

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 16 May 2017	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	Variation of Condition 1 of planning permission dated 27th April 2016 (RN: 15/07497/FULL) for '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 residential units (including affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of up to three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.' NAMELY, to allow for an increase in the number of residential units; omission of one basement level; reduction in car parking spaces; amendments to the parking, delivery and servicing strategy; reduction in retail area at ground and lower ground floor; reduction in size of ground floor pavilion building; building height and footprint changes, including both a reduction and increase in heights; and alterations to internal layouts and external elevations.		
Agent	Bilfinger GVA		
On behalf of	BL Development Ltd		
Registered Number	16/11027/FULL	Date amended/ completed	4 January 2017
Date Application Received	18 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

1. RECOMMENDATION

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| <p>1. Grant conditional permission, subject to the concurrence of the Mayor of London, and subject to the completion of a deed of variation of the legal agreement dated 27 April 2016 to secure the following:</p> <ul style="list-style-type: none"> 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 |
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- 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).
 - xiv. A payment of £405,000 towards carbon-off setting (index linked).
2. If the deed of variation to the S106 legal agreement dated 27 April 2016 has not been completed by 27 June 2017 then:
- a) The Director of Planning shall consider whether it would be possible and 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 such a decision under Delegated Powers; however, if not;
 - b) The Director of Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the 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 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 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 within the Core Central Activities Zone (CAZ).

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 now vacant and demolition works have commenced on site in connection with the planning permission dated 27 April 2016 (RN: 15/07497/FULL).

This latest application has been submitted under Section 73 of the Town and Country Planning Act and seeks to vary of Condition 1 of the planning permission dated 27 April 2016 (RN: 15/07497/FULL), which granted planning permission for the demolition of 10 Broadway, the New Scotland Yard

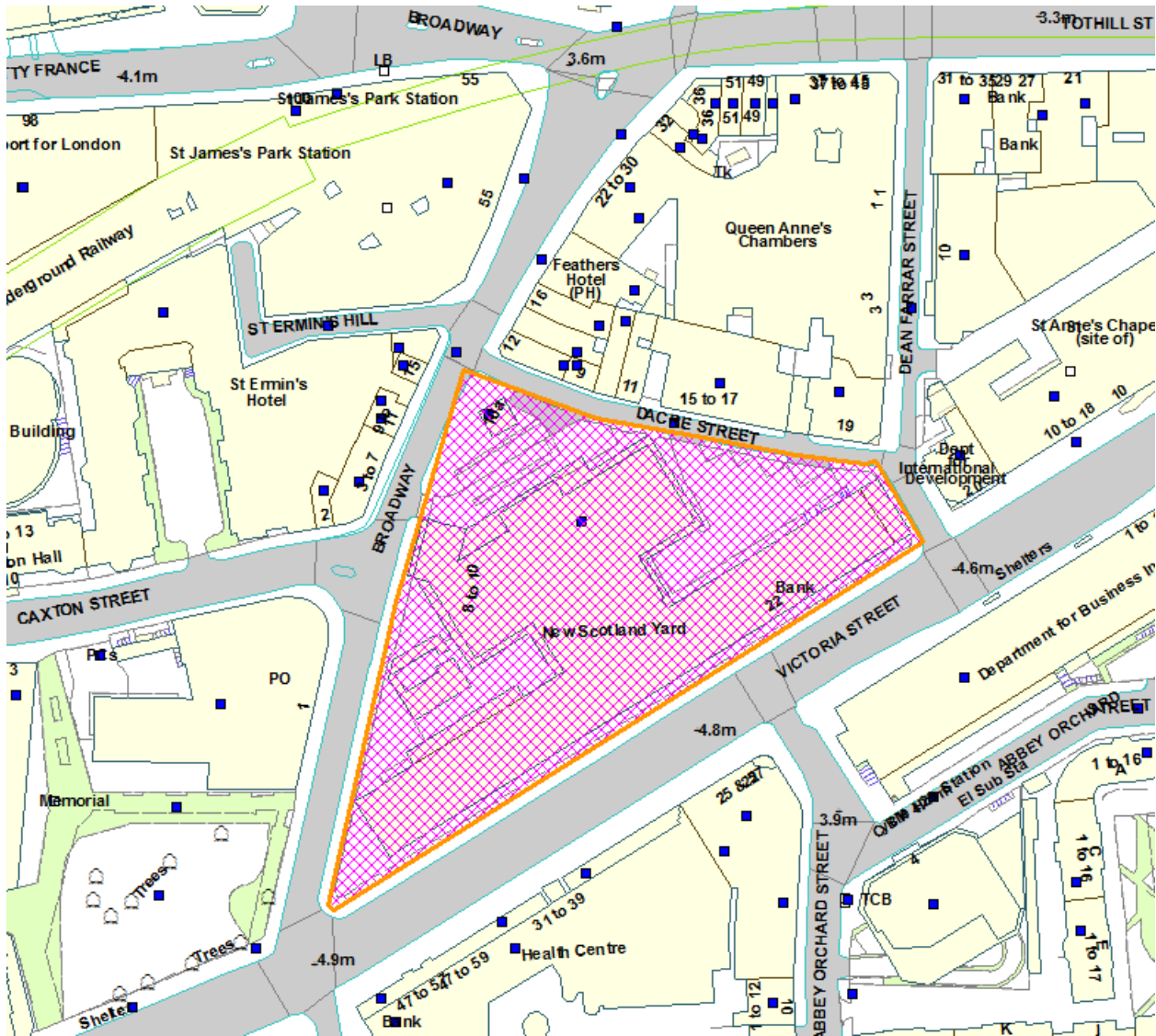
Headquarters building, and the redevelopment of the site for a mixed use development comprising residential, office, and retail accommodation, arranged across two main podium blocks with 6 additional towers (3 on each podium).

The amendments to the approved scheme, for which permission is now sought, are:

- (a) To increase in the number of residential units from 268 units to provide up to 295 units;
- (b) A reduction in basement levels from 4 to 3;
- (c) A reduction in retail area at ground and lower ground floor (with a reduction in retail frontage of approximately 3m);
- (d) A reduction in size of the ground floor pavilion building;
- (e) Changes to the building height and massing, including both a reduction and increase in heights (Buildings 1, 3, 5 and 6 reduced in height; and Buildings 2 and 4 increased in height by 225 mm and 275 mm);
- (f) Alterations to internal layouts and external elevations;
- (g) A reduction in the number of car parking spaces from 182 spaces to 163 spaces; and
- (h) Amendments to the parking, delivery and servicing strategy.

The proposed amendments are considered to be acceptable in land use, design, amenity, transportation and environment terms and would accord with the relevant policies, including those policies that have been adopted since the determination of the previous applications in April 2016, in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). It is therefore recommended that planning permission is granted, subject to the conditions set out in the draft decision letters appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

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



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 (prior to works))



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

5. CONSULTATIONS

GREATER LONDON AUTHORITY

Any response to be reported verbally. Once the City Council has resolved to determine the application, it should be referred back to the Mayor for his decision.

WESTMINSTER SOCIETY:

No objection.

THORNEY ISLAND SOCIETY:

Whilst regretting the permission to the original scheme, welcome the variation to the consented scheme. The benefits will be:

- Reduction in number of basement floors will be less disruptive to neighbours;
- Reduction in parking spaces will reduce the number of vehicles on local roads;
- Increase in number of flats will presumably make at least some slightly more affordable to Londoners.

HEAD OF AFFORDABLE AND PRIVATE SECTOR HOUSING:

Any response to be reported verbally.

(Original comments: 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:

No objection to the reduction in car parking spaces. Any highway changes will need to be subject to separate detail design and statutory processes by the Highway Authority. Do not make any additional comments or raise any additional concerns which were not addressed in the original application.

(Original comments: 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 and car parking spaces are 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:

TfL is satisfied that in transport terms the application is generally in accordance with London Plan policy. Reduction in level of car parking from 182 to 163 spaces is supported by TfL. TfL asks that its previous financial contribution request to deliver a new Cycle Hire Docking Station is reconsidered, in addition to a lower level of car parking provision.

HISTORIC ENGLAND:

This application should be considered in accordance with national and local policy guidance, and on the basis of Westminster' specialist conservation advice.

ENVIRONMENTAL HEALTH:

No objection to the variations proposed.

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 basement is to be constructed using piled walls which 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

This application raises no additional security concerns.

(Original comments: 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.)

ENVIRONMENT AGENCY

No objections or conditions to request.

VICTORIA BID

Note the increase in number of residential units from 268 to 295 and ask the council to re-examine the consented delivery and servicing actions for the site to ensure they are fit for purpose so as to minimise the impact of vehicles attending the site during its lifespan. Would like to see more trees and infrastructure in Victoria and believe the development has a role to play in bringing these elements forward. The ground floor green infrastructure should not be reduced.

CLEANSING MANAGER

Object to the introduction of a chute system. The use of the chute is contrary to section 4.2.5 of the Westminster City Recycling and Waste Storage Requirements, which states that "Chute systems are not permitted as their use for dry mixed recyclables has not demonstrated the quality required of these materials for reprocessing. Refer to the Waste Regulations 2012".

VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

LONDON BOROUGH OF LAMBETH

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 2158; No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE (x6):

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 now vacant and demolition works have commenced on site in connection with the planning permission dated 27 April 2016 (RN: 15/07497/FULL).

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 with 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 used as the headquarters of the Metropolitan Police since 1967.

On 27 April 2017 planning permission was granted for:

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 residential units (including affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of up to three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces (15/07497/FULL).

7. THE PROPOSAL

The application seeks to vary of Condition 1 of the planning permission dated 27 April 2016 (RN: 15/07497/FULL), which granted planning permission 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).

The amendments to the approved scheme, for which permission is now sought, are:

- a. To increase in the number of residential units from 268 units to provide up to 295 units;
- b. A reduction in basement levels from 4 to 3;
- c. A reduction in retail area at ground and lower ground floor (with a reduction in retail frontage of approximately 3m);
- d. A reduction in size of the ground floor pavilion building;
- e. Changes to the building height and massing, including both a reduction and increase in heights (Buildings 1, 3, 5 and 6 reduced in height; and Buildings 2 and 4 increased in height by 225 mm and 275 mm);
- f. Alterations to internal layouts and external elevations;
- g. A reduction in the number of car parking spaces from 182 spaces to 163 spaces; and
- h. Amendments to the parking, delivery and servicing strategy.

Table 1. Existing, previously approved and proposed floor space figures (GEA)

Use	Existing (sqm)	Previously approved (sqm)	Proposed (sqm)	+/- (Previously Approved v Proposed)
Offices (B1)	49,152	14,826	14,911	+85
Retail/ Restaurant (A1 & A3)	0	4,039	2,885	-1,154
Residential (C3)	0	49,638	51,517	+1,879
Plant	5,212	10,042	9,966	-76
Car Park/ Facilities	3,988	15,607	8,631	-6,976
Total	58,352	94,152	87,910	-6242

For the avoidance of doubt, this report focuses on the amendments proposed to the scheme originally granted permission and consent on 27 April 2016 and does not seek to replicate the full assessment of the originally approved scheme, which is set out in the report to the Planning Applications Committee dated 23 February 2016, which can be obtained from the City Council's website. In assessing the amendments proposed, this report considers all material changes in circumstance that have occurred since April 2016, including amendments that have occurred to adopted development plan policies.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Amendments to Residential Accommodation

There is a minor change to the quantum of residential floorspace proposed with an increase of 1879 sqm. This is largely as a result of internalising some of the existing balcony spaces.

The application proposes to increase the number of residential units to be delivered from 268 units to provide up to 295 units. This is to be achieved by amending the mix of units to comprise a larger number of smaller units. This change in the mix of units is shown in Tables 2 and 3.

Table 2. Approved Residential mix and tenure

Unit type	Affordable	Market	Total No. of Units	% Unit Mix
1 bed	6	63	69	26%
2 bed	4	120	124	46%
3 bed	0	59	59	22%
4 bed	0	9	9	3%
5 bed	0	7	7	3%
Total	10	258	268	100

Table 3. Proposed Residential mix and tenure

Unit type	Affordable	Market	Total No. of Units	% Unit Mix
1 bed	6	76	82	28%
2 bed	4	159	163	55%
3 bed	0	38	38	13%
4 bed	0	6	6	2%
5 bed	0	6	6	2%
Total	10	285	295	100

The residential mix is heavily weighted towards 1 and 2 bed units and fails to meet the Council's Policy H5 in the UDP, which normally requires 33% of units to be family sized (3 or more bedrooms). 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 lower amount of family housing in this Central Activities Zone location.

All of the units within the amended scheme would accord with the space standards set out in the Government's National Technical Standards and Policy 3.5 in the London Plan (March 2016).

8.1.2 Affordable Housing Provision

The current scheme generates a requirement for the provision of 25% of the residential floorspace (12,879 sqm) on-site to be provided as affordable housing or, if this is not practical or viable and affordable housing cannot be provided off-site in the vicinity, a financial contribution of £59,165,050 to the Affordable Housing Fund in lieu of on-site provision.

As per the approved scheme, the current 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 viability of the development has been independently assessed on behalf of the City Council by viability consultants Gerald Eve LLP. This detailed viability assessment concludes that the provision of affordable housing on-site is unviable and that it is also insufficiently viable to provide any financial contribution to the Affordable Housing Fund. Notwithstanding this, as per the approved scheme, the applicant continues to offer 10 x affordable units on site and an ex-gratia financial contribution of £10m to the Affordable Housing Fund.

Given that the limited viability of the development has been evidenced, it is considered that the offer of 10 x on-site affordable units together with a £10m financial contribution to affordable housing provision elsewhere in the City is acceptable in the particular circumstances of this case.

8.1.3 Amendments to Retail Floorspace

The consented proposals provide 4,039 sqm of retail floorspace where as the current proposals provide 2,885 sqm. The loss of retail floorspace is largely at lower ground floor level, and a minor loss of previously approved ground floor retail frontage of 3m as a result of design development.

As a consequence, whilst the retail floorspace would be reduced by 1,154 sqm relative to the approved scheme, the current scheme would retain sufficient ground floor retail floorspace so as to continue to deliver active and vibrant retail frontages, and an attractive retail environment with the new central pedestrian walkway. As such, despite the reduction in retail floorspace, the amended scheme is therefore in accordance with Policy SS6 in the in the UDP and S21 in the City Plan.

8.2 Townscape and Design

The amendments to the design of the proposed buildings are relatively minor and it is not considered that they will have any material effect on key views or impact on surrounding conservation areas. While some of the architectural detail is different, it is not considered that it leads to any reduction in the overall architectural quality of the development. The key changes are:

8.2.1 Amendments to the building height and massing

There are minor variations in height of the approved buildings with buildings 1, 3, 5 and 6 being reduced and 2 and 4 increased in height.

- Building 1 - 275mm below consented
- Building 2 - 225mm over consented
- Building 3 - 875mm below consented
- Building 4 - 275mm over consented
- Building 5 - 775mm below consented
- Building 6 - 325mm below consented

All the variations are minor. The footprints of the upper two levels of buildings 1, 2 and 4 have also been amended slightly. There is no discernible impact on key views or to the overall composition, mass and form of the development.

8.2.2 Amendments to the façade design

Minor changes are proposed to the façade design, the most noticeable being the relocation of the columns to the corner of the podium, which helps to provide a more robust look to the podium, emphasising its load bearing role in the overall design. Other changes to the facades are minor and have no significant visual impact on the overall design.

8.2.3 Amendments to materials

While the detail of materials is conditioned for further approval of samples, the applicants have indicated some changes to the material palette that they want to use. The proposed use of opaque interlayered glass panels is intended to be replaced by a more conventional use of pre-cast panels within the façade design. The use of interlayer glass was always considered challenging in the context of residential development and it is no surprise that the applicants have sought the use of a more conventional material in the development. There is no objection to the principle of pre-cast panels but the detail, colour and quality would need to be assessed with the submission of sample materials. The applicants also want to change the colour of the façade to buildings 1 and 6 from a brown/terracotta colour to a grey palette. Again, it is not considered that there is any in principle concern over the change in colour palette, but further detail is required to agree the precise colour of pre-cast panel that may be acceptable. Conditions are proposed requiring the submission of sample materials for approval.

8.3 Residential Amenity

The minor variations in height and massing of the approved buildings, with buildings 1, 3, 5 and 6 being reduced, and 2 and 4 increased by 225mm (building 2) and 275mm (building 4), are not considered to raise any adverse residential amenity issues in terms of loss of light or enclosure. The amendments are considered to accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

8.4.1 Amendments to Car Parking

The application proposes to reduce the number of car parking spaces from 182 to 163, which is as a result of the omission of one basement level.

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. The Highways Planning Manager to the reduction in car parking spaces subject to their provision on an unallocated basis. These measures will be secured by S106.

The reduction in car parking spaces is welcomed by Transport for London and The Thorney Island Society.

8.4.2 Amendments to Cycle Parking

The application proposes to increase the number of cycle parking spaces from 723 to 753 cycle parking spaces including long stay cycle parking spaces and short-stay spaces. This level of provision is acceptable and meets London Plan standards.

8.4.3 Amendments to servicing

There are minor changes to the serving arrangements as a result of the omission of one basement level. As per the approved scheme, the current scheme 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 now relocated from basement level 1 to lower ground floor level 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.

8.5 Economic Considerations

As per the approved the scheme, 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 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.

8.6 Access

As per the approved scheme, 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. 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

8.7.1 Basement Development

A material change in circumstances since the determination of the previously approved scheme in April 2016 is the adoption of the new basement development policy (Policy CM28.1), which was adopted in the City Plan in November 2016.

Part (C) of the basement development policy deals with the appropriateness of the scale and extent of basement development.

Part (C)(3) of the policy seeks to ensure that basement development is limited to not more than one storey below the lowest original floor level, unless the site is a large site with high levels of accessibility, such that the basement can be constructed without adverse impact on the amenity of neighbouring occupiers and no heritage assets will be adversely affected. The site is an island site with streets separating the site from its immediate neighbours. As such, the site is considered to be one which has the potential to be highly accessible and is therefore a site where there is potential for basement development comprising more than one additional storey, as is proposed, to be carried out without materially adverse impacts being caused to the amenity of neighbouring occupiers.

The amendments propose to reduce the number of basement levels from 4 to 3. The reduction in number of basement levels is acceptable and accords with Policy CM28.1 in the city Plan. The Thorney Island Society welcome the reduction in basement levels which they consider will be less disruptive to neighbours.

8.8 London Plan

Once the City Council has resolved to determine the application, this application will be referred back to the Mayor for decision.

8.9 National Policy/Guidance Considerations

The City Plan and 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

The draft 'Heads of Terms', setting out the planning obligations that are necessary to make the development acceptable in accordance with Regulation 122 of the CIL Regulations 2010 (as amended) and Policy S33 in the City Plan, are set out below. These remain the same as were secured as part of the previously approved scheme in April 2016 due to the limited viability of the development, which has been tested independently on behalf of the City Council by Gerald Eve LLP. They conclude that the development cannot deliver any additional planning obligations beyond those secured in 2016 and that the viability of the development in fact falls below what would commonly be considered to be 'viable', such that some of the obligations offered by the developer are being offered on an ex gratia basis. All index figures below are to be indexed from the date of the original S106 agreement.

- 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).
- xiv. A payment of £405,000 towards carbon-off setting (Index linked payable to the City Council in accordance with policy 5.2 of the London plan (FALP) (2015)).

Transport for London has requested a financial contribution should be secured towards the provision of a new on-site Cycle Hire Docking Station. However this request is not considered to meet CIL regulations and the proposed levels of cycle parking provision exceeds policy requirements. Furthermore, given the limited viability of the scheme, the development is not capable of delivering this obligation in addition to the obligations that it is already due to deliver, which are set out above.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). In terms of the Westminster CIL, only the uplift in floorspace created by the current application will be CIL liable (£400 per m2 in the Residential Core Area and £150

per m2 in the Commercial Core Area), as the previously approved scheme was permitted in April 2016, prior to the adoption of the Westminster CIL on 1 May 2016.

Based on the applicant's floorspace figures, the amended scheme would result in a reduction of 6242 sqm in floorspace. Therefore, the scheme is unlikely to generate any Westminster CIL payment. The CIL liability for the Mayor's CIL would be approximately £4.4m (£50 per square metre in Zone 1). However, it should be noted that these amounts are provisional and may be subject to any relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.11 Environmental Impact Assessment

As per the approved scheme, 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

8.12 Other Issues

The minor amendments are not considered to raise any other issues which were not considered in the approved scheme.

9. BACKGROUND PAPERS

1. Application form
2. Response from Thorney Island Society dated 9 January 2017
3. Response from Westminster Society dated 17 January 2017
4. Response from Highways Planning Manager dated 10 March 2017
5. Response from Transport for London dated 16 January 2017
6. Response from Historic England dated 23 January 2017
7. Response from Environmental health dated 22 March 2017
8. Response from Building Control dated 12 January 2017
9. Response from Arboricultural Manager dated 24 January 2017
10. Response from Met Police Designing Out Crime Officer dated 10 January 2017
11. Response from Environment Agency dated 26 January 2017
12. Response from Victoria Business Improvement District dated 1 February 2017
13. Response from Cleansing Manager dated 16 January 2017

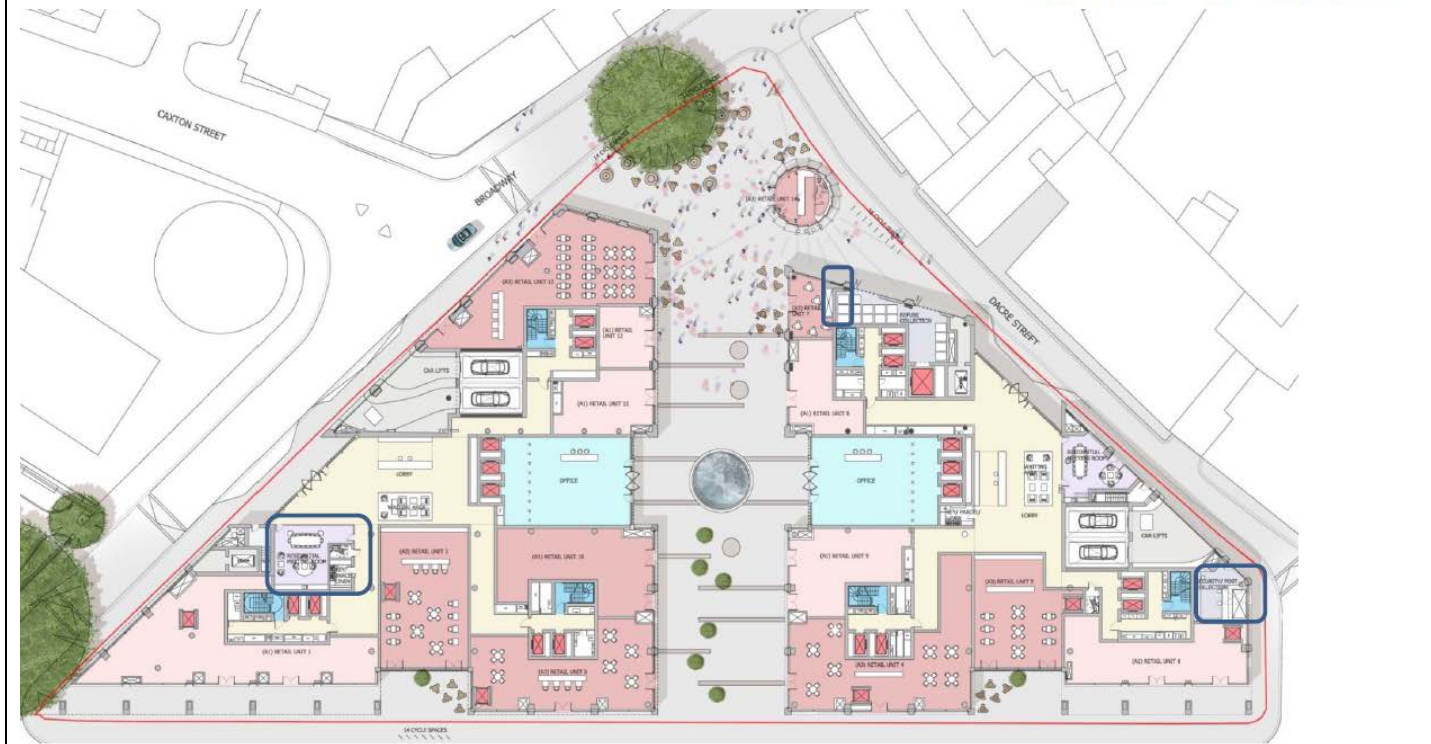
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: DAVID DORWARD BY EMAIL AT ddorward@westminster.gov.uk

10. KEY DRAWINGS



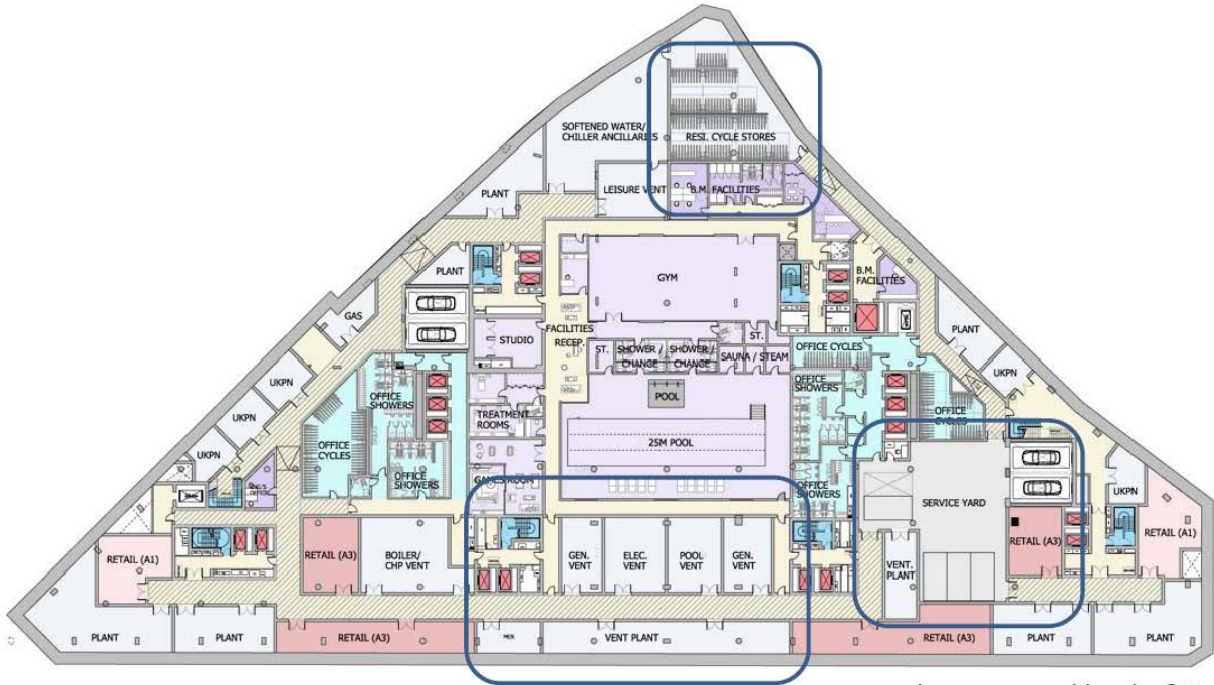
Ground level – Consented Scheme



Ground level – Loss in Retail Area identified – S73 Application



Lower ground level – Consented Scheme



Lower ground level – S73 Application

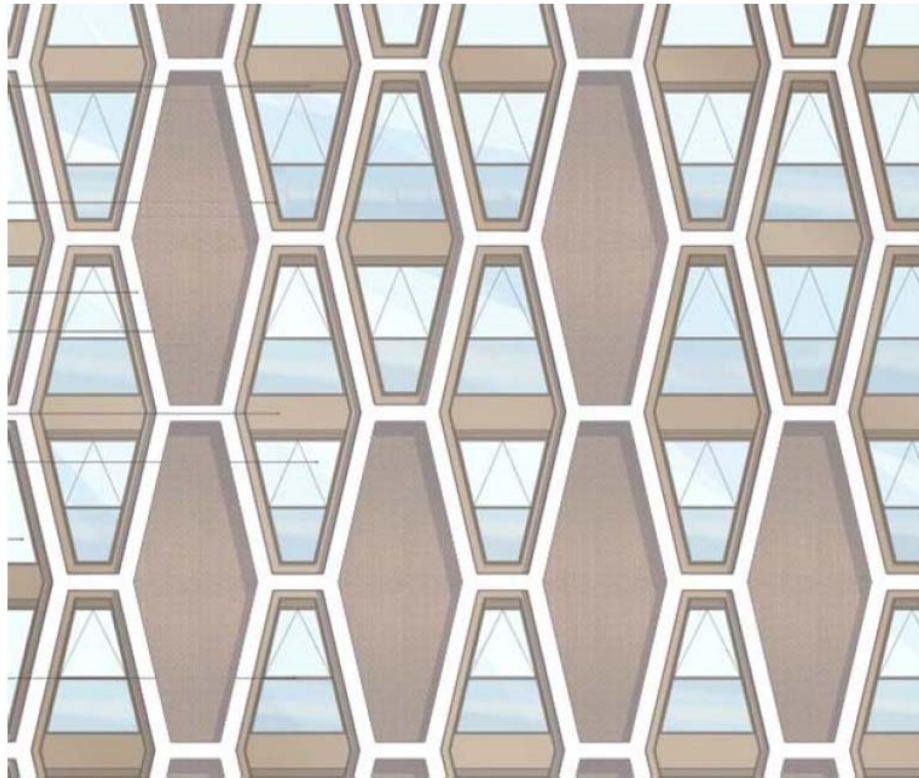
PLANNING SCHEME



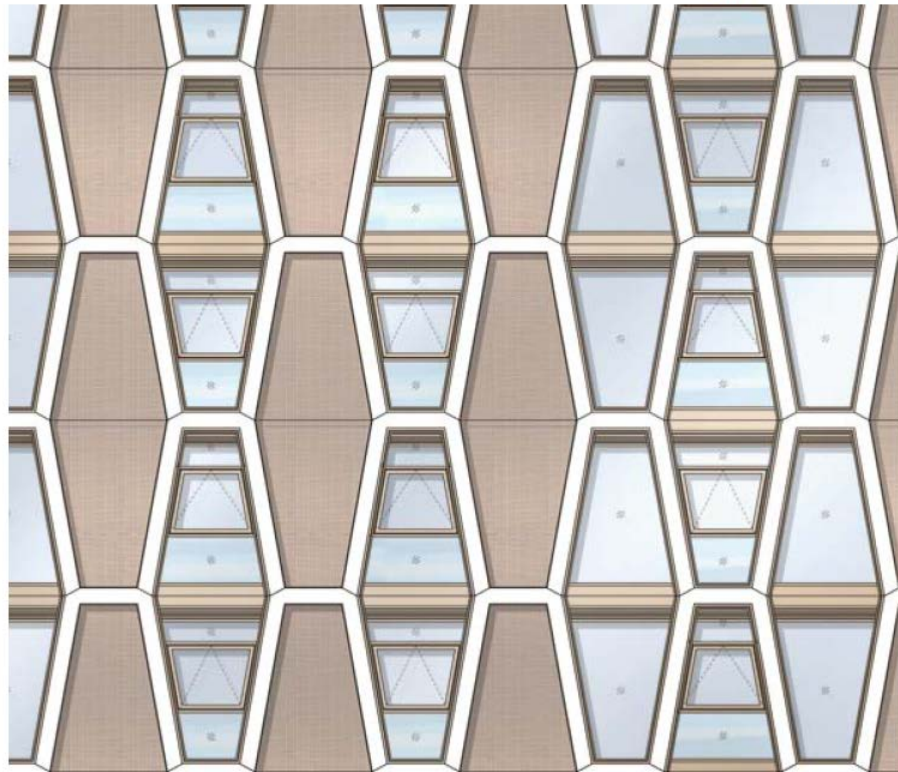
AMENDED SCHEME



CONSENTED SCHEME



S73 SCHEME



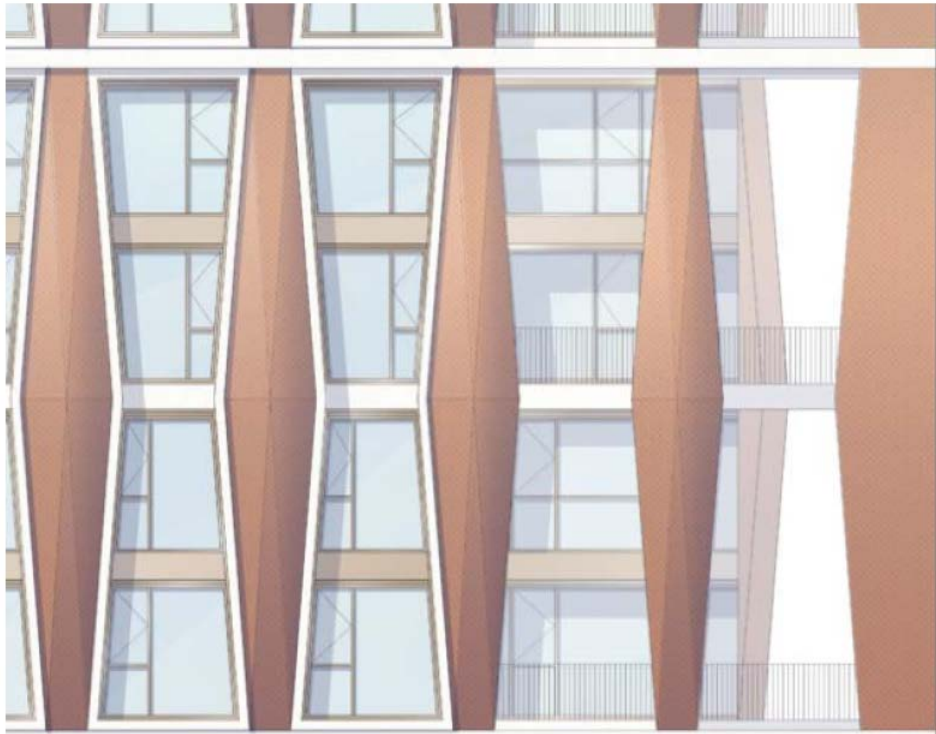
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S73 SCHEME



CONSENTED SCHEME

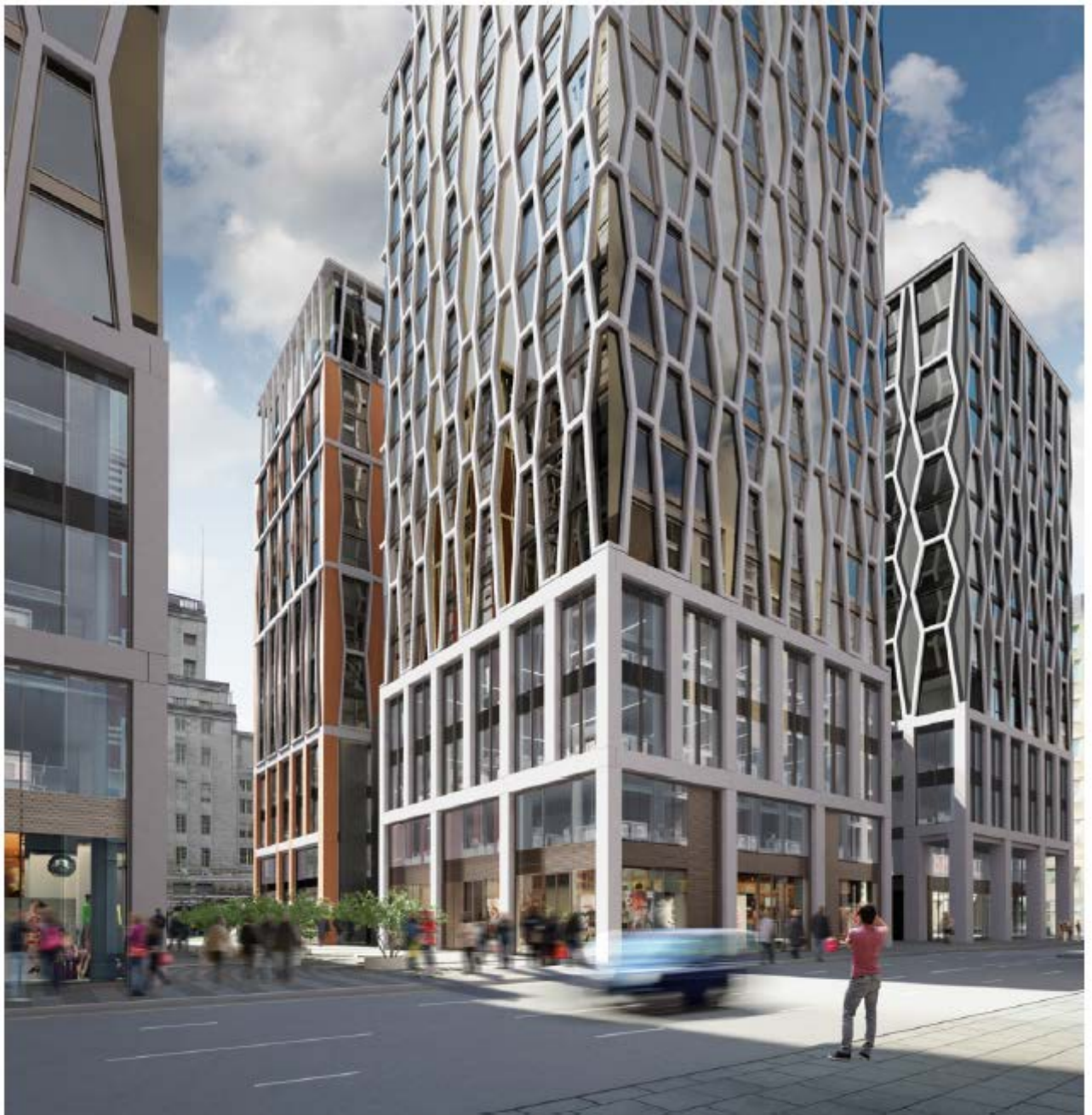


S73 SCHEME





Planning Scheme - View along Victoria Street of Buildings 4, 5 and 6



S73 Scheme - View along Victoria Street of Buildings 4, 5 and 6



Consented Scheme - View along Broadway Buildings 1 & 2



S73 Application- View along Broadway Buildings 1 & 2



Planning Scheme



S73 Scheme



Planning Scheme



S73 Scheme



Planning Scheme



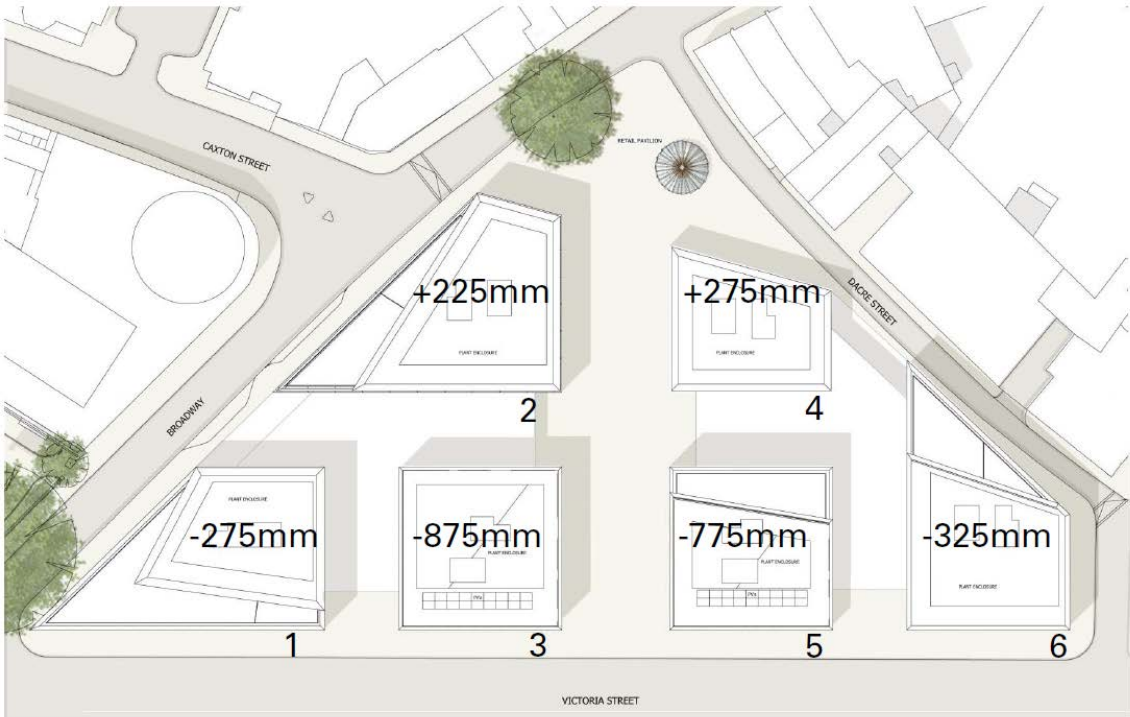
S73 Scheme



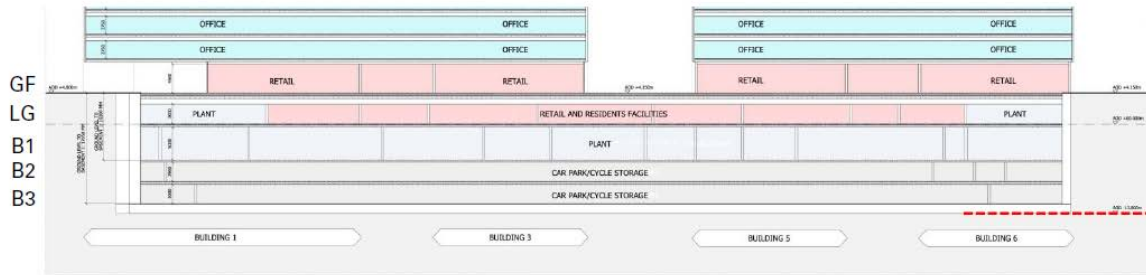
Planning Scheme



S73 Scheme

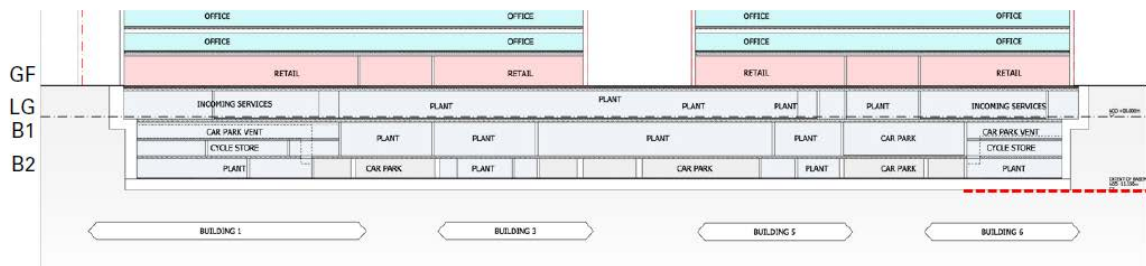


Change to building heights



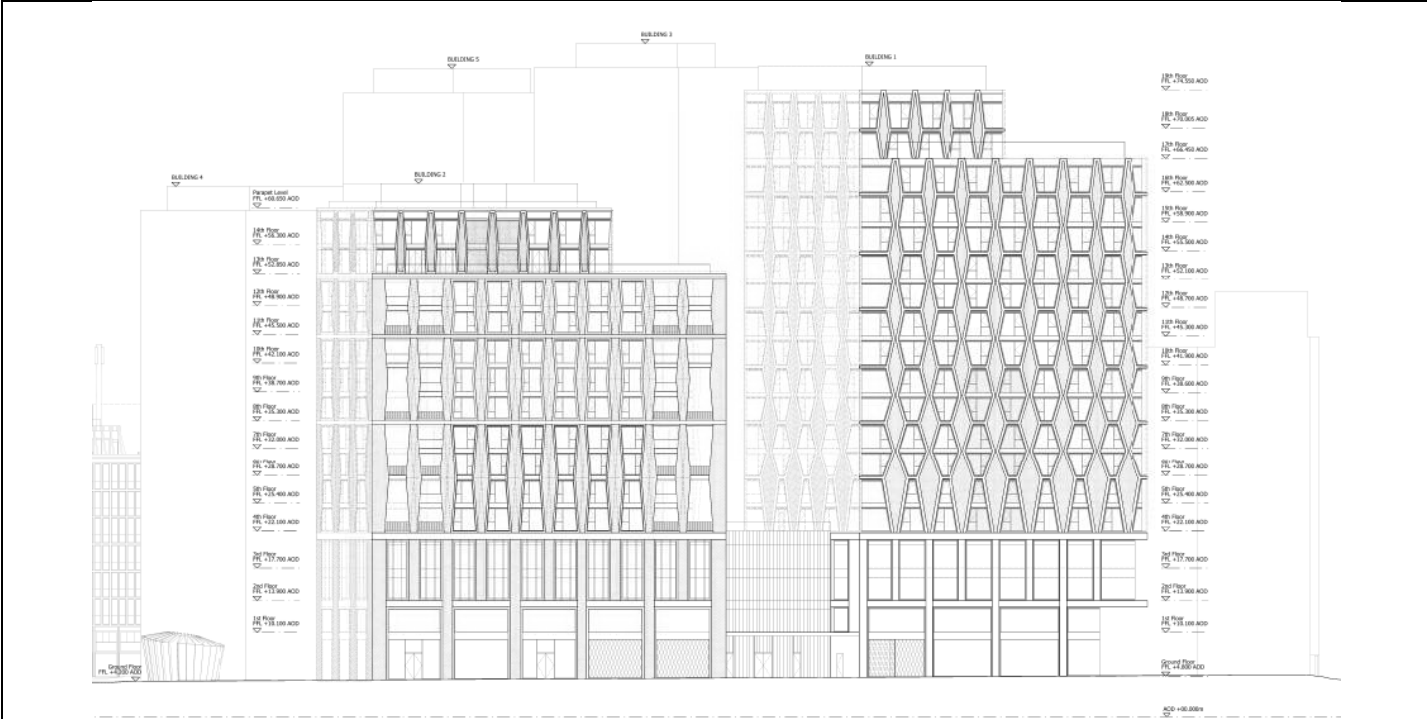
Extent of Basement:
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Planning - Section



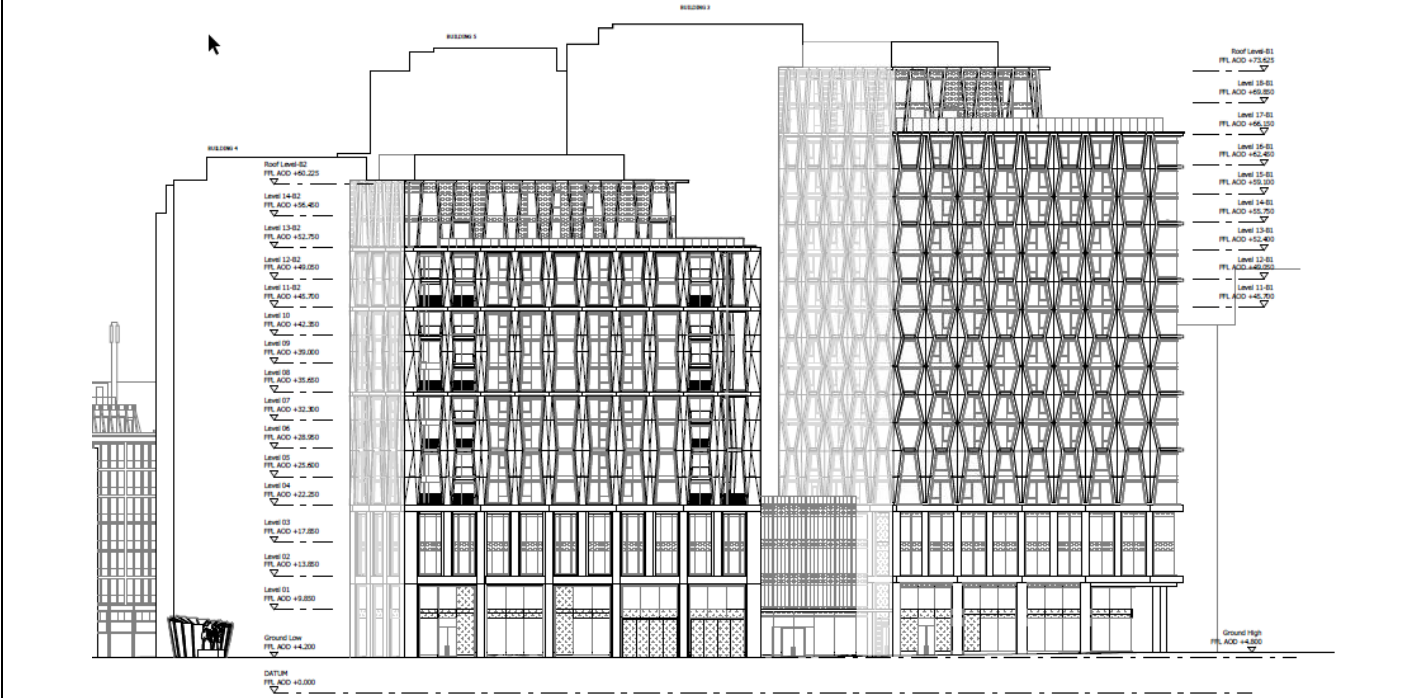
Extent of Basement:
-11.130m AOD

S73 Application - Section



PAVILION BUILDING 2 BUILDING 1 VICTORIA STREET

Approved Broadway/ West elevation



PAVILION BUILDING 2 BUILDING 1

Proposed Broadway/ West elevation



Approved Dacre Street/ North elevation



Proposed Dacre Street/ North elevation

DRAFT DECISION LETTER

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

Proposal: Variation of Condition 1 of planning permission dated 27th April 2016 (RN: 15/07497/FULL) for '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 residential units (including affordable residential units). Provision of new walkway and landscaping between the podiums and a retail pavilion at ground level. Erection of up to three basement levels comprising residential facilities, cycle storage (commercial and residential), plant and parking spaces.' NAMELY, to allow for an increase in the number of residential units; omission of one basement level; reduction in car parking spaces; amendments to the parking, delivery and servicing strategy; reduction in retail area at ground and lower ground floor; reduction in size of ground floor pavilion building; building height and footprint changes, including both a reduction and increase in heights; and alterations to internal layouts and external elevations.

Reference: 16/11027/FULL

Plan Nos:

Case Officer: David Dorward

Direct Tel. No. 020 7641 2408

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development of the site 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 occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) 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 You must carry out the works in accordance with the Construction Logistics Plan as approved by the City Council as Local Planning Authority on 19 January 2017 under reference 16/10420/ADFULL or in accordance with other details as submitted to and approved by the City Council.

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 (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S42 of Westminster's City Plan (November 2016) 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 (November 2016) 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, 20% passive and 20% active electric vehicle charge points (EVCPs) should be installed to accord with London Plan standards. These charging points shall not be removed unless authorised by the City Council as local planning authority in consultation with Transport for London.

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 You must carry out the works in accordance with the contaminated land site investigation and remediation strategy reports (Phases 1, 2, and 3) as approved by the City Council as Local Planning Authority on 20 December 2016 under references 16/11331/ADFULL and 16/11332/ADFULL or in accordance with other details as submitted to and approved by the City Council.

You must apply to us and receive our approval for phase 4 when the development has been completed.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.

Reason:

To make sure that any contamination 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 (November 2016), 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 (November 2016) 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 (November 2016), 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 (November 2016), 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 (a) You must carry out the works in accordance with the written scheme of investigation for a programme of archaeological work prior to commencement of works except demolition to slab level as approved by the City Council as Local Planning Authority on 12 August 2016 under reference 16/06857/ADFULL or in accordance with other details as submitted to and approved by the City Council.

(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.

Reason:

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) 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
- (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 (November 2016). (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 (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) 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 (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 41 (a) You must carry out the works in accordance with the arboricultural method statement as approved by the City Council as Local Planning Authority on 13 April 2017 under reference 17/01484/ADFULL or in accordance with other details as submitted to and approved by the City Council.
- (b) Prior to commencement of works below existing slab level, you must apply to us for approval of a method statement including specific root protection details that are to be put in place for the consented development, to include evidence of trial investigation(s) 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.
- (c) The method statements required by parts (a) and (b) 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.
- (d) You must then carry out the arboricultural site supervision, demolition and building work according to these approved schemes. You must produce written site supervision reports as detailed in parts (a), (b) and (c) 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 (November 2016) 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 years 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 (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 43 You must carry out the works in accordance with the Stakeholder Liaison Group Strategy Report as approved by the City Council as Local Planning Authority on 10 January 2017 under reference 16/11502/ADFULL or in accordance with other details as submitted to and approved by the City Council.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 44 No works except demolition to basement slab level shall take place, until evidence has been submitted to and approved in writing by the City Council in consultation with Greater London Authority that the development is designed to allow retrofit to a future district heating network.

Reason:

To make sure that the development affects the environment as little as possible, as set out in S28 or S40, or both, of Westminster's City Plan: Strategic Policies adopted November 2013 and the London Plan policy 5.6.

- 45 This permission must be commenced no later than 27 April 2019

Reason:

This permission authorises amendments to the original planning permission granted on 27 April 2016 (RN 15/07497/FULL) which must be commenced no later than the above date.

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).
 - xiv. A payment of £405,000 towards carbon-off setting (index linked).

- 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.