage flows in accordance with policy ENV 2 of our Unitary Development Plan that we adopted in January 2007.

35 Surface water source control measures shall be taken in accordance with details which are submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

#### Reason:

To prevent the increased risk of flooding and improve water quality

36 The construction of the site drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency before the development commences. A plan must be submitted for analysis to prevent pollution of the water environment.

#### Reason:

To prevent pollution of the water environment.

37 You must not start work until details of the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The piling shall thereafter be undertaken only in accordance with the approved details.

#### Reason:

The site is contaminated /potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

#### Reason:

To prevent pollution to controlled waters.

A Flood Water and Evacuation Plan shall be formulated and adopted for the site prior to commencement of works. You must not start work on the development until we have approved what you have sent us, in consultation with the Environment Agency. You must then only carry out the work according to the approved details, unless otherwise agreed in writing with us.

Reason:

To protect the occupants in case of flooding.

40 All existing drainage flow routes and connections shall be maintained during construction and demolition works unless otherwise agreed in writing with us.

## Reason:

To protect existing drainage flows in accordance with policy ENV 2 of our Unitary Development Plan that we adopted in January 2007.

41 Surveys shall be carried out on completion of each building approved as part of the development to assess the impact of that part of the development on terrestrial television reception. The results of the surveys, including any proposed mitigation measures to ensure satisfactory terrestrial television reception for nearby residents, where their reception has been made unsatisfactory by the development, shall be submitted to us for approval in writing prior to first occupation of that part of the development. Thereafter any mitigation measures must be implemented within 2 months of the date of approval and thereafter retained and maintained.

#### Reason:

To ensure that radio and television reception is maintained in accordance with DES 3 of our Unitary Development Plan that we adopted in January 2007.

You must not occupy any part of the office or retail uses hereby approved until the building is fully connected to the energy centre located in the basement of Permission 1 (approved under reference 13/00090/FULL).

#### Reason:

To make sure that the development provides environmental sustainability features as set out in S39 of of Westminster's City Plan: Strategic Policies adopted November 2013.

# Informative(s):

- In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- You are advised that the construction logistics plan must include details of the cycle safety measures that will be implemented during demolition and construction such construction vehicles being fitted with side-bars, blind spot mirrors and cycle detection equipment. Please consult with TfL over the preparation of the construction logistics plan as they are the highways

authority for Bressenden Place.

- This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. Among other things the agreement relates to:
  - (i) The provision of the library space at a peppercorn rent for a period of 25 years.
  - (ii) The provision of 9 affordable housing units on site for social rent purposes.
- This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

  If you have not already done so you must submit an <a href="Assumption of Liability Form">Assumption of Liability Form</a> to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <a href="http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/">http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/</a>. You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- With regard to condition 1 part (ii), the definition of operative date is that which is defined in the S106 legal agreement, which for the avoidance of doubt is 'the date on which the Developer/Owner or any associated company takes possession of that part of the VSU Land needed for the Development'.
- 6 Listed building consent is required for the installation into Nova Place of certain retained elements dismantled pursuant to listed building consent dated 7 January 2011 Ref: 09/10493/LBC. There is a listed building consent application pending under ref 15/09461/LBC.

## DRAFT DECISION LETTER

Address:

Development Site At Bressenden Place, Victoria Street and Allington Street,

London, SW1E 5EF

Proposal:

Construction of new 16 storey office (Class B1) building (Building 6a) fronting a realigned Allington Street and Bressenden Place with part flexible retail use (Class B1/A1-A5) at ground and first floor. The proposal includes new basement levels connected to the adjacent Nova basement with associated highways, utilities and other associated works, including hard landscaping/public realm works. The application is accompanied by an Environmental Statement (ES) which may be viewed with the application documents. (Site also known as Nova East)

Plan Nos:

Site location plan - LA-070-NOV-TP-010

Proposed drawings - LA-070-NOV-TP-107, LA-070-NOV-TP-108, LA-070-NOV-TP-109, LA-070-NOV-TP-110, LA-070-NOV-TP-111, LA-070-NOV-TP-112, LA-070-NOV-TP-113, LA-070-NOV-TP-114, LA-070-NOV-TP-115, LA-070-NOV-TP-116, LA-070-NOV-TP-117, LA-070-NOV-TP-118, LA-070-NOV-TP-119, LA-070-NOV-TP-130, LA-070-NOV-TP-131, LA-070-NOV-TP-132, LA-070-NOV-TP-140, LA-070-NOV-TP-141, LA-070-NOV-TP-142, LA-070-NOV-TP-143, LA-070-NOV-TP-150, LA-070-NOV-TP-151, LA-070-NOV-TP-152, LA-070-NOV-TP-153, LA-070-NOV-

TP-154, LA-070-NOV-TP-155.

Case Officer:

Matthew Mason

Direct Tel. No. 020 7641 2926

# Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted must be commenced not later than whichever is the earliest of the following dates:-
  - (i) The expiration of five years from the date of this permission
  - (ii) The expiration of three years commencing on the operative date.

(see informative 5)

#### Reason:

At the request of the applicant, and as allowed under Section 91 of the Town and Country Planning Act 1990 (as amended), a longer period for commencing the development is considered acceptable in this instance, due to the current use of the site for Victoria Station Upgrade works.

You must carry out a detailed site investigation for all parts of the site, except those which have already been investigated in relation to the Victoria Station upgrade works, 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, a guide to help developers meet planning requirements' - which was produced in October 2003 by a group of London boroughs, including Westminster

Unless otherwise agreed in writing, you must apply to us for approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed:

- 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.

#### Reason:

To make sure that any contamination in the building or of the ground under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18BA)

- 3 (a) No development shall take place until you have secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
  - (b) No development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).
  - (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A)., and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

# Reason:

To protect the archaeological heritage of the City of Westminster as set out in DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BB)

- 4 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.

Noisy work must not take place outside these hours unless except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

### Reason:

To protect the environment of neighbouring residents. This is as set out in STRA 16, STRA 17 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AB)

- None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:
  - (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works,

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs (i) of this condition shall be completed, in their entirety, before any part of the building is occupied

#### Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in S41 and S43 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 5 (E) and para 4.68 of our Unitary Development Plan that we adopted in January 2007. (R33BC)

You must not occupy any part of the office or retail uses hereby approved until the building is fully connected to the energy centre located in the basement of Permission 1 (approved under reference 13/00090/FULL).

### Reason:

To make sure that the development provides environmental sustainability features as set out in S39 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 7 You must apply to us for approval of details of the following parts of the development:-
  - bird and bat boxes.

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 detailed drawings and thereafter retain and maintain.

#### Reason:

To increase the biodiversity of the environment, as set out in ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FA)

#### Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013. (R44AC)

Surveys shall be carried out on completion of each building approved as part of the development to assess the impact of that part of the development on terrestrial television reception. The results of the surveys, including any proposed mitigation measures to ensure satisfactory terrestrial television reception for nearby residents, where their reception has been made unsatisfactory by the development, shall be submitted to us for approval in writing prior to first occupation of that part of the development. Thereafter any mitigation measures must be implemented within 2 months of the date of approval and thereafter retained and maintained.

### Reason:

To ensure that radio and television reception is maintained in accordance with DES 3 of our Unitary Development Plan that we adopted in January 2007.

No goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall be accepted or despatched if unloaded or loaded on the public highway. You may accept or despatch such goods only if they are unloaded or loaded within the curtilage of the building. (C23BA)

### Reason:

To avoid blocking the surrounding streets and to protect the environment of people in

neighbouring properties as set out in S42 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007. (R23AC)

10 You must hang all doors or gates so that they do not open over or across the road or pavement unless otherwise agreed in writing by us.

#### Reason:

In the interests of public safety as set out in STRA 21, TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BB)

11 You must apply to us for approval of details of a Delivery and Servicing Plan. You must not occupy the office uses until we have approved what you have sent us. Thereafter you must service the office building in accordance with the approved Plan.

### Reason:

In the interests of public safety as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

You must apply to us for approval details showing proposed planters, tubs, street furniture or other obstructions on the footway within the public realm within the site. You must not place any planters, tubs, furniture or other obstructions within the public realm within the site until we have approved what you have sent us. You must then only carry out the work according to these drawings.

# Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

You must apply to us for approval of detailed drawings of the on-street cycle parking spaces in consultation with TfL. 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 prior to the occupation of the offices and thereafter the cycle spaces shall be retained for the life of the development.

#### Reason:

To ensure on-site cycle parking spaces are provided for people visiting the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

In the event that any Class A unit hereby approved is occupied for Class A3, A4 or A5 purposes, you must apply to us for approval of the ventilation system to get rid of fumes. You must not occupy use any Class A unit for Class A3, A4 or A5 purposes until we have approved what you have sent us. You must then only carry out the work according to the approved drawings and thereafter retain and maintain the ventilation system.

# Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R14AC)

15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Conditions 16 and 17 of

this permission. You must not start work on this part of the development until we have approved what you have sent us.

### Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels.

- (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 (excluding emergency plant) hereby permitted shall not at any time exceed either, i) a value of 10 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006), or: ii) a value of 5dB below the minimum post-development external background noise level which ever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design.
  - (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 tonal or intermittent plant and machinery (excluding emergency plant) hereby permitted, when operating at its noisiest, shall not at any time exceed either,
  - i) a value of 15 dB, below the minimum historical pre-development external background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006), or ii) a value of 10 dB below the minimum post-development external background noise level whichever is the lower of (i) or (ii), at a point 1 metre outside any window of any residential 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 design.
  - (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
  - (a) A schedule of all plant and equipment that formed part of this application;
  - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
  - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
  - (d) The location of most affected noise sensitive receptor location and the most affected window of it:
  - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
  - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
  - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
  - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
  - (i) The proposed maximum noise level to be emitted by the plant and equipment.

#### Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

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:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, 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.

- 18 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase either
  - i) the minimum assessed historical pre-development background noise levels (as per Hann Tucker Associates report 13436/ENS1 dated 22 December 2006) expressed as the lowest 24 hour LA90, 15 mins, by more than 10 dB one metre outside any premises, or
  - ii) the lowest measured post development 24 hour LA90, 15 min, by more than 10 dB, when assessed for each building separately, whichever is the lower of (i) or (ii).

#### Reason:

As set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby.

In the event that the Class A uses are occupied for Class A3, A4 or A5 purposes, you must not allow customers on the premises outside the following times: between 08:00hrs and 24:00hrs (midnight).

# Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

You must apply to us for approval of a schedule and samples of the facing materials you will use, including glazing. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved

materials. (C26BB)

- To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)
- You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme for the open space within the development, including the perimeter of the site, to include:
  - the number, size, species and position of trees and shrubs
  - the design and position of raised planters
  - the details of paving materials

You must not start work on this part until we have approved what you have sent us. You must then carry out the landscaping and planting within 3 months of completing the development (or within any other time limit we agree to in writing). If you remove any trees or shrubs or find that they are dying, severely damaged or diseased, you must replace them with trees of a similar size and species, unless otherwise agreed in writing.

#### Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in STRA 37, ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AB)

You must not paint the window glass of the Class A shop fronts or block it in any other way unless otherwise agreed in writing.

#### Reason:

To protect the appearance and character of the development which will form a new shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R26IA)

You must not attach satellite antennae, flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings or otherwise agreed in writing with us. (C26KA)

# Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 2 or DES 3 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

You must not put structures such as canopies, fences, loggias, trellises or satellite or rádio antennae on the roof terrace, unless otherwise agreed in writing with us.

### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

You must apply to us for approval of detailed drawings showing proposed machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof.

You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof until we have approved what you have sent us. You must then only carry out the work according to these drawings unless otherwise agreed in writing with us.

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

You must not carry out building, engineering or other work which will involve increasing the height of the building above what is shown on the approved plans unless otherwise agreed in writing with us. (C34AA)

#### Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AC)

27 All existing drainage flow routes and connections shall be maintained during construction and demolition works unless otherwise agreed in writing with us.

# Reason:

To protect existing drainage flows in accordance with policy ENV 2 of our Unitary Development Plan that we adopted in January 2007.

28 You must carry out a programme of groundwater monitoring prior to commencement of works.

# Reason:

To protect existing drainage flows in accordance with policy ENV 2 of our Unitary Development Plan that we adopted in January 2007.

Surface water source control measures shall be taken in accordance with details which are submitted to and approved in writing by the local planning authority in consultation with the Environment Agency.

#### Reason:

To prevent the increased risk of flooding and improve water quality

The construction of the site drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency before the development commences. A plan must be submitted for analysis to prevent pollution of the water environment.

### Reason:

To prevent pollution of the water environment.

31 You must not start work until details of the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The piling shall thereafter be undertaken only in accordance with the approved details.

# Reason:

The site is contaminated /potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

#### Reason:

To prevent pollution to controlled waters.

A Flood Water and Evacuation Plan shall be formulated and adopted for the site prior to commencement of works. You must not start work on the development until we have approved what you have sent us in consultation with the Environment Agency. You must then only carry out the work according to the approved details.

#### Reason:

To protect the occupants in case of flooding.

You must apply to us for approval of detailed drawings to show the location of areas to be used for external tables and chairs and other furniture for the Class A units. You must not put out any tables and chairs or other furniture until we have approved what you have sent us. Thereafter the tables and chairs and other furniture must only be located in the positions shown on the approved drawings.

#### Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

You can only put the tables and chairs approved under condition 34 of this decision on the pavement between 07:00 and 23:00.

### Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

The tables and chairs approved under condition 34 must only be used by customers of the Class A uses which form part of the development hereby approved. (C25CA

#### Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

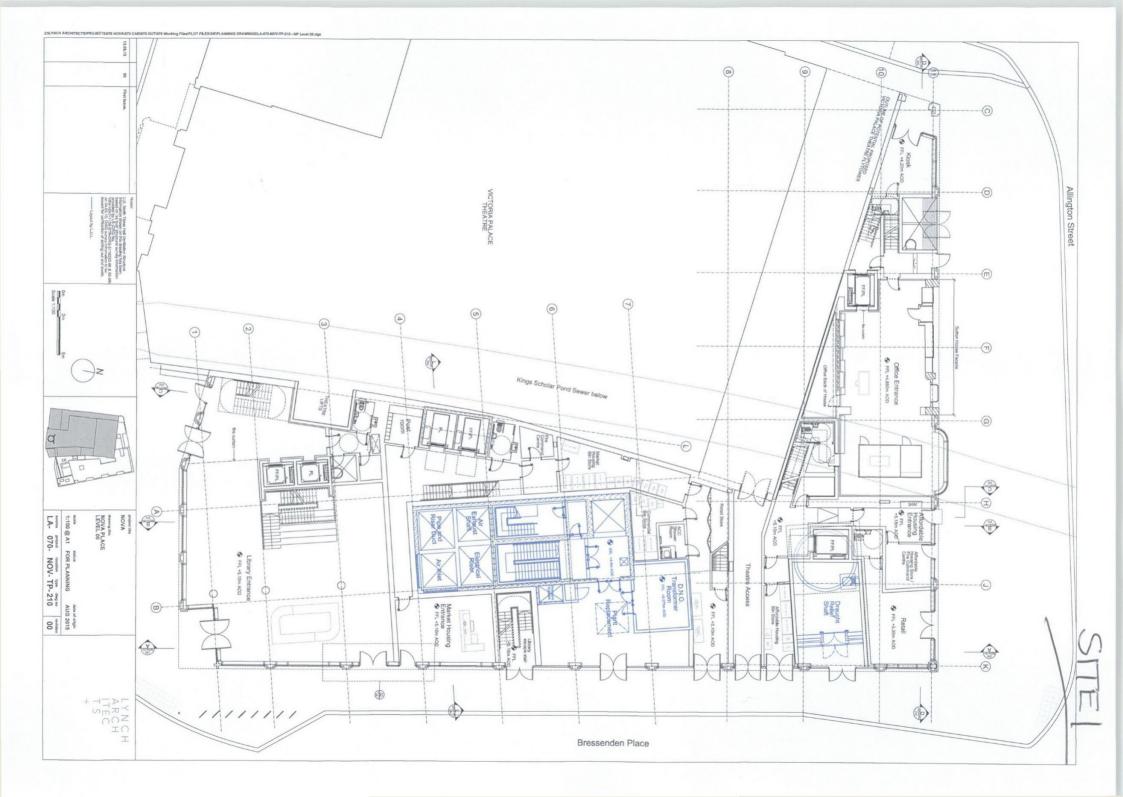
# Informative(s):

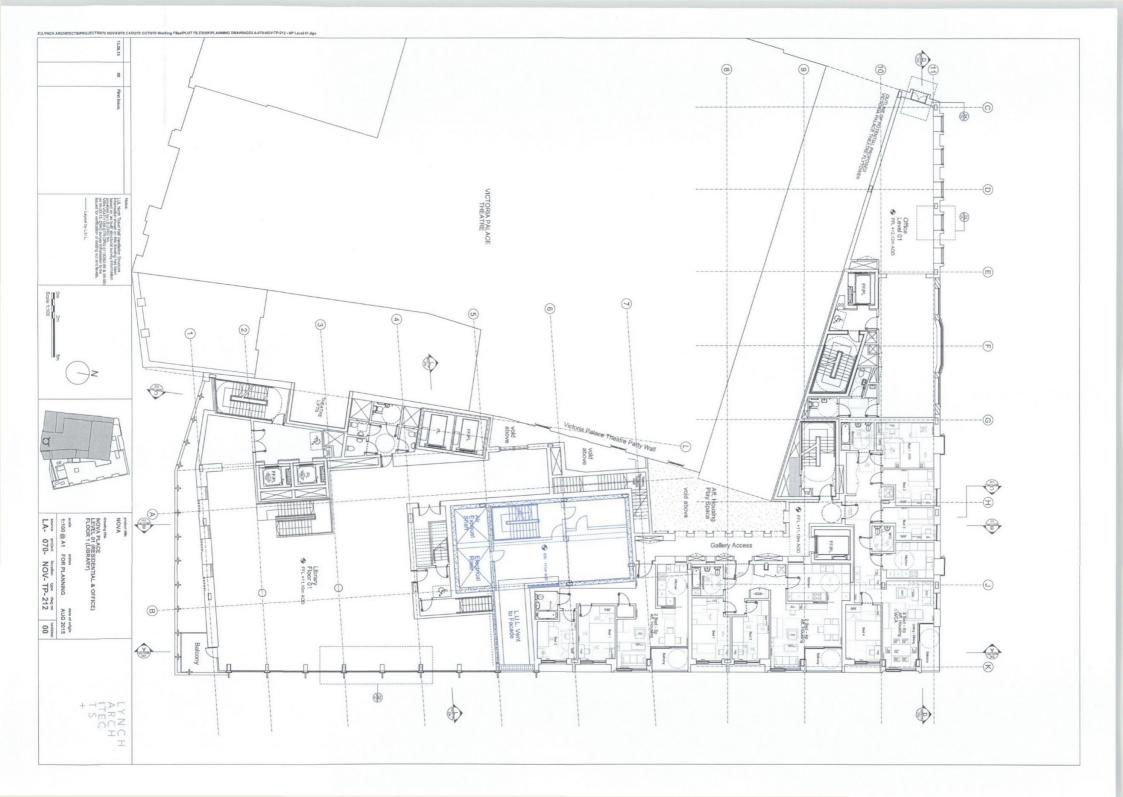
In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition,

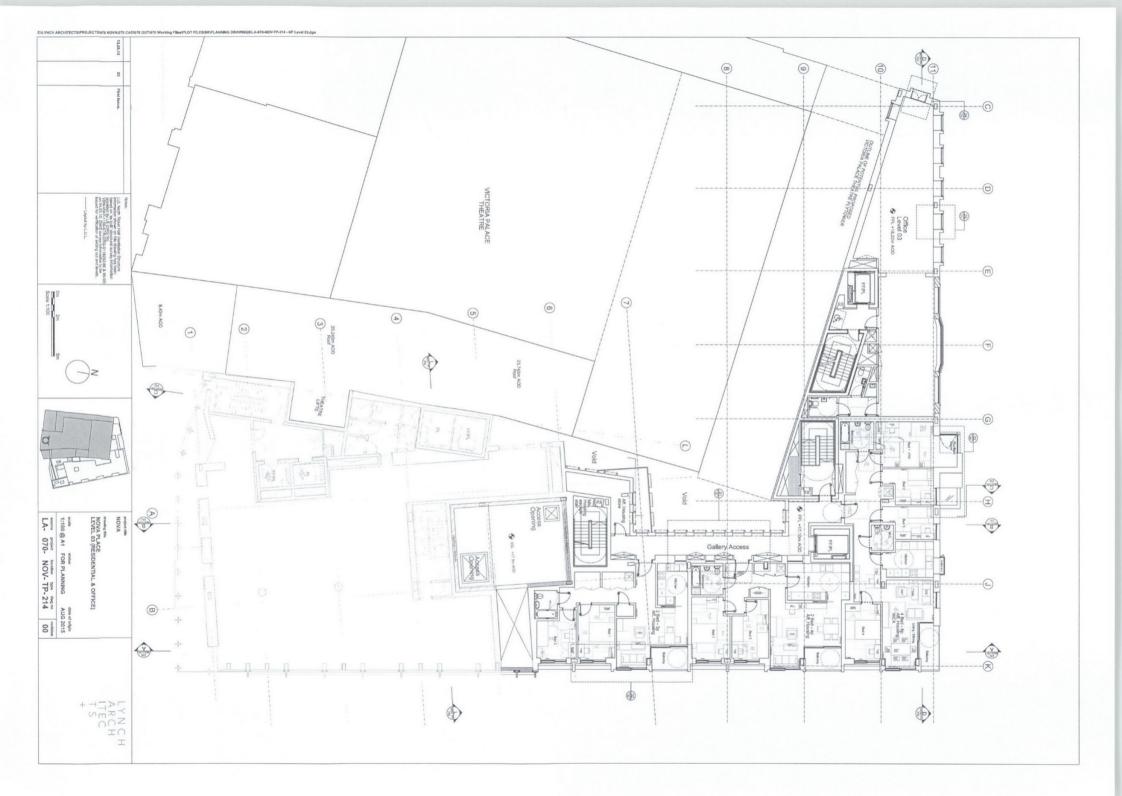
where appropriate, further guidance was offered to the applicant at the validation stage

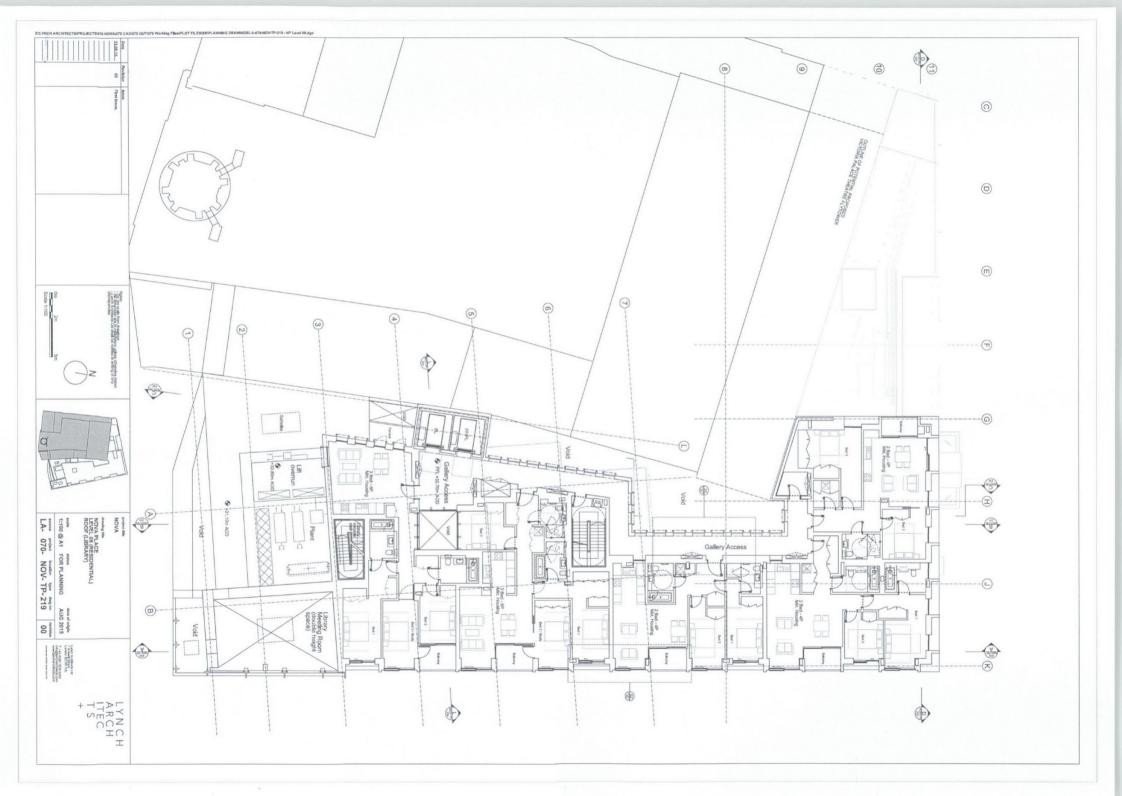
- You are advised that the construction logistics plan must include details of the cycle safety measures that will be implemented during demolition and construction such construction vehicles being fitted with side-bars, blind spot mirrors and cycle detection equipment. Please consult with TfL over the preparation of the construction logistics plan as they are the highways authority for Bressenden Place.
- This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. Amongst other things the agreement relates to:
  - i) A payment of £11,834,196 (index linked) to the Council's affordable housing fund. The payment to be reduced to £4,795,352 (index linked) if Nova East and Nova Place are both implemented.
  - ii) Payment of £1,991,445 towards Crossrail.
- This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge.

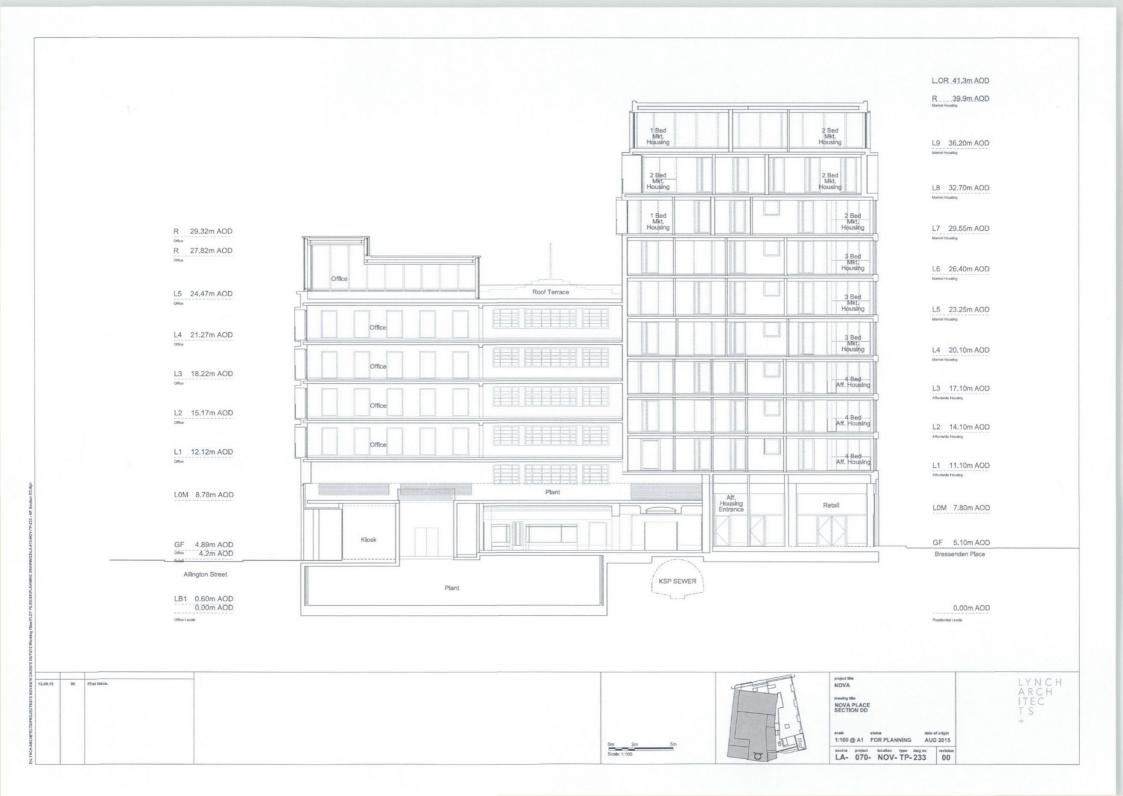
  If you have not already done so you must submit an Assumption of Liability Form to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/. You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.
- With regard to condition 1 part (ii), the definition of operative date is that which is defined in the S106 legal agreement, which for the avoidance of doubt is 'the date on which the Developer/Owner or any associated company takes possession of that part of the VSU Land needed for the Development'.

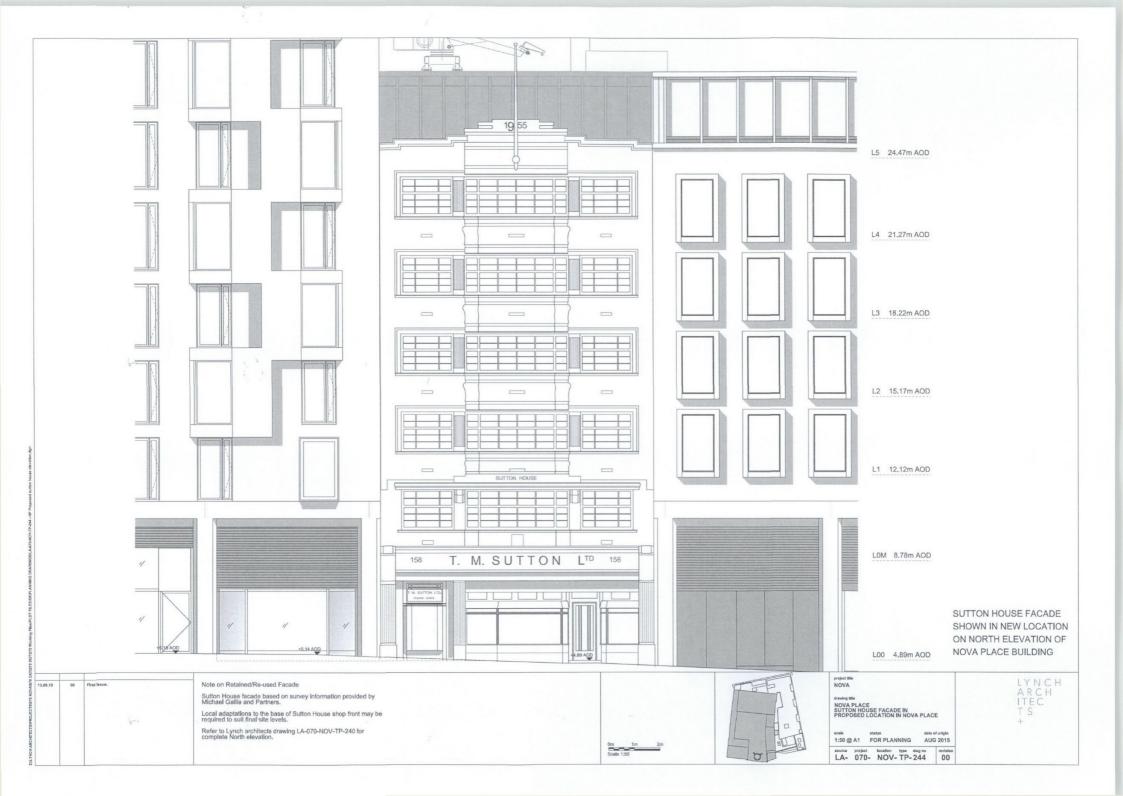










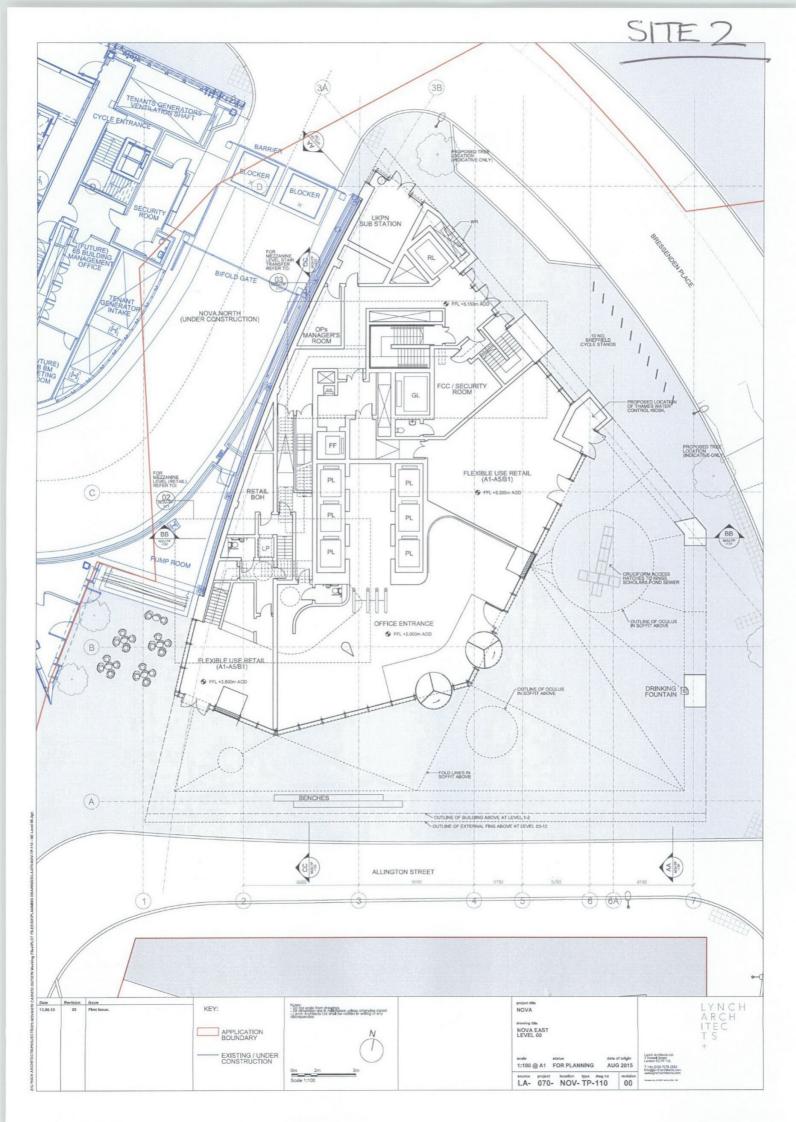


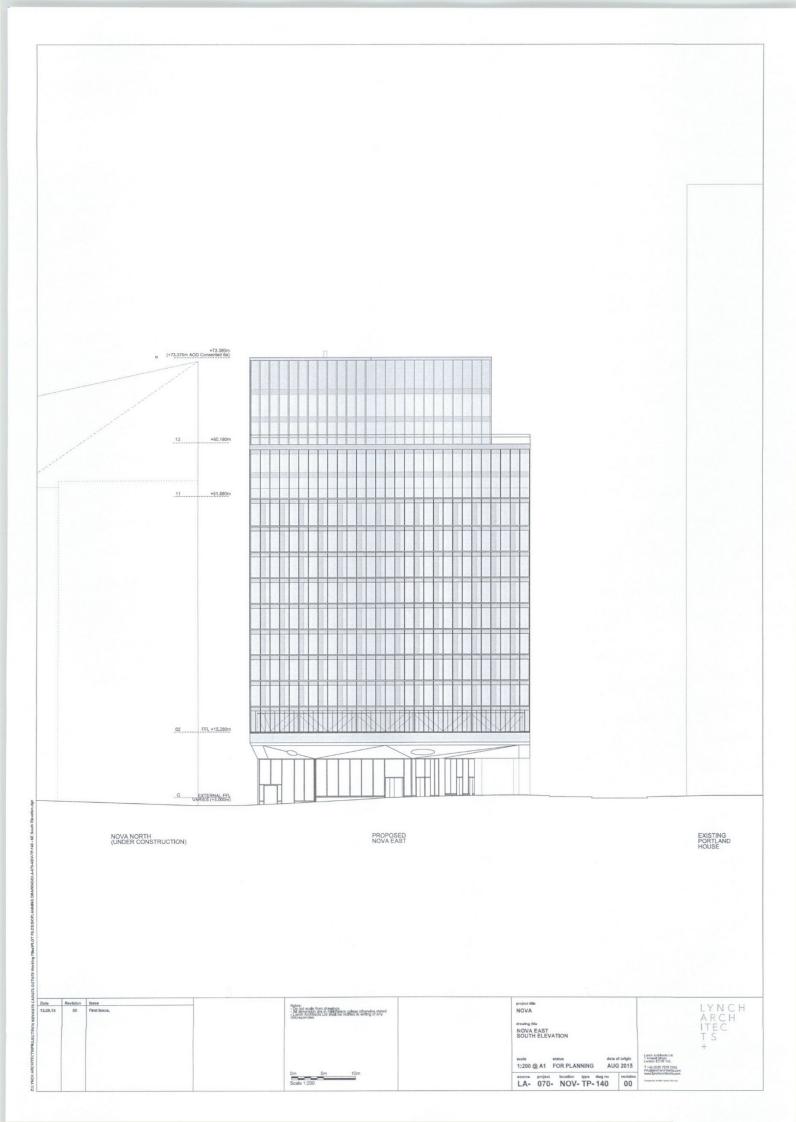


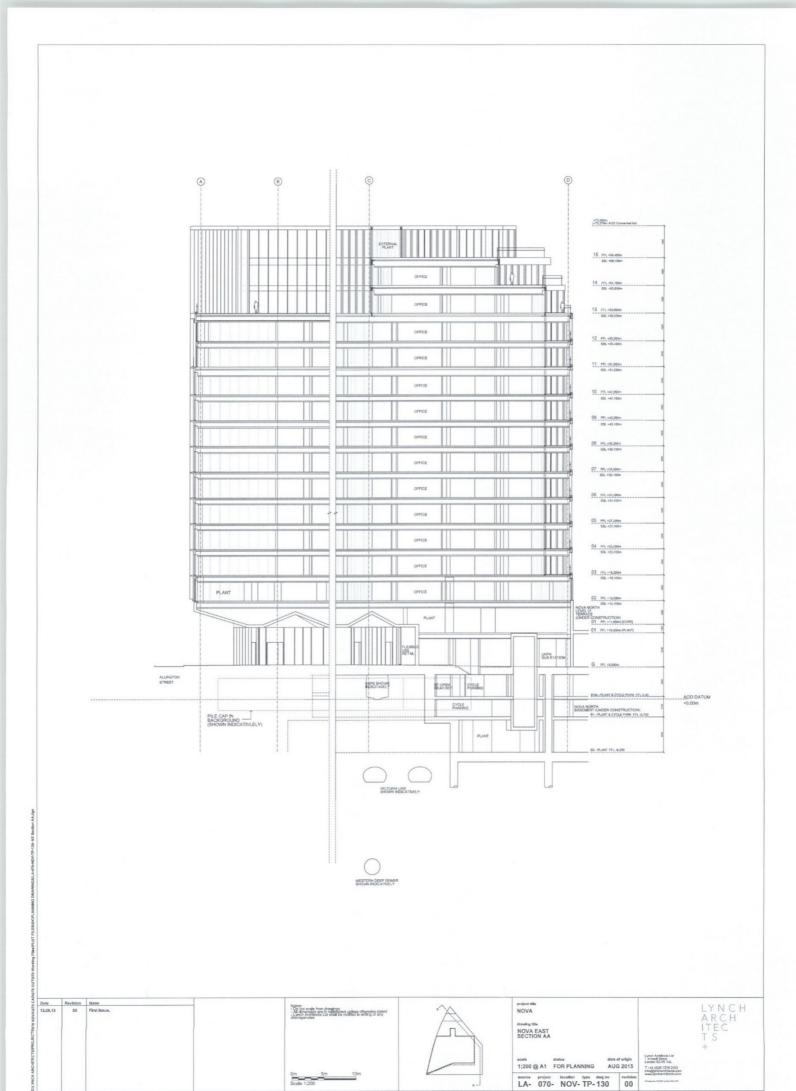














7 AUGUST 2013





