

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved St James's	
Subject of Report	5 Seaforth Place, London, SW1E 6AB		
Proposal	Demolition of existing dwelling (Class C3) and erection of new building comprising two basements, ground and nine upper floors to provide office floorspace (Class B1), one residential unit (Class C3) and ground floor retail/café (Class A1/A3); creation of pocket park; new school playground for Westminster City School; and associated works.		
Agent	Mr Tim Rainbird		
On behalf of	David Maxwell t/a Seaforth Place		
Registered Number	19/06004/FULL	Date amended/ completed	7 August 2019
Date Application Received	31 July 2019		
Historic Building Grade	Unlisted		
Conservation Area	outside		

1. RECOMMENDATION

<p>1. Grant conditional permission subject to the views of the Mayor and a S106 legal agreement to secure the following:</p> <ul style="list-style-type: none"> • A payment of £1,370,000 towards the Council's affordable housing fund (index linked and payable on commencement of development). • A Financial Contribution of £63,284.97 towards employment and training initiatives prior to commencement of development. • Management/maintenance agreement to secure public access to the pocket park to be completed prior to first occupation of the development. • New school playground for Westminster City School to be completed prior to first occupation of the development. • Carbon offset payment of £3,878 (index linked and payable on commencement of

development).

- Monitoring costs.

2. If the legal agreement has not been completed within six weeks of the date of the Committee resolution, then:

a) The Director of Place Shaping and Town Planning shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

5 Seaforth Place is a derelict two-storey residential dwelling. Planning permission is sought for its demolition and replacement with a new ten storey building plus two basements, comprising offices at ground to seventh floor level, one residential unit on the eighth and ninth floors and a retail/café unit (Class A1/A3) at part ground floor level. The application includes the creation of a public pocket park and new school playground for Westminster City School on the roof of the district and circle line London Underground tunnel.

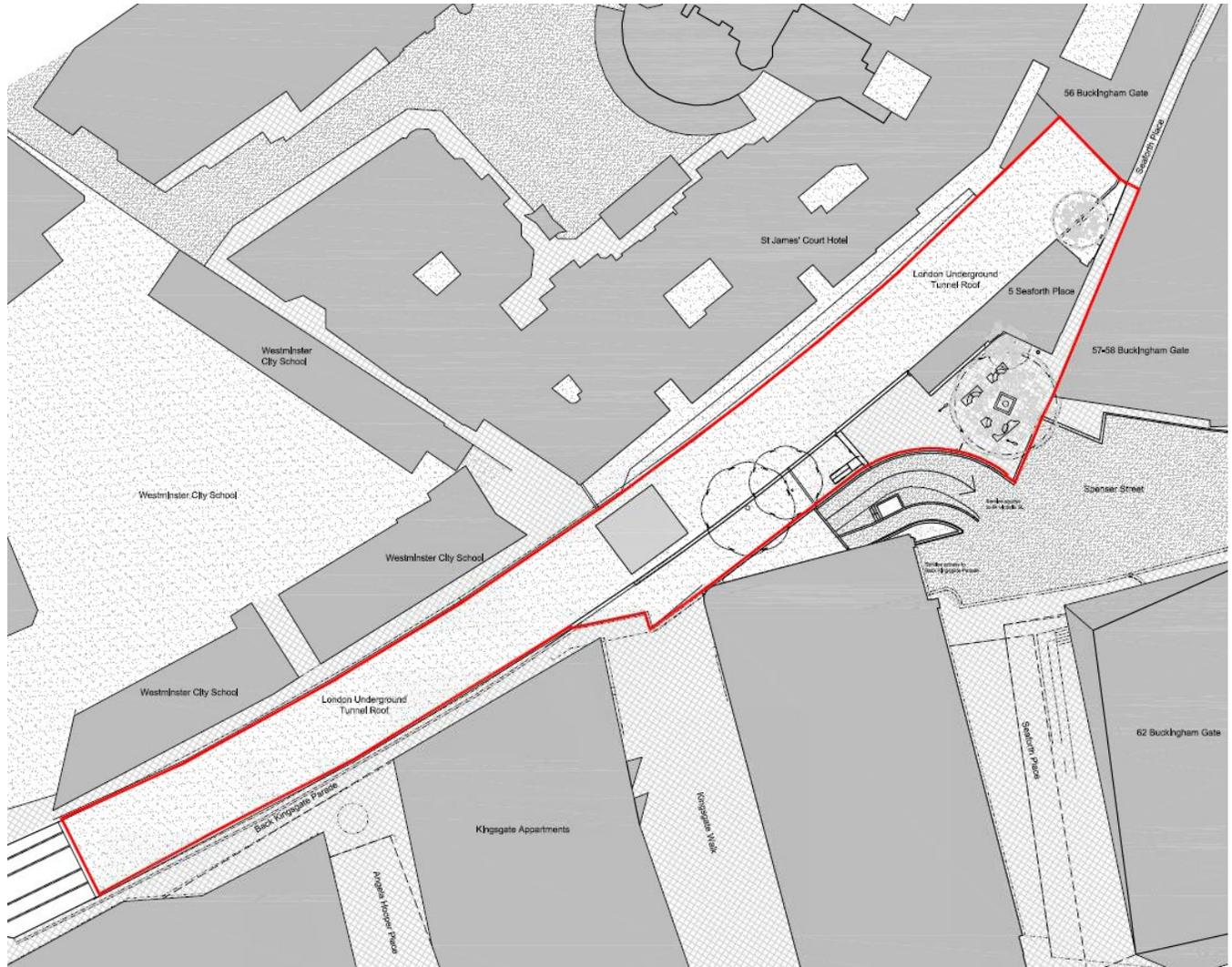
The site is located within the Core Central Activities Zone and Victoria Opportunity Area. It falls outside of a conservation area.

The key issues for consideration are:

- The impact of the proposals on the character and appearance of the area;
- The land use and amenity implications of the proposal;
- The impact of the proposal on the environment and surrounding highway network.

The proposals are considered acceptable in design, land use, amenity, environmental and highway terms subject to conditions and the completion of a S.106 legal agreement.

3. LOCATION PLAN

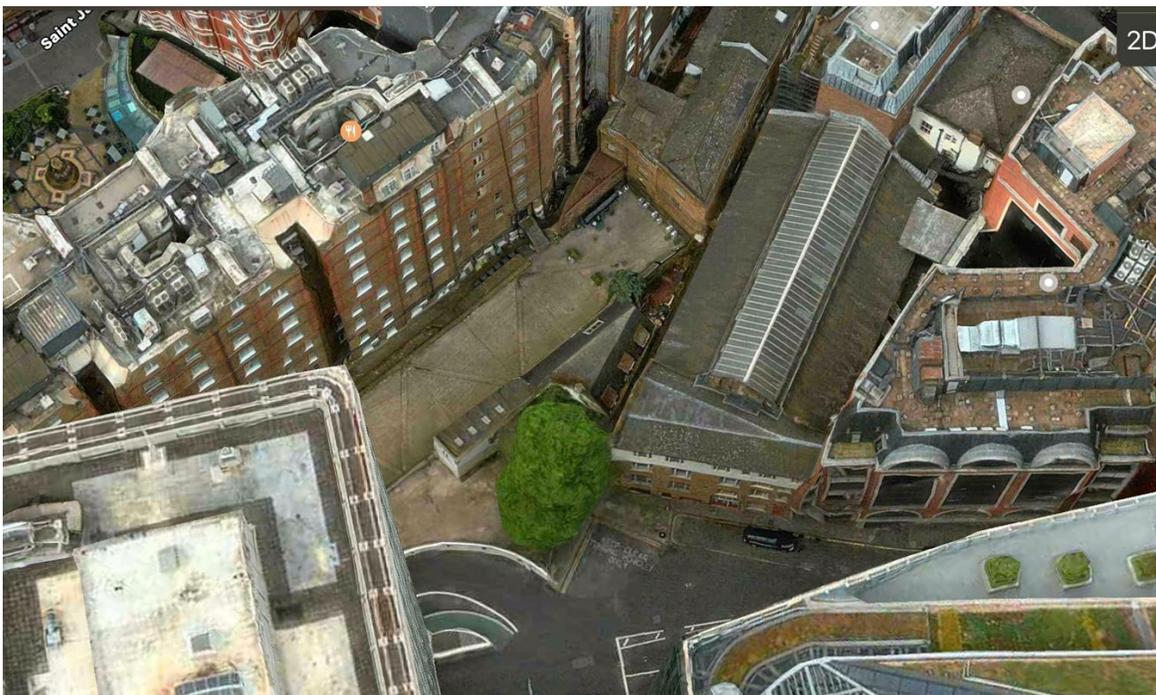


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4. PHOTOGRAPHS



5 Seaforth Place



5. CONSULTATIONS

GREATER LONDON AUTHORITY

Stage 1 comments have been received confirming the following:

- Principle of development: The scheme optimises the site by providing high-quality commercial floorspace and re-providing a residential unit. The development accords with objectives of the Central Activities Zone and the Victoria Opportunity Area, and is supported.
- Design: The design optimises the site and responds successfully to the surrounding built context. The ground floor level is activated through the location of a workspace café, and high-quality materials and detailed design is proposed. A public pocket park and a school playground successfully optimises the use of the land in this urban context. No strategic design concerns are raised.
- Energy: While the Energy Hierarchy has broadly been followed; the energy proposals should be updated to ensure compliance with the London Plan policies.
- Flood risk and sustainable drainage: More evidence should be provided that the proposed measures will provide enough flood mitigation or raise finished floor level above the TE2100 breach scenario. Further details in relation to sustainable urban drainage systems and greenfield runoff rate should be provided.
- Urban greening: A landscape plan should be provided, and the proposed development's Urban Greening Factor should be calculated. Opportunities to create green links to the local green network should be explored including more planting and a green roof.
- Transport: The development is car-free but must demonstrate how blue badge car parking will be provided. Further information on cycle parking, Healthy Streets and Vision Zero is required. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured.

Post stage 1 comments have received confirming outstanding issues relating to energy, water, sustainable drainage and urban greening have been addressed and are acceptable subject to conditions and a S.106 legal agreement to secure a carbon offset payment.

TRANSPORT FOR LONDON

No objection in principle. There are a number of potential constraints on a redevelopment site situated close to London underground tunnels and infrastructure and detailed design will need to be agreed with LUL engineers.

The development is car free which is in line with draft London Plan policy, however it should demonstrate how blue badge parking will be provided. Further information should be provided to understand how the development meets cycle parking, Healthy Streets

and Vision Zero policy objectives. A Delivery and Servicing Plan, Construction Logistics Plan and Travel Plan should be secured by condition

WARD COUNCILLORS

Any response to be reported verbally.

HISTORIC ENGLAND (ARCHAEOLOGY)

Any response to be reported verbally.

WESTMINSTER SOCIETY

Any response to be reported verbally.

VICTORIA NEIGHBOURHOOD FORUM

Any response to be reported verbally.

CRIME PREVENTION DESIGN ADVISOR

Any response to be reported verbally.

ENVIRONMENT AGENCY

No objection.

LONDON UNDERGROUND

Any response to be reported verbally.

THAMES WATER

Informatives recommended.

HIGHWAYS PLANNING MANAGER

No car parking is proposed which is acceptable for office use and no additional residential units are proposed. Cycle parking is in accordance with London Plan standards. No off street servicing is proposed which is acceptable given the limited footprint of the site and the limited servicing requirements likely for the building.

WASTE PROJECT OFFICER

No objection.

ENVIRONMENTAL HEALTH

Conditions recommended including full details of plant, supplementary acoustic report and details of noise/vibration attenuation measures; noise mitigation plan (in relation to physical measures) required for the school playground and an operational management plan to manage the way in which the playground is used.

ARBORICULTURAL OFFICER

Two shrubs and three trees are proposed to be removed. The loss of the shrubs (buddleia and pyracantha) are acceptable. The loss of a sycamore and cherry tree are not of sufficient amenity value to merit refusal subject to adequate replacement tree planting. Objection to the loss of the lime tree. Whilst it is not protected by a tree preservation order nor by virtue of being within a conservation area, it is of sufficient amenity value that it would merit statutory protection. The tree report suggests the tree is suffering from honey fungus, however, remain unconvinced that the tree has an irremediable and fatal disease.

The proposal to create a pocket part on top of the district and circle line is welcomed in terms of amenity space, but it would not provide adequate soil depth or volume to plant meaningful replacement trees. The majority of the pocket park would be hard landscaped. Shrubs or plants in raised planters would require artificial irrigation.

BUILDING CONTROL

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 177

Total No. of replies: 2

No. of objections: 1

No. in support: 1

One letter of objection has been received from the owners of Nos. 58 and 59 (Swire House) Buckingham Gate which are in commercial use on the following grounds:

Design

- The proposed height is at risk of being too dominant in relation to its surroundings contrary to policy DES 1 of the UDP. The bulk and mass will be detrimental to the character of Seaforth Place passageway in terms of overshadowing and visual encroachment.

Land use

- Overdevelopment of the site. The site is extremely small and constrained.

Other

- Deliverability of the public open space, pocket park and extensions to Westminster City School on the lid on the London underground tunnel. This land is owned by TFL and Land Securities and not the applicant. TFL constraints and separate ownership of this land puts into question the deliverability of these key public benefits which is central to the acceptability of the scheme.
- The pocket park is essentially a private gated park which is inappropriate.

- The proposal will result in the loss of an existing public parklet on Spencer Street which should be protected.
- Prejudice to the future development of adjoining sites.

One letter of support received from the United Westminster Grey Coat Foundation and their school Westminster City School, confirming that they are very supportive of the additional playground space which is much needed.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

5 Seaforth Place is a two storey residential dwelling which has been vacant for a considerable period of time and has fallen into a state of disrepair. Seaforth Place is a pedestrianised passageway connecting Buckingham Gate with Spencer Street (a servicing street) and Victoria Street. The building is dwarfed by the taller commercial buildings surrounding the site, including Westminster City Council offices at 64 Victoria Street.

The site also includes part of the roof/lid of the London Underground District and Circle lines which lies immediately to the rear (north/west) of the building.

The site is located within the Core Central Activities Zone and the Victoria Opportunity Area. It falls outside of a conservation area.

Recent Relevant History

There is no relevant planning history.

7. THE PROPOSAL

Planning permission is sought for the demolition of the existing dwelling and the redevelopment of the site to provide a new building comprising two basements, ground and nine upper floors with a plant room and terrace above. The building will provide offices (Class B1) at ground to seventh floor level, one residential unit on the eighth and ninth floors and a retail/café unit (Class A1/A3) at part ground floor level. Ancillary storage, cycle parking and plant is proposed in the two basement levels.

The Application includes the creation of pocket park immediately to the rear and a new school playground for Westminster City School on the roof of the district and circle line London Underground tunnel.

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	0	1971	+1971
residential	173	416	+243
Retail/café (A1/A3)	0	207	+207
Total	173	2,594	+2421

(Applicants calculation)

Policy Context

Policy S1 of Westminster's City Plan adopted November 2016 relates to mixed uses in the CAZ and encourages development which promotes Westminster's World City functions, manages its heritage and environment and supports its living, working and visiting populations. A mix of uses consistent with supporting its vitality, function and character will be promoted.

The policy goes on to state that for development within the core CAZ and opportunity areas, which includes net additional B1 office floorspace, where the net additional floorspace (off all uses) is more than 50% of the existing building floorspace, and more than 400sqm, residential floorspace or an equivalent payment in lieu will be required, equivalent to the net additional B1 office floorspace less 30% of the existing building floorspace. The provision of residential floorspace (in whole or in part) should be provided using the following cascade: (i) on-site or in the immediate vicinity; (ii) off-site, including by mixed use credits, within the Opportunity Areas including Victoria, and (iii) payment of an appropriate payment in lieu to the Council's affordable housing fund. Applicants are required to demonstrate that it is not appropriate or practical to provide the floorspace (in whole or in part) at each step of the policy cascade before they can move to the next.

Policy S4 relates to the Victoria Opportunity Area and states that at least 1,000 new homes and development capacity for 4,000 new jobs will be provided within the Victoria Opportunity Area between 2011 and 2031, together with Improvements including public realm and environmental improvements to improve legibility and accessibility for pedestrians and cyclists; a mix of uses on all development sites including active

frontages at ground floor level except where this would compromise movement in and around the Victoria Transport Interchange; provision of publicly accessible open spaces, including tranquil spaces in the vicinity of the transport interchange, and play spaces for children; provision of new purpose-built library; facilities for young people / teenagers; and improved sports and leisure facilities. The policy goes on to state that the requirement for residential floorspace as part of new commercial development may be applied more flexibly where the council considers this to be necessary in order to deliver substantial planned transport infrastructure improvements and/or public realm improvements and are also of benefit to the local community.

Policy S20 relates to offices and states that the Council will seek to exceed its target for additional B1 office floorspace capacity. New office development will be directed to the Opportunity Areas including Victoria and the core CAZ.

Office Use

The site is located within the Core CAZ and Victoria Opportunity Area and the principle of new office floorspace (class B1) is acceptable. The development will provide seven floors of office accommodation on floorplates of between 177 and 251 square metres (GIA) which the applicant states will enable the space to be multi-let and suitable for small and medium-sized enterprises (SMEs) which is welcomed.

The proposal results in 1971sqm (GIA) net additional Class B1 office floorspace. On the basis of Policy S1 of the City Plan the proposal generates a requirement for an equivalent amount of residential floorspace, less 30% of the existing building floorspace and uplift in residential floorspace, to be provided of 1676sqm.

The applicant states that providing the full on-site residential floorspace requirement on this constrained site would compromise the office-led scheme and create sub-optimal residential units on the lower floors. They have also confirmed that they do not own any other sites within the immediate vicinity or Opportunity Area to provide residential accommodation. They propose to deliver alternative public benefits by bringing the derelict building in this neglected corner of Westminster into active use, provision of a new pocket park and space allocated for use as a school playground for Westminster City School which they argue is consistent with the Victoria opportunity area and Policy S4 of the City Plan.

The applicant has provided a financial viability assessment which they argue demonstrates that it would not be viable to provide a policy compliant payment of £2.9m to the Affordable Housing Fund.

The Council has employed Gerald Eve as an independent consultant to review the applicant's financial viability assessment. They have concluded that whilst the scheme cannot afford a policy compliant contribution they can pay £1.37m towards the Council's

affordable housing fund to which the applicant has agreed. It is recommended that this be secured through a S106 legal agreement to be paid in full on commencement of development.

Residential use

Policy S14 of the City Plan 'Optimising Housing Delivery' and H3 of the UDP 'To Encourage the Provision of More Housing' seek to protect all residential uses and floorspace and optimise the number of residential units on a development site.

The existing single family dwelling has been vacant for some time. This is to be replaced with one new residential apartment on the top two floors of the proposed building. At 416sqm the provision of only one unit is not considered to be the most efficient use of floorspace given the policy requirement to optimise the number of residential units on development sites. The applicant argues that the proposed development of this site is unique in terms of the other benefits it delivers, including the provision of a new public pocket park and playground for Westminster City School. Whilst the provision of only one residential unit is regrettable, these benefits are welcomed in this part of the Victoria Opportunity Area and it is not considered that the application could reasonably be refused on this basis.

It is the applicants' intention to occupy the residential unit. No layout of the proposed unit has been provided, however, it far exceeds the national minimum space standard for a 3+ bed family sized unit. A separate access up to the residential unit has been introduced during the course of the application.

Retail/café use

Policy S6 (Core Central Activities Zone) and S21 (Retail) of the City Plan and SS4 (New retail floorspace in the CAZ) of the UDP encourage new retail floorspace in the CAZ.

Policy S24 of the City Plan relates to entertainment uses and states that new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts and that they do not adversely impact on residential amenity, health and safety, local environmental quality and the character and function of the area.

Policy TACE 8 of the UDP states that restaurant/cafe uses within the Core CAZ with a gross floorspace of up to 500sqm will generally be permissible.

The introduction of a retail or café use of 207sqm in this location will activate this currently underused area, creating a much improved ground floor frontage and natural surveillance to this part of Seaforth Place/Spencer Street.

The applicant requests hours of opening of a café use between 0600-2000 daily and it is recommended that an operational management plan for the café use be secured by condition. No full height kitchen extraction system is proposed and the applicant is therefore willing to accept a condition that no primary cooking be carried out in order to protect amenity and local environmental quality.

8.2 Townscape and Design

The existing two storey residential building is of limited architectural and aesthetic value and lies outside of a conservation area. It is small in scale compared to surrounding buildings, including the 21 storey Westminster City Hall to the south and St James' Court Hotel to the north which comprises 12 storeys. The site is constrained by the district/circle line tunnel to the north, which is concealed by a concrete cover.

In terms of height, bulk and overall scale, the proposed building would sit in stark contrast with the existing building on the site, but would not be discordant with its surroundings. Architecturally the arrangement of the building appears balanced, exhibiting a distinct base, middle and recessed top storeys.

The base of the building will occupy the office reception and retail/café unit, and feature large glass arches. This arrangement of uses should enliven the frontage of the building and improve natural surveillance to an area which can seem threatening and currently attracts loitering. Access to the pocket garden is via a passageway through the base of the building which will be gated to prevent access out of hours. It is recommended that details of the gates are secured by condition.

The architectural context of the site is wide-ranging, from Victorian red bricked buildings, post war concrete framed structures and contemporary glass faced developments. The building has a contemporary whilst contextual design with arches featuring strongly throughout. The facade incorporates a vibrant pallet of materials including buff brick at the base, glazed brick work above and metal copper coloured cladding for the top two floors. Glazing is framed by steel with a copper/bronze finish. In order to ensure their quality and finish, it is recommended that samples of materials are secured by condition.

In design terms the height, scale and form of the building are felt to respond positively to its varied context, delivering a well-considered building on a constrained site. The development will deliver an external public space, as well as active frontage which will enliven an underutilised site. Subject to conditions seeking further design details and samples of materials, the proposed building is considered acceptable in design terms.

8.3 Residential Amenity (Sunlight, daylight, sense of enclosure/privacy)

Policy S29 of the City Plan and ENV 13 of the UDP aim to protect the amenity of residents from the effects of development. Policy ENV13 states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings and educational buildings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

The buildings surrounding the site are currently in commercial use. There is an extant planning permission for 8 eight residential flats at 55-56 Buckingham Gate which extends back along Seaforth Place. A certificate of lawfulness was issued in 2017 to confirm that this permission has been implemented and can therefore be carried out in perpetuity. There are windows to approved living room and bedrooms in the rear wall of this site at ground to second floor level close to 5 Seaforth Place.

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 consultants, GIA, have carried out daylight and sunlight tests using the methodology set out in the BRE guidelines on 55-56 Buckingham Gate.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also suggests that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

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 of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

Four windows at first and second floor level within 55-56 Buckingham Gate will experience transgressions in VSC beyond BRE guidelines in relation to daylight. Three of these windows serve bedrooms which are not considered to be main habitable rooms. One window at second floor level serves a living/kitchen/dining room and will experience a minor transgression in VSC of 21.1% against a BRE target of 20% (existing VSC level 12.8/retained VSC 10.1). This window will remain BRE complaint with regards to the

daylight distribution test (NSL). With regards to sunlight there will be a reduction of APSH to this window of 29.2%, however it will retain a good level of annual APSH for Central London of 17%. It should also be noted that this room is also dual aspect, served by two further windows to the south/Seaforth Place elevation which will not be affected by the proposed development.

Given the location of the terrace at main roof level it will not result in a loss of privacy to the proposed residential units in 55-56 Buckingham Gate. Accordingly the application is considered acceptable in amenity terms.

One letter of objection has been received from the owner of commercial properties at 58-59 Buckingham Gate on the grounds that the proposed development may prejudice the future development of adjoining sites. Seaforth Place (passage) runs in-between the application site and 58-59 Buckingham Gate and no windows are therefore proposed on the boundary line with this property. It is not considered that the proposal would prejudice the development potential of this site. However, Seaforth Place is narrow and the applicant should be mindful that if a development does come forward on an adjoining sight it may impact on their development and they therefore do so at their own risk.

8.4 Transportation/Parking

The applicant has submitted a Transport Statement in support of their application. No car parking is proposed which is acceptable for office use and no additional residential units are proposed. This is consistent with policies TRANS21 and TRANS22 of the UDP.

30 cycle parking spaces are proposed (26 for the office use and 2 each for the residential and retail/café uses) in line with London Plan standards. Three Sheffield stands/6 cycle parking spaces are also proposed for short term parking which is welcomed.

No off-street servicing is proposed. The applicant is in discussions with Land Securities about servicing the development on their private land. Notwithstanding this the applicant has carried out tracking which confirms that the servicing requirements of the development could be met on the public highway. The Highways Planning Manager raises no objection. It is recommended that a Delivery and Servicing Management Plan be secured by condition.

8.5 Economic Considerations

The economic benefits of the development are welcomed.

8.6 Access

Level access is proposed into the pocket park and each of the uses at ground floor level with lift access to the basement and upper floors. Lift lobbies, corridors and thresholds will comply with Part M of the Building Regulations.

8.7 Other UDP/Westminster Policy Considerations

Plant

Plant is proposed within the basement and at main roof level. Conditions are recommended to secure full details of plant and a supplementary acoustic report when plant has been selected, location and hours finalised, and the attenuation measures available to confirm compliance with the Council's standard noise condition.

Noise from new school playground

A noise assessment has been carried out on the potential noise impact of the proposed new school playground for Westminster City School on neighbouring residents in Kingsgate House which overlook the proposed playground.

The assessment considers the impact of the noise based on two scenarios at the apartments, one with the windows closed and one with the windows partially open. With the windows closed, the assessment considers that the noise levels within the apartments would be within recommended guidelines and is acceptable. With windows partially open, the assessment considers that this could result in behavioural change though occupants closing their windows as a result of noise.

The Council's Environmental Health Officer recommends that a noise mitigation plan (in relation to physical measures) and an operational management plan to manage the way in which the playground is used including supervision measures, permitted activities and hours of use (restricted to school hours only), be secured by condition to mitigate the potential noise impact of the proposed new playground.

Vibration and Internal noise levels

A vibration assessment has been undertaken due to the close proximity of the London Underground tunnels. Environmental Health officers are satisfied that the building measures proposed will ensure that vibration will not be perceptible in the proposed residential unit and that the unit will also comply with internal noise standards.

Air Quality

The proposed development falls within an Air Quality Management Area. The applicant has submitted an Air Quality Assessment in support of their application which concludes that the development will be air quality neutral for both building and transport emissions.

Refuse /Recycling

Separate waste storage areas are proposed at ground level for each of the uses with direct street access. The Council's Waste Project Officer is satisfied that they are large enough to accommodate the waste and recycling expected from the development.

Trees/Landscaping/Biodiversity/Public Realm

The applicant has submitted an Arboricultural Impact Assessment. Five trees/shrubs adjacent to the development site are proposed to be removed. The Council's Arboricultural Manager raises no objection to the loss of two shrubs (buddleia and pyracantha) or to the sycamore and cherry trees which are considered to be of limited amenity value. The loss of the lime tree is highly regrettable, however, it is not considered that the application could reasonably be refused on this basis, subject to suitable replacement tree planting which is recommended be secured by condition.

The proposal to create a pocket park on top of the district and circle line is welcomed in terms of public amenity space. It is recommended that full details of a hard and soft landscaping scheme be secured by condition. It is proposed that rainwater will be harvested as part of the building's attenuation strategy for the purposes of landscape irrigation. This will be stored in the basement and supplied via a drip-fed irrigation system with soil moisture sensors to the landscape planters.

It is recommended that the pocket park and new school playground be completed prior to first occupation of the development; and that a management/ maintenance agreement to secure public access to the pocket park be secured through a S.106 legal agreement

Wind Conditions

The applicant has carried out a pedestrian level wind desk-based assessment of the likely wind conditions around the proposed development. It concludes that with the proposed development in place, wind conditions would be suitable for sitting to standing use during the windiest season and that the conditions on thoroughfares and at entrance locations would likely be suitable for the intended use. It is recommended that details of landscaping/localised screening to seating areas in the new Westminster City School playground be secured by condition to protect them from wind.

Sustainability

The applicant has submitted an Energy Statement and Sustainability Statement in support of their application.

The strategy for reducing energy use and associated carbon emissions through the design of the scheme follows the London Plan energy hierarchy, namely:

- Be Lean – Reduce energy demand through passive design strategies and best practice

design of building services, lighting and controls;

- Be Clean – Explore reducing energy consumption further by connecting to an existing district heating system and exploit provision of Combined Heat and Power (CHP) systems;
- Be Green – Generate power on site through Renewable Energy Technologies.

It is proposed to deliver a 41.19% improvement in carbon emissions based on the current Building Regulations (2013). It achieves this through passive design and energy efficiency measures including high performance insulation and glazing and energy efficient building service systems. Renewable energy is proposed in the form of air source heat pumps and two PV panels at roof level.

There are no available existing or proposed district heating networks in the vicinity of the proposed development. However, the scheme will be future proofed to make allowance for connection should a low-carbon district heat network become available.

The applicant has agreed to a carbon offset payment of £3,878 (index linked) for the shortfall in carbon savings relative to the requirements of the London Plan (Policy 5.2 and Policy SI2 of the draft London Plan). It is recommended that this be secured through the S106 legal agreement.

The scheme aims to achieve a BREEAM 'Excellent' rating assessed against BREEAM New Construction 2018 standards and it is recommended that this be secured by condition.

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.9 Neighbourhood Plans

Not applicable.

8.10 London Plan

The application has been referred to the Mayor of London and the Stage 1 referral letter has been received. The Mayor considers that the proposed scheme optimises the site by providing high-quality commercial floorspace and re-providing a residential unit. The development accords with objectives of the Central Activities Zone and the Victoria Opportunity Area, and is supported. The design optimises the site and responds successfully to the surrounding built context. The ground floor level is activated through the location of a workspace café, and high-quality materials and detailed design is proposed. A public pocket park and a school playground successfully optimises the use of the land in this urban context.

Post stage 1 comments have been received confirming outstanding issues relating to energy, water, sustainable drainage and urban greening have been addressed. A carbon offset payment will be secured through a S.106 legal agreement.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

8.12 Planning Obligations

The draft 'Heads' of agreement are proposed to cover the following issues:

- A payment of £1,370,000 towards the Council's affordable housing fund (index linked and payable on commencement of development).

- A Financial Contribution of £ 63,284.97 towards employment and training initiatives prior to commencement of development.
- Management/maintenance agreement to secure public access to the pocket park to be completed prior to first occupation of the development.
- New school playground for Westminster City School to be completed prior to first occupation of the development.
- Carbon offset payment of £3,878 (index linked and payable on commencement of development)
Monitoring costs.

The estimated CIL payment is: £1,065,777.83 (£692,467.04 Westminster CIL/
£373,310.79 Mayoral CIL).

8.13 Environmental Impact Assessment

An Environmental Impact Assessment is not required. Sustainability and environmental issues have been covered in section 8.7 above.

8.14 Other Issues

Construction impact

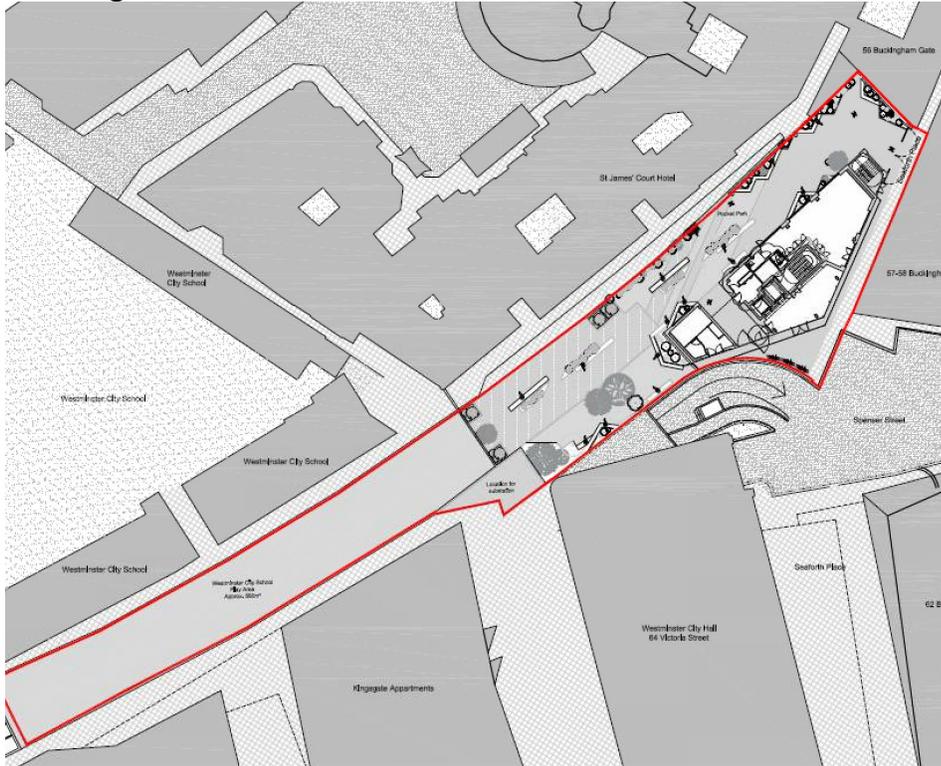
A condition is recommended to ensure that the development complies with the City Council's Code of Construction Practice (COCP) which will require the developer to provide a Site Environmental Management Plan (SEMP) and funding for the Environmental Inspectorate to monitor the demolition and construction phase of the development. The COCP sets out the minimum standards and procedures for managing and minimising the environmental impacts of construction projects within Westminster and relate to both demolition and construction works.

The key issues to address in the COCP are; liaison with the public; general requirements; SEMPs; construction management plans; employment and skills; traffic and highways; noise and vibration; dust and air quality; waste management; waste pollution and flood control and any other issues.

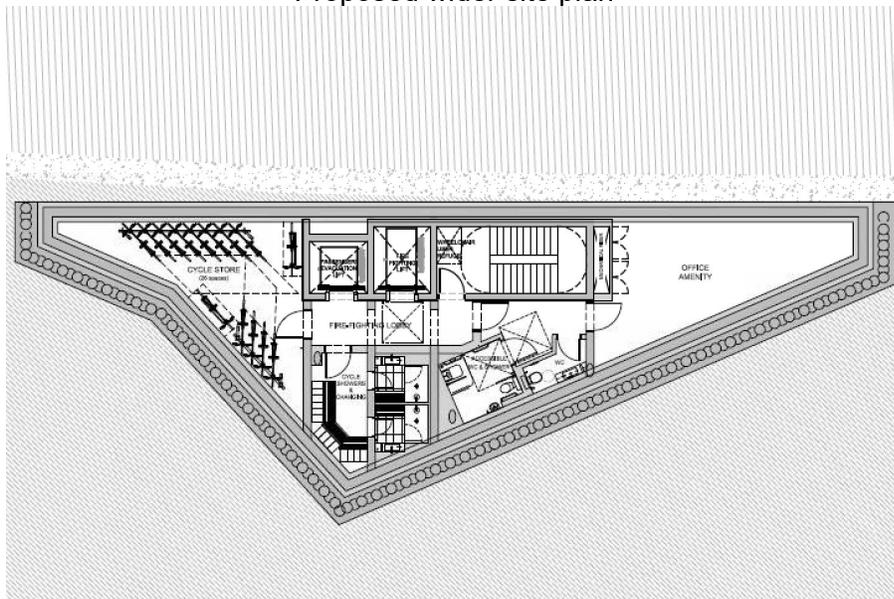
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

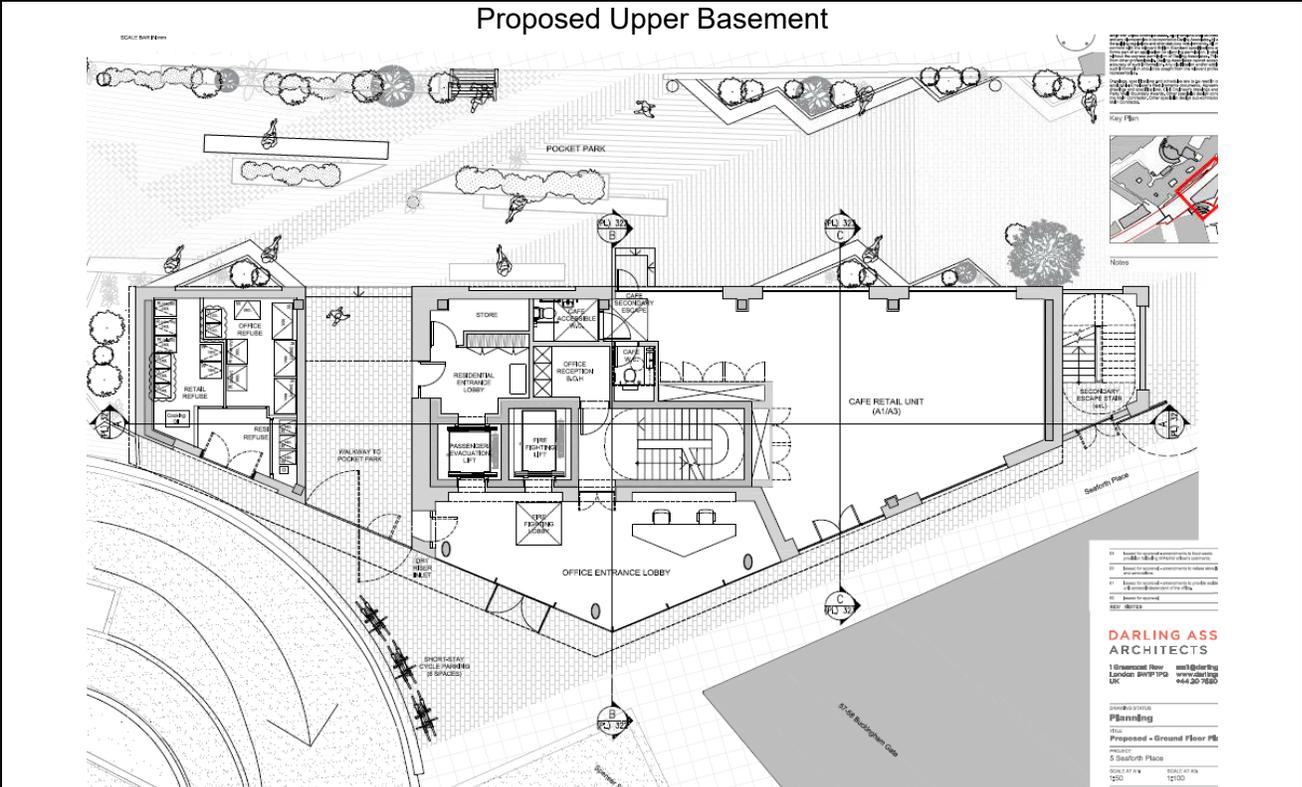
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

9. Key Drawings

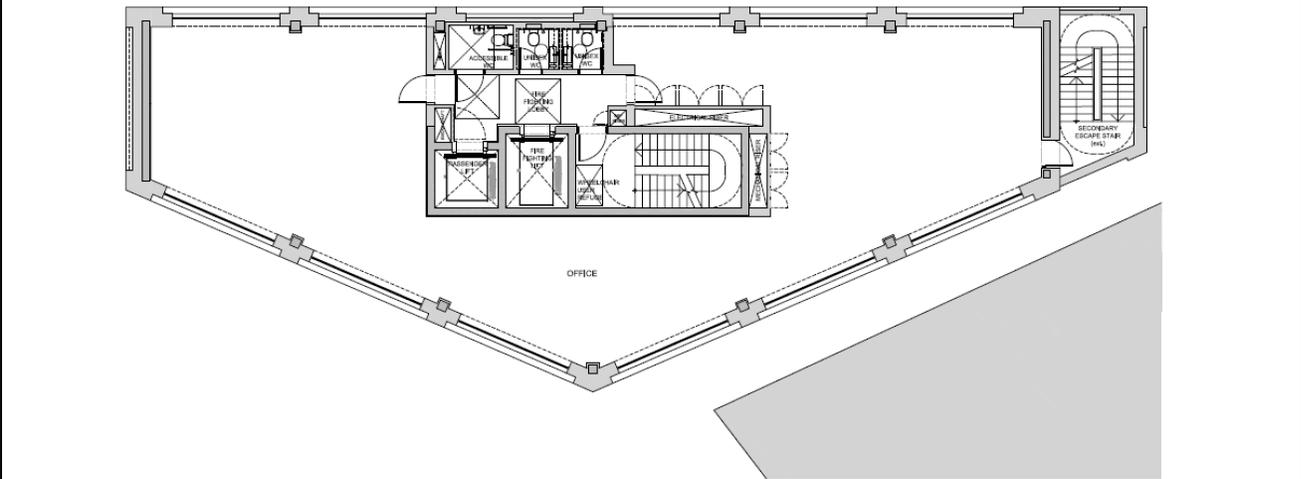


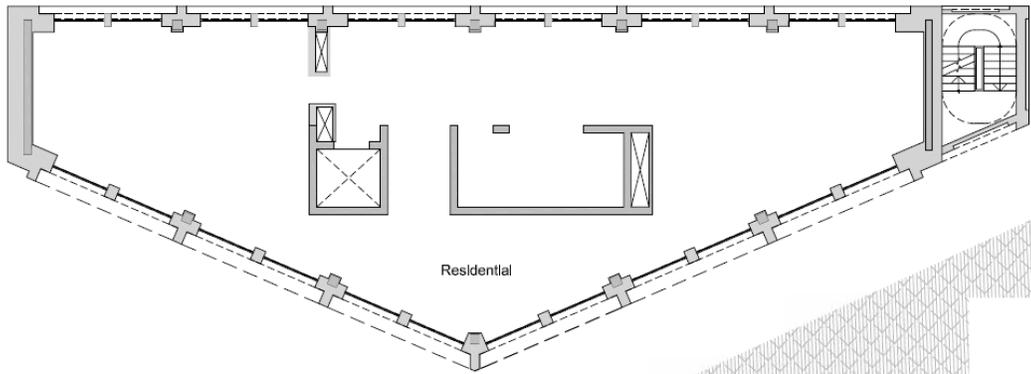
Proposed wider site plan



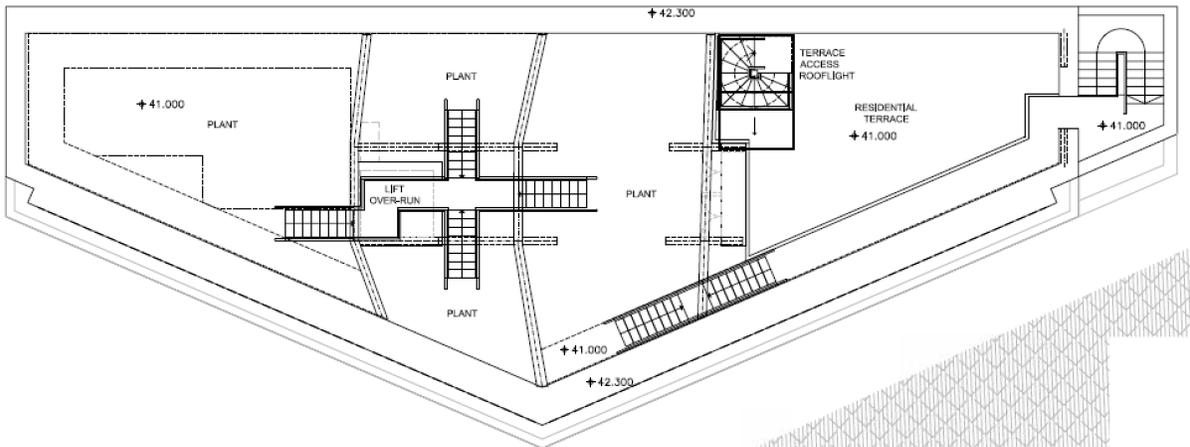


Proposed ground floor plan

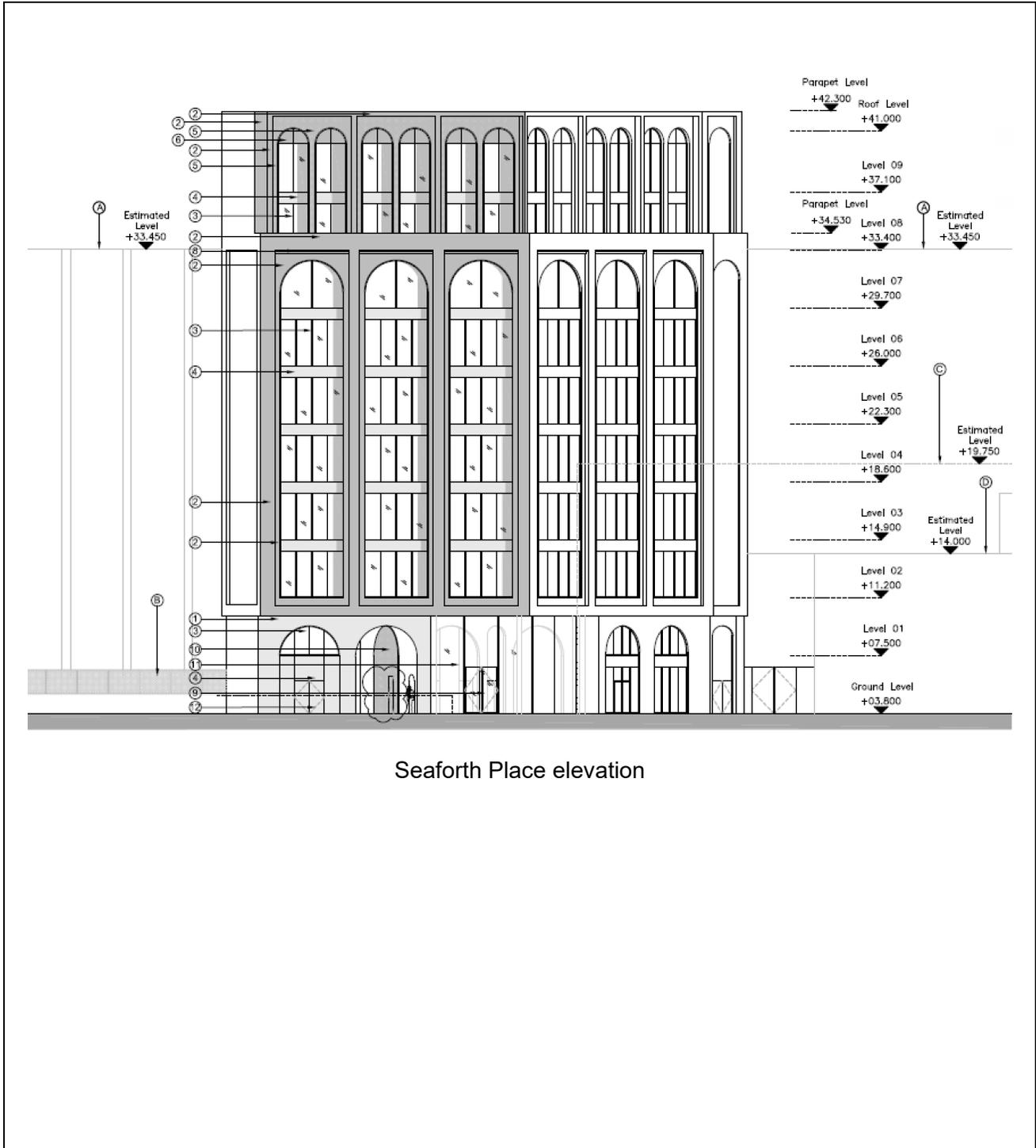




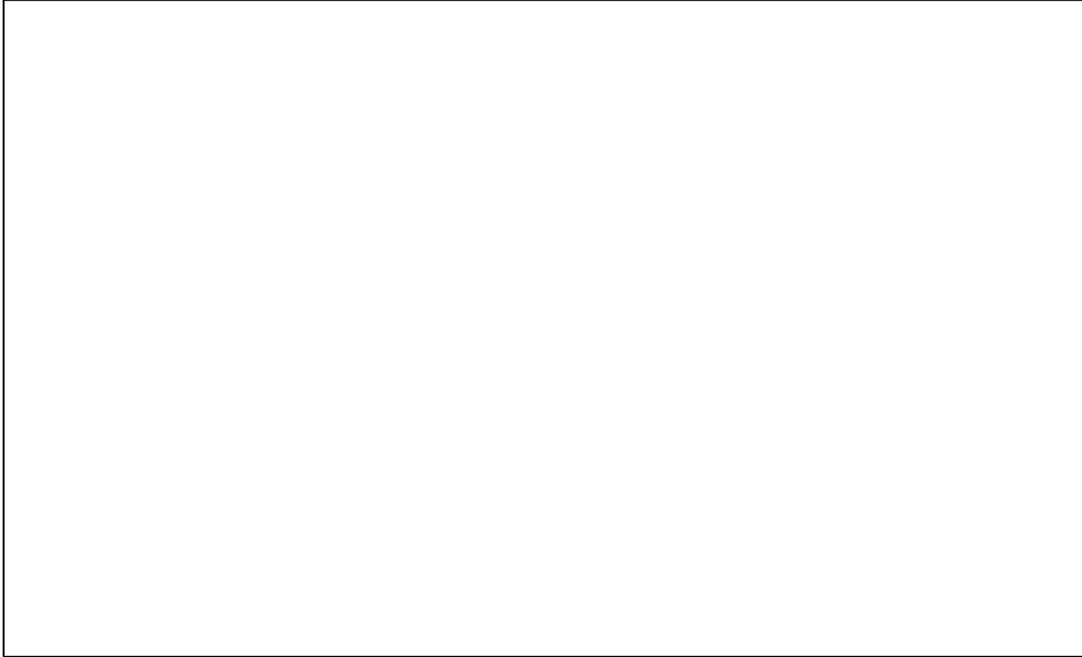
Proposed ninth floor (residential)



Proposed roofplan



Seaforth Place elevation



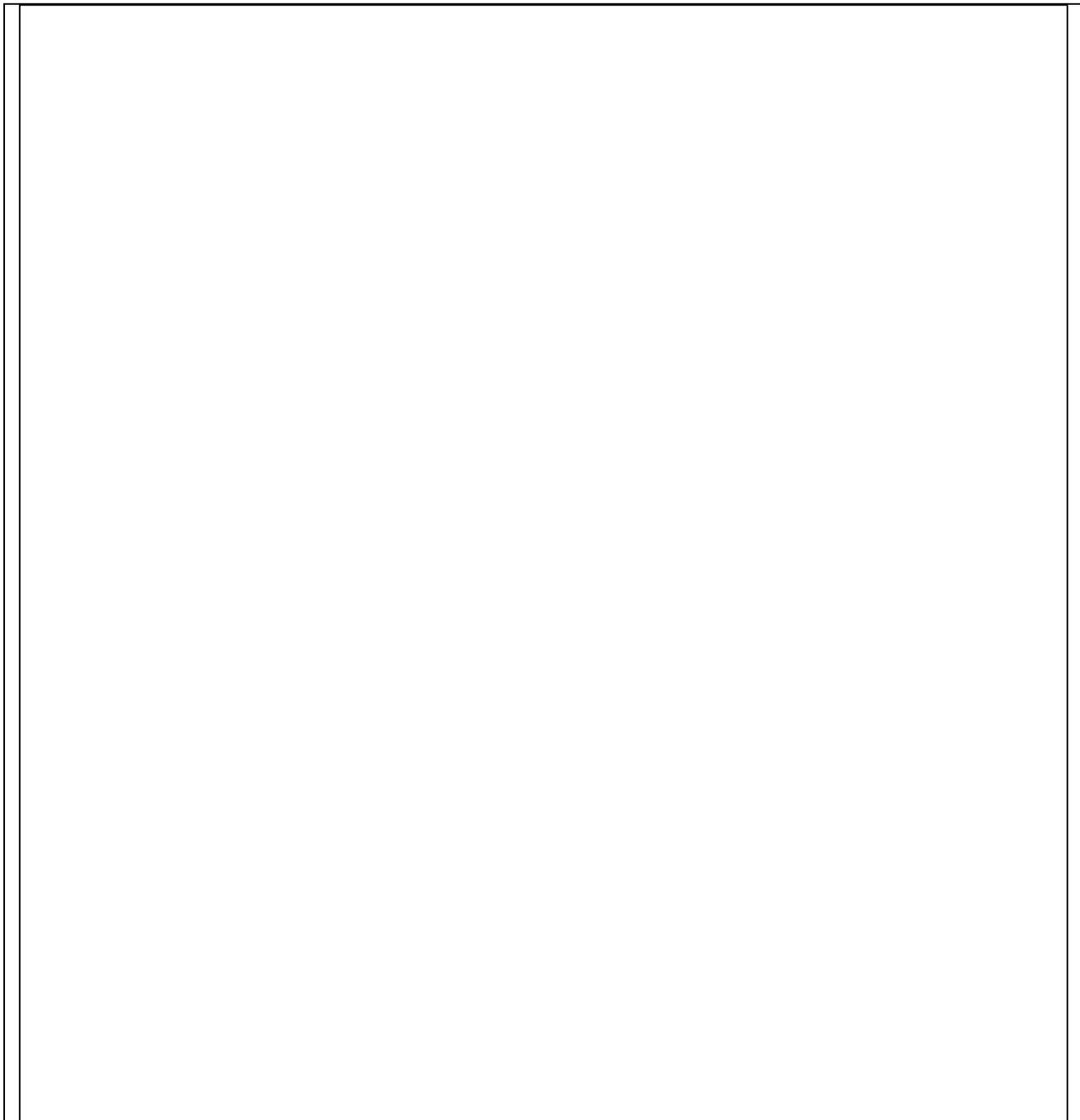
View from Spenser Street



Seaforth Place

Item No.

1



View from Victoria Street (without existing canopy in place)

DRAFT DECISION LETTER

- Address:** 5 Seaforth Place, London, SW1E 6AB,
- Proposal:** Demolition of existing dwelling (Class C3); erection of 10-storey mixed-use building comprising office floorspace (Class B1), one residential unit (Class C3) and ground floor retail/café (Class A1/A3); creation of pocket park; new school playground for Westminster City School; and associated works.
- Reference:** 19/06004/FULL
- Plan Nos:** 17049 (PL) 100 Rev 00; 17049 (PL) 101 Rev 00; 17049 (PL) 102 Rev 00; , 17049 (PL) 103 Rev 00; 17049 (PL) 111 Rev 00; 17049 (PL) 112 Rev 00; , 17049 (PL) 113 Rev 00; 17049 (PL) 131 Rev 00; 17049 (PL) 132 Rev 00; , 17049 (PL) 201 Rev 00; 17049 (PL) 202 Rev 00; 17049 (PL) 203 Rev 00; , 17049 (PL) 211 Rev 00; 17049 (PL) 212 Rev 00; 17049 (PL) 213 Rev 00; , 17049 (PL) 231 Rev 00; 17049 (PL) 232 Rev 00; 17049 (PL) 301 Rev 01; , 17049 (PL) 302 Rev 01; 17049 (PL) 303 Rev 00; 17049 (PL) 311 Rev 00; , 17049 (PL) 312 Rev 00; 17049 (PL) 313 Rev 03; 17049 (PL) 314 Rev 00; , 17049 (PL) 315 Rev 00; 17049 (PL) 316 Rev 00; 17049 (PL) 317 Rev 00; , 17049 (PL) 318 Rev 00; 17049 (PL) 319 Rev 00; 17049 (PL) 321 Rev 00; , 17049 (PL) 322 Rev 01; 17049 (PL) 323 Rev 01; 17049 (PL) 331 Rev 01; , 17049 (PL) 332 Rev 00; 17049 (PL) 333 Rev 01; 17049 (PL) 334 Rev 01 and , 17049 (PL) 335 Rev 01.
- Wind Assessment, prepared by RWDI dated July 2019 RevB; Energy Statement, prepared by Envision dated 22 November 2019 Rev D; Sustainability Statement, prepared by Envision dated July 2019 Rev C; Carbon Emissions Reporting Sheet, Energy Calculations and Residential calculations received 3 December 2019; Utilities Statement, prepared by Envision dated July 2019 Rev A; Refuse Storage Calculation dated 3 December 2019; Facade Noise Levels by Sharpe Redmore dated 17 June 2019; Air Quality Assessment, by WYG November 2019; , Flood Risk Assessment and Drainage Strategy by Engineeria dated 16 May Rev P2; Flood Risk Assessment Addendum by Engineeria dated 25 November 2019 Rev P1; Technical Response to GLA Energy Memo: Stage I Consultation by Envision dated 22 November 2019; Technical Response to GLA Water and Green Infrastructure Memo by Envision dated 25 November 2019; and Urban Greening by Phil Allen dated 31 March 2020 Rev C. For information only: Planning Statement, prepared by Quod dated 8 July 2019; Design and Access Statement, prepared by DAA dated July 2019 Rev C; Structural Methodology Statement, prepared by Engineeria dated July 2019 Re P2; Sunlight and Daylight Report, prepared by GIA dated 4 July 2019; Arboricultural Impact Assessment by Landmark Trees dated 22 October 2019; Letters from Landmark Trees dated 19 November 2019 and 20 January 2020;

Transport Assessment, prepared by TPP dated July 2019 Rev P2; Transport Response by TPP dated December 2019; Acoustic Report by Sharps Redmore dated 30 June 2019; Supplementary Acoustic Report of Playground Noise by Sharps Redmore dated 31 March 2020 Rev B; and Statement of Community Involvement, prepared by Concillo.

Case Officer: Julia Asghar

Direct Tel. No. 020 7641
07866037964

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 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.
 You must carry out piling, excavation and demolition work only:
 - o between 08.00 and 18.00 Monday to Friday; and
 - o not at all on Saturdays, Sundays, bank holidays and public holidays.
 Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

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. (R11AC),

- 3 **Pre Commencement Condition.** Prior to the commencement of any:
 - (a) Demolition, and/or
 - (b) Earthworks/piling and/or
 - (c) Construction
 On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist

from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

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. (R11AC),

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 detailed drawings of the following parts of the development:
- i) Typical Bay details: elevations and sections scaled 1:20 showing the interface with brick work, cladding and glazing.
 - ii) The gates to the pocket park, including materials.

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these 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)

- 6 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio

antennae on the roof terrace. (C26NA)

Reason:

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

- 7 The office use allowed by this permission must not begin until the residential use has been completed. (C07BA)

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H4 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 8 There shall be no primary cooking in the retail/cafe (class A1/ A3) unit such that you must not cook raw or fresh food on the premises.

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)

- 9 Customers shall not be permitted within the cafe (class A3) premises before 0600 or after 2000 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 10 You must apply to us for approval of a management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the cafe (class A3) use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the cafe is in use. (C05JB)

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)

- 11 You must apply to us for approval of detailed drawings of the design, construction and insulation of the whole ventilation system and any associated equipment and a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 12 and 13 of this permission. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. You must not change it without our permission. (C13BB), ,

Reason:

To protect the environment of people in neighbouring properties, as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13BC)

- 12 (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. (R46AB)

- 13 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. (R48AA)

- 14 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. (R49AA)

- 15 You must provide the waste store shown on drawing PL-313 rev03 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste 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)

- 16 No waste should be left or stored on the public highway.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 17 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 18 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)

- 19 You must apply to us for approval of a Servicing Management Plan prior to occupation of the development. The plan should identify process, internal storage locations, scheduling of deliveries and staffing. You must not commence any of the uses until we have approved what you have sent us. The Servicing Management Plan must thereafter be maintained and followed by the occupants for the life of, the development, unless otherwise agreed in writing by the local planning authority.

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)

- 20 You must apply to us for approval of an operational management plan for the new school playground extension setting out management steps such as the hours of use of the playground, supervision measures and permitted activities to show how you will prevent the playground extension from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the playground use until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the playground extension is in use. (C05JB)

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 21 You must apply to us for approval of a noise mitigation plan to demonstrate the physical steps taken to mitigate noise impacts from the use of the new school playground. This should include a consideration of measures such as screening and absorption as well as any other physical measures deemed appropriate at this setting. You must not start the use until we have approved what you have sent us. You must then carry out the measures included in the approved noise mitigation plan at all times that the school playground extension is in use.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 22 If you cut down any trees so you can build this development, you must plant replacement trees in the first planting season after you complete the development. You must apply to us for our written approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of similar size and species to the one originally planted. (C31KA)

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 23 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs for:
- i) The pocket park.
 - ii) The new school playground, to include landscaping/localised screening to seating areas to ensure wind conditions would be suitable for sitting.

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 planting season 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 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

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)

- 24 You must provide the water irrigation system as specified in the Flood Risk Assessment Addendum report dated 25 November 2019 Rev P1.

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)

- 25 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.
- Air source Heat pumps,
 - Photovoltaics,
 - Development future proofed to allow connection should a low-carbon district heat network become available.
- 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)

- 26 The development shall achieve a BREEAM rating of 'Excellent' (New Construction 2018 or any such national measure of sustainability that replaces that scheme of the same standard). A post construction certificate confirming this standard under BREEAM has been achieved, must be issued by the Building Research Establishment, and submitted for approval by the Local Planning Authority within 3 months of completion on site.

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)

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 (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), 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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.

- 4 Please contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.
- 5 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 6 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 email AskHighways@westminster.gov.uk. 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).
- 7 The City Council supports a scheme to provide a free a recruitment service for businesses. Over 90% of people helped into work have been retained for over 6 months by their employing businesses. The scheme uses Work Place Coordinators to match vacancies and candidates. They have helped over 600 Westminster residents into jobs in Westminster businesses across the City. Further details can be found at www.crossriverpartnership.org. The scheme is supported by Westminster City Council, Cross River Partnership, the Crown Estate, New West End Company and Victoria BID.
- 8 The Economy Team at Westminster City Council provide support and guidance to developers and contractors in the creation and delivery of employment & skills plans. The Team will provide guidance on local priorities, drafting of employment & skills plans and implementation of activities to deliver commitments. For further information please contact Soyful Alom, Economy Job Broker (salom@westminster.gov.uk)
- 9 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 10 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 11 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)
- 12 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 and to apply online please visit www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 13 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:., , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/short-term-lets., , 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).
- 14 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61,

Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 15 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 16 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.
- 17 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and

there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)

- 18 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: , o A payment of £1,370,000 towards the Council's affordable housing fund (index linked and payable on commencement of development)., o A Financial Contribution of £ 63,284.97 towards employment and training initiatives prior to commencement of development., o Management/maintenance agreement to secure public access to the pocket park to be completed prior to first occupation of the development. , o Extension to the playground for Westminster City School to be completed prior to first occupation of the development. , o Carbon offset payment of £3,878 (index linked and payable on commencement of development), Monitoring costs.,
- 19 Under condition 8IN you must not cook food in any way which is likely to cause a nuisance by smell. You must not, for example, grill, fry, toast, braise, boil, bake, hot smoke or roast food. However, you can reheat food by microwave or convection oven as long as this does not require extractor equipment., , The hot food operation as described in the approved documents shall not be altered in any way with regards to cooking methods, cookline equipment or hot food types sold. , , Any application to remove or vary the condition must submit details of extraction which shall consist only of either a 'full height' system or in limited circumstances where all cooking equipment is electric only an 'approved recirculation' scheme (any extraction scheme proposing 'low-level' external discharge to get rid of cooking fumes will not be accepted as being suitable as per Westminster Environmental Health requirements for new premises wishing to provide an extensive hot food operation). For further information please contact the Environmental Health Consultation Team (Regulatory Support Team 2) by email to ehconsultationteam@westminster.gov.uk.
- 20 This site is inside an 'area of wildlife deficiency' as set out in S38 of our City Plan that we adopted in November 2016. So, you should include environmental features that improve public access to nature when designing the development and any open areas pursuant to the requirements of any relevant conditions attached to this planning permission.
- 21 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact: , , Thames Water Utilities Ltd, Development Planning, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ, Tel: 01923 898072, Email:

Devcon.Team@thameswater.co.uk

- 22 A Groundwater Risk Management Permit from Thames Water will be required for discharging, groundwater into a public sewer. Any discharge made without a permit is deemed illegal and, may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water, expect the developer to demonstrate what measures he will undertake to minimise, groundwater discharges into the public sewer. Permit enquiries should be directed to Thames, Water's Risk Management Team by telephoning 02035779483 or by emailing, wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via, www.thameswater.co.uk/wastewaterquality.,
- 23 There are water mains crossing or close to your development. Thames Water do NOT permit, the building over or construction within 3m of water mains. You are advised to read Thames, Waters guide to working near or diverting our pipes., <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
- 24 There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. You are advised to read Thames Waters guide to working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
- 25 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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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.