

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 23 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved St James's	
Subject of Report	New Scotland Yard, 8-10 Broadway, London, SW1H 0BG		
Proposal	Demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing 268 residential units (including 10 x affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.		
Agent	Bilfinger GVA		
On behalf of	BL Development Ltd		
Registered Number	15/07497/FULL	Date amended/ completed	13 August 2015
Date Application Received	13 August 2015		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

1. Subject to the concurrence of the Mayor of London, grant conditional permission subject to a S106 legal agreement to secure the following:

- i. Provision of affordable housing on-site;
- ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
- iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- v. Unallocated car parking;
- vi. Walkways agreement;
- vii. A contribution of £8,909 towards Legible London signage;
- viii. Dedication of highway and associated costs;

- ix. Free lifetime (25 years) car club membership for residents of the development;
- x. Employment and Training Strategy for the construction phase and the operational phase of the development.
- xi. Costs of monitoring the S106 agreement.
- xii. Provision of tree planting on Victoria Street.
- xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).

2. If the S106 legal agreement has not been completed within two months of the date of this resolution then:

a) The Director of Planning shall consider whether it will be possible or appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Planning is authorised to determine and issue the decision under Delegated Powers; however, if not;

b) The Director of Planning shall consider whether the permission should be refused on the grounds that the proposals are unacceptable in the absence of benefits which 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.

2. SUMMARY

New Scotland Yard, 8 – 10 Broadway occupies a triangular shaped plot bounded by Victoria Street, Broadway, Dacre Street, and Dean Farrar Street. The building was recently used as the headquarters for the Metropolitan Police, and comprises of three interconnecting office blocks, with a 9 storey block fronting Victoria Street, 7 storeys in the centre, and a 21 storey tower to the rear between Broadway and Dacre Street. The building is part vacant and is intended to be fully vacated by mid-2016.

The site lies outside a conservation area, but is immediately adjacent to the Broadway and Christchurch Gardens Conservation Area which runs alongside Broadway and Dacre Street. The building is not listed and is considered a negative feature which detracts from the special character of the Broadway and Christchurch Gardens Conservation Area. The nearest listed buildings lie immediately adjacent to the north of the site, the grade I listed 55 Broadway and grade II listed St Ermine's Hotel with the grade II listed Caxton Hall beyond. The site is located with the Core Central Activities Zone (CAZ).

The scheme proposes the demolition of the existing New Scotland Yard Headquarters building, and the redevelopment of the site for a mixed use development comprising residential, office, and retail accommodation, arranged across two main podium blocks with 6 additional towers (3 on each podium), ranging from 14 to 20 storeys total height, providing 268 residential units (including 10 x on-site affordable residential units). The proposals include the creation of a new pedestrian shopping street between the two podium buildings linking Broadway and Victoria Street; new landscaping; and the creation of three basement levels comprising parking spaces, refuse and plant in the lower two levels, and residents facilities including a gym, swimming pool, residents lounge, library, cinema, events room, and cycle and changing facilities for the commercial units.

The key issues with this application are:

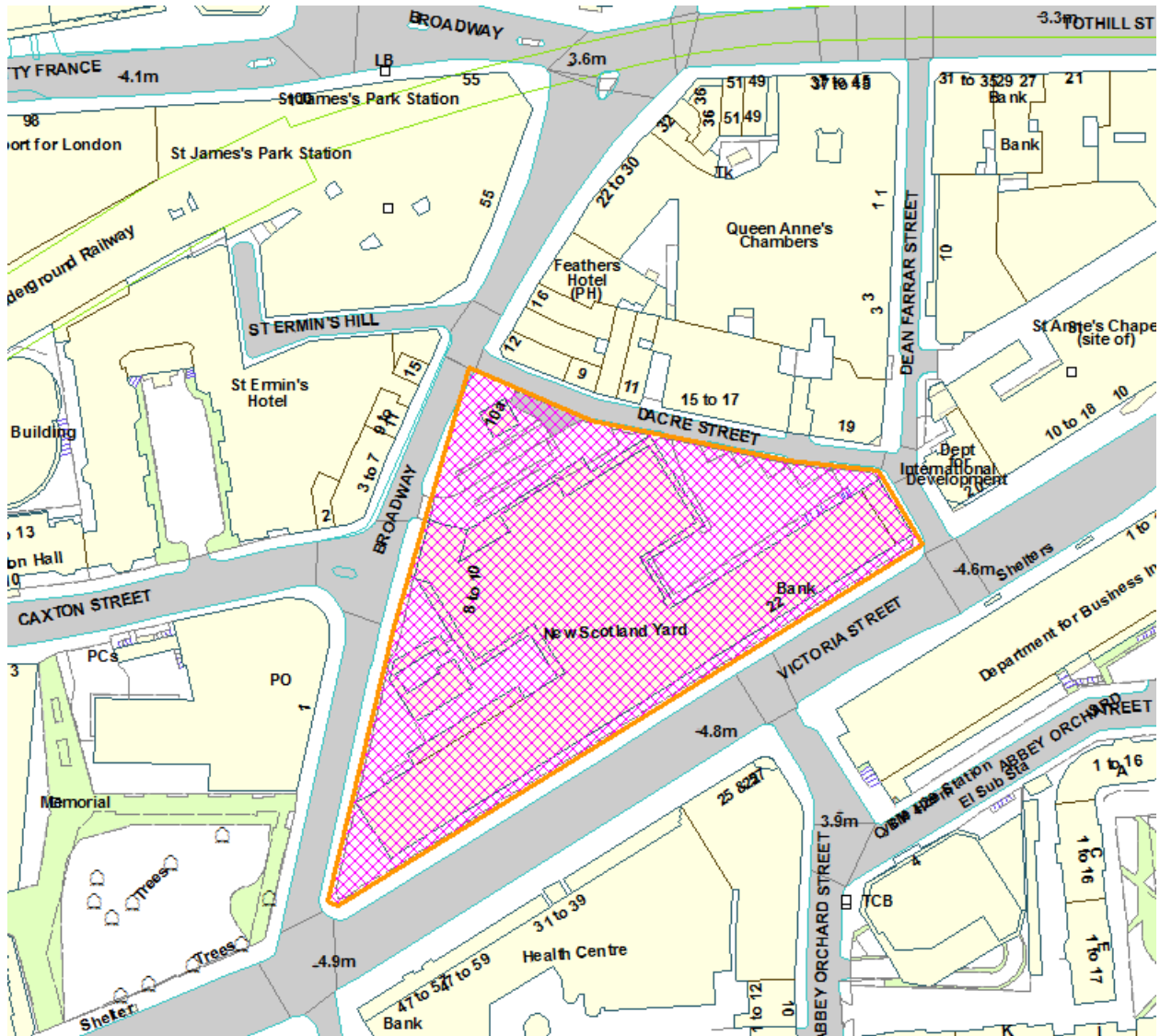
* The size, bulk, and design of the development and the impact on the townscape and views from surrounding conservation areas.

- * The environmental impact of the development including the impact on amenity of nearby residents
- * The provision of affordable housing on-site and a payment in lieu to address the Council's mixed use policies.
- * The highway and public realm implications of the scheme.

There are objections to a number of aspects of the scheme but particularly relating to design (height, bulk and architectural expression), the affordable housing offer, and amenity and highways implications.

The scheme is supported in land use and design terms. The architecture is considered to have a distinctive quality but also to sit comfortably within the context of neighbouring buildings. It has been demonstrated that the provision of 10 on-site affordable housing units, together with a payment of £10,000,000 towards the provision of affordable housing elsewhere in the City is the maximum amount of affordable housing that the scheme can support. The proposed building line is being brought forward of the existing by 1.9m in a number of locations on Victoria Street, resulting in a loss of highway, but officers conclude that the benefits of the scheme as a whole are sufficient in this instance to justify the works on the highway. The scheme is considered acceptable in all other respects for the reasons set out in the report. On this basis the application has been recommended for approval subject to a S106 legal agreement to secure a number of benefits.

3. LOCATION PLAN



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4. PHOTOGRAPHS



8 – 10 Broadway, New Scotland Yard
(view from Broadway at corner of Dacre Street)



8 – 10 Broadway, New Scotland Yard
(view from Victoria Street at corner of Broadway)

5. CONSULTATIONS

GREATER LONDON AUTHORITY

The principle of a mixed use development of the site for the proposed uses is accepted, but issues in relation to affordable housing, urban design, children and young person's play, energy and transport should be addressed by the applicant before stage 2 referral. Once the City Council has resolved to determine the application, it should be referred back to the Mayor for his decision.

WESTMINSTER SOCIETY:

The Society supports this application and recommends it be approved by the City Council. The proposed mix of uses should do much to enliven this part of Victoria Street, as well as removing a rather forbidding building from the streetscape. Recommend that S106 funding should be secured for public realm improvements to Strutton ground.

THORNEY ISLAND SOCIETY:

Object for the following reasons: 1) The blocks facing Victoria Street are still very tall, they will reduce the light levels in the streets below, and will set the wrong precedent for developments on the rest of the street as it approaches the Abbey; 2) The low provision of affordable housing is unsatisfactory, although we welcome the fact that these units will share the same entrance as the private units; 3) Appearance and materials, the heavy articulation of the solid patterned grid on the façade still makes the buildings appear quite overwhelming, and the alteration of the treatment at ground to third floor levels does not improve this.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING

Housing regrets the limited number of affordable homes that are proposed for this site, but is aware that the Council's appointed Financial Viability consultant Gerald Eve has confirmed that the applicant's offer of 10 affordable units and a £10million PIL is at the maximum reasonable amount. Housing has concerns regarding the potential un-affordability of shared ownership in this location and the potential unsuitability of social housing in this location due to shared access arrangements. Housing therefore recommends that intermediate rented housing (sub market rent) should be provided as an alternative to social housing and shared ownership.

HIGHWAYS PLANNING MANAGER

Object to the proposed building line being brought forward of the existing in a number of locations on Victoria Street, resulting in a loss of highway. This is a concern as the proposal reintroduces an active frontage to Victoria Street.

The levels of cycle parking (776) and car parking (182) spaces is acceptable. The unallocated car parking (i.e. a space would not be allocated to a specific unit), electric car charging points, and car club membership offers are welcomed. The design of each basement car lift is acceptable. A Delivery and Service Management Plan is required to clearly outline how servicing will occur on a day to day basis; and the pedestrian link between Victoria Street and Broadway should be secured with a formal Walkways Agreement/ s106.

TRANSPORT FOR LONDON

Recommend a number of conditions and transport related contributions that should be provided as part of the s106 legal agreement, including details of a travel plan, delivery and service plan (DSP) and construction logistics plan (CLP); the pedestrian link between Victoria Street and Broadway to be secured via the s106 legal agreement; a contribution of £8,909 towards Legible London signage; that land should be secured and a contribution of £200,000 is made towards an on-site 36 dock cycle hire station; residents should be exempt from applying for parking permits, car club membership should be secured for each residential unit for a maximum period of 25 years; and a car parking management plan to be secured.

HISTORIC ENGLAND (LISTED BUILDINGS/ CONSERVATION AREAS)

Historic England considers that some harm is likely to be caused to designated heritage assets, and that a reduction in the height and massing, in particular of the southern-most blocks might reduce this harm. Raise concern over the view from County Hall on the south bank.

HISTORIC ENGLAND (ARCHAEOLOGY)

Recommend archaeological condition requiring details of a written scheme of archaeological investigation to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines.

ENVIRONMENTAL HEALTH

Recommend a number of conditions and informatives to ensure compliance with the Council's noise standards.

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and likelihood of local flooding or adverse effects on the water table has been found to be negligible. The method of construction and piling is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ARBORICULTURAL MANAGER

Concern raised about insufficient soil depths to accommodate replacement and new tree planting and also concerns about a lack of green roofs. Conditions recommended relating to landscaping, tree planting, and tree protection.

METROPOLITAN POLICE DESIGNING OUT CRIME

Opportunities for crime and anti-social activity will be minimal. Although colonnades can often contribute to crime & disorder, it is expected the double height feature will offer little in the way of protection for miscreants to exploit. Provided the site is managed in a similar manner to recent and similar developments on Victoria Street an increase in crime & disorder is not anticipated.

THAMES WATER

No objection with regard to sewerage infrastructure or water infrastructure capacity.

ENVIRONMENT AGENCY

No objections or conditions to request.

VICTORIA BID

Comment on a number of issues including: 1) Hoardings: can adversely affect the streetscape and pedestrian movement if poorly designed; 2) Site access: construction vehicles entering and exiting the site could be a risk to cyclists; 3) Laybys: lane closures on Victoria street and Broadway will result in diversionary routes along Caxton Street and Buckingham Gate therefore traffic calming measures should be incorporated along diversionary routes to give protection to cyclists and pedestrians using the busier routes; 4) Cumulative impact of other building works: 5) Site liaison: it is welcomed that the applicant will regularly liaise with neighbouring sites to plan works and minimise disruption; 6) Air quality: measures to control air quality should be carried out as outlined in the outlined in the Environmental Statement; 7) concern over sunlight levels in new pedestrianized space; 8) Planters and seating should be provided in the pedestrianized space; 9) Contributions towards legible London signage and a cycle docking station would be welcomed; 10) charging points for electric vehicles, landscaping and water features, green roofs, and bird and bat boxes are welcomed; 11) Recommend more tree planting along Victoria street and around the site: 12) Sustainable urban drainage opportunities should be maximised; 13) Affordable Housing offer is low; 14) A Delivery and Servicing Management Plan and a Travel Plan should be secured by condition; 15) Energy: the design should be future proofed so that is possible to connect to any existing heat networks; 16) Ventilation systems (extracts from car parks) should not release air at pavement level which can attract rough sleepers.

VICTORIA NEIGHBOURHOOD FORUM

The Victoria Neighbourhood Forum has made reference to the Victoria Planning Brief and, in particular, the guidance that this site should be redeveloped at a height of 8-10 storeys. Objections raised to the scheme with regard to its height, massing and density. and low affordable housing provision.

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2078; Total No. of replies: 21

Letters of objection raising the following issues:

Land Use

- * Affordable housing offer is low.
- * Loss of offices.
- * Large luxury residential units inappropriate.

Design

- * Buildings are too tall, bulky, and the design is out of keeping with the area.
- * Adversely affect the setting of adjacent conservation areas, listed buildings, and World heritage site.

Amenity

- * Loss of daylight/sunlight to surrounding buildings.
- * Noise from roof top plant.
- * Noise from car park.

Highways

- * Increase in traffic movement/ congestion on Dacre Street arising from new vehicle access/ car lift.

Other

- * Disruption/ noise/ nuisance /potential damage to adjoining buildings caused by demolition and construction work.
- * Tall buildings will adversely affect the microclimatic and create a wind tunnel along Victoria Street.
- * Overdevelopment of site.
- * Inadequate public consultation took place.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

New Scotland Yard, 8 – 10 Broadway occupies a triangular shaped plot bounded by Victoria Street, Broadway, Dacre Street, and Dean Farrar Street. The building was recently used as the headquarters for the Metropolitan Police, and comprises of three interconnecting office blocks, with a 9 storey block fronting Victoria Street, 7 storeys in the centre, and a 21 storey tower to the rear between Broadway and Dacre Street. The building is part vacant and is intended to be fully vacated by mid-2016.

The building is in a mixed use location, which has historically been commercial in nature. The Victoria area, and in particular Victoria Street has recently undergone significant redevelopment with a number of mixed use, residential and commercial developments having been completed recently, for example, 62 Buckingham Gate, Kingsgate House, Nova, Verdi and the Zig Zag Building.

The site lies outside a conservation area, but is immediately adjacent to the Broadway and Christchurch Gardens Conservation Area which runs alongside Broadway and Dacre Street. The building is not listed and is considered a negative feature which detracts from the special character of the Broadway and Christchurch Gardens Conservation Area. The nearest listed buildings lie immediately adjacent to the north of the site, the grade I listed 55 Broadway and grade II listed St Ermine's Hotel with the grade II listed Caxton Hall beyond.

The building is located within the Core Central Activities Zone (CAZ) as defined within Westminster's City Plan.

6.2 Recent Relevant History

The building was originally developed in 1964 and has been used as the headquarters of the Metropolitan Police since 1967.

7. THE PROPOSAL

The proposal is for the demolition of 10 Broadway, the New Scotland Yard Headquarters building, and the redevelopment of the site for a mixed use development comprising residential, office, and retail accommodation, arranged across two main podium blocks with 6 additional towers (3 on each podium), with a maximum building height of 76 metres.

Key aspects of the design proposals are:

- The creation of two separate four storey podium buildings comprising of retail accommodation (Classes A1 and A3) at ground floor with some retail space extending into the lower ground floor and office space (Class B1) at first, second, and third floors. The ground floor will provide the entrance lobbies for the residential and office element of the scheme;
- The erection of six residential towers above the four storey podiums (3 on each podium) ranging from 14 to 20 storeys in height and providing 268 residential units (including 10 x affordable residential units);
- The creation of three basement levels comprising car and cycle parking, refuse and plant in the lower two levels, and residents facilities including a gym, swimming pool, residents lounge and library, cinema, events room, and cycle and changing facilities for the commercial units;
- The creation of a new pedestrian shopping boulevard between the two podium buildings linking Broadway and Victoria Street;
- A new retail pavilion is also proposed to the north east of the site.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S1 of the City Plan seeks to promote a mix of uses consistent with supporting the vitality, function and character of the Central Activities Zone. The application proposes a mix of residential, office, and retail uses. The floorspace for each use is set out in the table below.

Table 1. Existing and Proposed Land Uses

Use	Existing GEA (sqm)	Proposed GEA (sqm)	Uplift GEA (sqm)
Offices (B1)	49,152	14,826	- 34,326
Retail/ Restaurant (A1 & A3)	0	4,039	+4,039
Residential (C3)	0	49,638	+49,638
Plant	5,212	10,042	+4,830
Car Park/ Facilities	3,988	15,607	+11,619
Total	58,352	94,152	+35,800

Office

The proposal will result in the replacement of the existing large New Scotland Yard office building with a mixed use development that incorporates 14,826 sqm of office floorspace (or 16% of a mixed use development of 94,152 sqm). The office floorspace is proposed at first, second, and third floors within the two main podium buildings. Overall there would be a net loss of office floorspace amounting to 34,326 sqm.

Policy S47 of the City Plan advises that 'when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... to secure development that improves the economic, social and environmental conditions in the area.'

Paragraph 51 of the NPPF advises that local planning authorities should normally approve planning applications for change of use to residential and any associated development from commercial buildings (currently in the B use class) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Whilst there would be a net reduction in office floorspace and employment as a result of the development, there is no evidence to suggest that the economic impact of the proposals on this part of the City as a whole would be sufficiently harmful in this instance to withhold permission.

The mixed use proposal will incorporate retail floorspace (A1 & A3) which would provide economic benefits, and the proposed residential element would provide social benefits with the provision of a net increase of 268 residential units, including 10 on-site affordable units.

There are no policies within the UDP or City Plan which safeguard the existing office floorspace. However, the City Council recognises that adopted development plan policies relating to office and mixed use policies are out of date and that, given recent pressures to convert office buildings to residential use, there is now an under-supply of office accommodation within the borough, eroding the character of commercial areas and resulting in a need to protect existing office floorspace. However, this objective still needs to be balanced against the requirement to provide new homes. Consequently, interim

measures, (set out in an initial statement dated 1 March 2015), have been drawn up in relation to the consideration of applications involving the replacement of offices with new residential floorspace, (and applications for the provision of new office floorspace). From 1 September 2015, any such applications will be determined under a 'presumption in favour of sustainable development' in line with national policy. This means that within the Core CAZ (and in other specified locations) housing is no longer acceptable in principle where it results in the loss of office floorspace. A further statement (dated 22 July 2015) confirmed that the loss of offices will be acceptable where they are to other commercial uses, or outside of the Core CAZ or other specified locations.

As the current application was submitted in August 2015, it is not subject to consideration under the interim measures or emerging policies, but should be considered in the light of adopted development policies which do not protect existing office uses.

Retail/ Restaurant (A1 & A3)

Policies S6 and S21 of the City Plan, SS4 of the UDP, and CAZ policy 2.11A(f) of the London Plan seek to enhance the retail function and mixed-use character of the CAZ.

The proposals will create 4,039 sqm of retail floorspace (A1 & A3) at ground floor with some retail space extending into the lower ground floor. The increase in retail floorspace (A1 & A3) is welcomed by both London Plan and UDP policies.

The split between retail and restaurant/ café floorspace is approximately 50/ 50, with a total of 7 x A1 units and 7 x A3 units proposed. The size and type of the retail units are considered appropriate to the character and function of the area.

The retail units will be arranged either of the new pedestrian boulevard between the two podium buildings as well as having frontages along Victoria Street and Broadway. A new retail pavilion is also proposed to the north east of the site opposite St. James's Park LUL station. The proposals would improve the range of shops and services for residents, visitors, and workers, making an important contribution to the character of the CAZ, and adding interest to the streetscape and vitality to this part of the city.

Subject to conditions to control cooking smells and opening hours, it is considered that the A3 uses are acceptable in terms of Policy TACE 8 of the UDP. The approved terminal hour for A3 uses within nearby developments (Cardinal Place, the VTI and former Selborne House developments) is midnight. It is therefore recommended that the terminal hour for these A3 units is also midnight and 22.30 for the external tables and chairs.

Residential use

Policies S14, S15 and S16 of the City Plan and H3, H4, H5, H8 and H10 of the UDP are relevant to the consideration of this application.

The proposal would create a total of 49,638 sqm residential floorspace. The residential floorspace is set out in the table below.

Table 2. Residential floorspace

Use	Existing GEA (sqm)	Proposed GEA (sqm)	Uplift GEA (sqm)
Residential Market (C3)	0	48,545	+48,545
Residential Affordable (C3)	0	1,093	+1,093
Total	0	49,638	49,638

The proposed residential units are located in the six residential towers (Buildings 1 – 6) above the 4 storey podium buildings. The residential mix and tenure is set out in the table below:

Table 3. Residential mix and tenure

Unit type	Affordable	Market	Total No. of Units	% Unit Mix
1 bed	6	63	69	25.7%
2 bed	4	120	124	46.3%
3 bed	0	59	59	22%
4 bed	0	9	9	3.3%
5 bed	0	7	7	2.7%
Total	10	258	268	100

The provision of new residential accommodation is supported under Policies S14 of the Westminster City Plan: Strategic Policies and H3 of the Unitary Development Plan (UDP).

The optimisation of housing delivery is a key strategic objective for the Council. The proposed flats are relatively modest in size and it is considered that the application is in accordance with Policy S14 City Plan which seeks to optimise the number of residential units on development sites.

Westminster City Plan Policy S15 and UDP Policy H5 require the provision of an appropriate mix of units in terms of size in new housing schemes. Policy H5 requires at least 33% family-sized (i.e. 3+ bedrooms) of which at least 5% should have five or more habitable rooms but does allow for some flexibility with regard to the overall mix. Paragraph 3.74 of the UDP acknowledges that a lower level of family accommodation may be acceptable in some circumstances.

The residential mix which is heavily weighted towards 2 bed units fails to meet the Council's Policy H5 in the UDP. In this case 28% of the units are family sized (75 units). The City Council may accept a lower level of family sized accommodation having regard to the nature of the development and the character of the environment. It is considered that there is a case for a slightly lower amount of family housing given that this is a central inner city location.

The City Council requires new housing to be of a sufficient habitable standard and expects all new housing units to meet the Lifetime Homes Standard (UDP Policy H8). The private/market flats have been designed to exceed the minimum size standards set out in the Mayor of London's Housing Design Guide (LHDG). Over 10% of the units throughout the development are also designed to be wheelchair accessible in line with London Plan accessible housing policy 3.8

It is accepted that the background noise levels in this area of the City are high. Policy ENV6 of the UDP states that residential developments are required to provide adequate protection from existing background noise as well as noise from within the development itself. The submitted Environmental Noise Survey addresses the issue of internal noise levels to the new flats and assesses the building envelope's acoustic performance. This is a redevelopment which would incorporate double glazed windows and the high specification building fabric necessary to meet modern performance standards. A system of mechanical ventilation for the new flats is proposed should residents choose to keep their windows shut. Conditions are recommended to ensure that sufficient measures are put in place to mitigate against internal and external noise.

Policy H10 of the UDP expects housing developments to include the provision of amenity space. Within the CAZ this can be in the form of balconies and roof terraces subject to satisfactory design and amenity issues. These should be provided for 25% of the units and should mainly be in association with the family size units. All flats within the two residential towers to the north of the site (Buildings 2 and 4) would have access to a private roof terrace/ balcony. Each of the six residential buildings would have direct access to the communal residential podium gardens at fourth floor level. It is considered that that this level of amenity space is acceptable. In addition St James's Park is a few minutes easy walk away.

UDP Policy SOC6 requires children's play space to be provided in residential developments of 25 or more family sized units and in developments in or near to Priority Areas for additional play space and additional green open space for play. The development is not in or near a Priority Area for additional play space or open space but it does provide 75 family sized private residential units and therefore triggers a requirement for on-site children's play space. London plan policy 3.6 also seeks to ensure that all children and young people have access to play space. The applicant's landscape strategy demonstrates that consideration has been given to provide play space, with doorstep play areas for the under 5 age group provided within the communal podium gardens at fourth floor level. This play strategy is considered acceptable and it is recommended that the final design of this roof top play space be secured by condition. It is considered that the needs of older children could be adequately met by the existing facilities (formal and informal) in nearby St James's Park.

The GLA has requested that the applicant makes a financial contribution to the provision, or improvement, of off-site play facilities as part of s106 contributions. The applicant argues that it is not viable for the scheme to sustain this contribution.

City Plan Policy S34 seeks to secure new social and community facilities on large scale development sites. UDP Policy H10 also requires, as part of large housing schemes of 50+ units, the provision of community facilities for local residents where appropriate and UDP Policy SOC1 encourages public access to private facilities provided as part of a

development. The scheme includes a residents' gymnasium, swimming pool, sauna, spa, steam room, event rooms, and cinema at lower ground floor level. These facilities are intended only for use by the residents of the private/ market flats and their invited guests. The applicants are not willing to make these facilities available for use by the residents of the affordable flats (as these residents will not be paying a service charge for the management and maintenance of these facilities) or to any other local residents. Whilst this is disappointing, it is considered that in this case, the provision of 10 affordable homes on site as part of the development is sufficient to outweigh the lack of new social and community facilities.

Affordable housing

Policy H4 of the UDP and policy S16 of the City Plan seek to secure the provision of affordable housing. Policy S16 requires that housing developments of more than 10 additional dwellings or 1000 sqm or more in floorspace should normally include a proportion of the floorspace on site as affordable housing. The proportion of affordable housing sought on individual sites will be set out in the City Management Plan when it is adopted but until then is set out in an interim guidance note.

Policy S16 requires the provision of affordable housing on-site. The policy adopts a 'cascade' approach and states that "where the Council considers that this is not practical or viable, the affordable housing should be provided off site in the vicinity. Off site provision beyond the vicinity of the development will only be acceptable where the Council considers that the affordable housing provision is greater and of a higher quality than would be possible on or off site in the vicinity...". If these options are not feasible, then a financial contribution in mitigation is an appropriate alternative, calculated according to our Interim Affordable Housing Note.

The development proposes 49,638 sqm of residential floorspace. Using the calculations set out in the Interim Guidance Note, this requires 25% of the total residential floorspace to be provided as affordable housing, which amounts to 12,409.5 sqm. A policy compliant scheme would require 155 affordable units on-site; or if on-site or off-site provision is not feasible, a policy compliant payment in lieu of £59,165,050.

This scheme proposes 10 x affordable units on site together with a payment in lieu of £10,000,000. The 10 x on-site affordable units would be located at fourth and fifth floor levels in the easternmost building fronting Victoria Street, Building 6. The proposed units are considered to provide a good standard of accommodation in terms of unit size and layout, and would be provided in the following mix:

Table 4. Affordable housing mix and tenure (Building 6)

Unit type	Affordable (Intermediate)
1 bed	6
2 bed	4
Total	10

Viability

The applicant has submitted a viability report that sets out the maximum reasonable amount the scheme can afford in terms of London Plan Policy 3.12. The viability report

has been subject to an independent review by Gerald Eve LLP, on behalf of the City Council, which has concluded that the proposed contribution is reasonable. Whilst the offer is below the policy required amount, given that this figure has been arrived at through rigorous independent viability assessment of the scheme, it is considered that the level of contribution is reasonable. The proposed offer of 10 x on-site affordable units together with a payment in lieu of £10million towards the Council's affordable housing fund is acceptable in the particular circumstances of this case.

The Council's Head of Affordable and Private Sector Housing regrets the limited number of affordable homes that are proposed for this site, but is aware that the Council's appointed Financial Viability consultant Gerald Eve has confirmed that the applicant's offer of 10 affordable units and a £10million PIL is at the maximum reasonable amount.

Intermediate Housing

The Council's Head of Affordable and Private Sector Housing welcomes the provision of affordable housing in this location but would prefer a mix of 2 and 3 bed units to be provided as social housing. However in view of the proposed shared access arrangements, the provision of social housing in this location is unlikely to be sustainable and therefore Housing can accept a 100% intermediate affordable housing offer in this instance.

Housing recommends that intermediate housing in this location should be provided as intermediate rent (sub market rent) rather than as shared ownership. Housing is concerned that shared ownership is unlikely to be affordable in this location. While a minimum 25% share can be purchased in a property under shared ownership terms, owing to high property values in this location the vast majority of intermediate households registered for these opportunities in Westminster are unlikely to be able to afford shared ownership in this location.

Where intermediate housing is provided in Westminster, the Council wishes to see a range of income groups catered for. Therefore, on the basis of the current mix of affordable homes proposed (6 x 1beds and 4 x 2beds), Housing recommends that 3 x 1 beds and 2 x 2 beds intermediate rented homes are required to be affordable to households with incomes up to the median level.

A further 2 x 1beds and 1 x 2 beds should be made affordable to intermediate households with incomes up to the upper quartile level. The remaining 1 and 2 beds should be made affordable to those with incomes not exceeding the midpoint income between the upper quartile and the maximum GLA income permitted for intermediate housing.

The weekly rent levels appropriate to the above affordability criteria and the number of dwellings to be let at these rent levels is summarised in the table below. These would be the rent levels charged at initial letting and where subsequent annual rent increases would be limited to CPI+1%.

Table 5. Target affordability levels for Intermediate Housing

Dwelling Size	Household Income	Equivalent Gross Weekly Rent affordable to this household income*	No. of intermediate rented homes at these rent levels.
1 beds			
Median	£33,560	£180.71	3
Upper quartile	£43,665	£235.12	2
Mid-point income between upper quartile and GLA income threshold	£57,333	£308.71	1
2 beds			
Median	£38,575	£207.71	2
Upper quartile	£50,000	£269.23	1
Mid-point income between upper quartile and GLA income threshold	£60,500	£325.77	1

* Calculated on the basis that 40% of net income equals housing costs and where net income is 70% of gross income – As per GLA guidance

It is recommended that the affordability levels for the intermediate housing which have been agreed with the applicant are secured under the terms of the S106 legal agreement

8.2 Townscape and Design

The site lies outside a conservation area, but is immediately adjacent to the Broadway and Christchurch Gardens Conservation Area which runs alongside Broadway and Dacre Street. Immediately adjacent to the north of the site, is the grade II listed St Ermine's Hotel with the grade II listed Caxton Hall beyond and the grade I listed 55 Broadway. The scale of development to the north of the site is generally lower and more traditional in scale and form than that to Victoria Street, where buildings are generally larger scaled, higher and are representative of C20 commercial architecture.

The existing building on the site was erected in the 1960's as a speculative office block. It is over-scaled, monolithic and of no architectural merit. It has a high, slab block (approx. 72m high including plant room) to the north part of the site linked to a lower block (approx. 33m high) to the Victoria Street frontage. There are also two high masts located on the roof of the highest building which are prominent in closer views. Its demolition is welcomed.

The replacement proposal is for six towers on a 4 storey podium. The highest towers are located towards the Victoria Street frontage and are approximately the same height as the highest parts of the existing building (73m, 76m and 73m respectively) but considerably higher than the existing building on this part of the site. The two towers to the north (59m) are lower than the existing high building on this part of the site and the easternmost

building fronting Victoria Street is lower again at 56m (all the above measured to top of plant room). In general, there is an increase in height and bulk across the site, but the higher buildings are now located on the Victoria Street frontage and the lower to the north and east. The form and monolithic nature of the existing building is broken down into a series of individual elements.

The existing high building on the site is visible from a number of key views and has a harmful impact on many of these viewpoints. Verified views analysis has been provided to show the impact of the new proposals on these views. In general, the new proposal is either no worse or is better in terms of the impact on these views. Views from the north from St James Park show a similar scale of development, but one which is more broken up and less monolithic. This shows a slight enhancement to the current position. Views from the World Heritage Site and the South Bank show a similar impact as existing, but the building mass is moved slightly closer to the Palace of Westminster and the Abbey than at present. There is no improvement in this view impact as such, but no worsening either – the effect is considered neutral. Historic England have raised concern over the view from County Hall on the south bank, but it is not considered the new impact is significantly worse than the existing situation. The view from the cloisters of Westminster Abbey is slightly improved with the building mass visible moving slightly to sit behind the crown of a large tree.

Closer views along Victoria Street show a substantial increase in height but these views are framed by other large, modern developments, generally of poor quality, and it is not considered that these views are significant within the overall context. Closer views from the north and east show a slight reduction in scale and height over the existing building and this is considered an enhancement.

The six towers sit above a four storey podium which helps make a transition to the ground as well as provide some continuity to the overall development. As the podium contains ground floor retail and three floors of offices, there is a logic and rationality to this approach. The podium is expressed as an orthogonal form in pre-cast concrete which gives solidity and strength to the towers above. These are expressed in a more elaborate pattern of “lozenge” shaped forms. Those to Victoria Street are more exuberant reflecting the less traditional form of other buildings adjacent to this part of the site. Those to the rear of the site are less stylized and have a colour palette more sympathetic to the brick buildings in the adjacent conservation area. The architecture is considered to have a distinctive quality but also to sit comfortably within the context of neighbouring buildings.

In public realm terms, there is a significant benefit as the blank, inward-looking nature of the current building is replaced by a development which has largely active ground floor uses and the creation of a new public route between Victoria Street and the St James Underground station. Towards the north end of this route is a public space with a kiosk A3 type use designed to help activate the space. These are all considered significant benefits to the scheme.

Objections have been raised to the scheme with regard to its height, bulk and architectural expression. These have been considered above and the analysis is that, while there are some areas where there is a negative or neutral impact, the overall effect of the proposal is an enhancement over the existing situation. The Victoria Neighbourhood Forum has made reference to the Victoria Planning Brief and, in particular, the guidance that this site

should be redeveloped at a height of 8-10 storeys. However, each proposal has to be considered on its merits and as assessed above, it is considered that the proposal constitutes an enhancement over the existing situation. Therefore, the guidance in the Planning Brief, would not justify a refusal of this proposal on design or conservation grounds.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure, overlooking and encourage development which enhances the residential environment of surrounding properties.

In general, there is an increase in height and bulk across the site. The highest towers are approximately the same height as the highest parts of the existing building (73m, 76m and 73m respectively) but are now located on the Victoria Street frontage. The two towers to the north (59m) are lower than the existing high building on this part of the site and the easternmost building fronting Victoria Street is lower again at 56m.

Daylight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant Anstey Horne has carried out the necessary tests using the methodology set out in the BRE guidelines on the nearest, most affected residential properties, namely 16 Broadway; Blocks A, C, D, L Abbey Orchard Street Estate; 4 Abbey Orchard Street; 55 Victoria Street; Christchurch House, Caxton Street; and 55 Broadway. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

The applicant's daylight assessment results show that the vast majority of surrounding residential windows will continue to receive good levels of daylight in accordance with the BRE Guidelines criteria and that those windows which will experience a technical breach of the recommended standards will still retain a good level of daylight given the built up nature of this central London location.

Sunlight

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter (25%) of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant. The applicant's assessment shows that out of the 256 windows assessed for annual sunlight, 215 (84%) receive more than the BRE guideline of a quarter 25% APSH.

Out of the 256 windows assessed for winter sunlight, 167 (65%) receive more than the BRE guideline of 5% APSH in the winter months. These results are considered acceptable in a central London location.

In general the effects of the proposed development on daylight, sunlight and overshadowing to the surrounding residential properties will generally be negligible, because most of the receptors are either some distance away or are orientated such as not to be unduly sensitive to development on the site.

Impact on Other Neighbours

Objections have been received from The Conrad London Hotel, 22 – 28 Broadway; and the occupiers of Dacre House, 17 – 19 Dacre Street and Heron House, 10 Dean Farrar Street which are in office use, regarding the impact of the development on levels of daylight, sunlight, and sense of enclosure. These occupiers are concerned that daylight and sunlight assessment has excluded nearby commercial properties and as such are worried about its impact.

UDP Policy ENV 13, which seeks primarily to protect the environmental amenity of residential properties and educational buildings, can also be applied to uses such as hotels, but only where the impact, particularly in terms of daylight and sunlight, may prejudice the present use of the premises. Given the distance between the hotel and the application site, it is not considered that the impact in terms of sense of enclosure, loss of sunlight and daylight and loss of privacy will be so significant as to cause harm or prejudice the present use of the premises. In terms of the adjacent office accommodation, whilst there may be some impact to these properties, the reductions in light are unlikely to be so severe as to prejudice the future use of these premises. Whilst sympathetic to the hotel and office occupier's concerns, a refusal on the grounds of loss of amenity to the hotel and offices cannot be sustained.

Sense of enclosure

The proposed increase in bulk and height onto Victoria Street will impact on some windows within the front elevation of the building on the opposite side of the street. The closest habitable windows are within 55 Victoria Street however given the distance the impact on sense of enclosure will not be so severe to justify a refusal.

To the other side facing Broadway and Dacre Street, the proposals are not considered to impact on sense of enclosure, given that the proposed two towers to the north (59m) are lower than the existing high building on this part of the site.

Privacy

Most flats would have access to a private terrace or balcony, including all flats within Buildings 2 and 4 to the north of the site, and all the affordable units within building 6, the easternmost building fronting Victoria Street. The proposals also include residential communal gardens above the podiums at fourth floor level. It is not considered that the roof gardens, terraces and balconies will result in any material loss of privacy or noise nuisance to neighbouring occupiers given their location and distance from neighbouring residential properties.

8.4 Transportation/Parking

Car Parking

UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels'.

The development proposes 182 basement car parking spaces for the 268 residential units. The car park includes electric charging points for 20% of the bays which is welcomed. The basement car parks can be accessed via two car lifts which are set back from the highway boundaries on Dacre Street and Broadway. The vehicle access arrangement allows a vehicle to wait off the highway for the system to be ready, if already in use. The design is considered to minimise any impact on the highway from vehicles accessing or egressing the site. The Highways Planning Manager has no objection to the layout or access to the residential car parking spaces.

The applicant has confirmed that the car parking spaces are to be provided on an unallocated basis and that there will be free lifetime car club membership (25 years) for occupants of the flats. These measures will be secured by S106.

No car parking is provided for the non-residential uses. The site is within a Controlled Parking Zone and has a high level of public transport accessibility. It is considered that the proposal will have no significant impact on on-street car parking in the area.

Cycle Parking

UDP Policy TRANS10 and London Plan policy 6.9 require sufficient cycle parking provision in new developments. The plans show provision for 723 cycle spaces including long stay and short stay spaces. Within the basement areas 447 spaces are proposed for the residential units and 216 spaces are proposed for the non-residential uses. The applicant also indicates 60 short stay cycle parking spaces would be provided within the public realm, which is welcomed although further details are required by condition. The proposals comply with UDP Policy TRANS10 and London Plan policy 6.9 and are secured by condition.

TFL recommend a contribution of £200,000 is made towards a new on-site 36 dock cycle hire station. However this request is not considered to meet CIL regulations and the proposed levels of cycle parking provision exceeds policy requirements.

Servicing

Policy S42 of the City Plan and TRANS20 of the UDP require off-street servicing. The development provides two servicing areas. The first is at street level within the northern end of the site, which will allow large HGV vehicles, including refuse collection to service the site within a controlled environment. The second area is within the basement and is for smaller vehicles, such as white vans. The applicant has demonstrated that the majority of servicing can occur off street and only very limited servicing, such as mail deliveries may occur via on-street. The applicant indicates that servicing will be managed through a Servicing Management Plan although one has not been submitted to support the application. It is therefore recommended that details of a Servicing Management Plan is secured by condition.

Walkway

The creation of a new pedestrian link between the two podium buildings linking Broadway and Victoria Street is welcomed. It is recommended that this is secured with a formal Walkways Agreement and that a minimum 2 metre passage is kept clear at all times.

Development on the Highway/ Stopping Up

The development is not considered to adversely affect the pedestrian environment on the Broadway, Dean Farrar Street and Dacre street frontages.

On the Victoria Street frontage the existing building line is the highway boundary. Planters have been installed in front of the building line, which exist as a response to changing security issues in the mid 2000's and the specific occupant of the building 'The Metropolitan Police'. The planters do not remove highway rights and if the security concerns did not exist, then it is unlikely that the planters would have been allowed.

Victoria Street is currently 5.935 m wide, with the planters being 1.1 metre wide. In some locations, the proposed building line is being brought forward of the existing by 1.896 m, resulting in a loss of highway. Where the building line is proposed to be brought forward, the highway will be 4.039 metres wide. In other locations, the building line would be set back from the existing building line, increasing the pavement area.

The Highways Planning Manager objects to the building line being brought forward in locations on Victoria Street because this results in a reduction in highway for pedestrians. This is a concern as the proposal reintroduces an active frontage to Victoria Street, which is expected to increase pedestrian movements. The concerns of the Highways Planning Manager are noted, however, given the overall benefits of the scheme which include a new pedestrian link as well as an increase in pavement area in other locations, this is considered acceptable.

The columns associated with the new double height colonnade on Victoria Street are not considered problematic, as pedestrians will still be able to move around and within them.

The applicant is advised that any highway changes will need to be subject to separate detail design and statutory processes by the Highway Authority. The applicant would require a stopping up order for parts of the public highway to enable this development to take place. Pursuant to s247 of the Town and Country Planning Act 1990.

Public Realm

The applicant is showing a wider area of potential works on the public highway beyond the application boundary line. Among other aspects, the works shown include shared surfaces on Broadway, Dacre Street, and Dean Farrar Street. These are extensive works but since they are not required by the development they are considered to be aspirational which may or may not in due course be approved by the City Council as Local Highway Authority. The applicant has not made it clear to what extent they are prepared to fund the public realm improvements but under the CIL Regulations it would be unlawful to take these works or funding for these works into account as a reason for granting planning permission.

8.5 Economic Considerations

The economic benefits associated with this mixed use development, comprising residential, office, and retail accommodation within this part of the Central Activities Zone is welcomed. The optimisation of housing delivery is a key strategic objective for the Council. The provision of new and improved residential accommodation is supported under policies S14 of the City Plan and H3 of the UDP and will help both the Council and Mayor deliver new homes in the capital. In addition to construction employment, new jobs will also be created on site once the scheme is operational. This includes those working in the office, retail and residential elements of the scheme. The hotel will offer the possibility for more accessible and valuable jobs for the unemployed and low skilled workforce in the local community. For this reason it is recommended that an Employment and Skills Training Plan to enable Westminster residents to have access to the opportunities created is secured through the S106 agreement.

8.6 Access

The Design and Access Statement details how disabled people access each of the buildings safely. All the flats are designed to Lifetime Homes standard and over 10% of the units throughout the development are also designed to be wheelchair accessible in line with London Plan accessible housing policy 3.8. The applicant has demonstrated on plan the location of these units with typical flat layouts and that they are accessible by two lifts to all floors. Within the car parking provision the development includes 26 wheelchair accessible car parking spaces. Level access will be provided for the new retail and restaurant/ café units on the ground floor which can be accessed directly from the street.

8.7 Other UDP/Westminster Policy Considerations

Noise impact from mechanical plant

Objections have been raised from neighbouring occupiers on grounds of noise and disturbance from mechanical plant. The proposals include mechanical plant at basement and within plant enclosures at roof levels. An acoustic assessment has been submitted as part of the application which includes background noise surveys around the site and, from this are set targets for the operation of the new plant which must be below existing background noise levels.

Conditions are recommended to secure full details and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation 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.

Refuse /Recycling

Internal waste and recycling stores are shown on the proposed drawings for all uses. These arrangements are welcomed and in line with UDP Policy ENV11.

Trees

The Council's Arboricultural Manager is concerned that within the new pedestrian walkway and the communal podium gardens there is insufficient soil depth to achieve

sustainable planting. Full details of the hard and soft landscaping and also the green roofs including details of the substrate, irrigation and maintenance are to be secured by conditions.

One London plane tree on Victoria Street is proposed to be removed. It is a prominent specimen, but appears rather isolated in its position. There may be a case for its removal subject to replacement tree planting in the pavement on the Victoria Street frontage. It is recommended that the new street tree planting should be secured by S106.

Conditions are recommended requiring details of tree protection measures for the trees which are proposed to be retained close to the site, which include a London plane on Broadway and a London plane and Lime trees in Christchurch Gardens.

Energy and Sustainability

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 applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposals as a whole. The application is accompanied by an Energy Statement which sets out the sustainability credentials of the building.

Through enhanced energy efficiency standards the development is set to achieve a reduction of 116 tonnes per annum (9%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme.

The applicant has provided a commitment to ensuring that the development is designed to allow future connection to a district heating network. A site heat network is proposed which will be supplied from a single energy centre. A CHP is proposed as the lead heat source for the site heat network. This will achieve a reduction of 161 tonnes per annum (9%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme.

The applicant proposes 200m² of roof mounted Photovoltaic (PV) on the south side of the roof of Building 3. Full details can be secured by condition. This is set to achieve a further reduction of 10 tonnes per annum (1%) in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme.

Overall it has been calculated that a reduction of 287 tonnes in regulated CO2 emissions compared to a 2013 Building Regulations compliant scheme can be achieved equivalent to an overall saving of 23%. This falls short of the London Plan target of 40%. The GLA

has advised that the shortfall of 150 tonnes of CO2 per annum should be mitigated off site. However given that the Council does not have a policy on carbon off setting it is not considered appropriate to refuse the scheme for this reason.

Archaeology

Historic England (Archaeology) recommend an archaeological condition requiring details of a written scheme of archaeological investigation to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines.

8.8 London Plan

The GLA have indicated in their Stage 1 referral report that the development is broadly acceptable but issues in relation to affordable housing, urban design, children and young person's play, energy and transport should be addressed by the applicant before stage 2 referral. Amendments were made to the application and it is considered that these issues have been addressed elsewhere in this report. Once the City Council has resolved to determine the application, it will be referred back to the Mayor for his decision.

8.9 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 consistency" 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 consistency 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 this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 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 to be introduced in May 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:

- i. Provision of affordable housing on-site;
- ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked);
- iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving;
- iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers;
- v. Unallocated car parking;
- vi. Walkways agreement;
- vii. A contribution of £8,909 towards Legible London signage;
- viii. Dedication of highway and associated costs;
- ix. Free lifetime (25 years) car club membership for residents of the development;
- x. Employment and Training Strategy for the construction phase and the operational phase of the development.

- xi. Costs of monitoring the S106 agreement.
- xii. Provision of tree planting on Victoria Street.
- xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).

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 with the Community Infrastructure Levy Regulations (2010 as amended).

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

8.11 Environmental Impact Assessment

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.

Key Environmental Impacts

Air Quality

The Environmental Statement reports the findings of the assessment of the likely significant effects on air quality and finds that no likely significant effects on air quality are predicted.

Wind Microclimate

Objections have been raised from adjoining occupiers regarding the impact on microclimate with concerns that the development would create a wind tunnel along this part of Victoria Street.

The Environmental Statement reports the findings of a wind microclimate assessment and the likely significant effects on pedestrian comfort as a result of the development. The results find that the wind micro-climate around the proposed development once complete and occupied would be acceptable for the intended pedestrian use along public thoroughfares and at building entrances during the windiest season. All areas within the development dedicated to sitting short and long terms, at podium level and balcony receptors, were found to be acceptable. In general, the report finds that the effect on wind microclimate would be negligible.

Water Resources, Drainage, and Flood Risk

The Environmental Statement (ES) reports the findings of an assessment of the likely significant effects on water resources, drainage and flood risk. The assessment is considered to be comprehensive and clearly presented and the effects of the development are assessed as being negligible.

Thames water has no objection to the proposals with regard to sewerage infrastructure or water infrastructure capacity. The Environment Agency also has no objection or conditions to request.

8.12 Other Issues

Basement Excavation

The applicant has provided a structural engineer's report explaining the likely methodology of excavation works. This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

Construction impact

It is recommended that a detailed construction logistics plan is secured by condition.

The Transport Assessment and Environmental Statement (ES) set out a proposed indicative programme of demolition and construction works. The expectation is that the demolition and construction works will take approximately 56 months. In terms of construction vehicles and site access, it is proposed that construction access into the site will be from Victoria Street via a temporary site entrance with vehicles exiting onto Broadway. Vehicles will be required to approach from the west on Victoria Street which will enable them to turn left into the site. Vehicles will exit by turning left onto Broadway and then turn left back onto Victoria Street and re-join the major traffic routes. This route means that vehicles will not need to cross oncoming lanes of traffic, minimising any delay on the highway network.

The applicant would have to apply separately for a highways license before any construction equipment such as scaffolding, skips or hoardings can be placed on the road or pavement.

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. It is recommended that the necessary contributions to ensure compliance with the Council's Code of Construction Practice, and to secure the monitoring expertise of the Council's Environmental Sciences Team, the latter of which controls noise, dust and vibration emanating from the site through a site specific Site Environmental Management Plan (SEMP). This will be secured and monitored by the Council's Environmental Sciences team under the terms of the S106.

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.

Legible London Signage

The applicant is agreeable to request from TFL and the GLA to provide a contribution of £8,909 towards Legible London signage.

Crime and security

The Metropolitan Police Designing Out Crime Officer has no objection to the proposals and advises that provided the site is managed in a similar manner to recent and similar developments on Victoria Street an increase in crime & disorder is not anticipated.

Strutton Ground Improvements

Following a request from The Westminster Society, the applicant is offering £500,000 to fund public realm improvements (repaving of cobbles) to Strutton Ground, which is opposite to the application site. The applicant has made the offer on the basis that their planning obligation to pay £10,000,000 towards the provision of affordable housing elsewhere in the City would be payable on first occupation. These terms have not been subject to viability testing and it is recommended therefore that the payment in lieu of affordable housing remains payable on commencement of development, although it is accepted that the £500,000 towards public realm improvements works to Strutton Ground may be payable on first occupation.

Statement of Community Involvement

The applicant has submitted a statement of community involvement which summarises the consultation process they carried out with local stakeholders and neighbours prior to submitting the application. The applicants had meetings with various individuals and stakeholder groups, sent out approximately 2000 letters to local residents and businesses and held a three day public exhibition (30th June – 2nd July 2015) which was attended by 47 people.

9. BACKGROUND PAPERS

1. Application form
2. Response from Greater London Authority dated 30 November 2015.
3. Letter from The Westminster Society dated 21 January 2016.
4. Responses from Thorney Island Society dated 23 September 2015 and 10 December 2015.
5. Responses from Historic England (Listed Builds/Con Areas) dated 02 October 2015 and 21 December 2015
6. Response from Highways Planning Manager dated 26 January 2016.
7. Responses from Transport for London dated 15 September 2015 and 03 December 2015.
8. Response from Historic England (Archaeological Advisory Service) dated 29 September 2015.
9. Responses from Environmental Health dated 18 December 2015 and 09 February 2016.
10. Response from Building Control dated 09 November 2015.
11. Responses from Arboricultural Manager dated 28 January 2016 and 04 February 2016.
12. Response from Designing Out Crime Officer dated 08 December 2015.
13. Responses from Victoria BID 07 October 2015 and dated 22 December 2015.
14. Response from Thames Water dated 03 December 2015.
15. Response from Environment Agency dated 24 September 2015.
16. Response from Victoria Neighbourhood Forum dated 11 January 2016.
17. Letter from occupier of 43 Ashley Gardens, Ambrosden Avenue dated 11 January 2016
18. Letter from occupier of 63 Vandon Court, 64 Petty France dated 11 January 2016
19. Letter from Planning Direct on behalf of occupiers of 3rd Floor, Heron House, 10 Dean Farrar Street received 06 January 2016.
20. Letter from occupier of 75 Victoria Street, 86 Artillery Mansions dated 20 December 2015.

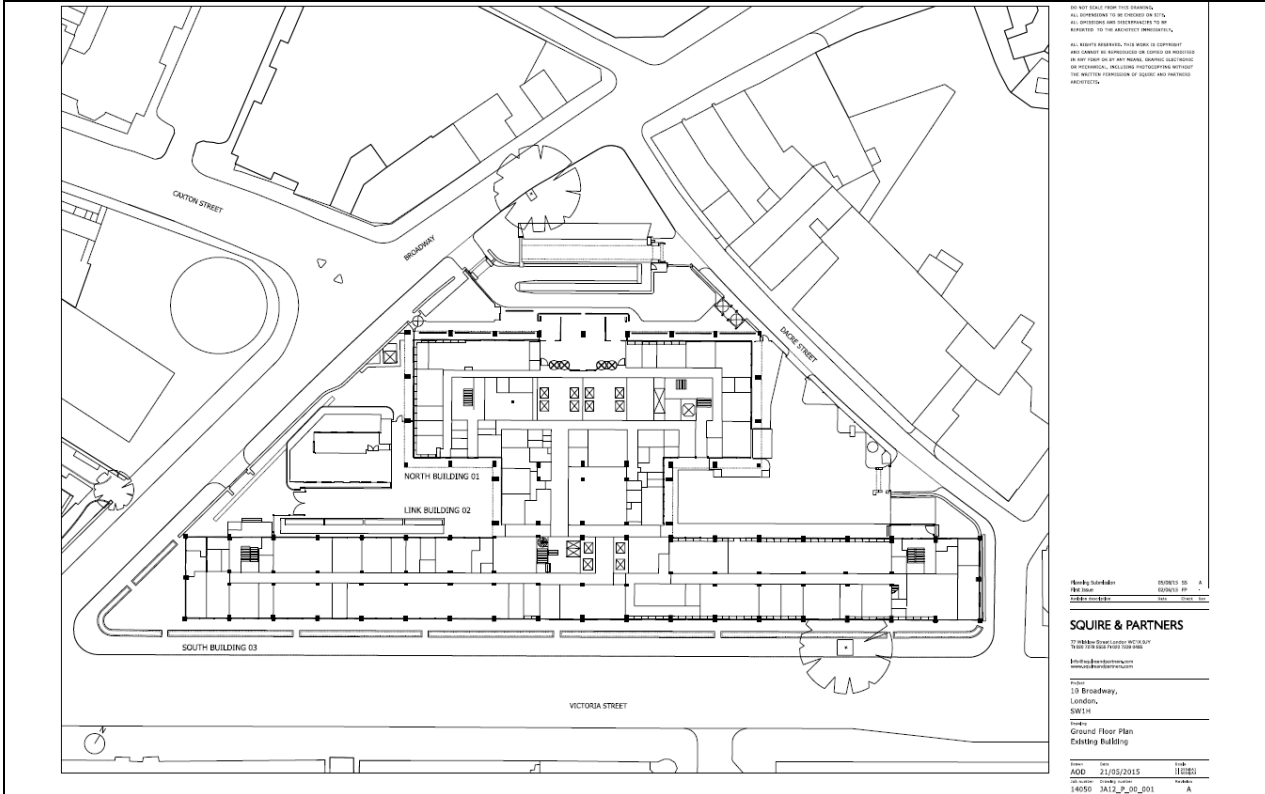
21. Letter from occupier of 3 Vandon Street dated 19 December 2015.
22. Letter from occupier of 20 Albany Court, Palmer St dated 13 December 2015
23. Letters from occupier of 26 Strutton Ground dated 10 December 2015
24. Letter from occupier of Flat 18, 36 Buckingham Gate dated 8 December 2015.
25. Letter from occupier of 19 Ashley Gardens, Ambrosden Avenue dated 12 November 2015.
26. Letter from occupier of 41 Artillery Mansions, 75 Victoria Street dated 13 September 2015.
27. Letter from occupier of 116 Artillery Mansions, 75 Victoria Street dated 30 September 2015.
28. Letter from occupier of Flat 24, 36 Buckingham Gate dated 11 November 2015.
29. Letter from occupier of Flat. 18, 36 Buckingham Gate dated 11 November 2015
30. Letter from occupier of Flat 1 Block E, Abbey Orchard Street dated 14 December 2015
31. Letter from occupier of Flat 14, 35 Buckingham Gate dated 13 November 2015.
32. Letter from occupier of 7 Stafford Mansions, Stafford Place dated 11 November 2015
33. Letter from occupier of Flat G Block N,, Abbey Orchard Estate dated 21 September 2015
34. Letter from occupier of 39 Wellbeck Street dated 25 September 2015.
35. Letter from Splendid Hospitality Group on behalf of The Conrad London Hotel, 22 – 28 Broadway dated 23 December 2015.

Selected relevant drawings

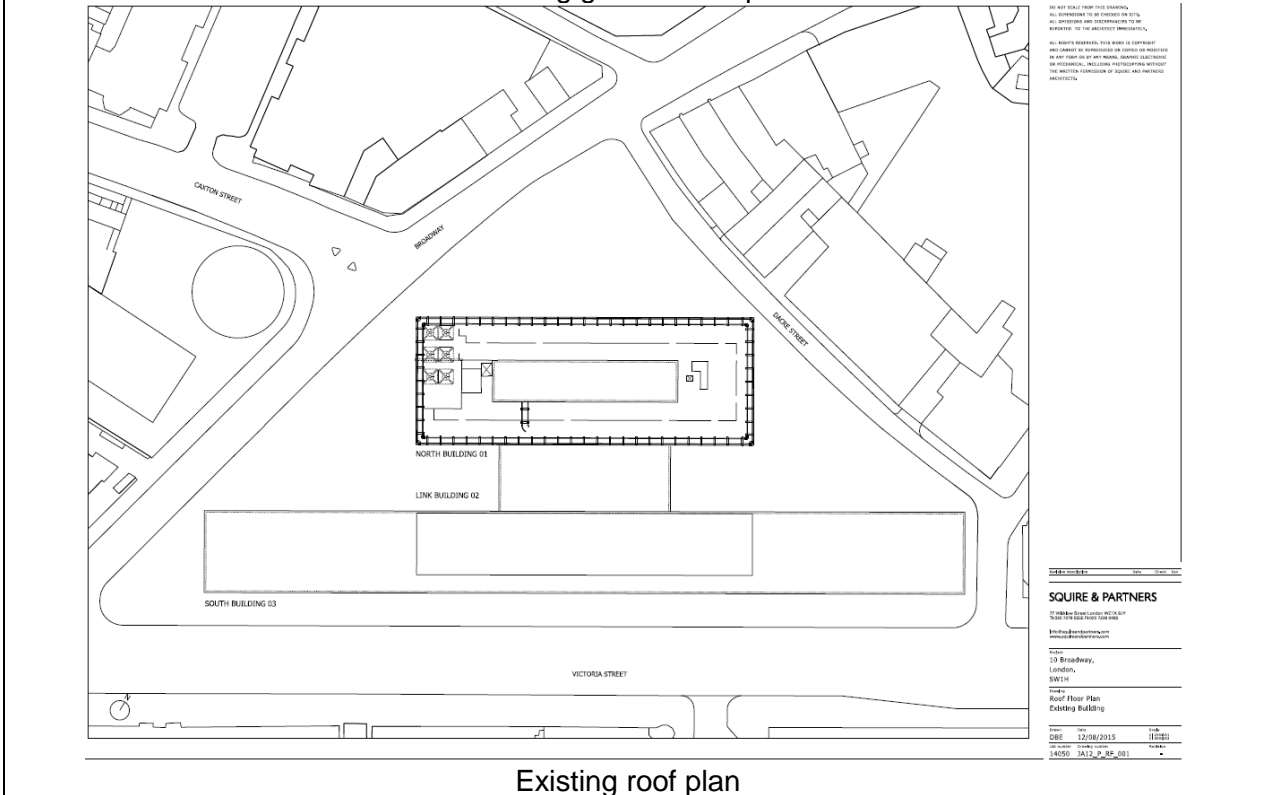
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DAVID DORWARD ON 020 7641 2408 OR BY EMAIL AT ddorward@westminster.gov.uk

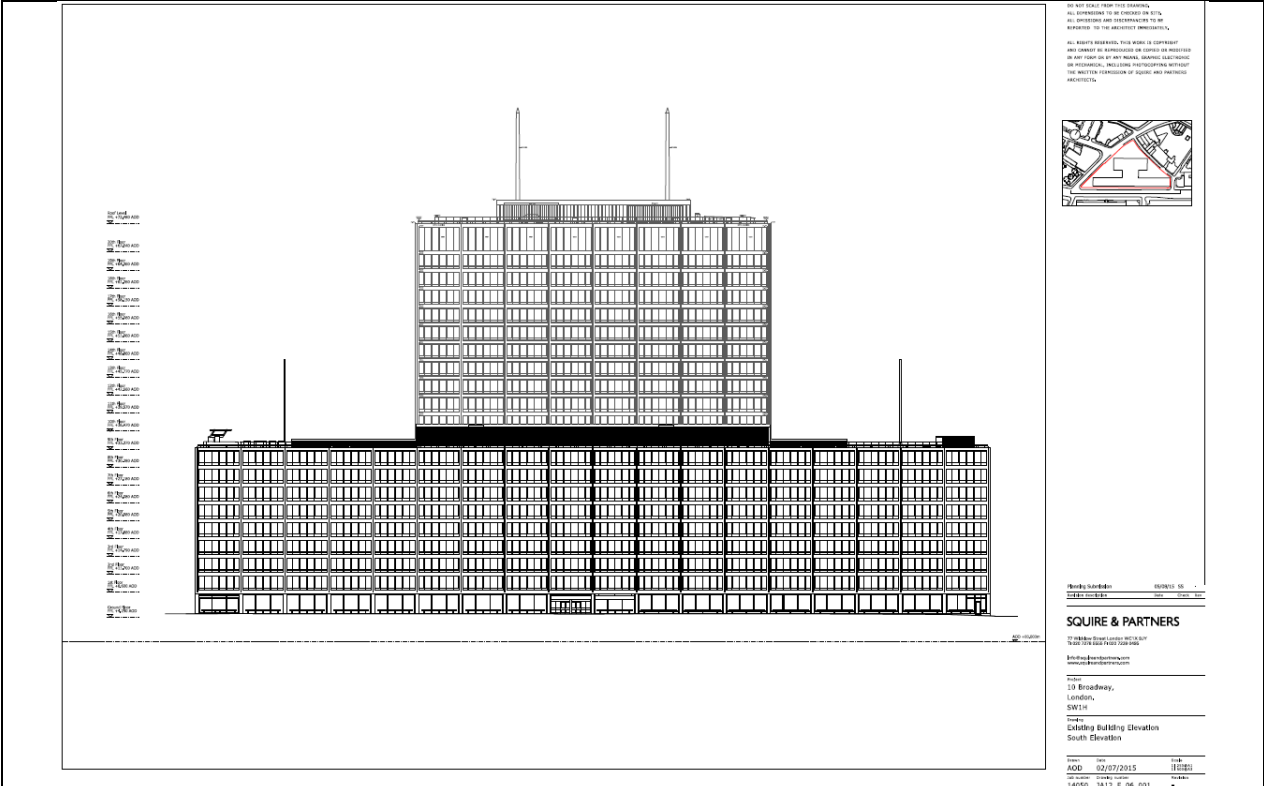
10. KEY DRAWINGS



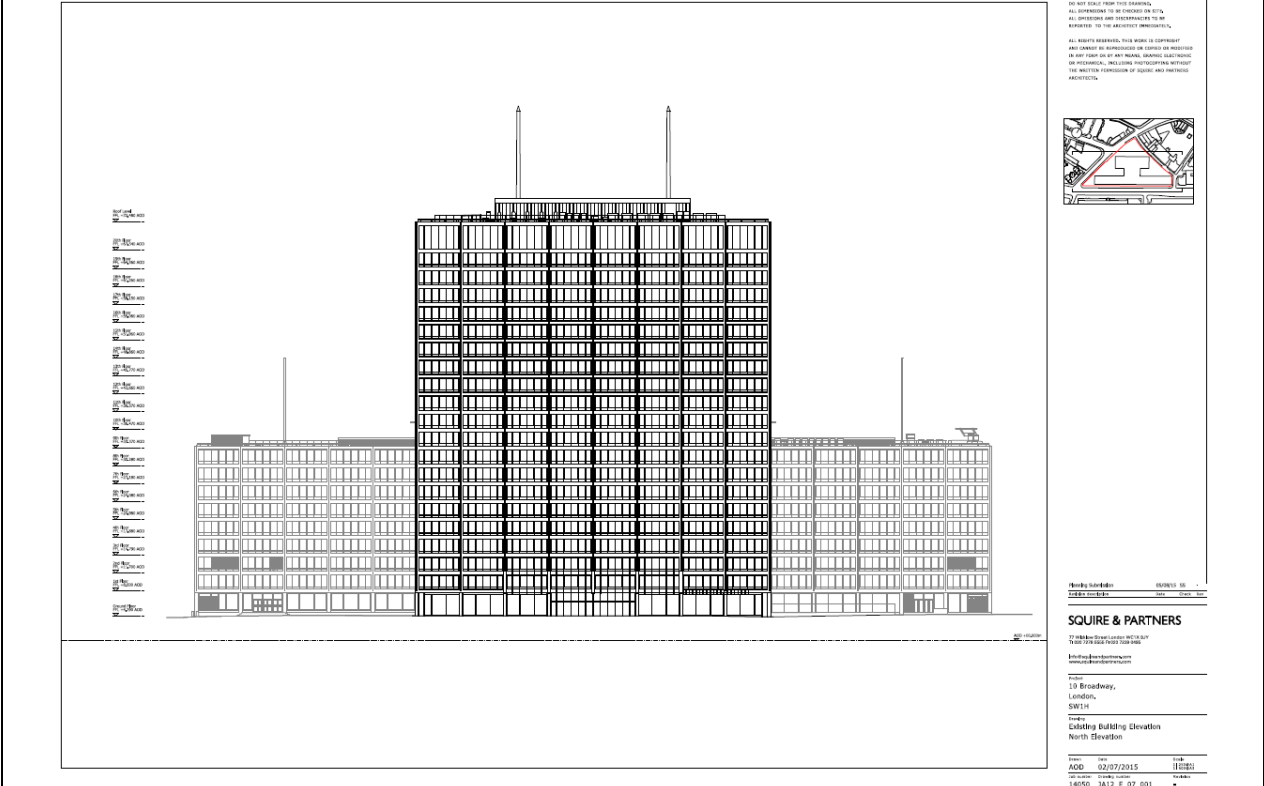
Existing ground floor plan



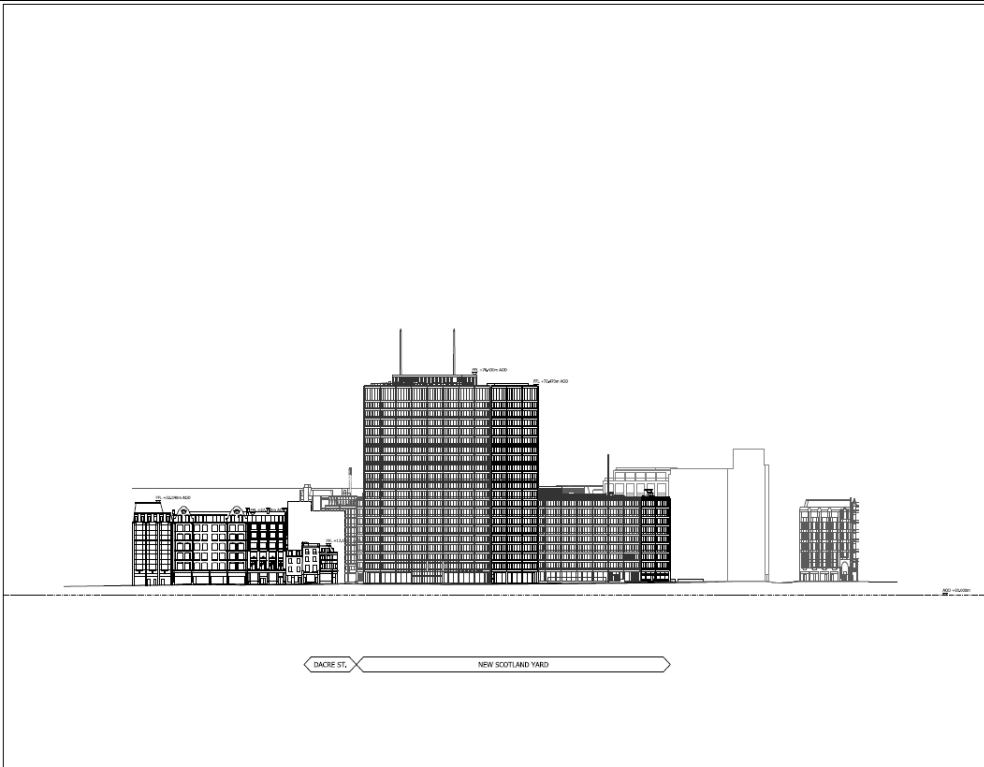
Existing roof plan



Existing south elevation



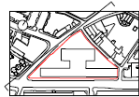
Existing north elevation



Existing western elevation (Broadway)

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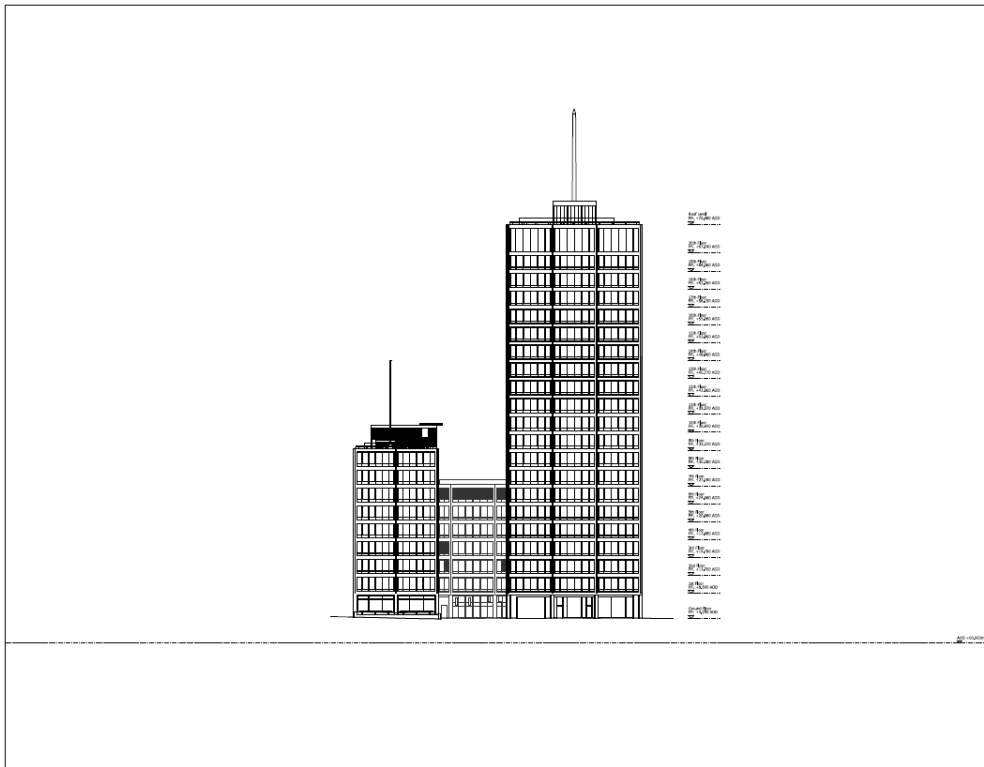
Works Number: 14050/10
Drawing Code: 10

SQUIRE & PARTNERS
17 Abchurch Lane, London, EC4N 3DF
www.squireandpartners.com

Author: Squire & Partners
19 Broadway, London, SW14

Project: Cladding Site Elevation
West Elevation
Broadway

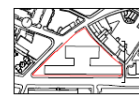
Issue: AOD 07/05/2015
14050 1A12_E_04_001



Existing east elevation

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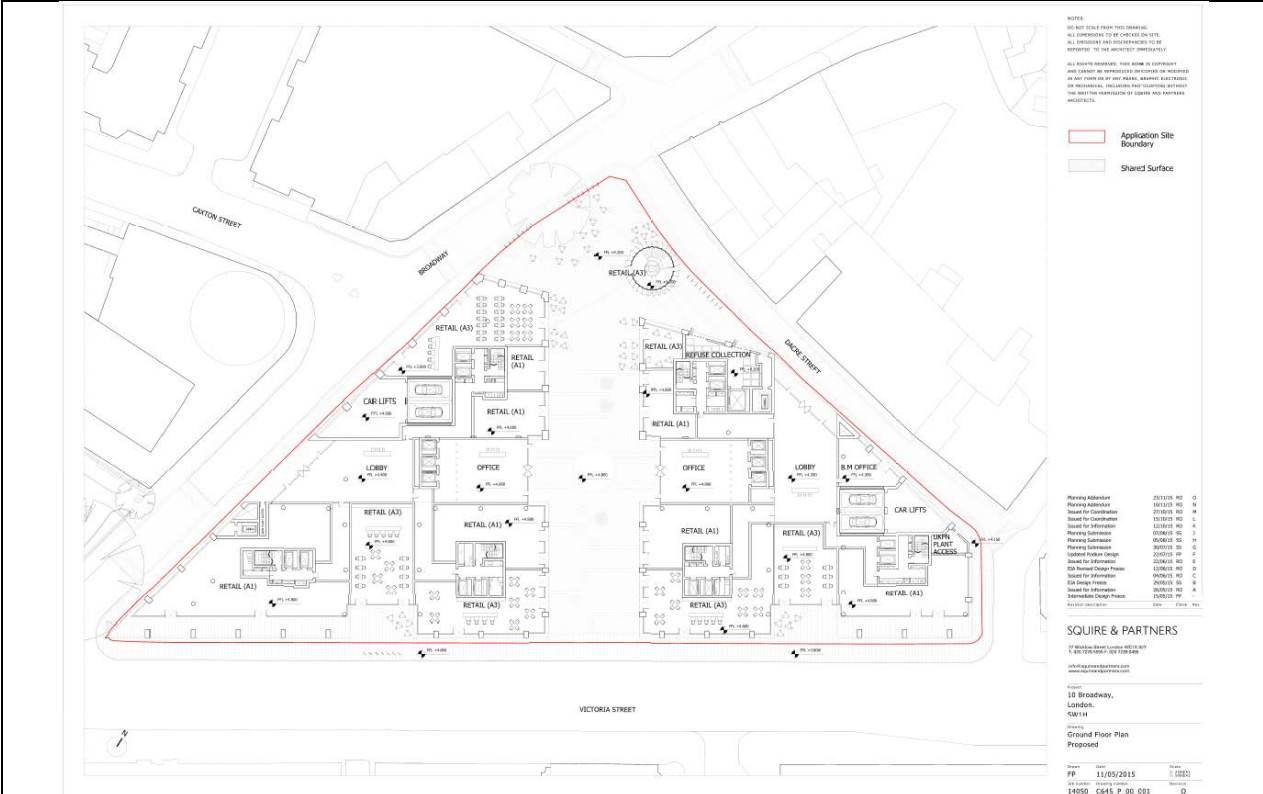
Works Number: 14050/10
Drawing Code: 10

SQUIRE & PARTNERS
17 Abchurch Lane, London, EC4N 3DF
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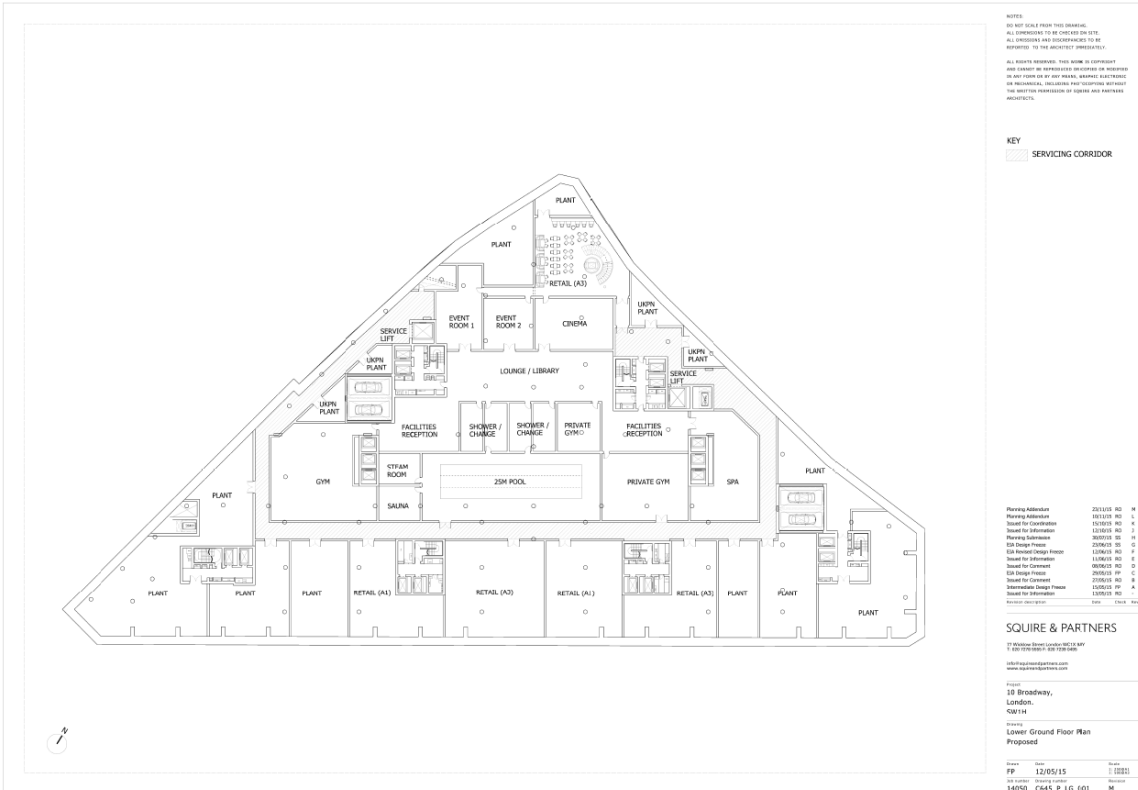
Author: Squire & Partners
19 Broadway, London, SW14

Project: Cladding Site Elevation
East Elevation
Broadway

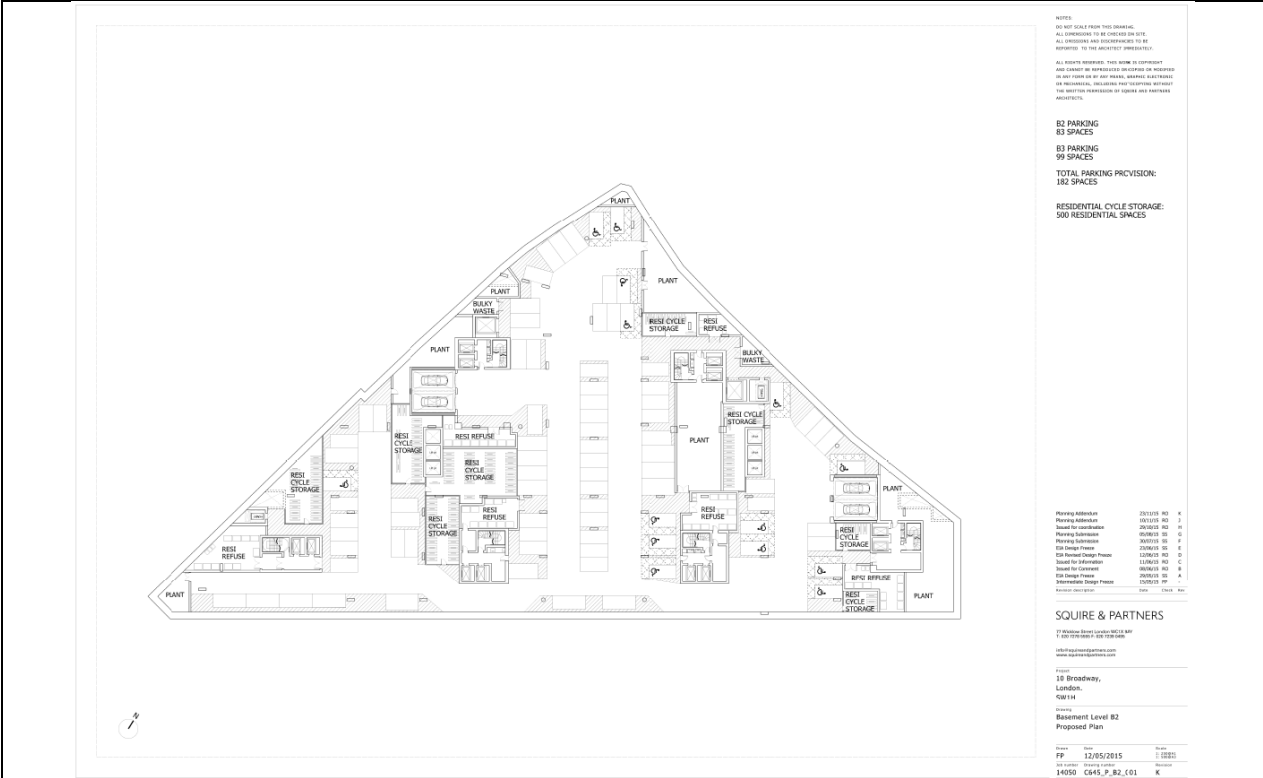
Issue: AOD 02/07/2015
14050 1A12_E_05_001



Proposed ground floor plan (Retail + residential & office Lobbies)



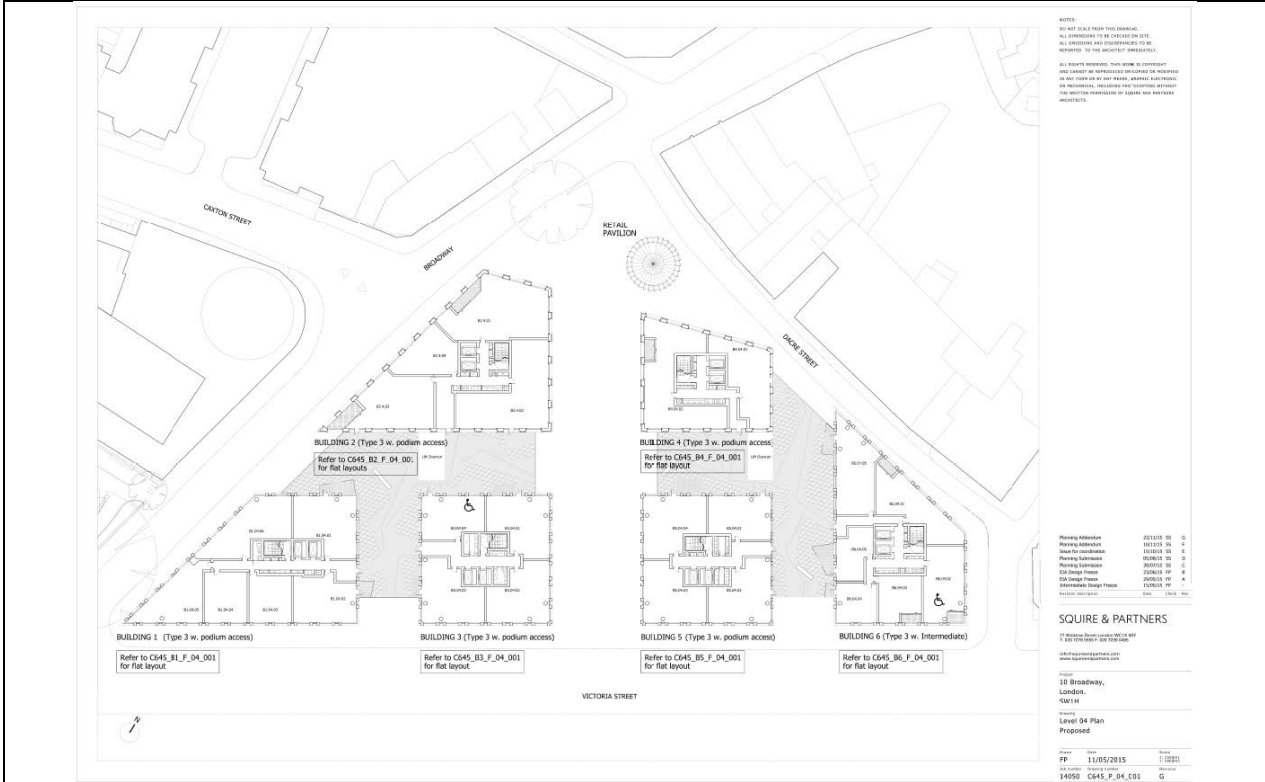
Proposed lower ground floor plan (Ancillary retail and residential services)



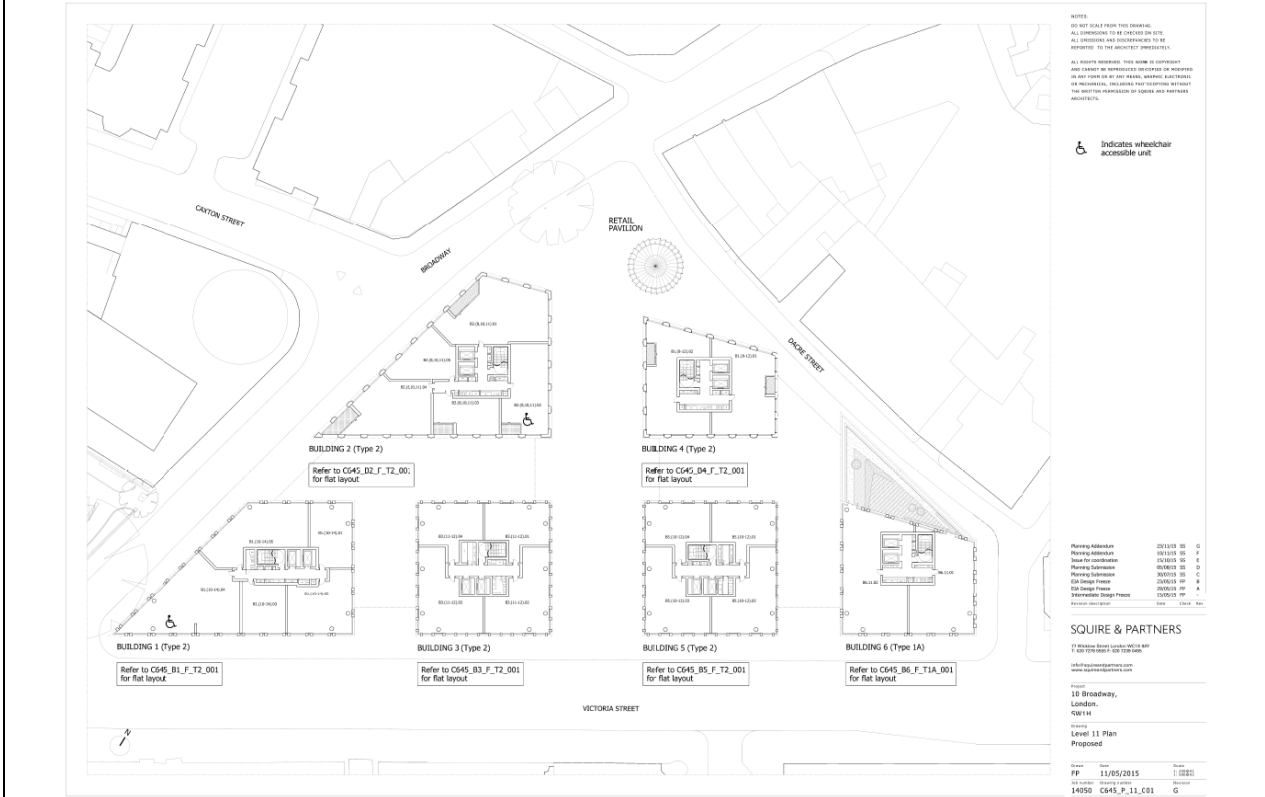
Proposed basement level 2 plan (Typical parking and services plan)



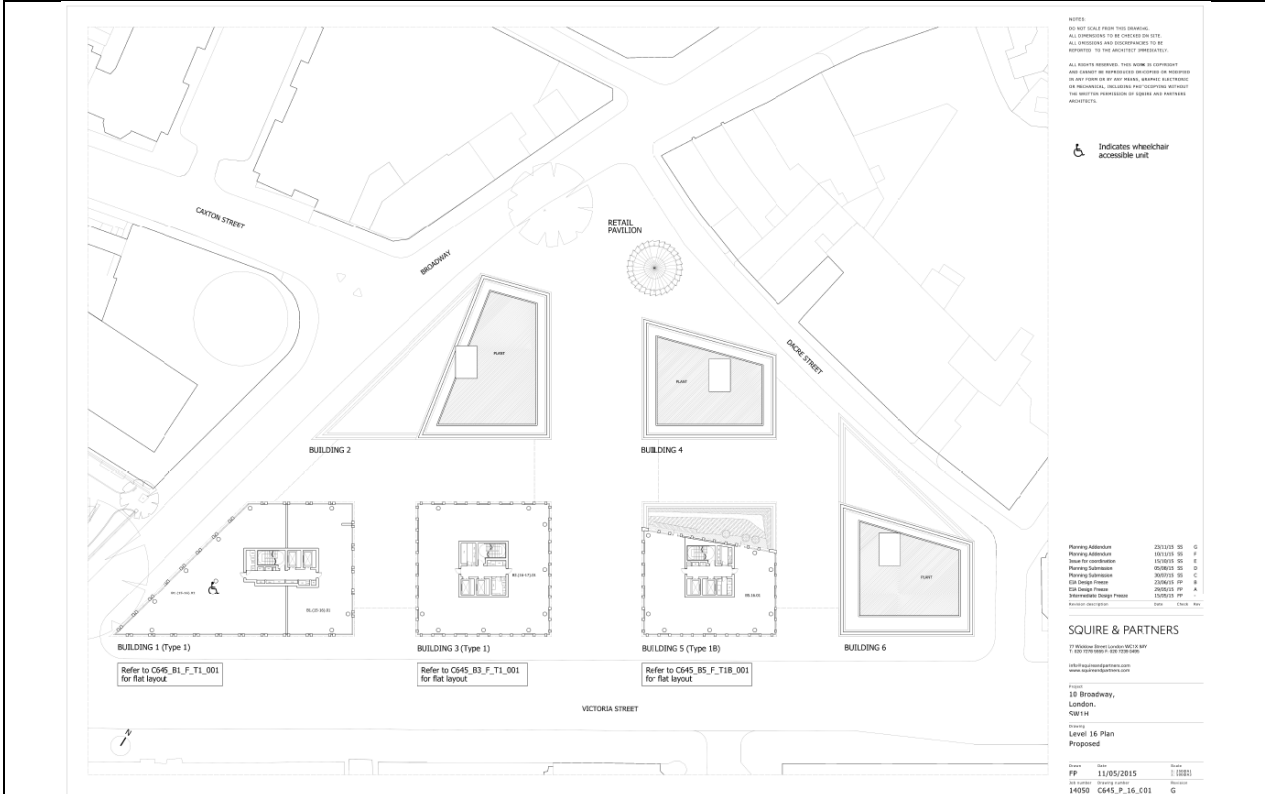
Proposed 2nd and 3rd floor plans (Typical office floor plans)



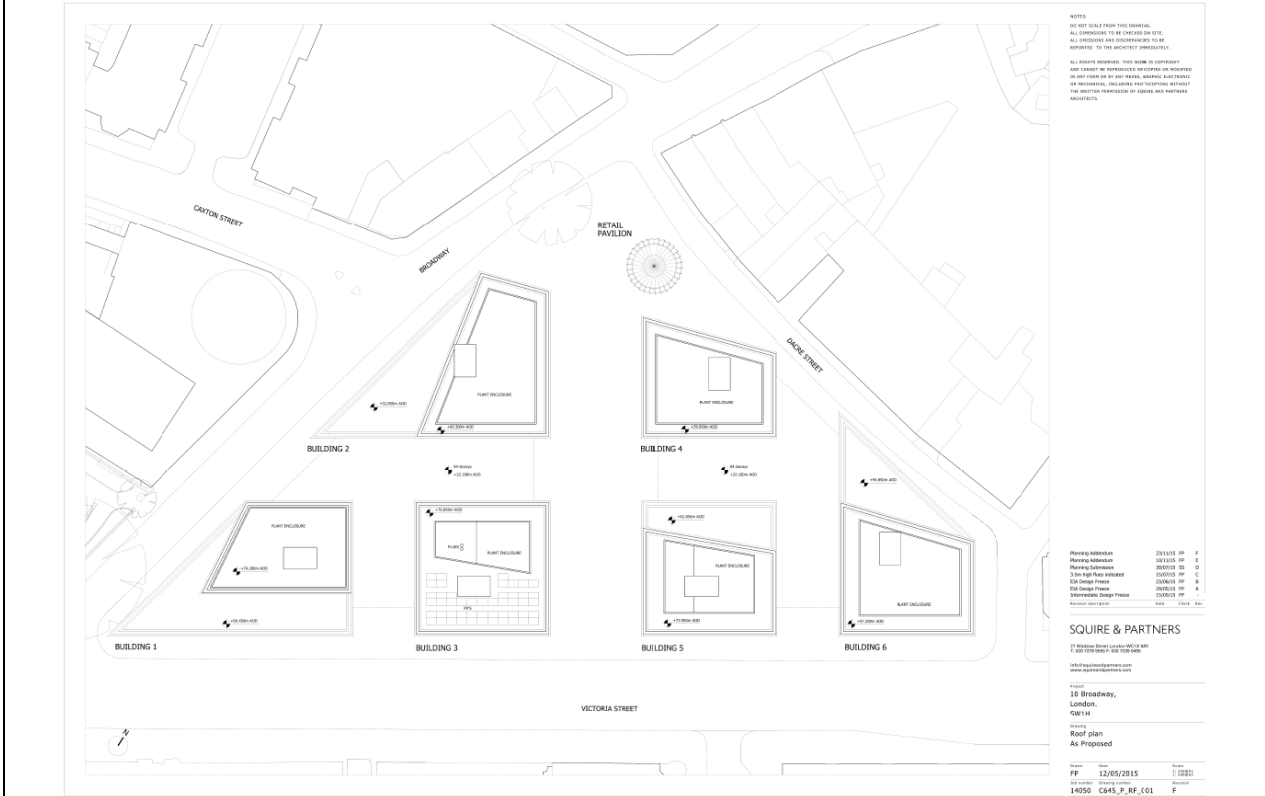
Proposed 4th floor plan/podium level (Typical residential plan)



Proposed 11th floor plan (Typical residential plan)



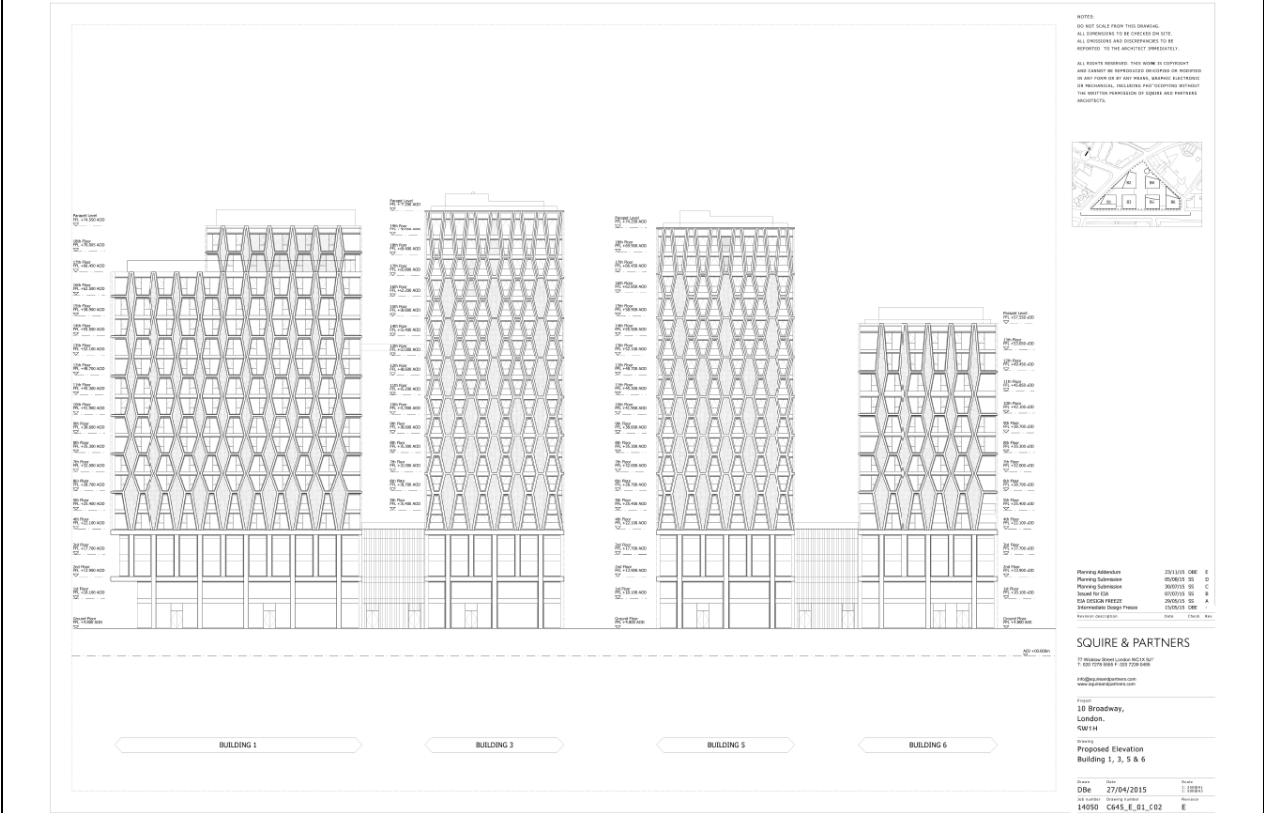
Proposed 16th floor plan (Typical residential plan)



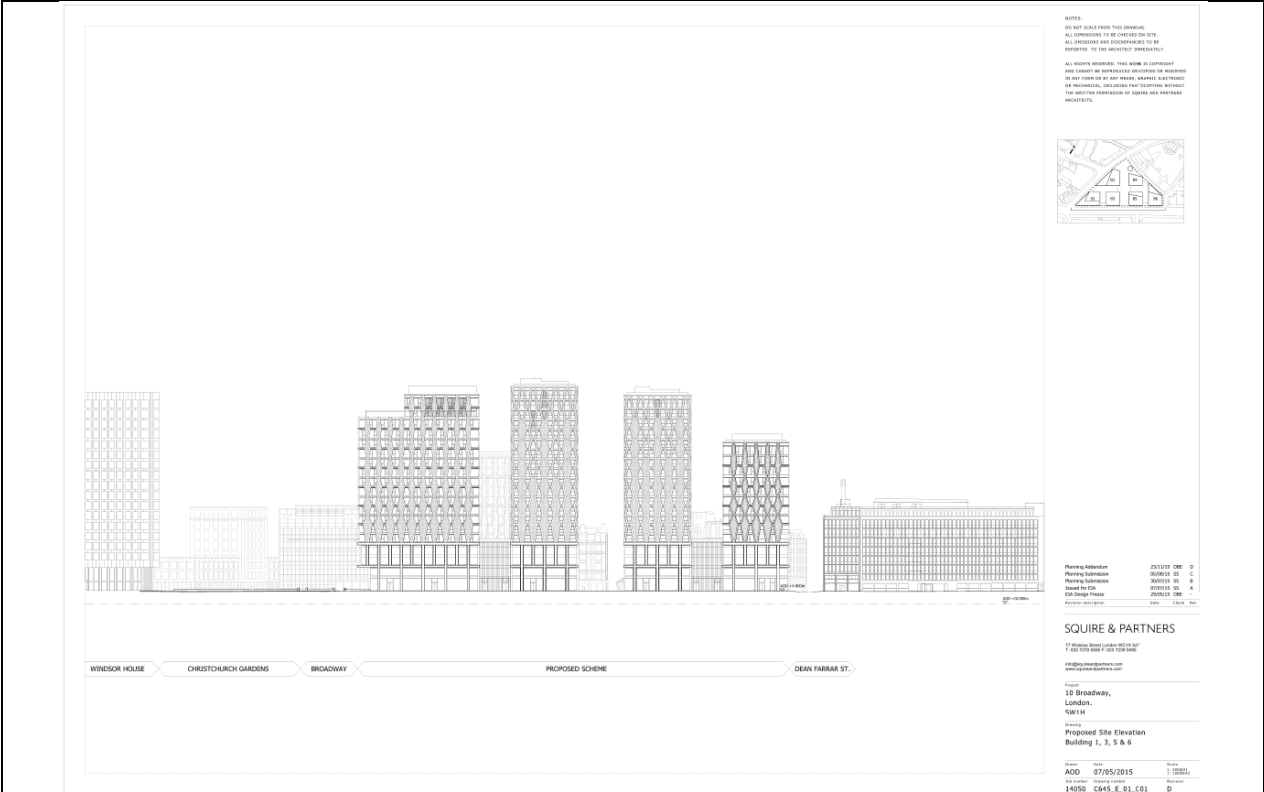
Proposed roof plan



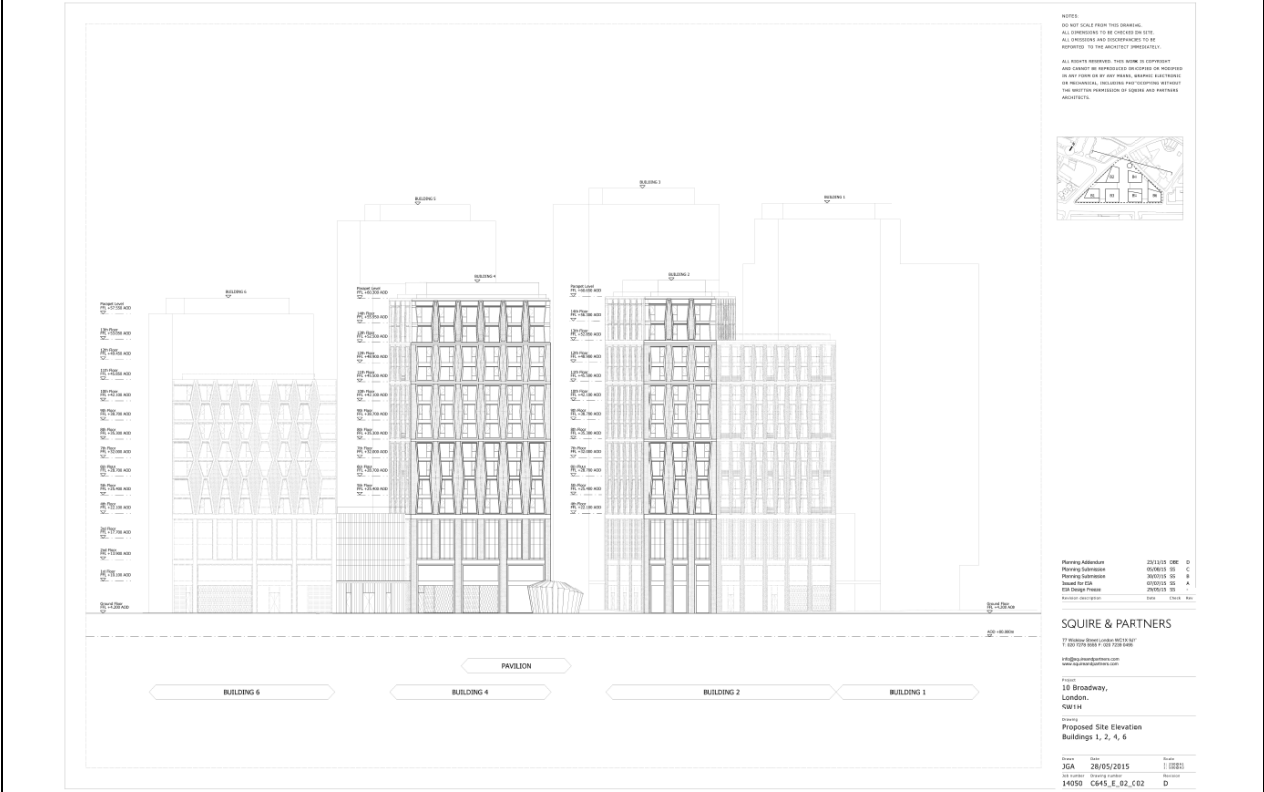
Typical flat layout (Building 6 level 4)



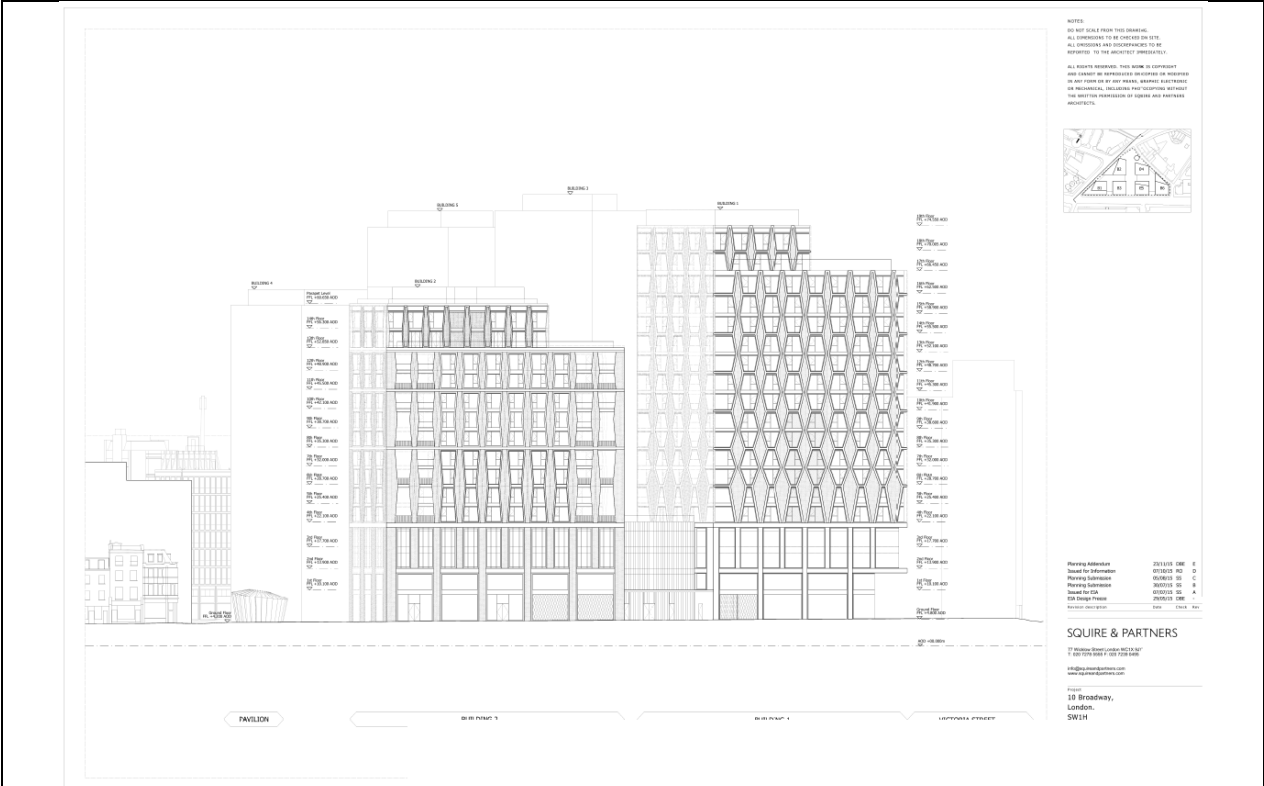
Proposed south elevation



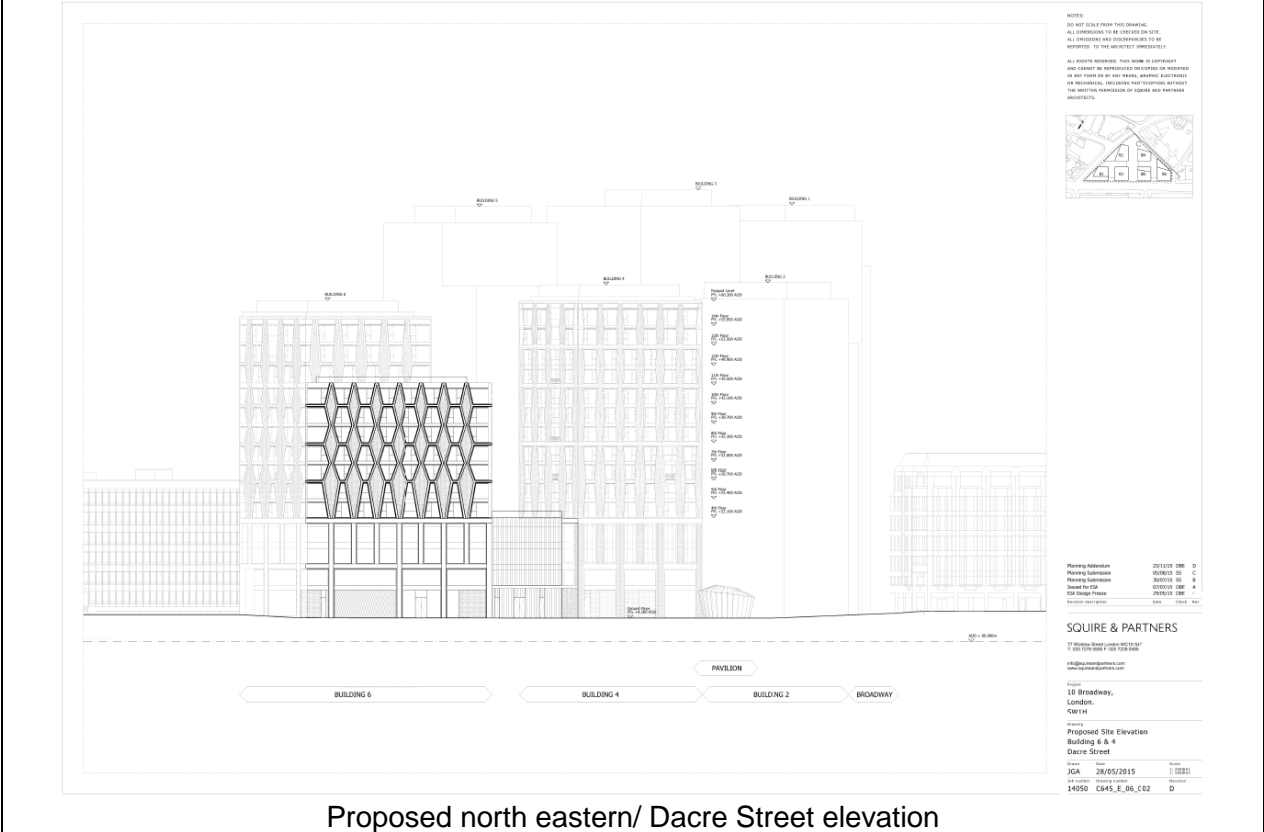
Proposed south elevation



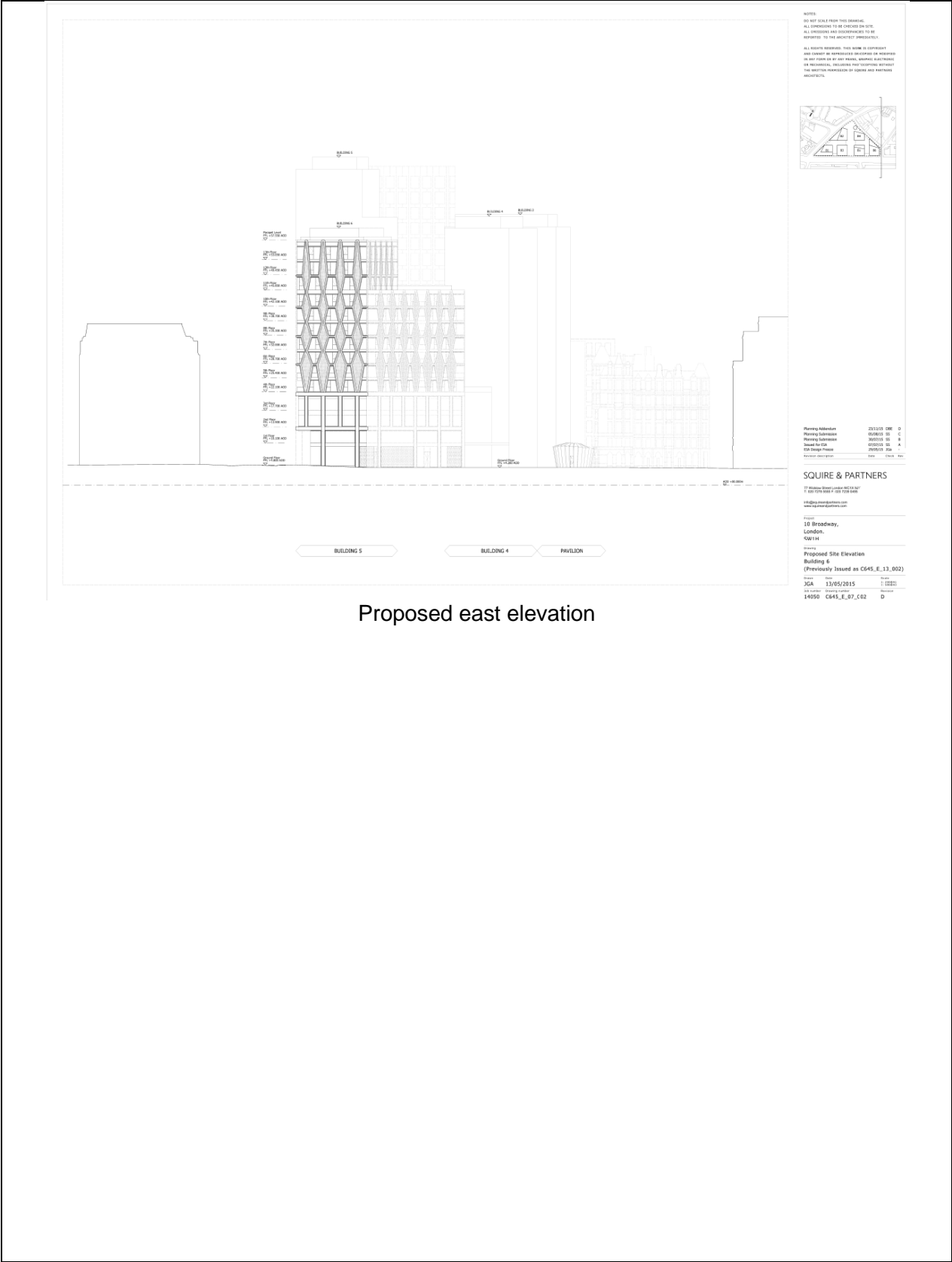
Proposed north elevation



Proposed western elevation (Broadway)



Proposed north eastern/ Dacre Street elevation





Proposed CGI the corner of Victoria Street and Broadway



Proposed CGI view along Broadway



Proposed CGI view towards Dacre Street, the base of Building 4 and the retail pavilion



Proposed CGIs towards Building 2 from Broadway and towards Building 2 from Caxton Street



Proposed CGI of new pedestrian street and pavilion



Proposed CGI from Victoria Street towards 55 Broadway, along the new pedestrian street



Aerial view of the proposed scheme

DRAFT DECISION LETTER

Address: New Scotland Yard, 8-10 Broadway, London, SW1H 0BG,

Proposal: Demolition of existing buildings and erection of mixed use development comprising office (Class B1) and retail (Classes A1 & A3) across x2 four storey podiums, each with three residential buildings above (total of x6 residential buildings) ranging from 14 to 20 storeys high, providing 268 residential units (including 10 x affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.

Reference: 15/07497/FULL

Plan Nos: C645_P_00_001, P_01_001 H, P_02-03_001H, P_04_001G, P_05_001G, P_06_001G, P_07_001 G, P_08_001G, P_09_001 Rev G, P_10_001G, P_11_001G, P_12_001G, P_13_001G, P_14_001G, P_15_001G, P_16_001 G, P_17_001G, P_18_001G, P_19_001G, P_B1_001J, P_B2_001K, P_B3_001G, P_LG_001M, P_RF_001F, S_AA_001E, S_BB_001D, S_CC_001D, E_01_001D, E_01_002E, E_02_002D, E_03_002E, E_04_002D, E_05_002 E, E_06_002D, E_07_002D, B1_E_AL_001G, B1_E_AL_002G, B2_E_AL_001G, B2_E_AL_002F, B3_E_AL_001F, B4_E_AL_001G, B5_E_AL_001F, B6_E_AL_001F, B6_E_AL_002F, B7_E_AL_001B, BS_T1_001A, BS_T2_001A, BS_T3_001A, BS_T4_001, B1_F_PH_001F, B1_F_PH_002F, B1_F_T3_001E, B1_F_T2_001F, B1_F_T1_001E, B1_F_04_001E, B2_F_PH2_001E, B2_F_PH1_001E, B2_F_12_001E, B2_F_T2_001G, B2_F_T2A_001D, B2_F_T3A_001C, B2_F_T3A_001C, B2_F_T3_001F, B2_F_04_001F, B3_F_PH2_001E, B3_F_PH1_001E, B3_F_T1_001F, B3_F_T2A_001B, B3_F_T2_001F, B3_F_T3_001F, B3_F_04_001E, B4_F_T1_001G, B4_F_T2_001G, B4_F_T3_001G, B4_F_04_001G, B5_F_PH2_001E, B5_F_PH1_001E, B5_F_T1B_001E, B5_F_T1A_001E, B5_F_T2A_001B, B5_F_T2_001F, B5_F_T1A_001E, B5_F_T2A_001B, B5_F_T3_001E, B5_F_04_001E, B6_F_T1B_001E, B6_F_T1A_001E, B6_F_T1A_001E, B6_F_T1B_001E, B6_F_T3_001F, B6_F_05_001E, B6_F_04_001E, B6_F_04_002, B6_F_05_002. Environmental Statement by Aecom Volumes I - III; Landscape Strategy & Addendum by Gross Max; Statutory Utilities Supply Report by Aecom; Townscape, Visual Impact & Built Heritage Assessment & Addendum; Sustainability Statement by Aecom; Basement Impact Assessment Report; Design and Access Statement & Addendum by Squire and Partners; Transport Assessment & Addendum by TPP; Energy Statement Ventilation Extraction Report by Aecom; Planning Statement by GVA; Sunlight and Daylight Report & Addendum Report by Anstey Horne; Energy and Sustainability Addendum Report by Aecom; Operational Waste Management Strategy & Addendum.

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s):

Recommended Condition(s) and Reason(s):

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

Reason:

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

- 2 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. (C11AA)

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)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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)

- 4 You must apply to us for approval of details of the following parts of the development:;, a. typical window details at 1:20; b. external doors at 1:20; c. shopfronts at 1:50 with x-sections at 1:10, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: 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)

- 5 You must apply to us for approval of an advertisement and shopfront strategy setting out design parameters to be followed for these parts of the development. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to this strategy. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: 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)

- 6 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it. (C37AB)

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 7 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 (see informative 2).

Reason:

To ensure that the construction logistics for the development minimise nuisance and disturbance in the interests of the amenities of neighbouring occupiers and of the area generally, and to avoid hazard and obstruction to the public highway. This is as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and ENV 5 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must provide the facilities for the storage and collection of waste and recyclable material for the residential, retail and office uses prior to occupation of any part of the development. Thereafter these facilities must be retained and the spaces used for no other purpose.

Reason:

To protect the environment and provide suitable storage for waste 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. (R14BD)

- 9 You must provide the cycle parking within the development for the residential, retail and office uses prior to occupation of any part of the development. Thereafter the cycle spaces must be retained and the spaces used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 11 You must apply to us for approval of a Car Park Management Plan including details of a vehicle signalling system for the basement car park. You must then carry out the development in accordance with these details and maintain the vehicle signalling system in working order in perpetuity.

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 TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 12 Other than doors which are used exclusively for fire exit purposes in an emergency situation, you must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's

City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in 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. (R24AC)

- 14 With the exception of collecting rubbish, no goods (including fuel) that are delivered or collected by vehicles arriving at or leaving the building must be accepted or sent out if they are unloaded or loaded on the public road. You may accept or send out such goods only if they are unloaded or loaded within the boundary of the site. (C23CB)

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)

- 15 You must apply to us for approval of details of a Delivery and Servicing Plan. You must not occupy any part of the development until we have approved what you have sent us. Thereafter you must service the retail and office uses within the buildings in accordance with the approved Plan, unless otherwise agreed in writing by us.

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)

- 16 Prior to occupation of the residential part of this development a minimum of 20% of the car parking spaces shall be provided with charging points (for electric vehicles). These charging points shall not be removed unless authorised by the City Council, as local planning authority.

Reason:

To ensure that adequate recharging points are made available within the development hereby approved in accordance with policy S 28 of Westminster's City Plan: Strategic Policies adopted November 2013.

- 17 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated land, 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 of the following investigation reports. You must apply to us and receive our approval for phases 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed., , Phase 1: Desktop study - full site history and environmental information from the public records , , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

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

- 18 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule

of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

As set out in S32 of Westminster's City Plan: 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.

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 18 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.

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 20 and 21 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

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.

- 25 The design and structure of the development shall be of such a standard that it will protect residents within it from ground-borne noise from the District and Circle Line so that they are not exposed to levels indoors of more than 35 dB LASmax within habitable rooms during day and night.

Reason:

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

- 26 No vibration shall be transmitted from the District and Circle Line so 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.

- 27 **Pre Commencement Condition.**, (a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us., (b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the

archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST., , (c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To avoid damage to any archaeological remains on site 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. (R32AC)

- 28 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application., , (i) combined heat and power unit (energy centre), (ii) PV array on the roof of building 3, (iii) green roofs (as shown on the landscaping strategy), , You must not remove any of these features. (C44AA)

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)

- 29 The three 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)

- 30 You must apply to us for approval of detailed drawings of the children's play space on the podium levels as shown in the landscaping strategy. You must not start work on these parts of the podium levels until we have approved what you have sent us. You must then carry out the works according to the approved drawings and prior to occupation of any of the residential units (Class C3) units, unless otherwise agreed in writing with us, and thereafter retain and maintain.

Reason:

To ensure that play space is provided in accordance with H 10 of our Unitary Development Plan

that we adopted in January 2007 and policy 3.6 of The London Plan.

- 31 In the event that the Class A units are occupied for Class A3 purposes you must not allow customers on the premises outside the following times: between 0700hrs and 2400hrs on Monday to Saturday (not including bank holidays and public holidays) and between 0800hrs or after 2330hrs on Sundays, bank holidays and public holidays.

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)

- 32 If you provide a bar and bar seating within any of the Class A3 units , it must not take up more than 15% of the floor area of the Class A3 unit. You must use the bar to serve restaurant customers only, before, during or after their meals. (C05GA)

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)

- 33 In the event that the Class A units are occupied for Class A3 purposes no individual unit shall exceed 499m2 gross external area.

Reason:

The provision of a Class A3 unit of 500m2 Gross External Area or more within the development would only be permitted in exceptional circumstances to protect the amenity of surrounding occupiers. No exceptional circumstances have been provided by the applicant. . This is as set out in policy TACE 10 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 34 You must not use more than 50% of the gross external area of the approved ground floor Class A units for Class A3 purposes.

Reason:

In order to ensure that at least 50% of the approved ground floor Class A units are used for Class A1 retail purposes which will contribute to the character and function of this part of the Central Activities Zone. This is as set out in S6 and S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS4 of our Unitary Development Plan that we adopted in January

2007.

- 35 Prior to the occupation of any of the Class A units for Class A3 purposes, you must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not start any work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to these details and thereafter retain and maintain for as long as the units are occupied for Class A3 purposes

Reason:

The plans do not include any kitchen extractor equipment. For this reason we cannot agree to unrestricted use as people using neighbouring properties would suffer from cooking smells. This is as set out in S24 and S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 5 of our Unitary Development Plan that we adopted in January 2007. (R05EC)

- 36 You must apply to us for approval of detailed drawings of the new pedestrian routes and other pavement areas to show the location and design of any areas to be used for tables and chairs and other furniture in connection with the approved Class A uses. , , You must not put the tables and chairs on the pedestrian routes and other pavement areas until we have approved what you have sent us. Thereafter the tables and chairs and other furniture obstructions must only be located in the positions shown on the approved drawings unless otherwise agreed in writing by the local planning authority.

Reason:

To make sure that the tables and chairs will not cause nuisance for people in the area and to make sure pedestrians can move easily through along the pedestrian routes proposed. This is as set out in as set out in S29, S32 and S41 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.

- 37 You must apply to us for approval of details of a management plan to show how you will prevent customers who are leaving any Class A3 units, and using external tables and chairs approved under condition 36 of this decision, from causing nuisance for people in the area. The plan must include details of the hours of operation for the tables and chairs and details of storage facilities. You must not use any Class A unit for Class A3 purposes until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times unless otherwise agreed in writing by us.

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.

- 38 The tables and chairs must only be used by customers of the Class A uses which form part of the development hereby approved.

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.

- 39 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. The window must contain a display which must be maintained to our satisfaction.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007.

- 40 You must apply to us for approval of details of the following parts of the development - , , - green roofs at main roof level of buildings 1, 2, 3, 4, 5 and 6 (as shown in the landscaping strategy)., , 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 according to the approved details and thereafter retain and maintain the green roofs in accordance with the approved details.

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)

- 41 **Pre Commencement Condition.** , (a) You must apply to us for approval of a method statement explaining the measures you will take to protect the trees close to the site. The method statement must include evidence of trial investigation to demonstrate the presence/ absence of roots of the London plane tree (4) within the site and details of the proposals to safeguard the roots and canopies of all nearby trees. If the results of the trial investigation show that the roots of the London plane tree (4) extend into the application site, you will need to submit a revised proposed basement layout to reduce the extent of excavation in order to safeguard the tree and its roots., , The method statement must include an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant (tree and shrub) who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be

registered. The site monitoring system should involve arboricultural supervision during demolition, excavations, removal or construction of any hard surface or any other work that might affect tree roots, branches or trunk to ensure that tree protection systems are followed. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. , , (b) You must then carry out the arboricultural site supervision, demolition and building work according to this approved scheme. You must produce written site supervision reports as detailed in part a) after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. You must send copies of each written site supervision record to us within five days of the site visit. If any damage to tree, tree roots or any breaches of tree protection procedures occurs then details of the incident and any mitigation/amelioration must be included in the supervision record.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 42 Notwithstanding the submitted details, you must apply to us for approval of detailed drawings of a hard and soft landscaping scheme. The details must include the number, size, species and position of trees and shrubs;, and details of the depth and specifications of the new soils which you propose to use to create an adequate rooting environment for new tree planting and landscaping, including details of the drainage layer and other components, and the way that the proposed areas of soil will be connected. 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 and planting within one year of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species.

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)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have

made available detailed advice in the form of our statutory policies in Westminster's City Plan: 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.

- 2 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.
- 3 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to: , i. Provision of affordable housing on-site; , ii. A payment of £10,000,000 towards the provision of affordable housing elsewhere in the City (payable on commencement of development and index linked). ; , iii. All highway works surrounding the site required for the development to occur including vehicle crossovers, changes to on-street restrictions and footway repaving; , iv. The applicant to comply with the Council's Code of Construction Practice, provide a Site Environmental Management Plan prior to commencement of development and provide a financial contribution of £33,000 per annum during demolition and construction to fund the Environmental Inspectorate and monitoring by Environmental Sciences officers; , v. Unallocated car parking; , vi. Walkways agreement; , vii. A contribution of £8,909 towards Legible London signage; , viii. Dedication of highway and associated costs; , ix. Free lifetime (25 years) car club membership for residents of the development; , x. Employment and Training Strategy for the construction phase and the operational phase of the development. , xi. Costs of monitoring the S106 agreement., xii. Provision of tree planting on Victoria Street., xiii. A payment of £500,000 towards public realm improvements works to Strutton Ground (payable on first occupation).
- 4 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 5 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 6 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is

used for. (I23AA)

- 7 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 8 Under Section 25 of the Greater London Council (General Powers) Act 1973 you need planning permission to use residential premises as temporary sleeping accommodation. To make sure that the property is used for permanent residential purposes, it must not be used as sleeping accommodation by the same person for less than 90 nights in a row. This applies to both new and existing residential accommodation., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year). (I38AB)
- 9 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 10 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 11 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)
- 12 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 13 Condition 24 requires the submission of sound insulation measures and Noise Assessment

Report to predict internal noise levels with the proposed residential units. Your assessment should include a BS8223 façade calculation using the glazing and ventilation specification to demonstrate that the required internal noise levels are achievable. (I93AA)

- 14 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.**
- 15 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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